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2021/0008(COD)
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NOTE

From: General Secretariat of the Council
To: Delegations

No. prev. doc.: 8043/21, 8048/21
No. Cion doc.: 5708/21, 5678/21

Subject: Draft Directive of the European Parliament and of the Council amending Council Framework Decision 2002/465/JHA, as regards its alignment with EU rules on the protection of personal data
Draft Directive of the European Parliament and of the Council amending Directive 2014/41/EU, as regards its alignment with EU rules on the protection of personal data
- Examination of amendments by the European Parliament

Introduction

On 20 January 2021, the Commission presented two proposals to align existing EU instruments in the field of criminal law with EU rules on the protection of personal data:

- one proposal regarding Council Framework Decision 2002/465/JHA on Joint Investigation Teams (JITs); and
- one proposal regarding Directive 2014/41/EU on the European Investigation Order (EIO).

Following examination by the COPEN Working Party, Coreper agreed, on 21 April 2021, to start negotiations with the European Parliament on the basis of the texts set out in 8043/21 (JITs) and 8048/21 (EIO).

Following a proposal by rapporteurs Lenaers (JITs) and Kaljurand (EIO), the European Parliament (EP) decided, on 15 September 2021, not to propose any amendments to the Commission proposals, in accordance with a simplified procedure.

On 21 September and 13 October, there were technical meetings between representatives of the EP, the Commission and the Presidency, the latter representing the Council. At these meetings, the Presidency presented the texts as agreed by Coreper. During subsequent informal contacts, possible compromises between the positions of the EP and of the Council were explored.

Amendments

Following internal consultations, the EP confirmed on 27 October 2021 that it could basically agree to the texts as presented by the Council (in 8043/21 and 8048/21), subject to some amendments. The amendments concerned are set out in the attached four/five column tables (see [Annex I](#) for JITs and [Annex II](#) for EIO), see texts marked in the fourth column with "EP proposals".

The amendments are described below: in respect of each amendment the Presidency has provided a first assessment.

- Legal basis (lines 4 and 10 in the four/five column tables, in both JITs and EIO)

The EP proposes to delete the addition of Article 82 TFEU to the legal basis in both files (JITs and EIO), but to add wording in recital 2 with a reference to that Article.

The EP requested this change for two reasons:

- with the EP amendments in line 20 and 21 (see below), the text now basically contains only LED-alignments. Therefore, Article 16(2) TFEU would be sufficient as legal basis;
- if another legal basis is added, the EP would have to consult its JURI committee, which complicates the procedure.

The Commission (COM) equally would favour the deletion of Article 82 TFEU to the legal basis, since Ireland is taking part in the JITs Framework Decision and Article 16(2) TFEU should therefore be the only legal basis for the instrument concerned. While COM could accept adding Article 82 TFEU to the legal basis in the EIO file, because Ireland is not taking part in that instrument, it would prefer deleting the addition of Article 82 in that file as well, for consistency.

According to the Council Legal Service, both legal bases (so both Article 16(2) and Article 82 TFEU, or only Article 16(2) TFEU), could be defended in both files.

Assessment Presidency: the EP amendments on the legal basis are acceptable. The same approach was adopted in the EU-Japan LED file, where - after discussion - it was also decided not to add Article 82 TFEU to the legal basis, but to add wording in the recitals (see 12934/21).

- Recital 4 on the position of Denmark (line 12 in the four/five column tables JIT's and EIO)

The EP proposes to make a reference to Article 2a of Protocol 22 on the position of Denmark, as annexed to the TFEU and the TEU.

Assessment Presidency: the EP amendment on the position of Denmark is acceptable and actually an improvement of the text. A reference to Article 2a of Protocol 22 is appropriate in this case, see also the EU-Japan LED file, where we did the same (12934/21).

- Article 1(10) JITs, together with recital 2 (lines 10, 18, 19, 20, 20a, 20b of the five column table JIT's)

The EP proposes to leave Article 1(10) of the JITs Framework Decision untouched, and only add the new subparagraph as set out in line 20b (which was a 'COPEN invention').

The EP explained that this change is needed, since examples should only be put in the recitals, not in the operative part. Therefore, the text with examples on the possible 'other purposes' for which information collected in a JITs could be used ('subsequent or relevant civil or administrative proceedings, or parliamentary scrutiny') should only be mentioned in recital 2.

