

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

2021/0399(COD) - 11/10/2023 - Final act

PURPOSE: to amend Council Decision 2005/671/JHA, as regards its alignment with Union rules on the protection of personal data.

LEGISLATIVE ACT: Directive (EU) 2023/2123 of the European Parliament and of the Council amending Council Decision 2005/671/JHA as regards its alignment with Union rules on the protection of personal data.

CONTENT: Directive (EU) 2016/680 of the European Parliament and of the Council provides for harmonised rules for the protection and the free movement of personal data processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or execution of criminal penalties, including the safeguarding against, and the prevention of threats to public security.

[Council Decision 2005/671/JHA](#) lays down specific rules on the exchange of information and cooperation concerning terrorist offences. To ensure a consistent approach to the protection of personal data in the Union, that Decision should be amended in order to align it with Directive (EU) 2016/680.

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

In the interests of consistency and of the effective protection of such personal data, it is important that the processing of personal data carried out under Decision 2005/671/JHA comply with Union law, including with the rules set out in Directive (EU) 2016/680, and be in accordance with the security requirements, safeguards and data protection guarantees set out in other instruments of Union law that contain provisions on data protection, including Regulations (EU) [2016/794](#) on the European Union Agency for Law Enforcement Cooperation (Europol) and (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, as well as national law.

As regards the provision of information concerning terrorist offences to Europol and the Member States, the amending directive provides that each Member State will ensure that personal data are only processed for the purposes of the prevention, investigation, detection and prosecution of terrorist offences and other criminal offences in respect of which Europol is competent, as listed in Annex I to Regulation (EU) 2016/794.

ENTRY INTO FORCE: 31.10.2023.

TRANSPOSITION: no later than 1.11.2025.