



2013/0256(COD)

5.9.2017

AMENDMENTS

187 - 418

Draft report

Axel Voss

(PE606.167v02-00)

EU Agency for Criminal Justice Cooperation (Eurojust)

Proposal for a regulation

(COM(2013)0535 – C7-0240/2013 – 2013/0256(COD))

Amendment 187

Auke Zijlstra, Harald Vilimsky, Janice Atkinson, Gilles Lebreton, Nicolas Bay
on behalf of the ENF Group

Proposal for a regulation

—

Proposal for rejection

***The European Parliament rejects the
Commission proposal.***

Or. en

Justification

Taking into consideration that Eurojust has failed in its coordinating role, particularly in the field of terrorism, and the lack of added value at European level with this structure which also includes provisions for the European Prosecutor's Office that are not agreed upon at Member States' level, it is not respecting the principle of subsidiarity and should be rejected.

Amendment 188

Gilles Lebreton, Nicolas Bay, Janice Atkinson, Auke Zijlstra, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

***(4) Since the European Public
Prosecutor's Office should be established
from Eurojust, this Regulation includes
the provisions necessary to regulate the
relations between Eurojust and the
European Public Prosecutor's Office.***

deleted

Or. en

Amendment 189

Lorenzo Fontana

Proposal for a regulation

Recital 4

Text proposed by the Commission

Amendment

(4) Since the European Public Prosecutor's Office should be established from Eurojust, this Regulation includes the provisions necessary to regulate the relations between Eurojust and the European Public Prosecutor's Office.

deleted

Or. it

Amendment 190

Eva Joly

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) Whilst the European Public Prosecutor's Office should have exclusive competence to investigate and prosecute crimes affecting the Union's financial interests, Eurojust should be able to support national authorities when they are investigating and prosecuting these forms of crime in accordance with the Regulation establishing the European Public Prosecutor's Office.

deleted

Or. en

Amendment 191

Lorenzo Fontana

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) Whilst the European Public Prosecutor's Office should have exclusive competence to investigate and prosecute crimes affecting the Union's financial

deleted

interests, Eurojust should be able to support national authorities when they are investigating and prosecuting these forms of crime in accordance with the Regulation establishing the European Public Prosecutor's Office.

Or. it

Amendment 192

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) Whilst the European Public Prosecutor's Office should have exclusive competence to investigate and prosecute crimes affecting the Union's financial interests, Eurojust should be able to *support national authorities when they are investigating* and prosecuting these forms of crime *in accordance with the Regulation establishing the European Public Prosecutor's Office.*

Amendment

(5) Whilst the European Public Prosecutor's Office should have exclusive competence to investigate and prosecute crimes affecting the Union's financial interests, Eurojust should be able to *exercise its competence in cases involving one or more Member States that do not participate in the European Public Prosecutor's Office and in cases involving Member States that participate in the European Public Prosecutor's Office but for which the European Public Prosecutor's Office does not exercise its competence. To this end, Eurojust should, in particular, be able to support national authorities when they are investigating and prosecuting these forms of crime. Within the context of those cases, Eurojust should exercise its competence at the request of the Member States concerned, the European Public Prosecutor's Office or on its own initiative but always in conjunction with the European Public Prosecutor's Office.*

Or. fr

Justification

The purpose here is to clarify the division of competence between Eurojust and the European Public Prosecutor's Office, especially with regard to States that do not participate in the European Public Prosecutor's Office.

Amendment 193

Dennis de Jong

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) ***Whilst*** the European Public Prosecutor's Office ***should have exclusive competence to investigate and prosecute*** crimes affecting the Union's financial interests, Eurojust should be able to support national authorities when they are investigating and prosecuting these forms of crime in accordance with the Regulation establishing the European Public Prosecutor's Office.

Amendment

(5) ***As*** the European Public Prosecutor's Office ***is established by enhanced co-operation, the Regulation implementing enhanced co-operation on the establishment of the European Prosecutor's Office is binding only for those Member States that participate in enhanced co-operation. Therefore, for those Member States not participating in the European Public Prosecutor's Office, Eurojust remains fully competent*** for crimes affecting the Union's financial interests. ***For those Member States participating in the European Prosecutor's Office,*** Eurojust should be able to support national authorities when they are investigating and prosecuting these forms of crime in accordance with the Regulation establishing the European Public Prosecutor's Office.

Or. en

Amendment 194

Gilles Lebreton, Nicolas Bay, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) ***Whilst the European Public***

Amendment

(5) Eurojust should be able to support

Prosecutor's Office should have exclusive competence to investigate and prosecute crimes affecting the Union's financial interests, Eurojust should be able to support national authorities when they are investigating and prosecuting **these forms of crime in accordance with the Regulation establishing the European Public Prosecutor's Office.**

national authorities when they are investigating and prosecuting **crimes affecting the Union's financial interests**

Or. en

Amendment 195

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) ***Whilst*** the European Public Prosecutor's Office should have exclusive competence to investigate and prosecute crimes affecting the Union's financial interests, ***Eurojust should be able to support national authorities when they are investigating and prosecuting these forms of crime in accordance with the Regulation establishing the European Public Prosecutor's Office.***

Amendment

(5) The European Public Prosecutor's Office should have exclusive competence to investigate and prosecute crimes affecting the Union's financial interests. ***However, given the specific structure of the European Public Prosecutor's Office and the limited extent to which Member States participate in it, it is necessary to review the competences and role of Eurojust with a view to ensuring cooperation between all Member States to effectively prosecute crimes affecting the Union's financial interests.***

Or. it

Amendment 196

Eva Joly

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Considering the creation of the

European Public Prosecutor's Office by means of an enhanced cooperation, the division of competences between that Office and Eurojust with respect to crimes affecting the financial interests of the Union needs to be clearly established. Eurojust should be able to exercise its competence in such cases where they involve both Member States participating in enhanced cooperation on the establishment of the European Public Prosecutor's Office and Members States which do not. In such cases, Eurojust should act at the request of those non-participating Member States or at the request of the European Public Prosecutor's Office. Eurojust remains in any case competent for offences affecting the financial interest of the Union whenever the European Public Prosecutor's Office is not competent or, being competent, does not exercise its competence. The Members States which do not participate in enhanced cooperation on the establishment of the European Public Prosecutor's Office may continue to request Eurojust's support in all cases regarding offences affecting the financial interest of the Union

Or. en

Amendment 197

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The European Public Prosecutor's Office and Eurojust should develop close operational cooperation in line with their respective mandates. That cooperation should be triggered at the request of the European Public Prosecutor's Office, and may relate to any investigation conducted

by the European Public Prosecutor's Office which necessitates an exchange of information or coordination of the investigation on matters where Eurojust has responsibility. The operational cooperation may also involve third countries that have a cooperation agreement with Eurojust.

Or. it

Amendment 198

Maria Grapini

Proposal for a regulation

Recital 12

Text proposed by the Commission

12. It is necessary to provide Eurojust with an administrative and management structure that allows it to perform its tasks more effectively and respects the principles applicable to Union agencies whilst maintaining Eurojust's special characteristics and safeguarding its independence in the exercise of its operational functions. To this end, the functions of the national members, the College and the Administrative Director should be clarified and an Executive Board established.

Amendment

12. It is necessary to provide Eurojust with an administrative and management structure that allows it to perform its tasks more effectively and respects the principles applicable to Union agencies whilst maintaining Eurojust's special characteristics and safeguarding its independence in the exercise of its operational functions. To this end, the functions of the national members, the College and the Administrative Director should be clarified and an Executive Board established. *The operational tasks of Eurojust should fully reflect the new concept of Article 85 TFEU by regulating in detail the procedure for opening prosecutions by Eurojust and settling conflicts of exercise of jurisdiction.*

Or. ro

Amendment 199

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Recital 12

Text proposed by the Commission

Amendment

(12) It is necessary to provide Eurojust with an administrative and management structure that allows it to perform its tasks more effectively and respects the principles applicable to Union agencies whilst maintaining Eurojust's special characteristics and safeguarding its independence in the exercise of its operational functions. To this end, the functions of the national members, the College and the Administrative Director should be clarified and an Executive Board established.

(12) It is necessary to provide Eurojust with an administrative and management structure that allows it to perform its tasks more effectively and respects the principles applicable to Union agencies ***as set out in the joint statement of the European Parliament, the Council and the Commission on decentralised agencies of the Union of 19 July 2012***, whilst maintaining Eurojust's special characteristics and safeguarding its independence in the exercise of its operational functions. To this end, the functions of the national members, the College and the Administrative Director should be clarified and an Executive Board established.

Or. it

Amendment 200
Lorenzo Fontana

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) The Commission should be represented in the College when it exercises its management functions and in the Executive Board, to ensure non-operational supervision and strategic guidance of Eurojust.

deleted

Or. it

Amendment 201
Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation
Recital 18

(18) Eurojust national coordination systems should be set up in the Member States to coordinate the work carried out by the national correspondents for Eurojust, the national correspondent for Eurojust for terrorism matters, the national correspondent for the European Judicial Network and up to three other contact points, as well as representatives in the Network for Joint Investigation Teams and of the networks set up by Council Decision 2002/494/JHA of 13 June 2002 setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes¹⁰, Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to crime¹¹ and by Council Decision 2008/852/JHA of 24 October 2008 on a contact-point network against corruption¹².

(18) Eurojust national coordination systems should be set up in the Member States to coordinate the work carried out by the national correspondents for Eurojust, the national correspondent for Eurojust for terrorism matters, the national correspondent ***for Eurojust for issues relating to the competence of the European Public Prosecutor's Office designated by the Member States that do not participate in the European Public Prosecutor's Office, the national correspondent*** for the European Judicial Network and up to three other contact points, as well as representatives in the Network for Joint Investigation Teams and of the networks set up by Council Decision 2002/494/JHA of 13 June 2002 setting up a European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes¹⁰, Council Decision 2007/845/JHA of 6 December 2007 concerning cooperation between Asset Recovery Offices of the Member States in the field of tracing and identification of proceeds from, or other property related to crime¹¹ and by Council Decision 2008/852/JHA of 24 October 2008 on a contact-point network against corruption¹².

¹⁰ OJ L 167, 26.6.2002, p. 1

¹¹ OJ L 332, 18.12.2007, p. 103.

¹² OJ L 301, 12.11.2008, p. 38.

¹⁰ OJ L 167, 26.6.2002, p. 1

¹¹ OJ L 332, 18.12.2007, p. 103.

¹² OJ L 301, 12.11.2008, p. 38.

Or. fr

Justification

Given that not all Member States will participate in the European Public Prosecutor's Office, a PFI correspondent should be appointed in those states to guarantee the highest possible level of protection for the European Union's financial interests.

Amendment 202

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Miltiadis Kyrkos, Caterina Chinnici, Ana Gomes

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) For the purposes of stimulating and strengthening coordination and cooperation between national investigating and prosecuting authorities it is crucial that Eurojust receives relevant information from national authorities necessary for the performance of its tasks. To this end, national competent authorities should inform their national members of the setting up and results of joint investigation teams, of cases under the competence of Eurojust directly involving at least three Member States and for which requests or decisions on judicial cooperation have been transmitted to at least two Member States, as well as, under certain circumstances, information on conflicts of jurisdiction, controlled deliveries and repeated difficulties in judicial cooperation.

Amendment

(19) For the purposes of stimulating and strengthening coordination and cooperation between national investigating and prosecuting authorities it is crucial that Eurojust receives relevant information from national authorities necessary for the performance of its tasks. To this end, national competent authorities should ***be obliged, within a clear deadline, to*** inform their national members of the setting up and results of joint investigation teams, of cases under the competence of Eurojust directly involving at least three Member States and for which requests or decisions on judicial cooperation have been transmitted to at least two Member States, as well as, under certain circumstances, information on conflicts of jurisdiction, controlled deliveries and repeated difficulties in judicial cooperation.

Or. en

Amendment 203

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) For the purposes of stimulating and strengthening coordination and cooperation between national investigating and prosecuting authorities it is crucial that Eurojust receives relevant information from national authorities necessary for the performance of its tasks. To this end,

Amendment

(19) For the purposes of stimulating and strengthening coordination and cooperation between national investigating and prosecuting authorities it is crucial that Eurojust receives relevant information from national authorities necessary for the performance of its tasks. To this end,

national competent authorities should inform their national members of the setting up and results of joint investigation teams, of cases under the competence of Eurojust directly involving at least **three** Member States and for which requests or decisions on judicial cooperation have been transmitted to at least two Member States, as well as, under certain circumstances, information on conflicts of jurisdiction, controlled deliveries and repeated difficulties in judicial cooperation.

national competent authorities should inform their national members of the setting up and results of joint investigation teams, of cases under the competence of Eurojust directly involving at least **two** Member States and for which requests or decisions on judicial cooperation have been transmitted to at least two Member States, as well as, under certain circumstances, information on conflicts of jurisdiction, controlled deliveries and repeated difficulties in judicial cooperation.

Or. en

Amendment 204

Eva Joly

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) ***Whilst*** the processing of personal data at Eurojust falls under the scope of Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹³, the processing of personal data by the Member State's authorities and the transfer of such data to Eurojust ***are covered by*** the Council of ***Europe Convention 108 [to be replaced by the relevant Directive in force at the moment of adoption]***.

Amendment

(20) The processing of personal data at Eurojust falls under the scope of Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹³. The processing of personal data by the Member State's authorities and the transfer of such data to Eurojust ***falls under the scope of Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. Any processing of personal data carried out by***

the Member State's authorities that does not fall under the scope of Directive (EU) 2016/680, and the transfer of such data to Eurojust, should be in accordance with the General Data Protection Regulation (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) .

¹³ OJ L 8, 12.1.2001, p. 1

¹³ OJ L 8, 12.1.2001, p. 1

Or. en

Justification

Data protection rules need to be updated in accordance with the General Data Protection Regulation and the Police Data Protection Directive.

Amendment 205

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Miltiadis Kyrkos, Caterina Chinnici, Ana Gomes

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) *Whilst the processing of personal data at Eurojust falls under the scope of Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data¹³, the processing of personal data by the Member State's authorities and the transfer of such data to Eurojust are covered by the Council of Europe Convention 108 [to be replaced by the relevant Directive in force at the moment of adoption].*

Amendment

(20) *Following the adoption in April 2016 of Regulation (EU) 2016/679 ('the General Data Protection Regulation') and Directive (EU) 2016/680 ('the Police Directive), the Commission has proposed a Regulation on the 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)8 final) which will repeal current Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of*

personal data by the Community institutions and bodies and on the free movement of such data¹³. The processing of personal data **at Eurojust** and the transfer of such data **by Eurojust should fall under the scope of the revised Regulation repealing Regulation (EC) 45/2001. The processing of personal data by the Member State's authorities and the transfer of such data to Eurojust are covered by the 'Police Directive'.**

¹³ OJ L 8, 12.1.2001, p. 1

¹³ OJ L 8, 12.1.2001, p. 1

Or. en

Amendment 206

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Caterina Chinnici, Ana Gomes

Proposal for a regulation Recital 21

Text proposed by the Commission

Amendment

(21) When Eurojust transfers personal data to an authority of a third country or to an international organisation or Interpol by virtue of an international agreement concluded pursuant to Article 218 of the Treaty the adequate safeguards adduced with respect to the protection of privacy and fundamental rights and freedoms of individuals have to ensure that the data protection provisions of this Regulation are complied with.

deleted

Or. en

Justification

Provisions on data transfers to third countries and international organisations are included within the amendments tabled to the Chapter on Data Protection Safeguards

Amendment 207

Eva Joly

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) When Eurojust transfers personal data to an authority of a third country or to an international organisation *or* Interpol by virtue of an international agreement concluded pursuant to Article 218 of the Treaty *the adequate safeguards adduced with respect to the protection of privacy and fundamental rights and freedoms of individuals have to ensure that the data protection provisions of this Regulation are complied with.*

Amendment

(21) When Eurojust transfers personal data to an authority of a third country or to an international organisation, **including** Interpol, by virtue of an international agreement concluded pursuant to Article 218 of the Treaty, **it should** respect **Union law on data transfers, including the safeguards in Directive (EU) 2016/680 or Regulation (EU) 2016/679.**

Or. en

Justification

The GDPR and the Police Data Protection Directive have specific chapters dealing with transfers of personal data outside the Union.

Amendment 208

Eva Joly

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Eurojust should be given the opportunity to extend the deadlines for storage of personal data, subject to observance of the purpose limitation principle applicable to processing of personal data in the context of all activities of Eurojust, in order to achieve its objectives. Such decisions should be taken following careful consideration of all interests at stake, including those of the data subjects. Any extension of deadlines for processing personal data, where prosecution is statute barred in all Member

Amendment

(23) Eurojust should be given the opportunity to extend the deadlines for storage of personal data, subject to observance of the purpose limitation principle applicable to processing of personal data in the context of all activities of Eurojust, in order to achieve its objectives. Such decisions should be taken following careful consideration of all interests at stake, including those of the data subjects. Any extension of deadlines for processing personal data, where prosecution is statute barred in all Member

States concerned, should be decided only where there is a specific need to provide assistance under this Regulation.

States concerned, should be *formally* decided, *with giving reasons, and* only where there is a specific *and clearly justifiable* need to provide assistance under this Regulation.

Or. en

Amendment 209

Maria Grapini

Proposal for a regulation

Recital 25

Text proposed by the Commission

25. Eurojust should maintain cooperative relations with other Union bodies and agencies, with the European Public Prosecutor's Office, with the competent authorities of third countries as well as with international organisations, to the extent required for the accomplishment of its tasks.

Amendment

25. Eurojust should maintain cooperative relations with other Union bodies and agencies, with the European Public Prosecutor's Office, with the competent authorities of third countries as well as with international organisations, to the extent required for the accomplishment of its tasks. *If the European Public Prosecutor's Office is established through enhanced cooperation, it is necessary to avoid a deficiency of competences of the agency for the Member States which will not take part in that cooperation, in so far as Eurojust, as with the European Public Prosecutor's Office, does not have the competence to carry out prosecutions or open prosecutions in cases of fraud.*

Or. ro

Amendment 210

Lorenzo Fontana

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) Eurojust should maintain

Amendment

(25) Eurojust should maintain

cooperative relations with other Union bodies and agencies, with ***the European Public Prosecutor's Office***, with the competent authorities of third countries as well as with international organisations, to the extent required for the accomplishment of its tasks.

cooperative relations with other Union bodies and agencies, with the competent authorities of third countries as well as with international organisations, to the extent required for the accomplishment of its tasks.

