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Answer given by Mr Reynders
on behalf of the European Commission
(6.11.2024)

The Commission does not have law enforcement powers in criminal matters, but the power to initiate infringement proceedings where it considers that a Member State has failed to fulfil an obligation under EU law. The Commission understands that a judicial inquiry into the case referred to by the Honourable Member has been launched at national level but does not comment on such ongoing investigations.

The General Data Protection Regulation¹ provides that controllers such as national authorities issuing identity or residence documents must ensure that personal data are not used for unlawful purposes. Amongst others, a controller must implement appropriate internal procedures and take data security measures. Member States have a primary responsibility to monitor the application of the relevant legal provisions and to take the necessary steps for enforcement. Enforcement of data protection rules lies, in principle, with the national data protection authorities and courts.

Through the annual Rule of Law report, the Commission examines developments across all Member States, both positive and negative, in the justice system, the anti-corruption framework, media pluralism and freedom, and other institutional issues related to checks and balances.

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.