Basic information

2022/0157(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/New Zealand Agreement: exchange of personal data between Europol and New Zealand **Subject** 1.20.09 Protection of privacy and data protection 2.80 Cooperation between administrations 4.60.06 Consumers' economic and legal interests 6.40.11 Relations with industrialised countries 7.30.05.01 Europol, CEPOL 7.30.20 Action to combat terrorism 7.30.30 Action to combat crime **Geographical area** New Zealand	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	TARDINO Annalisa (ID)	13/07/2022
	Shadow rapporteur DÜPONT Lena (EPP) VITANOV Petar (S&D) KOVAŘÍK Ondřej (Renew) BRICMONT Saskia (Greens/EFA) WEIMERS Charlie (ECR) DALY Clare (The Left)	

Council of the European Union

European Commission

Commission DG	Commissioner
Migration and Home Affairs	JOHANSSON Ylva

Key events

Date	Event	Reference	Summary

13/05/2022	Preparatory document	COM(2022)0208	Summary
19/07/2022	Legislative proposal published	10092/2022	Summary
12/09/2022	Committee referral announced in Parliament		
12/01/2023	Vote in committee		
13/01/2023	Committee report tabled for plenary, 1st reading/single reading	A9-0003/2023	
17/01/2023	Decision by Parliament	T9-0001/2023	Summary
17/01/2023	Results of vote in Parliament		
14/02/2023	Act adopted by Council after consultation of Parliament		
20/02/2023	Final act published in Official Journal		

Technical information

Procedure reference	2022/0157(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/09066

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE736.670	11/10/2022	
Amendments tabled in committee		PE737.536	28/10/2022	
Committee report tabled for plenary, 1st reading/single reading		A9-0003/2023	13/01/2023	
Text adopted by Parliament, 1st reading/single reading		T9-0001/2023	17/01/2023	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	10092/2022	19/07/2022	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2022)0207	13/05/2022	

Preparatory document	COM(2022)0208	13/05/2022	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EDPS	Document attached to the procedure	N9-0040/2022 OJ C 262 07.07.2022, p. 0007	10/06/2022	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act
Decision 2023/0368 OJ L 051 20.02.2023, p. 0001

EU/New Zealand Agreement: exchange of personal data between Europol and New Zealand

2022/0157(NLE) - 13/05/2022 - Preparatory document

PURPOSE: to conclude the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Regulation (EU) 2016/794 of the European Parliament and of the Council provides that Europol may transfer personal data to an authority of a third country on the basis of, *inter alia*, an international agreement between the Union and the third country in question, which offers sufficient safeguards with regard to the protection of privacy and fundamental rights and freedoms of individuals.

In a globalised world where serious crime and terrorism are increasingly transnational and multi-faceted, law enforcement authorities should be well equipped to cooperate with external partners to ensure the safety of their citizens. Europol should therefore be able to exchange personal data with law enforcement authorities of third countries to the extent necessary for the performance of its tasks.

In this sense, **law enforcement cooperation with New Zealand is essential** to help the European Union better protect its security interests.

As demonstrated by the follow-up to the Christchurch attack in March 2019, the Commission believes that Europol should be able to exchange personal data with the competent New Zealand authorities in the fight against serious crime and terrorism.

Europol and New Zealand Police signed a working arrangement in April 2019. However, that working arrangement does not provide for a legal basis for the exchange of personal data. In light of this, on 30 October 2019, the Commission presented a recommendation, proposing that the Council authorises the opening of negotiations for an agreement between the European Union and New Zealand on the exchange of personal data between Europol and the New Zealand authorities competent for fighting serious crime and terrorism.

On 13 May 2020, the Council authorised the Commission to open negotiations with New Zealand and adopted negotiation directives. The chief negotiators initialled the draft text of the Agreement in November 2021.

CONTENT: the Commission proposes that the Council decide to approve on behalf of the Union the Agreement between the European Union and New Zealand on the **exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the competent authorities of New Zealand** to combat serious crime and terrorism.