Assessment Presidency: the EP amendment on Article 1(10) and recital 2 is acceptable, and actually an improvement of the text, for the reasons indicated by the EP.

- Article 2(2) (line 24 in the five column table JIT's, line 21 in the four column table EIO)

Article 2(2) as in the Commission proposal reads as follows:

2. *Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.*

The EP would like to delete the word 'main'. EP observed that according to the Joint Handbook, point C.14.1, the inclusion of 'main' is optional.

The EP observed that in this case, the transposition in national law concerns this particular directive alone, which by now contains only one element, namely line 20b (the "insofar as the information..." text). Given the fact that we only have one provision left that needs to be transposed into national law, it follows that the addition of "main" is not necessary anymore (this would only make sense if we are talking about a complicated or extensive legal file, but that is not the case here).

Assessment Presidency: in first instance, the Presidency was not very enthusiastic about this proposed change, since the term 'main provisions' was contained in the Commission's proposal, which the EP accepted under their simplified procedure. The Presidency acknowledges though that the EP has a point in proposing this change in these particular files, and therefore recommends accepting it.

Concluding remarks

The Presidency considers that all the amendments proposed by the EP are acceptable. The Presidency therefore recommends the COPEN Working Party to agree with them.

If the Working Party agrees with this line, the Presidency will on that basis represent the Council in the trilogue, which is foreseen to take place on 11 November 2021.

**Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending
Council Framework Decision 2002/465/JHA, as regards its alignment with EU rules on the protection of
personal data**

2021/0008(COD)

Non-versioned [LATEST TEXT]

