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A8-0435/ 001-005

AMENDMENTS 001-005

by the Committee on Constitutional Affairs

Report

Mercedes Bresso, Rainer Wieland

A8-0435/2018

Protection of personal data in the context of elections to the European Parliament

Proposal for a regulation (COM(2018)0636 – C8-0413/2018 – 2018/0336(COD))

Amendment 1

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) When the Authority imposes a sanction on the European political party or foundation pursuant to the verification procedure, it shall take due account of the ne bis in idem principle, to avoid that the same infringement is sanctioned twice, on the national level following the decision of the supervisory authority, and on the European level following the verification procedure.

Amendment 2

Proposal for a regulation

Recital 6

Text proposed by the Commission

Amendment

(6) Since the new procedure is triggered by a decision of a competent data protection supervisory authority, it should

(6) Since the new procedure is triggered by a decision of a competent data protection supervisory authority, it should

be possible for the European political party or European political foundation concerned to request that the sanction be reviewed if the decision of the supervisory authority is repealed or a remedy against that decision is successful.

be possible for the European political party or European political foundation concerned ***to be heard before that decision is delivered and*** to request that the sanction be reviewed if the decision of the supervisory authority is repealed or a remedy against that decision is successful.

Amendment 3

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 1141/2014

Article 10a – paragraph 1

Text proposed by the Commission

If the Authority becomes aware of a decision of a supervisory authority within the meaning of point 21 of Article 4 of Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁷ finding that a natural or legal person has infringed applicable rules on the protection of personal data and if it follows from that decision, or where there are otherwise reasonable grounds to believe, that the infringement is linked to political activities by a European political party or a European political foundation in the context of elections to the European Parliament, the Authority shall refer this matter to the committee of independent eminent persons established by Article 11. The committee shall give an opinion as to whether the European political party or the European political foundation concerned has deliberately influenced or attempted to influence the outcome of elections to the European Parliament by taking advantage of that infringement. The Authority shall request the opinion without undue delay and no later than 1 month after the decision of the supervisory authority. The committee shall deliver its opinion within a short, reasonable deadline set by the Authority.

Amendment

1. A European political party or a European political foundation shall not influence or attempt to influence the outcome of elections to the European Parliament by taking advantage of an infringement, by a natural or legal person, of the applicable rules on the protection of personal data. This paragraph shall only apply if a supervisory authority of a Member State, within the meaning of point 21 of Article 4 of Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁷, has established, by an enforceable decision, that an infringement of the applicable rules on data protection has occurred.

2. When the Authority becomes aware

*of a conduct covered by the first paragraph, and is notified the enforceable decision of the supervisory authority referred to in that first paragraph, it shall refer this matter to the committee of independent eminent persons established by Article 11 without undue delay and no later than **3 months** after **that notification**. The committee shall **give an** opinion, within a short, reasonable deadline set by the Authority, **as to whether or not the European political party or European political foundation concerned has violated paragraph 1.***

Having regard to the committee's opinion, the Authority shall decide, pursuant to Article 27(2)(a), whether to impose financial sanctions on the European political party or European political foundation concerned. The decision of the Authority shall be duly reasoned, in particular with regard to the committee's opinion, and shall be published expeditiously.

¹⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), (OJ L 119, 4.5. 2016, p. 1).

¹⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), (OJ L 119, 4.5. 2016, p. 1).

Amendment 4

Proposal for a regulation

Article 1 – paragraph 1 – point 6 – point a
Regulation (EU, Euratom) No 1141/2014
Article 27 – paragraph 2 – point a – point vii

Text proposed by the Commission

(vii) where, ***in accordance with Article 10a, the committee issues an opinion finding that*** a European political party or a European political foundation has

Amendment

(vii) where a European political party or European political foundation has ***violated Article 10a(1).***”;

deliberately influenced or attempted to influence the outcome of elections to the European Parliament by taking advantage of an infringement of the applicable rules on the protection of personal data.;

Amendment 5

Proposal for a regulation

Article 1 – paragraph 1 – point 6 – point b

Regulation (EU, Euratom) No 1141/2014

Article 27 – paragraph 7

Text proposed by the Commission

7. Where a decision of the supervisory authority as referred to in Article 10a has been repealed or where a remedy against such decision has been successful, the Authority shall review any sanction imposed pursuant to point (a)(vii) of paragraph 2 at the request of the European political party or European political foundation concerned.

Amendment

7. Where a decision of the *national* supervisory authority as referred to in Article 10a has been *definitively* repealed or where a remedy against such decision has been successful *and is final*, the Authority shall review any sanction imposed pursuant to point (a)(vii) of paragraph 2 at the request of the European political party or European political foundation concerned.