



**2020/2048(INI)**

28.5.2020

# **AMENDMENTS**

## **1 - 90**

**Draft report**

**Annalisa Tardino**

(PE650.351v01-00)

Recommendation for a Council decision authorising the opening of negotiations for an agreement between the European Union and New Zealand on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the New Zealand authorities competent for fighting serious crime and terrorism  
(2020/2048(INI))



**Amendment 1**  
**Saskia Bricmont**

**Motion for a resolution**  
**Citation 2**

*Motion for a resolution*

— having regard to the Charter of Fundamental Rights of the European Union (the Charter), and in particular Articles 2, 6, 7 **and 8** thereof,

*Amendment*

— having regard to the Charter of Fundamental Rights of the European Union (the Charter), and in particular Articles 2, 6, 7, **8 and 47** thereof,

Or. en

**Amendment 2**  
**Petar Vitanov, Birgit Sippel, Sylvie Guillaume, Elena Yoncheva**

**Motion for a resolution**  
**Citation 2**

*Motion for a resolution*

— having regard to the Charter of Fundamental Rights of the European Union (the Charter), and in particular Articles 2, 6, 7 and 8 thereof,

*Amendment*

— having regard to the Charter of Fundamental Rights of the European Union (the Charter), and in particular Articles 7 and 8 thereof,

Or. en

**Amendment 3**  
**Clare Daly, Cornelia Ernst**

**Motion for a resolution**  
**Citation 2**

*Motion for a resolution*

— having regard to the Charter of Fundamental Rights of the European Union (the Charter), and in particular Articles 2, 6, 7 and 8 thereof,

*Amendment*

— having regard to the Charter of Fundamental Rights of the European Union (the Charter), and in particular Articles 7 and 8 thereof,

Or. en

**Amendment 4**

**Petar Vitanov, Birgit Sippel, Sylvie Guillaume, Elena Yoncheva**

**Motion for a resolution**

**Citation 4 a (new)**

*Motion for a resolution*

*Amendment*

— ***having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons 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,***

Or. en

**Amendment 5**

**Clare Daly, Cornelia Ernst**

**Motion for a resolution**

**Citation 5 a (new)**

*Motion for a resolution*

*Amendment*

— ***having regard to Regulation (EU) 2018/1725 on the protection of natural persons 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,***

Or. en

**Amendment 6**

**Saskia Bricmont**

**Motion for a resolution**  
**Citation 7 a (new)**

*Motion for a resolution*

*Amendment*

— *having regard to Regulation 2018/1725 on the protection of natural persons 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,*

Or. en

**Amendment 7**  
**Ralf Seekatz**

**Motion for a resolution**  
**Citation 8 a (new)**

*Motion for a resolution*

*Amendment*

— *having regard to the Council Decision authorising the opening of negotiations with New Zealand for an agreement between the European Union and New Zealand on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation ('Europol') and the New Zealand authorities competent for fighting serious crime and terrorism adopted on 13 May 2020<sup>1a</sup>*

---

<sup>1a</sup> *ST 7047/20 + ADD1*

Or. en

**Amendment 8**  
**Clare Daly, Cornelia Ernst**

**Motion for a resolution**

## Citation 10

*Motion for a resolution*

*Amendment*

— *having regard to the Europol  
Terrorism Situation and Trend Report  
2019,*

*deleted*

Or. en

## Amendment 9

Clare Daly, Cornelia Ernst

**Motion for a resolution**

**Citation 11**

*Motion for a resolution*

*Amendment*

— *having regard to the Christchurch  
Call to Action adopted by New Zealand,  
France, the Commission, technology  
companies and others to prevent the  
dissemination of information to terrorists  
and advocates of violent extremism,*

*deleted*

Or. en

## Amendment 10

Saskia Bricmont

**Motion for a resolution**

**Citation 11**

*Motion for a resolution*

*Amendment*

— having regard to the Christchurch  
Call to Action adopted by New Zealand,  
France, the Commission, technology  
companies and others *to prevent the  
dissemination of information to terrorists  
and advocates of violent extremism,*

— having regard to the Christchurch  
Call to Action adopted by New Zealand,  
France, the Commission, technology  
companies and others,

Or. en

**Amendment 11**  
**Saskia Bricmont**

**Motion for a resolution**  
**Recital A**

*Motion for a resolution*

A. whereas Regulation (EU) 2016/794 **allows** Europol **to** transfer personal data to a third country **authority** or to an international organisation insofar as the transfer is necessary for the performance of **its** tasks, on the basis of an adequacy decision of the Commission pursuant to Directive (EU) 2016/680, an international agreement pursuant to Article 218 of the TFEU adducing adequate safeguards, or cooperation agreements allowing for the exchange of personal data concluded before 1 May 2017, and, in exceptional situations, on a case-by-case basis under strict conditions laid down in Article 25(5) of Regulation (EU) 2016/794 and provided that adequate safeguards are ensured;

*Amendment*

A. whereas Regulation (EU) 2016/794 **on the European Union Agency for Law Enforcement Cooperation (Europol)** **enables the** transfer **of** personal data to **the competent authority of** a third country or to an international organisation insofar as the transfer is necessary for the performance of **Europol's** tasks, on the basis of an adequacy decision of the Commission pursuant to Directive (EU) 2016/680, an international agreement pursuant to Article 218 of the TFEU adducing adequate safeguards **with respect to the protection of privacy and fundamental rights and freedoms of individuals**, or cooperation agreements allowing for the exchange of personal data concluded before 1 May 2017, and, in exceptional situations, on a case-by-case basis under strict conditions laid down in Article 25(5) of Regulation (EU) 2016/794 and provided that adequate safeguards are ensured;

Or. en

**Amendment 12**  
**Saskia Bricmont**

**Motion for a resolution**  
**Recital B**

*Motion for a resolution*

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect Articles 2, 6, 7 **and 8 of** the Charter **and be** necessary **for** and

*Amendment*

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect **the fundamental rights and principles recognised by the Charter, in**

proportionate **to** the fulfilment of Europol's tasks;

***particular Articles 2, 6, 7, 8 and 47, and Article 16 TFEU, and hence respect the principle of purpose limitation and the rights of access and rectification and be subject to monitoring by an independent authority, as specifically stipulated by the Charter, and prove necessary and proportionate for the fulfilment of Europol's tasks;***

