



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 31 May 2013

10169/13

**JAI 431
DATAPROTECT 71
MI 461
FREMP 74
RELEX 455**

“I/A” ITEM NOTE

from: General Secretariat

to: Council

No. prev. doc.: 7234/3/13 REV 3 RESTREINT UE JAI 194 DATAPROTECT 30 MI 184
FREMP 29 RELEX 199

No. Cion prop.: 16466/12 RESTREINT UE JAI 815 DATAPROTECT 129 MI 750 FREMP 139
RELEX 1062

Subject: Council Decision authorising the European Commission to participate on behalf of the European Union in the negotiations on the modernisation of the Council of European Convention for the protection of individuals with regard to automatic processing of personal data (EST 108) and the conditions and modalities of accession of the European Union to the modernised Convention

1. On 19 November 2012 the Council received a Commission Recommendation for a Council Decision authorising the opening of negotiations on the modernisation of the Council of European Convention for the protection of individuals with regard to automatic processing of personal data (EST 108) and the conditions and modalities of accession of the European Union to the modernised Convention.

2. This Commission Recommendation was discussed at the meetings of the JHA Counsellors of 14 January, 19 February, 22 March and 22 April 2013.
3. The revised text set out in 7234/3/13 REV 3 RESTREINT UE JAI 194 DATAPROTECT 30 MI 184 FREMP 29 RELEX 199 has met with the approval of Member States.
4. The Commission has indicated its wish to make the statement set out in the annex to this note.
5. In view of the above, the Council is invited:
 - to adopt the decision authorising the European Commission to participate on behalf of the European Union in the negotiations on the modernisation of the Council of European Convention for the protection of individuals with regard to automatic processing of personal data (EST 108) and the conditions and modalities of accession of the European Union to the modernised Convention, contained in 7234/3/13 REV 3 RESTREINT UE JAI 194 DATAPROTECT 30 MI 184 FREMP 29 RELEX 199; and
 - to decide to enter in the minutes of the Council the statement made by the Commission upon adoption of this Decision, contained in the Annex to this note.

STATEMENT BY THE COMMISSION

"The Commission does not consider it necessary that a Council Decision authorising the opening of negotiations indicate a substantive legal basis.

Should the need arise to review the content of the negotiating directives, the Commission will make the use of its right of initiative required to that end".
