



2018/2064(INI)

1.6.2018

AMENDMENTS

1 - 46

Draft report
Claude Moraes
(PE621.031v02-00)

Proposal to open negotiations on the recommendation, by the Commission, for a Council decision authorising the opening of negotiations for an agreement between the European Union and the Kingdom of Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent authorities for fighting serious crime and terrorism
(COM(2017)0808 – 2018/2064(INI))

AM_Com_NonLegReport

Amendment 1
Cornelia Ernst

Motion for a resolution
Citation 8 a (new)

Motion for a resolution

Amendment

- *having regard to the agreement reached by the EU Parliament and the Council on the adoption of 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, and in particular to its Chapter on the processing of operational personal data which applies to Union bodies, offices or agencies when carrying out activities which fall within the scope of Chapter 4 and 5 of the Title V of Part Three of the TFEU;*

Or. en

Amendment 2
Roberta Metsola

Motion for a resolution
Citation 9 a (new)

Motion for a resolution

Amendment

- *having regard to its resolution of 3 October 2017 on the fight against cybercrime (2017/268(INI));*

Or. en

Amendment 3
Cornelia Ernst

Motion for a resolution
Citation 10 a (new)

Motion for a resolution

Amendment

- *having regard to the European Fundamental Rights Agency (FRA) Opinion 2/2012 of the European Union Agency for Fundamental Rights on the proposed data protection reform package^{1a}, the report on Fundamental rights and the interoperability of EU information systems: borders and security^{2a} (2017) and the report related to the fundamental rights implications of collecting, storing and using biometric and other data in EU IT systems in the area of asylum and migration (2018)^{3a};*

1a

<http://fra.europa.eu/en/opinion/2012/fra-opinion-proposed-eu-data-protection-reform-package>

2a

<http://fra.europa.eu/en/publication/2017/fundamental-rights-interoperability>

3a

<http://fra.europa.eu/en/publication/2018/biometrics-rights-protection>

Or. en

Amendment 4

Morten Helveg Petersen, Louis Michel, Gérard Deprez, Angelika Mlinar, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld

Motion for a resolution
Recital B

Motion for a resolution

Amendment

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data

should respect Articles 7 and 8 of the Charter of Fundamental Rights and Article 16 TFEU, and hence respect the principle of purpose limitation and prove necessary and proportionate for the fulfilment of Europol's tasks;

should respect Articles 7 and 8 of the Charter of Fundamental Rights and Article 16 TFEU, and hence respect the principle of purpose limitation, *the right of access, the right to rectification and the control by an independent authority specifically stipulated by the Charter* and prove necessary and proportionate for the fulfilment of Europol's tasks;

Or. en

Amendment 5
Roberta Metsola

Motion for a resolution
Recital C a (new)

Motion for a resolution

Amendment

C a. whereas the Europol programming document 2018-2020^{6a} highlights the increasing relevance of an enhanced multi-disciplinary approach, including the pooling of necessary expertise and information from an expanding range of partners, for the delivery of Europol's mission;

^{6a} *Europol Programming Document 2018-2020 adopted by Europol's Management Board on 30 November 2017, EDOC# 856927v18.*

Or. en

Amendment 6
Roberta Metsola

Motion for a resolution
Recital C b (new)

Motion for a resolution

Amendment

C b. whereas the Europol External Strategy 2017-2020^{7a} underlines the need for closer cooperation between Europol and the Middle East/North Africa (MENA) in light of the current terrorist threats as well as migration-related challenges;

^{7a} Europol External Strategy 2017-2020, adopted by the Europol Management Board on 13 December 2016, EDOC#865852v3.

