



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 20 June 2008**

**10867/08**

**DATAPROTECT 43**

**NOTE**

from :	Presidency
to :	Working Party On Data Protection
Subject :	Outcome of the exchange of views on Directive 95/46/EC

The purpose of this document is to assess the outcome of the exchange of views on Directive 95/46/EC<sup>1</sup> which took place in the Working Party on Data Protection on 26 May 2008. The exchange of views was based on questions proposed by the Presidency.

Delegations expressed their views mainly on the following topics:

- a) the relation of data protection under the Directive 95/46/EC and the freedoms of information and expression;
- b) need to adopt specific legal acts or provisions with regard to technical developments (new risky technologies);
- c) simplification of notification and information requirements (especially for Small and Medium Sized Enterprises).

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<sup>1</sup> Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data, O. J. L 281, 23 November 1995, p. 31.

All delegations reconfirmed that there is a general satisfaction with the Directive 95/46/EC. A large majority of delegations confirmed that, at present, Directive 95/46/EC should not be amended. Some delegations underlined the need for discussion on how to interpret Directive 95/46/EC if the Treaty of Lisbon<sup>2</sup> is ratified. However, delegations agreed to have this discussion after an eventual ratification of the Treaty of Lisbon. In this context, the mandate of the Working Party on Data Protection should also be addressed.

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<sup>2</sup> Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007, O.J. C 306, 17 December 2007.