

| Basic information  |                     |
|--|---------------------|
| 2022/0157(NLE)<br><br>NLE - Non-legislative enactments<br>Decision   | Procedure completed |
| EU/New Zealand Agreement: exchange of personal data between<br>Europol and New Zealand   |                     |
| <b>Subject</b>   |                     |
| 1.20.09 Protection of privacy and data protection<br>2.80 Cooperation between administrations<br>4.60.06 Consumers' economic and legal interests<br>6.40.11 Relations with industrialised countries<br>7.30.05.01 Europol, CEPOL<br>7.30.20 Action to combat terrorism<br>7.30.30 Action to combat crime |                     |
| <b>Geographical area</b>   |                     |
| 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<br><br>DÜPONT Lena (EPP)<br><br>VITANOV Petar (S&D)<br><br>KOVAŘÍK Ondřej (Renew)<br><br>BRICMONT Saskia (Greens/EFA)<br><br>WEIMERS Charlie (ECR)<br><br>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<br> | 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<br> | 13/05/2022 |         |

| Preparatory document                 | COM(2022)0208<br> | 13/05/2022   | <a href="#">Summary</a> |
|--------------------------------------|--|--|-------------------------|
| <b>Other institutions and bodies</b> |  |  |                         |
| Institution/body                     | Document type  | Reference  | Date                    |
| EDPS                                 | Document attached to the procedure   | N9-0040/2022<br><a href="#">OJ C 262 07.07.2022, p. 0007</a> | 10/06/2022              |

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| <b>Final act</b>   |
| Decision 2023/0368<br><a href="#">OJ L 051 20.02.2023, p. 0001</a> |

## 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.