Or. en

### **Amendment 13**

**Ondřej Kovařík, Sophia in 't Veld, Olivier Chastel, Abir Al-Sahlani, Michal Šimečka**

#### **Motion for a resolution**

##### **Recital B**

##### *Motion for a resolution*

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect Articles 2, 6, 7 and 8 of the Charter and be necessary for and proportionate to the fulfilment of Europol's tasks;

##### *Amendment*

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect Articles 2, 6, 7 and 8 of the Charter, ***and Article 16 TFEU***, and be necessary for and proportionate to the fulfilment of Europol's tasks; ***respecting 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;***

Or. en

### **Amendment 14**

**Clare Daly, Cornelia Ernst**

#### **Motion for a resolution**

##### **Recital B**

##### *Motion for a resolution*

B. whereas international agreements allowing Europol and third countries to

##### *Amendment*

B. whereas international agreements allowing Europol and third countries to



cooperate and exchange personal data should respect *Articles 2, 6, 7 and 8 of* the Charter *and be necessary for* and proportionate *to the fulfilment* of Europol's tasks;

cooperate and exchange personal data should respect the Charter, *particularly its Article 7 and 8, and authorise the transfer of personal data to an authority of a third country only insofar as such transfer is* necessary and proportionate *for the performance* of Europol's tasks;

Or. en

## **Amendment 15**

**Petar Vitanov, Birgit Sippel, Sylvie Guillaume, Elena Yoncheva**

### **Motion for a resolution**

#### **Recital B**

##### *Motion for a resolution*

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should respect *Articles 2, 6, 7 and 8 of* the Charter and be necessary for and proportionate to the fulfilment of Europol's tasks;

##### *Amendment*

B. whereas international agreements allowing Europol and third countries to cooperate and exchange personal data should *fully* respect the Charter *of Fundamental Rights, notably Articles 7 and 8 thereof*, and be necessary for and proportionate to the fulfilment of Europol's tasks;

Or. en

## **Amendment 16**

**Ralf Seekatz**

### **Motion for a resolution**

#### **Recital B a (new)**

##### *Motion for a resolution*

##### *Amendment*

*Ba. whereas the Europol programming document 2020-2022<sup>2a</sup> highlights that the full and successful implementation of EMPACT activities, in particular at the operational level, is not possible without close partnership with third states and organisations; whereas the EU and New Zealand are close in their outlook on*

*global security issues and pursue similar approaches in this regard;*

---

*<sup>2a</sup> Europol Programming Document 2020-2022 adopted by Europol's Management Board on 25 March 2020, EDOC# 1003783v20E*

Or. en

**Amendment 17**  
**Ralf Seekatz**

**Motion for a resolution**  
**Recital B b (new)**

*Motion for a resolution*

*Amendment*

***Bb.    whereas Europol and the New Zealand Police have already established a framework of enhanced cooperation through a Working Arrangement and a Memorandum of Understanding, both signed in 2019, which allow the New Zealand Police to use SIENA and to permanently deploy a liaison officer to the Europol headquarters in The Hague;***

Or. en

**Amendment 18**  
**Ralf Seekatz**

**Motion for a resolution**  
**Recital C**

*Motion for a resolution*

*Amendment*

C.       whereas ***in 2018***, the Council adopted negotiation ***mandates*** to authorise the opening of negotiations with ***eight countries (Turkey, Israel, Tunisia, Morocco, Lebanon, Egypt, Algeria and Jordan) and Parliament set out its***

C.       whereas ***on 13 May 2020***, the Council ***unanimously*** adopted ***its*** negotiation ***mandate*** to authorise the opening of negotiations with ***New Zealand by written procedure;***

*position on these eight mandates;*

Or. en

**Amendment 19**

**Ondřej Kovařík, Sophia in 't Veld, Olivier Chastel, Abir Al-Sahlani, Michal Šimečka**

**Motion for a resolution**

**Recital C a (new)**

*Motion for a resolution*

*Amendment*

***Ca.    whereas on 13th May 2020 the Council adopted the Council decision authorising the opening of negotiations with New Zealand for an agreement between the European Union and New Zealand on the exchange of personal data between the Europol and the New Zealand authorities competent for fighting serious crime and terrorism through a written procedure with all delegations voting in favour;***

Or. en

**Amendment 20**

**Ralf Seekatz**

**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 *concluded* multiple *operational* agreements on *personal* data exchange with third countries in the past *and the Union launched negotiations with eight countries in the MENA region (Turkey, Israel, Tunisia, Morocco, Lebanon, Egypt, Algeria and Jordan) in 2018;***

Or. en

**Amendment 21**  
**Nicola Procaccini**

**Motion for a resolution**  
**Recital D a (new)**

*Motion for a resolution*

*Amendment*

***Da.    whereas there is a need to ensure  
the reliability of sources and accuracy of  
information;***

Or. it

**Amendment 22**  
**Clare Daly, Cornelia Ernst**

**Motion for a resolution**  
**Recital E**

*Motion for a resolution*

*Amendment*

***E.    whereas Europol has designated  
the threat level from Jihadi terrorists as  
high, and whereas in 2018, they were  
responsible for all deaths from terror  
attacks in the EU;***                      ***deleted***

Or. en

**Amendment 23**  
**Petar Vitanov, Birgit Sippel, Sylvie Guillaume, Elena Yoncheva**

**Motion for a resolution**  
**Recital E**

*Motion for a resolution*

*Amendment*

***E.    whereas Europol has designated  
the threat level from Jihadi terrorists as  
high, and whereas in 2018, they were  
responsible for all deaths from terror  
attacks in the EU;***                      ***deleted***

**Amendment 24**  
**Saskia Bricmont**

**Motion for a resolution**  
**Recital E**

*Motion for a resolution*

E. whereas Europol *has designated the threat level from Jihadi terrorists as high, and whereas in 2018, they were responsible for all deaths from terror attacks in the EU;*

*Amendment*

E. whereas *in its report ‘Terrorism situation and Trend report 2019’ Europol points that “the number of attacks and the number of victims in the EU dropped significantly with regard to terrorism of all ideological tendencies”; in 2018, “terrorism continued to constitute a major threat to security in EU Member States” and “extremists of diverging orientation increasingly consider violence as a justified means of confrontation. Terrorists not only aim to kill and maim but also to divide our societies and spread hatred”;*

**Amendment 25**  
**Ralf Seekatz**

**Motion for a resolution**  
**Recital E**

*Motion for a resolution*

E. whereas Europol has designated the threat level from Jihadi terrorists as high, and whereas in 2018, *they were responsible* for all deaths from terror attacks in the EU;

