



EUROPEAN UNION

THE EUROPEAN PARLIAMENT

THE COUNCIL

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

**Subject: DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Directive 2014/41/EU, as regards its alignment with Union rules
on the protection of personal data**

DIRECTIVE (EU) 2022/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of ...

**amending Directive 2014/41/EU, as regards its alignment with Union rules
on the protection of personal data**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

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

Acting in accordance with the ordinary legislative procedure¹,

¹ Position of the European Parliament of 14 December 2021 (not yet published in the Official Journal)] and decision of the Council of

Whereas:

- (1) Pursuant to Article 62(6) of Directive (EU) 2016/680 of the European Parliament and of the Council¹, the Commission is to review legal acts adopted by the Union, other than that Directive, which regulate the processing of personal data by the competent authorities for the purposes set out in Article 1(1) of that Directive. The purpose of that review is to assess the need to align those legal acts with that Directive and to make, where appropriate, the necessary proposals to amend them in order to ensure a consistent approach to the protection of personal data within the scope of that Directive. That review has led to the identification of Directive 2014/41/EU of the European Parliament and of the Council² as one of the legal acts to be amended.

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).

- (2) The processing of personal data under Directive 2014/41/EU involves the processing, exchange and subsequent use of relevant information for the purposes set out in Article 82 of the Treaty on the Functioning of the European Union (TFEU). In the interests of consistency and the effective protection of personal data, the processing of personal data under Directive 2014/41/EU should comply with Directive (EU) 2016/680, where that latter Directive applies. As regards the processing of personal data in relation to proceedings as referred to in Article 4, points (b), (c) and (d), of Directive 2014/41/EU, where Directive (EU) 2016/680 does not apply, Regulation (EU) 2016/679 of the European Parliament and of the Council¹ applies.
- (3) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union (TEU) and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.
- (4) In accordance with Articles 1, 2 and 2a of Protocol No 22 on the position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

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).

- (5) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council¹ and delivered an opinion on 10 March 2021.
- (6) Directive 2014/41/EU should therefore be amended accordingly,

HAVE ADOPTED THIS DIRECTIVE:

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).

Article 1
Amendment to Directive 2014/41/EU

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

Article 2
Transposition

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

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

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

Article 3
Entry into force

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

Article 4
Addressees

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

Done at ...,

For the European Parliament
The President

For the Council
The President