Or. it

Amendment 211

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Miltiadis Kyrkos, Caterina Chinnici, Ana Gomes

Proposal for a regulation Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Specifically as regards the European Public Prosecutor's Office ('EPPO'), Eurojust should retain a residual competence for offences laid down in the PIF Directive, where the EPPO is not competent; where the EPPO is competent but does not exercise its competence; where Member States which are not participating in the EPPO seek support from Eurojust, and where the EPPO itself seeks the support of Eurojust. In addition, an ongoing competence for Eurojust in respect of offences for which the EPPO will ultimately be competent should be ensured, until such time as the EPPO is set up and has assumed the tasks conferred on it in Regulation [implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office].

Or. en

Justification

This new recital is intended to reflect the changes proposed to Article 3 regarding the competences of Eurojust.

Amendment 212
Maria Grapini

Proposal for a regulation
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) It is necessary to avoid duplicating tasks and reducing the efficiency of Eurojust, if the transfer of resources for the future European Public Prosecutor's Office turns out to be unbalanced, given the possibility that competences could be duplicated in the mixed cases where Eurojust might provide assistance to settle jurisdiction conflicts;

Or. ro

Amendment 213
Eva Joly

Proposal for a regulation
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) The European Public Prosecutor should have the right to participate in all Eurojust meetings provided that matters which the Prosecutor considers relevant to the functioning of the European Public Prosecutor's Office are discussed.

Or. en

Amendment 214
Eva Joly

Proposal for a regulation
Recital 26

Text proposed by the Commission

Amendment

(26) To enhance operational cooperation between Eurojust and Europol, and particularly to establish links between data already in the possession of either body, Eurojust should enable Europol to have access to and be able to search against data available at Eurojust.

(26) To enhance operational cooperation between Eurojust and Europol, and particularly to establish links between data already in the possession of either body, Eurojust should enable Europol to have access to and be able to search against data available at Eurojust, ***and reciprocally, in conformity with their respective mandates, and in full respect of data protection rules and in particular the principle of purpose limitation. Any access to data should be limited to information falling within the respective mandates of those Union bodies and be subject to appropriate safeguards.***

Or. en

Amendment 215

Gilles Lebreton, Nicolas Bay, Janice Atkinson, Auke Zijlstra, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Recital 27

Text proposed by the Commission

Amendment

(27) ***Eurojust should be able to exchange personal data with other Union bodies to the extent necessary for the accomplishment of its tasks.***

deleted

Or. en

Amendment 216

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Recital 28

Text proposed by the Commission

Amendment

(28) Provision should be made for Eurojust to post liaison magistrates to third

(28) ***Eurojust should enhance its cooperation with competent authorities in***

countries in order to achieve objectives similar to those assigned to liaison magistrates seconded by the Member States on the basis of Council Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union¹⁴.

¹⁴ OJ L 105, 27.4.1996, p. 1

third countries and international organisations on the basis of a strategy drawn up in conjunction with the Commission. For that purpose, provision should be made for Eurojust to post liaison magistrates to third countries in order to achieve objectives similar to those assigned to liaison magistrates seconded by the Member States on the basis of Council Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union¹⁴.

¹⁴ OJ L 105, 27.4.1996, p. 1

Or. fr

Amendment 217 **Lorenzo Fontana**

Proposal for a regulation **Recital 28**

Text proposed by the Commission

(28) Provision ***should*** be made for Eurojust to post liaison magistrates to third countries in order to achieve objectives similar to those assigned to liaison magistrates seconded by the Member States on the basis of Council Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union¹⁴.

¹⁴ OJ L 105, 27.4.1996, p. 1.

Amendment

(28) Provision ***must*** be made for Eurojust to post liaison magistrates to third countries in order to achieve objectives similar to those assigned to liaison magistrates seconded by the Member States on the basis of Council Joint Action 96/277/JHA of 22 April 1996 concerning a framework for the exchange of liaison magistrates to improve judicial cooperation between the Member States of the European Union¹⁴.

¹⁴ OJ L 105, 27.4.1996, p. 1.

Or. it

Amendment 218

Gilles Lebreton, Nicolas Bay, Janice Atkinson, Auke Zijlstra, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Recital 34

Text proposed by the Commission

Amendment

(34) Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)¹⁶ should apply to Eurojust.

deleted

¹⁶ OJ L 136, 31.5.1999, p.1.

Or. en

Amendment 219

Dennis de Jong

Proposal for a regulation

Recital 34

Text proposed by the Commission

Amendment

(34) Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)¹⁶ should apply to Eurojust.

(34) Co-operation between the European Anti-Fraud Office (OLAF) and Eurojust should be governed by Article 14 of Regulation (EC) No 883/2013 of the European Parliament and of the Council concerning investigations conducted by OLAF;

¹⁶ OJ L 136, 31.5.1999, p.1.

Or. en

Amendment 220

Maria Grapini

Proposal for a regulation

Recital 36 a (new)

Text proposed by the Commission

Amendment

(36a) The relationships with the European Judicial networks need to be clarified, in particular with the European Judicial Network on criminal matters, and the autonomy of their secretariats within the administration of Eurojust needs to be defined.

Or. ro

Amendment 221

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. The European Union Agency for Criminal Justice Cooperation (Eurojust) is hereby established.

(Does not affect English version.)

Or. fr

Justification

(Does not affect English version.)

Amendment 222

Eva Joly

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States, or requiring a prosecution on common bases, on the basis of operations conducted and information

1. Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States, or requiring a prosecution on common bases, on the basis of operations conducted and information

supplied by the Member States' authorities and by Europol.

supplied by the Member States' authorities, ***by the European Public Prosecutor's Office***, and by Europol.

Or. en

Amendment 223

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

1. Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States, or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities ***and by Europol.***

Amendment

1. Eurojust shall support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States, or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities, ***the EPPO, Europol and OLAF.***

Or. en

Amendment 224

Gilles Lebreton, Nicolas Bay, Janice Atkinson, Auke Zijlstra, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Article 2 – paragraph 3

Text proposed by the Commission

3. Eurojust shall exercise its tasks at the request of the competent authorities of the Member States ***or on its own initiative.***

Amendment

3. Eurojust shall exercise its tasks at the request of the competent authorities of the Member States.

Or. en

Amendment 225

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Eurojust's competence shall cover the forms of crime listed in Annex 1. ***However, its competence shall not include the crimes*** for which the European Public Prosecutor's Office is competent.

Amendment

1. Eurojust's competence shall cover the forms of crime listed in Annex 1. ***The forms of crime*** for which the European Public Prosecutor's Office is competent ***shall not fall within the competence of Eurojust, but this shall only apply where they involve members participating in the European Public Prosecutor's Office. Where they involve Member States not participating in the European Public Prosecutor's Office, or third countries, at the request of the European Public Prosecutor's Office or a Member State, Eurojust may, through the national members:***
(a) share information, including personal data, relating to ongoing investigations, in accordance with the provisions of this Regulation;
(b) provide support in forwarding decisions of the European Public Prosecutor's Office or requests for assistance and execution in Member States which are members of Eurojust but which are not part of the European Public Prosecutor's Office, or in third countries.

Or. it

Amendment 226

Eva Joly

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Eurojust's competence shall cover the forms of crime listed in Annex 1. However, its competence ***shall not include***

Amendment

1. Eurojust's competence shall cover the forms of crime listed in Annex 1. However, ***Eurojust shall not exercise its***

the crimes for which the European Public Prosecutor's Office is competent.

competence with regard to crimes for which the European Public Prosecutor's Office exercises its competence, except in cases also involving Member States participating in enhanced cooperation, but in respect of which the European Public Prosecutor's Office does not exercise its competence, or involving Member States which do not participate in enhanced cooperation on the establishment of that Office. To this end, Eurojust, the European Public Prosecutor's Office and the Member States concerned shall consult and cooperate with each other. The practical details on the exercise of competence in accordance with this paragraph shall be regulated by a working arrangement as referred to in Article 38(2a).

Or. en

Amendment 227

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Miltiadis Kyrkos, Caterina Chinnici, Ana Gomes

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

1. Eurojust's competence shall cover the *forms of crime* listed in Annex 1. However, *its competence* shall *not include the crimes for which the European Public Prosecutor's Office is competent.*

Amendment

1. *Until the date when the European Public Prosecutor's Office ('EPPO') has assumed its investigative and prosecutorial tasks conferred on it in accordance with Article 75 of Regulation implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office, Eurojust's competence shall cover the criminal offences listed in Annex 1. However, from the date the EPPO assumes its tasks, Eurojust shall only be competent in cases where the EPPO is competent but does not exercise its competence; where Member States which are not participating the EPPO seek support from*

Eurojust, and where the EPPO itself seeks the support of Eurojust.

Or. en

Justification

It is important to be clear that Eurojust remains competent for all PIF offences for all Member States until such time as the EPPO is setup and assumes its tasks in accordance with Article 75 on the draft Regulation establishing the EPPO.

Amendment 228

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 3 – paragraph 1

Text proposed by the Commission

1. Eurojust's competence shall cover the forms of crime listed in Annex 1. However, its competence shall not include the crimes for which the European Public Prosecutor's Office is competent.

Amendment

1. **a)** Eurojust's competence shall cover the forms of crime listed in Annex 1. However, its competence shall not include the crimes for which the European Public Prosecutor's Office is competent.
b) For forms of crime over which the European Public Prosecutor's Office exercises its competence, Eurojust shall only exercise its competence:
- in cases involving one or more Member States that do not participate in the European Public Prosecutor's Office and,
- in cases involving Member States that participate in the European Public Prosecutor's Office but for which the European Public Prosecutor's Office does not exercise its competence.

Or. fr

Justification

The purpose here is to clarify the division of competence between Eurojust and the European Public Prosecutor's Office, especially with regard to States that do not participate in the European Public Prosecutor's Office.

Amendment 229

Dennis de Jong

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

1. Eurojust's competence shall cover the forms of crime listed in Annex 1. However, ***its competence shall not include the crimes for which*** the European Public Prosecutor's Office ***is competent***.

Amendment

1. Eurojust's competence shall cover the forms of crime listed in Annex 1. However, ***with regard to the forms of crime affecting the Union's financial interests, Eurojust remains fully competent only for those Member States not participating in the European Public Prosecutor's Office. In addition, for those Member States participating in the*** the European Public Prosecutor's Office, ***Eurojust shall still be able to support national authorities when they are investigating and prosecuting these forms of crime in accordance with the Regulation establishing the European Public Prosecutor's Office.***

Or. en

Amendment 230

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Miltiadis Kyrkos, Caterina Chinnici, Ana Gomes

Proposal for a regulation
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Eurojust shall remain competent:
(a) for offences laid down in Directive EU/2017/1371 of the European Parliament and of the Council of 5 July 2017 on the Fight against Fraud to the Union's Financial Interests by means of Criminal Law ('the PIF Directive'), insofar as the EPPO is not competent or does not exercise its competence;
(b) in cases regarding offences laid down in the PIF Directive, for requests from

Member States which are not participating in the EPPO;

(c) in cases involving both participating Member States and Member States which are not participating in the EPPO, for requests from those Member States which are not participating in the EPPO and for requests from the EPPO itself.

Or. en

Justification

Since Eurojust will have a residual competence for PIF offences which results from the enhanced cooperation on the EPPO and the text of that draft Regulation, it is crucial to be clear about the nature of Eurojust's residual competence.

Amendment 231

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) For cases of the kind referred to in paragraph 1 (b), Eurojust shall exercise its competence at the request of the European Public Prosecutor's Office, one or more Member States concerned or on its own initiative but always in conjunction with the European Public Prosecutor's Office.

Or. fr

Justification

The purpose here is to clarify the division of competence between Eurojust and the European Public Prosecutor's Office, especially with regard to states that do not participate in the European Public Prosecutor's Office.

Amendment 232

Sylvia-Yvonne Kaufmann, Maria Grapini, Tanja Fajon, Miltiadis Kyrkos, Caterina Chinnici, Ana Gomes

Proposal for a regulation

Article 3 – paragraph 2 – introductory part

Text proposed by the Commission

2. Eurojust's competence shall cover related criminal offences. The following offences shall be regarded as related criminal offences:

Amendment

2. Eurojust's competence shall cover related criminal offences ***to the criminal offences laid down in Annex 1***. The following offences shall be regarded as related criminal offences:

Or. en

Amendment 233

Eva Joly

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

a) inform the competent authorities of the Member States of investigations and prosecutions of which it has been informed and which have repercussions at Union level or which might affect Member States other than those directly concerned;

Amendment

a) inform the competent authorities of the Member States ***and the European Public Prosecutor's Office*** of investigations and prosecutions of which it has been informed and which have repercussions at Union level or which might affect Member States other than those directly concerned;

Or. en

Amendment 234

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Miltiadis Kyrkos, Caterina Chinnici, Ana Gomes

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

b) ***assist the competent authorities of the Member States in ensuring the best possible coordination of investigations***

Amendment

b) ***ensure the best possible coordination of investigations and prosecutions conducted by the competent***

and prosecutions;

authorities of the Member States;

Or. en

Amendment 235

Eva Joly

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

Amendment

b) assist the competent authorities of the Member States in ensuring the **best possible** coordination of investigations and prosecutions;

b) assist the competent authorities of the Member States in ensuring the coordination of investigations and prosecutions;

Or. en

Amendment 236

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Miltiadis Kyrkos, Caterina Chinnici, Ana Gomes

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

c) **give assistance in order to** improve cooperation between the competent authorities of the Member States, in particular on the basis of Europol's analyses;

c) improve cooperation between the competent authorities of the Member States, in particular on the basis of Europol's analyses;

Or. en

Amendment 237

Eva Joly

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

Amendment

c) ***give assistance in order to*** improve cooperation between the competent authorities of the Member States, in particular on the basis of Europol's analyses;

c) improve cooperation between the competent authorities of the Member States, in particular on the basis of Europol's analyses;

Or. en

Amendment 238

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 4 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

da) cooperate closely with the European Public Prosecutor's Office on matters relating to its competence

Or. fr

Justification

The purpose here is to clarify the division of competence between Eurojust and the European Public Prosecutor's Office, especially with regard to Member States that do not participate in the European Public Prosecutor's Office.

Amendment 239

Eva Joly

Proposal for a regulation

Article 4 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

e a) support, and where appropriate participate in, the Union centres of specialised expertise developed by Europol and other Union bodies and agencies;

Or. en

Amendment 240

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Miltiadis Kyrkos, Caterina Chinnici, Ana Gomes

Proposal for a regulation

Article 4 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

e a) support, and where appropriate participate, in the Union centres of specialised expertise developed by Europol and other Union bodies;

Or. en

Amendment 241

Eva Joly

Proposal for a regulation

Article 4 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

e b) cooperate closely with and assist the European Public Prosecutor's Office in accordance with Article 41.

Or. en

Amendment 242

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. In the exercise of its tasks, and in specific cases relating to crimes falling within the scope of its objectives, Eurojust, either the College or the national member acting on behalf of

Eurojust, can initiate an investigation.

This could involve the issuing of instructions to national prosecution services, with full respect of the applicable national rules.

The national members shall inform the Member States concerned without delay of the initiation of the investigation.

Eurojust shall coordinate any investigations which it has initiated.

Or. en

Justification

Article 85(1)(a) of the TFEU provides the possibility of giving Eurojust the power to initiate criminal investigations. Article 2.3 of this Regulation also provides that "EUROJUST exercise its tasks [...] on its own initiative". It is necessary to reinforce this possibility and to add concrete provisions on Eurojust own initiative action in this Regulation.

Amendment 243

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(2a) Eurojust can set a deadline for the implementation of all requests referred to in paragraph 2.

Or. fr

Justification

The purpose here is to speed up judicial cooperation in Europe and increase Eurojust's effectiveness by giving Eurojust the power to set deadlines so that authorities in Member States respond to its requests.

Amendment 244

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 4 – paragraph 4

Text proposed by the Commission

4. Where two or more Member States cannot agree on which of them should undertake an investigation or prosecution following a request made under point (b) of paragraph 2, Eurojust shall issue a written opinion on the case. The opinion shall be ***promptly*** forwarded to the Member States concerned.

Amendment

4. Where two or more Member States cannot agree on which of them should undertake an investigation or prosecution following a request made under point (b) of paragraph 2, Eurojust shall issue a written opinion on the case. The opinion shall be forwarded ***immediately*** to the Member States concerned. ***If the Member States concerned do not reach an agreement within one month of this opinion being forwarded, the College may decide to make its opinion binding.***

Or. fr

Justification

The purpose here is to speed up judicial cooperation in Europe and make Eurojust more effective by making it possible for Eurojust opinions to be forwarded more quickly and would enable Eurojust to adopt binding decisions.

Amendment 245

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Ana Gomes

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. On request of a competent authority Eurojust shall issue a written opinion on recurrent refusals or difficulties concerning the execution of requests for, and decisions on, judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, provided it could not be resolved through mutual agreement between the competent national authorities or through the involvement of the national members concerned. The opinion shall be promptly forwarded to the Member States concerned.

Amendment

5. On request of a competent authority, ***or on its own initiative***, Eurojust shall issue a written opinion on recurrent refusals or difficulties concerning the execution of requests for, and decisions on, judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, provided it could not be resolved through mutual agreement between the competent national authorities or through the involvement of the national members concerned. The opinion shall be promptly forwarded to the

Amendment 246

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 4 – paragraph 5

Text proposed by the Commission

5. On request of a competent authority Eurojust shall issue a written opinion on recurrent refusals or difficulties concerning the execution of requests for, and decisions on, judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, provided it could not be resolved through mutual agreement between the competent national authorities or through the involvement of the national members concerned. The opinion shall be ***promptly*** forwarded to the Member States concerned.

Amendment

5. On request of a competent authority Eurojust shall issue a written opinion on recurrent refusals or difficulties concerning the execution of requests for, and decisions on, judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, provided it could not be resolved through mutual agreement between the competent national authorities or through the involvement of the national members concerned. The opinion shall be ***immediately*** forwarded to the Member States concerned.

Amendment 247

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. Each national member shall be assisted by one deputy and by an Assistant. The deputy and the Assistant shall have their regular place of work at Eurojust. More deputies or Assistants may assist the national member and may, ***if necessary and with the agreement of the College***, have their regular place of work at Eurojust.

