Exchange of information and cooperation concerning terrorist offences: alignment with Union rules on the protection of personal data

2021/0399(COD) - 12/07/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 648 votes to 3, with 1 abstention, a legislative resolution on the proposal for a directive of the European Parliament and of the Council amending Council Decision 2005 /671/JHA as regards compliance with European Union rules on the protection of personal data.

As a reminder, this proposal aims to align Council Decision 2005/671/JHA with the principles and rules laid down in the Data Protection Law Enforcement Directive (Directive (EU) 2016/680) in order to ensure consistent approach to protection afforded to persons regarding the processing of personal data in order to: (i) specify that the processing of personal data under Council Decision 2005/671/JHA can only take place for the prevention, investigation, detection and prosecution of terrorist offences, in line with the purpose limitation principle; (ii) stipulate that the categories of personal data that can be exchanged should be defined more precisely by Union or Member State law.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission proposal as follows:

Provision of information concerning terrorist offences to Europol and the Member States

The application of Decision 2005/671/JHA, which involves the processing, including the exchange and further use, of information concerning terrorist offences, requires the processing of personal data.

The amended text specifies that in the interests of consistency and effectiveness of the protection of such personal data, the processing of personal data under Decision 2005/671/JHA must comply with Union law, as well as with the security requirements, safeguards and data protection guarantees laid down in other instruments of Union law which contain provisions on data protection, in particular Regulation (EU) 2016/794 on the European Union Agency for Law Enforcement Cooperation and Regulation (EU) 2018 /1725 on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and is consistent with national law.

Transposition

The directive should be transposed no later than two years after its entry into force.