**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 24 February 2012

6912/12

Interinstitutional File:
2012/0010 (COD)

**DATAPROTECT 28
JAI 114
MI 128
DAPIX 20
FREMP 24
CODEC 486**

"I" ITEM NOTE

from :	General Secretariat of the Council
to :	Committee of Permanent Representatives
No. Cion. prop. :	5833/12 DATAPROTECT 6 JAI 41 DAPIX 9 FREMP 8 COMIX 59 CODEC 217 + ADD 1 + ADD 2
Subject :	Proposal for a directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data - Optional consultation of the European Data Protection Supervisor[1]

1. By letter of 27 January 2012, the Commission presented the above mentioned proposal for a directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data.

2. The text of the proposal is set out in 5833/12 DATAPROTECT 6 JAI 41 DAPIX 9 FREMP 8 COMIX 59 CODEC 217.

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[1]   The sole purpose of this note is to decide on the consultation of the EDPS and not on the substance of the proposal.

3. The proposal is based on Article 16 (2) of the Treaty on the Functioning of the European Union (TFEU).

4. In the accompanying letter to the proposal the Commission suggests to the Council to consult the European Data Protection Supervisor.

5. *In accordance with Article 19(7)(h) of the Council's Rules of Procedure, COREPER is invited to request the European Data Protection Supervisor to deliver its opinion on the Commission proposal set out in 5833/12 DATAPROTECT 6 JAI 41 DAPIX 9 FREMP 8 COMIX 59 CODEC 217 as soon as possible.*

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