

Changes to legislation: *There are currently no known outstanding effects for the Council Decision of 13 December 2011 on the signing, on behalf of the Union, of the Agreement between the United States of America and the European Union on the use and transfer of Passenger Name Records to the United States Department of Homeland Security (2012/471/EU), ANNEX. (See end of Document for details)*

ANNEX

Declaration of the Union on the Agreement on the use and transfer of Passenger Name Records to the United States Department of Homeland Security ('the Agreement'), in respect of its obligations under Articles 17 and 23 of thereof

1. In the context of the joint review and evaluation mechanism set out in Article 23 of the Agreement, and without prejudice to other matters that may be raised through this mechanism, the Union will seek information from the United States on the exchange of information where appropriate, regarding the transfers of the Union citizens' and residents' PNR data to the authorities of third countries as laid down in Article 17 of the Agreement;
2. In the context of the joint review and evaluation mechanism referred to in point 1 of this Declaration, the Union will request from the United States all appropriate information on the implementation of the conditions governing those transfers in accordance with Article 17 of the Agreement;
3. The Union, in the context of the joint review and evaluation mechanism referred to in point 1 of this Declaration, will pay particular attention to the respect of all the safeguards for the implementation of Article 17(2) of the Agreement, so as to be satisfied that third countries receiving such data have agreed to afford to the data the privacy protections comparable to that provided to PNR by DHS under the Agreement.

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