



Brussels, 17 September 2015
(OR. en)

Interinstitutional File:
2012/0010 (COD)

11972/15
COR 1

LIMITE

DATAPROTECT 137
JAI 654
DAPIX 147
FREMP 181
COMIX 400
CODEC 1177

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	10964/15, 11251/15, 11252/15
No. Cion doc.:	5833/12
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

1. In document 11972/15 INIT, on page 25 the third sentence of recital 49b should read as follows:

"...However, in (...) specific individual cases, it may occur that the procedures provided for by the international agreements applicable do not allow to ~~exchange obtain~~ the relevant information in a timely manner, so that competent authorities of Member States have to transfer personal data directly to ~~recipients and public authorities private parties~~ established in third countries..."

2. On page 25 the fifth sentence of recital 49b should read as follows:

"...Even if this ~~exchange direct communication~~ between competent authorities and ~~recipients and public authorities established in third countries private bodies should remain exceptional and strictly necessary and~~ should only take place in (...) individual and specific cases, this Directive should provide for ~~specific~~ conditions to regulate ~~such these specific~~ cases..."

3. On page 92 the title of Article 36aa should read as follows:

"Article 36aa¹

Transfer of data to ~~private parties~~ recipients and ~~public authorities~~ established in third countries"

4. On page 92 Article 36aa paragraph 1 should read as follows:

"1. By way of derogation to Article 33 (1) (c) and without prejudice to any international agreement referred to in paragraph 2, Union or Member States law may provide that the competent authorities may, in individual and (...) specific cases, transfer personal data directly to ~~private parties recipients and public authorities~~ established in third countries only if the other provisions of this Directive are complied with and the following conditions are fulfilled: ..."

¹ FR, FI, SK, UK, AT and Cion scrutiny reservation.