



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Civil Liberties, Justice and Home Affairs

2014/0185(COD)

18.2.2015

DRAFT OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Industry, Research and Energy

on the proposal for a decision of the European Parliament and of the Council establishing a programme on interoperability solution for European public administrations, businesses and citizens (ISA²) Interoperability as a means for modernising the public sector (COM(2014)0367 – C8-0037/2014 – 2014/0185(COD))

Rapporteur: Jeroen Lenaers

(*) Associated committee – Rule 54 of the Rules of Procedure

PA_Legam

SHORT JUSTIFICATION

This proposal provides for the establishment of a programme on interoperability solutions for European public administration, businesses, and citizens (ISA²), which will be a welcome continuation and improvement of previous programmes (IDA, IDABC, ISA). As was agreed with the ITRE and IMCO Committees, the LIBE Committee, pursuant to Annex VI of the Rules of Procedure, will be exclusively competent for aspects relating to data protection and fundamental rights.

Although not all of the interoperability solutions that will be developed under ISA² will involve the processing of personal data, some solutions definitely will. The Rapporteur therefore considers it of importance to insert specific references to the Union's data protection *acquis*, since the current proposal of the European Commission does not sufficiently cover this aspect.

The amendments as proposed by the Rapporteur insert specific references to the Union's data protection *acquis*, especially Directive 95/46/EC and Regulation (EC) No 45/2001 of the European Parliament and the Council as to ensure that the rights of individuals are respected when the actions covered by ISA² will entail the processing of personal data.

Further, the principle of data protection by design is added to the general principles upon which actions under the ISA² Programme are taken. This will ensure that already at the development stage of an interoperability solution involving processing of personal data, data protection requirements are taken into consideration. Similar reference are inserted to the implementation, monitoring and evaluation phases in order to ensure that also during those phases due attention is given to the protection of personal data.

AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a decision

Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) Union legislation concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular Directive 95/46/EC of the European Parliament and of the Council^{1a} and

Regulation (EC) No 45/2001 of the European Parliament and the Council^{1b}, apply to any solutions provided for under the ISA² Programme that entail the processing of personal data.

^{1a} Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

^{1b} Regulation (EC) No 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 (OJ L 8, 12.01.2001, p. 1).

Or. en

Amendment 2

Proposal for a decision Article 4 – point b – indent 4

Text proposed by the Commission

– security *and* privacy;

Amendment

– security, privacy *and data protection*;

Or. en

Amendment 3

Proposal for a decision Article 4 – point b – indent 4 a (new)

Text proposed by the Commission

Amendment

– data protection by design;

Or. en

Amendment 4

Proposal for a decision Article 6 – paragraph 4

Text proposed by the Commission

Amendment

(4) The establishment or improvement of interoperability solutions shall, where appropriate, build on or be accompanied by the sharing of experience and the exchange and promotion of good practices. The sharing of experience and good practices between all stakeholders and relevant public consultations shall be encouraged

(4) The establishment or improvement of interoperability solutions shall, where appropriate, build on or be accompanied by the sharing of experience and the exchange and promotion of good practices. ***This includes the due consideration of the impact of interoperability solutions on privacy and data protection.*** The sharing of experience and good practices between all stakeholders and relevant public consultations shall be encouraged.

Or. en

Amendment 5

Proposal for a decision Article 11 – paragraph 4

Text proposed by the Commission

Amendment

(4) The evaluations shall examine issues such as the relevance, effectiveness, efficiency, utility, sustainability and coherence of Programme actions. The final evaluation shall, in addition, examine the extent to which the Programme has achieved its objective.

(4) The evaluations shall examine issues such as the relevance, effectiveness, efficiency, utility, sustainability, ***data protection compliance*** and coherence of Programme actions. The final evaluation shall, in addition, examine the extent to which the Programme has achieved its

objective.

Or. en

Amendment 6

**Proposal for a decision
Article 13 a (new)**

Text proposed by the Commission

Amendment

Article 13a

Data protection

Any solution provided for under the ISA² Programme that entails the processing of personal data shall strictly comply with Union legislation concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data.

Or. en