







# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive 2021/0009(COD)	Procedure completed
European Investigation Order in criminal matters: alignment with Union rules on the protection of personal data Amending Directive 2014/41 <a href="#">2010/0817(COD)</a>	
Subject 7.40.04 Judicial cooperation in criminal matters	

Key players				
European Parliament	Committee responsible <b>LIBE</b> <a href="#">Civil Liberties, Justice and Home Affairs</a>	Rapporteur  <a href="#">KALJURAND Marina</a> Shadow rapporteur  <a href="#">LENAERS Jeroen</a>  <a href="#">DONÁTH Anna Júlia</a>  <a href="#">BRICMONT Saskia</a>  <a href="#">TERHEŞ Cristian</a>  <a href="#">ARVANITIS Konstantinos</a>	Appointed 22/03/2021	
	Committee for opinion <b>JURI</b> <a href="#">Legal Affairs</a>	Rapporteur for opinion The committee decided not to give an opinion.	Appointed	
Council of the European Union European Commission	Commission DG <a href="#">Justice and Consumers</a>	Commissioner REYNDERS Didier		

Key events			
20/01/2021	Legislative proposal published	<a href="#">COM(2021)0021</a>	Summary
08/02/2021	Committee referral announced in Parliament, 1st reading		
14/07/2021	Vote in committee, 1st reading		

16/07/2021	Committee report tabled for plenary, 1st reading	<a href="#">A9-0237/2021</a>	Summary
16/09/2021	Decision by Parliament, 1st reading	<a href="#">T9-0380/2021</a>	Summary
16/09/2021	Matter referred back to the committee responsible		
18/11/2021	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	<a href="#">PE702.966</a> GEDA/A/(2021)005523	
14/12/2021	Results of vote in Parliament		
14/12/2021	Decision by Parliament, 1st reading	<a href="#">T9-0488/2021</a>	Summary
25/01/2022	Act adopted by Council after Parliament's 1st reading		
16/02/2022	Final act signed		
21/02/2022	Final act published in Official Journal		

### Technical information

Procedure reference	2021/0009(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 2014/41 <a href="#">2010/0817(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 016-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/05198

### Documentation gateway

Legislative proposal	<a href="#">COM(2021)0021</a>	20/01/2021	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A9-0237/2021</a>	16/07/2021	EP	Summary
Text adopted by Parliament, partial vote at 1st reading/single reading	<a href="#">T9-0380/2021</a>	16/09/2021	EP	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2021)005523	17/11/2021	CSL	
Text agreed during interinstitutional negotiations	<a href="#">PE702.966</a>	17/11/2021	EP	
Text adopted by Parliament, 1st reading/single reading	<a href="#">T9-0488/2021</a>	14/12/2021	EP	Summary
Draft final act	00078/2021/LEX	16/02/2022	CSL	
Commission response to text adopted in plenary	<a href="#">SP(2022)38</a>	18/02/2022	EC	

### Final act

[Directive 2022/228](#)

## European Investigation Order in criminal matters: alignment with Union rules on the protection of personal data

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**PURPOSE:** to align the data protection rules of Directive 2014/41/EU with the principles and rules provided for in the Directive on data protection in the field of law enforcement in order to establish a strong and coherent data protection framework in the EU.

**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](#) (Data Protection Directive in the field of law enforcement) required the Commission to review, by 6 May 2019 at the latest, other legal acts adopted by the Union which regulate the processing of personal data by competent authorities for law enforcement purposes, in order to assess the need to bring them into line with the Directive and to make, if appropriate, the necessary proposals to amend those acts to ensure a consistent approach to the protection of personal data under the Directive.

The Commission set out the results of its review in a [Communication](#) of 24 June 2020 which identifies ten legal acts that should be aligned with the Directive and sets out a timetable for doing so. The list includes [Directive 2014/41/EU](#) of the European Parliament and of the Council concerning the European Investigation Order in criminal matters.

The Commission has indicated that it will present targeted amendments to this Directive in the last quarter of 2020; this is the purpose of this proposal.

**CONTENT:** the Commission proposes the deletion of Article 20 of Directive 2014/41/EU on the European Investigation Order in criminal matters.

Article 20 requires that any processing of personal data under the Directive comply with Council Framework Decision 2008/977/JHA and the principles of the Council of Europe Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data (28 January 1981) and its Additional Protocol.

Directive (EU) 2016/680 on the data protection law enforcement Directive entered into force on 6 May 2016. It provides a more comprehensive and general data protection instrument. It applies to domestic and cross-border processing of personal data by competent authorities for the purpose of the prevention, investigation, detection, investigation, prosecution or punishment of criminal offences, including safeguarding against and preventing threats to public security.

In the interests of consistency and effective protection of personal data, it is proposed that the processing of personal data under Directive 2014/41/EU should comply, where appropriate, with the rules set out in Directive (EU) 2016/680.

Regulation (EU) 2016/679 (General Data Protection Regulation) should apply to the processing of personal data in the context of certain types of non-criminal proceedings referred to in Directive 2014/41/EU where they are not covered by Directive (EU) 2016/680.

## European Investigation Order in criminal matters: alignment with Union rules on the protection of personal data

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Marina KALJURAND (S&D, EE) on the proposal for a directive of the European Parliament and of the Council amending Directive 2014/41/EU, as regards its alignment with EU rules on the protection of personal data.

The committee responsible recommended that European Parliament adopt its position at first reading, taking over the Commission proposal.

As a reminder, in the interests of consistency and effective protection of personal data, the proposal for a directive seeks to amend Directive 2014/41/EU regarding the European Investigation Order in criminal matters by aligning it with the principles and rules provided for in the Directive on data protection in the field of law enforcement (Directive (EU) 2016/680) in order to establish a strong and coherent data protection framework in the EU.

## European Investigation Order in criminal matters: alignment with Union rules on the protection of personal data

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The European Parliament decided, by 659 votes to 7, with 22 abstentions, to refer the matter back to the committee responsible for inter-institutional negotiations on the basis of the unamended proposal for a directive of the European Parliament and of the Council amending Directive 2014/41/EU as regards its alignment with EU rules on the protection of personal data.

## European Investigation Order in criminal matters: alignment with Union rules on the protection of personal data

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The European Parliament adopted by 673 votes to 16, with 8 abstentions, a legislative resolution on the proposal for a directive of the

European Parliament and of the Council amending Directive 2014/41/EU as regards its alignment with EU rules on the protection of personal data.

The European Parliament adopted its position at first reading under the ordinary legislative procedure.

In the interests of consistency and effective protection of personal data, the proposed directive amends [Directive 2014/41/EU](#) regarding the European Investigation Order in criminal matters by aligning it with the principles and rules laid down in the Directive on data protection in the field of law enforcement (Directive (EU) 2016/680) in order to establish a robust and consistent data protection framework in the EU.

Member States should transpose the Directive at the latest one year after the date of entry into force of the amending Directive.