*Amendment*

E. whereas Europol has designated the threat level from Jihadi terrorists as high, and whereas in 2018, *ihadism was the most prevalent form of terrorism, accounting* for all deaths from terror attacks in the EU, *but whereas the number of arrests of right-wing terrorists, whilst remaining at a comparatively low level, increased for the third year in a row and effectively doubled in comparison to 2017;*

**Amendment 26**  
**Nicola Procaccini**

**Motion for a resolution**  
**Recital E**

*Motion for a resolution*

E. whereas Europol has designated the threat level from Jihadi terrorists as high, and whereas in 2018, they were responsible for all deaths from terror attacks in the EU;

*Amendment*

E. whereas Europol has designated the threat level from Jihadi terrorists as ***extremely*** high, and whereas in 2018, they were responsible for all deaths from terror attacks in the EU;

Or. it

**Amendment 27**  
**Nicola Procaccini**

**Motion for a resolution**  
**Recital E a (new)**

*Motion for a resolution*

*Amendment*

***Ea. whereas, as reported by Europol, seven Jihadi terrorist attacks were completed in 2018 and a further 16 similar such attacks were thwarted;***

Or. it

**Amendment 28**  
**Nicola Procaccini**

**Motion for a resolution**  
**Recital E b (new)**

*Motion for a resolution*

*Amendment*

***Eb. whereas, in 2018, a total of 511 individuals were arrested on suspicion of having committed crimes linked to Jihadi***

*terrorism;*

Or. it

**Amendment 29**

**Clare Daly, Cornelia Ernst**

**Motion for a resolution**

**Recital F**

*Motion for a resolution*

*Amendment*

***F. whereas Europol has reported that law enforcement agencies used data exchange tools to foil, disrupt or investigate Jihadi attacks on 24 occasions in 2018;*** *deleted*

Or. en

**Amendment 30**

**Petar Vitanov, Birgit Sippel, Sylvie Guillaume, Elena Yoncheva**

**Motion for a resolution**

**Recital F**

*Motion for a resolution*

*Amendment*

***F. whereas Europol has reported that law enforcement agencies used data exchange tools to foil, disrupt or investigate Jihadi attacks on 24 occasions in 2018;*** *deleted*

Or. en

**Amendment 31**

**Saskia Bricmont**

**Motion for a resolution**

**Recital F**

*Motion for a resolution*

*Amendment*

**F.** *whereas Europol has reported that law enforcement agencies used data exchange tools to foil, disrupt or investigate Jihadi attacks on 24 occasions in 2018;*

*deleted*

Or. en

**Amendment 32**

**Ralf Seekatz**

**Motion for a resolution**

**Recital F**

*Motion for a resolution*

*Amendment*

F. *whereas **Europol** has reported that law enforcement agencies used data exchange tools to foil, disrupt or investigate **Jihadi** attacks **on 24 occasions** in 2018;*

F. *whereas **Member States have** reported **to Europol** that law enforcement agencies used data exchange tools to foil, disrupt or investigate **129 terrorist** attacks in 2018, **of which 24 cases were attributed to Jihadi terrorism, 19 to left-wing terrorism, one to right-wing terrorism, 83 to ethno-nationalist and separatist terrorism, one to single issue terrorism, and five to an unspecified form of terrorism;***

Or. en

**Amendment 33**

**Ralf Seekatz**

**Motion for a resolution**

**Recital F a (new)**

*Motion for a resolution*

*Amendment*

**Fa.** *whereas **Europol** has pointed to the high adaptability of organised crime and its ability to extract long-term gains from crises and whereas the Agency has assessed the impact of the COVID-19*



*pandemic on cybercrime to be the most visible and striking compared to other criminal activities, as cybercriminals have been successfully exploiting emerging opportunities and vulnerabilities;*

Or. en

#### **Amendment 34**

**Ralf Seekatz**

#### **Motion for a resolution**

##### **Recital G**

*Motion for a resolution*

*Amendment*

**G. whereas the EDPS has supervised Europol since 1 May 2017, and also advises the EU institutions on policies and legislation relating to data protection;**

*deleted*

Or. en

#### **Amendment 35**

**Clare Daly, Cornelia Ernst**

#### **Motion for a resolution**

##### **Recital G**

*Motion for a resolution*

*Amendment*

**G. whereas the EDPS has supervised Europol since 1 May 2017, and also advises the EU institutions on policies and legislation relating to data protection;**

**G. whereas the EDPS has supervised Europol since 1 May 2017, and also advises the EU institutions on policies and legislation relating to data protection, *including when negotiating agreements in the law enforcement sector;***

Or. en

#### **Amendment 36**

**Ralf Seekatz**

**Motion for a resolution**  
**Recital H**

*Motion for a resolution*

H. whereas in the light of the 2019 Christchurch lone gunman attack, **future** cooperation formalised under the agreement between the EU and New Zealand could be essential for **prevention and prosecution should** other serious crimes be planned or perpetrated within the EU or worldwide;

*Amendment*

H. whereas in the light of the 2019 Christchurch lone gunman attack, **operational** cooperation **to be** formalised under the agreement between the EU and New Zealand, **by enabling the exchange of personal data**, could be essential for **preventing and prosecuting** other serious crimes **which will** be planned or perpetrated within the EU or worldwide **in the future**;

Or. en

**Amendment 37**  
**Clare Daly, Cornelia Ernst**

**Motion for a resolution**  
**Recital H**

*Motion for a resolution*

H. whereas **in the light of the 2019 Christchurch lone gunman attack**, future cooperation **formalised under the agreement** between **the EU** and New Zealand could be **essential for** prevention and prosecution **should other** serious crimes **be planned or perpetrated within the EU or worldwide**;

*Amendment*

H. whereas future cooperation between **Europol** and New Zealand could be **useful for the** prevention, **investigation** and prosecution **of** serious crimes;

Or. en

**Amendment 38**  
**Saskia Bricmont**

**Motion for a resolution**  
**Recital H**

*Motion for a resolution*

*Amendment*

H. whereas in the light of the 2019 Christchurch ***lone gunman*** attack, future cooperation formalised under the agreement between the EU and New Zealand could be essential for prevention and prosecution should other serious crimes be planned or perpetrated within the EU or worldwide;

H. whereas in the light of the 2019 Christchurch ***right-wing terrorism on two mosques***, future cooperation formalised under the agreement between the EU and New Zealand could be essential for prevention and prosecution should other serious crimes be planned or perpetrated within the EU, ***in New Zealand***, or worldwide;

