

5.9.2018

A8-0313/119

Amendment 119

Claude Moraes

on behalf of the Committee on Civil Liberties, Justice and Home Affairs

Report

A8-0313/2017

Cornelia Ernst

Protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data
COM(2017)0008 – C8-0008/2017 – 2017/0002(COD)

Draft legislative resolution

Paragraph 1 a (new)

Draft legislative resolution

Amendment

1a. Takes note of the statements by the Commission annexed to this resolution;

Or. en

For information, the statements read as follows:

The Commission regrets the exclusion of missions referred to in Articles 42(1), 43 and 44 TEU from the scope of the Regulation and notes that, as a result, there will be no data protection rules in place for such missions. The Commission notes that a Council decision, based on Article 39 TEU, could only lay down the data protection rules for processing of personal data by Member States when carrying out activities that fall within the scope of the Common Foreign and Security Policy. Such a Council decision could not include rules that apply to activities carried out by EU institutions, bodies, offices and agencies. In order to remedy the legal lacuna, a possible Council decision therefore would need to be accompanied by an additional, complementary instrument, based on Article 16 TFEU.

The Commission notes that paragraph 3 of Article 9 (former Article 70a of the Council's General Approach) does not create a new obligation on Union institutions and bodies as regards the balance to be struck between personal data protection and public access to documents.

Justification

These joint statements need to be referred to in the legislative resolution