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NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	7019/18
Subject:	Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals 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 [First reading] - Presidency compromise suggestions on scope

On the basis of comments made by delegations at the DAPIX Friends of Presidency meeting on 21 March 2018, the Presidency has redrafted the compromise text concerning the scope of above-mentioned Regulation. This text appears in Annex.

The Presidency invites delegations to examine this annexed compromise text by 28 March close of business with a view to providing the Presidency with a mandate to engage in negotiations with representatives of the European Parliament at a forthcoming trilogue.

Delegations will find in Annex a comparative table presenting the positions of the three institutions, with the Presidency's compromise proposal in the fourth column. In Chapter VIIIa the Presidency's compromise proposal is compared with Directive (EU) 2016/680, the European Parliament's mandate on Regulation 45/2001 and the Council General Approach on the proposal for the Eurojust Regulation.

New text in the fourth column compared to text in document 7019/18 is **bold** and **underlined**.

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
	(7a) The data protection legal framework for the processing of data in the course of activities of Union institutions and bodies in the areas of freedom, security and justice and of the common foreign and security policy remains fragmented and creates legal uncertainty. This Regulation should therefore provide for harmonised rules for the protection and the free movement of personal data processed by Union institutions and bodies carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three TFEU and Chapter 2 of Title V TEU.	**(7a) This Regulation should apply to the processing of personal data by all Union institutions, bodies, offices and agencies. It should apply to the processing of personal data, wholly or partially by automated means, and to the processing otherwise than by automated means of personal data which form part of a filing system or are intended to form part of a filing system. However, where other legal acts of the European Union provide for specific rules on the processing of personal data by Union institutions and bodies, these rules should remain unaffected by this Regulation.**	(7a) This Regulation should apply to the processing of personal data by all Union institutions, bodies, offices and agencies. It should apply to the processing of personal data, wholly or partially by automated means, and to the processing otherwise than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
(8) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU could prove necessary because of the specific nature of those fields. This Regulation should therefore apply to Union agencies carrying out activities in the fields of judicial cooperation in criminal matters and police cooperation only to the extent that Union law applicable to such agencies does not contain specific rules on the processing of personal data.	**AM 4** (8) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU could prove necessary because of the specific nature of those fields. ~~This Regulation should therefore apply to Union agencies carrying out activities in the fields of judicial cooperation in criminal matters and police cooperation only to the extent that Union law applicable to such agencies does not contain specific rules on the processing of personal data~~. ***Furthermore, the common***	(8) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU could prove necessary because of the specific nature of those fields. This Regulation should therefore **not** apply **to the processing of operational personal data, such as personal data processed for criminal investigation purposes by** Union **bodies, offices or** agencies carrying out activities **which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU where**	(8) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU could prove necessary because of the specific nature of those fields. A specific Chapter of this Regulation should therefore apply to the processing of operational personal data, such as personal data processed for criminal investigation purposes by Union bodies, offices or agencies carrying out activities in the fields of judicial cooperation and criminal matters and police cooperation **~~only to the extent that Union law applicable to such agencies does not contain specific rules on the processing of personal data which fall~~ within the scope of Chapter 4 or Chapter 5 of Title V**

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			of Part Three of the TFEU, unless specific rules applicable to those Union bodies, offices or agencies provide otherwise.
	foreign and security policy has a specific nature and specific rules on the protection of personal data and it could prove necessary to ensure the free movement of personal data in that field also. It is therefore ***appropriate to regulate the processing of operational personal data by*** Union agencies ***established on the basis of Chapters 4 and 5 of Title V of Part Three TFEU and by missions referred to in Article 42(1) and Articles 43 and 44 TEU by establishing specific rules that derogate from a number of general rules laid down in this Regulation.***	**the acts establishing these bodies, offices or agencies provide for comprehensive data protection rules applicable to the processing of such data, such as the acts establishing Europol and Eurojust [and the European Public Prosecutor's Office]. ~~in the fields of judicial cooperation in criminal matters and police cooperation only to the extent that Union law applicable to such agencies does not contain specific rules on the processing of personal data~~. Processing of administrative personal data by those bodies, offices or agencies, such as staff data, should be covered by this Regulation.**	The **specific** rules **~~contained in the legal acts establishing these~~ applicable to those Union** bodies, offices, or agencies should be regarded as *lex specialis* to the provisions in Chapter VIIIa of this Regulation (*lex specialis derogat legi generali*).

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			(8a) The Chapter of this Regulation containing general rules on the processing of operational personal data **should apply to ~~by~~** Union bodies, offices or agencies **when** carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU**. Such Union bodies, offices or agencies should in particular include the European Border and Coast Guard Agency only when carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU, for example where this agency within its mandate processes personal data regarding persons who are suspected, on reasonable grounds, by the competent authorities of the Member States of crime, such as migrant smuggling, trafficking of human beings or terrorism. ~~should apply to Eurojust and any other such Union bodies, offices or agencies. It would also apply to Frontex when carrying out its law enforcement activities.~~** However, it should not apply to Europol and the

			European Public Prosecutor's Office unless the legal acts establishing Europol and the European Public Prosecutor's Office are amended with a view to rendering the Chapter of this Regulation on the processing of operational personal data as revised, applicable to them. The Commission should conduct a review of this Chapter and the other legal acts adopted on the basis of the Treaties which regulate the processing of operational personal data by Union bodies, offices or agencies carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU. After such a review, the Commission may, if appropriate, propose***, inter alia,*** to revise this Chapter and to apply it to Europol and the European Public Prosecutor's Office, while preserving the *lex specialis derogat legi generali* principle.

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			(8b) Processing of administrative personal data, such as staff data by Union bodies, offices or agencies carrrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU should be covered by this Regulation**.**
9) Directive (EU) 2016/680 provides harmonised rules for the protection and the free movement of personal data processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. In order to foster the same level of protection for natural persons through legally	(9) Directive (EU) 2016/680 provides harmonised rules for the protection and the free movement of personal data processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. In order to foster the same level of protection for natural persons through legally	(9) Directive (EU) 2016/680 provides harmonised rules for the protection and the free movement of personal data processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. In order to foster the same level of protection for natural persons through legally	(9) Directive (EU) 2016/680 provides harmonised rules for the protection and the free movement of personal data processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. In order to foster the same level of protection for natural persons through legally

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
enforceable rights throughout the Union and to prevent divergences hampering the exchange of personal data between Union agencies carrying out activities in the fields of judicial cooperation in criminal matters and police cooperation and competent authorities in Member States, the rules for the protection and the free movement of operational personal data processed by such Union agencies should draw on the principles underpinning this Regulation and be consistent with Directive (EU) 2016/680.	enforceable rights throughout the Union and to prevent divergences hampering the exchange of personal data between Union agencies carrying out activities in the fields of judicial cooperation in criminal matters and police cooperation and competent authorities in Member States, the rules for the protection and the free movement of operational personal data processed by such Union agencies should draw on the principles underpinning this Regulation and be consistent with Directive (EU) 2016/680.	enforceable rights throughout the Union and to prevent divergences hampering the exchange of personal data between Union **bodies, offices or** agencies carrying out activities **which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU ~~in the fields of judicial cooperation in criminal matters and police cooperation~~** and competent authorities in Member States, the rules for the protection and the free movement of operational personal data processed by such Union **bodies, offices or** agencies should **~~draw on the principles underpinning this Regulation and~~** be consistent with Directive (EU) 2016/680.	enforceable rights throughout the Union and to prevent divergences hampering the exchange of personal data between Union bodies, offices or agencies carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU and competent authorities in Member States, the rules for the protection and the free movement of operational personal data processed by such Union bodies, offices or agencies should be consistent with Directive (EU) 2016/680.

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
(10) Where the founding act of a Union agency carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of the Treaty lays down a standalone data protection regime for the processing of operational personal data such regimes should be unaffected by this Regulation. However, the Commission should, in accordance with Article 62 of Directive (EU) 2016/680, by 6 May 2019 review Union acts which regulate processing by the competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security and, where appropriate, make the necessary proposals to amend those acts to ensure a consistent approach to the protection of personal data in the area of judicial cooperation in criminal matters and police cooperation.	(10) Where the founding act of a Union agency carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of the Treaty lays down a standalone data protection regime for the processing of operational personal data such regimes should be unaffected by this Regulation. However, the Commission should, in accordance with Article 62 of Directive (EU) 2016/680, by 6 May 2019 review Union acts which regulate processing by the competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security and, where appropriate, make the necessary proposals to amend those acts to ensure a consistent approach to the protection of personal data in the area of judicial cooperation in criminal matters and police cooperation.	**~~(10) Where the founding act of a Union agency carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of the Treaty lays down a standalone data protection regime for the processing of operational personal data such regimes should be unaffected by this Regulation. However, the Commission should, in accordance with Article 62 of Directive (EU) 2016/680, by 6 May 2019 review Union acts which regulate processing by the competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security and, where appropriate, make the necessary proposals to amend those acts to ensure a consistent approach to the protection of personal data in the area of judicial cooperation in criminal matters and police~~**	~~(10) Where the founding act of a Union agency carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of the Treaty lays down a standalone data protection regime for the processing of operational personal data such regimes should be unaffected by this Regulation. However, the Commission should, in accordance with Article 62 of Directive (EU) 2016/680, by 6 May 2019 review Union acts which regulate processing by the competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security and, where appropriate, make the necessary proposals to amend those acts to ensure a consistent approach to the protection of personal data in the area of judicial cooperation in criminal matters and police cooperation.~~

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
		~~**cooperation.**~~	
		(10a) This Regulation should apply to the processing of personal data by Union institutions, bodies, offices or agencies carrying out activities which fall within the scope of Chapter 2 of Title V of the TEU. This Regulation does not apply to the processing of personal data by missions referred to in Articles 42(1), ~~and~~ 43 and 44 of the TEU, which implement the common security and defence policy. Where appropriate, relevant proposals could be put forward to further regulate the processing of personal data in the field of the common security and defence policy.	(10a) This Regulation should apply to the processing of personal data by Union institutions, bodies, offices or agencies carrying out activities which fall within the scope of Chapter 2 of Title V of the TEU. This Regulation does not apply to the processing of personal data by missions referred to in Articles 42(1), 43 and 44 of the TEU, which implement the common security and defence policy. Where appropriate, relevant proposals should be put forward to further regulate the processing of personal data in the field of the common security and defence policy.

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
Article 2	***Article 2***	***Article 2***	
Scope	***Scope***	***Scope***	
1. This Regulation applies to the processing of personal data by all Union institutions and bodies insofar as such processing is carried out in the exercise of activities which fall, wholly or partially within the scope of Union law.	**AM 25** 1. This Regulation applies to the processing of personal data by all Union institutions and bodies ~~insofar as such processing is carried out in the exercise of activities which fall, wholly or partially within the scope of Union law~~.	1. This Regulation applies to the processing of personal data by all Union institutions and bodies. **~~insofar as such processing is carried out in the exercise of activities which fall, wholly or partially within the scope of Union law~~**.	1**.** This Regulation applies to the processing of personal data by all Union institutions and bodies.
		1a. This Regulation shall not apply to the processing of operational personal data by Union bodies, offices or agencies carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU where the acts establishing those bodies, offices or agencies provide for comprehensive rules relating to the protection of natural persons with regard to the processing of their data.	1a. **~~Only~~** Article 3 and Chapter VIIIa shall apply to the processing of operational personal data by Union bodies, offices or agencies **when** carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU**~~, unless specific rules applicable to those Union bodies, offices or agencies provide otherwise~~**. The other provisions of this Regulation shall not apply to such processing.

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			1ab. Article 3 and Chapter VIIIa shall not apply to the processing of operational personal data by Europol and the European Public Prosecutor's Office unless Regulation (EU) 2016/794 and Regulation (EU) 2017/1939 are adapted following the Commission's review provided for in Article 70b.
		1aa. This Regulation shall not apply to the processing of personal data by missions referred to in Articles 42(1), ~~and~~ 43 and 44 of the TEU.	1ac. This Regulation shall not apply to the processing of personal data by missions referred to in Articles 42(1), 43 and 44 of the TEU.
2. This Regulation shall apply to the processing of personal data, wholly or partially by automated means, and to the processing otherwise than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.	2. This Regulation shall apply to the processing of personal data, wholly or partially by automated means, and to the processing otherwise than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.	2. This Regulation shall apply to the processing of personal data, wholly or partially by automated means, and to the processing otherwise than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.	

