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The EU data protection draft directive is now expected to reach a "common position" at the Council of Economic and Finance Ministers on January 16th, 1995 under the French Presidency (January - June 1995). The text would then be forwarded to the European Parliament for a second reading in mid-February. Why was the text not approved under the German Presidency?

By the time the European Commission began its winter break on December 23rd, most Member States were satisfied with the compromises that had been reached on the EU text in the hectic negotiations during and following the Internal Market Council on December 8th. At that meeting, the Ministers were expected to reach a common position. But there were too many remaining points and so the negotiations were handed over to the experts and the Committee of Permanent Representatives (COREPER). The final point of substance was on the rule-making powers of the European Commission. The compromise reached was that the Commission should retain rule-making powers but only over the one issue of transborder data flows to countries outside the European Union. If the Commission wishes to use its powers in any other area, it will have to use the standard procedure it uses for other Internal Market issues. The European Commission will still chair and fund the advisory group of Data Protection Authorities which will give advice to the Commission on any other aspect of the directive which falls within the scope of EU law.

Apparently, the only reason why this compromise failed to be adopted at the Health Council on December 22nd was because of the procedural objection that the item had not been placed on the agenda at least 14 days in advance.

We are now planning the programme for the *Privacy Laws & Business 8th Annual Conference* to be held 10th-12th July 1995 when we return to St. John's College, Cambridge. Please contact me with your suggestions.



Stewart Dresner, Publisher

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