Basic information

2016/0820(CNS) CNS - Consultation procedure	Procedure completed
Automated data exchange with regard to dactyloscopic data in Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland **Subject** 1.20.09 Protection of privacy and data protection 7.30 Police, judicial and customs cooperation in general **Geographical area** Bulgaria Cyprus Czechia Estonia Finland France Hungary Lithuania Malta Netherlands Romania Slovakia	

Key players

	Committee responsible	Rapporteur	Appointed
European Parliament	LIBE Civil Liberties, Justice and Home Affairs	ZDECHOVSKÝ Tomáš (PPE)	09/02/2017
		Shadow rapporteur HYUSMENOVA Filiz (ALDE)	
Council of the European Union			

Key events

Date	Event	Reference	Summary
13/12/2016	Legislative proposal published	13526/2016	Summary
15/12/2016	Committee referral announced in Parliament		
23/03/2017	Vote in committee		
28/03/2017	Committee report tabled for plenary, 1st reading/single reading	A8-0092/2017	Summary
05/04/2017	Decision by Parliament	T8-0120/2017	Summary

05/04/2017	Results of vote in Parliament		
18/05/2017	Act adopted by Council after consultation of Parliament		
18/05/2017	End of procedure in Parliament		
02/06/2017	Final act published in Official Journal		

Technical information

Procedure reference	2016/0820(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/08772

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE599.717	28/02/2017	
Committee report tabled for plenary, 1st reading/single reading		A8-0092/2017	28/03/2017	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0120/2017	05/04/2017	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	13526/2016	13/12/2016	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2017/0946
OJ L 142 02.06.2017, p. 0093 Summary

Automated data exchange with regard to dactyloscopic data in Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland

2016/0820(CNS) - 13/12/2016 - Legislative proposal

PURPOSE: to authorise Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland to continue to receive and supply of personal data for the purpose of automated searching of dactyloscopic data (digital fingerprints).

PROPOSED ACT: Council Implementing Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in **combating terrorism and cross-border crime**, confers upon the Council implementing powers with a view to adopting measures necessary to implement that Decision, in particular as regards the receipt and supply of personal data provided for under that Decision.

The supply of personal data provided for under that Decision may not take place until the general provisions on data protection have been implemented in the national law of the territories of the Member States involved in such supply.

Council Decision 2008/616/JHA provides that the verification that the condition with respect to automated data exchange has been met is to be done on the basis of an evaluation report based on a questionnaire, an evaluation visit and a pilot run.

The overall evaluation reports, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning dactyloscopic data in Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland have been presented to the Council.

On the basis of these evaluation reports, Decisions 2010/682/EU, 2010/758/EU, 2011/355/EU, 2011/434/EU, 2011/888/EU, 2012/46/EU, 2012/446/EU, 2012/672/EU, 2012/710/EU, 2013/153/EU, 2013/229/EU and 2013/792/EU authorised Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland to continue to be entitled to receive and supply personal data for the purpose of automated searching of dactyloscopic data.

In its judgment of 22 September, the **Court of Justice annulled the above-mentioned Decisions** on the basis that they are vitiated by a procedural defect. With a view to ensuring the legal certainty of the receipt and supply of personal data with regard to the Member States concerned, those Decisions should be replaced by this present draft Decision.

CONTENT: the proposed Council implementing Decision seeks, for the purpose of automated searching of dactyloscopic data, to **authorise Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland to continue to be entitled to receive and supply personal data** pursuant to Decision 2008/615/JHA.

Decisions 2010/682/EU, 2010/758/EU, 2011/355/EU, 2011/434/EU, 2011/888/EU, 2012/46/EU, 2012/446/EU, 2012/672/EU, 2012/710/EU, 2013/153/EU, 2013/229/EU and 2013/792/EU cease to produce effects as from the date of entry into force of this Decision, without prejudice to the validity of automated data exchange carried out pursuant to those Decisions by the Member States.

Member States which obtained personal data pursuant to these Decisions shall continue to be entitled to further process those data at national level or between Member States for the purposes laid down in Article 26 of Decision 2008/615/JHA.

