

EN
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Answer given by Ms Jourová
on behalf of the Commission
(12.6.2018)

Concerning the Polish law on the organisation of COP24, it is recalled that the Commission has no general powers to intervene with the Member States in the area of fundamental rights. According to its Article 51(1), the Charter of Fundamental Rights of the European Union applies to Member States only when implementing European Union law.

The situation and the domestic rules referred to by the Honourable Member do not relate to the implementation of Union law. In such cases, it is for Member States, to ensure that fundamental rights are effectively respected and protected in accordance with their national legislation and international human rights obligations.

As regards the compatibility of the particular provisions on processing of personal data in relation to applicable Union data protection rules, by 6 May 2018 Poland had to transpose the Data Protection Directive (EU) 2016/680 for Police and Criminal Justice Authorities. The Directive requires Member States to ensure a high level of data protection for individuals whose personal data are being processed by the law enforcement authorities for the purposes of prevention, detection, investigation and prosecution of criminal offences, including the safeguarding against and the prevention of threats to public security. The Directive imposes a number of requirements on the law enforcement authorities as regards the collection, subsequent processing, sharing and storing of personal data. It also empowers data subjects with a number of individual rights, including the right to information. After May 2018, the Commission will assess the Member States' transposition of the Directive and, where relevant, the compatibility of other national laws with the requirements of the Directive.