

Procedure file

Basic information		
INI - Own-initiative procedure	2020/2048(INI)	Procedure completed
<p>European Parliament recommendation to the Council and the Commission concerning the conclusion of an agreement, under negotiation, 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 New Zealand authorities competent for fighting serious crime and terrorism</p>		
<p>Subject</p> <p>1.20.09 Protection of privacy and data protection</p> <p>7.30.05.01 Europol, CEPOL</p> <p>7.30.20 Action to combat terrorism</p> <p>7.30.30 Action to combat crime</p>		
<p>Geographical area</p> <p>New Zealand</p>		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<p>LIBE Civil Liberties, Justice and Home Affairs</p>	<p> TARDINO Annalisa</p> <p>Shadow rapporteur</p> <p> SEEKATZ Ralf</p> <p> VITANOV Petar</p> <p> KOVAŘÍK Ondřej</p> <p> BRICMONT Saskia</p> <p> WIŚNIEWSKA Jadwiga</p> <p> DALY Clare</p>	20/01/2020

Key events			
16/04/2020	Committee referral announced in Parliament		
02/07/2020	Vote in committee		
02/07/2020	Committee report tabled for plenary	A9-0131/2020	
10/07/2020	Results of vote in Parliament		
10/07/2020	Decision by Parliament	T9-0200/2020	Summary
10/07/2020	End of procedure in Parliament		

Technical information	
Procedure reference	2020/2048(INI)
Procedure type	INI - Own-initiative procedure
Legal basis	Rules of Procedure EP 114
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/02647

Documentation gateway					
Committee draft report		PE650.351	02/04/2020	EP	
Amendments tabled in committee		PE652.503	28/05/2020	EP	
Committee report tabled for plenary, single reading		A9-0131/2020	02/07/2020	EP	
Text adopted by Parliament, single reading		T9-0200/2020	10/07/2020	EP	Summary
Commission response to text adopted in plenary		SP(2020)452	08/12/2020	EC	

European Parliament recommendation to the Council and the Commission concerning the conclusion of an agreement, under negotiation, 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 New Zealand authorities competent for fighting serious crime and terrorism

The European Parliament adopted by 438 votes to 133, with 17 abstentions, a resolution on the recommendation of the European Parliament to the Council and the Commission on the conclusion of an agreement, under negotiation, 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 New Zealand authorities competent for fighting serious crime and terrorism.

Parliament encouraged the Commission to start negotiations with New Zealand at an early date on the exchange of personal data between Europol and the New Zealand authorities competent for fighting serious crime and terrorism in accordance with the negotiating directives adopted by the Council. It insisted that the level of data protection provided for in the Agreement should be essentially equivalent to the level of protection provided for under EU law.

Parliament made the following recommendations to the Commission:

- the transfer of sensitive personal data should only be permitted in exceptional cases where such transfers are strictly necessary and proportionate for preventing and combating criminal offences covered by the agreement;
- clear safeguards should be defined for the data subject, persons linked to the data subject and persons linked to the criminal offence such as witnesses and victims should be defined to guarantee respect for fundamental rights;
- the future agreement should explicitly lay down a list of criminal offences in relation to which personal data can be exchanged;
- the agreement should contain a clear and precise provision setting out the retention period for personal data that have been transferred to New Zealand and requiring the data to be erased at the end of that period;
- the independent supervisory authority vested with effective powers of investigation and intervention is to be in charge of supervising the implementation of the international agreement should be clearly defined before the conclusion of the agreement;
- the international agreement should include a provision allowing the EU to suspend or revoke the agreement in the event of a breach;
- a mechanism for monitoring and periodically evaluating the agreement should be established in order to evaluate the partners compliance with the agreement and the functioning of the agreement in relation to the operational needs of Europol, and with the EU data protection law;
- the onward transfers of Europol information from competent New Zealand authorities to other authorities in New Zealand, including for use in judicial proceedings, should only be allowed for the original purposes of the transfer by Europol and should be made subject to prior authorisation by Europol.

Members stressed that Parliament will give its consent to the conclusion of the agreement only if such an agreement does not pose risks to the rights to privacy and data protection, nor to other fundamental rights and freedoms protected by the Charter of Fundamental Rights of the European Union.