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
	AM 26 ***2a. This Regulation shall also apply to Union agencies carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three TFEU, including where the founding acts of these Union agencies lay down a stand-alone data protection regime for the processing of operational personal data. Provisions relating to specific processing of operational personal data contained in the founding acts of these agencies may particularise and complement the application of this Regulation.***		~~2a. The data protection rules of the legal acts establishing Union institutions and bodies carrying out activities which fall within the scope of Chapter 4 and 5 of Title V of Part Three of the TFEU are considered as specific data protection rules to the general rules laid down in this Regulation (*lex specialis derogat legi generali*).~~ **Moved to Article 69a**

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
Article 3	***Article 3***	***Article 3***	
Definitions	***Definitions***	***Definitions***	
1. For the purposes of this Regulation, the following definitions shall apply:	1. For the purposes of this Regulation, the following definitions shall apply:	1. For the purposes of this Regulation, the following definitions shall apply:	For the purposes of this Regulation, the following definitions shall apply:
a) the definitions in Regulation (EU) 2016/679, with the exception of the definition of 'controller' in point (7) of Article 4 of that Regulation;	**AM 27** (a) the definitions in Regulation (EU) 2016/679, with the exception of the definition of 'controller' in point (7)***, 'main establishment' in point (16), 'enterprise' in point (18), 'group of undertaking' in point (19)*** of Article 4 of that Regulation; ***the definition of 'electronic communication' in point (a) of Article 4(2) of Regulation (EU) XX/XXXX [ePrivacy Regulation];***	a) the definitions in Regulation (EU) 2016/679, with the exception of the definition of 'controller' in point (7) of Article 4 of that Regulation;	(1) 'personal data' means any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person; (2) 'operational personal data' means all personal data processed by Union bodies, offices or agencies carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU to meet the objectives laid down in the acts

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			establishing these bodies, offices or agencies; **<u>(2a) 'administrative personal data' means all personal data processed by Union bodies, offices or agencies carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three TFEU apart from operational personal data;</u>** (3) 'processing' means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction; (4) 'restriction of processing' means the marking of stored personal data with the aim of limiting their processing in the

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			future; (5) 'profiling' means any form of automated processing of personal data consisting of the use of personal data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements; (6) 'pseudonymisation' means the processing of personal data in such a manner that the personal data can no longer be attributed to a specific data subject without the use of additional information, provided that such additional information is kept separately and is subject to technical and organisational measures to ensure that the personal data are not attributed to an identified or identifiable natural person; (7) 'filing system' means any

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			structured set of personal data which are accessible according to specific criteria, whether centralised, decentralised or dispersed on a functional or geographical basis; (8) 'controller' means the Union institution, body, office or agency or the Directorate- General or any other organisational entity which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of processing are determined by a specific Union act, the controller or the specific criteria for its nomination can be provided for by Union law; (9) 'controllers other than Union institutions and bodies' means controllers within the meaning of Article 4(7) of Regulation (EU) 2016/679 and controllers within the meaning of Article 3(8) of Directive (EU) 2016/ 680; (10) 'Union institutions and bodies' means the Union institutions,

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			bodies, offices and agencies set up by, or on the basis of, the Treaty on European Union, the Treaty on the Functioning of the European Union or the Euroatom Treaty; (11) 'competent authority' means a public authority in a Member State competent for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security; (12) 'processor' means a natural or legal person, public authority, agency or other body which processes personal data on behalf of the controller (13) 'recipient' means a natural or legal person, public authority, agency or another body, to which the personal data are disclosed, whether a third party or not. However, public authorities which may receive personal data in the framework of a particular inquiry in accordance with Union or Member

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			State law shall not be regarded as recipients; the processing of those data by those public authorities shall be in compliance with the applicable data protection rules according to the purposes of the processing; (14) 'third party' means a natural or legal person, public authority, agency or body other than the data subject, controller, processor and persons who, under the direct authority of the controller or processor, are authorised to process personal data; (15) 'consent' of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her; (16) 'personal data breach' means a breach of security leading to the accidental or unlawful destruction,

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			loss, alteration, unauthorised disclosure of, or access to, personal data transmitted, stored or otherwise processed; (17) 'genetic data' means personal data relating to the inherited or acquired genetic characteristics of a natural person which give unique information about the physiology or the health of that natural person and which result, in particular, from an analysis of a biological sample from the natural person in question; (18) 'biometric data' means personal data resulting from specific technical processing relating to the physical, physiological or behavioural characteristics of a natural person, which allow or confirm the unique identification of that natural person, such as facial images or dactyloscopic data; (19) 'data concerning health' means personal data related to the physical or mental health of a natural person, including the provision of

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			health care services, which reveal information about his or her health status; (20) **'**information society service' means a service as defined in point (b) of Article 1(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council ([19]); (21) 'international organisation' means an organisation and its subordinate bodies governed by public international law, or any other body which is set up by, or on the basis of, an agreement between two or more countries**;** (22)'national supervisory authority' means an independent public authority which is established by a Member State pursuant to Article 51 of Regulation (EU) 2016/679 of the European Parliament and of the Council or pursuant to Article 41 of Directive (EU) 2016/680; (23) 'user' means any natural person using a network or terminal equipment operated under the

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			control of a Union institution or body; (24) 'directory' means a publicly available directory of users or an internal directory of users available within a Union institution or body or shared between Union institutions and bodies, whether in printed or electronic form. (25) 'electronic communications network' means a transmission system, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed (circuit - and packet - switched including Internet) and mobile terrestrial networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals,

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
			networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed**.** (26) the definition of 'terminal equipment' in point (1) of Article 1 of Commission Directive 2008/63/EC[1]

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
(b) the definition of 'electronic communication' in point (a) of Article 4(2) of Regulation (EU) XX/XXXX [ePrivacy Regulation];	(b) the definition of 'electronic communication' in point (a) of Article 4(2) of Regulation (EU) XX/XXXX [ePrivacy Regulation];	(b) the definition of 'electronic communication**s data**' in point (a) of Article 4(**3**) of Regulation (EU) XX/XXXX [ePrivacy Regulation];	Tentatively agreed to delete. Part of package on confidentiatliy ***Deletion***
(c) the definitions of 'electronic communication network' and 'end-user' in points (1) and (14) of Article 2 of Directive 00/0000/EU [Directive establishing the European Electronic Communications Code] respectively;	(c) the definitions of 'electronic communication network' and 'end-user' in points (1) and (14) of Article 2 of Directive 00/0000/EU [Directive establishing the European Electronic Communications Code] respectively;	(c) the definitions of 'electronic communication**s** network' and 'end-user' in points (1) and (14) of Article 2 of Directive 00/0000/EU [Directive establishing the European Electronic Communications Code] respectively;	Tentatively agreed to delete. Part of package on confidentiatliy ***Deletion***
(d) the definition of 'terminal equipment' in point (1) of Article 1 of Commission Directive 2008/63/EC[1].	(d) the definition of 'terminal equipment' in point (1) of Article 1 of Commission Directive 2008/63/EC[12].	(d) the definition of 'terminal equipment' in point (1) of Article 1 of Commission Directive 2008/63/EC[11].	**Merged with paragraph 1**

[1] Commission Directive 2008/63/EC of 20 June 2008 on competition in the markets in telecommunications terminal equipment (OJ L 162 21.06.2008 p. 20).

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
2. In addition, for the purposes of this Regulation the following definitions shall apply:	2. In addition, for the purposes of this Regulation the following definitions shall apply:	2. In addition, for the purposes of this Regulation the following definitions shall apply:	**Merged with paragraph 1**
(a) 'Union institutions and bodies' means the Union institutions, bodies, offices and agencies set up by, or on the basis of, the Treaty on European Union, the Treaty on the Functioning of the European Union or the Euroatom Treaty;	(a) 'Union institutions and bodies' means the Union institutions, bodies, offices and agencies set up by, or on the basis of, the Treaty on European Union, the Treaty on the Functioning of the European Union or the Euroatom Treaty;	(a) 'Union institutions and bodies' means the Union institutions, bodies, offices and agencies set up by, or on the basis of, the Treaty on European Union, the Treaty on the Functioning of the European Union or the Euroatom Treaty;	**Merged with paragraph 1**
		(aa) **'Operational personal data' means personal data processed by Union bodies, offices or agencies carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU to meet the objectives laid down in the acts establishing these bodies, offices or agencies;**	**Merged with paragraph 1**

COM (2017) 8	EP Position / First Reading	Council General Approach	Presidency suggestions
(b) 'controller' means the Union institution, body, office or agency or the Directorate- General or any other organisational entity which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of processing are determined by a specific Union act, the controller or the specific criteria for its nomination can be provided for by Union law.	(b) 'controller' means the Union institution, body, office or agency or the Directorate- General or any other organisational entity which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of processing are determined by a specific Union act, the controller or the specific criteria for its nomination can be provided for by Union law.	(b) 'Controller' means the Union institution, body, office or agency or the Directorate- General or any other organisational entity which, alone or jointly with others, determines the purposes and means of the processing of personal data; where the purposes and means of processing are determined by a specific Union act, the controller or the specific criteria for its nomination can be provided for by Union law;	**Merged with paragraph 1**
		(ba) 'Controllers other than Union institutions and bodies' means controllers within the meaning of Article 4(7) of Regulation (EU) 2016/679 and controllers within the meaning of Article 3(8) of Directive (EU) 2016/ 680;	Tentative agreement CNS text: (ba) 'Controllers other than Union institutions and bodies' means controllers within the meaning of Article 4(7) of Regulation (EU) 2016/679 and controllers within the meaning of Article 3(8) of Directive (EU) 2016/ 680; **Merged with paragraph 1**
(c) 'user' means any natural person using a network or terminal equipment operated under the control of a Union institution or body;	(c) 'user' means any natural person using a network or terminal equipment operated under the control of a Union institution or body;	(c) 'user' means any natural person using a network or terminal equipment operated under the control of a Union institution or body;	**Merged with paragraph 1**

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(d) 'directory' means a publicly available directory of users or an internal directory of users available within a Union institution or body or shared between Union institutions and bodies, whether in printed or electronic form.	(d) 'directory' means a publicly available directory of users or an internal directory of users available within a Union institution or body or shared between Union institutions and bodies, whether in printed or electronic form.	(d) 'directory' means a publicly available directory of users or an internal directory of users available within a Union institution or body or shared between Union institutions and bodies, whether in printed or electronic form.	**Merged with paragraph 1**
	AM 28 ***(da) 'operational personal data' means personal data processed by the Union agencies established on the basis of Chapters 4 and 5 of Title V of Part Three TFEU and by the missions referred to in Article 42(1), 43 and 44 TEU, for the purposes of meeting the objectives laid down in acts establishing those agencies or missions.***		**Merged with paragraph 1**

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			Tentatively agreed (telecommunications code definition). Part of package on confidentiatliy (da) 'electronic communications network' means a transmission system, whether or not based on a permanent infrastructure or centralised administration capacity, and, where applicable, switching or routing equipment and other resources, including network elements which are not active, which permit the conveyance of signals by wire, radio, optical or other electromagnetic means, including satellite networks, fixed (circuit - and packet - switched including Internet) and mobile terrestrial networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed. **Merged with paragraph 1**

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	AM 87 ***CHAPTER VIIIa*** ***PROCESSING OF OPERATIONAL PERSONAL DATA***		***CHAPTER VIIIa*** ***PROCESSING OF OPERATIONAL PERSONAL DATA BY UNION BODIES, OFFICES OR AGENCIES <u>WHEN</u> CARRYING OUT ACTIVITIES WHICH FALL WITHIN THE SCOPE OF CHAPTER 4 OR CHAPTER 5 OF TITLE V OF PART THREE OF THE TFEU***
	AM 88 ***Article 69a***		***Article 69a***
	Scope		***Scope <u>of the Chapter</u>***
	By way of derogation from Articles 4, 5, 6, 7, 8, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 41, 43, 49, 50 and 51, the provisions of this Chapter shall apply to processing of operational data by Union agencies established on the basis of Chapters 4 and 5 of Title V of Part Three TFEU and by missions referred to in Article 42(1) and Articles 43 and 44 TEU.		1. This Chapter shall apply only to the processing of operational personal data by Union bodies, offices or agencies when carrying out activities which fall within the scope of Chapter 4 and 5 of Title V of Part Three of the TFEU, **<u>unless specific rules applicable to those Union bodies, offices or agencies provide otherwise</u>** **~~<u>without prejudice to the rules contained in the founding legal acts of those</u>~~**

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			~~Union bodies, offices and agencies~~.
	Provisions relating to specific processing of operational personal data contained in the founding acts of these agencies may particularise and complement the application of this Regulation.		**2. The data protection rules on processing of operational personal data contained in the legal acts applicable to Union bodies, offices or agencies when carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU shall be considered as specific data protection rules to the general rules laid down in Article 3 and Chapter VIIIa of this Regulation.**

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Article 4	**AM 89** *Article 69b*	*Article 26a*	*Article 69b*
Principles relating to processing of personal data	***Principles relating to processing of operational personal data***	***Principles relating to processing of personal data***	***Principles relating to processing of operational personal data***
1. Member States shall provide for personal data to be:	***1. Operational personal data shall be:***	1. Personal data shall be:	1. Operational personal data shall be:
(a) processed lawfully and fairly;	***(a) processed lawfully and fairly ('lawfulness and fairness');***	(a) processed lawfully and fairly ('lawfulness and fairness');	(a) processed lawfully and fairly ('lawfulness and fairness');
(b) collected for specified, explicit and legitimate purposes and not processed in a manner that is incompatible with those purposes;	***(b) collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be***	(b) collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes. Further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered incompatible with the initial purposes provided that Eurojust provides appropriate safeguards for the rights and freedoms of data subjects ("purpose limitations");	(b) collected for specified, explicit and legitimate purposes and not processed in a manner that is incompatible with those purposes ('purpose limitation');

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(c) adequate, relevant and not excessive in relation to the purposes for which they are processed;	***(c) adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');***	(c) adequate, relevant, and not excessive in relation to the purposes for which they are processed ("data minimisation");	c) adequate, relevant, and not excessive in relation to the purposes for which they are processed (‘data minimisation’);
(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;	***(d) accurate and, where necessary, kept up to date, with every reasonable step being taken to ensure that operational personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');***	(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ("accuracy");	(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ("accuracy");
(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which they are processed;	***(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the operational personal data are processed;***	(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods in so far as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes provided that Eurojust provides appropriate safeguards for the	e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed (‘storage limitation’);

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		rights and freedoms of data subjects, in particular by the implementation of the appropriate technical and organisational measures required by this Regulation ("storage limitation");	
(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.	***(f) processed in a manner that ensures appropriate security of the operational personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').***	(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ("integrity and confidentiality").	(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').
2. Processing by the same or another controller for any of the purposes set out in Article 1(1) other than that for which the personal data are collected shall be permitted in so far as:	***2. Union agencies or missions shall make publicly available a document setting out in an intelligible form the provisions regarding the processing of operational personal data and the means available for the exercise of the rights of data subjects.***	2. Processing by Eurojust for any of the purposes set out in Article 27 of this Regulation other than that for which the operational personal data are collected shall be permitted in so far as:	2. Processing by the same or another controller for any of the purposes set out in the founding act of the Union institution or body other than that for which the personal data are collected shall be permitted in so far as:

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(a) the controller is authorised to process such personal data for such a purpose in accordance with Union or Member State law; and		(a) Eurojust is authorised to process such operational personal data for such a purpose in accordance with this Regulation; and	(a) the controller is authorised to process such personal data for such a purpose in accordance with Union law; and
(b) processing is necessary and proportionate to that other purpose in accordance with Union or Member State law.		(b) processing is necessary and proportionate to that other purpose in accordance with Union law.	(b) processing is necessary and proportionate to that other purpose in accordance with Union law**.**
3. Processing by the same or another controller may include archiving in the public interest, scientific, statistical or historical use, for the purposes set out in Article 1(1), subject to appropriate safeguards for the rights and freedoms of data subjects.			3. Processing by the same or another controller may include archiving in the public interest, scientific, statistical or historical use, for the purposes set out in the founding act of the Union body, office or agency, subject to appropriate safeguards for the rights and freedoms of data subjects.

