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'I/A' ITEM NOTE

From: Presidency

To: Permanent Representatives Committee (Part 2)/Council

No. Cion doc.: 9765/18

Subject: Proposal for a COUNCIL DECISION authorising Member States to sign, in the interest of the European Union, the protocol amending the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108)
- adoption

1. On 6 June 2013, the Council authorised the Commission to negotiate on behalf of the Union, the modernisation of the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108). The Council also decided that the negotiations should be conducted on the basis of the negotiating directives annexed to that Decision¹.
2. The aim of the modernisation of Convention 108 was two-fold: on the one hand, to better address challenges resulting from the use of new information and communication technologies, and, on the other hand, to strengthen the implementation of the Convention.

¹ Doc. 7234/3/13 REV 3 RESTREINT UE/EU RESTRICTED

3. The text of the amending protocol to modernise Convention 108 was adopted by the 128th Session of the Committee of Ministers of the Council of Europe on 18 May 2018. The Committee of Ministers also decided that the amending protocol should be opened for signature on 25 June 2018.
4. It is important for the Union to show its commitment to the amending protocol by signing on 25 June 2018.
5. On 5 June 2018, the Commission submitted a proposal authorising the Member States to sign in the interest of the Union².
6. At the meeting of DAPIX on 15 June 2018, delegations agreed to the text of the proposed Council Decision, subject to some modifications. The text resulting from this meeting is set out in doc. 10225/18.
7. Consequently, the Decision authorising the Member States to sign the amending protocol is edited by the lawyer-linguists.
8. The Permanent Representatives Committee is accordingly invited to recommend that the Council adopt as an "A" item of the agenda of one of its forthcoming sessions, that Decision, verified by the lawyer-linguists, as set out in 10130/18.

² Doc. 9765/18