

Data Protection Law Enforcement Directive (EU) 2016/680 transposition

Updated State of play in the Member States (12/04/2019)

	Information provided by national authorities and REPs
AT Public info	<ul style="list-style-type: none"> • The law covering both the GDPR and the Law Enforcement Directive has been adopted by Parliament and will enter into force on 25.5.2018. The text can be found under the following link: http://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2017_I_120/BGBLA_2017_I_120.pdf • Moreover, AT has adopted two amendments to the new data protection law, which likewise entered into force on 25.5.2018. The texts can be found under the following links: https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2018_I_23/BGBLA_2018_I_23.pdf https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2018_I_24/BGBLA_2018_I_24.pdf
BE Public info	<ul style="list-style-type: none"> • The Belgian data protection authority has been reformed through the adoption of the law of 3 December 2017, although Belgium decided to establish a separate supervisory authority for the Directive (Organe de contrôle). • Draft law for implementing GDPR and transposing the Law Enforcement Directive was approved by the Government on 16 March 2018. The draft law was sent for opinion to several institutions (DPA, Council of State, General Prosecutors' representation, lawyers' representation, federation of communes). • The draft law was transmitted to the Parliament, adopted on 30 July 2018 and published on 5 September 2018.
BG Public info	<ul style="list-style-type: none"> • A comprehensive draft law including measures for implementation of Regulation (EU) 2016/679, transposition of Directive 2016/680 and bringing amendments to specific laws, and a draft national impact assessment have been elaborated. • A public consultation of the draft law was carried out between 30 April and 30 May 2018. The Government approved the draft law on 11 July 2018. On 18 July 2018 the draft law was submitted to the Parliament where it was considered by 6 Standing Committees. • On 12 September 2018 the draft law has been adopted at first reading by the main Rapporteur Committee on the bill – the Committee on the Internal Security and Public Order and by the Committee on European Affairs and Oversight of the European Funds. • On 19 September 2018 the National Assembly adopted the bill at the first reading.

	<ul style="list-style-type: none"> On 24 January 2019 the Bulgarian National Assembly adopted the bill transposing the Data Protection Law Enforcement Directive at the second reading.
CZ public info	<ul style="list-style-type: none"> Plan to adapt to GDPR and to implement the Law Enforcement Directive and PNR Directive in two related pieces of legislation, the draft laws were submitted to inter-ministerial consultation in August with closure date 15/09/17: <ul style="list-style-type: none"> a new Act on Data Processing, which will contain general adaptation rules, general implementation rules and position of DPA, and accompanying act, which will contain amendments to adapt current rules to GDPR, several amendments to existing laws on police, other law enforcement authorities, courts and public prosecutors, which will address to the extent appropriate in each case the specific rules on DPOs, on lawfulness, purposes, third country transfers, and in the case of Police and Customs, also on PNR. Draft laws were submitted to the Government in January 2018. Legislation was approved by the Chamber of Deputies on December 5 2018. Consolidated wording was then prepared and sent to Senate on 8 January 2019. While the Senate proposed amendments on 30 January, the Chamber of Deputies reaffirmed its version on 12 March. On 10 April 2019, the laws were signed by the President
CY public info	<ul style="list-style-type: none"> The law 44(I)/2019 was adopted in mid-March 2019 and has been put into force on the 27/03/2019.
DE Public info	<ul style="list-style-type: none"> The new Federal Data Protection Act (covering both GDPR and Police Directive and some amendments to the laws of the federal intelligence agencies) was adopted in the two chambers in May 2017 and published in the official journal on 30 June 2017. The Act entered into force on 25 May 2018. New Federal Data Protection Act can be found at: https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl#_bgbl_%2F%2F*%5B%40attr_id%3D%27bgbl117s2097.pdf%27%5D_1519203215836, or https://germanlawarchive.iuscomp.org/?p=712 In general terms, the Federal Data Protection Act covers data processing done by competent authorities operating on the federal level. A large part of the tasks covered by the Directive falls within the competences of the German states (Länder) which is why the Directive has to be implemented on their level and in their responsibility, too. So far, ten of sixteen German Länder bills implementing the Directive have been adopted.

