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'I/A' ITEM NOTE

From:	Presidency
To:	Permanent Representatives Committee/Council
No. prev. doc.:	10923/18
No. Cion doc.:	9766/18
Subject:	Proposal for a Council Decision authorising Member States to ratify, 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 - Request for the consent of the European Parliament

1. On 6 June 2013, the Council adopted a Decision authorising 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 Data¹. The Council also decided that the negotiations should be conducted on the basis of the negotiating directives annexed to that Decision.
2. The aim of the modernisation of Convention 108 is 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. On 18 May 2018, 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.
4. On 5 June 2018, the Commission submitted to the Council a proposal authorising Member States to sign, in the interest of the Union, the protocol amending Council of Europe Convention 108 on data protection² and a proposal authorising Member States to ratify in the interest of the Union the same amending protocol³.
5. At the meeting of DAPIX on 15 June 2018, delegations agreed to the text of the proposed Council Decision authorising the Member States to ratify the amending protocol, subject to some modifications. The text resulting from this meeting is set out in doc. 10751/18.
6. On 26 June 2018, the Council adopted the Decision authorising the Member States to sign the amending protocol⁴.
7. The consent of the European Parliament is a precondition for the adoption of the Decision authorising the Member States to ratify the amending protocol.
8. Consequently, the Decision authorising the Member States to ratify the amending protocol is edited by the lawyer-linguists.
9. The Permanent Representatives Committee is accordingly invited to recommend that the Council decide to forward the draft Decision authorising the Member States to ratify the amending protocol as set out in 10923/18 to the European Parliament for its consent once the Agreement has been signed.

² Doc. 9765/18

³ Doc. 9766/18

⁴ Doc. 10130/1/18 REV 1