25-10-2021 at 12h43

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Formula					
1	2021/0008 (COD)	2021/0008 (COD)	2021/0008 (COD)		
Proposal Title					
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Framework Decision 2002/465/JHA, as regards its alignment with EU rules on the protection of personal data	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Framework Decision 2002/465/JHA, as regards its alignment with EU rules on the protection of personal data	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (EU) 2021/[...] of .. amending Council Framework Decision 2002/465/JHA, as regards its alignment with EU rules on the protection of personal data	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (EU) <u>2021/[...]</u> <u>of..</u> amending Council Framework Decision 2002/465/JHA, as regards its alignment with EU rules on the protection of personal data Text Origin: Council	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				Mandate	
Formula					
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal	
Citation 1					
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16(2) and 82 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16(2) thereof, Text Origin: Commission Proposal	
Citation 2					
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal	
Citation 3					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal	
Citation 4					
7	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal	
Formula					
8	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal	
Recital 1					
9	(1) Pursuant to Article 62(6) of Directive (EU) 2016/680 ¹ , the Commission is to review other acts of Union law which regulate processing of personal data	(1) Pursuant to Article 62(6) of Directive (EU) 2016/680 ¹ , the Commission is to review other acts of Union law which regulate processing of personal data	(1) Pursuant to Article 62(6) of Directive (EU) 2016/680 ¹ , the Commission is to review other acts of Union law which regulate the processing of personal	(1) Pursuant to Article 62(6) of Directive (EU) 2016/680 ¹ , the Commission is to review other acts of Union law which regulate <u>the</u> processing of personal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	<p>by the competent authorities for the purposes set out in Article 1(1) of that Directive, in order to assess the need to align those acts with that Directive and to make, where appropriate, the necessary proposals to amend them acts to ensure a consistent approach to the protection of personal data within the scope of that Directive. That review has led to the identification of Council Framework Decision 2002/465/JHA² as one of those other acts to be amended.</p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89). 2. Council Framework Decision 2002/465/JHA of 13 June 2002</p>	<p>by the competent authorities for the purposes set out in Article 1(1) of that Directive, in order to assess the need to align those acts with that Directive and to make, where appropriate, the necessary proposals to amend them acts to ensure a consistent approach to the protection of personal data within the scope of that Directive. That review has led to the identification of Council Framework Decision 2002/465/JHA² as one of those other acts to be amended.</p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89). 2. Council Framework Decision 2002/465/JHA of 13 June 2002</p>	<p>data by the competent authorities for the purposes set out in Article 1(1) of that Directive, in order to assess the need to align those acts with that Directive and to make, where appropriate, the necessary proposals to amend them acts those acts in order to ensure a consistent approach to the protection of personal data within the scope of that Directive. That review has led to the identification of Council Framework Decision 2002/465/JHA² as one of those other acts to be amended.</p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).</p>	<p>data by the competent authorities for the purposes set out in Article 1(1) of that Directive, in order to assess the need to align those acts with that Directive and to make, where appropriate, the necessary proposals to amend them acts <u>those acts in order</u> to ensure a consistent approach to the protection of personal data within the scope of that Directive. That review has led to the identification of Council Framework Decision 2002/465/JHA² as one of those other acts to be amended.</p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	on joint investigation teams (OJ L 162, 20.6.2002, p. 1).	on joint investigation teams (OJ L 162, 20.6.2002, p. 1).	2. Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams (OJ L 162, 20.6.2002, p. 1).	2. Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams (OJ L 162, 20.6.2002, p. 1). Text Origin: Council Mandate	
Recital 2					
10	(2) In the interest of consistency and the effective protection of personal data, the processing of personal data carried out under Framework Decision 2002/465/JHA should respect the rules set out in Directive (EU) 2016/680.	(2) In the interest of consistency and the effective protection of personal data, the processing of personal data carried out under Framework Decision 2002/465/JHA should respect the rules set out in Directive (EU) 2016/680.	(2) In the interest interests of consistency and the effective protection of personal data, the processing of personal data carried out under Framework Decision 2002/465/JHA should respect the rules set out in Directive (EU) 2016/680. In particular, personal data contained in the information lawfully obtained by a joint investigation team may be processed for purposes other than those for which the team has been set up, such as subsequent or relevant administrative or civil procedures or parliamentary scrutiny, only in accordance with the conditions laid down	(2) <u>The processing of personal data under this Framework Decision, and under national laws adopted to implement this Framework Decision, involves the processing, exchange and subsequent use of relevant information for the purposes set out in Article 82 of the Treaty on the Functioning of the European Union. In the interestsinterests</u> In the interest of consistency and the effective protection of personal data, the processing of personal data carried out under Framework Decision 2002/465/JHA should respect the rules set out in Directive (EU) 2016/680. <u>Personal data contained in</u>	The words "in particular" before "personal data" were deleted. This seems however not a material change, and therefore seems acceptable.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			in Directive (EU) 2016/680. The processing of such personal data should be carried out in accordance with Union or Member State law and should be necessary and proportionate to its purpose.	<p><u>the information lawfully obtained by a joint investigation team may be processed for purposes other than those for which the team has been set up, such as subsequent or relevant administrative or civil procedures or parliamentary scrutiny, only in accordance with the conditions laid down in Directive (EU) 2016/680. The processing of such personal data should be carried out in accordance with Union or Member State law and should be necessary and proportionate to its purpose.</u></p> <p>Text Origin: Council Mandate, with a slight EP change</p>	
Recital 3					
11	(3) In accordance with Articles 1, 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in	(3) In accordance with Articles 1, 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in	(3) In accordance with Articles 1, 2 and Article 4a(1) 6a of Protocol No 21 on the position of the United Kingdom and	(3) In accordance with Articles 1, 2 and Article 4a(1) 6a of Protocol No 21 on the position of the United Kingdom and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	respect of the area of freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not Ireland is bound by Framework Decision 2002/465/JHA and is therefore taking part in the adoption of this Directive and is not bound by it or subject to its application. [...]	Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and <u>to</u> the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not <u>Ireland is bound by Framework Decision 2002/465/JHA and is therefore</u> taking part in the adoption of this Directive and is not bound by it or subject to its application. Text Origin: Council Mandate	
Recital 4					
12	(4) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or	(4) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or	(4) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or	(4) In accordance with Articles 1, <u>2 and 2a</u> and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	subject to its application.	subject to its application.	subject to its application.	by it or subject to its application. Text Origin: EP proposal.	
Recital 5					
13	(5) Framework Decision 2002/465/JHA should therefore be amended accordingly.	(5) Framework Decision 2002/465/JHA should therefore be amended accordingly.	(5) Framework Decision 2002/465/JHA should therefore be amended accordingly. The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725 ¹ and delivered an opinion on 10 March 2021 ² , 1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2. [Letter of 10 March 2021 (6701/21)]	(5) Framework Decision 2002/465/JHA should therefore be amended accordingly. <u>The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725¹ and delivered an opinion on 10 March 2021²,</u> <u>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</u> <u>2. [Letter of 10 March 2021 (6701/21)]</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				Text Origin: Council Mandate	
Recital 6					
14	<p>(6) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725¹ and delivered an opinion on XX XXXX²,</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p> <p>2.</p>	<p>(6) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725¹ and delivered an opinion on XX XXXX²,</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p> <p>2.</p>	<p>(6) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725¹ and delivered an opinion on XX XXXX²Framework Decision 2002/465/JHA should therefore be amended accordingly,</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p> <p>2.</p>	<p>(6) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725¹ and delivered an opinion on XX XXXX²<u>Framework Decision 2002/465/JHA should therefore be amended accordingly,</u></p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p> <p>2.</p> <p>Text Origin: Council Mandate</p>	<p>NB: EP agreed that it seems to make sense to reverse recitals 5 and 6 of the Commission proposal, because the opinion of the EDPS has also been taking into account in order to amend the Framework Decision.</p>
Formula					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
15	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE: Text Origin: Commission Proposal	
Article 1					
16	Article 1	Article 1	Article 1 Amendments to Framework Decision 2002/465/JHA	Article 1 <u>Amendments to Framework Decision 2002/465/JHA</u> Text Origin: Council Mandate	
Article 1, first paragraph, introductory part					
17	Framework Decision 2002/465/JHA is amended as follows:	Framework Decision 2002/465/JHA is amended as follows:	In Framework Decision 2002/465/JHA, Article 1(10) is amended as follows:	<u>In Article 1(10)</u> of Framework Decision 2002/465/JHA is amended as follows <u>the following subparagraph is added:</u> Text Origin: EP proposal	
Article 1, first paragraph, point (1), introductory part					
18	(1) in Article 1(10), point (b) is replaced by the	(1) in Article 1(10), point (b) is replaced by the	(1) in Article 1(10), point (b) is replaced by the	(1) in Article 1(10), point (b) is replaced by the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
	following:	following:	following:	following:	
Article 1, first paragraph, point (1), amending provision, first paragraph					
19	‘ (b) for other purposes in accordance with Article 4(2) of Directive 2016/680.;	‘ (b) for other purposes in accordance with Article 4(2) of Directive 2016/680.;	‘ (b) for other purposes in accordance with Article 4(2) of Directive 2016/680.;	‘ (b) for other purposes in accordance with Article 4(2) of Directive 2016/680.;	‘ In the Framework Decision, Article 1(10) reads as follows: 10. Information lawfully obtained by a member or seconded member while part of a joint investigation team which is not otherwise available to the competent authorities of the Member States concerned may be used for the following purposes: (a) for the purposes for which the team has been set up; (b) subject to the prior consent of the Member State where the information became available, for detecting, investigating and prosecuting other criminal offences. Such consent may be withheld only in cases