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4. The controller shall be responsible for, and be able to demonstrate compliance with, paragraphs 1, 2 and 3.		1a. Eurojust shall be responsible for, and be able to demonstrate compliance with paragraph 1 ('accountability') when processing personal data wholly or partly by automated means and when processing other than by automated means personal data which form part of a filing system or are intended to form part of a filing system.	4. The controller shall be responsible for, and be able to demonstrate compliance with, paragraphs 1, 2 and 3 (‘accountability’).

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Article 8	**AM 90** ***Article 69c***		***Article 69c***
Lawfulness of processing	***Lawfulness of processing***		***Lawfulness of processing of operational personal data***
1. Member States shall provide for processing to be lawful only if and to the extent that processing is necessary for the performance of a task carried out by a competent authority for the purposes set out in Article 1(1) and that it is based on Union or Member State law. 2. Member State law regulating processing within the scope of this Directive shall specify at least the objectives of processing, the personal data to be processed and the purposes of the processing.	***Processing shall be lawful only if and to the extent that processing is necessary for the performance of a task carried out by Union agencies and missions and that it is based on Union law. Union law specifying and complementing this Regulation as regards the processing within the scope of this Chapter shall specify the objectives of processing, the operational personal data to be processed and the purposes of the processing.***		**1.** Processing of operational personal data shall be lawful only if and to the extent that processing is necessary for the performance of a task carried out by Union **bodies, offices or agencies ~~institutions and bodies~~** when carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU and that it is based on Union law. **2.** Specific Union legal acts regulating processing within the scope of this Chapter shall specify at least the objectives of processing, the operational personal data to be processed, the purposes of the processing and the time limits for storage of the operational personal data **or ~~of~~** for periodic review of the need for further

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			storage of the operational personal data.
Article 6	**AM 91** ***Article 69d***	***Article 27d***	***Article 69d***
Distinction between different categories of data subject	***Distinction between different categories of data subjects***	***Distinction between different categories of data subjects***	***Distinction between different categories of data subjects***
Member States shall provide for the controller, where applicable and as far as possible, to make a clear distinction between personal data of different categories of data subjects, such as:	***Union agencies or missions shall make a clear distinction between operational personal data of different categories of data subjects, such as:***	Eurojust shall, where applicable and as far as possible, make a clear distinction between operational personal data of different categories of data subjects, such as:	The controller shall, where applicable and as far as possible, make a clear distinction between operational personal data of different categories of data subjects, such as the categories listed in the founding acts of Union institutions and bodies.

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(a) persons with regard to whom there are serious grounds for believing that they have committed or are about to commit a criminal offence; (b) persons convicted of a criminal offence;	***(a) persons who are suspected of having committed or having taken part in a criminal offence in respect of which the Union agencies or missions are competent, or who have been convicted of such an offence;***	(a) persons with regard to whom there are serious grounds for believing that they have committed or are about to commit a criminal offence; (b) persons convicted of a criminal offence;	
	(b) persons regarding whom there are factual indications or reasonable grounds to believe that they will commit criminal offences in respect of which Union agencies or missions are competent;		

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(c) victims of a criminal offence or persons with regard to whom certain facts give rise to reasons for believing that he or she could be the victim of a criminal offence; and	***(c) persons who have been the victims of one of the offences under consideration***	(c) victims of a criminal offence or persons with regard to whom certain facts give rise to reasons for believing that they could be the victims of a criminal offence; and	
d) other parties to a criminal offence, such as persons who might be called on to testify in investigations in connection with criminal offences or subsequent criminal proceedings, persons who can provide information on criminal offences, or contacts or associates of one of the persons referred to in points (a) and (b).	***(d) persons who might be called on to testify in investigations in connection with criminal offences or subsequent criminal proceedings;***	(d) other parties to a criminal offence, such as persons who might be called upon to testify in investigations in connection with criminal offences or subsequent criminal proceedings, persons who can provide information on criminal offences, or contacts or associates of one of the persons referred to in points (a) and (b).	
	(e) persons who can provide information on criminal offences; and		
	(f) contacts or associates of one of the persons referred to in points (a) and (b).		

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Article 7	**AM 92** *Article 69e*	*Article 27e*	*Article 69e*
Distinction between personal data and verification of quality of personal data	***Distinction between operational personal data and verification of quality of operational personal data***	***Distinction between operational personal data and verification of quality of personal data***	***Distinction between operational personal data and verification of quality of operational personal data***
1. Member States shall provide for personal data based on facts to be distinguished, as far as possible, from personal data based on personal assessments.	***Union agencies and missions shall distinguish operational personal data based on facts from operational personal data based on personal assessments.***	1. Eurojust shall distinguish, as far as possible, operational personal data based on facts from operational personal data based on personal assessments.	1. The controller shall distinguish, as far as possible, operational personal data based on facts from operational personal data based on personal assessments.
2. Member States shall provide for the competent authorities to take all reasonable steps to ensure that personal data which are inaccurate, incomplete or no longer up to date are not transmitted or made available. To that end, each competent authority shall, as far as practicable, verify the quality of personal data before they are transmitted or made available. As far as possible, in all transmissions of personal data, necessary information enabling the receiving competent authority to assess the degree of accuracy, completeness and reliability of personal data,	***Union agencies and missions shall process operational personal data in such a way that, where applicable, it can be established which authority provided the data or where the data has been retrieved from. Union agencies and missions shall ensure that operational personal data which are inaccurate, incomplete or no longer up to date are not transmitted or made available. To that end, Union agencies and missions shall verify the quality of operational personal data before they are transmitted or made available. As far as possible, in all***	2. Eurojust shall take all reasonable steps to ensure that operational personal data which are inaccurate, incomplete or no longer up to date are not transmitted or made available. To that end, Eurojust shall, as far as practicable and where relevant, verify, for example by consulting with the competent authority the data originates from, the quality of operational personal data before they are transmitted or made available. As far as possible, in all transmissions of operational personal data, Eurojust shall add necessary information enabling the	2. The controller shall take all reasonable steps to ensure that operational personal data which are inaccurate, incomplete or no longer up to date are not transmitted or made available. To that end, the controller shall, as far as practicable and where relevant, verify, for example by consulting with the competent authority the data originates from, the quality of operational personal data before they are transmitted or made available. As far as possible, in all transmissions of operational personal data, the controller shall add necessary information enabling

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and the extent to which they are up to date shall be added.	***transmissions of operational personal data, Union agencies and missions shall add necessary information enabling the recipient to assess the degree of accuracy, completeness and reliability of operational personal data, and the extent to which they are up to date shall be added.***	recipient to assess the degree of accuracy, completeness and reliability of operational personal data, and the extent to which they are up to date.	the recipient to assess the degree of accuracy, completeness and reliability of operational personal data, and the extent to which they are up to date.
3. If it emerges that incorrect personal data have been transmitted or personal data have been unlawfully transmitted, the recipient shall be notified without delay. In such a case, the personal data shall be rectified or erased or processing shall be restricted in accordance with Article 16.	***If it emerges that incorrect operational personal data have been transmitted or operational personal data have been unlawfully transmitted, the recipient shall be notified without delay. In such a case, the operational personal data shall be rectified or erased or processing shall be restricted.***	3. If it emerges that incorrect operational personal data have been transmitted or operational personal data have been unlawfully transmitted, the recipient shall be notified without delay. In such a case, the operational personal data shall be rectified or erased or processing shall be restricted in accordance with Article 29f.	3. If it emerges that incorrect operational personal data have been transmitted or operational personal data have been unlawfully transmitted, the recipient shall be notified without delay. In such a case, the operational personal data shall be rectified or erased or processing shall be restricted in accordance with Article 69m.

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Article 9	**AM 93** ***Article 69f***	***Article 27f***	***Article 69f***
Specific processing conditions	***Specific processing conditions***	***Specific processing conditions***	***Specific processing conditions***
1. Personal data collected by competent authorities for the purposes set out in Article 1(1) shall not be processed for purposes other than those set out in Article 1(1) unless such processing is authorised by Union or Member State law. Where personal data are processed for such other purposes, Regulation (EU) 2016/679 shall apply unless the processing is carried out in an activity which falls outside the scope of Union law.			

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2. Where competent authorities are entrusted by Member State law with the performance of tasks other than those performed for the purposes set out in Article 1(1), Regulation (EU) 2016/679 shall apply to processing for such purposes, including for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes, unless the processing is carried out in an activity which falls outside the scope of Union law.			

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3. Member States shall, where Union or Member State law applicable to the transmitting competent authority provides specific conditions for processing, provide for the transmitting competent authority to inform the recipient of such personal data of those conditions and the requirement to comply with them.	***When Union agencies and missions provide for specific conditions for processing, they shall inform the recipient of such operational personal data of those conditions and the requirement to comply with them. Union agencies and missions shall comply with specific processing conditions for processing provided by a national authority in accordance with Article 9 (3) and (4) of Directive (EU) 2016/680.***	1. When required by this Regulation, Eurojust shall provide for specific conditions for processing and shall inform the recipient of such operational personal data of those conditions and the requirement to comply with them. 2. Eurojust shall comply with specific processing conditions for processing provided by a national authority in accordance with Article 9 (3) and (4) of Directive (EU) 2016/680.	1. When Union law applicable to the transmitting controller provides for specific conditions for processing, the controller shall inform the recipient of such operational personal data of those conditions and the requirement to comply with them. 2. The controller shall comply with specific processing conditions for processing provided by the transmitting national competent authority in accordance with Article 9 (3) and (4) of the Directive (EU) 2016/680.
4. Member States shall provide for the transmitting competent authority not to apply conditions pursuant to paragraph 3 to recipients in other Member States or to agencies, offices and bodies established pursuant to Chapters 4 and 5 of Title V of the TFEU other than those applicable to similar transmissions of data within the Member State of the transmitting competent authority.			

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	AM 94 ***Article 69g***	***Article 44***	
	Transmission of operational personal data to other Union institutions and	***Transmission of operational personal data to institutions, bodies, offices and agencies of the Union***	
	Union agencies and missions shall only transmit operational personal data to other Union institutions and bodies if the data are necessary for the performance of their tasks or those of the recipient Union agencies and missions.	1. Subject to any further restrictions pursuant to this Regulation, in particular Article 21 (8), 27f, 38(4), 62 Eurojust shall only transmit operational personal data to another institution, body, office or agency of the Union if the data are necessary for the legitimate performance of tasks covered by the competence of the other institution, body, office or agency of the Union.	***Suggestion to delete*** ***Specific Article on this matter should be kept in the founding acts of Union agencies, including the new Eurojust Regulation.***
	Where operational personal data are transmitted following a request from the other Union institution or body, both the controller and the recipient shall bear the responsibility for the legitimacy of this transfer.	2. Where the operational personal data are transmitted following a request from the other institution, body, office or agency of the Union, both the controller and the recipient shall bear the responsibility for the legitimacy of this transfer.	

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	Union agencies and missions shall be required to verify the competence of the other Union institution or body and to make a provisional evaluation of the necessity for the transmission. If doubts arise as to this necessity, Union agencies and missions shall seek further information from the recipient.	Eurojust shall be required to verify the competence of the other institution, body, office or agency of the Union and to make a provisional evaluation of the necessity for the transmission of the operational personal data. If doubts arise as to this necessity, Eurojust shall seek further information from the recipient.	
	Other Union institutions and bodies shall ensure that the necessity for the transmission can be subsequently verified.	The other institution, body, office or agency of the Union shall ensure that the necessity for the transmission of the operational personal data can be subsequently verified.	
	Other Union institutions and bodies shall process the personal data only for the purposes for which they were transmitted.	3. The other institution, body, office or agency of the Union shall process the operational personal data only for the purposes for which they were transmitted.	

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Article 10	**AM 95** ***Article 69h***	***Article 27***	***Article 69h***
Processing of special categories of personal data	***Processing of special categories of operational personal data***	***Processing of operational personal data***	***Processing of special categories of operational personal data***
Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be allowed only where strictly necessary, subject to appropriate safeguards for the rights and freedoms of the data subject, and only: (a) where authorised by Union or Member State law. (b) to protect the vital interests of the data subject or of another natural person; or (c) where such processing relates to data which are manifestly made public by the data subject.	***Processing of operational personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, operational personal data concerning health or operational personal data concerning a natural person's sex life or sexual orientation shall be prohibited, unless it is strictly necessary and proportionate for preventing or combating crime that falls within the Union agencies' or missions' objectives and if those data supplement other personal data processed by the Union agencies and missions. The selection of a particular group of persons solely on the basis of such personal data shall be prohibited.***	4. Processing of operational personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be allowed only where strictly necessary for Eurojust purposes laid down in Article 2, subject to appropriate safeguards for the rights and freedoms of the data subject and only if they supplement other operational personal data already processed by Eurojust.	1. Processing of operational personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, operational personal data concerning health or concerning a natural person's sex life or sexual orientation shall be allowed only where strictly necessary for operational purposes and within the mandate of the Union body, office or agency and subject to appropriate safeguards for the rights and freedoms of the data subject **~~and only if those data supplement other personal data already processed by the controller~~**.

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	The data protection officer shall be informed immediately of recourse to this Article.	The Data Protection Officer shall be informed immediately of recourse to this paragraph. Such data may not be processed in the Index referred to in Article 24(4). Where such other data refer to witnesses or victims within the meaning of paragraph 3, the decision to process them shall be taken by the relevant national members.	2. The data protection officer shall be informed ~~**immediately**~~ of recourse to this Article.
	Operational personal data as referred to in subparagraph above shall not be transmitted to Member States, Union bodies, third countries or international organisations unless such transmission is strictly necessary and proportionate in individual cases concerning crime that falls within the Union agencies' and missions' objectives and in accordance with Chapter V.		