Or. en

Amendment 7
Roberta Metsola

Motion for a resolution
Recital C c (new)

Motion for a resolution

Amendment

C c. whereas Parliament underlined in its 2017 Resolution on the Fight against cybercrime (2017/268(INI)) that strategic and operational cooperation agreements between Europol and third countries facilitate both the exchange of information and practical cooperation in the fight against cybercrime;

Or. en

Amendment 8
Cornelia Ernst

Motion for a resolution
Recital D

Motion for a resolution

Amendment

D. whereas Europol has already set up multiple agreements on data exchange with third countries in the past;

D. whereas Europol has already set up multiple agreements on data exchange with third countries in the past, *such as Albania, Australia, Bosnia and Herzegovina, Canada, Colombia, Former Yugoslav Republic of Macedonia, Georgia, Iceland, Liechtenstein, Moldova, Monaco, Montenegro, Norway, Serbia, Switzerland, Ukraine, United States of America;*

Or. en

Amendment 9
Cornelia Ernst

Motion for a resolution
Recital D a (new)

Motion for a resolution

Amendment

D a. whereas Europol has set up multiple operational agreements with third organisations including with the then called European Operational Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) – now European Border Guard and Coast Guard Agency -in December 2015 providing for in its Article 9 for the transfer of personal data by Frontex to Europol in the case of persons suspected, on reasonable grounds, by the competent authorities of the Member States of involvement in cross-border crime activities as referred to in Article 3(1) of the agreement;

Or. en

Amendment 10
Cornelia Ernst

Motion for a resolution
Recital D b (new)

Motion for a resolution

Amendment

D b. whereas the European Border Guard and Coast Guard Agency (Frontex) is prohibited to transmit any personal data to third countries pursuant to article 45(4) of Regulation 2016/1624 without prejudice to Article 48 of this Regulation;

Or. en

Amendment 11

Morten Helveg Petersen, Louis Michel, Gérard Deprez, Angelika Mlinar, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld

Motion for a resolution
Recital E

Motion for a resolution

Amendment

E. whereas the EDPS has been the supervisor of Europol since 1 May 2017, and is also the advisor to the EU institutions ***on policies and legislation relating to*** data protection;

E. whereas the EDPS has been the supervisor of Europol since 1 May 2017, and is also the advisor to the EU institutions ***applying the EU data protection principles when negotiating agreements in the law enforcement sector;***

Or. en

Amendment 12
Roberta Metsola

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. Considers that cooperation with the Kingdom of Morocco in the field of law enforcement ***may be*** necessary for the European Union's security interests ***but***

1. Considers that cooperation with the Kingdom of Morocco in the field of law enforcement ***is*** necessary for the European Union's security interests, ***in particular to***

highlights *that due caution is needed while* defining the negotiating mandate for an agreement between the European Union and the Kingdom of Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent authorities for fighting serious crime and terrorism;

counter crime phenomena linked to terrorism and firearms trafficking that pose a threat to both parties, migration-related challenges to help prevent irregular migration, drug trafficking considering the Kingdom of Morocco is a key source country for cannabis products entering the EU market and cybercrime, especially since the Kingdom of Morocco is making progress in addressing cybercrime threats; highlights *the need to apply due diligence when* defining the negotiating mandate for an agreement between the European Union and the Kingdom of Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent authorities for fighting serious crime and terrorism;

Or. en

Amendment 13 Cornelia Ernst

Motion for a resolution Paragraph 1

Motion for a resolution

1. Considers that cooperation with the Kingdom of Morocco in the field of law enforcement *may be necessary* for the European Union's security interests *but* highlights that due caution is needed while defining the negotiating mandate for an agreement between the European Union and the Kingdom of Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent authorities for fighting serious crime and terrorism;

Amendment

1. Considers that *the necessity of the* cooperation with the Kingdom of Morocco in the field of law enforcement for the European Union's security interests, *as well as its proportionality, need to be properly assessed; in this regard, calls on the Commission to conduct a thorough impact assessment;* highlights that due caution is needed while defining the negotiating mandate for an agreement between the European Union and the Kingdom of Morocco on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Moroccan competent

authorities for fighting serious crime and terrorism;

