

Exchange of information and cooperation concerning terrorist offences: alignment with Union rules on the protection of personal data

2021/0399(COD) - 01/12/2021 - Legislative proposal

PURPOSE: to amend Council Decision 2005/671/JHA, as regards its alignment with Union rules on the protection of personal data.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: [Directive \(EU\) 2016/680](#) of the European Parliament and of the Council provides for harmonised rules for the protection and the free movement of personal data processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or execution of criminal penalties, including the safeguarding against, and the prevention of threats to public security (Data Protection Law Enforcement Directive). The Directive requires the Commission to review relevant other acts of Union law in order to assess the need to align them with that Directive and to make, where necessary, the proposals to amend those acts to ensure a consistent approach to the protection of personal data falling within the scope of that Directive.

[Council Decision 2005/671/JHA](#) lays down specific rules on the exchange of information and cooperation concerning terrorist offences. In order to ensure a consistent approach to the protection of personal data in the Union, that Decision should be amended to align it with Directive (EU) 2016/680.

In the interest of clarity, the references contained in Decision 2005/671/JHA to the legal instruments governing the operation of the European Union Agency for Law Enforcement Cooperation (Europol) should be updated.

CONTENT: this proposal aims to:

- align Council Decision 2005/671/JHA with the principles and rules laid down in the Data Protection Law Enforcement Directive, in order to ensure consistent approach to protection afforded to persons regarding the processing of personal data in order to: (i) specify that the processing of personal data under Council Decision 2005/671/JHA can only take place for the prevention, investigation, detection and prosecution of terrorist offences, in line with the purpose limitation principle; (ii) stipulate that the categories of personal data that can be exchanged should be defined more precisely by Union or Member State law.