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Article 11	**AM 96** *Article 69i*	*Article 27*	*Article 69i*
Automated individual decision-making	***Automated individual decision-making, including profiling***	***Processing of operational personal data***	***Automated individual decision-making, including profiling***
1. Member States shall provide for a decision based solely on automated processing, including profiling, which produces an adverse legal effect concerning the data subject or significantly affects him or her, to be prohibited unless authorised by Union or Member State law to which the controller is subject and which provides appropriate safeguards for the rights and freedoms of the data subject, at least the right to obtain human intervention on the part of the controller.	***The data subject shall have the right not to be subject to a decision of Union agencies and missions based solely on automated processing, including profiling, which produces adverse legal effects concerning him or her or similarly significantly affects him or her.***	4a. The data subject shall have the right not to be subject to a decision of Eurojust based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her.	**~~The data subject shall have the right not to be subject to a decision of the controller based solely on automated processing, including profiling, which produces adverse legal effects concerning him or her or similarly significantly affects him or her, unless explicitly authorised by Union law which provides appropriate safeguards for the rights and freedoms of the data subject, at least the right to obtain human intervention on the part of the controller.~~** **A decision based solely on automated processing, including profiling, which produces an adverse legal effect concerning the data subject or significantly affects him or her, shall be prohibited unless authorised by Union law to which the controller is subject and which provides**

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			appropriate safeguards for the rights and freedoms of the data subject, at least the right to obtain human intervention on the part of the controller.
2. Decisions referred to in paragraph 1 of this Article shall not be based on special categories of personal data referred to in Article 10, unless suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.			
3. Profiling that results in discrimination against natural persons on the basis of special categories of personal data referred to in Article 10 shall be prohibited, in accordance with Union law.			

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Article 12		***Article 29b***	***Article 69ia***
Communication and modalities for exercising the rights of the data subject		***Communication and modalities for exercising the rights of the data subject***	***Communication and modalities for exercising the rights of the data subject***
1. Member States shall provide for the controller to take reasonable steps to provide any information referred to in Article 13 and make any communication with regard to Articles 11, 14 to 18 and 31 relating to processing to the data subject in a concise, intelligible and easily accessible form, using clear and plain language. The information shall be provided by any appropriate means, including by electronic means. As a general rule, the controller shall provide the information in the same form as the request.		1. Eurojust shall take reasonable steps to provide any information referred to in Article 29c. It shall make any communication with regard to Articles 27(4a), 29d, 29e, 29f, 29g and 31d relating to processing to the data subject in a concise, intelligible and easily accessible form, using clear and plain language. The information shall be provided by any appropriate means, including by electronical means. As a general rule, the controller shall provide the information in the same form as the request.	1. The controller shall take reasonable steps to provide any information referred to in Article 69j and make any communication with regard to Articles 69k to 69n and 69od relating to processing to the data subject in a concise, intelligible and easily accessible form, using clear and plain language. The information shall be provided by any appropriate means, including by electronic means. As a general rule, the controller shall provide the information in the same form as the request.
2. Member States shall provide for the controller to facilitate the exercise of the rights of the data subject under Articles 11 and 14 to 18.		2. Eurojust shall facilitate the exercise of the rights of the data subject under Articles 29c, 29d, 29e, 29f and 29g.	2. The controller shall facilitate the exercise of the rights of the data subject under Articles 69j to 69n.

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3. Member States shall provide for the controller to inform the data subject in writing about the follow up to his or her request without undue delay.		3. Eurojust shall inform the data subject in writing about the follow up to his or her request without undue delay, and in any case at the latest after three months after receipt of the request by the data subject.	3. The controller shall inform the data subject in writing about the follow up to his or her request without undue delay and in any case at the latest after three months after receipt of the request by the data subject.
4. Member States shall provide for the information provided under Article 13 and any communication made or action taken pursuant to Articles 11, 14 to 18 and 31 to be provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may either: (a) charge a reasonable fee, taking into account the administrative costs of providing the information or communication or taking the action requested; or (b) refuse to act on the request. The controller shall bear the burden of demonstrating the		4. Eurojust shall provide for the information provided under Article 29c and any communication made or action taken pursuant to Articles 27(4a), 29d, 29e, 29f, 29g and 31d to be provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, Eurojust may either: (a) charge a reasonable fee, taking into account the administrative costs of providing the information or communication, or taking the action requested; or (b) refuse to act on the request. Eurojust shall bear the burden of demonstrating the manifestly	4. The controller shall provide the information under Article 69j and any communication made or action taken pursuant to Articles 69k to 69n and 69od free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may refuse to act on the request. The controller shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.

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manifestly unfounded or excessive character of the request.		unfounded or excessive character of the request.	
5. Where the controller has reasonable doubts concerning the identity of the natural person making a request referred to in Article 14 or 16, the controller may request the provision of additional information necessary to confirm the identity of the data subject.		5. Where Eurojust has reasonable doubts concerning the identity of the natural person making a request referred to in Article 29d or 29f, Eurojust may request the provision of additional information necessary to confirm the identity of the data subject.	5. Where the controller has reasonable doubts concerning the identity of the natural person making a request referred to in Article 69k or 69m, the controller may request the provision of additional information necessary to confirm the identity of the data subject.

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Article 13	**AM 97** ***Article 69j***	***Article 29c***	***Article 69j***
Information to be made available or given to the data subject	***Information to be made available or given to the data subject***	***Information to be made available or given to the data subject***	***Information to be made available or given to the data subject***
1. Member States shall provide for the controller to make available to the data subject at least the following information:	***1. Union institutions and bodies shall make available to the data subject at least the following information:***	1. Eurojust shall make available to the data subject at least the following information:	1. The controller shall make available to the data subject at least the following information:
(a) the identity and the contact details of the controller;	***(a) the identity and the contact details of the Union institution or body***	(a) the identity and the contact details of Eurojust;	(a) the identity and the contact details of the Union institution or body
(b) the contact details of the data protection officer, where applicable;	***(b) the contact details of the data protection officer;***	(b) the contact details of the Data Protection Officer;	(b) the contact details of the data protection officer;
(c) the purposes of the processing for which the personal data are intended;	***(c) the purposes of the processing for which the operational personal data are intended;***	(c) the purposes of the processing for which the operational personal data are intended;	(c) the purposes of the processing for which the operational personal data are intended;
(d) the right to lodge a complaint with a supervisory authority and the contact details of the supervisory authority;	***(d) the right to lodge a complaint with the European Data Protection Supervisor and its contact details;***	(d) the right to lodge a complaint with the European Data Protection Supervisor and its contact details;	(d) the right to lodge a complaint with the European Data Protection Supervisor and its contact details;

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(e) the existence of the right to request from the controller access to and rectification or erasure of personal data and restriction of processing of the personal data concerning the data subject.	***(e) the existence of the right to request from Union institutions and bodies access to and rectification or erasure of operational personal data and restriction of processing of the operational personal data concerning the data subject.***	(e) the existence of the right to request from Eurojust access to and rectification or erasure of operational personal data and restriction of processing of the operational personal data concerning the data subject.	(e) the existence of the right to request from the controller access to and rectification or erasure of operational personal data and restriction of processing of the operational personal data concerning the data subject.
2. In addition to the information referred to in paragraph 1, Member States shall provide by law for the controller to give to the data subject, in specific cases, the following further information to enable the exercise of his or her rights:	***2. In addition to the information referred to in paragraph 1, Union institutions and bodies shall give to the data subject, in specific cases foreseen in their founding acts, the following further information to enable the exercise of his or her rights:***	2. In addition to the information referred to in paragraph 1, Eurojust shall give to the data subject, in specific cases, the following further information to enable the exercise of his or her rights:	2. In addition to the information referred to in paragraph 1, the controller shall give to the data subject, in specific cases foreseen in Union law, the following further information to enable the exercise of his or her rights:
(a) the legal basis for the processing;	***(a) the legal basis for the processing;***	(a) the legal basis for the processing;	(a) the legal basis for the processing;
(b) the period for which the personal data will be stored, or, where that is not possible, the criteria used to determine that period;	***(b) the period for which the operational personal data will be stored, or, where that is not possible, the criteria used to determine that period;***	(b) the period for which the operational personal data will be stored, or, where that is not possible, the criteria used to determine that period;	(b) the period for which the operational personal data will be stored, or, where that is not possible, the criteria used to determine that period;

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(c) where applicable, the categories of recipients of the personal data, including in third countries or international organisations;	***(c) the categories of recipients of the operational personal data, including in third countries or international organisations;***	(c) where applicable, the categories of recipients of the operational personal data, including in third countries or international organisations;	(c) where applicable, the categories of recipients of the operational personal data, including in third countries or international organisations;
(d) where necessary, further information, in particular where the personal data are collected without the knowledge of the data subject.	***(d) where necessary, further information, in particular where the operational personal data are collected without the knowledge of the data subject.***	(d) where necessary, further information, in particular where the operational personal data are collected without the knowledge of the data subject.	(d) where necessary, further information, in particular where the operational personal data are collected without the knowledge of the data subject.
3. Member States may adopt legislative measures delaying, restricting or omitting the provision of the information to the data subject pursuant to paragraph 2 to the extent that, and for as long as, such a measure constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and the legitimate interests of the natural person concerned, in order to:	***3. Union institutions and bodies may delay, restrict or omit the provision of the information to the data subject pursuant to paragraph 2 to the extent that, and for as long as, such a measure is provided for by law and constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and the legitimate interests of the natural person concerned, in order to:***	3. Eurojust may delay, restrict or omit the provision of the information to the data subject pursuant to paragraph 2 to the extent that, and for as long as, such a measure constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and the legitimate interests of the natural person concerned, in order to:	3. The controller may delay, restrict or omit the provision of the information to the data subject pursuant to paragraph 2 to the extent that, and for as long as, such a measure constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and the legitimate interests of the natural person concerned, in order to:

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(a) avoid obstructing official or legal inquiries, investigations or procedures;	***(a) avoid obstructing official or legal inquiries, investigations or procedures;***	(a) avoid obstructing official or legal inquiries, investigations or procedures;	(a) avoid obstructing official or legal inquiries, investigations or procedures;
(b)avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;	***(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;***	(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;	(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
(c)protect public security;	***(c) protect public security of the Member States;***	(c) protect public security of the Member States of the European Union;	(c) protect public security of the Member States;
(d) protect national security;	***(d) protect national security of the Member States;***	(d) protect national security of the Member States of the European Union;	**(**d) protect national security of the Member States;
(e) protect the rights and freedoms of others.	***(e) protect the rights and freedoms of others.***	(e) protect the rights and freedoms of others.	(e) protect the rights and freedoms of others.
4. Member States may adopt legislative measures in order to determine categories of processing which may wholly or partly fall under any of the points listed in paragraph 3.			

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Article 14	**AM 98** ***Article 69k***	***Article 29d***	***Article 69k***
Right of access by the data subject	***Right of access by the data subject***	***Right of access by the data subject***	***Right of access by the data subject***
Subject to Article 15, Member States shall provide for the right of the data subject to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and, where that is the case, access to the personal data and the following information:	***Any data subject shall have the right to obtain from Union agencies and missions confirmation as to whether or not operational personal data concerning him or her are processed, and be given access to the following information:***	1. The data subject shall have the right to obtain from Eurojust confirmation as to whether or not operational personal data concerning him or her are being processed, and, where that is the case, access to the operational personal data and the following information:	The data subject shall have the right to obtain from the controller confirmation as to whether or not operational personal data concerning him or her are processed, and, where **that** ~~**this**~~ is the case, **have the right to** ~~**be given**~~ access to **personal data and** the following information:
(a) the purposes of and legal basis for the processing;	***(a) the purposes of and legal basis of the processing operation;***	(a) the purposes of and legal basis for the processing;	(a) the purposes of and legal basis for the processing;
(b) the categories of personal data concerned;	***(b) the categories of operational personal data concerned;***	(b) the categories of operational personal data concerned;	(b) the categories of operational personal data concerned;
(c) the recipients or categories of recipients to whom the personal data have been disclosed, in particular recipients in third countries or international organisations;	***(c) the recipients or categories of recipients to whom the operational personal data have been disclosed, in particular recipients in third countries or international organisations;***	(c) the recipients or categories of recipients to whom the operational personal data have been disclosed, in particular recipients in third countries or international organisations;	(c) the recipients or categories of recipients to whom the operational personal data have been disclosed, in particular recipients in third countries or international organisations;

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(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;	***(d) the envisaged period for which the operational personal data will be stored;***	(d) where possible, the envisaged period for which the operational personal data will be stored, or, if not possible, the criteria used to determine that period;	(d) where possible, the envisaged period for which the operational personal data will be stored, or, if not possible, the criteria used to determine that period;
(e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of processing of personal data concerning the data subject;	***(e) the existence of the right to request from Union agencies and missions rectification or erasure of operational personal data or restriction of processing of operational personal data concerning the data subject;***	(e) the existence of the right to request from Eurojust rectification or erasure of operational personal data or restriction of processing of operational personal data concerning the data subject;	(e) the existence of the right to request from the controller rectification or erasure of operational personal data or restriction of processing of operational personal data concerning the data subject**:**
(f) the right to lodge a complaint with the supervisory authority and the contact details of the supervisory authority;	***(f) the right to lodge a complaint with the European Data Protection Supervisor and his or her contact details;***	(f) the right to lodge a complaint with the European Data Protection Supervisor and the contact details of the European Data Protection Supervisor;	(f) the right to lodge a complaint with the European Data Protection Supervisor and his or her contact details;
(g) communication of the personal data undergoing processing and of any available information as to their origin.	***(g) communication of the operational personal data undergoing processing and of any available information as to their sources.***	(g) communication of the personal data undergoing processing and of any available information as to their origin.	(g) communication of the operational personal data undergoing processing and of any available information as to their origin.

