

**Question for written answer E-001298/2017
to the Commission**

Rule 130

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Subject: Consistency of the French 'TES' database with EU rules on the protection of personal data and CJEU case law

On 3 February 2017, in its answer to written question E-008757/2016 on the consistency of French Decree No 2016-1460 with EU rules on the protection of personal data, particularly Directive (EU) 2016/680 and Regulation (EU) 2016/679, the Commission said that these texts would only be applicable from May 2018 onwards and that the law applicable at the time was Directive 95/46/EC.

Nevertheless, according to CJEU case law (judgment of 18 December 1997, *Inter-Environnement Wallonie ASBL v Région wallonne*), Member States must refrain, during the period for transposition, from taking any measures liable seriously to compromise the result prescribed in the directive in question.

- In the light of this case law, does the Commission intend to assess the consistency of the French decree with the texts adopted in May 2016?
- Does the Commission consider the French decree to be liable to compromise the results prescribed by the above-mentioned texts, particularly with regard to the principles of data minimisation, necessity, proportionality, security and protection, by design and by default?
- Will the Commission undertake to communicate the content and conclusions of its assessment?