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COVER NOTE

from: Mr Giovanni Buttarelli, European Data Protection Assistant Supervisor
date of receipt: 16 February 2012
to: President of the Council of the European Union

Subject: Opinions of the European Data Protection Supervisor on the proposals concerning the legislative package for the revision of the banking legislation, the market abuse directive and regulation (MAD/MAR), the regulation and the directive on markets in financial instruments (MIFID/MIFIR) and the revision of the credit rating agencies regulation (CRA)

Delegations will find attached the opinion of the a letter of the European Data Protection Supervisor, dated 10 February 2010. The above mentioned opinions attached to this letter will be distributed as Addendum 1-4 to this document.

Encl.: 1



EUROPEAN DATA
PROTECTION SUPERVISOR

GIOVANNI BUTTARELLI
ASSISTANT SUPERVISOR

President of the Council of the European
Union
General Secretariat
Council of the European Union
Rue de la Loi 175
1048 Brussels

Brussels, 10 February 2012
GB/RDG/VP/PDL/PJ/mch/D(2012)279 C 2011-1057

Subject: Opinions of the European Data Protection Supervisor on the proposals concerning the legislative package for the revision of the banking legislation, the market abuse directive and regulation (MAD/MAR), the regulation and the directive on markets in financial instruments (MIFID/MIFIR) and the revision of the credit rating agencies regulation (CRA)

Dear Mr President,

With regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of data by the Community institutions and bodies and on the free movement of such data, and in particular its Article 41, I send you a package of opinions on the Proposal for a Regulation of the European Parliament and of the Council on the legislative package for the revision of the banking legislation, the market abuse Directive and Regulation (MAD/MAR), the Regulation and the Directive on markets in financial instruments (MIFID/MIFIR) and the revision of the credit rating agencies Regulation (CRA). With regard to MAD/MAR and MIFID/MIFIR the Council particularly asked for the opinion of EDPS.

I would like to draw in particular your attention to the data protection implications and our recommendations concerning the following thematic areas:

- applicability of data protection legislation;
- transfer of data to third countries;
- access to telecommunications and data traffic;
- publication of sanctions;
- reporting of breaches.

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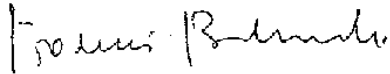
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REÇU: 16 FEB 2012

I have sent this opinion to the President of the European Commission and the President of the European Parliament and I have sent copies to the Chairpersons of the European Securities and Markets Authority (ESMA), European Banking Authority (EBA) and European Insurance and Occupational Pensions Authority (EIOPA).

Yours sincerely,

Giovanni BUTTARELLI

Handwritten signature of Giovanni Buttarelli in black ink.

Annexes: Opinions

Cc: Mr Uwe CORSEPIUS, Secretary-General
Mr Jeppe TRANHOLM-MIKKELSEN, Permanent Representative of Denmark