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Data protection for police and judicial cooperation in criminal matters: Council ready for talks with EP

On 9 October 2015 the Council agreed its negotiating stance on the draft data protection directive. This draft directive is aimed at protecting personal data processed for the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal offences or the safeguarding against and the prevention of threats to public security. The agreement reached enables the Luxembourg presidency to start discussions with the European Parliament also on this part of the data protection package. The other part of the package is the general data protection regulation on which talks with the Parliament have already started after the Council agreed its position on 15 June 2015. Contacts with the European Parliament to organise a first trilogue are underway.

"Today's agreement is a crucial step in view of concluding the EU data protection reform by the end of the year"

Félix Braz, Minister for Justice of Luxembourg and President of the Council.

The objective of the draft directive is to ensure a **high level of protection of personal data** and to **facilitate the exchange of personal data** between law enforcement authorities within the European Union. The protection of persons in relation to the processing of their personal data is a fundamental right laid down in the Charter of Fundamental Rights of the EU and in the Treaty of the Functioning of the European Union.

The new directive would apply to both, the cross-border processing of personal data as well as the processing of personal data by the police and judicial authorities at purely national level. "This scope is essential to for a comprehensive data protection framework for citizens and authorities across all 28 member states", said Félix Braz. By contrast, the current EU rules apply to the cross-border transfer of personal data only. This has created difficulties for police and other law enforcement authorities in the areas of judicial co-operation in criminal matters and police co-operation. The new rules would **enhance mutual trust between police and judicial authorities within the EU**.

The principles laid down in the draft directive are in line with the current rules. This applies also to the possibility for member states to provide for higher safeguards than the ones set out in the directive. Compared to the current rules, the scope of the draft directive would be extended to cover the safeguarding against and the prevention of threats to public security. The rules would continue to cover the transfer of personal data to third countries and international organisations. The supervisory authority established in the general data protection regulation might be the same that would deal with matters falling under the directive. The new directive would also grant data subjects the right to receive compensation if he or she has suffered damage as a consequence of a processing that has not respected the rules.

Council's negotiating position on the data protection directive agreed on 9 October 2015
Press release on Council's position on the general data protection regulation agreed on 15 June 2015

Press office - General Secretariat of the Council
Rue de la Loi 175 - B-1048 BRUSSELS - Tel.: +32 (0)2 281 6319
press.office@consilium.europa.eu - www.consilium.europa.eu/press