



Council of the  
European Union

Brussels, 4 April 2016  
(OR. fr)

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2012/0010 (COD)**

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#### 'I' ITEM NOTE

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

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Subject: Proposal for a directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data **(first reading)**  
- Adoption of the Council's position and statement of the Council's reasons  
= Decision to use the written procedure

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1. On 27 January 2012 the Commission sent the above proposal<sup>1</sup>, based on Article 16(2) TFEU, to the Council.
2. The European Parliament adopted its position at first reading on 12 March 2014<sup>2</sup>.

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<sup>1</sup> 5833/12.  
<sup>2</sup> 7428/14.

3. At its 3445th meeting on 12 February 2016, the Economic and Financial Affairs Council reached political agreement on the Council's position at first reading on the above Directive<sup>3</sup>.
4. After finalisation by the legal/linguistic experts, the text of the Council's position at first reading (5418/16) will be available in all official languages of the European Union by the end of the day on 6 April 2016. The statement of reasons set out in the addendum to the Council's position at first reading will be available on 7 April 2016.
5. Given the need to send the Council's position at first reading to the European Parliament during its April I plenary, it will only be possible to adopt the Council's position at first reading within this very short deadline via the written procedure, which would be launched on **Thursday 7 April 2016** and would end on **Friday 8 April 2016, at midday**. Delegations' attention is drawn to the exceptionally short duration of this written procedure.
6. The Permanent Representatives Committee is accordingly asked to decide to use the written procedure to adopt the abovementioned Council's position at first reading and statement of reasons.

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<sup>3</sup> In accordance with the letter of 17 December 2015 sent by the Chair of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs to the Chair of Coreper, the European Parliament should, at second reading, approve the Council's position at first reading without amendment.