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'I' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 1)

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Subject: Proposal for a Regulation of the European Parliament and of the Council concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications)
- Optional consultation of the Committee of the Regions¹

1. On 12 January 2017, the Commission submitted to the Council the Proposal for a Regulation of the European Parliament and of the Council concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications).²

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

² Doc. 5358/17.

2. The proposal aims to update existing rules on privacy in electronic communications (extending their scope to all electronic communications providers), to create new possibilities for processing communication data and to align the rules for electronic communications with the new standards of the General Data Protection Regulation³. It is proposed that the legal form is changed from the Directive to the Regulation.
3. The proposal is based on Article 16 and Article 114 TFEU, which provide for the European Parliament and for the Council to act in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee. Thus, in principle, the Opinion of the Committee of the Regions is not required. However, taking into account the subject matter of the proposal in question and its possible impact for public and private entities also on sub-national level, it would appear appropriate to also consult the Committee of the Regions on the present Proposal.
4. 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 Committee of the Regions on the above Proposal and to request it to give its opinion as soon as possible.

³ OJ L 119, 4.5.2016, p. 1–88