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					<p>where such use would endanger criminal investigations in the Member State concerned or in respect of which that Member State could refuse mutual assistance;</p> <p>(c) for preventing an immediate and serious threat to public security, and without prejudice to subparagraph (b) if subsequently a criminal investigation is opened;</p> <p>(d) for other purposes to the extent that this is agreed between Member States setting up the team.</p>
Article 1, first paragraph, point (2)					
20	(2) in Article 1(10), points (c) and (d) are deleted.	(2) in Article 1(10), points (c) and (d) are deleted.	(2) in Article 1(10), points (c) and (d) are deleted.	(2) in Article 1(10), points (c) and (d) are deleted.	<p>(2)</p> <p>EP proposal:</p> <p>Delete point a) of Council position and keep Article 1(10)(d) Framework Decision unchanged.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Article 1, first paragraph, point (2a)					
20a			<p>(a) point (d) is replaced by the following:</p> <p>'(d) 'For other purposes to the extent that this is agreed between Member States setting up the team, in particular for subsequent or relevant civil or administrative proceedings, or parliamentary scrutiny.'</p>		
Article 1, first paragraph, point (2b)					
20b			<p>(b) the following subparagraph is added:</p> <p>'Insofar as the information used for purposes referred to in points b), c) and d) of the first subparagraph includes personal data, it shall only be processed in accordance with Directive (EU) 2016/680, in particular Article 4(2), Article 9(1) and Article 9(3) thereof.'</p>	<p><u><i>'Insofar as the information used for purposes referred to in points b), c) and d) of the first subparagraph includes personal data, it shall only be processed in accordance with Directive (EU) 2016/680*, in particular Article 4(2), Article 9(1) and Article 9(3) thereof.'</i></u></p> <p><u><i>* Directive (EU) 2016/680</i></u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
				<p><u><i>of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p.89).</i></u></p> <p>Text Origin: Council Mandate</p>	
Article 2					
21	Article 2	Article 2	Article 2 Transposition	<p>Article 2 <u><i>Transposition</i></u></p> <p>Text Origin: Council Mandate</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
Article 2(1), introductory part					
22	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [one year after the adoption] at the latest. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [one year after the adoption] at the latest. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [within a period of one year after the adoption] at the latest from the date of its entry into force . They shall forthwith communicate to immediately inform the Commission the text of those provisions thereof .	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [one year after the adoption entry into force] at the latest. They shall forthwith communicate to immediately inform the Commission the text of those provisions thereof . <small>Text Origin: Council Mandate with a slight EP change</small>	EP suggests putting: 'by one year after the entry into force at the latest'. PRES considers that this can be accepted at the moment - the perfect text version will certainly be found by lawyer-linguists.
Article 2(1), first paragraph					
23	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions measures , they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how The methods of making such reference is to be made shall be laid down by	When Member States adopt those provisions measures , they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. Member States shall determine how The methods of making such reference is to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
			Member States.	<i>be made shall be laid down by Member States.</i> Text Origin: Council Mandate	
Article 2(2)					
24	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. EP Proposal	<p>The EP would like to delete the word 'main'. EP observed that according to the Joint Handbook, point C.14.1, the inclusion of 'main' is optional.</p> <p>In this case, the transposition in national law concerns this particular directive alone, which by now contains only one element, namely line 20b (the "insofar as the information..." text).</p> <p>Given the fact that we only have one provision left that needs to be transposed into national law, it follows that the addition of "main" is not necessary anymore (this would only make sense if we are talking about a complicated or extensive</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
					legal file, but that is not the case here).
Article 3					
25	Article 3	Article 3	Article 3 Entry into force	Article 3 <u>Entry into force</u> <small>Text Origin: Council Mandate</small>	
Article 3, first paragraph					
26	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. <small>Text Origin: Commission Proposal</small>	
Article 4					
27	Article 4	Article 4	Article 4 Addressees	Article 4 <u>Addressees</u> <small>Text Origin: Council Mandate</small>	
Article 4, first paragraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
28	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties. Text Origin: Commission Proposal	
Formula					
29	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal	
Formula					
30	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal	
Formula					
31	The President	The President	The President	The President Text Origin: Commission Proposal	
Formula					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	Comments
32	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal	
Formula					
33	The President	The President	The President	The President Text Origin: Commission Proposal	

**Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending
Directive 2014/41/EU, as regards its alignment with EU rules on the protection of personal data
2021/0009(COD)
Non-versioned [LATEST TEXT]
25-10-2021 at 13h03**

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2021/0009 (COD)	2021/0009 (COD)	2021/0009 (COD)	
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2014/41/EU, as regards its alignment with EU rules on the protection of personal data	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2014/41/EU, as regards its alignment with EU rules on the protection of personal data	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (EU) 2021/[...] of amending Directive 2014/41/EU, as regards its alignment with EU rules on the protection of personal data	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL (EU) <u>2021/[...]</u> <u>of</u> amending Directive 2014/41/EU, as regards its alignment with EU rules on the protection of personal data Text Origin: Council Mandate
Formula				
3				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16(2) and 82 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 16(2) thereof, Text Origin: Commission Proposal
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Citation 4				
7	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, <small>Text Origin: Commission Proposal</small>
Formula				
8	Whereas:	Whereas:	Whereas:	Whereas: <small>Text Origin: Commission Proposal</small>
Recital 1				
9	(1) Pursuant to Article 62(6) of Directive (EU) 2016/680 ¹ , the Commission is to review other acts of Union law which regulate processing of personal data by the competent authorities for the purposes set out in Article 1(1) of that Directive, in order to assess the need to align those acts with that Directive and to make, where appropriate, the necessary proposals to amend these acts to ensure a consistent approach to the protection of personal data within	(1) Pursuant to Article 62(6) of Directive (EU) 2016/680 ¹ , the Commission is to review other acts of Union law which regulate processing of personal data by the competent authorities for the purposes set out in Article 1(1) of that Directive, in order to assess the need to align those acts with that Directive and to make, where appropriate, the necessary proposals to amend these acts to ensure a consistent approach to the protection of personal data within	(1) Pursuant to Article 62(6) of Directive (EU) 2016/680 ¹ , the Commission is to review other acts of Union law which regulate processing of personal data by the competent authorities for the purposes set out in Article 1(1) of that Directive, in order to assess the need to align those acts with that Directive and to make, where appropriate, the necessary proposals to amend these acts to ensure a consistent approach to the protection of personal data within	(1) Pursuant to Article 62(6) of Directive (EU) 2016/680 ¹ , the Commission is to review other acts of Union law which regulate processing of personal data by the competent authorities for the purposes set out in Article 1(1) of that Directive, in order to assess the need to align those acts with that Directive and to make, where appropriate, the necessary proposals to amend these acts to ensure a consistent approach to the protection of personal data within