The United Kingdom and Ireland shall participate in the adoption of the proposed Decision.

Automated data exchange with regard to dactyloscopic data in Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland

2016/0820(CNS) - 05/04/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 592 votes to 78, with 21 abstentions, a legislative resolution on the draft Council implementing decision on the automated data exchange with regard to dactyloscopic data in Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland and replacing Decisions 2010/682/EU, 2010/758/EU, 2011/355/EU, 2011/434/EU, 2011/888/EU, 2012/46/EU, 2012/446/EU, 2012/672/EU, 2012/710/EU, 2013/153/EU, 2013/229/EU and 2013/792/EU.

The Council consulted Parliament pursuant to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions.

In line with its Committee on Civil Liberties, Justice and Home Affairs, Parliament **approved** the Council draft.

Automated data exchange with regard to dactyloscopic data in Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland

2016/0820(CNS) - 28/03/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted, in line with its consultation procedure, the report by Tomáš ZDECHOVSKÝ (EPP, CZ) on the draft Council implementing decision on the automated data exchange with regard to dactyloscopic data in Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland and replacing Decisions 2010/682/EU, 2010/758/EU, 2011/355/EU, 2011/434/EU, 2011/888/EU, 2012/46/EU, 2012/446/EU, 2012/672/EU, 2012/710/EU, 2013/153/EU, 2013/229/EU and 2013/792/EU.

The committee recommended the European Parliament to **approve** the Council draft.

The proposed Council implementing Decision seeks, for the purpose of automated searching of dactyloscopic data, to authorise Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland to continue to be entitled to receive and supply personal data pursuant to Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime.

Automated data exchange with regard to dactyloscopic data in Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland

2016/0820(CNS) - 18/05/2017 - Final act

PURPOSE: to authorise Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland to continue to receive and supply of personal data for the purpose of automated searching of dactyloscopic data (digital fingerprints).

NON LEGISLATIVE ACT: Council Implementing Decision (EU) 2017/946 on the automated data exchange with regard to dactyloscopic data in Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland and replacing Decisions 2010/682/EU, 2010/758/EU, 2011/355/EU, 2011/434/EU, 2011/888/EU, 2012/46/EU, 2012/446/EU, 2012/672/EU, 2012/710/EU, 2013/153/EU, 2013/229/EU and 2013/792/EU.

CONTENT: through this Council Implementing Decision, Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland **remain authorised to continue to receive and supply personal data** in accordance with Decision 2008/615/JAI for the purpose of automated searching of dactyloscopic data.

To recall, Council Decision 2008/615/JAI on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, provides that the supply of personal data may not take place until the Member States involved in such supply **have implemented in national law the general provisions on data protection** set out in that Decision.

An **overall evaluation report**, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning dactyloscopic data exchange in Latvia has been presented to the Council.

On the basis of these evaluation reports, Decisions 2010/682/EU, 2010/758/EU, 2011/355/EU, 2011/434/EU, 2011/888/EU, 2012/46/EU, 2012/446/EU, 2012/672/EU, 2012/710/EU, 2013/153/EU, 2013/229/EU and 2013/792/EU authorised Slovakia, Bulgaria, France, Czech Republic, Lithuania, the Netherlands, Hungary, Cyprus, Estonia, Malta, Romania and Finland to continue to be entitled to receive and supply personal data for the purpose of automated searching of dactyloscopic data.

In its judgment of 22 September, the **Court of Justice annulled the above-mentioned Decisions** on the basis that they are vitiated by a procedural defect. With a view to ensuring the legal certainty of the receipt and supply of personal data with regard to the Member States concerned, **this Decision replaces the Decisions annulled by the Court**.

The Member States that obtained personal data pursuant to these Decisions are entitled to further process those data at national level or between Member States.

ENTRY INTO FORCE : 3.6.2017. From that date, Decisions 2010/682/EU, 2010/758/EU, 2011/355/EU, 2011/434/EU, 2011/888/EU, 2012/46/EU, 2012/446/EU, 2012/672/EU, 2012/710/EU, 2013/153/EU, 2013/229/EU and 2013/792/EU cease to apply.