

LAW & DATA

2024/2025

University of Padova

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INTERNATIONAL AGREEMENTS

agreements concluded by the European Union and third countries within the sphere of competence of the EU

Art. 216 TFEU

- «1. The Union may conclude an agreement with one or more third countries or international organisations where the Treaties so provide or where the conclusion of an agreement is necessary in order to achieve, within the framework of the Union's policies, one of the objectives referred to in the Treaties, or is provided for in a legally binding Union act or is likely to affect common rules or alter their scope.
2. Agreements concluded by the Union are binding upon the institutions of the Union and on its Member States».

Art. 217 TFEU

«The Union may conclude with one or more third countries or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedure».

Art. 218 TFEU

Procedure for negotiating and concluding international agreements, involving Council, European Parliament (possibly, the ECJ)



SECONDARY LAW

○ TYPICAL ACTS – Art. 288 TFEU

- REGULATIONS | DIRECTIVES | DECISIONS (hard law)
- OPINIONS | RECOMMENDATIONS (soft law)

○ ATYPICAL ACTS

- communications | resolutions | white papers | green papers

SECONDARY LAW

REGULATION

binding
in its entirety

directly applicable
in all Member States

DIRECTIVE

binding
as to the result
to be achieved

IMPLEMENTATION
IN MS

=

the choice of form
and methods to
achieve the result lies
with the national
authorities

DECISION

binding
in its entirety

GENERAL //
INDIVIDUAL*

*decision which specifies
those to whom it is
addressed shall be binding
only on the addressees

Examples of EU secondary legislation on data

Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data - **Data Protection Directive**

Regulation (EU) 2016/679 on the protection individuals with regard to the processing of personal data and on the free movement of those data, known as the GDPR - **General Data Protection Regulation**

Directive (EU) 2016/680 on protecting individuals when personal data are used by law enforcement authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties – **Data Protection Law Enforcement Directive**

Regulation (EU) 2018/1725 laying down rules for protecting individuals with regard to the processing of personal data by the EU institutions, bodies, offices and agencies and on the free movement of those data.

Directive 2002/58/EC on the processing of personal data and the protection of privacy in the electronic communications sector – **E-communications Directive**

Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence – **Artificial Intelligence Act**



INSTITUTIONS OF THE EU

ART. 13 TEU

- **EUROPEAN PARLIAMENT**
- **EUROPEAN COUNCIL**
- **COUNCIL OF THE EUROPEAN UNION (Council)**
- **EUROPEAN COMMISSION**
- **COURT OF JUSTICE OF THE EU**
- **EUROPEAN CENTRAL BANK**
- **COURT OF AUDITORS**