Amendment

2. Each national member shall be assisted by one deputy and by an Assistant. The deputy and the Assistant shall have their regular place of work at Eurojust. More deputies or Assistants may assist the national member and may have their regular place of work at Eurojust.

Or. it

Amendment 248

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Each national member, his or her deputy and the assistants shall remain in office for five years. That term may be renewed once, for a further five years.

Or. it

Amendment 249

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. The national members and deputies shall have a status as a prosecutor, ***judge or police officers of equivalent competence***. The competent national authorities shall grant them the powers referred to in this Regulation in order to be able to fulfil their tasks.

3. The national members and deputies shall have a status as a prosecutor ***or judge***. The competent national authorities shall grant them the powers referred to in this Regulation in order to be able to fulfil their tasks.

Or. en

Amendment 250

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Member States must designate national members and deputies on the grounds of proven high level of and longstanding practical experience in the field of criminal justice.

Or. en

Justification

In the current text, there is no requirement regarding the competences of the national members, while they should have a long and proven experience in criminal justice.

Amendment 251

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 8 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

b a) contact directly and exchange information with any Union agency or competent body, including the European Public Prosecutor's Office

Or. en

Amendment 252

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 8 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) directly contact and exchange information with the European institutions, the decentralised agencies and the competent bodies of the European Union;

Or. it

Amendment 253

Dennis de Jong

Proposal for a regulation

Article 8 – paragraph 2 – point a

Text proposed by the Commission

a) *order investigative measures;*

Amendment

a) *issue and execute any mutual assistance or mutual recognition request;*

Or. en

Amendment 254

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 8 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) *issue and execute any request for mutual assistance or mutual recognition of judicial decisions;*

Or. it

Amendment 255

Dennis de Jong

Proposal for a regulation

Article 8 – paragraph 2 – point b

Text proposed by the Commission

b) *authorise and coordinate controlled deliveries in the Member State in accordance with national legislation.*

Amendment

b) *order or request and execute investigative measures, as provided for in Directive 2014/41/EU of the European Parliament and of the Council regarding the European Investigative Order in Criminal Matters;*

Or. en

Amendment 256

Dennis de Jong

Proposal for a regulation

Article 8 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

b a) c) participate, as necessary, in joint investigation teams including in their setting up;

Or. en

Amendment 257

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. In urgent cases when timely agreement cannot be reached, the national members shall be competent to take the measures referred to in paragraph 2, informing ***as soon as possible*** the national competent authority.

3. In urgent cases when timely agreement cannot be reached, the national members shall be competent to take the measures referred to in paragraph 2, informing ***immediately*** the national competent authority.

Or. en

Amendment 258

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

a) criminal records;

a) criminal records, ***including the European Criminal Records Information System (ECRIS)***

Or. en

Amendment 259

Sylvia-Yvonne Kaufmann, Maria Grapini, Tanja Fajon

Proposal for a regulation

Article 10 – paragraph 1 – point a

Text proposed by the Commission

Amendment

a) all the national members ***when the College exercises its operational functions under Article 4;***

a) all the national members;

Or. en

Amendment 260

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 10 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) all the national members ***and*** two representatives of the Commission when the College exercises its management functions under Article 14.

(b) all the national members, two representatives of the Commission ***and a member appointed by Parliament*** when the College exercises its management functions under Article 14.

Or. it

Amendment 261

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 10 – paragraph 1 – point b

Text proposed by the Commission

Amendment

b) all the national members and two representatives of the Commission when the College exercises its management functions under Article 14.

b) all the national members and two representatives of the Commission when the College exercises its management functions under Article 14, ***except Article 14.k.***

Amendment 262

Sylvia-Yvonne Kaufmann, Maria Grapini, Tanja Fajon

Proposal for a regulation

Article 10 – paragraph 1 – point b

Text proposed by the Commission

b) ***all the national members*** and two representatives of the Commission when ***the College exercises its management functions under Article 14.***

Amendment

b) and two representatives of the Commission when ***management issues are discussed or measures thereon are adopted.***

Or. en

Amendment 263

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 10 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) all the national members and the head of the European Public Prosecutor's Office for matters relating to the areas of competence of the European Public Prosecutor's Office.

Or. fr

Justification

The purpose here is to clarify the division of competence between Eurojust and the European Public Prosecutor's Office and the relationship/cooperation between the two 'bodies' as concerns areas of competence of the European Public Prosecutor's Office.

Amendment 264

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. The term of office of the members and their deputies shall be ***at least*** four years, renewable once. ***Upon expiry of their term of office or*** in the event of their resignation, members shall remain in office until ***their term is renewed or until they are replaced.***

Amendment

2. The term of office of the members and their deputies shall be ***of*** four years, renewable once. In the event of their resignation, members shall remain in office until ***they are replaced.***
Members States shall ensure the prompt designation of their national members and deputies.

Or. en

Amendment 265

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. The term of office of the members and their deputies shall be ***at least four*** years, renewable once. Upon expiry of their term of office or in the event of their resignation, members shall remain in office until their term is renewed or until they are replaced.

Amendment

2. The term of office of the members and their deputies shall be ***five*** years, renewable once. Upon expiry of their term of office or in the event of their resignation, members shall remain in office until their term is renewed or until they are replaced.

Or. it

Amendment 266

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

1. The College shall elect a President and two Vice-Presidents from among the national members by a two thirds majority of its members.

Amendment

1. The College shall elect a President and two Vice-Presidents from among the national members by a two thirds majority of its members, ***following consultation with the European Parliament, which***

shall express its non-binding opinion.

Or. it

Amendment 267

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 11 – paragraph 3

Text proposed by the Commission

3. The term of office of the President and the Vice-Presidents shall be **four** years. They may be re-elected once. When a national member is elected President or Vice-President of Eurojust, his or her term of office as national member shall be extended to ensure he or she can fulfil his or her function as President or Vice-President.

Amendment

3. The term of office of the President and the Vice-Presidents shall be **five** years. They may be re-elected once. When a national member is elected President or Vice-President of Eurojust, his or her term of office as national member shall be extended to ensure he or she can fulfil his or her function as President or Vice-President.

Or. it

Amendment 268

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The College may, acting on a proposal from Parliament or on its own initiative, dismiss the President and Vice-Presidents.

Or. it

Amendment 269

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. The College shall hold at least one operational meeting per month. To exercise its management functions, the College shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of the President, at the request of the Commission, or at the request of at least one third of its members.

Amendment

2. The College shall hold at least one operational meeting per month. To exercise its management functions, the College shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of the President, at the request of the Commission or at the request of at least one third of its members.

It shall also meet in its composition referred in Article 10.1.b.bis (new) at least twice a year. In addition, it shall meet on the initiative of the President or at the request of the EPPO.

Or. en

Justification

We seek to clarify the competences between Eurojust and the European Public Prosecutor's Office and the relationship/cooperation between the two 'bodies' when it comes to the European Public Prosecutor's Office's fields of competence.

Amendment 270

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. The College shall hold at least one operational meeting per month. To exercise its management functions, the College shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of the President, at the request of the Commission, or at the request of at least one third of its members.

Amendment

2. The College shall hold at least one operational meeting per month. To exercise its management functions, the College shall hold at least two ordinary meetings a year. In addition, it shall meet on the initiative of the President, at the request of the Commission ***and the European Parliament***, or at the request of at least one third of its members.

Or. it

Amendment 271

Gilles Lebreton, Nicolas Bay, Janice Atkinson, Auke Zijlstra, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The European Public Prosecutor shall receive the agendas of all College meetings and shall be entitled to participate in such meetings, without the right to vote, whenever issues are discussed which he or she considers to be of relevance for the functioning of the European Public Prosecutor's Office. *deleted*

Or. en

Amendment 272

Eva Joly

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

Amendment

3. The European Public Prosecutor shall receive the agendas of all College meetings and shall be entitled to participate in such meetings, *without* the right to vote, whenever issues are discussed which he or she considers to be of relevance for the functioning of the European Public Prosecutor's Office.

3. The European Public Prosecutor shall receive the agendas of all College meetings and shall be entitled to participate in such meetings, *with* the right to vote, whenever issues are discussed which he or she considers to be of relevance for the functioning of the European Public Prosecutor's Office.

Or. en

Amendment 273

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 14 – paragraph 1 – point a (new)

(aa) adopt every four years Eurojust's multi-annual programming document by a majority of two thirds of its members and in accordance with Article 15;

Or. fr

Amendment 274

Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 14 – paragraph 1 – point i

Text proposed by the Commission

Amendment

i) appoint an Accounting Officer **and a Data Protection Officer** who shall be functionally independent in the performance of their duties;

i) appoint an Accounting Officer who shall be functionally independent in the performance of their duties;

Or. en

Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies ; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of data processed, require some specificities, within the single regime / framework. Thus, we suggest a specific chapter within the new Regulation 45/2001 for the processing of data by these law enforcement agencies, chapter based on the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, and therefore we suggest to delete the "processing of data chapter" in this EUROJUST regulation.

Amendment 275

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

1. By [30 November each year] the College shall adopt a programming document containing ***multi-annual and*** annual programming, based on a draft put forward by the Administrative Director, taking into account the opinion of the Commission. It shall forward it to the European Parliament, the Council ***and*** the Commission. The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.

Amendment

1. By [30 November each year] the College shall adopt a programming document containing annual programming, based on a draft put forward by the Administrative Director, taking into account the opinion of the Commission. It shall forward it to the European Parliament, the Council, the Commission, ***and the European Public Prosecutor's Office for matters relating to its competence***. The programming document shall become definitive after final adoption of the general budget and if necessary shall be adjusted accordingly.

Or. fr

Amendment 276

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 15 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) Every four years the College shall adopt a programming document containing multi-annual programming on the basis of a draft put forward by the Administrative Director, taking into account the opinion of the Commission. It shall forward it to the European Parliament, the Council, the Commission and the European Public Prosecutor's Office for matters relating to its competence.

Or. fr

Amendment 277

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission

4. The multi-annual work programme shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff. The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 56.

Amendment

4. The multi-annual work programme shall set out overall strategic programming including objectives, ***the strategy for cooperation with the third countries and international organisations referred to in Article 43***, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff. The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 56.

Or. fr

Amendment 278
Dennis de Jong

Proposal for a regulation
Article 16 – paragraph 2 – introductory part

Text proposed by the Commission

2. The Executive Board shall ***also***:

Amendment

2. The Executive Board shall:

Or. en

Amendment 279
Dennis de Jong

Proposal for a regulation
Article 16 – paragraph 2 – point a

Text proposed by the Commission

a) ***prepare the decisions to be adopted*** by the ***College in accordance with Article***

Amendment

a) ***approve Eurojust's annual and multi-annual work programme based on the draft prepared by the Administrative***

14;

Director and forward it to the College for adoption;

Or. en

Amendment 280

Gilles Lebreton, Nicolas Bay, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Article 16 – paragraph 2 – point d

Text proposed by the Commission

d) ensure adequate follow-up to the findings and recommendations stemming from the internal or external audit reports, evaluations and investigations, including those of the European Data Protection Supervisor (EDPS) *and the European Anti-fraud Office (OLAF)*;

Amendment

d) ensure adequate follow-up to the findings and recommendations stemming from the internal or external audit reports, evaluations and investigations, including those of the European Data Protection Supervisor (EDPS);

Or. en

Amendment 281

Dennis de Jong

Proposal for a regulation

Article 16 – paragraph 2 – point h

Text proposed by the Commission

h) *adopt its rules of procedure.*

Amendment

h) *undertake any additional administrative tasks assigned to it by the College under Article 5(4);*

Or. en

Amendment 282

Dennis de Jong

Proposal for a regulation

Article 16 – paragraph 2 – point h a (new)

Text proposed by the Commission

Amendment

h a) i) approve the annual report on Eurojust's activities and forward it to the College for adoption;

Or. en

Amendment 283

Dennis de Jong

Proposal for a regulation

Article 16 – paragraph 2 – point h b (new)

Text proposed by the Commission

Amendment

h b) j) adopt the financial rules applicable to Eurojust in accordance with Article 52;

Or. en

Amendment 284

Dennis de Jong

Proposal for a regulation

Article 16 – paragraph 2 – point h c (new)

Text proposed by the Commission

Amendment

h c) k) adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants delegating the relevant appoint authority powers to the Administrative Director and defining the conditions under which this delegation of powers can be suspended; the Administrative Director shall be authorised to sub-delegate these powers;

Or. en

Amendment 285

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 16 – paragraph 4

Text proposed by the Commission

4. The Executive Board shall be composed of the President and Vice-Presidents of the College, one representative of the Commission ***and one other member of the College***. The President of the College shall be the Chairperson of the Executive Board. The Executive Board shall take its decisions by a majority of its members, each member having one vote. The Administrative Director shall take part in the meetings of the Executive Board, but shall not have the right to vote.

Amendment

4. The Executive Board shall be composed of the President and Vice-Presidents of the College, one representative of the Commission. The President of the College shall be the Chairperson of the Executive Board. The Executive Board shall take its decisions by a majority of its members, each member having one vote. The Administrative Director shall take part in the meetings of the Executive Board, but shall not have the right to vote.

Or. en

Amendment 286

Gilles Lebreton, Nicolas Bay, Janice Atkinson, Auke Zijlstra, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Article 16 – paragraph 7

Text proposed by the Commission

7. ***The European Public Prosecutor shall receive the agendas of all Executive Board meetings and shall be free to participate in such meetings, without the right to vote, whenever issues are discussed which he or she considers to be of relevance for the functioning of the European Public Prosecutor's Office.***

Amendment

deleted

Or. en

Amendment 287

Eva Joly

Proposal for a regulation

Article 16 – paragraph 7

Text proposed by the Commission

7. The European Public Prosecutor shall receive the agendas of all Executive Board meetings and shall be free to participate in such meetings, ***without*** the right to vote, whenever issues are discussed which he or she considers to be of relevance for the functioning of the European Public Prosecutor's Office.

Amendment

7. The European Public Prosecutor shall receive the agendas of all Executive Board meetings and shall be free to participate in such meetings, ***with*** the right to vote, whenever issues are discussed which he or she considers to be of relevance for the functioning of the European Public Prosecutor's Office.

Or. en

Amendment 288

Gilles Lebreton, Nicolas Bay, Janice Atkinson, Auke Zijlstra, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Article 16 – paragraph 8

Text proposed by the Commission

8. ***The European Public Prosecutor may address written opinions to the Executive Board, to which the Executive Board shall respond in writing without undue delay.***

Amendment

deleted

Or. en

Amendment 289

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. ***The Administrative Director shall be appointed by the College from a list of***

Amendment

deleted

candidates proposed by the Commission, following an open and transparent selection procedure. For the purpose of concluding the contract of the Administrative Director, Eurojust shall be represented by the President of the College.

Or. it

Amendment 290
Dennis de Jong

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. The Administrative Director shall be appointed by the College from a list of candidates proposed by the **Commission**, following an open and transparent selection procedure. For the purpose of concluding the contract of the Administrative Director, Eurojust shall be represented by the President of the College.

Amendment

2. The Administrative Director shall be appointed by the College ***on the grounds of merit and documented administrative and managerial skills, as well as relevant competence and experience***, from a list of candidates proposed by the ***Executive Board***, following an open and transparent selection procedure, ***in accordance with the Rules of Procedure of Eurojust***. For the purpose of concluding the contract of the Administrative Director, Eurojust shall be represented by the President of the College. ***Before being appointed, the candidate selected by the College shall answer questions from the members of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Budgetary Control of the European Parliament.***

Or. en

Amendment 291
Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. The Administrative Director shall be appointed by the College from a list of candidates proposed by the Commission, following an open and transparent selection procedure. For the purpose of concluding the contract of the Administrative Director, Eurojust shall be represented by the President of the College.

Amendment

2. The Administrative Director shall be appointed by the College from a list of candidates ***having the required competences and experience to exercise such a position***, proposed by the Commission, following an open and transparent selection procedure. For the purpose of concluding the contract of the Administrative Director, Eurojust shall be represented by the President of the College.

Or. en

Justification

In the current text, there is no requirement regarding the competences of the administrative Director, while he/she should have proven competences and experience in criminal justice.

Amendment 292

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 17 – paragraph 3

Text proposed by the Commission

3. ***The term of office of the Administrative Director shall be five years. By the end of this period, the Commission shall undertake an assessment which takes into account an evaluation of the performance of the Administrative Director.***

Amendment

deleted

Or. it

Amendment 293

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 17 – paragraph 4

Text proposed by the Commission

Amendment

4. *The College, acting on a proposal from the Commission which takes into account the assessment referred to in paragraph 3, may extend once the term of office of the Administrative Director for no more than five years.* *deleted*

Or. it

Amendment 294

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 17 – paragraph 5

Text proposed by the Commission

Amendment

5. *An Administrative Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of the overall period.* *deleted*

Or. it

Amendment 295

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 17 – paragraph 7

Text proposed by the Commission

Amendment

7. *The Administrative Director may be removed from the office only upon a decision of the College acting on a proposal from the Commission.* *deleted*

Or. it

Amendment 296

**Proposal for a regulation
Article 17 a (new)**

Text proposed by the Commission

Amendment

Article 17a

***Appointment of the Administrative
Director and the Deputy Executive
Director***

- 1. The Commission shall propose at least three candidates for the post of Administrative Director on the basis of a list following publication of the post in the Official Journal of the European Union and, as appropriate, other press or internet sites.***
- 2. The Administrative Director shall be appointed by the College on the grounds of merit and documented high-level administrative and management skills, including relevant senior professional experience in the field of judicial cooperation in criminal matters.***
- 3. Before appointment, the candidates shall appear before the competent committee or committees of the European Parliament and answer questions put by its or their members.***
- 4. Following the hearing, the European Parliament shall adopt an opinion setting out its view, and may express a preference for a specific candidate, which the College must take into account in appointing the Administrative Director.***
- 5. The College shall take its decision by a two-thirds majority of all members with a right to vote. If the College takes a decision to appoint a candidate other than the candidate whom the European***

Parliament indicated as its preferred candidate, the College shall inform the European Parliament and the Council in writing of the manner in which the opinion of the European Parliament was taken into account.

6. The College may, acting on a proposal from the Commission or Parliament or on its own initiative, dismiss the Administrative Director.

7. The Administrative Director shall be supported by a Deputy Administrative Director. If the Administrative Director is absent or indisposed, the Deputy Administrative Director shall take his/her place.