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		2. Any data subject wishing to exercise the right of access to operational personal data relating to him or her which are processed by Eurojust may make a request at reasonable intervals to that effect free of charge to the national supervisory authority in the Member State of their choice. That authority shall refer the request to Eurojust without delay and in any case within one month of receipt. 3.The request shall be answered by Eurojust without undue delay and in any case within three months of its receipt by Eurojust. 4. The competent authorities of the Member States concerned shall be consulted by Eurojust on a decision to be taken. A decision on access to data shall be conditional upon close cooperation between Eurojust and the Member States directly concerned by the communication of such data. In any case in which a Member State objects to Eurojust's proposed	

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		response, it shall notify Eurojust of the reasons for its objection. Eurojust shall comply with any such objection. The competent authorities shall subsequently be notified of the content of Eurojust's decision through the national members concerned. 5. The national members concerned by the request shall deal with it and reach a decision on Eurojust's behalf. Where the members are not in agreement, they shall refer the matter to the College, which shall take its decision on the request by a two-thirds majority.	

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Article 15	**AM 99** ***Article 69l***	***Article 29e***	***Article 69l***
Limitations to the right of access	***Limitations to the right of access***	***Limitations to the right of access***	***Limitations to the right of access***
1. Member States may adopt legislative measures restricting, wholly or partly, the data subject's right of access to the extent that, and for as long as such a partial or complete restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned, in order to:	***1. Union agencies and missions may restrict, wholly or partly, the data subject's right of access to the extent that, and for as long as, such a partial or complete restriction is provided for by a legal act adopted on the basis of the Treaties and constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned, in order to:***	1. Eurojust may restrict, wholly or partly, the data subject's right of access to the extent that, and for as long as, such a partial or complete restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned, in order to:	1. The controller may restrict, wholly or partly, the data subject's right of access to the extent that, and for as long as, such a partial or complete restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned, in order to:
(a) avoid obstructing official or legal inquiries, investigations or procedures;	***(a) avoid obstructing official or legal inquiries, investigations or procedures;***	(a) avoid obstructing official or legal inquiries, investigations or procedures;	(a) avoid obstructing official or legal inquiries, investigations or procedures;
(b)avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;	***(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;***	(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;	(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;

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(c) protect public security;	***(c) protect public security of the Member States;***	(c) protect public security of the Member States of the European Union;	(c) protect public security of the Member States;
(d) protect national security;	***(d) protect national security of the Member States;***	(d) protect national security of the Member States of the European Union;	(d) protect national security of the Member States;
(e) protect the rights and freedoms of others.	***(f) protect the rights and freedoms of others.***	(e) protect the rights and freedoms of others, in particular victims and witnesses.	(e) protect the rights and freedoms of others, such as victims and witnesses.
2. Member States may adopt legislative measures in order to determine categories of processing which may wholly or partly fall under points (a) to (e) of paragraph 1.			

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3. In the cases referred to in paragraphs 1 and 2, Member States shall provide for the controller to inform the data subject, without undue delay, in writing of any refusal or restriction of access and of the reasons for the refusal or the restriction. Such information may be omitted where the provision thereof would undermine a purpose under paragraph 1. Member States shall provide for the controller to inform the data subject of the possibility of lodging a complaint with a supervisory authority or seeking a judicial remedy. 4. Member States shall provide for the controller to document the factual or legal reasons on which the decision is based. That information shall be made available to the supervisory authorities.	***2. In the cases referred to in paragraph 1, Union agencies and missions shall inform the data subject, without undue delay, in writing of any refusal or restriction of access and of the reasons for the refusal or the restriction. Such information may be omitted where its provision would undermine a purpose under paragraph 1. Union agencies and missions shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor or of seeking a judicial remedy in the Court of Justice of the European Union. Union agencies and missions shall document the factual or legal reasons on which the decision is based. That information shall be made available to the European Data Protection Supervisor on request.***	2. In the cases referred to in paragraph 1, after consulting the competent authorities of the Member States concerned in accordance with to Article 29d(4), Eurojust shall inform the data subject without undue delay in writing of any refusal or restriction of access and of the reasons for the refusal or the restriction. Such information may be omitted where the provision thereof would undermine the purpose of paragraph 1. Eurojust shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor or seeking a judicial remedy in the Court of Justice of the European Union against the decision of Eurojust. 3. Eurojust shall document the factual or legal reasons on which the decision is based. That information shall be made available to the European Data Protection Supervisor on request.	2. In the cases referred to in paragraph 1, the controller shall inform the data subject, without undue delay, in writing of any refusal or restriction of access and of the reasons for the refusal or the restriction. Such information may be omitted where its provision would undermine a purpose under paragraph 1. The controller shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor or of seeking a judicial remedy in the Court of Justice of the European Union. The controller shall document the factual or legal reasons on which the decision is based. That information shall be made available to the European Data Protection Supervisor on request.

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Article 16	**AM 100** ***Article 69m***	***Article 29f***	***Article 69m***
Right to rectification or erasure of personal data and restriction of processing	***Right to rectification or erasure of operational personal data and restriction of processing***	***Right to rectification or erasure of operational personal data and restriction of processing***	***Right to rectification or erasure of operational personal data and restriction of processing***
1. Member States shall provide for the right of the data subject to obtain from the controller without undue delay the rectification of inaccurate personal data relating to him or her. Taking into account the purposes of the processing, Member States shall provide for the data subject to have the right to have incomplete personal data completed, including by means of providing a supplementary statement.	***1. Any data subject shall have the right to obtain from Union agencies and missions without undue delay the rectification of inaccurate operational personal data relating to him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete operational personal data completed, including by means of providing a supplementary statement. Union agencies and missions shall erase operational personal data without undue delay and the data subject shall have the right to obtain from Union agencies and missions the erasure of operational personal data concerning him or her without undue delay where processing infringes Articles 68b, 69c or 69h, or where operational personal data must be erased in order to***	1. The data subject shall have the right to obtain from Eurojust without undue delay the rectification of inaccurate operational personal data relating to him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete operational personal data completed, including by means of providing a supplementary statement.	1. Any data subject shall have the right to obtain from the controller without undue delay the rectification of inaccurate operational personal data relating to him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete operational personal data completed, including by means of providing a supplementary statement.
2. Member States shall require the controller to erase personal data without undue delay and provide for the right of the data subject to obtain from the controller the erasure of personal data concerning him or her without undue delay where processing infringes the provisions adopted pursuant to Article 4, 8 or 10, or		2. Eurojust shall erase operational personal data without undue delay and the data subject shall have the right to obtain from Eurojust the erasure of operational personal data concerning him or her without undue delay where processing infringes Articles 26a, 27(1)-(4), or where operational personal data must be erased in order to comply	2. The controller shall erase operational personal data without undue delay and the data subject shall have the right to obtain from the controller the erasure of operational personal data concerning him or her without undue delay where processing infringes Articles 69b, 69c**(1)** or 69h, or where operational personal data must be erased in order to

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where personal data must be erased in order to comply with a legal obligation to which the controller is subject.	***comply with a legal obligation to which Union agencies and missions are subject.***	with a legal obligation to which Eurojust is subject.	comply with a legal obligation to which the controller is subject.
3. Instead of erasure, the controller shall restrict processing where:		3. Instead of erasure, Eurojust shall restrict processing where:	3. Instead of erasure, the controller shall restrict processing where:
(a) the accuracy of the personal data is contested by the data subject and their accuracy or inaccuracy cannot be ascertained; or	***(a) the accuracy of the personal data is contested by the data subject and their accuracy or inaccuracy cannot be ascertained; or***	(a) the accuracy of the operational personal data is contested by the data subject and their accuracy or inaccuracy cannot be ascertained; or	(a) the accuracy of the personal data is contested by the data subject and their accuracy or inaccuracy cannot be ascertained; or
(b) the personal data must be maintained for the purposes of evidence.	***(b) the personal data must be maintained for the purposes of evidence.***	(b) the operational personal data must be maintained for the purposes of evidence.	(b) the personal data must be maintained for the purposes of evidence.
Where processing is restricted pursuant to point (a) of the first subparagraph, the controller shall inform the data subject before lifting the restriction of processing.	***2. Where processing is restricted pursuant to point (a) of the first subparagraph, Union agencies and missions shall inform the data subject before lifting the restriction of processing.***	Where processing is restricted pursuant to point (a) of the first subparagraph, Eurojust shall inform the data subject before lifting the restriction of processing.	Where processing is restricted pursuant to point (a) of the first subparagraph, the controller shall inform the data subject before lifting the restriction of processing.

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	Restricted data shall be processed only for the purpose that prevented their erasure.	3a. Where processing has been restricted under paragraph 3, such operational personal data shall, with the exception of storage, only be processed for the protection of the rights of the data subject or another natural or legal person who is a party of the proceedings of Eurojust, or for the purposes laid down in point b) of paragraph 3.	
4. Member States shall provide for the controller to inform the data subject in writing of any refusal of rectification or erasure of personal data or restriction of processing and of the reasons for the refusal. Member States may adopt legislative measures restricting, wholly or partly, the obligation to provide such information to the extent that such a restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned in order to:	***3. Union agencies and missions shall inform the data subject in writing of any refusal of rectification or erasure of operational personal data or restrict processing and of the reasons for the refusal. Union agencies and missions may restrict, wholly or partly, the obligation to provide such information to the extent that such a restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned in order to:***	4. Eurojust shall inform the data subject in writing of any refusal of rectification or erasure of operational personal data or restriction of processing and of the reasons for the refusal. Eurojust may restrict, wholly or partly, the obligation to provide such information to the extent that such a restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned in order to:	4. The controller shall inform the data subject in writing of any refusal of rectification or erasure of operational personal data or restrict processing and of the reasons for the refusal. The controller may restrict, wholly or partly, the obligation to provide such information to the extent that such a restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned in order to:

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(a) avoid obstructing official or legal inquiries, investigations or procedures;	***(a) avoid obstructing official or legal inquiries, investigations or procedures;***	(a) avoid obstructing official or legal inquiries, investigations or procedures;	(a) avoid obstructing official or legal inquiries, investigations or procedures;
(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;	***(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;***	(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;	(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;
(c) protect public security;	***(c) protect public security of the Member States;***	(c) protect public security of the Member States of the European Union;	(c) protect public security of the Member States;
(d) protect national security;	***(d) protect national security of the Member States;***	(d) protect national security of the Member States of the European Union;	(d) protect national security of the Member States;
(e) protect the rights and freedoms of others.	***(f) protect the rights and freedoms of others.***	(e) protect the rights and freedoms of others.	(e) protect the rights and freedoms of others.
Member States shall provide for the controller to inform the data subject of the possibility of lodging a complaint with a supervisory authority or seeking a judicial remedy.	***4. Union agencies and missions shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor or seeking a judicial remedy from the Court of Justice of the European Union.***	Eurojust shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor or of seeking a judicial remedy from the Court of Justice of the European Union against decision of Eurojust.	The controller shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor or seeking a judicial remedy from the Court of Justice of the European Union.

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5. Member States shall provide for the controller to communicate the rectification of inaccurate personal data to the competent authority from which the inaccurate personal data originate.	***5. Union agencies and missions shall communicate the rectification of inaccurate personal data to the competent authority from which the inaccurate operational personal data originate.***	5. Eurojust shall communicate the rectification of inaccurate operational personal data to the competent authority from which the inaccurate personal data originate.	5. The controller shall communicate the rectification of inaccurate personal data to the competent authority from which the inaccurate operational personal data originate.
6. Member States shall, where personal data has been rectified or erased or processing has been restricted pursuant to paragraphs 1, 2 and 3, provide for the controller to notify the recipients and that the recipients shall rectify or erase the personal data or restrict processing of the personal data under their responsibility.	***6. Union agencies and missions shall, where operational personal data has been rectified or erased or processing has been restricted pursuant to paragraphs 1, 2 and 3, notify the recipients and inform them that they have to rectify or erase the operational personal data or restrict processing of the operational personal data under their responsibility.***	6. Eurojust shall, where operational personal data has been rectified or erased or processing has been restricted pursuant to paragraphs 1, 2 and 3, notify the recipients and inform them that they have to rectify or erase the operational personal data or restrict processing of the operational personal data under their responsibility.	6. The controller shall, where operational personal data has been rectified or erased or processing has been restricted pursuant to paragraphs 1, 2 and 3, notify the recipients and inform them that they have to rectify or erase the operational personal data or restrict processing of the operational personal data under their responsibility.

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Article 18			**Article 69ma**
Rights of the data subject in criminal investigations and proceedings			**Rights of the data subject in criminal investigations and proceedings**
Member States may provide for the exercise of rights referred to in Articles 13, 14 and 16 to be carried out in accordance with Member State law where the personal data are contained in a judicial decision or record or case file processed in the course of criminal investigations and proceedings.			**Where deemed appropriate, specific rules may provide for the exercise of the rights referred to in Articles 69j, 69k and 69m to be carried out in accordance with Member State law where the personal data are contained in a judicial decision or record or case file processed in the course of criminal investigations and proceedings.**

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Article 17	**AM 101** ***Article 69n***	***Article 29g***	***Article 69n***
Exercise of rights by the data subject and verification by the supervisory authority	***Exercise of rights by the data subject and certification by the European Data Protection Supervisor***	***Exercise of rights by the data subject and verification by the European Data Protection Supervisor***	***Exercise of rights by the data subject and verification by the European Data Protection Supervisor***
1. In the cases referred to in Article 13(3), Article 15(3) and Article 16(4) Member States shall adopt measures providing that the rights of the data subject may also be exercised through the competent supervisory authority.	***In the cases referred to in Articles 69j(3), 69k and 69m(4), the rights of the data subject may also be exercised through the European Data Protection Supervisor.***	1. In the cases referred to in Articles 29c(3), 29e(2) and 29f, the rights of the data subject may also be exercised through the European Data Protection Supervisor.	1. In the cases referred to in Articles 69j(3), 69l and 69m(4), the rights of the data subject may also be exercised through the European Data Protection Supervisor.
2. Member States shall provide for the controller to inform the data subject of the possibility of exercising his or her rights through the supervisory authority pursuant to paragraph 1.	***Union agencies and missions shall inform the data subject of the possibility of exercising his or her rights through the European Data Protection Supervisor pursuant to paragraph 1.***	2. Eurojust shall inform the data subject of the possibility of exercising his or her rights through the European Data Protection Supervisor pursuant to paragraph 1.	2. The controller shall inform the data subject of the possibility of exercising his or her rights through the European Data Protection Supervisor pursuant to paragraph 1.