DK Public info	<ul style="list-style-type: none"> • The transposition law adopted on 27 April 2017 and entered into force on 1 May 2017.
EL Public Info	<ul style="list-style-type: none"> • Draft law has been submitted to the Government • Public consultation was completed on 5 March 2018 http://www.opengov.gr/ministryofjustice/wp-content/uploads/downloads/2018/02/sxedio_nomou_prostasia_pd.pdf • Adoption of the law is scheduled for April 2019.
EE Public info	<ul style="list-style-type: none"> • Draft law was approved by the Government on 12 April 2018. • Draft law was submitted to Parliament on 16 April 2018, the responsible Parliamentary Committee will hear the Minister of Justice on this matter for the first time on 30 April 2018. • The law was adopted in January 2019.
ES Public info	<ul style="list-style-type: none"> • Internal work within the Ministry of Interior (in charge of this file) has been done and the draft Organic Law has been sent for consultation to both the Ministry of Justice and the Spanish Data Protection Agency. Therefore, the file is still at pre-parliamentary phase.
FR Public info	<ul style="list-style-type: none"> • Working group composed by relevant parts of the Ministry, law professors and CNIL – 7 meetings took place. Working group has completed its work. • Consultation with several concerned Ministries (research, archives, home affairs, etc.) is over. • Proposal to new Justice Minister for policy choices on situations such as Art 8, 89 took place in September 2017. • Draft law was submitted for opinion of Conseil d’Etat and CNIL. • Draft law was submitted to Parliament in December 2017. The first reading in Assembly was concluded on 14 February 2018. • The National Assembly adopted the text on 14 May 2018. • Senate made a referral to the French Constitutional Council. The Constitutional Council provided its judgment on 12 June. • French law has been published in the French Official Journal on 21 June 2018: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXTE000037085952&dateTexte=&categorieLien=id • Draft decree was submitted for opinion of Conseil d’Etat and CNIL • French decree has been published in the French Official Journal on 3 August 2018 : • https://www.legifrance.gouv.fr/eli/decret/2018/8/1/JUSC1815709D/jo/texte • The draft ordinance consolidating this new framework with the other data protection legislation was adopted on 12 December 2018. It will enter into force no later than 1st June 2019 or before, together with the Decree of application of the new law.

	<p>The Bill to ratify the ordinance was presented to the Council of Ministers on 1st April 2019.</p>
<p>FI Public info</p>	<ul style="list-style-type: none"> • The proposal for a general law transposing the Directive (EU) 2016/680 has been submitted to the parliament on 5 April 2018. • The proposal was adopted in the Parliament on 13 November 2018.
<p>HU Public info</p>	<p>On 19 June 2018, the Government submitted a bill to amend the Act CXII of 2011 on Informational Self-Determination and Freedom of Information and some other related Acts in connection with the EU data protection reform. This bill served both the implementation of GDPR and the transposition of LED.</p> <p>The bill was adopted by the Parliament on 17 July 2018. The Act was published in the Official Gazette on 25 July 2018 and most of its provisions entered into force on 26 July 2018; other provisions entered into force on 25 August 2018.</p> <p>The text of the amending Act (Act XXXVIII of 2018) is available at: http://www.parlament.hu/irom41/00623/00623-0009.pdf or http://njt.hu/cgi_bin/njt_doc.cgi?docid=209576.357631</p> <p>The consolidated text of the Act CXII of 2011 on Informational Self-Determination and Freedom of Information, with all the amendments in force, also including the amendments made by Act XXXVIII of 2018 is available at:</p> <ul style="list-style-type: none"> • http://njt.hu/cgi_bin/njt_doc.cgi?docid=139257.357215
<p>HR Public info</p>	<ul style="list-style-type: none"> • The public consultation was completed on 7 May. • After the public consultation, the draft Law was finalized and considered on 21 May by the Government's expert working bodies. On 30 May, the draft law was adopted by the Government. • On 21 June 2018, the draft law was discussed by the Parliament in the 1st reading. • The law was adopted by the Parliament on 13 July 2018. • The national law transposing the Directive entered into force on 4 August 2018 (Official Gazette 68/2018 – ACT ON THE PROTECTION OF NATURAL PERSONS WITH REGARD TO THE PROCESSING AND EXCHANGE OF PERSONAL DATA FOR THE PURPOSES OF THE PREVENTION, INVESTIGATION, DETECTION OR PROSECUTION OF CRIMINAL OFFENCES OR THE EXECUTION OF CRIMINAL PENALTIES).
<p>IE Public info</p>	<ul style="list-style-type: none"> • The Data Protection Act 2018 came into force on 25 May 2018. The Act is available at: http://www.irishstatutebook.ie/eli/2018/act/7/enacted/en/html
<p>IT</p>	<ul style="list-style-type: none"> • Legislative decree n. 51/2018 was adopted on 18 May 2018 and published in OJ on 24/05/18 with entry into application on