8. The Deputy Administrative Director shall be appointed by the College, following a proposal by the Administrative Director. The Deputy Administrative Director shall be appointed on the grounds of merit and appropriate administrative and management skills, including relevant professional experience in the field of international cooperation in criminal matters. The Administrative Director shall propose at least three candidates for the post of Deputy Administrative Director. The College shall take its decision by a two-thirds majority of all members with a right to vote. The College shall have the power to dismiss the Deputy Administrative Director, in accordance with the procedure referred to in paragraph 6.

9. The term of office of the Administrative Director shall be five years, renewable once only for a maximum of five years, on the basis of an assessment undertaken by the Commission at the end of the first five-year period which takes into account

the Administrative Director's performance, and the tasks and future challenges for the Agency.

10. The term of office of the Deputy Administrative Director shall be five years. It may be extended by the College once only, for a further period of up to five years.

Or. it

Amendment 297
Dennis de Jong

Proposal for a regulation
Article 18 – paragraph 4 – point a

Text proposed by the Commission

a) the day-to-day administration of Eurojust;

Amendment

a) the day-to-day administration of Eurojust *and staff management*;

Or. en

Amendment 298
Ana Gomes

Proposal for a regulation
Article 18 – paragraph 4 – point a

Text proposed by the Commission

a) the day-to-day administration of Eurojust;

Amendment

a) the day-to-day administration of Eurojust *and staff management*;

Or. en

Amendment 299
Gilles Lebreton, Nicolas Bay, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Article 18 – paragraph 4 – point f

Text proposed by the Commission

f) preparing an action plan following-up on the conclusions of the internal or external audit reports, evaluations and investigations, including those of the European Data Protection Supervisor and **OLAF and** reporting on progress twice a year to the Executive Board, the Commission and the European Data Protection Supervisor;

Amendment

f) preparing an action plan following-up on the conclusions of the internal or external audit reports, evaluations and investigations, including those of the European Data Protection Supervisor and reporting on progress twice a year to the Executive Board, the Commission and the European Data Protection Supervisor;

Or. en

Amendment 300

Ana Gomes

Proposal for a regulation

Article 18 – paragraph 4 – point j a (new)

Text proposed by the Commission

Amendment

j a) exercising, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to conclude Contracts of Employment ("the appointing authority powers");

Or. en

Amendment 301

Ana Gomes

Proposal for a regulation

Article 18 – paragraph 4 – point j b (new)

Text proposed by the Commission

Amendment

j b) providing necessary administrative support to facilitate the operational work

of Eurojust;

Or. en

Amendment 302

Ana Gomes

Proposal for a regulation

Article 18 – paragraph 4 – point j c (new)

Text proposed by the Commission

Amendment

j c) providing support to the President and Vice-Presidents in the carrying out of their duties.

Or. en

Amendment 303

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 20 – paragraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall designate one or more national correspondents for Eurojust.

1. Each Member State shall designate one or more national correspondents for Eurojust.

Each Member State shall also designate one national correspondent for Eurojust for terrorism matters.

Each Member State that does not participate in the enhanced cooperation on the creation of the European Public Prosecutor's Office shall also designate a national correspondent for Eurojust for issues relating to the competence of the European Public Prosecutor's Office.

Or. fr

Justification

Given that not all Member States will participate in the European Public Prosecutor's Office, a PFI correspondent should be appointed in the Member States not participating in order to guarantee the highest possible level of protection for the European Union's financial interests.

Amendment 304

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 20 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) All the national correspondents appointed by the Member States under paragraph 1 must have the skills and experience needed to carry out their duties.

Or. fr

Justification

In the current text, there is no requirement regarding the competences of these correspondents, while they should prove competences and experience in criminal justice.

Amendment 305

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 20 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the national correspondent for Eurojust for issues relating to the competence of the European Public Prosecutor's Office, for Members States that do not participate in the enhanced cooperation on the creation of the European Public Prosecutor's Office.

Or. fr

Justification

Given that not all Member States will participate in the European Public Prosecutor's Office, a PFI correspondent should be appointed in the Member States not participating in order to guarantee the highest possible level of protection for the European Union's financial interests.

Amendment 306

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 20 – paragraph 3

Text proposed by the Commission

3. The persons referred to in paragraphs 1 and 2 shall maintain their position and status under national law.

Amendment

3. The persons referred to in paragraphs 1 and 2 shall maintain their position and status under national law, ***provided that maintaining their position and status does not impede them from performing their duties under this Regulation.***

Or. fr

Amendment 307

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 20 – paragraph 5 – point c a (new)

Text proposed by the Commission

Amendment

(ca) by ensuring that the competent national authorities respond to the Eurojust requests referred to in Article 4.2 and follow up on the Eurojust opinions referred to in Article 4.4 by the deadline set by Eurojust.

Or. fr

Justification

The purpose here is to speed up judicial cooperation in Europe and increase Eurojust's effectiveness by giving Eurojust the power to set deadlines so that authorities in Member

States respond to its requests. The correspondents shall ensure that the competent national authorities respond to those requests.

Amendment 308

Eva Joly

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. The competent authorities of the Member States shall exchange with Eurojust any information necessary for the performance of its tasks in accordance with Articles 2 and 4 as well as with *the rules* on data protection *set out in this Regulation*. This shall at least include the information referred to in paragraphs 5, 6 and 7.

Amendment

1. The competent authorities of the Member States shall exchange with Eurojust any information necessary for the performance of its tasks in accordance with Articles 2 and 4 as well as with **Union law** on data protection. This shall at least include the information referred to in paragraphs 5, 6 and 7.

Or. en

Justification

Eurojust should respect EU data protection rules as set out in the new Regulation 45/2001, the Police Data Protection Directive and the GDPR.

Amendment 309

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 21 – paragraph 5

Text proposed by the Commission

5. The national competent authorities shall inform their national members without undue delay of any case concerning crimes under the competence of Eurojust affecting at least *three* Member States and for which requests for or decisions on judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, have been transmitted to at least two Member

Amendment

5. The national competent authorities shall inform their national members without undue delay of any case concerning crimes under the competence of Eurojust affecting at least **two** Member States and for which requests for or decisions on judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, have been transmitted to at least two Member

States.

States.

Or. en

Amendment 310

Eva Joly

Proposal for a regulation

Article 21 – paragraph 5

Text proposed by the Commission

5. The national competent authorities shall inform their national members without undue delay of any case concerning crimes under the competence of Eurojust affecting at least **three** Member States and for which requests for or decisions on judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, have been transmitted to at least two Member States.

Amendment

5. The national competent authorities shall inform their national members without undue delay of any case concerning crimes under the competence of Eurojust affecting at least **two** Member States and for which requests for or decisions on judicial cooperation, including those based on instruments giving effect to the principle of mutual recognition, have been transmitted to at least two Member States.

Or. en

Amendment 311

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Miltiadis Kyrkos

Proposal for a regulation

Article 21 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. For the purposes of paragraphs 3-6 above, the competent authorities of the Member States shall inform their national members at the latest within 14 days.

Or. en

Amendment 312

Eva Joly

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

The competent national authorities shall respond without undue delay to Eurojust's requests and opinions made under Article 4. Where the competent authorities of the Member States concerned decide not to comply with a request referred to in Article 4(2) or decide not to follow a written opinion referred to in Article 4(4) or (5), they shall inform Eurojust without undue delay of their decision and of the reasons for it. ***Where it is not possible to give the reasons for refusing to comply with a request because to do so would harm essential national security interests or would jeopardise the safety of individuals, the competent authorities of the Member States may cite operational reasons.***

Amendment

The competent national authorities shall respond without undue delay to Eurojust's requests and opinions made under Article 4. Where the competent authorities of the Member States concerned decide not to comply with a request referred to in Article 4(2) or decide not to follow a written opinion referred to in Article 4(4) or (5), they shall inform Eurojust without undue delay of their decision and of the reasons for it.

Or. en

Justification

This amendment could compromise the effectiveness of judicial cooperation, given its open nature and vague scope.

Amendment 313

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation
Article 23 – paragraph 1

Text proposed by the Commission

The competent national authorities shall respond ***without undue delay*** to Eurojust's requests and opinions made under Article 4. ***Where*** the competent authorities of ***the*** Member States concerned ***decide not to*** comply with ***a*** request referred to in Article 4(2) ***or decide not to*** follow a written opinion referred to in Article 4(4) or (5),

Amendment

The competent national authorities shall respond ***within the deadline set by Eurojust***, to Eurojust's requests and opinions made under Article 4. The competent authorities of Member States concerned ***must*** comply with ***the*** request ***made by Eurojust*** referred to in Article 4(2) ***and in Article 4(2) new or***

they shall inform Eurojust without undue delay of their decision and of the reasons for it. Where it is not possible to give the reasons for refusing to comply with a request because to do so would harm essential national security interests or would jeopardise the safety of individuals, the competent authorities of the Member States may cite operational reasons.

follow a written opinion referred to in Article 4(4) or (5), *except if they can justify to Eurojust, in a reasoned opinion, that the immediate compliance would: (a) be contrary to the essential interests of the security of the Member State concerned; or (b) jeopardise the success of an ongoing investigation or the safety of an individual.*

Any delay to comply with the requests and opinions made by Eurojust under Article 4 must be duly justified.

Or. en

Justification

We seek to speed up judicial cooperation in Europe and make Eurojust more effective by giving Eurojust the capacity to set deadlines by which the Member State authorities are expected to have replied and by making stronger the competent national authorities' obligation to reply to Eurojust's requests.

Amendment 314

Eva Joly

Proposal for a regulation

Article 24 – paragraph 2 – point c

Text proposed by the Commission

c) facilitate the monitoring of lawfulness and compliance with *the provisions of this Regulation* concerning the processing of personal data.

Amendment

c) facilitate the monitoring of lawfulness and compliance with **Union law** concerning the processing of personal data.

Or. en

Amendment 315

Eva Joly

Proposal for a regulation

Article 24 – paragraph 4

Text proposed by the Commission

4. The index shall contain references

Amendment

4. The index shall contain references

to temporary work files processed within the framework of Eurojust and may contain no personal data other than those referred to in *points (1)(a) to (i), (k) and (m) and (2)* of Annex 2.

to temporary work files processed within the framework of Eurojust and may contain no personal data other than those referred to in *point (2)* of Annex 2.

Or. en

Amendment 316

Eva Joly

Proposal for a regulation

Article 24 – paragraph 6

Text proposed by the Commission

6. For the processing of operational personal data, Eurojust may not establish any automated data file other than the Case Management System *or a temporary work file*.

Amendment

6. For the processing of operational personal data, Eurojust may not establish any automated data file other than the Case Management System.

Or. en

Justification

According to the EDPS opinion, this amendment brings legal certainty as regards automated data files.

Amendment 317

Gilles Lebreton, Nicolas Bay, Janice Atkinson, Auke Zijlstra, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Article 24 – paragraph 7

Text proposed by the Commission

7. *The Case Management System and its temporary work files shall be made available for use by the European Public Prosecutor's Office.*

Amendment

deleted

Or. en

Amendment 318

Gilles Lebreton, Nicolas Bay, Janice Atkinson, Auke Zijlstra, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Article 24 – paragraph 8

Text proposed by the Commission

Amendment

8. *The provisions on access to the Case Management System and the temporary work files shall apply mutatis mutandis to the European Public Prosecutor's Office. However, the information entered into the Case Management System, temporary work files and the index by the European Public Prosecutor's Office shall not be available for access at the national level.* ***deleted***

Or. en

Amendment 319

Eva Joly

Proposal for a regulation

Article 25 – paragraph 3

Text proposed by the Commission

Amendment

3. The national member who has opened a temporary work file shall decide which information related to this temporary work file shall be introduced in the index.

3. The national member who has opened a temporary work file shall decide which information related to this temporary work file, *and in accordance with Article 24(4)*, shall be introduced in the index

Or. en

Amendment 320

Sylvia-Yvonne Kaufmann, Maria Grapini, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation

Chapter 4 – title

PROCESSING OF INFORMATION

DATA PROTECTION SAFEGUARDS

Or. en

Amendment 321

Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article -27 (new)

Text proposed by the Commission

Amendment

Article -27

***Processing of personal data by Eurojust
Regulation (EC) No 45/2001 and its
subsequent changes shall apply to the
processing of personal data by Eurojust in
the context of its activities. The following
provisions particularise and
complement Regulation (EC) No 45/2001
and its subsequent changes in as far as
personal data processed by Eurojust for
its operational tasks are concerned.***

Or. en

Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies ; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of datas processed, require some specificities, within the single regime / framework. Thus, we suggest a specific chapter within the new Regulation 45/2001 for the processing of datas by these law enforcement agencies, chapter based on the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, and therefore we suggest to delete the "processing of datas chapter" in this EUROJUST regulation.

Amendment 322

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation

Article 27

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 323

Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 27

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies ; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of datas processed, require some specificities, within the single regime / framework. Thus, we suggest a specific chapter within the new Regulation 45/2001 for the processing of datas by these law enforcement agencies, chapter based on the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, and therefore we suggest to delete the "processing of datas chapter" in this EUROJUST regulation.

Amendment 324

Eva Joly

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

Amendment

1. Insofar as it is necessary to achieve its explicitly stated task, Eurojust may, within the framework of its competence and in order to carry out its operational functions, process by automated means or in structured manual files in accordance with this Regulation only the personal data listed in point 1 of Annex 2, on persons who, under the national legislation of the Member States concerned are suspected of having committed or having taken part in a criminal offence in respect of which Eurojust is competent or who have been convicted of such an offence. **deleted**

Or. en

Justification

This Article on data protection should already be covered by the revised Regulation 45/2001 on data protection for EU institutions and agencies. Since Eurojust is an EU agency, it should respect the data protection rules in Regulation 45/2001 (unified data protection regime).

Amendment 325

Eva Joly

Proposal for a regulation
Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. Eurojust may process only the personal data listed in point 2 of Annex 2, on persons who, under the national legislation of the Member States concerned, are regarded as witnesses or victims in a criminal investigation or prosecution regarding one or more of the types of crime and the offences referred to in Article 3, or persons under the age of **deleted**

18. The processing of such personal data may only take place if it is strictly necessary for the achievement of the expressly stated task of Eurojust, within the framework of its competence and in order to carry out its operational functions.

Or. en

Justification

This Article on data protection should already be covered by the revised Regulation 45/2001 on data protection for EU institutions and agencies. Since Eurojust is an EU agency, it should respect the data protection rules in Regulation 45/2001 (unified data protection regime).

Amendment 326

Eva Joly

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

Amendment

3. In exceptional cases, Eurojust may also, for a limited period of time which shall not exceed the time needed for the conclusion of the case related to which the data are processed, process personal data other than those referred to in paragraphs 1 and 2 relating to the circumstances of an offence where they are immediately relevant to and included in on-going investigations which Eurojust is coordinating or helping to coordinate and when their processing is strictly necessary for the purposes specified in paragraph 1. The Data Protection Officer referred to in Article 31 shall be informed immediately of recourse to this paragraph and of the specific circumstances which justify the necessity of the processing of such personal data. Where such other data refer to witnesses or victims within the meaning of paragraph 2, the decision to process them shall be taken jointly by at least two national members. ***deleted***

Justification

This Article on data protection should already be covered by the revised Regulation 45/2001 on data protection for EU institutions and agencies. Since Eurojust is an EU agency, it should respect the data protection rules in Regulation 45/2001 (unified data protection regime).

Amendment 327

Eva Joly

Proposal for a regulation**Article 27 – paragraph 4***Text proposed by the Commission**Amendment*

4. *Personal data, processed by automated or other means, revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, and data concerning health or sex life may be processed by Eurojust only when such data are strictly necessary for the national investigations concerned as well as for coordination within Eurojust and if they supplement other personal data already processed. The Data Protection Officer shall be informed immediately of recourse to this paragraph. Such data may not be processed in the Index referred to in Article 24(4). Where such other data refer to witnesses or victims within the meaning of paragraph 3, the decision to process them shall be taken by the College.* ***deleted***

Justification

This Article on data protection should already be covered by the revised Regulation 45/2001 on data protection for EU institutions and agencies. Since Eurojust is an EU agency, it should respect the data protection rules in Regulation 45/2001 (unified data protection regime).

Amendment 328

Eva Joly

Proposal for a regulation
Article 27 – paragraph 5

Text proposed by the Commission

5. Regulation (EC) No 45/2001 shall **apply** to the processing of personal data by **Eurojust in the context of its activities. This Regulation particularises and complements Regulation (EC) No 45/2001 in as far as personal data processed by Eurojust for its operational tasks are concerned.**

Amendment

5. **The processing of personal data at Eurojust falls under the scope of Regulation (EC) 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. The processing of personal data by the Member State's authorities and the transfer of such data to Eurojust falls under the scope of Directive (EU) 2016/680 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 by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. Any processing of personal data carried out by the Member State's authorities that does not fall under the scope of Directive (EU) 2016/680, and the transfer of such data to Eurojust, shall be in accordance with the General Data Protection Regulation (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).**

Or. en

Justification

This amendment aims at setting out a unified data protection regime.

Amendment 329

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 27 – paragraph 5

Text proposed by the Commission

5. Regulation (EC) No 45/2001 shall apply to the processing of personal data by Eurojust in the context of its activities. This Regulation particularises and complements Regulation (EC) *No* 45/2001 in as far as personal data processed by Eurojust for its operational tasks are concerned.

Amendment

5. Regulation (EC) No 45/2001 shall apply to the processing of personal data by Eurojust in the context of its activities. This Regulation particularises and complements Regulation (EC) *No* 45/2001 in as far as personal data processed by Eurojust for its operational tasks are concerned.

Or. it

Amendment 330

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation

Article 27 a (new)

Text proposed by the Commission

Amendment

Article 27 a

General data protection principles

1. Personal data shall be:

(a) processed fairly and lawfully ('lawfulness and fairness');

(b) collected for specified, explicit and legitimate purposes, and not further processed in a manner incompatible with those purposes. Further processing of personal data for historical, statistical or scientific research purposes shall not be considered incompatible provided that Eurojust provides appropriate safeguards, in particular to ensure that data are not processed for any other purposes

('purpose limitation');

(c) adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');

(d) accurate and kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

(e) kept in a form which permits identification of data subjects for no longer than necessary for the purposes for which the personal data are processed ('storage limitation');

and (f) processed in a manner that ensures appropriate security of personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality');

2. Eurojust shall be responsible for, and be able to demonstrate compliance with paragraph 1 ('accountability') when processing personal data wholly or partly by automated means and when processing other than by automated means personal data which form part of a filing system or are intended to form part of a filing System.

