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'I' ITEM NOTE

From:	Presidency
To:	Permanent Representatives Committee (Part 2)
No. Cion doc.:	15251/15
No. prev. doc.:	10231/16
Subject:	Proposal for a Directive of the European Parliament and of the Council on certain aspects concerning contracts for the supply of digital content (First Reading) - Consultation of the European Data Protection Supervisor ¹

1. On 10 December 2015, the Commission submitted to the Council a proposal for a Directive on certain aspects concerning contracts for the supply of digital content.
2. The proposal suggests introducing rules on contracts where digital content is supplied, not only in exchange for a price, but also in exchange for the active provision by the consumer of a counter-performance in the form of personal data (or any other data) - see Article 3(1) of the proposal.
3. The discussions held so far in the Council Working Party on Civil Law Matters (Contract Law) show that the proposal raises a number of questions on the relationship between the proposed Directive and the Union law on the protection of personal data.

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

4. The Commission did not consult the EDPS when it prepared its legislative proposal.
 5. Coreper is therefore invited to decide, pursuant to Article 19(7)(h) of the Council's Rules of Procedure, to consult the EDPS on the data protection questions raised by the above-mentioned proposal and to request that the EDPS gives its written opinion as soon as possible, and in any event at the latest by 15 March 2017.
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