

Basic information

2018/2062(INI)

INI - Own-initiative procedure

Proposal to open negotiations on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the EU and Israel on the exchange of personal data between Europol and the Israeli competent authorities for fighting serious crime and terrorism

Subject

1.20.09 Protection of privacy and data protection
7.30.20 Action to combat terrorism
7.30.30 Action to combat crime



Geographical area

Israel


Procedure completed

Key players

| | | | | | |
|---------------------|------------------------------|---|--|-----------------------|--|
| European Parliament | Committee responsible | | Rapporteur | Appointed | |
| | LIBE | Civil Liberties, Justice and Home Affairs | MORAES Claude (S&D) | 19/03/2018 | |
| | | | Shadow rapporteur METSOLA Roberta (PPE) STEVENS Helga (ECR) PETERSEN Morten (ALDE) TERRICABRAS Josep-Maria (Verts/ALE) | | |
| | Committee for opinion | | Rapporteur for opinion | Appointed | |
| | AFET | Foreign Affairs | The committee decided not to give an opinion. | | |
| | BUDG | Budgets | The committee decided not to give an opinion. | | |
| | CONT | Budgetary Control | The committee decided not to give an opinion. | | |
| | AFCO | Constitutional Affairs | The committee decided not to give an opinion. | | |
| | European Commission | Commission DG | | Commissioner | |
| | | Migration and Home Affairs | | AVRAMOPOULOS Dimitris | |

| Key events | | | |
|------------|--|--|---------|
| Date | Event | Reference | Summary |
| 20/12/2017 | Non-legislative basic document published | COM(2017)0806  | Summary |
| 14/06/2018 | Committee referral announced in Parliament | | |
| 20/06/2018 | Vote in committee | | |
| 27/06/2018 | Committee report tabled for plenary | A8-0235/2018 | Summary |
| 04/07/2018 | Decision by Parliament | T8-0297/2018 | Summary |
| 04/07/2018 | Results of vote in Parliament |  | |
| 04/07/2018 | End of procedure in Parliament | | |

| Technical information | |
|----------------------------|--------------------------------|
| Procedure reference | 2018/2062(INI) |
| Procedure type | INI - Own-initiative procedure |
| Legal basis | Rules of Procedure EP 117 |
| Other legal basis | Rules of Procedure EP 165 |
| Stage reached in procedure | Procedure completed |
| Committee dossier | LIBE/8/12866 |

| Documentation gateway | | | | |
|---|--|--------------|------------|---------|
| European Parliament | | | | |
| Document type | Committee | Reference | Date | Summary |
| Committee draft report | | PE621.029 | 18/05/2018 | |
| Amendments tabled in committee | | PE622.353 | 01/06/2018 | |
| Committee report tabled for plenary, single reading | | A8-0235/2018 | 27/06/2018 | Summary |
| Text adopted by Parliament, single reading | | T8-0297/2018 | 04/07/2018 | Summary |
| European Commission | | | | |
| Document type | Reference | Date | Summary | |
| Non-legislative basic document | COM(2017)0806  | 20/12/2017 | Summary | |

Proposal to open negotiations on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the EU and Israel on the exchange of personal

data between Europol and the Israeli competent authorities for fighting serious crime and terrorism

2018/2062(INI) - 27/06/2018 - Committee report tabled for plenary, single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Claude MORAES (S&D, UK) on the recommendation, by the Commission, for a Council decision authorising the opening of negotiations for an agreement between the European Union and the State of Israel on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Israeli competent authorities for fighting serious crime and terrorism.

The report stressed the need for cooperation with Israel in the field of law enforcement for the European Union's security interests to be properly assessed and called on the Commission to conduct a thorough impact assessment on this issue.

Consequently, Members considered that **due caution** is needed while defining the negotiating mandate for an EU-Israel agreement. They called on the Commission to carry out an appropriate **impact assessment** so as to define the necessary safeguards to be integrated in the agreement.

The report insisted that the **level of protection** resulting from the agreement should be essentially equivalent to the level of protection in EU law. If such level cannot be guaranteed both in law and in practice, the agreement cannot be concluded.

In particular, the Agreement shall contain:

- strict and specific provisions imposing respect for the **principle of purpose limitation** with clear conditions for the processing of personal data transmitted;
- a clear and precise provision setting out the **data retention period** of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period;
- data subjects' right to information, rectification and erasure as provided for in other Union legislation on data protection;
- a clear definition of the **categories of offences** for which personal data shall be exchanged;
- a **monitoring mechanism** to be subject to periodic assessments.

Members insisted on the need to:

- expressly indicate that **onward transfers** of information from the competent authorities of Israel to other authorities in Israel can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the independent authority, the EDPS and Europol. To this end, an exhaustive list of the competent authorities in Israel to which Europol can transfer data should be drawn up. Any modification to such a list that would replace or add a new competent authority would require a review of the international agreement;
- expressly indicate that onward transfers of information from the competent authorities of Israel **to other countries** are prohibited and would result in the immediate ending of the international agreement.

Taking into account Israel's different societal characteristics and cultural background compared to the EU and the fact that criminal acts are defined differently in the EU than in Israel, Members considered that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data or data concerning a person's health and sex life should only take place in **very exceptional cases and be subject to clear safeguards** for the data subject and persons linked to the data subject.

Lastly, the report stressed that the European Parliament's consent to the conclusion of the agreement will be conditional upon satisfactory involvement of the European Parliament at all stages of the procedure.