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3. Where the right referred to in paragraph 1 is exercised, the supervisory authority shall inform the data subject at least that all necessary verifications or a review by the supervisory authority have taken place. The supervisory authority shall also inform the data subject of his or her right to seek a judicial remedy.	***Where the right referred to in paragraph 1 is exercised, the European Data Protection Supervisor shall at least inform the data subject that all necessary verifications or a review by it have taken place. The European Data Protection Supervisor shall also inform the data subject of his or her right to seek a judicial remedy in the Court of Justice of the European Union.***	3. Where the right referred to in paragraph 1 is exercised, the European Data Protection Supervisor shall inform the data subject at least that all necessary verifications or a review by it have taken place. The European Data Protection Supervisor shall also inform the data subject of his or her right to seek a judicial remedy in the Court of Justice of the European Union against the European Data Protection Supervisor's decision.	3. Where the right referred to in paragraph 1 is exercised, the European Data Protection Supervisor shall at least inform the data subject that all necessary verifications or a review by it have taken place. The European Data Protection Supervisor shall also inform the data subject of his or her right to seek a judicial remedy in the Court of Justice of the European Union.

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Article 20		***Article 30a***	***Article 69na***
Data protection by design and by default		***Data protection by design and by default***	***Data protection by design and by default***
1. Member States shall provide for the controller, taking into account the state of the art, the cost of implementation and the nature, scope, context and purposes of processing, as well as the risks of varying likelihood and severity for rights and freedoms of natural persons posed by the processing, both at the time of the determination of the means for processing and at the time of the processing itself, to implement appropriate technical and organisational measures, such as pseudonymisation, which are designed to implement data protection principles, such as data minimisation, in an effective manner and to integrate the necessary safeguards into the processing, in order to meet the requirements of this Directive and protect the rights of the data subjects.		1. Eurojust shall, taking into account the state of the art, the cost of implementation and the nature, scope, context and purposes of processing, as well as the risks of varying likelihood and severity for rights and freedoms of natural persons posed by the processing, both at the time of the determination of the means for processing and at the time of the processing itself, implement appropriate technical and organisational measures, such as pseudonymisation, which are designed to implement data protection principles, such as data minimisation, in an effective manner and to integrate the necessary safeguards into the processing, in order to meet the requirements of this Regulation and protect the rights of the data subjects.	1. The controller shall, taking into account the state of the art, the cost of implementation and the nature, scope, context and purposes of processing, as well as the risks of varying likelihood and severity for rights and freedoms of natural persons posed by the processing, both at the time of the determination of the means for processing and at the time of the processing itself, implement appropriate technical and organisational measures, such as pseudonymisation, which are designed to implement data protection principles, such as data minimisation, in an effective manner and to integrate the necessary safeguards into the processing, in order to meet the requirements of this Regulation and its founding act, and protect the rights of the data subjects.

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2. Member States shall provide for the controller to implement appropriate technical and organisational measures ensuring that, by default, only personal data which are adequate, relevant and not excessive in relation to the purpose of the processing are processed. That obligation applies to the amount of operational personal data collected, the extent of their processing, the period of their storage and their accessibility. In particular, such measures shall ensure that by default personal data are not made accessible without the individual's intervention to an indefinite number of natural persons.		2. Eurojust shall implement appropriate technical and organisational measures ensuring that, by default, only operational personal data which are adequate, relevant and not excessive in relation to the purpose of the processing are processed. That obligation applies to the amount of operational personal data collected, the extent of their processing, the period of their storage and their accessibility. In particular, such measures shall ensure that by default operational personal data are not made accessible without the individual's intervention to an indefinite number of natural persons.	2. The controller shall implement appropriate technical and organisational measures ensuring that, by default, only operational personal data which are adequate, relevant and not excessive in relation to the purpose of the processing are processed. That obligation applies to the amount of operational personal data collected, the extent of their processing, the period of their storage and their accessibility. In particular, such measures shall ensure that by default operational personal data are not made accessible without the individual's intervention to an indefinite number of natural persons.

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Article 21		***Article 27a***	***Article 69nb***
Joint controllers		***Joint controllers***	***Joint controllers***
1. Member States shall, where two or more controllers jointly determine the purposes and means of processing, provide for them to be joint controllers. They shall, in a transparent manner, determine their respective responsibilities for compliance with this Directive, in particular as regards the exercise of the rights of the data subject and their respective duties to provide the information reffered in Article 13, by means of an arrangement between them unless, and in so far as, the respective responsibilities of the controllers are determined by Union or Member State law to which the controllers are subject. The arrangement shall designate the contact point for data subjects. Member States may designate which of the joint controllers can act as a single contact point for data subjects to exercise their rights.		1. Where Eurojust together with one or more controllers jointly determine the purposes and means of processing, they shall be joint controllers. They shall, in a transparent manner, determine their respective responsibilities for compliance with their data protection obligations, in particular as regards the exercising of the rights of the data subjects and their respective duties to provide the information, by means of an arrangement between them unless, and in so far as, the respective responsibilities of the controllers are determined by Union law or the law of a Member State of the European Union to which the controllers are subject. The arrangement may designate a contact point for data subjects.	1. Where a controller, jointly with one or more controllers or controllers other than Union institutions and bodies, determine the purposes and means of processing, they shall be joint controllers. They shall in a transparent manner determine their respective responsibilities for compliance with their data protection obligations, in particular as regards the exercising of the rights of the data subject and their respective duties to provide the information referred to in Article 69j, by means of an arrangement between them unless, and in so far as, the respective responsibilities of the joint controllers are determined by Union or Member State law to which the joint controllers are subject. The arrangement may designate a contact point for data subjects.

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		¤2. The arrangement referred to in paragraph 1 shall duly reflect the respective roles and relationship of the joint controllers vis-à-vis the data subjects. The essence of the arrangement shall be made available to the data subject.	2. The arrangement referred to in paragraph 1 shall duly reflect the respective roles and relationships of the joint controllers vis-à-vis the data subjects. ~~**The essence of the arrangement shall be made available to the data subject.**~~
3. Irrespective of the terms of the arrangement referred to in paragraph 1, Member States may provide for the data subject to exercise his or her rights under the provisions adopted pursuant to this Directive in respect of and against each of the controllers.		3. Irrespective of the terms of the arrangement referred to in paragraph 1, the data subject may exercise his/her rights under this Regulation in respect, and against each, of the controllers.	3. Irrespective of the terms of the arrangement referred to in paragraph 1, the data subject may exercise his or her rights under this Regulation in respect of and against each of the controllers.

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Article 22		***Article 27b***	***Article 69nc***
Processor		***Processor***	***Processor***
1. Member States shall, where processing is to be carried out on behalf of a controller, provide for the controller to use only processors providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that the processing will meet the requirements of this Directive and ensure the protection of the rights of the data subject. 2. Member States shall provide for the processor not to engage another processor without prior specific or general written authorisation by the controller. In the case of general written authorisation, the processor shall inform the controller of any intended changes concerning the addition or replacement of other processors, thereby giving the controller the opportunity to object to such changes.		1. Where processing is to be carried out on behalf of Eurojust, Eurojust shall use only processors providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that processing will meet the requirements of this Regulation and ensure the protection of the rights of the data subject. 2. The processor shall not engage another processor without prior specific or general written authorisation of Eurojust. In the case of general written authorisation, the processor shall inform Eurojust of any intended changes concerning the addition or replacement of other processors, thereby giving the controller the opportunity to object to such changes. 3. Processing by a processor shall be governed by a contract or other legal act under Union law, or the	1. Where processing is to be carried out on behalf of a controller, the controller shall use only processors providing sufficient guarantees to implement appropriate technical and organisational measures in such a manner that processing will meet the requirements of this Regulation and the founding act of the controller and ensure the protection of the rights of the data subject. 2. The processor shall not engage another processor without prior specific or general written authorisation of the controller. In the case of general written authorisation, the processor shall inform the controller of any intended changes concerning the addition or replacement of other processors, thereby giving the controller the opportunity to object to such changes. 3. Processing by a processor shall be governed by a contract or other

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3. Member States shall provide for the processing by a processor to be governed by a contract or other legal act under Union or Member State law, that is binding on the processor with regard to the controller and that sets out the subject-matter and duration of the processing, the nature and purpose of the processing, the type of personal data and categories of data subjects and the obligations and rights of the controller. That contract or other legal act shall stipulate, in particular, that the processor: (a)acts only on instructions from the controller; (b) ensures that persons authorised to process the personal data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality; (c) assists the controller by any appropriate means to ensure		law of a Member State of the European Union, that is binding on the processor with regard to Eurojust and that sets out the subject matter and duration of the processing, the nature and purpose of the processing, the type of operational personal data and categories of data subjects and the obligations and rights of Eurojust. That contract or other legal act shall stipulate, in particular, that the processor: (a) acts only on instructions from the controller; (b) ensures that persons authorised to process the operational personal data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality; (c) assists the controller by any appropriate means to ensure compliance with the provisions on the data subject's rights; (d) at the choice of Eurojust, deletes or returns all the operational personal data to	legal act under Union law, or the law of a Member State of the European Union, that is binding on the processor with regard to the controller and that sets out the subject matter and duration of the processing, the nature and purpose of the processing, the type of operational personal data and categories of data subjects and the obligations and rights of the controller. That contract or other legal act shall stipulate, in particular, that the processor: (a) acts only on instructions from the controller; (b) ensures that persons authorised to process the operational personal data have committed themselves to confidentiality or are under an appropriate statutory obligation of confidentiality; (c) assists the controller by any appropriate means to ensure compliance with the provisions on the data subject's rights; (d) at the choice of the controller, deletes or returns all the operational

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compliance with the provisions on the data subject's rights; (d) at the choice of the controller, deletes or returns all the personal data to the controller after the end of the provision of data processing services, and deletes existing copies unless Union or Member State law requires storage of the personal data; (e) makes available to the controller all information necessary to demonstrate compliance with this Article; (f) complies with the conditions referred to in paragraphs 2 and 3 for engaging another processor. 4. The contract or the other legal act referred to in paragraph 3 shall be in writing, including in an electronic form. 5. If a processor determines, in infringement of this Directive, the purposes and means of processing, that processor shall be considered to be a controller in respect of that processing.		Eurojust after the end of the provision of services relating to processing, and deletes existing copies unless Union law or the law of a Member State of the European Union requires storage of the operational personal data; (e) makes available to Eurojust all information necessary to demonstrate compliance with the obligations laid down in this Article; (f) complies with the conditions referred to in paragraphs 2 and 3 for engaging another processor. 4. The contract or the other legal act referred to in paragraphs 3 shall be in writing, including in electronic form. 5. If a processor infringes this Regulation by determining the purposes and means of processing, the processor shall be considered to be a controller in respect of that processing.	personal data to the controller after the end of the provision of services relating to processing, and deletes existing copies unless Union law or the law of a Member State of the European Union requires storage of the operational personal data; (e) makes available to the controller all information necessary to demonstrate compliance with the obligations laid down in this Article; (f) complies with the conditions referred to in paragraphs 2 and 3 for engaging another processor. 4. The contract or the other legal act referred to in paragraphs 3 shall be in writing, including in electronic form. 5. If a processor infringes this Regulation or the founding act of the controller by determining the purposes and means of processing, the processor shall be considered to be a controller in respect of that processing.

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Article 25	**AM 102** ***Article 69o***	***Article 29***	***Article 69o***
Logging	***Logging***	***Logging in respect of automated processing***	***Logging***
1. Member States shall provide for logs to be kept for at least the following processing operations in automated processing systems: collection, alteration, consultation, disclosure including transfers, combination and erasure. The logs of consultation and disclosure shall make it possible to establish the justification, date and time of such operations and, as far as possible, the identification of the person who consulted or disclosed personal data, and the identity of the recipients of such personal data.	***Union agencies and missions shall keep logs for any of the following processing operations in automated processing systems: the collection, alteration, access, consultation, disclosure, including transfers, combination and erasure of operational personal data.***	1. Eurojust shall keep logs for any of the following processing operations in automated processing systems: collection, alteration, consultation, disclosure including transfers, combination and erasure of operational personal data used for operational purposes. The logs of consultation and disclosure shall make it possible to establish the justification for, and the date and time of, such operations, the identification of the person who consulted or disclosed operational personal data, and, as far as possible, the identity of the recipients of such operational personal data.	1. The controller shall keep logs for any of the following processing operations in automated processing systems: the collection, alteration, access, consultation, disclosure, including transfers, combination and erasure of operational personal data. The logs of consultation and disclosure shall make it possible to establish the justification for, and the date and time of, such operations, the identification of the person who consulted or disclosed operational personal data, and, as far as possible, the identity of the recipients of such operational personal data.

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2. The logs shall be used solely for verification of the lawfulness of processing, self-monitoring, ensuring the integrity and security of the personal data, and for criminal proceedings.	***The logs of consultation and disclosure shall make it possible to establish the justification for, and the date and time of, such operations, the identification of the person who consulted or disclosed operational personal data, and, as far as possible, the identity of the recipients of such operational personal data. Such logs shall only be used for the control of data protection and for ensuring proper data processing as well as data integrity and security. It shall not be possible to modifying such logs. Such logs shall be deleted after three years, unless they are required for on-going control.***	2. The logs shall be used solely for verification of the lawfulness of processing, self monitoring, ensuring the integrity and security of the operational personal data, and for criminal proceedings. Such logs shall be deleted after three years, unless they are required for on-going control.	2. The logs shall be used solely for verification of the lawfulness of processing, self monitoring, ensuring the integrity and security of the operational personal data, and for criminal proceedings. Such logs shall be deleted after three years, unless they are required for on-going control.
3. The controller and the processor shall make the logs available to the supervisory authority on request.	***Union agencies or missions shall make the logs available to the European Data Protection Supervisor and their respective data protection officers on request.***	3. Eurojust shall make the logs available to the European Data Protection Supervisor on request.	3. The controller shall make the logs available to the European Data Protection Supervisor on request.

