

17.5.2021

B9-0272/1

**Amendment 1**

**Tom Vandenkendelaere, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

**B9-0272/2021**

**Committee on Civil Liberties, Justice and Home Affairs**  
Adequate protection of personal data by the United Kingdom

**Motion for a resolution**

**Citation 1**

*Motion for a resolution*

*Amendment*

– having regard to the Charter of Fundamental Rights of the European Union (the Charter), in particular Articles 7, 8, 47 and 52 thereof,

– having regard to the Charter of Fundamental Rights of the European Union (the Charter), in particular Articles 7, 8, **16**, 47 and 52 thereof,

Or. en

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**Amendment 2**

**Tom Vandenkendelaere, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

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**Citation 21**

*Motion for a resolution*

– having regard to the European Convention on Human Rights (ECHR) and to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, to which the UK is a party,

*Amendment*

– having regard to the European Convention on Human Rights (ECHR) and to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data ***of the Council of Europe, as well as to its amending protocol ('Convention 108+')***, to which the UK is a party,

Or. en

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**Amendment 3**

**Tom Vandenkendelaere, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

**B9-0272/2021**

**Committee on Civil Liberties, Justice and Home Affairs**  
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**Recital A**

*Motion for a resolution*

*Amendment*

A. whereas the ability to transfer personal data across borders has the potential to be a key driver of innovation, productivity and economic competitiveness;

A. whereas the ability to transfer personal data across borders has the potential to be a key driver of innovation, productivity and economic competitiveness ***and it is of crucial importance for effective cooperation in the fight against cross-border organised and serious crime, as well as in the fight against terrorism, which increasingly depends on the exchange of personal data;***

Or. en

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**Amendment 4**

**Tom Vandenkendelaere, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

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**Recital B a (new)**

*Motion for a resolution*

*Amendment*

***Ba. whereas the UK has traditionally been an important trading partner of many EU Member States, as well as a close ally in the area of security; whereas the EU and the UK should maintain this close cooperation despite the UK's withdrawal from the EU, as this will be beneficial for both sides;***

Or. en

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**Amendment 5**

**Tom Vandenkendelaere, Jeroen Lenaers**  
on behalf of the PPE Group

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**Recital B b (new)**

*Motion for a resolution*

*Amendment*

***Bb. whereas European businesses need legal clarity and certainty, as the ability to transfer personal data across borders has become increasingly important for all types of companies that deliver goods and services internationally; whereas an adequacy decision concerning the UK under the GDPR is of the utmost importance, as many European businesses conduct trade across the Channel, in particular given the fact that Brexit is still very recent and data flows within the Union have not been subject to restrictions; whereas failing to adopt a robust adequacy framework would risk disruptions in commercial cross-border transfers of personal data between the EU and the UK, as well as high compliance costs;***

Or. en

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**Amendment 6**

**Tom Vandenkendelaere, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

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**Recital B c (new)**

*Motion for a resolution*

*Amendment*

*Bc. whereas the Trade and Cooperation Agreement (TCA) includes a number of safeguards and conditions for exchanging relevant personal data in the context of law enforcement; whereas the negotiations on personal data flows were conducted in parallel to the negotiations on the TCA but were not finalised by the end of the transition period on 31 December 2020; whereas a ‘bridging clause’ was included in the TCA as an interim solution, conditional upon the commitment by the UK not to change its current data protection regime, in order to ensure the continuation of personal data flows between the UK and the EU until the adoption of an adequacy decision; whereas the initial four-month period has been extended and will expire at the end of June 2021;*

Or. en

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**Amendment 7**

**Tom Vandenkendelaere, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

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**Recital C**

*Motion for a resolution*

*Amendment*

C. whereas the *assessment* carried out *by the Commission* before it presented its draft implementing decision *was incomplete and inconsistent* with the CJEU requirements for adequacy assessments, *which was highlighted by* the EDPB in its adequacy opinions, *where it* advises the Commission to further assess specific aspects of UK law and practice relating to bulk collection, overseas disclosure and international agreements in the field of intelligence sharing, additional use of the information collected for law enforcement purposes and the independence of judicial commissioners;

C. whereas the *Commission* carried out *a thorough assessment* before it presented its draft implementing decision *in line* with the CJEU requirements for adequacy assessments; *whereas* the EDPB in its adequacy opinions advises the Commission to further assess specific aspects of UK law and practice relating to bulk collection, overseas disclosure and international agreements in the field of intelligence sharing, additional use of the information collected for law enforcement purposes and the independence of judicial commissioners;

Or. en

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**Amendment 8**

**Tom Vandenkendelaere, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

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**Committee on Civil Liberties, Justice and Home Affairs**  
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**Recital G a (new)**

*Motion for a resolution*

*Amendment*

***Ga. whereas the Commission currently recognises 12 third countries as providing adequate protection under the GDPR and has recently concluded talks with the Republic of Korea in this regard; whereas the UK is the first country to which the Commission has proposed to grant adequacy under the Law Enforcement Directive;***

Or. en



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**Amendment 9**

**Tom Vandenkendelaere, Jeroen Lenaers**  
on behalf of the PPE Group

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**Recital G b (new)**

*Motion for a resolution*

*Amendment*

***Gb. whereas the case of the UK is distinct from all previous adequacy assessments as it concerns a former EU Member State which has incorporated the provisions of the GDPR into its national law and has moreover provided that all ‘EU-derived domestic legislation’, including the legislation transposing the LED, will continue to apply after the end of the transition period;***

Or. en

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**Amendment 10**

**Tom Vandenkendelaere, Jeroen Lenaers**  
on behalf of the PPE Group

**Motion for a resolution**

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**Committee on Civil Liberties, Justice and Home Affairs**  
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**Paragraph 1**

*Motion for a resolution*

*Amendment*

1. Notes that the UK is a signatory to the ECHR and *the* Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data; expects the UK to *ensure the same minimum framework of data protection, despite having left the European Union*;

1. Notes that the UK *has incorporated all provisions of the GDPR into its national law and that the national legislation transposing the LED continues to apply; highlights, moreover, that the UK* is a signatory to the ECHR and Council of Europe Convention *108* for the Protection of Individuals with regard to Automatic Processing of Personal Data, *as well as to its amending protocol, 'Convention 108+'*; expects the UK to *fully comply with its obligations under these international Treaties*;

Or. en