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>the scope of that Directive. That review has led to the identification of Directive 2014/41/EU² as one of those other acts to be amended.</p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89). 2. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).</p>	<p>the scope of that Directive. That review has led to the identification of Directive 2014/41/EU² as one of those other acts to be amended.</p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89). 2. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).</p>	<p>the scope of that Directive. That review has led to the identification of Directive 2014/41/EU² as one of those other acts to be amended.</p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89). 2. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).</p>	<p>the scope of that Directive. That review has led to the identification of Directive 2014/41/EU² as one of those other acts to be amended.</p> <p>1. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89). 2. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).</p> <p>Text Origin: Commission Proposal</p>
Recital 2				
10	<p>(2) In the interest of consistency and the effective protection of personal data, the processing of personal data under Directive 2014/41/EU should respect the rules set out in Directive (EU) 2016/680, where applicable. Regulation (EU) 2016/679¹ should</p>	<p>(2) In the interest of consistency and the effective protection of personal data, the processing of personal data under Directive 2014/41/EU should respect the rules set out in Directive (EU) 2016/680, where applicable. Regulation (EU) 2016/679¹ should</p>	<p>(2) In the interest of consistency and the effective protection of personal data, the processing of personal data under Directive 2014/41/EU should respect the rules set out in Directive (EU) 2016/680, where applicable. Regulation (EU) 2016/679¹ should</p>	<p>(2) <u>The processing of personal data under Directive 2014/41/EU, and under national laws adopted to implement this Directive, involves the processing, exchange and subsequent use of relevant information for the purposes set out in Article 82 of the Treaty on</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>apply to the processing of personal data in relation to proceedings as referred to in Article 4, points (b), (c) and (d) of Directive 2014/41/EU where not covered by Directive (EU) 2016/680.</p> <p>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</p>	<p>apply to the processing of personal data in relation to proceedings as referred to in Article 4, points (b), (c) and (d) of Directive 2014/41/EU where not covered by Directive (EU) 2016/680.</p> <p>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</p>	<p>apply to the processing of personal data in relation to proceedings as referred to in Article 4, points (b), (c) and (d) of Directive 2014/41/EU where not covered by Directive (EU) 2016/680.</p> <p>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</p>	<p><u>the Functioning of the European Union</u>. In the interest of consistency and the effective protection of personal data, the processing of personal data under Directive 2014/41/EU should respect the rules set out in Directive (EU) 2016/680, where applicable. Regulation (EU) 2016/679¹ should apply to the processing of personal data in relation to proceedings as referred to in Article 4, points (b), (c) and (d) of Directive 2014/41/EU where not covered by Directive (EU) 2016/680.</p> <p>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</p> <p>Text Origin: EP Proposal</p>
Recital 3				
11	(3) In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of	(3) In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of	(3) In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of	(3) In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application. [...]	freedom, security and justice, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application. Text Origin: Commission Proposal
Recital 4				
12	(4) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union , Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(4) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union , Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(4) In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union , Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.	(4) In accordance with Articles 1, 2 and 2a and 2 of Protocol No 22 on the Position of Denmark annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union , Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application. Text Origin: Commission Proposal
Recital 5				
13	(5) Directive 2014/41/EU should therefore be amended accordingly.	(5) Directive 2014/41/EU should therefore be amended accordingly.	(5) Directive 2014/41/EU should therefore be amended accordingly	(5) Directive 2014/41/EU should therefore be amended accordingly

