

Automated data exchange with regard to DNA data in Slovakia, Portugal, Latvia, Lithuania, Czech Republic, Estonia, Hungary, Cyprus, Poland, Sweden, Malta and Belgium

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The Committee on Civil Liberties, Justice and Home Affairs adopted, following the consultation procedure, the report by Judith SARGENTINI (Greens/EFA, NL) on the draft Council implementing decision on the automated data exchange with regard to DNA data in Slovakia, Portugal, Latvia, Lithuania, Czech Republic, Estonia, Hungary, Cyprus, Poland, Sweden, Malta and Belgium and replacing Decisions 2010/689/EU, 2011/472/EU, 2011/715/EU, 2011/887/EU, 2012/58/EU, 2012/299/EU, 2012/445/EU, 2012/673/EU, 2013/3/EU, 2013/148/EU, 2013/152/EU and 2014/410/EU.

The committee recommended the European Parliament to **approve** the Council draft.

The proposed Council implementing Decision seeks, for the purpose of automated searching and comparison of DNA data, to authorise Slovakia, Portugal, Latvia, Lithuania, Czech Republic, Estonia, Hungary, Cyprus, Poland, Sweden, Malta and Belgium to continue to be entitled to receive and supply personal data pursuant to Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime.

In the explanatory memorandum accompanying the report, it is recalled that Parliament was consulted by the Council pursuant to **Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam**, and Article 9 of Protocol No 36 on transitional provisions.

In accordance with Article 39(1) of the ex-Treaty on European Union, which the Court of Justice has ruled that it is still applicable, the Council may lay down a time limit for the European Parliament to deliver its opinion and in the absence of an opinion within that time limit, the Council may act.

The rapporteur considered that CJEU case law does not allow adequate parliamentary control. It regretted that the Commission has still not submitted proposals to replace the instruments adopted under the former third pillar, in particular one on the replacement of the 'Prüm Decision' (Council Decision 2008/616/JHA). Such an act should be based on Article 87(2)(a) of the Treaty on the Functioning of the European Union, thus enabling Parliament to take part in drafting this legislation in the ordinary legislative procedure.