3. Eurojust shall make publicly available a document setting out in an intelligible form the provisions regarding the processing of personal data and the means available for the exercise of the rights of data subjects.

Or. en

Justification

In the light of the Data Protection Package adopted in the course of 2016, the Commission has proposed a revision to Regulation (EC) No 45/2001 which lays down rules for the

processing of personal data by Union institutions and bodies. That revision is ongoing. Eurojust should be subject to that revised Regulation. As such, the amendments tabled on the issue of data protection and data transfers correspond to those tabled by the S&D Group to the revision of Regulation (EC) No45/2001.

Amendment 331

Dennis de Jong

Proposal for a regulation

Article 27 a (new)

Text proposed by the Commission

Amendment

Article 27 a

Regulation (EU) 2017/xxx on the 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 and repealing Regulation EC 45/2001 shall apply to processing of personal data by Eurojust, as a Union agency carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of the Treaty, including where the founding acts of these Union agencies lay down a standalone data protection regime for the processing of operational personal data. The provision in Regulation (EU) 2017/xxx establish the general data protection principles, which are complemented and detailed by Eurojust's standalone regime as provided in the Eurojust Regulation.

Or. en

Justification

In line with the approach taken by the Rapporteur on the file revising Regulation 45/2001 on data protection within the EU institutions, agencies, bodies and offices, that Regulation serves as a lex generalis laying down a horizontal data protection approach for all EU institutions, agencies, bodies and offices, even if some of these agencies or bodies have separate data protection provisions. This is in line with the EP's resolutions calling for a uniform horizontal data protection regime within the EU, harmonizing the enormous amount of fragmented data protection rules in the EU. Eurojust's standalone data protection regime

will have to apply the general framework of the Regulation xxx/2017/EU and can complement and detail those principles with its own standalone provisions in the Eurojust Regulation.

Amendment 332

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation

Article 27 b (new)

Text proposed by the Commission

Amendment

Article 27 b

Processing of Administrative personal data

1. Regulation (EC) No 45/2001 applies to all administrative personal data held by Eurojust.

2. Eurojust shall determine the retention periods for administrative personal data in the data protection provisions of its rules of procedure.

Or. en

Amendment 333

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation

Article 28

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 334

Eva Joly

Proposal for a regulation

Article 28 – paragraph 1 – point c

Text proposed by the Commission

c) **three years** after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecutions became final;

Amendment

c) **one year** after the date on which the judicial decision of the last of the Member States concerned by the investigation or prosecutions became final;

Or. en

Amendment 335

Eva Joly

Proposal for a regulation

Article 28 – paragraph 1 – point e

Text proposed by the Commission

e) three years after the date on which data were transmitted in accordance with Article 21(6) **or (7)**.

Amendment

e) three years after the date on which data were transmitted in accordance with Article 21(6).

Or. en

Amendment 336

Eva Joly

Proposal for a regulation

Article 28 – paragraph 2

Text proposed by the Commission

2. Observance of the storage deadlines referred to in points (a), (b), (c) and (d) of paragraph 1 shall be reviewed constantly by appropriate automated processing. Nevertheless, a review of the need to store the data shall be carried out every three years after they were entered. If **data concerning persons referred to in Article 27(4)** are stored for a period exceeding **five** years, the European Data Protection Supervisor shall be informed accordingly.

Amendment

2. Observance of the storage deadlines referred to in points (a), (b), (c) and (d) of paragraph 1 shall be reviewed constantly by appropriate automated processing. Nevertheless, a review of the need to store the data shall be carried out every three years after they were entered. If **special categories of personal data** are stored for a period exceeding **three** years, the European Data Protection Supervisor shall be informed accordingly.

Eva Joly

Article 28 – paragraph 4

Amendment

4. Where, in accordance with ~~deleted~~ paragraph 3, data have been stored beyond the dates referred to in paragraph 1, a review of the need to store those data shall take place every three years by European Data Protection Supervisor.

Justification

This amendment is based on the EDPS opinion: "Article 28(4) adds that where Eurojust have applied these derogations, a review of the need to store the data shall take place every three years by the EDPS. This paragraph is redundant and possibly confusing. First, the obligation to review the need to store the data every three years is already mentioned in Article 28(2) as a general principle. Second, the review should be carried out by the controller (i.e. Eurojust) and not by the EDPS. The EDPS therefore suggests deleting Article 28(4)."

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

Article 28 a (new)

Amendment

Lawfulness of processing

Processing shall be lawful only if and to the extent that processing is necessary for the performance of a task carried out by Eurojust and that it is based on Union law.

Amendment 339

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

**Proposal for a regulation
Article 28 b (new)**

Text proposed by the Commission

Amendment

Article 28 b

***Distinction between different categories of
data subjects***

Eurojust shall, where applicable and as far as possible, make a clear distinction between personal data of different categories of data subjects, such as:

(a) persons with regard to whom there are serious grounds for believing that they have committed or are about to commit a criminal offence;

(b) persons convicted of a criminal offence;

(c) victims of a criminal offence or persons with regard to whom certain facts give rise to reasons for believing that they could be the victim of a criminal offence;

and (d) other parties to a criminal offence, such as persons who might be called on to testify in investigations in connection with criminal offences or subsequent criminal proceedings, persons who can provide information on criminal offences, or contacts or associates of one of the persons referred to in points (a) and (b).

Amendment 340

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation
Article 28 c (new)

Text proposed by the Commission

Amendment

Article 28 c

Distinction between personal data and verification of quality of personal data

- 1. Eurojust shall distinguish, as far as possible, personal data based on facts from personal data based on personal assessments.***
- 2. Eurojust shall process personal data in such a way that it can be established which authority provided the data or where the data has been retrieved from.***
- 3. Eurojust shall take all reasonable steps to ensure that personal data which are inaccurate, incomplete or no longer up to date are not transmitted or made available. To that end, Eurojust shall, as far as practicable, verify the quality of personal data before they are transmitted or made available. As far as possible, in all transmissions of personal data, it shall add necessary information enabling the recipient to assess the degree of accuracy, completeness and reliability of personal data, and the extent to which they are up to date shall be added.***
- 4. If it emerges that incorrect personal data have been transmitted or personal data have been unlawfully transmitted, the recipient shall be notified without delay. In such a case, the personal data shall be rectified or erased or processing shall be restricted.***

Or. en

Amendment 341

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation
Article 28 d (new)

Text proposed by the Commission

Amendment

Article 28 d

Specific processing conditions

1. When Eurojust provides for specific conditions for processing, it shall inform the recipient of such personal data of those conditions and the requirement to comply with them.

2. Eurojust shall comply with specific processing conditions for processing provided by a national authority in accordance with Article 9 (3) and (4) of Directive (EU) 2016/680.

Or. en

Amendment 342

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation
Article 28 e (new)

Text proposed by the Commission

Amendment

Article 28 e

Transmission of personal data to other Union institutions and bodies

1. Eurojust shall only transmit personal data to other Union institutions and bodies if the data are necessary for the legitimate performance of tasks covered by the competence of other Union institutions and bodies.

2. Where personal data are transmitted following a request from the other Union institution or body, both the controller and the recipient shall bear the responsibility for the legitimacy of this transfer.

3. Eurojust shall be required to verify the competence of the other Union institution or body and to make a provisional evaluation of the necessity for the transmission. If doubts arise as to this necessity, Eurojust shall seek further information from the recipient.

4. Other Union institutions and bodies shall ensure that the necessity for the transmission can be subsequently verified.

5. Other Union institutions and bodies shall process the personal data only for the purposes for which they were transmitted.

Or. en

Amendment 343

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation

Article 28 f (new)

Text proposed by the Commission

Amendment

Article 28 f

Processing of special categories of personal data

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, personal data concerning health or personal data concerning a natural person's sex life or sexual orientation shall be allowed only where strictly necessary for the performance of tasks of Eurojust, subject to appropriate safeguards for the rights and freedoms of the data subject and only if they supplement other operational personal data already processed by Eurojust.

2. The data protection officer shall be informed immediately of recourse to this Article.

Or. en

Amendment 344

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

**Proposal for a regulation
Article 28 g (new)**

Text proposed by the Commission

Amendment

Article 28 g

***Automated individual decision-making,
including profiling***

The data subject shall have the right not to be subject to a decision of Eurojust based solely on automated processing, including profiling, which produces legal effects concerning him/her or similarly significantly affects him/her.

Or. en

Amendment 345

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

**Proposal for a regulation
Article 28 h (new)**

Text proposed by the Commission

Amendment

Article 28 h

Information to be made available or given to the data subject

1. Eurojust shall make available to the data subject at least the following information:

(a) the identity and the contact details of

the Union agency or mission;

(b) the contact details of the data protection officer;

(c) the purposes of the processing for which the personal data are intended;

(d) the right to lodge a complaint with the European Data Protection Supervisor and its contact details;

(e) the existence of the right to request from Eurojust access to and rectification or erasure of personal data and restriction of processing of the personal data concerning the data subject.

2. In addition to the information referred to in paragraph 1, Eurojust shall give to the data subject, in specific cases, the following further information to enable the exercise of his or her rights:

(a) the legal basis for the processing;

(b) the period for which the personal data will be stored, or, where that is not possible, the criteria used to determine that period;

(c) where applicable, the categories of recipients of the personal data, including in third countries or international organisations;

(d) where necessary, further information, in particular where the personal data are collected without the knowledge of the data subject.

3. Eurojust may delay, restrict or omit the provision of the information to the data subject pursuant to paragraph 2 to the extent that, and for as long as, such a measure is provided for by a legal act adopted on the basis of the Treaties [or by an internal rule of Eurojust] and constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and the legitimate interests of the natural person concerned, in order to:

(a) avoid obstructing official or legal

inquiries, investigations or procedures;
(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
(c) protect public security of the Member States;
(d) protect national security of the Member States;
(e) protect the objectives of the common foreign and security policy of the Union;
(f) protect the rights and freedoms of others.

Or. en

Amendment 346

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

**Proposal for a regulation
Article 28 i (new)**

Text proposed by the Commission

Amendment

Article 28 i

Right of access by the data subject

The data subject shall have the right to obtain from Eurojust confirmation as to whether or not personal data concerning that subject are being processed, and, where that is the case, access to the personal data and the following information:

(a) the purposes of and legal basis for the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipients to whom the personal data have been disclosed, in particular recipients in third countries or international

organisations;

(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;

(e) the existence of the right to request from Eurojust rectification or erasure of personal data or restriction of processing of personal data concerning the data subject;

(f) the right to lodge a complaint with the European Data Protection Supervisor and his or her contact details; communication of the personal data undergoing processing and of any available information as to their origin.

Or. en

Amendment 347

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

**Proposal for a regulation
Article 28 j (new)**

Text proposed by the Commission

Amendment

Article 28 j

Limitations to the right of access

1. Eurojust may restrict, wholly or partly, the data subject's right of access to the extent that, and for as long as, such a partial or complete restriction is provided for by a legal act adopted on the basis of the Treaties [or by an internal rule of Eurojust] and constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned, in order to:

(a) avoid obstructing official or legal inquiries, investigations or procedures;

(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;

(c) protect public security of the Member States;

(d) protect national security of the Member States;

(e) protect the objectives of the common foreign and security policy of the Union;

(f) protect the rights and freedoms of others.

2. In the cases referred to in paragraph 1, Eurojust shall inform the data subject, without undue delay, in writing of any refusal or restriction of access and of the reasons for the refusal or the restriction. Such information may be omitted where the provision thereof would undermine a purpose under paragraph 1. Eurojust shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor or seeking a judicial remedy in the Court of Justice of the European Union.

3. Eurojust shall document the factual or legal reasons on which the decision is based. That information shall be made available to the European Data Protection Supervisor on request.

Or. en

Amendment 348

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation Article 28 k (new)

Text proposed by the Commission

Amendment

Article 28 k

Right to rectification or erasure of

*personal data and restriction of
processing*

1. The data subject shall have the right to obtain from Eurojust without undue delay the rectification of inaccurate personal data relating to that subject. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

2. Eurojust shall erase personal data without undue delay and the data subject shall have the right to obtain from it the erasure of personal data concerning that subject without undue delay where processing infringes Articles 27a, 28a or 28d, or where personal data must be erased in order to comply with a legal obligation to which it is subject.

3. Instead of erasure, Eurojust shall restrict processing where:

(a) the accuracy of the personal data is contested by the data subject and their accuracy or inaccuracy cannot be ascertained;

or (b) the personal data must be maintained for the purposes of evidence. Where processing is restricted pursuant to point (a) of the first subparagraph, Eurojust shall inform the data subject before lifting the restriction of processing.

4. Eurojust shall inform the data subject in writing of any refusal of rectification or erasure of personal data or restrict processing and of the reasons for the refusal. Eurojust may restrict, wholly or partly, the obligation to provide such information to the extent that such a restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned in order to:

- (a) avoid obstructing official or legal inquiries, investigations or procedures;*
- (b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;*
- (c) protect public security of the Member States;*
- (d) protect national security of the Member States;*
- (e) protect the objectives of the common foreign and security policy of the Union;*
- (f) protect the rights and freedoms of others.*

5. Eurojust shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor or seeking a judicial remedy from the Court of Justice of the European Union.

6. Eurojust shall communicate the rectification of inaccurate personal data to the competent authority from which the inaccurate personal data originate.

7. Eurojust shall, where personal data has been rectified or erased or processing has been restricted pursuant to paragraphs 1, 2 and 3, notify the recipients and inform them that they have to rectify or erase the personal data or restrict processing of the personal data under their responsibility.

Or. en

Amendment 349

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

**Proposal for a regulation
Article 28 l (new)**

Text proposed by the Commission

Amendment

Article 28 l

***Exercise of rights by the data subject and
verification by the European Data
Protection Supervisor***

1. In the cases referred to in Articles 28h(3), 28i and 28k(4), the rights of the data subject may also be exercised through the European Data Protection Supervisor.

2. Eurojust shall inform the data subject of the possibility of exercising his or her rights through the European Data Protection Supervisor pursuant to paragraph 1.

3. Where the right referred to in paragraph 1 is exercised, the European Data Protection Supervisor shall at least inform the data subject that all necessary verifications or a review by it have taken place. The European Data Protection Supervisor shall also inform the data subject of his or her right to seek a judicial remedy in the Court of Justice of the European Union.

Or. en

Amendment 350

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation

Article 28 m (new)

Text proposed by the Commission

Amendment

Article 28 m

Logging

1. Eurojust shall keep logs for any of the following processing operations in automated processing systems: collection, alteration, consultation, disclosure including transfers, combination and erasure. The logs of consultation and

disclosure shall make it possible to establish the justification for, and the date and time of, such operations, the identification of the person who consulted or disclosed personal data, and, as far as possible, the identity of the recipients of such personal data.

2. The logs shall be used solely for verification of the lawfulness of processing, self-monitoring, ensuring the integrity and security of the personal data, and for criminal proceedings. Such logs shall be deleted after three years, unless they are required for on-going control.

3. Eurojust shall make the logs available to the European Data Protection Supervisor on request.

Or. en

Amendment 351

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

**Proposal for a regulation
Article 28 n (new)**

Text proposed by the Commission

Amendment

Article 28 n

Transfers to third countries and international organisations subject to appropriate safeguards

1. In the absence of an adequacy decision pursuant to Article 45 of Regulation (EU) 2016/679 or Article 36 of Directive (EU) 2016/680, Eurojust may transfer personal data to a third country or an international organisation where:

(a) appropriate safeguards with regard to the protection of personal data are provided for in a legally binding instrument; or

(b) it has assessed all the circumstances

surrounding the transfer of personal data and conclude that appropriate safeguards exist with regard to the protection of personal data.

2. Eurojust shall inform the European Data Protection Supervisor about categories of transfers under point (b) of paragraph 1.

3. When a transfer is based on point (b) of paragraph 1, such a transfer shall be documented and the documentation shall be made available to the European Data Protection Supervisor on request, including the date and time of the transfer, information about the receiving competent authority, the justification for the transfer and the personal data transferred.

Or. en

Amendment 352

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

**Proposal for a regulation
Article 28 o (new)**

Text proposed by the Commission

Amendment

Article 28 o

Derogations for specific situations

1. In the absence of an adequacy decision pursuant to Article 45 of Regulation (EU) 2016/679 or Article 36 of Directive (EU) 2016/680, or of appropriate safeguards pursuant to Article 28n, Eurojust may transfer personal data to a third country or an international organisation only on the condition that the transfer is necessary:

(a) in order to protect the vital interests of the data subject or another person;

(b) to safeguard legitimate interests of the

data subject;

(c) for the prevention of an immediate and serious threat to public security of a Member State or a third country; or

(d) in individual cases for the performance of its tasks, unless it determines that fundamental rights and freedoms of the data subject concerned override the public interest in the transfer.

2. Where a transfer is based on paragraph 1, such a transfer shall be documented and the documentation shall be made available to the European Data Protection Supervisor on request, including the date and time of the transfer, and information about the receiving competent authority, about the justification for the transfer and about the personal data transferred.

Or. en

Amendment 353

Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 29

Text proposed by the Commission

Amendment

Article 29

deleted

Logging and documentation

1. For the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security, Eurojust shall keep records of any collection, alteration, access, disclosure, combination or erasure of personal data used for operational purposes. Such logs or documentation shall be deleted after 18 months, unless the data are further required for on-going control.

2. Logs or documentation prepared under paragraph 1 shall be communicated on

request to the European Data Protection Supervisor. The European Data Protection Supervisor shall use this information only for the purpose of data protection control, ensuring proper data processing, and data integrity and security.

Or. en

Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of data processed, require some specificities, within the single regime / framework. Thus, we suggest a specific chapter within the new Regulation 45/2001 for the processing of data by these law enforcement agencies, chapter based on the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, and therefore we suggest to delete the "processing of data chapter" in this EUROJUST regulation.

Amendment 354

Eva Joly

Proposal for a regulation

Article 29

Text proposed by the Commission

Amendment

Article 29

deleted

Logging and documentation

1. For the purposes of verification of the lawfulness of the data processing, self-monitoring and ensuring proper data integrity and security, Eurojust shall keep records of any collection, alteration, access, disclosure, combination or erasure of personal data used for operational purposes. Such logs or documentation

shall be deleted after 18 months, unless the data are further required for on-going control.

