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**'I/A' ITEM NOTE**

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

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Subject: Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Decision 2005/671/JHA as regards its alignment with Union rules on the protection of personal data (**first reading**)  
- Adoption of the legislative act

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1. On 1 December 2021 the Commission submitted its proposal<sup>1</sup>, based on Article 16(2) TFEU, to the Council.
2. The European Data Protection Supervisor delivered its formal comments on 25 January 2022<sup>2</sup>.
3. On 12 July 2023 the European Parliament adopted its position at first reading on the Commission proposal. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council<sup>3</sup>.

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<sup>1</sup> 14706/21.  
<sup>2</sup> 5804/22.  
<sup>3</sup> 10966/23.

4. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council<sup>4 5</sup> approve the European Parliament's position, as set out in PE-CONS 30/23, as an "A" item at a forthcoming meeting.
5. If the Council approves the European Parliament's position, the legislative act will be adopted.

After being signed by the Presidents of the European Parliament and of the Council, the legislative act will be published in the *Official Journal of the European Union*.

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<sup>4</sup> Denmark is not bound by, or subject to the application of, the rules laid down in this Directive which relate to the processing of personal data by the Member States when carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU.

<sup>5</sup> Ireland is not bound by the rules laid down in this Directive which relate to the processing of personal data by the Member States when carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU where Ireland is not bound by the rules governing the forms of judicial cooperation in criminal matters or police cooperation which require compliance with the provisions laid down on the basis of Article 16 TFEU.