Or. en

### **Amendment 39**

**Petar Vitanov, Birgit Sippel, Sylvie Guillaume, Elena Yoncheva**

#### **Motion for a resolution**

##### **Recital H**

###### *Motion for a resolution*

H. whereas in the light of the 2019 Christchurch ***lone gunman*** attack, future cooperation formalised under the agreement between the EU and New Zealand could be essential for prevention and prosecution should other serious crimes be planned or perpetrated within the EU or worldwide;

###### *Amendment*

H. whereas in the light of the 2019 Christchurch ***terrorist*** attack, future cooperation formalised under the agreement between the EU and New Zealand could be essential for prevention and prosecution should other serious crimes ***and terrorist attacks*** be planned or perpetrated within the EU or worldwide;

Or. en

### **Amendment 40**

**Saskia Bricmont**

#### **Motion for a resolution**

##### **Recital H a (new)**

###### *Motion for a resolution*

###### *Amendment*

***Ha. whereas transfers of personal data gathered in the context of criminal investigations and further processed by Europol under the agreement are liable to have a significant impact on the lives of the individuals concerned;***

**Amendment 41**  
**Saskia Bricmont**

**Motion for a resolution**  
**Recital H b (new)**

*Motion for a resolution*

*Amendment*

***Hb. Stresses that the agreement fully needs to respect the fundamental rights and observe the principles recognised by the Charter, in particular the right to private and family life, recognised in Article 7 of the Charter, the right to the protection of personal data, recognised in Article 8 of the Charter and the right to effective remedy and fair trial recognised by Article 47 of the Charter;***

Or. en

**Amendment 42**  
**Clare Daly, Cornelia Ernst**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

*Amendment*

1. Considers that cooperation with New Zealand in the field of law enforcement ***could help*** the European ***Union to further protect its*** security interests, ***and encourages it to work expeditiously to define the negotiating mandate for*** an agreement between the European Union and New Zealand on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the New Zealand authorities competent for fighting serious crime and terrorism;

1. Considers that ***the necessity and proportionality of*** cooperation with New Zealand in the field of law enforcement ***for*** the European ***Union's*** security interests ***is questionable, and has not been fully demonstrated by a thorough impact assessment; takes note of the Council mandate to negotiate*** an agreement between the European Union and New Zealand on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the New Zealand authorities competent for fighting serious crime and terrorism;

*calls on the Commission to conduct a detailed assessment demonstrating the need for and added value provided by such an agreement prior to proceeding with negotiations; and calls on the Commission to follow the additional recommendations set out in this resolution;*

Or. en

**Amendment 43**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

1. Considers that cooperation with New Zealand in the field of law enforcement *could help the European Union to further protect its security interests, and encourages it to work expeditiously to define the negotiating mandate for an agreement between the European Union and New Zealand on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the New Zealand authorities competent for fighting serious crime and terrorism;*

*Amendment*

1. Considers that *the necessity of* cooperation with New Zealand in the field of law enforcement, *as well as its proportionality, need to be properly assessed; calls on the Commission to conduct a thorough impact assessment so as to define the necessary safeguards to be integrated in the agreement;*

Or. en

**Amendment 44**  
**Ralf Seekatz**

**Motion for a resolution**  
**Paragraph 1**

*Motion for a resolution*

1. Considers that cooperation with New Zealand in the field of law

*Amendment*

1. Considers that *strengthened* cooperation with New Zealand in the field

enforcement *could* help the European Union to further protect its security interests, *and* encourages *it to work expeditiously to define the negotiating mandate for an agreement between the European Union and New Zealand* on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the New Zealand authorities competent for fighting serious crime and terrorism;

of law enforcement *will* help the European Union to further protect its security interests, *especially in the areas of preventing and combating terrorism, disrupting organised crime and fighting cybercrime*; encourages *the Commission to expeditiously launch negotiations with* New Zealand on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the New Zealand authorities competent for fighting serious crime and terrorism *in full respect of the negotiating guidelines adopted by the Council*;

Or. en

**Amendment 45**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Insists that the level of protection provided for in the agreement should be essentially equivalent to the level of protection provided for in EU law;

*Amendment*

2. Insists that the level of protection provided for in the agreement *and in applicable law and practice in New Zealand* should be essentially equivalent to the level of protection provided for in EU law; *stresses that if such level of protection cannot be guaranteed both in law and in practice, the agreement cannot be concluded*;

Or. en

**Amendment 46**  
**Ralf Seekatz**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

*Amendment*

2. ***Insists*** that the level of protection provided for in the agreement should be essentially equivalent to the level of protection provided for in EU law;

2. ***Reiterates*** that the level of protection provided for in the agreement should be essentially equivalent to the level of protection provided for in EU law; ***welcomes, in this context, the formal recognition of New Zealand as a country providing an adequate level of data protection by the Commission in 2012;***

Or. en

**Amendment 47**  
**Clare Daly, Cornelia Ernst**

**Motion for a resolution**  
**Paragraph 2**

*Motion for a resolution*

2. Insists that the level of protection provided for in the agreement should be essentially equivalent to the level of protection provided for in EU law;

*Amendment*

2. Insists that the level of ***data*** protection provided for in the agreement should be essentially equivalent to the level of protection provided for in EU law, ***both in law and in practice; and insists further that if such a level of protection is not guaranteed, the agreement cannot be concluded;***

Or. en

**Amendment 48**  
**Nicola Procaccini**

**Motion for a resolution**  
**Paragraph 2 a (new)**

*Motion for a resolution*

*Amendment*

***2a. The agreement should be without prejudice to the transfer of personal data or other categories of cooperation between the national authorities responsible for safeguarding national security;***

**Amendment 49**  
**Clare Daly, Cornelia Ernst**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

*Amendment*

**3. Believes that, since Europol recognises that the terrorist threat level from returning foreign freedom fighters, radicalised European Muslims and their families is high, it is essential for information exchange by all relevant law enforcement agencies, within the EU and globally, to be prioritised in order to fight serious crime and terrorism; therefore urges the Member States to work faster to secure their borders;** **deleted**

Or. en

**Amendment 50**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

*Amendment*

**3. Believes that, since Europol recognises that the terrorist threat level from returning foreign freedom fighters, radicalised European Muslims and their families is high, it is essential for information exchange by all relevant law enforcement agencies, within the EU and globally, to be prioritised in order to fight serious crime and terrorism; therefore urges the Member States to work faster to secure their borders;** **deleted**