Or. en

Amendment 14
Cornelia Ernst

Motion for a resolution
Paragraph 2

Motion for a resolution

2. Considers that full consistency with Articles 7 and 8 of the Charter should be ensured in the receiving third countries; calls, in this regard, on the Council to complete the negotiating guidelines proposed by the Commission with the conditions set out in this resolution;

Amendment

2. Considers that full consistency with Articles 7 and 8 of the Charter, ***as well as other fundamental rights and freedoms protected by the Charter***, should be ensured in the receiving third countries; calls, in this regard, on the Council to complete the negotiating guidelines proposed by the Commission with the conditions set out in this resolution;

Or. en

Amendment 15
Josep-Maria Terricabras

Motion for a resolution
Paragraph 3

Motion for a resolution

3. Takes note that to date no appropriate impact assessment has been conducted in order to assess in depth the risks posed by transfers of personal data to the Kingdom of Morocco as regards individuals' rights to privacy and data protection, but also for other fundamental rights and freedoms protected by the Charter; asks the Commission to carry out an appropriate impact assessment so as to define the necessary safeguards to be

Amendment

3. Takes note that to date no appropriate impact assessment has been conducted in order to assess in depth the risks posed by transfers of personal data to the Kingdom of Morocco as regards individuals' rights to privacy and data protection, but also for other fundamental rights and freedoms protected by the Charter; asks the Commission to carry out an appropriate impact assessment so as to define the necessary safeguards to be

integrated in the agreement;

integrated in the agreement; ***calls on the Council and the Commission to refrain from starting any negotiation with Kingdom of Morocco if the conclusions of the impact assessment cannot guarantee a sufficient and adequate level of protection of individuals' rights to privacy and data protection and other fundamental rights and freedoms protectef by the Charter;***

Or. en

Amendment 16
Helga Stevens

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Insists that the level of protection resulting from the agreement should ***be essentially equivalent to*** the level of protection in EU law;

Amendment

4. Insists that the level of protection resulting from the agreement should ***bear in mind*** the level of protection in EU law;

Or. en

Amendment 17
Josep-Maria Terricabras

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Insists that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law;

Amendment

4. Insists that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law; ***if such level should not be guaranteed, asks the Council and the Commission to refrain from starting any negotiation with Kingdom of Morocco;***

Amendment 18
Cornelia Ernst

Motion for a resolution
Paragraph 4

Motion for a resolution

4. Insists that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law;

Amendment

4. Insists that the level of protection resulting from the agreement should be essentially equivalent to the level of protection in EU law ***both in law and in practice***;

Or. en

Amendment 19
Helga Stevens

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Requests that, in order to fully respect Article 8 of the Charter and Article 16 TFEU and to avoid any potential liability from Europol as regards a violation of Union data protection law resulting from a transfer of personal data without the necessary and appropriate safeguards, the agreement contain ***strict and*** specific provisions imposing respect for the principle of purpose limitation with clear conditions for the processing of personal data transmitted;

Amendment

5. Requests that, in order to fully respect Article 8 of the Charter and Article 16 TFEU and to avoid any potential liability from Europol as regards a violation of Union data protection law resulting from a transfer of personal data without the necessary and appropriate safeguards, the agreement contain specific provisions imposing respect for the principle of purpose limitation with clear conditions for the processing of personal data transmitted;

Or. en

Amendment 20
Helga Stevens

Motion for a resolution
Paragraph 7

Motion for a resolution

7. Requests that the agreement clearly provide that any further processing should always require prior and written authorisation by Europol; stresses that these authorisations should be documented by Europol ***and made available to the EDPS at its request***; calls for the agreement also to contain a provision obliging the competent authorities of the Kingdom of Morocco to respect these restrictions ***and specify how compliance with these restrictions would be enforced***;

Amendment

7. Requests that the agreement clearly provide that any further processing should always require prior and written authorisation by Europol; stresses that these authorisations should be documented by Europol; calls for the agreement also to contain a provision obliging the competent authorities of the Kingdom of Morocco to respect these restrictions;