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Article 27		***Article 30c***	***Article 69oa***
Data protection impact assessment		***Data protection impact assessment***	***Data protection impact assessment***
1. Where a type of processing, in particular, using new technologies, and taking into account the nature, scope, context and purposes of the processing is likely to result in a high risk to the rights and freedoms of natural persons, Member States shall provide for the controller to carry out, prior to the processing, an assessment of the impact of the envisaged processing operations on the protection of personal data.		1. Where a type of processing, in particular, using new technologies, and taking into account the nature, scope, context and purposes of the processing is likely to result in a high risk to the rights and freedoms of natural persons, Eurojust shall carry out, prior to the processing, an assessment of the impact of the envisaged processing operations on the protection of operational personal data.	1. Where a type of processing, in particular, using new technologies, and taking into account the nature, scope, context and purposes of the processing is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall carry out, prior to the processing, an assessment of the impact of the envisaged processing operations on the protection of operational personal data.
2. The assessment referred to in paragraph 1 shall contain at least a general description of the envisaged processing operations, an assessment of the risks to the rights and freedoms of data subjects, the measures envisaged to address those risks, safeguards, security measures and mechanisms to ensure the protection of personal data and to demonstrate compliance with this Directive,		2. The assessment referred to in paragraph 1 shall contain at least a general description of the envisaged processing operations, an assessment of the risks to the rights and freedoms of data subjects, the measures envisaged to address those risks, safeguards, security measures and mechanisms to ensure the protection of operational personal data and to demonstrate compliance with this	2. The assessment referred to in paragraph 1 shall contain at least a general description of the envisaged processing operations, an assessment of the risks to the rights and freedoms of data subjects, the measures envisaged to address those risks, safeguards, security measures and mechanisms to ensure the protection of operational personal data and to demonstrate compliance with data protection rules, taking into account the rights

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taking into account the rights and legitimate interests of the data subjects and other persons concerned.		Regulation, taking into account the rights and legitimate interests of the data subjects and other persons concerned.	and legitimate interests of the data subjects and other persons concerned.
Article 28		***Article 30d***	***Article 69ob***
Prior consultation of the supervisory authority		***Prior consultation of the European Data Protection Supervisor***	***Prior consultation of the European Data Protection Supervisor***
1. Member States shall provide for the controller or processor to consult the supervisory authority prior to processing which will form part of a new filing system to be created, where:		1. Eurojust shall consult the European Data Protection Supervisor prior to processing which will form part of a new filing system to be created, where:	1. The controller shall consult the European Data Protection Supervisor prior to processing which will form part of a new filing system to be created, where:
(a) a data protection impact assessment as provided for in Article 27 indicates that the processing would result in a high risk in the absence of measures taken by the controller to mitigate the risk; or		(a) a data protection impact assessment as provided for in Article 30c indicates that the processing would result in a high risk in the absence of measures taken by the Eurojust to mitigate the risk; or	(a) a data protection impact assessment as provided for in Article 69oa indicates that the processing would result in a high risk in the absence of measures taken by the controller to mitigate the risk; or
(b) the type of processing, in particular, where using new technologies, mechanisms or procedures, involves a high risk to the rights and freedoms of data subjects.		(b) the type of processing, in particular, where using new technologies, mechanisms or procedures, involves a high risk to the rights and freedoms of data subjects.	(b) the type of processing, in particular, where using new technologies, mechanisms or procedures, involves a high risk to the rights and freedoms of data subjects.

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2. Member States shall provide for the supervisory authority to be consulted during the preparation of a proposal for a **legislative measure** to be adopted by a national parliament or of a regulatory measure based on such a legislative measure, which relates to processing.			-
3. Member States shall provide that the supervisory authority may establish a list of the processing operations which are subject to prior consultation pursuant to paragraph 1.		2. The European Data Protection Supervisor may establish a list of the processing operations which are subject to prior consultation pursuant to paragraph 1.	2. The European Data Protection Supervisor may establish a list of the processing operations which are subject to prior consultation pursuant to paragraph 1.

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4. Member States shall provide for the controller to provide the supervisory authority with the data protection impact assessment pursuant to Article 27 and, on request, with any other information to allow the supervisory authority to make an assessment of the compliance of the processing and in particular of the risks for the protection of personal data of the data subject and of the related safeguards.		3. Eurojust shall provide the European Data Protection Supervisor with the data protection impact assessment pursuant to Article 30c and, on request, with any other information to allow the European Data Protection Supervisor to make an assessment of the compliance of the processing and in particular of the risks for the protection of operational personal data of the data subject and of the related safeguards.	3. The controller shall provide the European Data Protection Supervisor with the data protection impact assessment pursuant to Article 69oa and, on request, with any other information to allow the European Data Protection Supervisor to make an assessment of the compliance of the processing and in particular of the risks for the protection of operational personal data of the data subject and of the related safeguards.
Article 30		***Article 31c***	***Article 69oc***
Notification of a personal data breach to the supervisory authority		***Notification of a personal data breach to the European Data Protection Supervisor***	***Notification of a personal data breach to the European Data Protection Supervisor***
1. Member States shall, in the case of a personal data breach, provide for the controller to notify without undue delay and, where feasible, not later than 72 hours after having become aware of it, the personal data breach to the supervisory authority, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons. Where the		1. In the case of a personal data breach, Eurojust shall notify without undue delay and, where feasible, not later than 72 hours after having become aware of it, the personal data breach to the European Data Protection Supervisor, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons. Where the	1. In the case of a personal data breach, the controller shall notify without undue delay and, where feasible, not later than 72 hours after having become aware of it, the personal data breach to the European Data Protection Supervisor, unless the personal data breach is unlikely to result in a risk to the rights and freedoms of natural persons. Where the

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notification to the supervisory authority is not made within 72 hours, it shall be accompanied by reasons for the delay.		notification to the European Data Protection Supervisor is not made within 72 hours, it shall be accompanied by reasons for the delay.	notification to the European Data Protection Supervisor is not made within 72 hours, it shall be accompanied by reasons for the delay.
2. The processor shall notify the controller without undue delay after becoming aware of a personal data breach.			
3. The notification referred to in paragraph 1 shall at least:		The notification referred to in paragraph 1 shall at least:	2. The notification referred to in paragraph 1 shall at least:
a) describe the nature of the personal data breach including, where possible, the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned;		(a) describe the nature of the personal data breach including, where possible, the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned;	(a) describe the nature of the personal data breach including, where possible, the categories and approximate number of data subjects concerned and the categories and approximate number of personal data records concerned;
b) communicate the name and contact details of the data protection officer or <u>other contact point where more information can be obtained;</u>		(b) communicate the name and contact details of the Data Protection Officer;	(b) communicate the name and contact details of the Data Protection Officer;

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(c) describe the likely consequences of the personal data breach;		(c) describe the likely consequences of the personal data breach;	(c) describe the likely consequences of the personal data breach;
(d) describe the measures taken or proposed to be taken by the controller to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.		(d) describe the measures taken or proposed to be taken by Eurojust to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.	(d) describe the measures taken or proposed to be taken by the controller to address the personal data breach, including, where appropriate, measures to mitigate its possible adverse effects.
4. Where, and in so far as, it is not possible to provide the information at the same time, the information may be provided in phases without undue further delay.		3.Where, and in so far as, it is not possible to provide the information referred to in paragraph 2 at the same time, the information may be provided in phases without undue further delay.	3.Where, and in so far as, it is not possible to provide the information referred to in paragraph 2 at the same time, the information may be provided in phases without undue further delay.
5. Member States shall provide for the controller to document any personal data breaches referred to in paragraph 1, comprising the facts relating to the personal data breach, its effects and the remedial action taken. That documentation shall enable the supervisory authority to verify compliance with this Article.		4. Eurojust shall document any personal data breaches referred to in paragraph 1, comprising the facts relating to the personal data breach, its effects and the remedial action taken. That documentation shall enable the European Data Protection Supervisor to verify compliance with this Article.	4. The controller shall document any personal data breaches referred to in paragraph 1, comprising the facts relating to the personal data breach, its effects and the remedial action taken. That documentation shall enable the European Data Protection Supervisor to verify compliance with this Article.

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6. Member States shall, where the personal data breach involves personal data that have been transmitted by or to the controller of another Member State, provide for the information referred to in paragraph 3 to be communicated to the controller of that Member State without undue delay.			5. Where the personal data breach involves personal data that have been transmitted by or to the competent authorities, the controller shall communicate the information referred to in paragraph 2 to the competent authorities of the Member States concerned without undue delay.
Article 31		***Article 31d***	***Article 69od***
Communication of a personal data breach to the data subject		***Communication of a personal data breach to the data subject***	***Communication of a personal data breach to the data subject***
1. Member States shall, where the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, provide for the controller to communicate the personal data breach to the data subject without undue delay.		1. Where the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, Eurojust shall communicate the personal data breach to the data subject without undue delay.	1. Where the personal data breach is likely to result in a high risk to the rights and freedoms of natural persons, the controller shall communicate the personal data breach to the data subject without undue delay.

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2. The communication to the data subject referred to in paragraph 1 of this Article shall describe in clear and plain language the nature of the personal data breach and shall contain at least the information and measures referred to in points (b), (c) and (d) of Article 30(3).		2. The communication to the data subject referred to in paragraph 1 of this Article shall describe, in clear and plain language the nature of the personal data breach and shall contain at least the information and the recommendations provided for in points (b), (c) and (d) of Article 31c(2).	2. The communication to the data subject referred to in paragraph 1 of this Article shall describe, in clear and plain language the nature of the personal data breach and shall contain at least the information and the recommendations provided for in points (b), (c) and (d) of Article 69oc(2).
3. The communication to the data subject referred to in paragraph 1 shall not be required if any of the following conditions are met:		3. The communication to the data subject referred to in paragraph 1 shall not be required if any of the following conditions are met:	3. The communication to the data subject referred to in paragraph 1 shall not be required if any of the following conditions are met:
(a) the controller has implemented appropriate technological and organisational protection measures**,** and those measures were applied to the personal data affected by the personal data breach, in particular those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption;		(a) Eurojust has implemented appropriate technological and organisational protection measures, and that those measures were applied to the personal data affected by the personal data breach, in particular those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption;	(a) the controller has implemented appropriate technological and organisational protection measures, and that those measures were applied to the personal data affected by the personal data breach, in particular those that render the personal data unintelligible to any person who is not authorised to access it, such as encryption;

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b) the controller has taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects referred to in paragraph 1 is no longer likely to materialise;		(b) Eurojust has taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects referred to in paragraph 1 is no longer likely to materialise;	b) the controller has taken subsequent measures which ensure that the high risk to the rights and freedoms of data subjects referred to in paragraph 1 is no longer likely to materialise;
(c) it would involve a disproportionate effort. In such a case, there shall instead be a public communication or a similar measure whereby the data subjects are informed in an equally effective manner.		(c) it would involve a disproportionate effort. In such a case, there shall instead be a public communication or a similar measure whereby the data subjects are informed in an equally effective manner.	(c) it would involve a disproportionate effort. In such a case, there shall instead be a public communication or a similar measure whereby the data subjects are informed in an equally effective manner.
4. If the controller has not already communicated the personal data breach to the data subject, the supervisory authority, having considered the likelihood of the personal data breach resulting in a high risk, may require it to do so, or may decide that any of the conditions referred to in paragraph 3 are met.		4. If Eurojust has not already communicated the personal data breach to the data subject, the European Data Protection Supervisor, having considered the likelihood of the personal data breach resulting in a high risk, may require it to do so, or may decide that any of the conditions referred to in paragraph 3 are met.	4. If the controller has not already communicated the personal data breach to the data subject, the European Data Protection Supervisor, having considered the likelihood of the personal data breach resulting in a high risk, may require it to do so, or may decide that any of the conditions referred to in paragraph 3 are met.

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5. The communication to the data subject referred to in paragraph 1 of this Article may be delayed, restricted or omitted subject to the conditions and on the grounds referred to in Article 13(3).		5. The communication to the data subject referred to in paragraph 1 of this Article may be delayed, restricted or omitted subject to the conditions and on the grounds referred to in Article 29e(1).	5. The communication to the data subject referred to in paragraph 1 of this Article may be delayed, restricted or omitted subject to the conditions and on the grounds referred to in Article 69j(3).
Article 29		***Article 29a***	***Article 69oe***
Security of processing		***Security of operational personal data***	***Security of processing of operational personal data***
1. Member States shall provide for the controller and the processor, taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of the processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, to implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, in particular as regards the processing of special categories of personal data referred to in Article 10.		1. Eurojust and, insofar as it is concerned by data transmitted from Eurojust, each Member State, shall, taking into account the state of the art, costs of implementation and the nature, scope, context and purposes of the processing as well as risk of varying likelihood and severity for the rights and freedoms of natural persons, implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, in particular as regards the processing of special categories of operational personal data referred to in Article 27(4).	1. The controller and the processor shall, taking into account the state of the art, costs of implementation and the nature, scope, context and purposes of the processing as well as risk of varying likelihood and severity for the rights and freedoms of natural persons, implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk, in particular as regards the processing of special categories of operational personal data.