Or. en



**Amendment 51**  
**Ralf Seekatz**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Believes that, *since Europol recognises that the terrorist threat level from returning foreign freedom fighters, radicalised European Muslims and their families is high, it is essential for* information exchange *by* all relevant law enforcement agencies, within the EU and *globally, to* be prioritised in order to fight serious crime and terrorism; *therefore urges the Member States to work faster to secure their borders;*

*Amendment*

3. Believes that *improved cross-border* information exchange *between* all relevant law enforcement agencies, within the EU and *with global partners, should* be prioritised in order to fight serious crime and terrorism *more effectively;*

Or. en

**Amendment 52**  
**Petar Vitanov, Birgit Sippel, Sylvie Guillaume, Elena Yoncheva**

**Motion for a resolution**  
**Paragraph 3**

*Motion for a resolution*

3. Believes that, since Europol recognises that the terrorist threat level *from returning foreign freedom fighters, radicalised European Muslims and their families is high, it is essential for* information exchange *by all relevant law enforcement agencies, within the EU and globally, to be prioritised* in order to fight serious crime and terrorism; *therefore urges the Member States to work faster to secure their borders;*

*Amendment*

3. Believes that, since Europol recognises that the terrorist threat level *remains* high, it is *necessary to negotiate this international agreement on the modalities of transfer of personal data* in order to fight serious crime and terrorism;

Or. en

## Amendment 53

Ondřej Kovařík, Sophia in 't Veld, Olivier Chastel, Abir Al-Sahlani, Michal Šimečka

### Motion for a resolution

#### Paragraph 3

##### *Motion for a resolution*

3. Believes that, since Europol ***recognises that the*** terrorist threat ***level from returning foreign freedom fighters, radicalised European Muslims and their families is*** high, it is essential for information exchange by all relevant law enforcement agencies, within the EU and globally, to be prioritised in order to fight serious crime and terrorism; ***therefore urges*** the Member States ***to work faster to secure their*** borders;

##### *Amendment*

3. Believes that, since Europol ***recognizes the overall*** terrorist threat ***to the security of the EU as*** high, it is essential for information exchange by all relevant law enforcement agencies, within the EU and globally, to be prioritised in order to fight serious crime and terrorism; ***recalls that*** the Member States ***have a key role to play in securing external borders of the EU in full compliance with Schengen code***;

Or. en

## Amendment 54

Ralf Seekatz

### Motion for a resolution

#### Paragraph 4

##### *Motion for a resolution*

4. Requests that the agreement contain the necessary safeguards and controls with respect to the protection of personal data;

##### *Amendment*

4. Requests that the agreement contain the necessary safeguards and controls with respect to the protection of personal data; ***welcomes 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 should only be permitted in exceptional cases where such transfers are strictly necessary and proportionate for preventing and combating criminal offences covered by the agreement; stresses that clear safeguards for the data subject, persons linked to the data subject and persons linked to the criminal offence***

*such as witnesses and victims should be defined to guarantee respect for fundamental rights;*

Or. en

**Amendment 55**  
**Clare Daly, Cornelia Ernst**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. ***Requests*** that the agreement contain the necessary safeguards and controls with respect to the protection of personal data;

*Amendment*

4. ***Insists*** that the agreement contain the necessary safeguards and controls with respect to the protection of personal data, ***as indicated by the EDPS in its Opinion 1/2020 and in the directives for the negotiation included in the Addendum to the Council decision authorising the opening of negotiations; in addition, calls on the Commission to respect the conditions set out in this resolution;***

Or. en

**Amendment 56**  
**Ondřej Kovařík, Sophia in 't Veld, Olivier Chastel, Abir Al-Sahlani, Michal Šimečka**

**Motion for a resolution**  
**Paragraph 4**

*Motion for a resolution*

4. Requests that the agreement contain the necessary safeguards and controls with respect to the protection of personal data;

*Amendment*

4. Requests that the agreement contain the necessary safeguards and controls with respect to the protection of personal data ***as enshrined in the Article 16 TFEU;***

Or. en

**Amendment 57**

**Petar Vitanov, Birgit Sippel, Sylvie Guillaume, Elena Yoncheva**

**Motion for a resolution**

**Paragraph 4**

*Motion for a resolution*

4. ***Requests*** that the agreement contain the necessary safeguards and controls with respect to the protection of personal data;

*Amendment*

4. ***Requires*** that the agreement contain ***all*** the necessary safeguards and controls with respect to the protection of personal data;

Or. en

**Amendment 58**

**Saskia Bricmont**

**Motion for a resolution**

**Paragraph 5**

*Motion for a resolution*

5. ***Is of the opinion*** that, in line with the principle of purpose limitation, the future agreement should explicitly lay down a list of criminal offences in relation to which personal data can be exchanged; considers that this list should include the activities covered by such crimes, and the persons, groups and organisations likely to be affected by such transfers;

*Amendment*

5. ***Underlines*** that, in line with the principle of purpose limitation, the future agreement should ***specify its scope and the purposes for which Europol may transfer personal data to the competent authorities of New Zealand and*** explicitly lay down a list of criminal offences in relation to which personal data can be exchanged; considers that this list should include the activities covered by such crimes, and the persons, groups and organisations likely to be affected by such transfers; ***insists on the importance of having the categories of offences clearly listed and defined in the agreement;***

Or. en

**Amendment 59**

**Sophia in 't Veld, Ondřej Kovařík**

**Motion for a resolution**

**Paragraph 5**

*Motion for a resolution*

5. Is of the opinion that, in line with the principle of purpose limitation, the future agreement should explicitly lay down a list of criminal offences in relation to which personal data can be exchanged; considers that this list should include the activities covered by such crimes, and the persons, groups and organisations likely to be affected by such transfers;

*Amendment*

5. Is of the opinion that, in line with the principle of purpose limitation, the future agreement should explicitly lay down a list of criminal offences in relation to which personal data can be exchanged; considers that this list should include the activities covered by such crimes, and the persons, groups and organisations likely to be affected by such transfers; ***considers that transferred personal data should be related to individual cases;***

Or. en

**Amendment 60**

**Ralf Seekatz**

**Motion for a resolution**

**Paragraph 5**

*Motion for a resolution*

5. Is of the opinion that, in line with the principle of purpose limitation, the future agreement should explicitly lay down a list of criminal offences in relation to which personal data can be exchanged; considers that this list should include the activities covered by such crimes, and the ***persons, groups and organisations*** likely ***to be affected by such transfers;***