Or. en

Amendment 21
Helga Stevens

Motion for a resolution
Paragraph 8

Motion for a resolution

8. Insists that the agreement ***contain*** a clear and precise provision setting out the data retention period of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period; requests that procedural measures be set out in the agreement to ensure compliance; insists that, in exceptional cases, where there are duly justified reasons to store the data for an extended period, past the expiry of the data retention period, these reasons and the accompanying documentation be communicated to Europol ***and the EDPS***;

Amendment

8. Insists that the agreement ***contains*** a clear and precise provision setting out the data retention period of personal data that have been transferred and requiring the erasure of the personal data transferred at the end of the data retention period; requests that procedural measures be set out in the agreement to ensure compliance; insists that, in exceptional cases, where there are duly justified reasons to store the data for an extended period, past the expiry of the data retention period, these reasons and the accompanying documentation be communicated to Europol;

Or. en

Amendment 22
Roberta Metsola

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Considers that the categories of offences for which personal data will be exchanged need to be clearly defined and listed in the international agreement itself; this list should include the activities covered by such crimes, and the *persons, groups and organisations* likely *to be affected by* the transfer;

Amendment

10. Considers that the categories of offences for which personal data will be exchanged need to be clearly defined and listed in the international agreement itself, *in line with EU criminal offences definitions when available*; this list should include the activities covered by such crimes and the likely *effects of* the transfer *of personal data*;

Or. en

Amendment 23
Cornelia Ernst

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Considers that the *categories* of offences for which personal data will be exchanged need to be clearly defined and *listed* in the international agreement itself; this list should *include* the activities covered by such crimes, and the persons, groups and organisations likely to be affected by the transfer;

Amendment

10. Considers that the *list* of offences for which personal data will be exchanged need to be clearly defined and *included* in the international agreement itself; this list should *define in a clear and precise manner* the activities covered by such crimes, and the persons, groups and organisations likely to be affected by the transfer;

Or. en

Amendment 24
Cornelia Ernst

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Urges the Council and the Commission to define, pursuant to Court of Justice (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of the Kingdom of Morocco, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; *is of the opinion* that such an authority *should be* agreed and established before the international agreement can enter into force; insists that the name of this authority and the contact details be expressly included in the agreement;

Amendment

11. Urges the Council and the Commission to define, pursuant to Court of Justice (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of the Kingdom of Morocco, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; *urges* that such an authority *is* agreed and established before the international agreement can enter into force; insists that the name of this authority and the contact details be expressly included in the agreement;

Or. en

Amendment 25
Roberta Metsola

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Urges the Council and the Commission to define, pursuant to Court of Justice (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of the Kingdom of Morocco, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; *is of the opinion* that such an authority *should be* agreed and established before the international agreement can enter into force; insists that the name of this authority *and the contact details* be expressly included in the agreement;

Amendment

11. Urges the Council and the Commission to define, pursuant to Court of Justice (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of the Kingdom of Morocco, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; *is of the opinion* that such an authority *should be* agreed and established before the international agreement can enter into force; insists that the name of this authority be expressly included in the agreement;

Amendment 26
Helga Stevens

Motion for a resolution
Paragraph 11

Motion for a resolution

11. Urges the Council and the Commission to define, pursuant to Court of Justice (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of the Kingdom of Morocco, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; is of the opinion that such an authority should be agreed and established ***before the international agreement can enter into force***; ***insists*** that the name of this authority and the contact details ***be*** expressly included in the agreement;

Amendment

11. Urges the Council and the Commission to define, pursuant to Court of Justice (CJEU) case-law and within the meaning of Article 8(3) of the Charter, with the Government of the Kingdom of Morocco, which independent supervisory authority is to be in charge of supervising the implementation of the international agreement; is of the opinion that such an authority should be agreed and established ***as soon as possible***; ***is of the opinion*** that the name of this authority and the contact details ***are best*** expressly included in the agreement;

