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## **REPORT**

on the initiative by the Republic of Finland for adoption of a Council decision amending the Council Act of 3 November 1998 adopting rules applicable to Europol analysis files  
(16336/2006 – C6-0048/2007 – 2007/0802(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Agustín Díaz de Mera García Consuegra

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the initiative by the Republic of Finland for adoption of a Council decision amending the Council Act of 3 November 1998 adopting rules applicable to Europol analysis files (16336/2006 – C6-0048/2007 – 2007/0802(CNS))**

### **(Consultation procedure)**

*The European Parliament,*

- having regard to the initiative by the Republic of Finland (16336/2006)<sup>1</sup>,
  - having regard to Article 10(1) of the Convention on the establishment of a European Police Office (Europol), signed in Brussels on 26 July 1995,
  - having regard to Articles 30(1)(b), 30(2) and 34(2)(c) of the EU Treaty,
  - having regard to Article 39(1) of the EU Treaty, pursuant to which the Council consulted Parliament (C6-0048/2007),
  - having regard to Council Act 1999/C 26/01 adopting rules applicable to Europol analysis files<sup>2</sup>,
  - having regard to the Protocol of 27 November 2003<sup>3</sup>, established on the basis of Article 43(1) of the Europol Convention,
  - having regard to Rules 93 and 51 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A6-0288/2007),
1. Approves the initiative by the Republic of Finland as amended;
  2. Calls on the Council to amend the text accordingly;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Calls on the Council to consult Parliament again if it intends to amend the initiative by the Republic of Finland substantially;
  5. Instructs its President to forward its position to the Council and Commission and the Government of the Republic of Finland.

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<sup>1</sup> Not yet published in OJ.

<sup>2</sup> OJ C 26, 30.1.1999, p. 1

<sup>3</sup> OJ C 2, 6.1.2004, p. 3

Amendment 1  
ARTICLE 1, POINT 4, POINT (B)

Article 12, paragraph 3 (Council Act 1999/C 26/01)

(b) *in* paragraph 3 shall be replaced by the following:

"3. Analysis activities *and the dissemination of analysis results* may begin immediately after the analysis file has been opened in accordance with Article 12(1) of the Europol Convention. Should the Management Board instruct the Director of Europol to amend an opening order or close the file, data which may not be included in the file or, if the file is to be closed, all data contained in that file, shall be deleted immediately.";

(b) paragraph 3 shall be replaced by the following:

"3. Analysis activities may begin immediately after the analysis file has been opened in accordance with Article 12(1) of the Europol Convention. *The Management Board shall only authorize the transmission of the analysis results once the Joint Supervisory Body has communicated its comments concerning the opening of such a file.* Should the Management Board instruct the Director of Europol to amend an opening order or close the file, data which may not be included in the file or, if the file is to be closed, all data contained in that file, shall be deleted immediately.";

Amendment 2  
ARTICLE 1, POINT 6

Article 15, paragraphs 4 and 5 (Council Act 1999/C 26/01)

6) *Article 15(4) and (5) shall be deleted.*

*Justification*

*In order to make it clearer and more understandable Article 1, paragraph 6 should be deleted so that the mechanisms of control will be kept in accordance with Article 15, paragraphs 4 and 5 of Council Act of 3 November 1998 adopting rules applicable to Europol analysis files (1999/C 26/1).*

## EXPLANATORY STATEMENT

### **Initiative by the Republic of Finland on a draft Council decision amending the Council Act of 3 November 1998 adopting rules applicable to Europol analysis files**

Title III of the Europol Convention in force lays down the rules applicable to analysis files. This Title was modified by the **2003 Protocol**, which came into force on 18 April 2007. This protocol modifies Articles 10, 12, 16 and 21 of the Convention, in other words the legal framework which has hitherto governed the creation of analysis files and the collection, processing, use and deletion of the personal data contained in such files.

Council Act 1999/C 26/01 of 3 November 1998 marked the adoption of the implementing rules for analysis files. The modifications made to the Convention by the 2003 Protocol make it obligatory to update (and therefore amend) the implementing rules set out in that Council Act.

The aim of the Finnish initiative is, therefore, to adapt the rules on analysis files to the legislation in force, i.e. the Europol Convention as modified by the 2003 Protocol. The Convention will regulate all aspects of Europol's activities until the entry into force of the Council decision establishing a European Police Office, which will have the effect of **repealing** all the previous legislation, including the rules on analysis files.

The initiative of the Republic of Finland is, therefore, despite the fact that it will be in force for only a limited period, necessary and entirely correct.

## PROCEDURE

<b>Title</b>	Initiative of the Republic of Finland with a view to adopting a Council Decision amending the rules applicable to Europol analysis files
<b>References</b>	16336/2006 - C6-0048/2007 - 2007/0802(CNS)
<b>Date of consulting Parliament</b>	15.1.2007
<b>Committee responsible</b> Date announced in plenary	LIBE 18.1.2007
<b>Rapporteur(s)</b> Date appointed	Agustín Díaz de Mera García Consuegra 20.3.2007
<b>Date adopted</b>	17.7.2007
<b>Result of final vote</b>	+: 34 -: 0 0: 2
<b>Members present for the final vote</b>	Alexander Alvaro, Roberta Angelilli, Philip Bradbourn, Mihael Brejc, Giuseppe Castiglione, Giusto Catania, Jean-Marie Cavada, Esther De Lange, Panayiotis Demetriou, Agustín Díaz de Mera García Consuegra, Bárbara Dührkop Dührkop, Claudio Fava, Kinga Gál, Patrick Gaubert, Jeanine Hennis-Plasschaert, Roger Knapman, Magda Kósáné Kovács, Barbara Kudrycka, Stavros Lambrinidis, Henrik Lax, Sarah Ludford, Dan Mihalache, Javier Moreno Sánchez, Athanasios Pafilis, Martine Roure, Károly Ferenc Szabó, Søren Bo Søndergaard, Ioannis Varvitsiotis, Manfred Weber
<b>Substitute(s) present for the final vote</b>	Edit Bauer, Gérard Deprez, Iratxe García Pérez, Sophia in 't Veld, Jean Lambert, Marianne Mikko, Siiri Oviir