Proposal to open negotiations on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the EU and Israel on the exchange of personal data between Europol and the Israeli competent authorities for fighting serious crime and terrorism

2018/2062(INI) - 20/12/2017 - Non-legislative basic document

PURPOSE: to open negotiations for an agreement between the European Union and Israel on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Israeli competent authorities for fighting serious crime and terrorism.

BACKGROUND: in a globalised world where serious crime and terrorism are increasingly transnational and polyvalent, Europol should therefore be able to exchange personal data with law enforcement authorities of third countries to the extent necessary for the accomplishment of its tasks.

[Regulation \(EU\) 2016/794](#) establishes a legal framework for Europol. It sets out the rules for the **transfer of personal data from Europol to third countries** and international organisations. Since the entry into application of the Regulation (1 May 2017), and pursuant to the Treaty on the Functioning of the European Union (TFEU), the Commission is responsible, on behalf of the Union, for negotiating international agreements with third countries for the exchange of personal data with Europol.

Taking into account the political strategy as outlined in the [European agenda on security](#) and the potential benefits of closer cooperation in this area, the Commission considers it necessary to start negotiations in the short-term with **eight countries**, as identified in the [11th progress report](#) towards a genuine and effective Security Union.

The 2016-2020 Europol strategy identifies the Mediterranean region as priority for enhanced partnerships. The 2017-2020 Europol external strategy also stresses the need for closer cooperation between Europol and the **Middle East/North Africa (MENA)** due to the current terrorist threat and migration-related challenges.

The EU and **Israel** developed sound relations based on the 1995 Association agreement (into force since 2000). Both the EU and Israel are strongly focused on countering security threats, namely countering terrorism threats. Israel is very interested in intensifying cooperation with the EU on counter-terrorism.

Based on data available as well as Europol's in-house expert knowledge, cooperation with Israel is needed in particular to counter the following crime phenomena:

- **terrorism**: the EU and Israel face both a serious threat posed by terrorist groups operating in the region and globally;
- **cybercrime**: cooperation with Israel should be established in particular given their expertise in investigating/dealing with high tech cybercrime.

CONTENT: the purpose of this **Recommendation for a Council Decision** is to obtain from the Council an authorisation from the Council for the Commission to negotiate, on behalf of the European Union, **an agreement between the European Union and Israel** on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Israeli competent authorities for fighting serious crime and terrorism.

In order to respect the principle of **purpose limitation**, cooperation under the agreement shall only cover forms of crime and related criminal offences for which Europol is competent. In particular, cooperation should aim to combat terrorism and prevent radicalisation, disrupt organised crime, including trafficking of migrants, firearms and drugs, and combat cybercrime.

The agreement should respect **fundamental rights** and observe the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the right to private and family life, the right to the protection of personal data, and the right to effective remedy and fair trial.

Proposal to open negotiations on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the EU and Israel on the exchange of personal data between Europol and the Israeli competent authorities for fighting serious crime and terrorism

2018/2062(INI) - 04/07/2018 - Text adopted by Parliament, single reading

The European Parliament adopted by 547 votes to 104, with 21 abstentions, a resolution on the Commission recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and Israel on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Israeli competent authorities for fighting serious crime and terrorism.

Assessing the risks: Parliament considered that the necessity of the cooperation with Israel in the field of law enforcement for the European Union's security interests, as well as its **proportionality**, needs to be properly assessed and called on the Commission, in this context, to conduct a thorough impact assessment. Members considered that **due caution** is needed while defining the negotiating mandate for an EU-Israel agreement. They called on the Commission to carry out an appropriate **impact assessment** so as to define the necessary safeguards to be integrated in the agreement.

Ensuring equivalent protection: full consistency with Articles 7 and 8 of the Charter of Fundamental Rights and with the other fundamental rights and freedoms enshrined in the Charter should be fully ensured in the receiving third country to which it is addressed. Parliament insisted that the **level of protection** resulting from the agreement should be essentially equivalent to the level of protection in EU law. If such level cannot be guaranteed both in law and in practice, the agreement cannot be concluded.

In particular, the Agreement shall contain:

- strict and specific provisions imposing respect for the **principle of purpose limitation** with clear conditions for the processing of personal data transmitted;
- a clear and precise provision setting out the **data retention period** of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period;
- data subjects' right to information, rectification and erasure as provided for in other Union legislation on data protection;
- a clear definition of the **categories of offences** for which personal data shall be exchanged;
- a clear reference to the name of the **independent supervisory authority** in charge of supervising the implementation of the international agreement;
- a **monitoring mechanism** to be subject to periodic assessments.

Members insisted on the need to:

- expressly indicate that **onward transfers** of information from the competent authorities of Israel to other authorities in Israel can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the independent authority, the EDPS and Europol. To this end, an exhaustive list of the competent authorities in Israel to which Europol can transfer data should be drawn up. Any modification to such a list that would replace or add a new competent authority would require a review of the international agreement;
- expressly indicate that onward transfers of information from the competent authorities of Israel **to other countries** are prohibited and would result in the immediate ending of the international agreement.

Sensitive data: taking into account Israel's different societal characteristics and cultural background compared to the EU and the fact that criminal acts are defined differently in the EU than in Israel, Parliament considered that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, genetic data or data concerning a person's health and sex life should only take place in **very exceptional cases and be subject to clear safeguards** for the data subject and persons linked to the data subject.

Lastly, the resolution stressed that the European Parliament's consent to the conclusion of the agreement shall be conditional upon satisfactory involvement of the European Parliament at all stages of the procedure.