Amendment 27
Morten Helveg Petersen, Louis Michel, Gérard Deprez, Angelika Mlinar, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Considers that the independent supervisory body should also be competent to ***decide*** to suspend or terminate the agreement in the event of a breach of the agreement; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed

Amendment

12. ***Considers that the international agreement should include a provision allowing the EU to suspend or revoke the latter should there be a breach of personal data by a law enforcement authority and*** considers that the independent supervisory body should also be competent to ***suggest*** to suspend or terminate the agreement in the event of a breach of the agreement;

in accordance with the agreement;

considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement;

Or. en

Amendment 28
Roberta Metsola

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Considers that *the independent supervisory body* should *also be competent to decide* to suspend or terminate the agreement in the event of a breach of the agreement; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement;

Amendment

12. Considers that *it* should *be possible for either one of the contracting parties* to suspend or terminate the agreement in the event of a breach of the agreement; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement;

Or. en

Amendment 29
Helga Stevens

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Considers that *the independent supervisory body* should *also be competent to decide to suspend or terminate* the agreement in the event of a breach *of the agreement*; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to

Amendment

12. Considers that *a periodic evaluation of the agreement* should *be installed to evaluate the parties' compliance with the agreement as to consider suspending or terminating* the agreement in the event of a breach; considers that any personal data falling within the scope of the agreement

be processed in accordance with the agreement;

transferred prior to its suspension or termination may continue to be processed **by the independent supervisory body** in accordance with the agreement;

Or. en

Amendment 30
Cornelia Ernst

Motion for a resolution
Paragraph 12

Motion for a resolution

12. Considers that the independent supervisory body **should also be** competent to decide to suspend or terminate the agreement in the event of a breach of the agreement; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement;

Amendment

12. Considers **of utmost importance** that the independent supervisory body **is also** competent to decide to suspend or terminate the agreement in the event of a breach of the agreement; considers that any personal data falling within the scope of the agreement transferred prior to its suspension or termination may continue to be processed in accordance with the agreement;

Or. en

Amendment 31
Roberta Metsola

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Is of the opinion that a clear definition of the concept of individual cases is needed as this concept is needed to assess the necessity and proportionality of data transfers; highlights that this definition should only refer to actual criminal investigations **and not** to criminal intelligence operations targeting specific

Amendment

13. Is of the opinion that a clear definition of the concept of individual cases is needed as this concept is needed to assess the necessity and proportionality of data transfers; highlights that this definition should **normally** only refer to actual criminal investigations, **and only in extremely exceptional cases with all the**

individuals considered as suspects;

necessary safeguards in place, to criminal intelligence operations targeting specific individuals considered as suspects;

Or. en

Amendment 32
Cornelia Ernst

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution

Amendment

13 a. Is of the opinion that a clear definition of the concept of reasonable grounds is needed as this concept is needed to assess the necessity and proportionality of data transfers; highlights that this definition should only refer to actual criminal investigations and not to criminal intelligence operations targeting specific individuals considered as suspects;

Or. en

Amendment 33
Roberta Metsola

Motion for a resolution
Paragraph 14

Motion for a resolution

Amendment

14. Stresses that data transferred to a receiving authority can never be further processed by other authorities and that, to this end, an exhaustive list of the competent authorities in the Kingdom of Morocco to which Europol can transfer data should be set up, including a description of the authorities' competences; considers that any *change* to

14. Stresses that data transferred to a receiving authority can never be further processed by other authorities and that, to this end, an exhaustive list of the competent authorities in the Kingdom of Morocco to which Europol can transfer data should be set up, including a description of the authorities' competences; considers that any

such a list would require a review of the international agreement;

modification to such a list *that would replace or add a new competent authority* would require a review of the international agreement;

