EU/New Zealand Agreement: exchange of personal data between Europol and New Zealand

2022/0157(NLE) - 19/07/2022 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Regulation (EU) 2016/794 of the European Parliament and of the Council provides that it is possible for the European Union Agency for Law Enforcement Cooperation (Europol) to transfer personal data to an authority of a third country, inter alia, on the basis of an international agreement concluded between the Union and that third country in question, adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals.

The Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism was signed, subject to its conclusion at a later date.

The Agreement should now be approved.

CONTENT: the purpose of the draft Council Decision is to approve, on behalf of the Union, the Agreement between the European Union, on the one hand, and New Zealand, on the other hand, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism.

The objective of this Agreement is to allow the transfer of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the competent authorities of New Zealand, in order to support and strengthen the action by the authorities of the Member States of the European Union and those of New Zealand, as well as their mutual cooperation in preventing and fighting criminal offences, including serious crime and terrorism, while ensuring appropriate safeguards with respect to the human rights and fundamental freedoms of individuals, including privacy and data protection.

The Agreement:

- is in the interest of the European Union, as it aims to enable the transfer of personal data between Europol and the competent authorities of New Zealand with a view to fighting serious crime and terrorism and protecting the security of the Union and its inhabitants;

- ensures full respect of the fundamental rights of the Union, in particular the right to respect for private and family life, the right to the protection of personal data and the right to an effective remedy and to a fair trial recognised by the Charter of Fundamental Rights of the European Union, respectively;

- does not affect, and is without prejudice to, the transfer of personal data or other forms of cooperation between the authorities responsible for safeguarding national security.

For the purposes of Article 28(2) of the Agreement, the position to be taken on behalf of the Union on amendments to Annexes II, III and IV to the Agreement will be approved by the Commission after consultation of the Council.

Ireland is bound by Regulation (EU) 2016/794 and therefore takes part in the adoption of this Decision. Denmark is not taking part in the adoption of the decision and is not bound by it or subject to its application.