	<p>08/06/2018: this legislative decree has introduced national provisions for the adaptation of national legislation to the provisions of EU Directive n. 2016/680; Law is available at: www.gazzettaufficiale.it/eli/id/2018/05/24/18G00080/sg</p>
LT Public info	<ul style="list-style-type: none"> • The Law of the Republic of Lithuania transposing the Directive (EU) 2016/680 was adopted by the Parliament on 30 June. • The Law entered into force on 16 July 2018 <p>The Law is available at: https://www.e-tar.lt/portal/lt/legalAct/f0327c5084ce11e8ae2bfd1913d66d57</p>
LU Public info	<ul style="list-style-type: none"> • Draft law was submitted to Parliament early September 2017 • The first opinion of the Council of State arrived end of May 2018. • The law was adopted on 26 July 2018 and entered into force in August 2018. • The data protection laws can be found at : http://data.legilux.public.lu/file/eli-etat-leg-recueil-protection_donnees-20180820-fr-pdf.pdf
LV Public info	<ul style="list-style-type: none"> • The implementing law is still at the level of the Cabinet of Ministers. • The adoption of the law is expected by July 2019.
MT Public info	<ul style="list-style-type: none"> • The Regulations were approved by Cabinet on 7 May 2018 and entered into force in the end of May 2018.
NL Public info	<ul style="list-style-type: none"> • The law implementing the LED was adopted by Parliament in 2018. It was published in November 2018 and entered into force on 1 January 2019. https://zoek.officielebekendmakingen.nl/stb-2018-401.html
PL Public info	<ul style="list-style-type: none"> • On 19 April 2018 the draft Law was sent for intergovernmental and public consultations (inter alia to the Commissioner for Human Rights, Inspector General for the Protection of Personal Data, trade unions and employers' organizations as well as foundations dealing with the protection of civil rights). • On 28 August 2018 the draft was approved by the Council of Ministers • On 14th December 2018 Poland adopted the act.
PT Public info	<ul style="list-style-type: none"> • The regime established in Law 34/2009, of 14 July, regarding the processing of data concerning the judicial system, already accommodates provisions which give execution to Directive (EU) 2016/680. • Notwithstanding, in order to ensure full compatibility of the internal regime with the Directive, the Portuguese Government proposed some changes to this law, as well as a new legislative

