Protection of personal data in the context of elections to the European Parliament

2018/0336(COD) - 12/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 586 votes to 55 with 24 abstentions a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU, Euratom) No 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament.

The position of the European Parliament adopted at first reading under the ordinary legislative procedure has amended the Commission proposal as follows:

The amended text stipulates that a European political party or a European political foundation may not deliberately influence, or attempt to influence, the outcome of elections to the European Parliament by taking advantage of an infringement, committed by a natural or legal person, of the applicable rules on the protection of personal data.

If the Authority is informed of the decision of a national supervisory authority within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation) finding a breach of rules applicable to the protection of personal data and if it follows from that decision, or if there are grounds to believe that the breach is linked to the political activities of a European political party or a European political foundation in the context of the elections to the European Parliament, the authority should refer the matter to the Committee of independent eminent persons.

The authority could, if necessary, contact the national supervisory authority concerned.

The committee would then issue an opinion indicating whether the European political party or the European political foundation concerned deliberately influenced or attempted to influence the outcome of the elections to the European Parliament by taking advantage of this infringement. The authority would request the opinion without undue delay and at the latest one month after being informed of the decision of the national supervisory authority.

In the light of the Committee's opinion, the Authority would decide whether to impose financial penalties on the European political party concerned or the European political foundation concerned. The Authority's decision should be reasoned and published promptly.

When imposing a sanction, the Authority should take due account of the *'ne bis in idem'* principle, according to which sanctions may not be imposed twice for the same infringement. It should also ensure that the principle of legal certainty is respected and that the European political party or the European political foundation concerned is given the opportunity to be heard.