2. Logs or documentation prepared under paragraph 1 shall be communicated on request to the European Data Protection Supervisor. The European Data Protection Supervisor shall use this information only for the purpose of data protection control, ensuring proper data processing, and data integrity and security.

Or. en

Justification

This Article on data protection is already covered by the revised Regulation 45/2001 on data protection for EU institutions and agencies. Since Eurojust is an EU agency, it should respect the data protection rules in Regulation 45/2001 (unified data protection regime).

Amendment 355

Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 30

Text proposed by the Commission

Amendment

Article 30

deleted

Authorised access to personal data

Only national members, their deputies and their Assistants, persons referred to in Article 20(2) in so far as they are connected to the Case Management System and authorised Eurojust staff may, for the purpose of achieving Eurojust's tasks and within the limits provided for in Articles 24, 25 and 26, have access to personal data processed by Eurojust for its operational tasks.

Or. en

Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies ; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of datas processed, require some specificities, within the single regime / framework. Thus, we suggest a specific chapter within the new Regulation 45/2001 for the processing of datas by these law enforcement agencies, chapter based on the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, and therefore we suggest to delete the "processing of datas chapter" in this EUROJUST regulation.

Amendment 356

Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 31

Text proposed by the Commission

Amendment

Article 31

deleted

Appointment of the Data Protection Officer

1. The Executive Board shall appoint a Data Protection Officer in accordance with Article 24 of Regulation (EC) No 45/2001.

2. When complying with the obligations set out in Article 24 of Regulation (EC) No 45/2001, the Data Protection Officer shall:

- a) ensure that a written record of the transfer of personal data is kept;**
- b) cooperate with Eurojust staff responsible for procedures, training and advice on data processing;**
- c) prepare an annual report and communicate that report to the College and to the European Data Protection**

Supervisor.

3. In the performance of his or her tasks, the Data Protection Officer shall have access to all the data processed by Eurojust and to all Eurojust premises.

4. Eurojust's staff members assisting the Data Protection Officer in the performance of his or her duties shall have access to the personal data processed at Eurojust and to Eurojust premises to the extent necessary for the performance of their tasks.

5. If the Data Protection Officer considers that the provisions of Regulation (EC) No 45/2001 or this Regulation related to the processing of personal data have not been complied with, he or she shall inform the Administrative Director, requiring him or her to resolve the non-compliance within a specified time. If the Administrative Director does not resolve the non-compliance of the processing within the specified time, the Data Protection Officer shall inform the College and shall agree with the College a specified time for a response. If the College does not resolve the non-compliance of the processing within the specified time, the Data Protection Officer shall refer the matter to the European Data Protection Supervisor.

6. The Executive Board shall adopt the implementing rules referred to in Article 24(8) of Regulation (EC) No 45/2001.

Or. en

Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies ; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of datas processed, require some specificities, within the single regime / framework. Thus, we suggest a specific chapter within the new Regulation 45/2001 for the processing of datas by these law enforcement agencies, chapter based on the Directive

(EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, and therefore we suggest to delete the "processing of datas chapter" in this EUROJUST regulation.

Amendment 357

Eva Joly

Proposal for a regulation

Article 31

Text proposed by the Commission

Amendment

Article 31

deleted

Appointment of the Data Protection Officer

1. The Executive Board shall appoint a Data Protection Officer in accordance with Article 24 of Regulation (EC) No 45/2001.

2. When complying with the obligations set out in Article 24 of Regulation (EC) No 45/2001, the Data Protection Officer shall:

a) ensure that a written record of the transfer of personal data is kept;

b) cooperate with Eurojust staff responsible for procedures, training and advice on data processing;

c) prepare an annual report and communicate that report to the College and to the European Data Protection Supervisor.

3. In the performance of his or her tasks, the Data Protection Officer shall have access to all the data processed by Eurojust and to all Eurojust premises.

4. Eurojust's staff members assisting the Data Protection Officer in the performance of his or her duties shall have access to the personal data processed at Eurojust and to Eurojust premises to

the extent necessary for the performance of their tasks.

5. If the Data Protection Officer considers that the provisions of Regulation (EC) No 45/2001 or this Regulation related to the processing of personal data have not been complied with, he or she shall inform the Administrative Director, requiring him or her to resolve the non-compliance within a specified time. If the Administrative Director does not resolve the non-compliance of the processing within the specified time, the Data Protection Officer shall inform the College and shall agree with the College a specified time for a response. If the College does not resolve the non-compliance of the processing within the specified time, the Data Protection Officer shall refer the matter to the European Data Protection Supervisor.

6. The Executive Board shall adopt the implementing rules referred to in Article 24(8) of Regulation (EC) No 45/2001.

Or. en

Justification

This Article on data protection is already covered by the revised Regulation 45/2001 on data protection for EU institutions and agencies. Since Eurojust is an EU agency, it should respect the data protection rules in Regulation 45/2001 (unified data protection regime).

Amendment 358

Sylvia-Yvonne Kaufmann, Maria Grapini, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation Article 32

Text proposed by the Commission

Amendment

Article 32

deleted

Modalities regarding the exercise of the right of access

1. Any data subject wishing to exercise the right of access to personal data may make a request to that effect free of charge to

the authority appointed for this purpose in the Member State of their choice. That authority shall refer the request to Eurojust without delay and in any case within one month of receipt.

2. The request shall be answered by Eurojust without undue delay and in any case within three months of its receipt by Eurojust.

3. The competent authorities of the Member States concerned shall be consulted by Eurojust on a decision to be taken. A decision on access to data shall be conditional upon close cooperation between Eurojust and the Member States directly concerned by the communication of such data. In any case in which a Member State objects to Eurojust's proposed response, it shall notify Eurojust of the reasons for its objection.

4. When the right of access is restricted in accordance with Article 20(1) of Regulation (EC) No 45/2001, Eurojust shall inform the data subject in accordance with Article 20(3) of that Regulation in writing. The information about the principal reasons may be omitted where the provision of such information would deprive the restriction of its effect. The data subject shall at least be informed that all necessary verifications by the European Data Protection Supervisor have taken place.

5. Eurojust shall document the grounds for omitting the communication of the principal reasons on which the restriction referred to in paragraph 4 is based.

6. The national members concerned by the request shall deal with it and reach a decision on Eurojust's behalf. The request shall be dealt with in full within three months of receipt. Where the members are not in agreement, they shall refer the matter to the College, which shall take its decision on the request by a two-thirds majority.

7. When in application of Article 46 and 47 of Regulation (EC) No 45/2001, the European Data Protection Supervisor checks the lawfulness of the processing performed by Eurojust, he or she shall inform the data subject at least that all necessary verifications by the European Data Protection Supervisor have taken place.

Or. en

Amendment 359

Eva Joly

Proposal for a regulation

Article 32 – paragraph 4

Text proposed by the Commission

Amendment

4. When the right of access is restricted in accordance with Article 20(1) of Regulation (EC) No 45/2001, Eurojust shall inform the data subject in accordance with Article 20(3) of that Regulation in writing. The information about the principal reasons may be omitted where the provision of such information would deprive the restriction of its effect. The data subject shall at least be informed that all necessary verifications by the European Data Protection Supervisor have taken place. *deleted*

Or. en

Justification

This amendment corresponds to a recommendation contained in the EDPS opinion.

Amendment 360

Eva Joly

Proposal for a regulation

Article 32 – paragraph 7

Text proposed by the Commission

Amendment

7. When in application of Article 46 and 47 of Regulation (EC) No 45/2001, the European Data Protection Supervisor checks the lawfulness of the processing performed by Eurojust, he or she shall inform the data subject at least that all necessary verifications by the European Data Protection Supervisor have taken place. *deleted*

Or. en

Justification

This amendment is based on the EDPS opinion. It is already covered under Regulation 45/2001.

Amendment 361

Eva Joly

Proposal for a regulation

Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

Right to rectification, erasure and restrictions on processing

1. If the personal data that have to be rectified, erased or whose processing has to be restricted in accordance with Articles 14, 15 or 16 of Regulation (EC) No 45/2001 have been provided to Eurojust by third countries, international organisations, private parties, private persons or are the results of Eurojust's own analyses, Eurojust shall rectify, erase or restrict the processing of such data.

2. If the personal data that have to be rectified, erased or whose processing has to be restricted in accordance with Article 14, 15 and 16 of Regulation (EC) No 45/2001 have been provided directly to

Eurojust by Member States, Eurojust shall rectify, erase or restrict the processing of such data in collaboration with Member States.

3. If incorrect data were transmitted by another appropriate means or if the errors in the data supplied by Member States are due to faulty transfer or were transmitted in breach of this Regulation or if they result from their being input, taken over or stored in an incorrect manner or in breach of this Regulation by Eurojust, Eurojust shall rectify or erase the data in collaboration with the Member States concerned.

4. In the cases referred to in Articles 14, 15 or 16 of Regulation (EC) No 45/2001, all addressees of such data shall be notified forthwith in accordance with Article 17 of Regulation (EC) No 45/2001. In accordance with rules applicable to them, the addressees shall then rectify, erase or restrict the processing of those data in their systems.

5. Eurojust shall inform the data subject in writing without undue delay and in any case within three months of the receipt of the request that data concerning him or her have been rectified, erased or their processing restricted.

6. Eurojust shall inform the data subject in writing on any refusal of rectification, of erasure or of restrictions to the processing, and the possibility of lodging a complaint with the European Data Protection Supervisor and seeking a judicial remedy.

Or. en

Justification

This Article on data protection is already covered by the revised Regulation 45/2001 on data protection for EU institutions and agencies. Since Eurojust is an EU agency, it should respect the data protection rules in Regulation 45/2001 (unified data protection regime).

Amendment 362

Sylvia-Yvonne Kaufmann, Maria Grapini, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation

Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

***Right to rectification, erasure and
restrictions on processing***

1. If the personal data that have to be rectified, erased or whose processing has to be restricted in accordance with Articles 14, 15 or 16 of Regulation (EC) No 45/2001 have been provided to Eurojust by third countries, international organisations, private parties, private persons or are the results of Eurojust's own analyses, Eurojust shall rectify, erase or restrict the processing of such data.

2. If the personal data that have to be rectified, erased or whose processing has to be restricted in accordance with Article 14, 15 and 16 of Regulation (EC) No 45/2001 have been provided directly to Eurojust by Member States, Eurojust shall rectify, erase or restrict the processing of such data in collaboration with Member States.

3. If incorrect data were transmitted by another appropriate means or if the errors in the data supplied by Member States are due to faulty transfer or were transmitted in breach of this Regulation or if they result from their being input, taken over or stored in an incorrect manner or in breach of this Regulation by Eurojust, Eurojust shall rectify or erase the data in collaboration with the Member States concerned.

4. In the cases referred to in Articles 14, 15 or 16 of Regulation (EC) No 45/2001, all addressees of such data shall be notified forthwith in accordance with Article 17 of Regulation (EC) No 45/2001. In accordance with rules applicable to

them, the addressees shall then rectify, erase or restrict the processing of those data in their systems.

5. Eurojust shall inform the data subject in writing without undue delay and in any case within three months of the receipt of the request that data concerning him or her have been rectified, erased or their processing restricted.

6. Eurojust shall inform the data subject in writing on any refusal of rectification, of erasure or of restrictions to the processing, and the possibility of lodging a complaint with the European Data Protection Supervisor and seeking a judicial remedy.

Or. en

Amendment 363

Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 33

Text proposed by the Commission

Amendment

Article 33

deleted

Right to rectification, erasure and restrictions on processing

1. If the personal data that have to be rectified, erased or whose processing has to be restricted in accordance with Articles 14, 15 or 16 of Regulation (EC) No 45/2001 have been provided to Eurojust by third countries, international organisations, private parties, private persons or are the results of Eurojust's own analyses, Eurojust shall rectify, erase or restrict the processing of such data.

2. If the personal data that have to be rectified, erased or whose processing has to be restricted in accordance with Article 14, 15 and 16 of Regulation (EC) No 45/2001 have been provided directly to

Eurojust by Member States, Eurojust shall rectify, erase or restrict the processing of such data in collaboration with Member States.

3. If incorrect data were transmitted by another appropriate means or if the errors in the data supplied by Member States are due to faulty transfer or were transmitted in breach of this Regulation or if they result from their being input, taken over or stored in an incorrect manner or in breach of this Regulation by Eurojust, Eurojust shall rectify or erase the data in collaboration with the Member States concerned.

4. In the cases referred to in Articles 14, 15 or 16 of Regulation (EC) No 45/2001, all addressees of such data shall be notified forthwith in accordance with Article 17 of Regulation (EC) No 45/2001. In accordance with rules applicable to them, the addressees shall then rectify, erase or restrict the processing of those data in their systems.

5. Eurojust shall inform the data subject in writing without undue delay and in any case within three months of the receipt of the request that data concerning him or her have been rectified, erased or their processing restricted.

6. Eurojust shall inform the data subject in writing on any refusal of rectification, of erasure or of restrictions to the processing, and the possibility of lodging a complaint with the European Data Protection Supervisor and seeking a judicial remedy.

Or. en

Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies ; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by

the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of datas processed, require some specificities, within the single regime / framework. Thus, we suggest a specific chapter within the new Regulation 45/2001 for the processing of datas by these law enforcement agencies, chapter based on the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, and therefore we suggest to delete the "processing of datas chapter" in this EUROJUST regulation.

Amendment 364

Eva Joly

Proposal for a regulation

Article 34 – paragraph 2

Text proposed by the Commission

2. The responsibility for the quality of personal data shall lie with the Member State which provided the personal data to Eurojust and with Eurojust for personal data provided by EU bodies, third countries or international organisations, as well for personal data retrieved by Eurojust from publicly available sources.

Amendment

2. The responsibility for the quality of personal data shall lie with the Member State which provided the personal data to Eurojust and with Eurojust for personal data provided by EU bodies, third countries or international organisations, ***from the moment of the transfer of data to Eurojust***, as well for personal data retrieved by Eurojust from publicly available sources.

Or. en

Justification

Inspired by the EDPS opinion, this amendment brings clarification needed for legal certainty.

Amendment 365

Eva Joly

Proposal for a regulation

Article 34 – paragraph 3

Text proposed by the Commission

3. The responsibility for compliance with Regulation (EC) No 45/2001 and ***this***

Amendment

3. The responsibility for compliance with Regulation (EC) No 45/2001 and

Regulation shall lie with Eurojust. The responsibility for the legality of transfer of personal data provided by the Member States to Eurojust shall lie with the Member State which provides the personal data, and with Eurojust for the personal data provided to Member States, EU bodies and third countries or organisations by Eurojust.

Union law on data protection shall lie with Eurojust, as far as all personal data processed by Eurojust are concerned.

Or. en

Justification

According to the EDPS opinion, this paragraph is already covered by the new Regulation 45/2001.

Amendment 366

Eva Joly

Proposal for a regulation

Article 34 – paragraph 4

Text proposed by the Commission

Amendment

4. Subject to other provisions in this Regulation, Eurojust shall be responsible for all data processed by it. ***deleted***

Or. en

Justification

Based on the EDPS opinion, this paragraph is redundant.

Amendment 367

Eva Joly

Proposal for a regulation

Article 35 – paragraph 1

Text proposed by the Commission

Amendment

1. The European Data Protection Supervisor shall act in close cooperation with national authorities competent for

1. National supervisory authorities and the EDPS shall, each acting within their respective competences, cooperate

data protection supervision with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national authority competent for data protection supervision finds major discrepancies between practices of the Member States or potentially unlawful transfers using Eurojust's communication channels, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.

with each other in accordance with Article 62 of Regulation (EU) 2017/xxx on the 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, and repealing Regulation EC 45/2001.

Or. en

Justification

This Article on data protection is already covered by the revised Regulation 45/2001 on data protection for EU institutions and agencies. Since Eurojust is an EU agency, it should respect the data protection rules in Regulation 45/2001 (unified data protection regime).

Amendment 368

Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 35 – paragraph 1

Text proposed by the Commission

1. The European Data Protection Supervisor *shall act in close cooperation with national authorities competent for data protection supervision with respect to specific issues requiring national involvement, in particular if the European Data Protection Supervisor or a national authority competent for data protection supervision finds major discrepancies between practices of the Member States or potentially unlawful transfers using Eurojust's communication channels, or in the context of questions raised by one or more national supervisory authorities on the implementation and interpretation of this Regulation.*

Amendment

1. The European Data Protection Supervisor *and national data protection authorities shall, each acting within their respective competences, cooperate with each other in accordance with article 62 of Regulation (EU) 2017/xxx on the 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, and repealing Regulation EC 45/2001.*

Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies ; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of datas processed, require some specificities, within the single regime / framework. Thus, we suggest a specific chapter within the new Regulation 45/2001 for the processing of datas by these law enforcement agencies, chapter based on the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, and therefore we suggest to delete the "processing of datas chapter" in this EUROJUST regulation.

Amendment 369

Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

Amendment

<p>2. In cases referred to under paragraph 1 the European Data Protection Supervisor and the national authorities competent for data protection supervision may, each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties of interpretation or application of this Regulation, study problems related to the exercise of independent supervision or to the exercise of the rights of data subjects, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.</p>	<p>deleted</p>
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Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies ; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of datas processed, require some specificities, within the single regime / framework. Thus, we suggest a specific chapter within the new Regulation 45/2001 for the processing of datas by these law enforcement agencies, chapter based on the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, and therefore we suggest to delete the "processing of datas chapter" in this EUROJUST regulation.

Amendment 370

Eva Joly

Proposal for a regulation

Article 35 – paragraph 2

Text proposed by the Commission

Amendment

<p>2. In cases referred to under paragraph 1 the European Data Protection Supervisor and the national authorities competent for data protection supervision may, each acting within the scope of their respective competences, exchange relevant information, assist each other in carrying out audits and inspections, examine difficulties of interpretation or application of this Regulation, study problems related to the exercise of independent supervision or to the exercise of the rights of data subjects, draw up harmonised proposals for joint solutions to any problems and promote awareness of data protection rights, as necessary.</p>	<p>deleted</p>
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Or. en

Justification

This Article on data protection is already covered by the revised Regulation 45/2001 on data protection for EU institutions and agencies. Since Eurojust is an EU agency, it should respect the data protection rules in Regulation 45/2001 (unified data protection regime).

