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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
No. Cion doc.:	12321/1/18 REV 1 + COR 1
No. prev. doc.:	13689/1/18 REV 1
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU, Euratom) No 1141/2014 as regards a verification procedure related to infringements of rules on the protection of personal data in the context of elections to the European Parliament – Mandate for negotiations with the European Parliament

I. INTRODUCTION

1. The Commission submitted the above proposal to the European Parliament and the Council on 12 September 2018[1], as part of the "Securing Free and Fair European Elections" package, which also includes a recommendation[2], a communication[3] and a guidance[4]. The proposal is based on Article 224 TFEU.

1 12321/1/18 REV1 + COR 1
2 12404/18 + COR 1
3 12405/18 + COR 1
4 12130/18 + COR1

2. The existing rules do not allow to effectively deter and sanction abuses of data protection rules which may affect the democratic debate and free elections. The Commission proposal aims at amending Regulation (EU, Euratom) No 1141/2014 of the European Parliament and of the Council with a view to allowing financial sanctions on European political parties or foundations that use infringements of data protection rules to deliberately influence or attempt to influence the outcome of elections to the European Parliament..

3. It should also enable the Authority for European political parties and foundations to operate in a smooth and effective manner, by ensuring that it has its own allocation of staff and that its Director becomes the appointing authority, thereby allowing it to fully fulfil its tasks, including the new ones foreseen in this proposal.

4. The changes to Regulation No 1141/2014 should be in place before the 2019 elections to the European Parliament.

5. The European Parliament[5] adopted its report at committee level on 6 December 2018 and the decision to enter into negotiations was confirmed by the plenary on 12 December 2018.

6. The European Economic and Social Committee adopted its opinion on 12 December 2018. The Committee of the Regions informed the institutions that it would not issue an opinion.

II. STATE OF PLAY

7. In the Council, the General Affairs Group (GAG) carried out the technical examination of the proposal on 28 September, 12 October, and 9 November 2018.[6] The Presidency suggestions for redrafting were discussed on 9, 20, 23 and 30 November 2018, and 7 December 2018. It also examined the European Parliament amendments on 7 December 2018.

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5 The responsible committee in the European Parliament is the Committee on Constitutional Affairs (AFCO); Mr WIELAND (EPP, DE) and Ms BRESSO (S&D, IT) have been designated as co-rapporteurs.

6 12321/1/18 REV1 + COR1, 13689/1/18 INIT and REV 1.

8. On 7 December 2018, the Presidency compromise text received a broad support from delegations in the General Affairs Group (GAG). The Presidency compromise text reflecting the outcome of the examination at the Working Party level is presented in the ADD 1 to this document.

9. The last version of the Presidency compromise text contains an amendment proposed by Hungary concerning the trigger of the one month deadline for the Authority to request the opinion of the Committee of the independent eminent persons in the verification procedure (Article 1(3)). The revised Presidency compromise text also includes a new Recital in respect of the concerns raised by Finland (Recital 4(a)).

III. CONCLUSION

10. The Permanent Representatives Committee is invited
    - to agree to the text as set out in the ADD 1 to this document, and
    - to give a mandate to the Presidency to enter into informal trilogues with the representatives of the European Parliament and the Commission on the basis of that text with a view to reaching, if possible, a pre-negotiated first reading agreement.