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2. In respect of automated processing, each Member State shall provide for the controller or processor, following an evaluation of the risks, to implement measures designed to:		2. Eurojust and each Member State shall implement appropriate technical and organisational measures as well as appropriate data protection policies with regard to data security and in particular measures designed to:	2. In respect of automated processing, the controller and the processor shall, following an evaluation of the risks, implement measures designed to:
(a) deny unauthorised persons access to processing equipment used for processing ('equipment access control'); (b) prevent the unauthorised reading, copying, modification or removal of data media ('data media control'); (c) prevent the unauthorised input of personal data and the unauthorised inspection, modification or deletion of stored personal data ('storage control'); (d) prevent the use of automated processing systems by unauthorised persons using data communication equipment ('user control');		(a) deny unauthorised persons access to data processing equipment used for processing operational personal data (equipment access control); (b) prevent the unauthorised reading, copying, modification or removal of data media (data media control); (c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of stored operational personal data (storage control) ; (d) prevent the use of automated data processing systems by unauthorised persons using data communication equipment (user control);	(a) deny unauthorised persons access to data processing equipment used for processing (equipment access control); (b) prevent the unauthorised reading, copying, modification or removal of data media (data media control); (c) prevent the unauthorised input of data and the unauthorised inspection, modification or deletion of stored personal data (storage control); (d) prevent the use of automated processing systems by unauthorised persons using data communication equipment (user control); (e) ensure that persons authorised

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(e) ensure that persons authorised to use an automated processing system have access only to the personal data covered by their access authorisation ('data access control'); (f) ensure that it is possible to verify and establish the bodies to which personal data have been or may be transmitted or made available using data communication equipment ('communication control'); (g) ensure that it is subsequently possible to verify and establish which personal data have been input into automated processing systems and when and by whom the personal data were input ('input control'); (h) prevent the unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or during transportation of data media ('transport control');		(e) ensure that persons authorised to use an automated data processing system only have access to the data covered by their access authorisation (data access control); (f) ensure that it is possible to verify and establish to which bodies operational personal data are transmitted when data are communicated (communication control); (g) ensure that it is subsequently possible to verify and establish which operational personal data have been input into automated data processing systems and when and by whom the data were input (input control); (h) prevent unauthorised reading, copying, modification or deletion of operational personal data during transfers of operational personal data or during transportation of data media (transport control);	to use an automated processing system have access only to the personal data covered by their access authorisation (data access control); (f) ensure that it is possible to verify and establish the bodies to which personal data have been or may be transmitted or made available using data communication (communication control); (g) ensure that it is subsequently possible to verify and establish which personal data have been input into automated data processing systems, and when and by whom the data were input (input control); (h) prevent unauthorised reading, copying, modification or deletion of personal data during transfers of personal data or during transportation of data media (transport control); (i) ensure that installed systems

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(i) ensure that installed systems may, in the case of interruption, be restored ('recovery'); (j) ensure that the functions of the system perform, that the appearance of faults in the functions is reported ('reliability') and that stored personal data cannot be corrupted by means of a malfunctioning of the system ('integrity').		(i) ensure that installed systems may, in the event of interruption, be restored immediately (recovery); (j) ensure that the functions of the system perform without fault, that the occurrence of faults in the functions is immediately reported (reliability) and that stored data cannot be corrupted by system malfunctions (integrity).	may, in the case of interruption, be restored (recovery); (j) ensure that the functions of the system perform, that the appearance of faults in the functions is reported (reliability) and that stored personal data cannot be corrupted by means of a malfunctioning of the system (integrity).
		3. Eurojust and Member States shall define mechanisms to ensure that security needs are taken on board across information system boundaries.	

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Article 35	**AM 103** ***Article 69p***		***Article 69p***
General principles for transfers of personal data	***Transfer of operational personal data to third countries and international organisations***		***Transfer of operational personal data to third countries and international organisations***
1. Member States shall provide for any transfer by competent authorities of personal data which are undergoing processing or are intended for processing after transfer to a third country or to an international organisation including for onward transfers to another third country or international organisation to take place, subject to compliance with the national provisions adopted pursuant to other provisions of this Directive, only where the conditions laid down in this Chapter are met, namely: (a) the transfer is necessary for the purposes set out in Article 1(1); (b) the personal data are transferred to a controller in a third country or international	***1. Subject to any possible restrictions pursuant to Article 69l, Union agencies or missions may transfer operational personal data to an authority of a third country or to an international organisation insofar as such transfer is necessary for the performance of the tasks of the Union agencies or missions, on the basis of one of the following:***		1. Subject to restrictions and conditions laid down in the founding acts of the Union institution or body, the controller may transfer operational personal data to an authority of a third country or to an international organisation insofar as such transfer is necessary for the performance of controller's tasks and only where the conditions laid down in this Article are met, namely:
	(a) a decision of the Commission adopted in accordance with Article 36 of Directive (EU) 2016/680, finding that the third country or a territory or a processing sector within that third country or the international organisation in question ensures an adequate level of protection ('adequacy decision');		*(*a) the Commission has adopted a decision in accordance with Article 36 of Directive (EU) 2016/680, finding that the third country or a territory or a processing sector within that third country or the international organisation in question ensures an adequate level of protection ('adequacy decision');

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organisation that is an authority competent for the purposes referred to in Article 1(1); (c) where personal data are transmitted or made available from another Member State, that Member State has given its prior authorisation to the transfer in accordance with its national law; (d) the Commission has adopted an adequacy decision pursuant to Article 36, or, in the absence of such a decision, appropriate safeguards have been provided or exist pursuant to Article 37, or, in the absence of an adequacy decision pursuant to Article 36 and of appropriate safeguards in accordance with Article 37, derogations for specific situations apply pursuant to Article 38; and (e) in the case of an onward transfer to another third country or international organisation, the competent authority that carried out the original transfer or another	***(b) an international agreement concluded between the Union and that third country or international organisation pursuant to Article 218 TFEU adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals;***		*(*b) an international agreement has been concluded between the Union and that third country or international organisation pursuant to Article 218 TFEU adducing adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals;
	(c) a cooperation agreement allowing for the exchange of operational personal data concluded, before the date of application of the respective funding legal act of the Union agencies, between Union agencies or missions and that third country or international organisation in accordance with Article 23 of Decision 2009/371/JHA. Union agencies and missions may conclude administrative arrangements to implement such agreements or adequacy decisions.		(c) a cooperation agreement has been concluded allowing for the exchange of operational personal data before the entry into application of the respective founding act of the Union institution or body, between the Union institution or body and that third country or international organisation;
			(d) in the absence of the Commission adequacy decision, the international agreement referred to in point (b) or the cooperation agreement referred to in point (c),

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competent authority of the same Member State authorises the onward transfer, after taking into due account all relevant factors, including the seriousness of the criminal offence, the purpose for which the personal data was originally transferred and the level of personal data protection in the third country or an international organisation to which personal data are onward transferred. 2. Member States shall provide for transfers without the prior authorisation by another Member State in accordance with point (c) of paragraph 1 to be permitted only if the transfer of the personal data is necessary for the prevention of an immediate and serious threat to public security of a Member State or a third country or to essential interests of a Member State and the prior authorisation cannot be obtained in good time. The authority responsible for giving prior authorisation shall be informed			the controller has carried out a self-assessment of appropriate safeguards, in accordance with Union law to which the controller is subject;
			(e) in the absence of the Commission adequacy decision, the international agreement referred to in point (b), the cooperation agreement in referred to in point (c), or the appropriate safeguards referred to in point (d), the derogations for specific situations apply, in accordance with Union law to which the controller is subject;
	2. Where applicable, the Executive Director shall inform the Management Board about exchanges of operational personal data on the basis of adequacy decisions pursuant to point (a) of paragraph 1.		
	3. Union agencies and missions shall publish on their website and keep up to date a list of adequacy decisions, agreements, administrative arrangements and other instruments relating to the		

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without delay. 3. All provisions in this Chapter shall be applied in order to ensure that the level of protection of natural persons ensured by this Directive is not undermined.	***transfer of operational personal data in accordance with paragraph 1.***		
	4. By 14 June 2021, the Commission shall assess the provisions contained in the cooperation agreements referred to in point (c) of paragraph 1, in particular those concerning data protection. The Commission shall inform the European Parliament and the Council about the outcome of that assessment and may, if appropriate, submit to the Council a recommendation for a decision authorising the opening of negotiations for the conclusion of an international agreement as referred to in point (b) of paragraph 1.		

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	5. By way of derogation from paragraph 1, where applicable, the Executive Director may authorise the transfer of operational personal data to third countries or international organisations on a case-by-case basis if the transfer is:		
	(a) necessary in order to protect the vital interests of the data subject or of another person;		
	(b) necessary to safeguard the legitimate interests of the data subject where the law of the Member State transferring the personal data so provides;		
	(c) essential for the prevention of an immediate and serious threat to the public security of a Member State or a third country;		
	(d) necessary in individual cases for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal sanctions; or		

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	(e) necessary in individual cases for the establishment, exercise or defence of legal claims relating to the prevention, investigation, detection or prosecution of a specific criminal offence or the execution of a specific criminal sanction.		
	Operational personal data shall not be transferred if the Executive Director determines that fundamental rights and freedoms of the data subject concerned override the public interest in the transfer referred to in points (d) and (e).		
	Derogations may not be applicable to systematic, massive or structural transfers.		

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	6. By way of derogation from paragraph 1, where applicable, the Management Board may, in agreement with the EDPS, authorise for a period not exceeding one year, which shall be renewable, a set of transfers in accordance with points (a) to (e) of paragraph 5, taking into account the existence of adequate safeguards with respect to the protection of privacy and fundamental rights and freedoms of individuals. Such authorisation shall be duly justified and documented.		
	7. The Executive Director shall inform the Management Board and the European Data Protection Supervisor as soon as possible of the cases in which paragraph 5 has been applied.		
	8. Union agencies and missions shall keep detailed records of all transfers made pursuant to this Article.		3. The controller shall keep detailed records of all transfers made pursuant to this Article.

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			Article 69q
			Supervision by the European Data Protection Supervisor
			1. The European Data Protection Supervisor shall be responsible for monitoring and ensuring the application of the provisions of Article 3 and Chapter VIIIa of this Regulation, as well as the specific rules contained in the respective founding legal relating to the protection of fundamental rights and freedoms of natural persons with regard to processing of operational personal data by bodies, offices or agencies carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU. **2. The exercise of the supervision powers of the European Data Protection Supervisor shall not interfere with ongoing criminal investigations and prosecutions.**

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	AM 106 ***Article 70b***		***Article 70b***
	Review of the Union legal acts		***Review of the Union legal acts***
	By 25 May 2021, the Commission shall review other legal acts adopted on the basis of the Treaties which regulate the processing of personal data, in particular by agencies established under Chapters 4 and 5 of Title V of Part Three TFEU, in order to assess the need to align them with this Regulation and to make, where appropriate, the necessary proposal to amend those acts in order to ensure a consistent approach to the protection of personal data within the scope of this Regulation.		By XX XX 2022, the Commission shall review Chapter VIIIa of this Regulation, Regulation (EU) 2016/794, Regulation (EU) 2017/1939, Regulation (EU) 2018/XXX (Eurojust)**, Regulation (EU) 2016/1624 (Frontex)** and other legal acts adopted on the basis of the Treaties which regulate the processing of operational personal data by Union bodies, offices or agencies **when** carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU~~,~~ ~~**as well as Regulation (EU) 2016/1624 regarding processing of personal data by Frontex when carrying out law enforcement activities.**~~ in order to assess their consistency with Directive (EU) 2016/680 and to identify any divergences that may hamper the exchange of personal data between Union bodies, offices or agencies carrying out activities in those

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			fields and competent authories in Member States. On the basis of the review, the Commission may, if appropriate, submit legislative proposals, in order to *inter alia* revise Chapter VIIIa of this Regulation and to apply it to Europol and/or the European Public Prosecutor's Office, without prejudice to the **specific** rules contained in their respective founding legal acts.
	~~**AM 114**~~ ~~***Article 71h***~~		~~***Article 71h***~~
	~~***Amendments to Regulation (EU) 2016/794***~~		~~***Amendments to Regulation (EU) 2016/794***~~
	~~***Regulation (EU) 2016/794 of the European Parliament and of the Council[1a] is amended as follows:***~~		**Not addressed with this compromise proposal**
	~~***(1) Articles 25, 28, 30, 36, 37, 40, 41 and 46 are deleted.***~~		
	~~***(2) Article 44 is replaced by the following:***~~		

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	~~*"National supervisory authorities and the EDPS shall, each acting within their respective competences, cooperate with each other in accordance with Article 62 of [New Regulation 45/2001]".*~~		
	~~[1a] Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53).~~		
	~~**AM 115**~~ ~~*Article 71 i*~~		
	~~*Amendments to Council Regulation (EU) 2017/XX*~~		
	~~*Council Regulation (EU) 2017/...[1a] is amended as follows:*~~		**Suggestion to delete**
	~~*(1) Articles 36c, 36f, 37, 37b, 37c, 37cc, 37ccc, 37d, 37e, 37f, 37g, 37h, 37i, 37j, 37k, 37n, 37o, 41, 41a, 41b, 43a, 43b, 43c, 43d, 43e and 46 are deleted.*~~		

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	~~*(2) Article 45 is replaced by the following:*~~		
	~~*"National supervisory authorities and the European Data Protection Supervisor shall, each acting within their respective competences, cooperate with each other in accordance with Article 62 of [New Regulation 45/2001]".*~~		
	~~[1a] Council Regulation (EU) 2017/... of ... of implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO") (OJ L ...).~~		
	~~**AM 116**~~ ~~*Article 71 j*~~ ~~*Amendments to Regulation (EU) 2017/XX*~~		
	~~*Regulation (EU) 2017/... of the European Parliament and of the Council[1a] is amended as follows:*~~		**Not necessary – suggestion to delete**
	~~*(1) Articles 27, 29, 30, 31, 33, 36 and 37 are deleted.*~~		
	~~*(2) Article 35 is replaced by the following:*~~		

LED 2016/680	EP Position/ First Reading	Council General Approach Eurojust	Presidency suggestions
	~~*"National supervisory authorities and the European Data Protection Supervisor shall, each acting within their respective competences, cooperate with each other in accordance with Article 62 of [New Regulation 45/2001]".*~~		
	~~*[1a] Regulation (EU) 2017/... of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust) (OJ L ...).*~~		
	~~*AM 117*~~ ~~*Article 71 k*~~		
	~~*Amendments to Eurodac Regulation (EU) 2017/XX*~~		
	~~*Regulation (EU) 2017/... of the European Parliament and of the Council[1a] is amended as follows:*~~		**Suggestion to delete**

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	~~*(1) Articles 29, 30, 31, and 39 are deleted.*~~		
	~~*[1a] Regulation (EU) 2017/... of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (OJ L ...)*~~		

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Article 73	***Article 73***	***Article 73***	
Entry into force and application	***Entry into force and application***	***Entry into force and application***	
1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.	
2. It shall apply from 25 May 2018.	2. It shall apply from 25 May 2018.	2. It shall apply from 25 May 2018.	
			3. By way of derogation from paragraph 2, this Regulation shall apply to processing of personal data by Eurojust from [the date of entry into application of the new Eurojust Regulation].