Basic information

2021/0806(CNS) CNS - Consultation procedure Decision	Awaiting final decision
Automated data exchange with regard to DNA data in Italy **Subject** 1.20.09 Protection of privacy and data protection 7.30 Police, judicial and customs cooperation in general **Geographical area** Italy	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	LIBE Civil Liberties, Justice and Home Affairs	LÓPEZ AGUILAR Juan Fernando (S&D)	07/02/2022
		Shadow rapporteur SKYTTEDAL Sara (EPP) IN 'T VELD Sophia (Renew)	
Council of the European Union			
European Commission	**Commission DG**	**Commissioner**	
	Justice and Consumers	REYNDERS Didier	

Key events

Date	Event	Reference	Summary
17/12/2021	Legislative proposal published	14836/2021	Summary
17/01/2022	Committee referral announced in Parliament		
16/03/2022	Vote in committee		
17/03/2022	Committee report tabled for plenary, 1st reading/single reading	A9-0046/2022	
24/03/2022	Results of vote in Parliament		
24/03/2022	Decision by Parliament		

Technical information	
Procedure reference	2021/0806(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Awaiting final decision
Committee dossier	LIBE/9/08067

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE704.902	15/02/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0046/2022	17/03/2022	
Text adopted by Parliament, 1st reading/single reading		T9-0092/2022	24/03/2022	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	14836/2021	17/12/2021	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Automated data exchange with regard to DNA data in Italy

2021/0806(CNS) - 17/12/2021 - Legislative proposal

PURPOSE: to authorise Italy to receive and supply personal data with regard to **DNA data**.

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 implementing powers on the Council to adopt the measures necessary for the implementation of that Decision, in particular as regards the receiving and supply of personal data provided for in that Decision.

The supply of personal data provided for in Decision 2008/615/JHA may not take place until the general provisions on data protection set out in that Decision 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 to establish that the condition for the automated exchange of data has been met is to be done on the basis of an evaluation report based on (i) a questionnaire drawn up by the relevant Council Working Party on each of the automated data exchanges, (ii) an evaluation visit and (iii) a pilot test.

Italy completed the **questionnaire** on data protection and the questionnaire on the exchange of DNA data exchange. A successful pilot test was carried out with Germany and Austria. An **evaluation visit** took place in Italy and the German and Austrian evaluation team subsequently drafted a report on the evaluation visit and forwarded it to the relevant Council Working Party.

An **overall evaluation report** was presented to the Council. Having taken note of the agreement of all Member States bound by Decision 2008/615/JHA, the Council concluded on 9 December 2021 that Italy had fully implemented the general data protection provisions of Decision 2008/615/JHA.

CONTENT: the purpose of the draft Council implementing Decision is, for the purposes of automated searching and comparison of DNA data, to allow Italy to receive and supply personal data in accordance with Decision 2008/615/JHA.

Denmark and Ireland are bound by Decision 2008/615/JHA and are therefore taking part in the adoption and application of this Decision.

Automated data exchange with regard to DNA data in Italy

2021/0806(CNS) - 24/03/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 547 votes to 38, with 4 abstentions, following the consultation procedure, a legislative resolution on the draft Council implementing decision on the launch of automated data exchange in respect of DNA data in Italy.

Parliament **approved the Council's draft**, which aims to authorise Italy to receive and supply personal data in accordance with Decision 2008/615/JHA for the purpose of automated searching and comparison of DNA data.

The supply of personal data provided for in Decision 2008/615/JHA may not take place until the general provisions on data protection set out in that Decision 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 to establish that the condition for the automated exchange of data has been met is to be carried out on the basis of an evaluation report based on (i) a questionnaire drawn up by the relevant Council Working Party on each of the automated data exchanges, (ii) an evaluation visit and (iii) a pilot test.

A general evaluation report was presented to the Council. Having taken note of the agreement of all Member States bound by Decision 2008/615/JHA, the Council concluded on 9 December 2021 that Italy had fully implemented the general data protection provisions of Decision 2008/615/JHA.