Or. en

Amendment 34
Cornelia Ernst

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Insists on the need to expressly indicate that onward transfers of information from the competent authorities of the Kingdom of Morocco to other authorities in the Kingdom of Morocco can only be allowed to fulfil the original purpose of the transfer by Europol and should always be *communicated* to the independent authority, the EDPS and Europol;

Amendment

15. Insists on the need to expressly indicate that onward transfers of information from the competent authorities of the Kingdom of Morocco to other authorities in the Kingdom of Morocco can only be allowed to fulfil the original purpose of the transfer by Europol and should always be *subject to prior authorization by* the independent authority, the EDPS and Europol;

Or. en

Amendment 35
Helga Stevens

Motion for a resolution
Paragraph 15

Motion for a resolution

15. Insists on the need to expressly indicate that onward transfers of information from the competent authorities of the Kingdom of Morocco to other authorities in the Kingdom of Morocco can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the

Amendment

15. Insists on the need to expressly indicate that onward transfers of information from the competent authorities of the Kingdom of Morocco to other authorities in the Kingdom of Morocco can only be allowed to fulfil the original purpose of the transfer by Europol and should always be communicated to the

independent authority, *the EDPS* and Europol;

independent authority and Europol;

Or. en

Amendment 36

Cornelia Ernst

Motion for a resolution

Paragraph 17

Motion for a resolution

17. Considers that the international agreement with the Kingdom of Morocco should include data subjects' right to information;

Amendment

17. Considers that the international agreement with the Kingdom of Morocco should include data subjects' right to information, *rectification and erasure as provided for in other Union legislation on data protection*;

Or. en

Amendment 37

Roberta Metsola

Motion for a resolution

Paragraph 18

Motion for a resolution

18. Points out that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data or data concerning a person's health and sex life is extremely sensitive and gives rise to profound concerns given the different legal framework, societal characteristics and cultural background of the Kingdom of Morocco compared with the European Union; highlights the fact that criminal acts are defined differently in the Union from in the Kingdom of Morocco; is of the opinion

Amendment

18. Points out that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data or data concerning a person's health and sex life is extremely sensitive and gives rise to profound concerns given the different legal framework, societal characteristics and cultural background of the Kingdom of Morocco compared with the European Union; highlights the fact that criminal acts are defined differently in the Union from in the Kingdom of Morocco; is of the opinion

that such a transfer of data should therefore only take place in very exceptional cases and with clear safeguards for the data subject and persons linked to the data subject; Considers it necessary to ***impose*** safeguards ***on*** the Kingdom of Morocco as regards respect for freedom of expression, freedom of religion, human dignity ***and so forth***;

that such a transfer of data should therefore only take place in very exceptional cases and with clear safeguards for the data subject and persons linked to the data subject; Considers it necessary to ***define specific*** safeguards ***that would need to be respected by*** the Kingdom of Morocco as regards ***fundamental rights, including the*** respect for freedom of expression, freedom of religion ***and*** human dignity;

Or. en

Amendment 38 **Cornelia Ernst**

Motion for a resolution **Paragraph 18**

Motion for a resolution

18. Points out that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data or data concerning a person's health and sex life is extremely sensitive and gives rise to profound concerns given the different legal framework, societal characteristics and cultural background of the Kingdom of Morocco compared with the European Union; highlights the fact that criminal acts are defined differently in the Union from in the Kingdom of Morocco; is of the opinion that such a transfer of data should therefore only take place in very exceptional cases and with clear safeguards for the data subject and persons linked to the data subject; Considers it necessary to impose safeguards on the Kingdom of Morocco as regards respect for freedom of expression, freedom of religion, human dignity and so forth;

