



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

**CRIMORG 103
DROIPEN 54
ENFOPOL 108
DATAPROTECT 25
ENFOCUSTOM 59
COMIX 511**

EN translation provided by the Presidency

NOTE

from:	Presidency
to:	COREPER
No previous doc:	7315/07 CRIMORG 53 DROIPEN 18 ENFOPOL 45 DATAPROTECT 10 COMIX 267 ENFOCUSTOM 30 + COR 1
Subject:	Draft Council Conclusions concerning the Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters

1. On 4 October 2005, the Commission forwarded a proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ("DPFD") to the Secretary-General of the Council. On 13 December 2005, the Council consulted the Parliament on the proposal. The Parliament delivered its opinion on 27 September 2006.

2. The Commission presented its proposal to the meeting of the MDG - Mixed Committee on 9 November 2005. The MDG discussed the proposal at length and completed the third reading at its meeting on 15 and 16 November 2006. At the meeting of the Article 36 Committee on 25 and 26 January 2007, the Presidency set out a series of basic points ¹ for revising the proposal, with the aim of removing outstanding reservations and making a real improvement in third-pillar data protection. The draft ² as revised by the Presidency in agreement with the Commission was submitted to the Article 36 Committee at its meeting on 23 March 2007 and was given a first reading by the MDG on 29 and 30 March and on 3 April 2007. The text was revised on the basis of the first reading by the MDG; this revised draft text, dated 24 April 2007, ³ was presented to the Article 36 Committee on 27 April 2007. The European Parliament delivered its opinion regarding the revised draft of 13 March 2007 on 24 May 2007.⁴

3. At the meeting of the Art. 36 Committee on 22 May 2007, the Presidency called for a decision on two central issues raised in discussions up to that point: the scope of application and the provisions governing the transfer of data to third countries.⁵ The Presidency is of the view that the Member States need to agree on the two issues soon.

4. The Presidency plans to present at the JHA Council on 12-13 June 2007 an overview of the current status of consultations on the Council Framework Decision on the protection of personal data and to draft a declaration concerning the broader orientation of this effort.

5. COREPER is requested to approve the conclusions attached in the annex and to present them to the JHA Council for their adoption.

¹ 5435/07 CRIMORG 12 DROIPEN 4 ENFOPOL 5 DATAPROTECT 3
ENFOCUSTOM 9 COMIX 57

² 7315/07 CRIMORG 53 DROIPEN 18 ENFOPOL 45 DATAPROTECT 10 COMIX 267
ENFOCUSTOM 30 + COR 1

³ 7315/1/07 REV 1 CRIMORG 53 DROIPEN 18 ENFOPOL 45 DATAPROTECT 10
COMIX 267 ENFOCUSTOM 30

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⁵ 9732/1/07 REV 1 CRIMORG 87 DROIPEN 42 ENFOPOL 97 DATAPROTECT 20
COMIX 477 ENFOCUSTOM 53

Council Conclusions
concerning
the Council Framework Decision on the protection of personal data
processed in the framework of police and judicial co-operation in criminal matters

The Council recognizes the importance of the existence of a comprehensive and coherent set of rules at the level of the European Union concerning the high level of protection of personal data processed in the framework of police and judicial co-operation in criminal matters, as a part of the Union's ever increasing set of regulatory instruments on such co-operation. These rules will constitute an important development of the minimum data protection principles set by the Convention of 28 January 1981 for the protection of individuals with regard to automatic processing of personal data and its Additional Protocol of 8 November 2001, and in Recommendation (87)15 regulating the use of personal data in the police sector, both adopted in the framework of the Council of Europe.¹

The Council thanks the European Parliament for rapidly forwarding its opinion on the revised draft Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters.

Concerning the scope of application, the Council will focus in particular on the solution suggested by the European Parliament which calls for an evaluation of the provisions after a certain period of time.

¹ Quoted from the Council Declaration in Annex 2 of the Proposal for a Council Decision concerning access for consultation of the Visa Information System (VIS) by the authorities of Member States responsible for internal security and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences, approved by the COREPER on 10 May 2007.

The Council notes the general principles in the annex to the opinion of the European Parliament of 24 May 2007 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters. The Council is convinced that these principles have essentially been taken into account in the present draft of the Council Framework Decision on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters.

Therefore, the Council continues to give priority to the examination of the proposal for a Council Framework Decision on the protection of personal data processed in the framework of police and judicial co-operation in criminal matters, and intends to reach a political agreement on the proposal as soon as possible and at the latest by the end of 2007.
