Basic information

2007/0802(CNS) CNS - Consultation procedure Decision	Procedure completed
Rules applicable to Europol analysis files: amendment of 1999 Council Act. Initiative Finland **Subject** 7.30.05.01 Europol, CEPOL	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	DÍAZ DE MERA GARCÍA CONSUEGRA Agustín (PPE-DE)	20/03/2007

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2823	2007-10-15

European Commission

Commission DG	Commissioner
Justice and Consumers	FRATTINI Franco

Key events

Date	Event	Reference	Summary
09/01/2007	Legislative proposal published	16336/2006	Summary
18/01/2007	Committee referral announced in Parliament		
17/07/2007	Vote in committee		Summary
20/07/2007	Committee report tabled for plenary, 1st reading/single reading	A6-0288/2007	
04/09/2007	Decision by Parliament	T6-0361/2007	Summary
04/09/2007	Results of vote in Parliament		
15/10/2007	Act adopted by Council after consultation of Parliament		
15/10/2007	End of procedure in Parliament		
20/10/2007	Final act published in Official Journal		

Technical information

Procedure reference	2007/0802(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 039
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/44763

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE386.649	26/04/2007	
Committee report tabled for plenary, 1st reading/single reading		A6-0288/2007	20/07/2007	
Text adopted by Parliament, 1st reading/single reading		T6-0361/2007	04/09/2007	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	16336/2006	09/01/2007	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2007/0673
OJ L 277 20.10.2007, p. 0023 Summary

Rules applicable to Europol analysis files: amendment of 1999 Council Act. Initiative Finland

2007/0802(CNS) - 04/09/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Agustín **DIAZ DE MERA GARCIA** CONSUEGRA (EPP-ED, ES) on the initiative by the Republic of Finland for adoption of a Council decision amending the Council Act of 3 November 1998 adopting rules applicable to Europol analysis files.

The report contained two amendments:

- the Management Board shall only authorize the transmission of the analysis results once the Joint Supervisory Body has communicated its comments concerning the opening of such a file;
- the mechanisms of control will be kept in accordance with Article 15 (4) and (5) of Council Act of 3 November 1998 adopting rules applicable to Europol analysis files (1999/C 26/1). The Commission had wanted these clauses deleted.

Rules applicable to Europol analysis files: amendment of 1999 Council Act. Initiative Finland

2007/0802(CNS) - 09/01/2007 - Legislative proposal

PURPOSE: to amend the Council Act adopting rules applicable to Europol analysis files.

PROPOSED ACT: Council Decision.

CONTENT: based on a Finnish initiative, the proposed Council Decision aims to amend the Council Act adopting rules applicable to Europol analysis files.

The Europol Convention makes provision for work files for the purposes of analysis. Changes were introduced by the Protocol of the Convention on the Establishment of a European Police Office (Europol Convention), amending that Convention. In particular, amendments were made to certain Articles which constitute the framework for the opening of an analysis file and the collection, processing, utilisation and deletion of personal data contained therein.

Implementing rules were adopted for work files. These rules require to be amended as a consequence of the changes made by the said Protocol to the Europol Convention; the Act should therefore be amended accordingly.

The proposed Decision makes the following amendments:

- after receipt of analysis files, it shall be determined as soon as possible to what extent the data shall be included in a specific file. The review of the need for the continuation of an analysis work file shall be carried out by the participants in the analysis. On the basis of this review, a decision shall be taken by the Director on the continuation or closure of the file. The Director shall inform the Management Board of his decision;

- personal data may not be retained for a period longer than that mentioned in the Europol Convention. Where, as a consequence of the continuation of the analysis file, data concerning persons are stored in a file for a period exceeding 5 years, the Joint Supervisory Body shall be informed accordingly;

- analysis activities and the dissemination of analysis results may begin immediately after the analysis file has been opened. Should the Management Board instruct the Director of Europol to amend an opening order or close the file, data which may not be included in the file or, if the file is to be closed, all data contained in that file, shall be deleted immediately;

- the retrieval of data by participants of the analysis project shall only be granted after they have been accredited by Europol and following a training on their specific obligations under the Europol legal framework.

Rules applicable to Europol analysis files: amendment of 1999 Council Act. Initiative Finland

2007/0802(CNS) - 15/10/2007 - Final act

PURPOSE: to amend the rules applicable to Europol analysis files.

LEGISLATIVE ACT: Council Decision 2007/673/EC amending the Council Act adopting rules applicable to Europol analysis files.

CONTENT: the Council adopted a Decision amending the Council Act of 3 November 1998 adopting rules applicable to Europol analysis files. These rules should be amended following amendments to the provisions of the Europol Convention in terms of the opening of an analysis file and the collection, processing, utilisation and deletion of personal data contained therein.

These rules are amended as follows:

- after receipt of ‘raw’ data, it shall be determined as soon as possible to what extent the data shall be included in an analysis file;
- the issue of whether an analysis file must be retained for a certain period of time is defined by the participants in the analysis. On the basis of this review, a decision shall be taken by the Director on the continuation or closure of the file. The Director shall inform the Management Board of his decision;
- personal data may not be retained for a period longer than that mentioned in Article 12(4) of the Europol Convention. Where, as a consequence of the continuation of the analysis file, data concerning persons are stored in a file for a period exceeding five years, the Joint Supervisory Body shall be informed accordingly;
- analysis activities and the dissemination of analysis results may begin immediately after the analysis file has been opened;

- should the Management Board instruct the Director of Europol to amend an opening order or close the file, data which may not be included or used in the file shall be deleted immediately;
- the retrieval of data by participants of the analysis project shall only be granted after they have been accredited by Europol.

ENTRY INTO FORCE: 21 October 2007.