



**2012/0010(COD)**

4.4.2016

**\*\*\*II**

## **DRAFT RECOMMENDATION FOR SECOND READING**

on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA

(xxxx/2016 – C8-xxxx/2016 – 2012/0010(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Marju Lauristin

### ***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 Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (xxxx/2016 – C8-xxxx/2016 – 2012/0010(COD))**

**(Ordinary legislative procedure: second reading)**

*The European Parliament,*

- having regard to the Council position at first reading (xxxx/2016 – C8-xxxx/2016),
  - having regard to the reasoned opinions submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the German Bundesrat and the Swedish Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
  - having regard to the opinion of the Committee of the Regions of 10 October 2012<sup>1</sup>,
  - having regard to the opinions of the European Data Protection Supervisor of 7 March 2012<sup>2</sup> and 19 November 2015<sup>3</sup>,
  - having regard to the opinion of the Commission (COM(2016)xxxx),
  - having regard to its position at first reading<sup>4</sup> on the Commission proposal to Parliament and the Council (COM(2012)0010),
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 76 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A8-0000/2016),
1. Approves the Council position at first reading;
  2. Notes that the act is adopted in accordance with the Council position;
  3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union

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<sup>1</sup> OJ C 391, 18.12.2012, p. 127.

<sup>2</sup> OJ C 192, 30.6.2012, p. 7.

<sup>3</sup> OJ C 67, 20.2.2016, p. 13.

<sup>4</sup> Texts adopted of 12.3.2014, P8\_TA(2014)0219.

4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.