



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 24 February 2012

6911/12

**Interinstitutional File:
2012/0011 (COD)**

**DATAPROTECT 27
JAI 113
MI 127
DRS 32
DAPIX 19
FREMP 23
CODEC 485**

"I" ITEM NOTE

from : General Secretariat of the Council
to : Committee of Permanent Representatives

No. Cion. prop. : 5853/12 DATAPROTECT 9 JAI 44 MI 58 DRS 9 DAPIX 12 FREMP 7 COMIX 61 CODEC 219 + ADD 1 + ADD 2

Subject : Proposal for a regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)
- Optional consultation of the European Data Protection Supervisor¹

1. By letter of 27 January 2012, the Commission presented the above mentioned proposal for a regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation).
2. The text of the proposal is set out in 5853/12 DATAPROTECT 9 JAI 44 MI 58 DRS 9 DAPIX 12 FREMP 7 COMIX 61 CODEC 219.

¹ The sole purpose of this note is to decide on the consultation of the EDPS and not on the substance of the proposal.

3. The proposal is based on Articles 16 (2) and 114(1) of the Treaty on the Functioning of the European Union (TFEU).
 4. In the accompanying letter to the proposal the Commission suggests to the Council to consult the European Data Protection Supervisor.
 5. *In accordance with Article 19(7)(h) of the Council's Rules of Procedure, COREPER is invited to request the European Data Protection Supervisor to deliver its opinion on the Commission proposal set out in 5853/12 DATAPROTECT 9 JAI 44 MI 58 DRS 9 DAPIX 12 FREMP 7 COMIX 61 CODEC 219 as soon as possible.*
-