*Amendment*

5. Is of the opinion that, in line with the principle of purpose limitation, the future agreement should explicitly lay down a list of criminal offences in relation to which personal data can be exchanged, ***in line with EU criminal offences definitions when available;*** considers that this list should include the activities covered by such crimes and the likely ***effects of the transfer of personal data;***

Or. en

**Amendment 61**

**Clare Daly, Cornelia Ernst**

**Motion for a resolution**

**Paragraph 5**

*Motion for a resolution*

5. Is of the opinion that, in line with the principle of purpose limitation, the future agreement should explicitly lay down a list of criminal offences in relation to which personal data can be exchanged; considers that this list should ***include*** the activities covered by such crimes, and the persons, groups and organisations likely to be affected by such transfers;

*Amendment*

5. Is of the opinion that, in line with the principle of purpose limitation, the future agreement should explicitly lay down a list of criminal offences in relation to which personal data can be exchanged; considers that 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 such transfers;

Or. en

**Amendment 62**

**Petar Vitanov, Birgit Sippel, Sylvie Guillaume, Elena Yoncheva**

**Motion for a resolution**

**Paragraph 5**

*Motion for a resolution*

5. Is of the opinion that, in line with the principle of purpose limitation, the future agreement should explicitly lay down a list of criminal offences in relation to which personal data can be exchanged; ***considers that this list should include the activities covered by such crimes, and the persons, groups and organisations likely to be affected by such transfers;***

*Amendment*

5. Is of the opinion that, in line with the principle of purpose limitation, the future agreement should explicitly lay down a list of criminal offences in relation to which personal data can be exchanged; ***insists that the transferred personal data should be related to individual cases and that the principle of specificity is fully incorporated;***

Or. en

**Amendment 63**

**Clare Daly, Cornelia Ernst**

**Motion for a resolution**

**Paragraph 5 a (new)**

*Motion for a resolution*

*Amendment*

***5a. Insists that transferred personal data should only relate to individual***

*cases; in that regard, is of the opinion that a clear definition of the concept of individual cases is needed; highlights that this definition should only encompass actual criminal investigations and not criminal intelligence operations targeting specific individuals considered as suspects;*

Or. en

**Amendment 64**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 5 a (new)**

*Motion for a resolution*

*Amendment*

**5a.** *Stresses that the transferred personal data should be related to individual cases of criminal investigations; points out that a clear definition of the concept of individual cases should be included in the agreement, as this concept is needed to assess the necessity and proportionality of data transfers;*

Or. en

**Amendment 65**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 6**

*Motion for a resolution*

*Amendment*

6. Insists that the agreement contain a clear and precise provision setting out the retention period for personal data that have been transferred and requiring the data to be erased at the end of that period; requests that procedural measures be set out in the

6. Insists that the agreement contain a clear and precise provision setting out the retention period for personal data that have been transferred *to New Zealand* and requiring the data to be erased at the end of that period *or earlier if the data is not*

agreement to ensure compliance; insists that, in exceptional cases, where there are duly justified reasons to store data for an extended period, past the end of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

*necessary anymore for the individual case*; requests that procedural measures be set out in the agreement to ensure compliance; *requests in this regard that the agreement should specifically provide for periodic review of the need for storage of the transferred personal data as well as other appropriate measures ensuring that the time limits are observed*; insists that, in exceptional cases, where there are duly justified reasons to store data for an extended period, past the end of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

Or. en

#### **Amendment 66**

**Petar Vitanov, Birgit Sippel, Sylvie Guillaume, Elena Yoncheva**

#### **Motion for a resolution**

##### **Paragraph 6**

###### *Motion for a resolution*

6. Insists that the agreement contain a clear and precise provision setting out the retention period for personal data *that have been* transferred and requiring the data to be erased at the end of that 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 data for an extended period, past the end of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

###### *Amendment*

6. Insists that the agreement contain a clear and precise provision setting out the retention period for personal data transferred and requiring the data to be erased at the end of that period; *underlines the necessity for the Agreement to contain provisions on a periodic review of the retention periods and any further need to store data, as well as mechanisms to ensure the full deletion of transferred data from the recipients' systems when it has been deleted from the senders' systems*; requests that *robust* procedural measures be set out in the agreement to ensure compliance; insists that, in *those* exceptional cases, where there are duly justified reasons to store data for an extended period, past the end of the data retention period, these reasons and the accompanying documentation be



communicated to Europol and the EDPS;

Or. en

#### **Amendment 67**

**Clare Daly, Cornelia Ernst**

#### **Motion for a resolution**

##### **Paragraph 6**

###### *Motion for a resolution*

6. Insists that the agreement contain a clear and precise provision setting out the retention period for personal data that have been transferred and requiring the data to be erased at the end of that 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 data for an extended period, past the end of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

###### *Amendment*

6. Insists that the agreement contain a clear and precise provision setting out the retention period for personal data that have been transferred and requiring the data to be erased at the end of that period; ***recommends that*** the agreement ***provides for a periodic review of the need for storage of the transferred personal data as well as other appropriate measures*** to ensure ***that the time limits are observed***; insists that, in exceptional cases, where there are duly justified reasons to store data for an extended period, past the end of the data retention period, these reasons and the accompanying documentation be communicated to Europol and the EDPS;

Or. en

#### **Amendment 68**

**Petar Vitanov, Birgit Sippel, Sylvie Guillaume, Elena Yoncheva**

#### **Motion for a resolution**

##### **Paragraph 6 a (new)**

###### *Motion for a resolution*

###### *Amendment*

***6a. Underlines the need for clear and detailed rules regarding the information to be provided to data subjects, including information about the applicable regime for EU data subjects to exercise their rights of access, rectification and erasure***

*in New Zealand;*

Or. en

## **Amendment 69**

**Ralf Seekatz**

### **Motion for a resolution**

#### **Paragraph 7**

##### *Motion for a resolution*

7. Urges the Council and the Commission to work with the Government of New Zealand to define, pursuant to Court of Justice case law and within the meaning of Article 8 (3) of the Charter, 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 on 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*

7. Urges the Council and the Commission to work with the Government of New Zealand to define, pursuant to Court of Justice case law and within the meaning of Article 8 (3) of the Charter, which independent supervisory authority ***vested with effective powers of investigation and intervention*** is to be in charge of ***overseeing*** the implementation of the international agreement; insists that the name of this authority ***should*** be expressly included in the agreement;

Or. en

## **Amendment 70**

**Saskia Bricmont**

### **Motion for a resolution**

#### **Paragraph 7**

##### *Motion for a resolution*

7. Urges the Council and the Commission to work with the Government of New Zealand to define, pursuant to Court of Justice case law and within the meaning of Article 8 (3) of the Charter, which independent supervisory authority is to be in charge of supervising the

