



2016/0819(CNS)

3.3.2017

DRAFT REPORT

on the draft Council implementing decision on the automated data exchange with regard to DNA data in Slovakia, Portugal, Latvia, Lithuania, Czech Republic, Estonia, Hungary, Cyprus, Poland, Sweden, Malta and Belgium and replacing Decisions 2010/689/EU, 2011/472/EU, 2011/715/EU, 2011/887/EU, 2012/58/EU, 2012/299/EU, 2012/445/EU, 2012/673/EU, 2013/3/EU, 2013/148/EU, 2013/152/EU and 2014/410/EU (13525/2016 – C8-0522/2016 – 2016/0819(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Judith Sargentini

(Simplified procedure - Rule 50(1) of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the draft Council implementing decision on the automated data exchange with regard to DNA data in Slovakia, Portugal, Latvia, Lithuania, Czech Republic, Estonia, Hungary, Cyprus, Poland, Sweden, Malta and Belgium and replacing Decisions 2010/689/EU, 2011/472/EU, 2011/715/EU, 2011/887/EU, 2012/58/EU, 2012/299/EU, 2012/445/EU, 2012/673/EU, 2013/3/EU, 2013/148/EU, 2013/152/EU and 2014/410/EU (13525/2016 – C8-0522/2016 – 2016/0819(CNS))

(Consultation)

The European Parliament,

- having regard to the Council draft (13525/2016),
 - having regard to Article 39(1) of the Treaty on European Union, as amended by the Treaty of Amsterdam, and Article 9 of Protocol No 36 on transitional provisions, pursuant to which the Council consulted Parliament (C8-0522/2016),
 - having regard to Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime¹, and in particular Article 33 thereof,
 - having regard to Rule 78c of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs,
1. Approves the Council draft;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council and the Commission.

¹ OJ L 210, 6.8.2008, p.1.

EXPLANATORY STATEMENT

Pursuant to Article 39(1) of the ex-Treaty on European Union, which the Court of Justice has ruled on 16 April 2015 in joint cases C-317/13 and C-679/13 and in case C540/13 to be still applicable, in accordance with Article 9 of Protocol 36, when the Council adopts implementing measures on the basis of the *acquis* based on Title VI of the ex-TEU, the Council may lay down a time limit for the European Parliament to deliver its opinion and in the absence of an opinion within that time limit, the Council may act.

Unfortunately, this does not reflect the rapporteur's opinion regarding the parliamentary control. The Rapporteur regrets that the Commission did not yet propose, as a matter of priority, legislative proposals to replace the instruments adopted under the former third pillar - including one on the replacement of the so called Prüm decision (Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime¹). Since the most appropriate legal basis will be Article 87(2)(a) TFEU, the Parliament will take part in drafting this legislation in the ordinary legislative procedure.

¹ OJ L 210, 6.8.2008, p.12