



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 9 January 2012

5052/12

**SAN 1
PHARM 1
PROCIV 1
CODEC 6**

"I" ITEM NOTE

from : General Secretariat of the Council
to : Permanent Representatives Committee (Part I)

No. Cion prop. : 18509/11 SAN 273 PHARM 8 PROCIV 169 CODEC 2404
COM(2011) 866 final

Subject : Proposal for a Decision of the European Parliament and of the Council on serious cross-border threats to health
- Optional consultation of the European Data Protection Supervisor¹

1. On 9 December 2011, the Commission submitted to the Council a proposal for a Decision of the European Parliament and of the Council on serious cross-border threats to health. The proposal, which is based on Article 168, paragraphs (4)(c) and (5) of the Treaty on the Functioning of the European Union, does not require the opinion of the European Data Protection Supervisor (EDPS). Nevertheless, in view of the subject matter of the proposal, the Commission suggests to consult the EDPS on an optional basis.
2. Having regard to Directive 95/46/EC and Regulation (EC) No 45/2001 and taking into account that the proposal might have an impact on data protection and contains several provisions regarding the exchange of personal data of individuals, the opinion of the EDPS should be sought.

¹ The sole purpose of this note is to decide on the consultation of another institution/body and not on the substance.

3. The Permanent Representatives Committee is therefore invited to decide, in accordance with Article 19(7)(h) of the Council's Rules of Procedure, to consult the European Data Protection Supervisor on the above proposal and to request said Supervisor to give its opinion as soon as possible.