##### *Amendment*

7. Urges the Council and the Commission to work with the Government of New Zealand to define, pursuant to Court of Justice case law and within the meaning of Article 8 (3) of the Charter, 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 on 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;

implementation of the international agreement; *urges* that such an authority should be agreed on 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 71**

**Ondřej Kovařík, Sophia in 't Veld, Olivier Chastel, Abir Al-Sahlani, Michal Šimečka**

#### **Motion for a resolution**

##### **Paragraph 8**

###### *Motion for a resolution*

8. Considers that the independent supervisory body should also have the power to decide to suspend or terminate the agreement in the event of a breach; considers that under the agreement, authorities should be allowed to continue to process any personal data falling within the scope of the agreement transferred prior to its suspension or termination; *considers* that a *procedure for monitoring and periodically evaluating* the agreement should be *established in order* to evaluate *the partners' compliance with the agreement*;

###### *Amendment*

8. Considers that the independent supervisory body should also have the power to decide to suspend or terminate the agreement in the event of a breach; considers that under the agreement, authorities should be allowed to continue to process any personal data falling within the scope of the agreement transferred prior to its suspension or termination; *believes* that a monitoring *mechanism should be included in the agreement and that* the agreement should be *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 72**

**Ralf Seekatz**

#### **Motion for a resolution**

##### **Paragraph 8**

*Motion for a resolution*

8. Considers that ***the independent supervisory body*** should ***also*** have the power to decide to suspend or terminate the agreement in the event of a breach; considers that under the agreement, authorities should be allowed to continue to process any personal data falling within the scope of the agreement transferred prior to its suspension or termination; ***considers*** that a procedure for monitoring and periodically evaluating the agreement should be established in order to evaluate the partners' compliance with the agreement;

*Amendment*

8. Considers that ***either of the contracting parties*** should have the power to decide to suspend or terminate the agreement in the event of a breach; considers that under the agreement, authorities should be allowed to continue to process any personal data falling within the scope of the agreement transferred prior to its suspension or termination; ***agrees*** that a procedure for monitoring and periodically evaluating the agreement should be established in order to evaluate ***both*** the partners' compliance with the agreement ***and the functioning of the agreement in relation to the operational needs of Europol***;

Or. en

**Amendment 73**

**Clare Daly, Cornelia Ernst**

**Motion for a resolution**

**Paragraph 8**

*Motion for a resolution*

8. Considers that the independent supervisory body ***should*** also have the power to decide to suspend or terminate the agreement in the event of a breach; considers that under the agreement, authorities should be allowed to continue to process any personal data falling within the scope of the agreement transferred prior to its suspension or termination; considers that a procedure for monitoring and periodically evaluating the agreement should be established in order to evaluate the partners' compliance with the agreement;

*Amendment*

8. Considers ***it of the utmost importance*** that the independent supervisory body also have the power to decide to suspend or terminate the agreement in the event of a breach; considers that under the agreement, authorities should be allowed to continue to process any personal data falling within the scope of the agreement transferred prior to its suspension or termination; considers that a procedure for monitoring and periodically evaluating the agreement should be established in order to evaluate the partners' compliance with the agreement;

Or. en

**Amendment 74**  
**Sophia in 't Veld, Ondřej Kovařík**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. Considers that the independent supervisory body should also have the power to decide to suspend or terminate the agreement in the event of a breach; considers that under the agreement, authorities should be allowed to continue to process any personal data falling within the scope of the agreement transferred prior to its suspension or termination; considers that a procedure for monitoring and periodically evaluating the agreement should be established in order to evaluate the partners' compliance with the agreement;

*Amendment*

8. ***Considers that the international agreement should include a provision allowing the EU to suspend or revoke the agreement should there be a breach of personal data by a law enforcement authority;*** considers that the independent supervisory body should also have the power to decide to suspend or terminate the agreement in the event of a breach; considers that under the agreement, authorities should be allowed to continue to process any personal data falling within the scope of the agreement transferred prior to its suspension or termination; considers that a procedure for monitoring and periodically evaluating the agreement should be established in order to evaluate the partners' compliance with the agreement;

Or. en

**Amendment 75**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 8**

*Motion for a resolution*

8. Considers that the independent supervisory body should also have the power to decide to suspend or terminate the agreement in the event of a breach; considers that under the agreement, authorities should be allowed to continue to process any personal data falling within

*Amendment*

8. Considers ***it should be possible for either of the contracting parties to suspend or revoke the international agreement should there be a breach thereof;*** recalls that the independent supervisory body should also have the power to decide to suspend or terminate the

the scope of the agreement transferred prior to its suspension or termination; considers that a procedure for monitoring and periodically evaluating the agreement should be established in order to evaluate the partners' compliance with the agreement;

agreement in the event of a breach; considers that under the agreement, authorities should be allowed to continue to process any personal data falling within the scope of the agreement transferred prior to its suspension or termination; considers that a procedure for monitoring and periodically evaluating the agreement should be established in order to evaluate the partners' compliance with the agreement;

Or. en

**Amendment 76**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 8 a (new)**

*Motion for a resolution*

*Amendment*

**8a. Stresses that data transferred to a receiving authority can never be further processed by other authorities or for other purposes; requests in this regard that an exhaustive list of the competent authorities in New Zealand to which Europol may transfer personal data should be included in the agreement, including a description of their competences; considers that any modification to such a list that would replace or add a new competent authority would require a review of the agreement;**

Or. en

**Amendment 77**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 8 b (new)**

*Motion for a resolution*

*Amendment*

**8b.** *Highlights the need to expressly indicate that onward transfers of information from the competent authorities of New Zealand to other countries are prohibited and would result in the immediate termination of the international agreement;*

Or. en

**Amendment 78**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 9**

*Motion for a resolution*

*Amendment*

**9.** *Considers that onward transfers of Europol information from competent New Zealand authorities to other authorities in New Zealand, including for use in judicial proceedings, should only be allowed for the original purposes of the transfer by Europol and should be made subject to appropriate conditions and safeguards, including prior authorisation by Europol; points out that the same conditions should apply to onward transfers of Europol information from competent New Zealand authorities to third country authorities, with the additional requirement that data only be transferred to third countries to which Europol is entitled to transfer personal data on the basis of Article 25 (1) of Regulation (EU) 2016/794;*