Amendment

18. Points out that the transfer of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, genetic data or data concerning a person's health and sex life is extremely sensitive and gives rise to profound concerns given the different legal framework, societal characteristics and cultural background of the Kingdom of Morocco compared with the European Union; highlights the fact that criminal acts are defined differently in the Union from in the Kingdom of Morocco; is of the opinion that such a transfer of data should therefore only take place in very exceptional cases, ***and only if there is a precise and particularly solid justification based on grounds other than the protection of public security against terrorism***, and with clear safeguards for the data subject and persons linked to the data subject; Considers it necessary to impose safeguards on the Kingdom of Morocco as regards respect for freedom of expression,

freedom of religion, human dignity and so forth;

Or. en

Amendment 39
Cornelia Ernst

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

Amendment

18 a. Calls the Council and the Commission to refrain from starting any negotiations with the Kingdom of Morocco until the impact assessment referred to in points 1 and 3 demonstrates: (a) the necessity and proportionality of an international agreement with that country, (b) that the level of data protection resulting from these agreements is essentially equivalent to the level of protection provided by EU law, in particular with regard to the purpose limitation principle, the right of access, the right to rectification and the control by an independent authority, (c) that the Kingdom of Morocco provides for adequate safeguards as regards the protection of fundamental rights and freedom protected by the Charter, particularly the freedom of expression, freedom of religion, and human dignity;

Or. en

Amendment 40
Helga Stevens

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

Amendment

18 a. Stresses the importance of the agreement, as currently Europol does not have any personal data sharing agreements with countries in the MENA region, to enhance the security of the whole of the European Union by improving counter-terrorism efforts and combatting organised crime and irregular migration;

Or. en

Amendment 41
Roberta Metsola

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

Amendment

18 a. Believes that a monitoring mechanism should be included in the agreement and it should be made subject to periodic assessments to evaluate its functioning in relation to the operational needs of Europol as well as its compliance with European data protection rights and principles;

Or. en

Amendment 42
Morten Helveg Petersen, Louis Michel, Gérard Deprez, Angelika Mlinar, Nathalie Griesbeck, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld

Motion for a resolution
Paragraph 18 a (new)

Motion for a resolution

Amendment

18 a. Calls on the Commission to seek the advice of the EDPS before the

*finalisation of the international
agreement in accordance with Regulation
(EC) No 2016/794 and Regulation(EC)
No 45/2001;*

Or. en

Amendment 43
Cornelia Ernst

Motion for a resolution
Paragraph 18 b (new)

Motion for a resolution

Amendment

*18 b. Stresses that the European
Parliament will give its consent to the
conclusion of the agreement only if such
an agreement does not pose risks for the
rights to privacy and data protection, nor
for other fundamental rights and
freedoms protected by the Charter; in this
regard, pursuant to Article 218 Paragraph
11 TFEU, the European Parliament will
request an opinion of the Court of Justice
as to whether the envisaged agreement is
compatible with the Treaties;*

Or. en

Amendment 44
**Morten Helveg Petersen, Louis Michel, Gérard Deprez, Angelika Mlinar, Nathalie
Griesbeck, Maite Pagazaurtundúa Ruiz, Sophia in 't Veld**

Motion for a resolution
Paragraph 18 b (new)

Motion for a resolution

Amendment

*18 b. Stresses that the consent of the
European Parliament to the conclusion of
the agreement will be conditional upon
satisfactory involvement of the European
Parliament at all stages of the procedure*

in accordance with article 218 TFEU;

Or. en

Amendment 45
Roberta Metsola

Motion for a resolution
Paragraph 18 b (new)

Motion for a resolution

Amendment

18 b. Calls on the Commission to keep its competent committee informed about the progress of negotiations on the international agreement;

Or. en

Amendment 46
Cornelia Ernst

Motion for a resolution
Paragraph 18 c (new)

Motion for a resolution

Amendment

18 c. Requests that, in order to be fully in line with the above-mentioned Regulation 2016/794, and in particular pursuant to article 51(1) of the said Regulation, no negotiation is undertaken before the Rules of Procedures of the Joint Parliamentary Scrutiny group (JPSG) are approved and in effect;

Or. en