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725¹ and delivered an opinion on 10 March 2021.²</p> <p>1. [1] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2. [2] [Letter of 10 March 2021 (6697/21)]</p>	<p><u>The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725¹ and delivered an opinion on 10 March 2021.²</u></p> <p><u>1. [1] Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</u> <u>2. [2] [Letter of 10 March 2021 (6697/21)]</u></p> <p>Text Origin: Council Mandate</p>
Recital 6				
14	<p>(6) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725¹ and delivered an opinion on XX XXXX²,</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union</p>	<p>(6) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725¹ and delivered an opinion on XX XXXX²,</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union</p>	<p>(6) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725¹ and delivered an opinion on XX XXXX²</p> <p>Directive 2014/41/EU should therefore be amended accordingly,</p> <p>1. Regulation (EU) 2018/1725 of the</p>	<p>(6) The European Data Protection Supervisor was consulted in accordance with Article 42 of Regulation (EU) 2018/1725¹ and delivered an opinion on XX XXXX² <u>Directive 2014/41/EU should therefore be amended accordingly,</u></p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2.	institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2.	European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2.	<i>processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</i> 2. Text Origin: Council Mandate
Formula				
15	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE: Text Origin: Commission Proposal
Article 1				
16	Article 1 Amendments to Directive 2014/41/EU	Article 1 Amendments to Directive 2014/41/EU	Article 1 Amendments to Directive 2014/41/EU	Article 1 Amendments to Directive 2014/41/EU Text Origin: Commission Proposal
Article 1, first paragraph				
17	Article 20 of Directive 2014/41/EU is deleted.	Article 20 of Directive 2014/41/EU is deleted.	Article 20 of Directive 2014/41/EU is deleted.	Article 20 of Directive 2014/41/EU is deleted. Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 2				
18	Article 2	Article 2	Article 2 Transposition	Article 2 <u>Transposition</u> Text Origin: Council Mandate
Article 2(1), introductory part				
19	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [one year after adoption] at the latest. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [one year after adoption] at the latest. They shall forthwith communicate to the Commission the text of those provisions.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by by [within a period of one year after adoption] at the latest at the latest from the date of its entry into force . They shall forthwith communicate to immediately inform the Commission the text of those provisions thereof .	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [one year after adoption the entry into force] at the latest. They shall forthwith communicate to immediately inform the Commission the text of those provisions thereof . Text Origin: Council Mandate with a slight EP change. See above under JITs, line 22.
Article 2(1), first paragraph				
20	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference	When Member States adopt those provisions measures , they shall contain a reference to this Directive or shall be accompanied by such a	When Member States adopt those provisions measures , they shall contain a reference to this Directive or shall be accompanied by such a

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on the occasion of their official publication. Member States shall determine how such reference is to be made.	on the occasion of their official publication. Member States shall determine how such reference is to be made.	reference on the occasion of their official publication. Member States shall determine how The methods of making such reference is to be made shall be laid down by Member States.	reference on the occasion of their official publication. Member States shall determine how The methods of making such reference is to be made shall be laid down by Member States. Text Origin: Council Mandate
Article 2(2)				
21	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. Text Origin: EP proposal See above in the JITs file, line 24.
Article 3				
22	Article 3	Article 3	Article 3 Entry into force	Article 3 <u>Entry into force</u> Text Origin: Council Mandate
Article 3, first paragraph				
23	This Directive shall enter into force on the twentieth day following that of its publication in the Official	This Directive shall enter into force on the twentieth day following that of its publication in the Official	This Directive shall enter into force on the twentieth day following that of its publication in the Official	This Directive shall enter into force on the twentieth day following that of its publication in the Official

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Journal of the European Union.	Journal of the European Union.	Journal of the European Union.	Journal of the European Union. <small>Text Origin: Commission Proposal</small>
Article 4				
24	Article 4	Article 4	Article 4 Addressees	Article 4 <u>Addressees</u> <small>Text Origin: Council Mandate</small>
Article 4, first paragraph				
25	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties.	This Directive is addressed to the Member States in accordance with the Treaties. <small>Text Origin: Commission Proposal</small>
Formula				
26	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, <small>Text Origin: Commission Proposal</small>
Formula				
27	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Formula				
28	The President	The President	The President	The President Text Origin: Commission Proposal
Formula				
29	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal
Formula				
30	The President	The President	The President	The President Text Origin: Commission Proposal