The objective of this Agreement is to allow the transfer of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the competent authorities of New Zealand, in order to support and strengthen the action by the authorities of the Member States of the European Union and those of New Zealand, as well as their mutual cooperation in preventing and fighting criminal offences, including serious crime and terrorism, while ensuring appropriate safeguards with respect to the human rights and fundamental freedoms of individuals, including privacy and data protection.

The Agreement includes provisions on:

- **exchange of information and data protection** (general data protection principles; special categories of personal data and different categories of data subjects; automated processing of personal data; onward transfer of personal data received);

- the **rights of data subjects** (right of access; right of rectification/correction, erasure/deletion and restriction; notification to the data subject of a personal data breach; retention, review, correction and deletion of personal data; record keeping and data security);

- the **establishment of a supervisory authority**, ensuring that there is an independent public authority responsible for data protection to oversee matters affecting the privacy of individuals;

- **administrative and judicial redress**, ensuring that data subjects have the right to effective administrative and judicial redress for violations of the rights and safeguards recognized in the Agreement resulting from the processing of their personal data;

- dispute settlement;

- a suspension clause and the possibility for the termination of the Agreement.

EU/New Zealand Agreement: exchange of personal data between Europol and New Zealand

2022/0157(NLE) - 17/01/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 594 votes to 27, with 9 abstentions, a legislative resolution on the draft Council decision on the conclusion of the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism.

Following the recommendation of the Committee on Civil Liberties, Justice and Home Affairs, Parliament gave its consent to the conclusion of the agreement.

The objective of the agreement is to allow for the transfer of personal data, in order to strengthen the action of the competent authorities of the EU and New Zealand, as well as their mutual cooperation, in order to prevent and combat crime, including serious forms of crime and terrorism, which are becoming increasingly transnational or even global, while offering sufficient guarantees in terms of full respect for the fundamental rights and freedoms of individuals, including respect for privacy and data protection, as recognized by the Charter of Fundamental Rights of the European Union.

EU/New Zealand Agreement: exchange of personal data between Europol and New Zealand

2022/0157(NLE) - 19/07/2022 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Regulation (EU) 2016/794 of the European Parliament and of the Council provides that it is possible for the European Union Agency for Law Enforcement Cooperation (Europol) to transfer personal data to an authority of a third country, inter alia, on the basis of an international agreement concluded between the Union and that third country in question, adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals.

The Agreement between the European Union, of the one part, and New Zealand, of the other part, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism was signed, subject to its conclusion at a later date.

The Agreement should now be approved.

CONTENT: the purpose of the draft Council Decision is to approve, on behalf of the Union, the Agreement between the European Union, on the one hand, and New Zealand, on the other hand, on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the authorities of New Zealand competent for fighting serious crime and terrorism.

The objective of this Agreement is to allow the transfer of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the competent authorities of New Zealand, in order to support and strengthen the action by the authorities of the Member States of the European Union and those of New Zealand, as well as their mutual cooperation in preventing and fighting criminal offences, including serious crime and terrorism, while ensuring appropriate safeguards with respect to the human rights and fundamental freedoms of individuals, including privacy and data protection.

The Agreement:

- is in the interest of the European Union, as it aims to enable the transfer of personal data between Europol and the competent authorities of New Zealand with a view to fighting serious crime and terrorism and protecting the security of the Union and its inhabitants;

- ensures full respect of the fundamental rights of the Union, in particular the right to respect for private and family life, the right to the protection of personal data and the right to an effective remedy and to a fair trial recognised by the Charter of Fundamental Rights of the European Union, respectively;

- does not affect, and is without prejudice to, the transfer of personal data or other forms of cooperation between the authorities responsible for safeguarding national security.

For the purposes of Article 28(2) of the Agreement, the position to be taken on behalf of the Union on amendments to Annexes II, III and IV to the Agreement will be approved by the Commission after consultation of the Council.

Ireland is bound by Regulation (EU) 2016/794 and therefore takes part in the adoption of this Decision. Denmark is not taking part in the adoption of the decision and is not bound by it or subject to its application.