



Brussels, 21 March 2019  
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7772/19

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**Interinstitutional Files:**

2018/0238(NLE)

2018/0237(NLE)

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**DATAPROTECT 103**

**JAI 324**

**MI 287**

**FREMP 45**

**RELEX 292**

**DIGIT 62**

**DAPIX 113**

**JAIEX 46**

**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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No. prev. doc.: 11981/18  
No. Cion doc.: 9766/18

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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  
- Adoption

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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 Data (hereafter referred to as Convention 108)<sup>1</sup>. 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 this Convention.

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<sup>1</sup> Doc. 7234/3/13 REV 3 DCL 1.

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 protection<sup>2</sup> and a proposal authorising Member States to ratify in the interest of the Union the same amending protocol<sup>3</sup>.
5. On 26 June 2018, the Council adopted the Decision authorising the Member States to sign the amending protocol<sup>4</sup>.
6. On 10 October 2018, the amending protocol was signed in Strasbourg.
7. On 11 October 2018, the Council decided to forward the draft Decision on the ratification by the Member States, in the interest of the European Union, of the amending protocol, as contained in document 10923/18, to the European Parliament for consent.
8. On 12 March 2019, the European Parliament gave its consent to the ratification by the Member States, in the interest of the European Union, of the amending protocol.
9. The Permanent Representatives Committee is accordingly invited to recommend that the Council decide to adopt the Decision authorising the Member States to ratify the protocol amending Council of Europe Convention 108 on data protection as set out in document 10923/18.

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<sup>2</sup> Doc. 9765/18.

<sup>3</sup> Doc. 9766/18.

<sup>4</sup> Doc. 10130/1/18 REV 1.