



Brussels, 20 May 2016  
(OR. en)

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**Interinstitutional File:**  
**2016/0127 (NLE)**

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8633/16  
ADD 1

JAI 352  
USA 26  
DATAPROTECT 46  
RELEX 355

#### 'A' ITEM NOTE

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From: General Secretariat of the Council  
To: Council

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No. prev. doc.: 8818/16

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Subject: Draft Council Decision on the signing, on behalf of the European Union, of an Agreement between the United States of America and the European Union on the protection of personal information relating to the prevention, investigation, detection, and prosecution of criminal offenses (Umbrella Agreement)  
- Statement by the UK delegation

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The United Kingdom makes the following statement to the Council minutes:

"The United Kingdom welcomes this Agreement. It notes recital (6) of this Council Decision records the application of Article 6a of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, as annexed to the TEU and TFEU.

The United Kingdom notes that Article 6a of Protocol 21 means that the rules in the Agreement do not bind the United Kingdom in respect of any bilateral agreement the United Kingdom has concluded or concludes in its own right.

The United Kingdom reserves its position in relation to the existence of Union competence in the area of data protection to conclude any other agreement with a third country which includes, within its scope, agreements concluded between individual Member States and third countries."