Amendment 371

Eva Joly

Proposal for a regulation

Article 35 – paragraph 3

Text proposed by the Commission

Amendment

3. The National Supervisory Authorities and the European Data Protection Supervisor shall meet for the purposes outlined in this Article, as needed. The costs and servicing of these meetings shall be for the account of the European Data Protection Supervisor. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary. *deleted*

Or. en

Justification

This Article on data protection is already covered by the revised Regulation 45/2001 on data protection for EU institutions and agencies. Since Eurojust is an EU agency, it should respect the data protection rules in Regulation 45/2001 (unified data protection regime).

Amendment 372

Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 35 – paragraph 3

Text proposed by the Commission

Amendment

3. The National Supervisory Authorities and the European Data Protection Supervisor shall meet for the purposes outlined in this Article, as needed. The costs and servicing of these *deleted*

meetings shall be for the account of the European Data Protection Supervisor. Rules of procedure shall be adopted at the first meeting. Further working methods shall be developed jointly as necessary.

Or. en

Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies ; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of datas processed, require some specificities, within the single regime / framework. Thus, we suggest a specific chapter within the new Regulation 45/2001 for the processing of datas by these law enforcement agencies, chapter based on the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, and therefore we suggest to delete the "processing of datas chapter" in this EUROJUST regulation.

Amendment 373

Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Right to lodge a complaint with the European Data Protection Supervisor

1. Where a complaint introduced by a data subject pursuant to Article 32(2) of Regulation (EC) No 45/2001 relates to a decision as referred to in Article 32 or 33, the European Data Protection Supervisor shall consult the national supervisory bodies or the competent judicial body in the Member State which was the source of the data or the Member State directly

concerned. The decision of the European Data Protection Supervisor, which may extend to a refusal to communicate any information, shall be taken in close cooperation with the national supervisory body or competent judicial body.

2. Where a complaint relates to the processing of data provided by a Member State to Eurojust, the European Data Protection Supervisor shall ensure that the necessary checks have been carried out correctly in close cooperation with the national supervisory body of the Member State which has provided the data.

3. Where a complaint relates to the processing of data provided to Eurojust by EU bodies, third countries or organisations or private parties, the European Data Protection Supervisor shall ensure that the necessary checks have been carried out by Eurojust.

Or. en

Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies ; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of datas processed, require some specificities, within the single regime / framework. Thus, we suggest a specific chapter within the new Regulation 45/2001 for the processing of datas by these law enforcement agencies, chapter based on the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, and therefore we suggest to delete the "processing of datas chapter" in this EUROJUST regulation.

Amendment 374

Eva Joly

Proposal for a regulation

Article 36

Text proposed by the Commission

Amendment

Article 36

deleted

Right to lodge a complaint with the European Data Protection Supervisor

1. Where a complaint introduced by a data subject pursuant to Article 32(2) of Regulation (EC) No 45/2001 relates to a decision as referred to in Article 32 or 33, the European Data Protection Supervisor shall consult the national supervisory bodies or the competent judicial body in the Member State which was the source of the data or the Member State directly concerned. The decision of the European Data Protection Supervisor, which may extend to a refusal to communicate any information, shall be taken in close cooperation with the national supervisory body or competent judicial body.

2. Where a complaint relates to the processing of data provided by a Member State to Eurojust, the European Data Protection Supervisor shall ensure that the necessary checks have been carried out correctly in close cooperation with the national supervisory body of the Member State which has provided the data.

3. Where a complaint relates to the processing of data provided to Eurojust by EU bodies, third countries or organisations or private parties, the European Data Protection Supervisor shall ensure that the necessary checks have been carried out by Eurojust.

Or. en

Justification

This Article on data protection is already covered by the revised Regulation 45/2001 on data protection for EU institutions and agencies. Since Eurojust is an EU agency, it should respect the data protection rules in Regulation 45/2001 (unified data protection regime).

Amendment 375

Eva Joly

Proposal for a regulation

Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Liability for unauthorised or incorrect processing of data

- 1. Eurojust shall be liable, in accordance with Article 340 of the Treaty, for any damage caused to an individual which results from unauthorised or incorrect processing of data carried out by it.***
- 2. Complaints against Eurojust pursuant to the liability referred to in paragraph 1 shall be heard by the Court of Justice in accordance with Article 268 of the Treaty.***
- 3. Each Member State shall be liable, in accordance with its national law, for any damage caused to an individual, which results from unauthorised or incorrect processing carried out by it of data which were communicated to Eurojust.***

Or. en

Justification

This Article on data protection is already covered by the revised Regulation 45/2001 on data protection for EU institutions and agencies. Since Eurojust is an EU agency, it should respect the data protection rules in Regulation 45/2001 (unified data protection regime).

Amendment 376

Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 37

Text proposed by the Commission

Amendment

Article 37

deleted

Liability for unauthorised or incorrect

processing of data

- 1. Eurojust shall be liable, in accordance with Article 340 of the Treaty, for any damage caused to an individual which results from unauthorised or incorrect processing of data carried out by it.**
- 2. Complaints against Eurojust pursuant to the liability referred to in paragraph 1 shall be heard by the Court of Justice in accordance with Article 268 of the Treaty.**
- 3. Each Member State shall be liable, in accordance with its national law, for any damage caused to an individual, which results from unauthorised or incorrect processing carried out by it of data which were communicated to Eurojust.**

Or. en

Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies ; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of datas processed, require some specificities, within the single regime / framework. Thus, we suggest a specific chapter within the new Regulation 45/2001 for the processing of datas by these law enforcement agencies, chapter based on the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, and therefore we suggest to delete the "processing of datas chapter" in this EUROJUST regulation.

Amendment 377

Sylvia-Yvonne Kaufmann, Maria Grapini, Péter Niedermüller, Tanja Fajon, Birgit Sippel, Ana Gomes

**Proposal for a regulation
Chapter 4 a (new)**

Text proposed by the Commission

Amendment

Or. en

(The amendment should be placed after Article 28)

Amendment 378

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 38 – paragraph 1

Text proposed by the Commission

1. In so far as necessary for the performance of its tasks, Eurojust may establish and maintain cooperative relations with Union bodies and agencies in accordance with the objectives of those bodies or agencies, the competent authorities of third countries, international organisations and the International Criminal Police Organisation (Interpol).

Amendment

1. In so far as necessary for the performance of its tasks, Eurojust may establish and maintain cooperative relations with Union bodies and agencies in accordance with the objectives of those bodies or agencies, the competent authorities of third countries, international organisations and the International Criminal Police Organisation (Interpol) **in line with the strategy referred to in Article 43.**

Or. fr

Amendment 379

Eva Joly

Proposal for a regulation

Article 38 – paragraph 1

Text proposed by the Commission

1. In so far as necessary for the performance of its tasks, Eurojust may establish and maintain cooperative relations with Union bodies and agencies in accordance with the objectives of those bodies or agencies, the competent authorities of third countries, international organisations **and** the International Criminal Police Organisation (Interpol).

Amendment

1. In so far as necessary for the performance of its tasks, Eurojust may establish and maintain cooperative relations with Union bodies and agencies in accordance with the objectives of those bodies or agencies, the competent authorities of third countries, international organisations **including** the International Criminal Police Organisation (Interpol).

Amendment 380

Eva Joly

Proposal for a regulation

Article 38 – paragraph 3

Text proposed by the Commission

3. Eurojust may, in accordance with **Article 4 of** Regulation (EC) No 45/2001, receive and process personal data received from the entities referred to in paragraph 1 in so far as necessary for the performance of its tasks **and subject to the provisions of Section IV**.

Amendment

3. Eurojust may, in accordance with Regulation (EC) No 45/2001, receive and process personal data received from the entities referred to in paragraph 1 in so far as necessary for the performance of its tasks.

Or. en

Justification

The rules on transfers of personal data are already covered in the new Regulation 45/2001, which Eurojust should be subject to.

Amendment 381

Eva Joly

Proposal for a regulation

Article 38 – paragraph 4 – introductory part

Text proposed by the Commission

4. Personal data shall only be transferred by Eurojust to third countries, **international organisations, and Interpol if this is necessary for preventing and combating crime that falls under Eurojust's competence and** in accordance with **this** Regulation. **If the data to be transferred have been provided by a Member State, Eurojust shall seek that Member State's consent, unless:**

Amendment

4. Personal data shall only be transferred by Eurojust to third countries **and international organisations** in accordance with Regulation **(EC) No 45/2001 and relevant Union law on the transfer of personal data outside the Union**.

Or. en

Justification

The rules on transfers of personal data are already covered in the new Regulation 45/2001, which Eurojust should be subject to.

Amendment 382

Eva Joly

Proposal for a regulation

Article 38 – paragraph 4 – point a

Text proposed by the Commission

Amendment

a) *the authorisation can be assumed deleted*
as the Member State has not expressly
limited the possibility of onward transfers;
or

Or. en

Justification

The rules on transfers of personal data are already covered in the new Regulation 45/2001, which Eurojust should be subject to.

Amendment 383

Eva Joly

Proposal for a regulation

Article 38 – paragraph 4 – point b

Text proposed by the Commission

Amendment

b) *the Member State has granted its deleted*
prior authorisation to such onward
transfer, either in general terms or subject
to specific conditions. Such consent may
be withdrawn any moment.

Or. en

Justification

The rules on transfers of personal data are already covered in the new Regulation 45/2001, which Eurojust should be subject to.

Amendment 384

Eva Joly

Proposal for a regulation

Article 38 – paragraph 5

Text proposed by the Commission

Amendment

5. Onward transfers to third parties of personal data received from Eurojust by Member States, Union bodies or agencies, third countries and international organisations or Interpol shall be prohibited unless Eurojust has given its explicit consent after considering the circumstances of the case at hand, for a specific purpose that is not incompatible with the purpose for which the data was transmitted. *deleted*

Or. en

Justification

The rules on transfers of personal data are already covered in the new Regulation 45/2001, which Eurojust should be subject to.

Amendment 385

Eva Joly

Proposal for a regulation

Chapter 5 – section 2 – title

Text proposed by the Commission

Amendment

RELATIONS WITH PARTNERS

**RELATIONS WITH PARTNERS
WITHIN THE UNION**

Or. en

Amendment 386

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 40 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Eurojust shall establish and maintain close cooperation with Europol, in so far as is relevant for the performance of the tasks of the two agencies and for achieving their objectives, taking account of the need to avoid duplication of effort.

The essential elements of that cooperation shall be set out in an agreement which must be approved by the Council and the European Parliament.

To that end, the Director of Europol and the President of Eurojust shall meet on a regular basis to discuss issues of common concern.

Or. fr

Amendment 387

Eva Joly

Proposal for a regulation Article 40 – paragraph 2

Text proposed by the Commission

Amendment

2. Searches of information in accordance with paragraph 1 shall be made only for the purpose of identifying whether information available at Eurojust matches with information processed at Europol.

2. Searches of information in accordance with paragraph 1 shall be made only for the purpose of identifying whether information available at Eurojust matches with information processed at Europol. ***In case of a hit, Europol shall specify which data it needs and Eurojust may share the data with Europol only to the extent that the data that generated the hit are necessary for the legitimate performance of its tasks.***

Or. en

Amendment 388

Eva Joly

Proposal for a regulation

Article 41 – paragraph 2

Text proposed by the Commission

2. Eurojust shall treat any request for support emanating from the European Public Prosecutor's Office without undue delay, and shall deal with such requests, **where appropriate**, as if they had been received from a national authority competent for judicial cooperation.

Amendment

2. Eurojust shall treat any request for support emanating from the European Public Prosecutor's Office without undue delay, and shall deal with such requests as if they had been received from a national authority competent for judicial cooperation.

Or. en

Amendment 389

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 41 – paragraph 3

Text proposed by the Commission

3. Whenever necessary, Eurojust shall make use of the Eurojust National Coordination Systems established in accordance with Article 20, as well as the relations it has established with third countries, including its liaison magistrates, in order to support the cooperation established in accordance with paragraph 1.

Amendment

3. Whenever necessary, Eurojust shall make use of the Eurojust National Coordination Systems established in accordance with Article 20, **and in particular the national correspondents for issues relating to the competence of the European Public Prosecutor's Office**, as well as the relations it has established with third countries, including its liaison magistrates, in order to support the cooperation established in accordance with paragraph 1.

Or. fr

Amendment 390

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 41 – paragraph 4

Text proposed by the Commission

4. *The cooperation established in accordance with paragraph 1 shall entail the exchange of information, including personal data. Any data thus exchanged shall only be used for the purposes for which it was provided. Any other usage of the data shall only be allowed in as far as such usage falls within the mandate of the body receiving the data, and subject to the prior authorisation of the body which provided the data.*

Amendment

4. *In cases which involve Member States not participating in the European Public Prosecutor's Office, or third countries, at the request of the European Public Prosecutor's Office or a Member State, Eurojust may, through the national members:*

(a) share information, including personal data, relating to ongoing investigations, in accordance with the provisions of this Regulation;

(b) provide support in forwarding decisions of the European Public Prosecutor's Office or requests for assistance and execution in Member States which are members of Eurojust but which are not part of the European Public Prosecutor's Office, or in third countries.

Or. it

Amendment 391

Eva Joly

Proposal for a regulation

Article 41 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. *The European Public Prosecutor's Office may rely on the support and resources of the administration of Eurojust. To this end, Eurojust may provide services of common interest to the European Public Prosecutor's Office. The details shall be regulated by an arrangement.*

Amendment 392

Eva Joly

Proposal for a regulation

Article 41 – paragraph 7

Text proposed by the Commission

Amendment

7. Eurojust shall support the functioning of the European Public Prosecutor's Office through services to be supplied by its staff. Such support shall in any case include: **deleted**

a) technical support in the preparation of the annual budget, the programming document containing the annual and multiannual programming and the management plan;

b) technical support in staff recruitment and career-management;

c) security services;

d) Information Technology services;

e) financial management, accounting and audit services;

f) any other services of common interest.

The details of the services to be provided shall be laid down in an agreement between Eurojust and the European Public Prosecutor's Office.

Amendment 393

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 41 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Eurojust shall support the functioning of

Eurojust shall support the functioning of

the European Public Prosecutor's Office through services to be supplied by its staff. Such support shall in any case include:

the European Public Prosecutor's Office through services to be supplied by its staff. Such support ***shall be detailed in a separate agreement between Eurojust and the European Public Prosecutor's Office, and*** shall in any case include:

Or. it

Amendment 394

Laura Ferrara, Ignazio Corrao, Fabio Massimo Castaldo

Proposal for a regulation

Article 41 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

The details of the services to be provided shall be laid down in an agreement between Eurojust and the European Public Prosecutor's Office. ***deleted***

Or. it

Amendment 395

Gilles Lebreton, Nicolas Bay, Janice Atkinson, Auke Zijlstra, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Article 42 – paragraph 2

Text proposed by the Commission

Amendment

2. OLAF may contribute to Eurojust's coordination work regarding the protection of the financial interests of the Union, in accordance with its mandate under Regulation (EU, Euratom) of the European Parliament and of the Council No .../2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999. ***deleted***

Amendment 396

Gilles Lebreton, Nicolas Bay, Janice Atkinson, Auke Zijlstra, Lorenzo Fontana, Harald Vilimsky

Proposal for a regulation

Article 42 – paragraph 3

Text proposed by the Commission

Amendment

3. For purposes of the receipt and transmission of information between Eurojust and OLAF, and without prejudice to Article 8, Member States shall ensure that the national members of Eurojust shall be regarded as competent authorities of the Member States solely for the purposes of Regulation (EC) No 1073/1999 and Council Regulation (Euratom) No 1074/1999¹⁹. The exchange of information between OLAF and national members shall be without prejudice to the information which must be given to other competent authorities under those Regulations.

deleted

¹⁹ OJ L 136, 31.5.1999, p. 8.

Amendment 397

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 43 – paragraph -1 (new)

Text proposed by the Commission

Amendment

-1. Eurojust shall establish and maintain cooperation with the authorities of third countries and international organisations

To that end, Eurojust shall prepare, every

four years, in consultation with the Commission, a cooperation strategy which pinpoints the third countries and international organisations with which there is an operational need for cooperation.

Or. fr

Amendment 398

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 43 – paragraph 1

Text proposed by the Commission

1. Eurojust may establish working arrangements with the entities referred to in Article 38(1).

Amendment

1. ***To this end***, Eurojust may establish working arrangements with the entities referred to in Article 38(1).

Or. en

Amendment 399

Eva Joly

Proposal for a regulation

Chapter 5 – section 4 – title

Text proposed by the Commission

TRANSFERS OF PERSONAL DATA

Amendment

**JUDICIAL COOPERATION WITH
THIRD COUNTRIES**

Or. en

Amendment 400

Sylvia-Yvonne Kaufmann, Maria Grapini, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation

Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

***Transfer of personal data to Union bodies
or agencies***

***Subject to any possible restrictions
pursuant to Article 21(8) Eurojust may
directly transfer personal data to Union
bodies or agencies in so far as it is
necessary for the performance of its tasks
or those of the recipient Union body or
agency.***

Or. en

Justification

Provisions on data transfers to third countries and international organisations are included within the amendments tabled to the Chapter on Data Protection Safeguards.

Amendment 401

Eva Joly

Proposal for a regulation

Article 44

Text proposed by the Commission

Amendment

Article 44

deleted

***Transfer of personal data to Union bodies
or agencies***

***Subject to any possible restrictions
pursuant to Article 21(8) Eurojust may
directly transfer personal data to Union
bodies or agencies in so far as it is
necessary for the performance of its tasks
or those of the recipient Union body or
agency.***

Or. en

Justification

Rules on transfers of personal data to other EU agencies or to third countries are already in the scope of the new Regulation 45/2001.

Amendment 402

Eva Joly

Proposal for a regulation

Article 45

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Rules on transfers of personal data to other EU agencies or to third countries are already in the scope of the new Regulation45/2001.

Amendment 403

Sylvia-Yvonne Kaufmann, Maria Grapini, Tanja Fajon, Birgit Sippel, Ana Gomes

Proposal for a regulation

Article 45

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

Provisions on data transfers to third countries and international organisations are included within the amendments tabled to the Chapter on Data Protection Safeguards

Amendment 404

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 45 – paragraph 2 – point a

Text proposed by the Commission

Amendment

**a) *the transfer of data is absolutely
necessary to safeguard the essential***

deleted

*interests of one or more Member States
within the scope of Eurojust's objectives;*

Or. fr

Justification

Wording too vague on this derogation.

