

Amendment 8
Gilles Lebreton, Gerolf Annemans
on behalf of the ENF Group

Report
Mercedes Bresso

A8-0435/2018

Protection of personal data in the context of elections to the European Parliament
(COM(2018)0636 – C8-0413/2018 – 2018/0336(COD))

Proposal for a regulation
Recital 4

Text proposed by the Commission

Amendment

(4) To that end, a verification procedure should be established whereby the Authority must, in certain circumstances, ask the committee of independent eminent persons to assess whether a European political party or a European political foundation has ***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 protection of personal data***. Where the committee finds that to be the case, the Authority should impose sanctions in line with the effective, proportionate and dissuasive sanctioning system established by the Regulation (EU, Euratom) No 1141/2014.

(4) To that end, a verification procedure should be established whereby the Authority must, in certain circumstances, ask the committee of independent eminent persons to assess whether a European political party or a European political foundation has ***infringed data protection rules in the context*** of elections to the European Parliament. Where the committee finds that to be the case, the Authority should impose sanctions in line with the effective, proportionate and dissuasive sanctioning system established by the Regulation (EU, Euratom) No 1141/2014.

Or. en

Amendment 9

Gilles Lebreton, Gerolf Annemans
on behalf of the ENF Group

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Protection of personal data in the context of elections to the European Parliament
(COM(2018)0636 – C8-0413/2018 – 2018/0336(COD))

Proposal for a regulation**Recital 6***Text proposed by the Commission*

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foundation concerned to request that the sanction be reviewed if the decision of the supervisory authority is repealed or a remedy against that decision is successful.

Amendment

(6) Since the new procedure is *only* triggered by a decision of a competent data protection supervisory authority *under Article 58(2)(i) of Regulation (EU) 2016/679 of the European Parliament and of the Council* 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. *Any appeal lodged by the European political party or the European political foundation concerned shall have suspensive effect.*

Or. en

Amendment 10

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(COM(2018)0636 – C8-0413/2018 – 2018/0336(COD))

Proposal for a regulation**Recital 7***Text proposed by the Commission*

(7) In order to ensure that the 2019 elections to the European Parliament take place under strong democratic rules and in full respect of the European values of democracy, rule of law and respect of fundamental rights it is important that the proposed verification procedure enters into force in timely manner and is applicable as soon as possible. In order to achieve this the proposed amendments to Regulation (EU, Euratom) No 1141/2014 introduced by this Regulation should enter into force on a date of its publication in the Official Journal of the European Union.

Amendment

(7) In order to ensure that the 2019 elections to the European Parliament take place under strong democratic rules and in full respect of the European values of democracy, rule of law and respect *for fundamental rights and pluralism as set out in Article 12 of the Charter of Fundamental Rights of the European Union*, it is important that the proposed verification procedure enters into force in timely manner and is applicable as soon as possible. In order to achieve this the proposed amendments to Regulation (EU, Euratom) No 1141/2014 introduced by this Regulation should enter into force on a date of its publication in the Official Journal of the European Union.

Or. en

Amendment 11

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on behalf of the ENF Group

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(COM(2018)0636 – C8-0413/2018 – 2018/0336(COD))

Proposal for a regulation**Article 1 – paragraph 1 – point 3**

Regulation (EU, Euratom) No 1141/2014
Article 10a

*Text proposed by the Commission**Amendment*

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.

1. A European political party or a European political foundation shall not deliberately infringe data protection rules in the context of elections to the European Parliament.

2. If the Authority *is informed* of a decision *under Article 58(2)(i) of Regulation (EU) 2016/679 of the European Parliament and of the Council* 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 Council finding that a European political party or a European political foundation *infringed applicable rules on the protection of personal data*, the Authority shall refer this matter to the committee of independent eminent persons established by Article 11. *The Authority may liaise with the national supervisory authority concerned, if necessary.*

3. The committee shall give an opinion as to whether the European political party or the European political foundation concerned has *committed this infringement in the context of the* elections to the European Parliament. The Authority shall request the opinion without undue delay and no later than 1 month after *being informed of* the decision of the supervisory authority. The committee shall deliver its opinion within a short, reasonable deadline set by the Authority. *The Authority and the Committee shall respect the confidentiality of exchanges in accordance with the presumption of innocence principle.*

4. *Having regard to the committee's opinion, the Authority shall decide, pursuant to Article 27(2)(a)(vii), 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).

Or. en

Amendment 12

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Protection of personal data in the context of elections to the European Parliament
(COM(2018)0636 – C8-0413/2018 – 2018/0336(COD))

Proposal for a regulation**Article 1 – paragraph 1 – point 4**

Regulation (EU, Euratom) No 1141/2014

Article 11(3) – first subparagraph – second sentence

*Text proposed by the Commission**Amendment*

When requested by the Authority, the committee shall give an opinion on whether a European political party or a European political foundation has ***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. ***In both cases*** the committee may request any relevant document and evidence from the Authority, the European Parliament, the European political party or European political foundation concerned, other political parties, political foundations or other stakeholders, and it may request to hear their representatives. In the case of opinions on whether a European political party or a European political foundation has ***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, the supervisory authorities referred to in the Article 10(a) shall cooperate with the committee in accordance with applicable law.

When requested by the Authority, the committee shall give an opinion on whether a European political party or a European political foundation has ***committed*** an infringement of the rules on the protection of personal data ***in the context of the elections to the European Parliament***. The committee may request any relevant document and evidence from the Authority, the European Parliament, the European political party or European political foundation concerned, other political parties, political foundations or other stakeholders, and it may request to hear their representatives. In the case of opinions on whether a European political party or a European political foundation has ***committed*** an infringement of the rules on the protection of personal data ***in the context of the elections to the European Parliament*** the supervisory authorities referred to in the Article 10(a) shall cooperate with the committee in accordance with applicable law. ***All the communications shall respect the confidentiality of exchanges with regard to the principle of the presumption of innocence.***

Or. en

Amendment 13

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(COM(2018)0636 – C8-0413/2018 – 2018/0336(COD))

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**Amendment*

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

(vii) where, in accordance with ***the verification procedure provided for in*** Article 10a, ***it is established*** that a European political party or a European political foundation has ***committed*** an infringement of the rules on the protection of personal data ***in the context of the elections to the European Parliament.***;

Or. en

Amendment 14

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Protection of personal data in the context of elections to the European Parliament
(COM(2018)0636 – C8-0413/2018 – 2018/0336(COD))

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**Amendment*

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***.

7. Where ***all national remedies against*** a decision of the ***national*** supervisory authority as referred to in Article 10a ***have been exhausted***, the Authority shall ***apply*** any sanction imposed pursuant to point (a)(vii) of paragraph 2."

Or. en