**POSITION OF THE EUROPEAN PARLIAMENT**

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adopted at first reading on 14 December 2021


THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 16(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure¹,

Whereas:

(1) Pursuant to Article 62(6) of Directive (EU) 2016/680 of the European Parliament and of the Council, the Commission is to review legal acts adopted by the Union, other than that Directive, which regulate the processing of personal data by the competent authorities for the purposes set out in Article 1(1) of that Directive. The purpose of that review is to assess the need to align those legal acts with that Directive and to make, where appropriate, the necessary proposals to amend them in order to ensure a consistent approach to the protection of personal data within the scope of that Directive. That review has led to the identification of Directive 2014/41/EU of the European Parliament and of the Council as one of the legal acts to be amended.


The processing of personal data under Directive 2014/41/EU involves the processing, exchange and subsequent use of relevant information for the purposes set out in Article 82 of the Treaty on the Functioning of the European Union (TFEU). In the interests of consistency and the effective protection of personal data, the processing of personal data under Directive 2014/41/EU should comply with Directive (EU) 2016/680, where that latter Directive applies. As regards the processing of personal data in relation to proceedings as referred to in Article 4, points (b), (c) and (d), of Directive 2014/41/EU, where Directive (EU) 2016/680 does not apply, Regulation (EU) 2016/679 of the European Parliament and of the Council\(^1\) applies.

(3) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

(4) In accordance with Articles 1, 2 and 2a of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

(5) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council and delivered an opinion on 10 March 2021.

(6) Directive 2014/41/EU should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

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Article 1

_Amendment to Directive 2014/41/EU_

In Directive 2014/41/EU, Article 20 is deleted.

Article 2

_Transposition_

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [one year after the entry into force of this amending Directive]. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the measures of national law which they adopt in the field covered by this Directive.
Article 3

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 4

Addressees

This Directive is addressed to the Member States in accordance with the Treaties.

Done at ..., 

For the European Parliament For the Council
The President The President