Amendment 405

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 45 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

*(aa) the transfer is otherwise necessary
or legally required on important public
interest grounds of the Union or its
Member States, as recognised by Union
law or by national law, or for the
establishment, exercise or defence of legal
claims; or*

Or. fr

Amendment 406

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 45 – paragraph 2 – point c

Text proposed by the Commission

Amendment

*c) the transfer is otherwise necessary
or legally required on important public
interest grounds of the Union or its
Member States, as recognised by Union
law or by national law, or for the
establishment, exercise or defence of legal
claims; or*

deleted

Or. fr

Justification

see addition in Article 45 – paragraph 2 – point a (new)

Amendment 407

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 45 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(5a) Eurojust shall make the list of international and cooperation agreements signed with third countries and international organisations available to the public by publishing and regularly updating that list on its website.

Or. fr

Amendment 408

Dennis de Jong

Proposal for a regulation

Article 51 – paragraph 9

Text proposed by the Commission

Amendment

9. The Administrative Director shall send the Court of Auditors a reply to its observations by 30 September of the following year at the latest. The Administrative Director shall also send this reply to the ***College and to*** the Commission.

9. The Administrative Director shall send the Court of Auditors a reply to its observations by 30 September of the following year at the latest. The Administrative Director shall also send this reply to the ***Executive Board, the European Parliament and*** the Commission.

Or. en

Amendment 409

Ana Gomes

Proposal for a regulation

Article 52 – paragraph 1 a (new)

In respect of the financial support to joint investigation teams activities, Eurojust shall establish in cooperation with Europol the rules and conditions upon which the applications shall be processed.

Or. en

Amendment 410

Sylvia-Yvonne Kaufmann, Maria Grapini, Tanja Fajon, Miltiadis Kyrkos, Ana Gomes

Proposal for a regulation

Article 55 – paragraph 2

Text proposed by the Commission

Amendment

2. ***The*** President of the College shall appear before the European Parliament, at ***their*** request, to discuss matters relating to Eurojust, and in particular to present its Annual Reports, taking into account the obligations of discretion and confidentiality. Discussions shall not refer directly or indirectly to concrete actions in relation with specific operational cases.

2. ***Before taking office, the newly appointed*** President of the College shall ***be invited to make a statement before the competent committee or committees of the European Parliament and answer questions put by its or their members. During his or her term of office, he or she shall*** appear before the European Parliament, at ***its*** request, to discuss matters relating to Eurojust, and in particular to present its Annual Reports, taking into account the obligations of discretion and confidentiality. Discussions shall not refer directly or indirectly to concrete actions in relation with specific operational cases.

Or. en

Amendment 411

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation

Article 55 – paragraph 3 – point -a (new)

Text proposed by the Commission

Amendment

-a) the annual and multi-annual programming documents

Or. fr

Amendment 412

Sylvia-Yvonne Kaufmann, Maria Grapini, Tanja Fajon, Miltiadis Kyrkos, Ana Gomes

Proposal for a regulation

Article 55 – paragraph 4

Text proposed by the Commission

4. Eurojust shall transmit its Annual Report to the national Parliaments. Eurojust shall also transmit to the national Parliaments the documents referred to in paragraph 3.

Amendment

4. Eurojust shall transmit its Annual Report to the national Parliaments. Eurojust shall also transmit to the national Parliaments the documents referred to in paragraph 3 ***in the respective official languages***.

Or. en

Amendment 413

Eva Joly

Proposal for a regulation

Article 64 – paragraph 3

Text proposed by the Commission

3. In the case of non-contractual liability, Eurojust shall, in accordance with the general principles common to the laws of the Member States and independently of any liability under **Article 37**, make good any damage caused by the College or the staff of Eurojust in the performance of their duties.

Amendment

3. In the case of non-contractual liability, Eurojust shall, in accordance with the general principles common to the laws of the Member States and independently of any liability under **Union law**, make good any damage caused by the College or the staff of Eurojust in the performance of their duties.

Or. en

Justification

Article 37 is deleted because it is already covered by the new Regulation 45/2001.

Amendment 414
Dennis de Jong

Proposal for a regulation
Article 65 – paragraph 3

Text proposed by the Commission

Amendment

The Netherlands shall provide the best possible conditions to ensure the functioning of Eurojust, including multilingual, European-oriented schooling and appropriate transport connections.

deleted

Or. en

Amendment 415
Nathalie Griesbeck, Louis Michel, Angelika Mlinar, Gérard Deprez, Petr Ježek

Proposal for a regulation
Article 67 a (new)

Text proposed by the Commission

Amendment

Article 67 a

Amendments to the Regulation on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (EU) 2017/XXX

A new chapter XXX is added :

PROCESSING OF OPERATIONAL PERSONAL DATA

Article XXX

By way of derogation from Articles 4, 6, 7, 8, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 35, 41, 43, 49, 50 and 51, the provisions of this Chapter shall apply to processing of operational data by Union agencies established on the basis of Chapters 4 and 5 of Title V of Part Three

of the TFEU.

Article XXX

Principles relating to processing of personal data

Personal data shall be:

- (a) processed lawfully and fairly ('lawfulness and fairness');*
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes provided that the Union agencies and missions provide appropriate safeguards for the rights and freedoms of data subjects ('purpose limitation');*
- (c) adequate, relevant, and not excessive in relation to the purposes for which they are processed ('data minimisation');*
- (d) accurate and kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');*
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes provided that the agencies or missions provide appropriate safeguards for the rights and freedoms of data subjects, in particular by the implementation of the appropriate technical and organisational measures required by this Regulation ('storage*

limitation');

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

Article XXX

Lawfulness of processing

1. Processing shall be lawful only if and to the extent that processing is necessary for the performance of a task carried out by Union agencies and missions and that it is based on Union law.

2. Union law specifying and complementing this Regulation as regards the processing within the scope of this Chapter shall specify the objectives of processing, the personal data to be processed and the purposes of the processing.

Article XXX

Distinction between different categories of data subjects

Union agencies shall make a clear distinction between personal data of different categories of data subjects, such as:

(a) persons with regard to whom there are serious grounds for believing that they have committed or are about to commit a criminal offence;

(b) persons convicted of a criminal offence;

(c) victims of a criminal offence or persons with regard to whom certain facts give rise to reasons for believing that they could be the victim of a criminal offence; and

(d) other parties to a criminal offence, such as persons who might be called on to testify in investigations in connection with

criminal offences or subsequent criminal proceedings, persons who can provide information on criminal offences, or contacts or associates of one of the persons referred to in points (a) and (b).

Article XXX

Distinction between personal data and verification of quality of personal data

1. Union agencies and missions shall distinguish personal data based on facts from personal data based on personal assessments.

2. Union agencies and missions shall process personal data in such a way that it can be established which authority provided the data or where the data has been retrieved from.

3. Union agencies and missions shall ensure that personal data which are inaccurate, incomplete or no longer up to date are not transmitted or made available. To that end, Union agencies and missions shall verify the quality of personal data before they are transmitted or made available. As far as possible, in all transmissions of personal data, Union agencies and missions shall add necessary information enabling the recipient to assess the degree of accuracy, completeness and reliability of personal data, and the extent to which they are up to date shall be added.

4. If it emerges that incorrect personal data have been transmitted or personal data have been unlawfully transmitted, the recipient shall be notified without delay. In such a case, the personal data shall be rectified or erased or processing shall be restricted.

ARTICLE XXX

Specific processing conditions

1. When Union agencies and missions provide for specific conditions for processing, they shall inform the recipient of such personal data of those conditions

and the requirement to comply with them.

2. Union agencies and missions shall comply with specific processing conditions for processing provided by a national authority in accordance with Article 9 (3) and (4) of Directive (EU) 2016/680.

ARTICLE XXX

Transmission of personal data to other Union institutions and bodies

1. Union agencies and missions shall only transmit personal data to other Union institutions and bodies if the data are necessary for the legitimate performance of tasks covered by the competence of other Union institutions and bodies.

2. Where personal data are transmitted following a request from the other Union institution or body, both the controller and the recipient shall bear the responsibility for the legitimacy of this transfer.

3. Union agencies and missions shall be required to verify the competence of the other Union institution or body and to make a provisional evaluation of the necessity for the transmission. If doubts arise as to this necessity, Union agencies and missions shall seek further information from the recipient.

4. Other Union institutions and bodies shall ensure that the necessity for the transmission can be subsequently verified.

5. Other Union institutions and bodies shall process the personal data only for the purposes for which they were transmitted.

ARTICLE XXX

Processing of special categories of personal data

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the

processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, personal data concerning health or personal data concerning a natural person's sex life or sexual orientation shall be allowed only where strictly necessary for the performance of tasks of Union agencies and missions, subject to appropriate safeguards for the rights and freedoms of the data subject and only if they supplement other operational personal data already processed by Union agencies and missions.

2. The data protection officer shall be informed immediately of recourse to this Article.

ARTICLE XXX

Automated individual decision-making, including profiling

The data subject shall have the right not to be subject to a decision of Union agencies and missions based solely on automated processing, including profiling, which produces legal effects concerning him/her or similarly significantly affects him/her.

ARTICLE XXX

Information to be made available or given to the data subject

1. Union agencies and missions shall make available to the data subject at least the following information:

(a) the identity and the contact details of the Union agency or mission;

(b) the contact details of the data protection officer;

(c) the purposes of the processing for which the personal data are intended;

(d) the right to lodge a complaint with the European Data Protection Supervisor and its contact details;

(e) the existence of the right to request from Union agencies and missions access

to and rectification or erasure of personal data and restriction of processing of the personal data concerning the data subject.

2. In addition to the information referred to in paragraph 1, Union agencies and missions shall give to the data subject, in specific cases, the following further information to enable the exercise of his or her rights:

(a) the legal basis for the processing;

(b) the period for which the personal data will be stored, or, where that is not possible, the criteria used to determine that period;

(c) the categories of recipients of the personal data, including in third countries or international organisations;

(d) where necessary, further information, in particular where the personal data are collected without the knowledge of the data subject.

3. Union agencies and missions may delay, restrict or omit the provision of the information to the data subject pursuant to paragraph 2 to the extent that, and for as long as, such a measure is provided for by a legal act adopted on the basis of the Treaties and constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and the legitimate interests of the natural person concerned, in order to:

(a) avoid obstructing official or legal inquiries, investigations or procedures;

(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;

(c) protect public security of the Member States;

(d) protect national security of the Member States;

(e) protect the rights and freedoms of

others.

ARTICLE XXX

Right of access by the data subject

The data subject shall have the right to obtain from Union agencies and missions confirmation as to whether or not personal data concerning that subject are being processed, and, where that is the case, access to the personal data and the following information:

(a) the purposes of and legal basis for the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipients to whom the personal data have been disclosed, in particular recipients in third countries or international organisations;

(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;

(e) the existence of the right to request from Union agencies and missions rectification or erasure of personal data or restriction of processing of personal data concerning the data subject;

(f) the right to lodge a complaint with the European Data Protection Supervisor and his or her contact details;

(g) communication of the personal data undergoing processing and of any available information as to their origin.

ARTICLE XXX

Limitations to the right of access

1. Union agencies and missions may restrict, wholly or partly, the data subject's right of access to the extent that, and for as long as, such a partial or complete restriction is provided for by a legal act adopted on the basis of the Treaties and constitutes a necessary and

proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned, in order to:

(a) avoid obstructing official or legal inquiries, investigations or procedures;

(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;

(c) protect public security of the Member States;

(d) protect national security of the Member States;

(e) protect the rights and freedoms of others.

2. In the cases referred to in paragraph 1, Union agencies and missions shall inform the data subject, without undue delay, in writing of any refusal or restriction of access and of the reasons for the refusal or the restriction. Such information may be omitted where the provision thereof would undermine a purpose under paragraph 1. Union agencies and missions shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor or seeking a judicial remedy in the Court of Justice of the European Union.

3. Union agencies and missions shall document the factual or legal reasons on which the decision is based. That information shall be made available to the European Data Protection Supervisor on request.

ARTICLE XXX

Right to rectification or erasure of personal data and restriction of processing

1. The data subject shall have the right to obtain from Union agencies and missions without undue delay the rectification of

inaccurate personal data relating to that subject. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

2. Union agencies and missions shall erase personal data without undue delay and the data subject shall have the right to obtain from Union agencies and missions the erasure of personal data concerning that subject without undue delay where processing infringes Articles 52b, 52c or 52h, or where personal data must be erased in order to comply with a legal obligation to which Union agencies and missions are subject.

3. Instead of erasure, Union agencies and missions shall restrict processing where:

(a) the accuracy of the personal data is contested by the data subject and their accuracy or inaccuracy cannot be ascertained; or

(b) the personal data must be maintained for the purposes of evidence.

Where processing is restricted pursuant to point (a) of the first subparagraph, Union agencies and missions shall inform the data subject before lifting the restriction of processing. Restricted data shall be processed only for the purpose that prevented their erasure.

4. Union agencies and missions shall inform the data subject in writing of any refusal of rectification or erasure of personal data or restrict processing and of the reasons for the refusal. Union agencies and missions may restrict, wholly or partly, the obligation to provide such information to the extent that such a restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned

in order to:

(a) avoid obstructing official or legal inquiries, investigations or procedures;

(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;

(c) protect public security of the Member States;

(d) protect national security of the Member States;

(e) protect the rights and freedoms of others.

5. Union agencies and missions shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor or seeking a judicial remedy from the Court of Justice of the European Union.

6. Union agencies and missions shall communicate the rectification of inaccurate personal data to the competent authority from which the inaccurate personal data originate.

7. Union agencies and missions shall, where personal data has been rectified or erased or processing has been restricted pursuant to paragraphs 1, 2 and 3, notify the recipients and inform them that they have to rectify or erase the personal data or restrict processing of the personal data under their responsibility.

ARTICLE XXX

Exercise of rights by the data subject and verification by the European Data Protection Supervisor

1. In the cases referred to in Articles 52i(3) , 52k and 52m(4), the rights of the data subject may also be exercised through the European Data Protection Supervisor.

2. Union agencies and missions shall inform the data subject of the possibility of exercising his or her rights through the

*European Data Protection Supervisor
pursuant to paragraph 1.*

3. Where the right referred to in paragraph 1 is exercised, the European Data Protection Supervisor shall at least inform the data subject that all necessary verifications or a review by it have taken place. The European Data Protection Supervisor shall also inform the data subject of his or her right to seek a judicial remedy in the Court of Justice of the European Union.

ARTICLE XXX

Logging

1. Union agencies and missions shall keep logs for any of the following processing operations in automated processing systems: collection, alteration, consultation, disclosure including transfers, combination and erasure. The logs of consultation and disclosure shall make it possible to establish the justification for, and the date and time of, such operations, the identification of the person who consulted or disclosed personal data, and, as far as possible, the identity of the recipients of such personal data.

2. The logs shall be used solely for verification of the lawfulness of processing, self-monitoring, ensuring the integrity and security of the personal data, and for criminal proceedings. Such logs shall be deleted after three years, unless they are required for on-going control.

3. Union agencies or missions shall make the logs available to their data protection officer and to the European Data Protection Supervisor on request.

ARTICLE XXX

Transfers subject to appropriate safeguards

1. In the absence of an adequacy decision pursuant to Article 45 of Regulation (EU) 2016/679 or Article 36 of Directive (EU)

2016/680, Union agencies and missions may transfer personal data to a third country or an international organisation where:

(a) appropriate safeguards with regard to the protection of personal data are provided for in a legally binding instrument; or (b) Union agencies and missions have assessed all the circumstances surrounding the transfer of personal data and conclude that appropriate safeguards exist with regard to the protection of personal data.

2. Union agencies and missions shall seek authorisation from the European Data Protection Supervisor when transferring personal data under point (b) of paragraph 1.

3. When a transfer is based on point (b) of paragraph 1, such a transfer shall be documented and the documentation shall be made available to the European Data Protection Supervisor on request, including the date and time of the transfer, information about the receiving competent authority, the justification for the transfer and the personal data transferred.

ARTICLE XXX

Derogations for specific situations

1. In the absence of an adequacy decision pursuant to Article 45 of Regulation (EU) 2016/679 or Article 36 of Directive (EU) 2016/680, or of appropriate safeguards pursuant to Article 52p, Union agencies and missions may, on a case-by-case basis, transfer personal data to a third country or an international organisation only on the condition that the transfer is proportionate and necessary:

(a) in order to protect the vital interests of the data subject or another person;

(b) to safeguard legitimate interests of the data subject;

(c) for the prevention of an immediate and serious threat to public security of a Member State or a third country; or

(d) in individual cases for the performance of the tasks of Union agencies and missions, unless they determine that fundamental rights and freedoms of the data subject concerned override the public interest in the transfer.

2. Union agencies shall seek authorisation from the European Data Protection Supervisor when transferring personal data under point (b) of paragraph 1.

3. Where a transfer is based on paragraph 1, such a transfer shall be documented and the documentation shall be made available to the European Data Protection Supervisor on request, including the date and time of the transfer, and information about the receiving competent authority, about the justification for the transfer and about the personal data transferred.

Or. en

Justification

The right to the protection of personal data also applies to the processing of personal data by EU institutions, bodies, offices and agencies. In this regard, Regulation (EC) No 45/2001 (which is currently under revision) shall apply to all EU institutions, bodies, offices and agencies ; and it is key, in order to have one coherent regime of data protection within the European Union institutions, to have one single regime. However, the processing of data by the European Union institutions and bodies acting in the areas of freedom, security and justice, due to the nature of datas processed, require some specificities, within the single regime / framework. Thus, this amendment suggest a specific chapter within the new Regulation 45/2001 for the processing of datas by these law enforcement agencies, chapter based on the Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

Amendment 416

Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation
Annex I – paragraph 1 – indent 9

Text proposed by the Commission

– sexual abuse and sexual exploitation of women and children, child ***pornography*** and solicitation of children for sexual purposes;

Amendment

– sexual abuse and sexual exploitation of women and children, ***including*** child ***sexual abuse material*** and solicitation of children for sexual purposes
;

Or. en

Amendment 417
Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation
Annex I – paragraph 1 – indent 20

Text proposed by the Commission

– ***illegal*** immigrant smuggling;

Amendment

– immigrant smuggling;

Or. en

Amendment 418
Nathalie Griesbeck, Louis Michel, Gérard Deprez, Petr Ježek

Proposal for a regulation
Annex I – paragraph 1 – indent 26

Text proposed by the Commission

– illicit trafficking in ***endangered animal*** species;

Amendment

– illicit trafficking in ***animal species, including endangered*** species;

Or. en