*deleted*

Or. en

**Amendment 79**  
**Ondřej Kovařík, Sophia in 't Veld, Olivier Chastel, Abir Al-Sahlani, Michal Šimečka**

**Motion for a resolution**

## Paragraph 9

### *Motion for a resolution*

9. Considers that onward transfers of Europol information from competent New Zealand authorities to other authorities in New Zealand, including for use in judicial proceedings, should only be allowed for the original purposes of the transfer by Europol and should be made subject ***to appropriate conditions and safeguards, including*** prior authorisation by Europol; points out that ***the same conditions should apply to*** onward transfers of Europol information from competent New Zealand authorities to third country authorities, ***with the additional requirement that data only be transferred to third countries to which Europol is entitled to transfer personal data on the basis of Article 25 (1) of Regulation (EU) 2016/794;***

### *Amendment*

9. Considers that onward transfers of Europol information from competent New Zealand authorities to other authorities in New Zealand, including for use in judicial proceedings, should only be allowed for the original purposes of the transfer by Europol and should be made subject prior authorisation by Europol; points out that onward transfers of Europol information from competent New Zealand authorities to third country authorities ***should not be allowed;***

Or. en

## Amendment 80

Clare Daly, Cornelia Ernst

### Motion for a resolution

#### Paragraph 9

### *Motion for a resolution*

9. Considers that onward transfers of Europol information from competent New Zealand authorities to other authorities in New Zealand, including for use in judicial proceedings, should only be allowed for the original purposes of the transfer by Europol ***and*** should be made subject to appropriate conditions and safeguards, including prior authorisation by Europol; points out that the same conditions should apply to onward transfers of Europol information from competent New Zealand authorities to third country authorities, with the additional requirement that data only be

### *Amendment*

9. Considers that onward transfers of Europol information from competent New Zealand authorities to other authorities in New Zealand, including for use in judicial proceedings, should only be allowed for the original purposes of the transfer by Europol, should be made subject to appropriate conditions and safeguards, including prior authorisation by Europol, ***and should be communicated to the independent authority and EDPS;*** points out that the same conditions should apply to onward transfers of Europol information from competent New Zealand authorities to



transferred to third countries to which Europol is entitled to transfer personal data on the basis of Article 25 (1) of Regulation (EU) 2016/794;

third country authorities, with the additional requirement that data only be transferred to third countries to which Europol is entitled to transfer personal data on the basis of Article 25 (1) of Regulation (EU) 2016/794;

Or. en

**Amendment 81**  
**Clare Daly, Cornelia Ernst**

**Motion for a resolution**  
**Paragraph 9 a (new)**

*Motion for a resolution*

*Amendment*

**9a. Points out that the transfer of personal data revealing racial or ethnic origin, political opinion, 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; highlights the fact that criminal acts are defined differently in the Union and New Zealand; is of the opinion that such a transfer of data should be prohibited, except 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;**

Or. en

**Amendment 82**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 10**

*Motion for a resolution*

10. Calls on the Council and Commission to consult the EDPS on the provisions of the draft agreement before its finalisation;

*Amendment*

10. Calls on the Council and Commission to consult the EDPS on the provisions of the draft agreement before its finalisation ***and throughout the negotiations***;

Or. en

**Amendment 83**  
**Clare Daly, Cornelia Ernst**

**Motion for a resolution**  
**Paragraph 11**

*Motion for a resolution*

11. Considers that the international agreement with New Zealand should ***enshrine the right of*** data subjects to ***information***, rectification and erasure as provided for in other EU legislation on data protection;

*Amendment*

11. Considers that the international agreement with New Zealand should ***lay down clear and detailed rules regarding the information that should be provided to the data subjects, which should include information about the applicable regime for EU*** data subjects to ***exercise their rights of access***, rectification and erasure as provided for in other EU legislation on data protection;

Or. en

**Amendment 84**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 11**

*Motion for a resolution*

11. Considers that the international agreement with New Zealand should enshrine the right of data subjects to information, rectification and erasure as provided for in other EU legislation on data protection;

*Amendment*

11. Considers that the international agreement with New Zealand should enshrine the right of data subjects to information, rectification and erasure as provided for in other EU legislation on data protection; ***requests in this regard that the***

*agreement includes clear and detailed rules regarding the information that should be provided to the data subjects;*

Or. en

**Amendment 85**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 11 a (new)**

*Motion for a resolution*

*Amendment*

*11a. Stresses 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; highlights that such a transfer of data should be prohibited;*

Or. en

**Amendment 86**  
**Saskia Bricmont**

**Motion for a resolution**  
**Paragraph 11 b (new)**

*Motion for a resolution*

*Amendment*

*11b. Requires that a monitoring mechanism is included in the agreement and that the agreement is subject to periodic assessments to evaluate its compliance with European data protection standards;*

Or. en

**Amendment 87**

Saskia Bricmont

**Motion for a resolution**  
**Paragraph 12**

*Motion for a resolution*

12. Expects to be kept fully and proactively informed about the progress of the negotiations and expects to receive the documents at the same time as the Council so that it can carry out its scrutiny role;

*Amendment*

12. ***Stresses that the Parliament's consent to the conclusion of the agreement will be conditional upon satisfactory involvement of the Parliament at all stages of the procedure in accordance with Article 218 TFEU;*** expects *in this regard* to be kept fully and proactively informed about the progress of the negotiations and expects to receive the documents at the same time as the Council so that it can carry out its scrutiny role;

Or. en

**Amendment 88**  
**Clare Daly, Cornelia Ernst**

**Motion for a resolution**  
**Paragraph 12 a (new)**

*Motion for a resolution*

*Amendment*

***12a. Stresses that the European Parliament will give its consent to the conclusion of the agreement only if such an agreement does not pose risks to the rights to privacy and data protection, nor to other fundamental rights and freedoms protected by the Charter; indicates in this regard that pursuant to Article 218 Paragraph 11 TFEU the European Parliament may obtain the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the Treaties;***

Or. en

**Amendment 89**

**Ondřej Kovařík, Sophia in 't Veld, Olivier Chastel, Abir Al-Sahlani, Michal Šimečka**

**Motion for a resolution**

**Paragraph 12 a (new)**

*Motion for a resolution*

*Amendment*

***12a. 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 90**

**Sophia in 't Veld, Ondřej Kovařík**

**Motion for a resolution**

**Paragraph 12 a (new)**

*Motion for a resolution*

*Amendment*

***12a. Calls on the Commission to suspend or terminate the agreement at the request of a majority of the European Parliament;***

Or. en