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| European Parliament2014-2019 |  |

Plenary sitting

<NoDocSe>A8-0070/2019</NoDocSe>

<Date>{07/02/2019}7.2.2019</Date>

<RefProcLect>\*\*\*</RefProcLect>

<TitreType>RECOMMENDATION</TitreType>

<Titre>on the draft Council decision authorising Member States to ratify, in the interest of the European Union, the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data</Titre>

<DocRef>(10923/2018 – C8‑0440/2018 – 2018/0238(NLE))</DocRef>

<Commission>{LIBE}Committee on Civil Liberties, Justice and Home Affairs</Commission>

Rapporteur: <Depute>József Nagy

</Depute>

PR\_NLE-AP\_Agreement

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| Symbols for procedures |
|  \* Consultation procedure \*\*\* Consent procedure \*\*\*I Ordinary legislative procedure (first reading) \*\*\*II Ordinary legislative procedure (second reading) \*\*\*III Ordinary legislative procedure (third reading)(The type of procedure depends on the legal basis proposed by the draft act.) |

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council decision authorising Member States to ratify, in the interest of the European Union, the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data

(10923/2018 – C8‑0440/2018 – 2018/0238(NLE))

(Consent)

*The European Parliament*,

– having regard to the draft Council decision (10923/2018),

– having regard to the request for consent submitted by the Council in accordance with Article 16 and Article 218(6), second subparagraph, point (a)(v) of the Treaty on the Functioning of the European Union (C8-0440/2018),

– having regard to the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No 108) (CETS: 223),

– having regard to Rule 99(1) and (4) and Rule 108(7) of its Rules of Procedure,

– having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0070/2019),

1. Gives its consent to the draft Council decision;

2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and to the Council of Europe.

EXPLANATORY STATEMENT

1. The core principles enshrined in the Council of Europe Convention 108 have stood the test of time and proved their strength, efficiency and success by having served as a basis for data protection law in over 40 countries. However, it is time to reply to the privacy challenges created by the digital era, including those resulting from the use of new information and communication technologies.

2. The aim of the amending protocol is the modernisation and harmonisation of Convention 108 to better address emerging privacy challenges and to strengthen its application.

3. The amending protocol was prepared in parallel with the European data protection reform package in order to ensure consistency between the instruments. As a result, the Convention mirrors the Union data protection legislative framework, such as the GDPR and the Police-Directive.

4. Convention 108 plays a crucial role in spreading the ‘European data protection model’ globally as it is often used as a source of inspiration by countries which consider adopting new privacy legislation or harmonising privacy law with international standards. A higher level of protection will facilitate the exchange of personal data based on appropriate safeguards.

5. Moreover, increasing the data protection standards of the Convention will facilitate data flows between the EU and the non-EU Parties to the Convention. This is also recognised by the GDPR which defines the accession to and implementation of Convention 108 and its additional protocol as an important criterion in the assessment of whether a third country meets the necessary conditions for international transfers stipulated in EU law with a view to declaring the adequacy of that third country’s data protection legal framework.

6. The amending protocol introduces the possibility for the Union and other international organisations to become a Party to the Convention 108.

7. Therefore, the Rapporteur recommends that the Members of Parliament’s Committee on Civil Liberties, Justice and Home Affairs support this report and that the European Parliament gives the Council its consent to authorise Member States to ratify, in the interest of the European Union, the Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data.

PROCEDURE – COMMITTEE RESPONSIBLE

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| **Title** | Protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108) |
| **References** | 10923/2018 – C8-0440/2018 – COM(2018)0451 – 2018/0238(NLE) |
| **Date of consultation / request for consent** | 17.10.2018 |  |  |  |
| **Committee responsible**       Date announced in plenary | LIBE25.10.2018 |  |  |  |
| **Committees asked for opinions**       Date announced in plenary | EMPL25.10.2018 | ITRE25.10.2018 | IMCO25.10.2018 | JURI25.10.2018 |
| **Not delivering opinions**       Date of decision | EMPL12.7.2018 | ITRE19.6.2018 | IMCO19.6.2018 | JURI9.7.2018 |
| **Rapporteurs**       Date appointed | József Nagy3.5.2017 |  |  |  |
| **Discussed in committee** | 23.1.2019 | 4.2.2019 |  |  |
| **Date adopted** | 4.2.2019 |  |  |  |
| **Result of final vote** | +:–:0: | 4400 |
| **Members present for the final vote** | Asim Ademov, Michał Boni, Daniel Dalton, Rachida Dati, Laura Ferrara, Romeo Franz, Kinga Gál, Ana Gomes, Filiz Hyusmenova, Sophia in ‘t Veld, Eva Joly, Dietmar Köster, Cécile Kashetu Kyenge, Roberta Metsola, Claude Moraes, József Nagy, Péter Niedermüller, Judith Sargentini, Giancarlo Scottà, Helga Stevens, Traian Ungureanu, Josef Weidenholzer, Kristina Winberg |
| **Substitutes present for the final vote** | Carlos Coelho, Dennis de Jong, Gérard Deprez, Anna Hedh, Lívia Járóka, Petr Ježek, Sylvia-Yvonne Kaufmann, Maite Pagazaurtundúa Ruiz, Barbara Spinelli, Axel Voss |
| **Substitutes under Rule 200(2) present for the final vote** | Birgit Collin-Langen, Pascal Durand, Stefan Eck, Stefan Gehrold, Françoise Grossetête, John Howarth, Ramón Jáuregui Atondo, Paul Rübig, Julie Ward, Tiemo Wölken, Gabriele Zimmer |
| **Date tabled** | 7.2.2019 |

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

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| **44** | **+** |
| ALDE | Gérard Deprez, Filiz Hyusmenova, Sophia in 't Veld, Petr Ježek, Maite Pagazaurtundúa Ruiz |
| ECR | Daniel Dalton, Helga Stevens, Kristina Winberg |
| EFDD | Laura Ferrara |
| ENF | Giancarlo Scottà |
| GUE/NGL | Stefan Eck, Dennis de Jong, Barbara Spinelli, Gabriele Zimmer |
| PPE | Asim Ademov, Michał Boni, Carlos Coelho, Birgit Collin-Langen, Rachida Dati, Kinga Gál, Stefan Gehrold, Françoise Grossetête, Lívia Járóka, Roberta Metsola, József Nagy, Paul Rübig, Traian Ungureanu, Axel Voss |
| S&D | Ana Gomes, Anna Hedh, John Howarth, Ramón Jáuregui Atondo, Sylvia-Yvonne Kaufmann, Dietmar Köster, Cécile Kashetu Kyenge, Claude Moraes, Péter Niedermüller, Julie Ward, Josef Weidenholzer, Tiemo Wölken |
| VERTS/ALE | Pascal Durand, Romeo Franz, Eva Joly, Judith Sargentini |

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| **0** | **-** |
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| **0** | **0** |
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Key to symbols:

+ : in favour

- : against

0 : abstention