	<p>proposal contemplating provisions which transpose other specific aspects of the regime.</p> <ul style="list-style-type: none"> • These legislative proposals were approved by the Government (Council of Ministers) on 12th April 2018 • They are still in the Parliament for discussion and approval. The adoption of the law is expected for July 2019.
RO Public info	<ul style="list-style-type: none"> • Public consultation took place until August 2017. • 3 draft laws: organization of the DPA; implementing GDPR; transposing the Law Enforcement Directive. • The legislative initiative dealt with protection of natural persons as regards the processing of their personal data by the competent authorities for the purposes of the prevention, investigation, detection and the prosecution of criminal offences or the execution of criminal penalties. • The draft was submitted to the RO Parliament (the Senate) on 11 April 2018. • The law was adopted by the RO Parliament in autumn 2018 but then challenged before the Constitutional Court. This challenge was dismissed and the law entered into force.
SE Public info	<ul style="list-style-type: none"> • The Riksdag (Parliament) voted in favour of the Government bill on 13 June 2018. • The Swedish parliament has adopted a new act – brottsdatalogen – transposing the Data Protection Law Enforcement Directive. The act was published on 27 June 2018 and entered into force on 1 August 2018. • https://svenskforsamlingssamling.se/doc/20181177.html
SI Public info	<ul style="list-style-type: none"> • The new Proposal of data protection act of the Republic of Slovenia (ZVOP-2) will be sent to the Parliament for adoption (again) in April 2019. • The adoption is expected by 25 June 2019.
SK Public info	<ul style="list-style-type: none"> • New Act on Protection of Personal Data was adopted on 29 November 2017, and signed by the President on 19 December 2017. The law has been published in January 2018 in the Collection of Laws (the official instrument) under the number 18/2018 Coll., and entered into force on 25 May 2018. • It repealed existing Act on protection of personal Data • New Act on Protection of Personal Data: <ol style="list-style-type: none"> 1. applies to the processing that are not covered by GDPR, 2. applies in certain parts also to processing covered by GDPR 3. implements the Directive
UK Public info	<ul style="list-style-type: none"> • Issued a "call for views" on the GDPR specifications (10/04-10/05) • The UK's Data Protection Bill and explanatory notes was introduced in Parliament on 13/09/2017 and published on 14/09: https://www.gov.uk/government/collections/data-protection-bill-2017

	<ul style="list-style-type: none"> • The U.K. Data Protection Bill was passed by both houses of Parliament on Monday 21 May 2018 and came into force on 25 May 2018 after receiving royal assent on 23 May 2018. • The Act is available at: http://www.legislation.gov.uk/ukpga/2018/12/pdfs/ukpga_20180012_en.pdf
IS	<ul style="list-style-type: none"> • A law proposal was drafted in the Ministry of Justice in 2018. All relevant authorities have begun the preparation for the adaptation but unfortunately the law proposal was not ready to be presented to the Parliament in September 2018 as scheduled. • The proposal was approved by the Government in January 2019 and was presented to the Parliament in February 2019.
LI	<ul style="list-style-type: none"> • The Liechtenstein Government decided on the necessary changes to the Data Protection Law (DSG) on the 8th of May 2018. The Directive itself is in principle incorporated in the national data protection law (DSG) and in the police law (Liechtensteinisches Polizeigesetz). Due to the general revision of the DSG because of the changes which became necessary by incorporating the GDPR (DSGVO) the content of the Law Enforcement Directive will be incorporated in the newly revised DSG.
NO	<ul style="list-style-type: none"> • The national law transposing the Directive entered into force on 6 May 2018 • The law is available at https://lovdata.no/pro/#document/NL/lov/2010-05-28-16 • The administrative regulations issued under the law are available at https://lovdata.no/pro/#document/SF/forskrift/2013-09-20-1097
CH Public info	<p>The Federal Council (Swiss Government) initially decided to implement the Directive together with the revision of the Federal Data Protection Act that also takes account of the General Data Protection Regulation (EU) 2016/679 in one legislative package. The Federal Council submitted the package to the Federal Assembly in due time to meet the deadline of Switzerland's Schengen Association Agreement.</p> <p>Subsequently, the Swiss Parliament decided that a more in depth discussion on the revision of the Federal Data Protection Act was needed, which lead to an unexpected delay in the legislative procedure. In order not to lose more time, it split the legislative package and decided to pursue the implementation of the Directive as a <u>separate legislative</u> project.</p> <p>Switzerland implemented the Directive (EU) 2016/680 in a new federal act on data protection on the application of the Schengen acquis in the field of cooperation in criminal matters.</p>

	On 18 January 2019, Switzerland notified the General Secretariat of the Council of the EU about the fulfilment of the Swiss constitutional requirements regarding the Directive.
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