Procedure file

Basic information

CNS - Consultation procedure	2016/0818(CNS)	Procedure completed
Automated data exchange with regard to dactyloscopic data in Latvia Subject 1.20.09 Protection of privacy and data protection 7.30 Police, judicial and customs cooperation in general Geographical area Latvia		

Key players

	Committee responsible	Rapporteur	Appointed
European Parliament	LIBE Civil Liberties, Justice and Home Affairs	S&D MORAES Claude	09/02/2017
		Shadow rapporteur	
		epp PABRIKS Artis	
		HYUSMENOVA Filiz	
Council of the European Union			

Key events

13/12/2016	Legislative proposal published	13521/2016	Summary
15/12/2016	Committee referral announced in Parliament		
23/03/2017	Vote in committee		
28/03/2017	Committee report tabled for plenary, 1st reading/single reading	A8-0089/2017	Summary
05/04/2017	Results of vote in Parliament		
05/04/2017	Decision by Parliament	T8-0118/2017	Summary
18/05/2017	Act adopted by Council after consultation of Parliament		
18/05/2017	End of procedure in Parliament		
02/06/2017	Final act published in Official Journal		

Technical information

Procedure reference	2016/0818(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/08769

Documentation gateway

Legislative proposal		13521/2016	13/12/2016	CSL	Summary
Committee draft report		PE599.602	16/02/2017	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0089/2017	28/03/2017	EP	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0118/2017	05/04/2017	EP	Summary

Final act

Decision 2017/944
OJ L 142 02.06.2017, p. 0087 Summary

Automated data exchange with regard to dactyloscopic data in Latvia

PURPOSE: to authorise Latvia to continue to receive and supply of personal data for the purpose of automated searching of dactyloscopic data (digital fingerprints).

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 upon the Council implementing powers with a view to adopting measures necessary to implement that Decision, in particular as regards the receipt and supply of personal data provided for under that Decision.

The supply of personal data provided for under that Decision may not take place until the general provisions on data protection 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 that the condition with respect to automated data exchange has been met is to be done on the basis of an evaluation report based on a questionnaire, an evaluation visit and a pilot run.

An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning dactyloscopic data exchange in Latvia has been presented to the Council.

On the basis of the evaluation report, Council Decision 2014/911/EU authorised Latvia to receive and supply personal data for the purpose of automated searching of dactyloscopic data.

Decision 2014/911/EU was annulled by the Court of Justice of the European Union by its judgement of 22 September 2016.

As the conditions for triggering the exercise of such implementing powers have been met and the procedure in that regard has been followed, an implementing decision on the automated data exchange with regard to dactyloscopic data should be adopted with regard to Latvia in order to replace the annulled Decision 2014/911/EU and allow that Member State to continue receiving and supplying personal data pursuant to Decision 2008/615/JHA.

CONTENT: the proposed Council implementing Decision seeks, for the purpose of automated searching of dactyloscopic data, to authorise Latvia to be entitled to receive and supply personal data pursuant to Decision 2008/615/JHA.

Decision 2014/911/EU ceases to produce effects as from the date of entry into force of this Decision, without prejudice to the validity of automated data exchange carried out pursuant to that Decision by Member States.

Member States which obtained personal data pursuant to Decision 2014/911/EU shall continue to be entitled to further process those data at national level or between Member States for the purposes laid down in Decision 2008/615/JHA.

The United Kingdom and Ireland shall participate in the adoption of the proposed Decision.

Automated data exchange with regard to dactyloscopic data in Latvia

The Committee on Civil Liberties, Justice and Home Affairs adopted, in line with the consultation procedure, the report by Claude MORAES (S&D, UK) on the draft Council implementing decision on the automated data exchange with regard to dactyloscopic data in Latvia, and replacing Decision 2014/911/EU.

The committee recommended the European Parliament to approve the Council draft.

The proposed Council implementing Decision seeks, for the purpose of automated searching of dactyloscopic data, to authorise Latvia to be entitled to receive and supply personal data pursuant to Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime.

Automated data exchange with regard to dactyloscopic data in Latvia

The European Parliament adopted by 593 votes to 78, with 22 abstentions, a legislative resolution on the draft Council implementing decision on the automated data exchange with regard to dactyloscopic data in Latvia, and replacing Decision 2014/911/EU.

The Council consulted Parliament pursuant to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions.

In line with its Committee on Civil Liberties, Justice and Home Affairs, Parliament approved the Council draft.

Automated data exchange with regard to dactyloscopic data in Latvia

PURPOSE: to authorise Latvia to continue to receive and supply of personal data for the purpose of automated searching of dactyloscopic data (digital fingerprints).

NON LEGISLATIVE ACT: Council Implementing Decision (EU) 2017/944 on the automated data exchange with regard to dactyloscopic data in Latvia, and replacing Decision 2014/911/EU.

CONTENT: through this Council Implementing Decision, Latvia remains authorised to continue to receive and supply personal data in accordance with Decision 2008/615/JAI for the purpose of automated searching of dactyloscopic data.

To recall, Council Decision 2008/615/JAI on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime, provides that the supply of personal data may not take place until the Member States involved in such supply have implemented in national law the general provisions on data protection set out in that Decision.

An overall evaluation report, summarising the results of the questionnaire, the evaluation visit and the pilot run concerning dactyloscopic data exchange in Latvia has been presented to the Council.

The Council adopted Decision 2014/911/EU, having concluded that Latvia has fully implemented the general provisions on data protection under Decision 2008/615/JHA.

This Decision replaces Decision 2014/911/EU which was annulled by the Court of Justice of the European Union by its judgement of 22 September 2016. In that judgement, the Court maintained the effects of Decision 2014/911/EU until the entry into force of a new act intended to replace that Decision.

The Member States that obtained personal data pursuant to Decision 2014/911/EU are entitled to further process those data at national level or between Member States.

ENTRY INTO FORCE: 3.6.2017. From that date, Decision 2014/911/EU will cease to have effect.