



European Union

EU Statement on Article 36 – Protection of personal data

- Madam Chair, we are very pleased to report that we have identified possible options for consensus on Article 36, the protection of personal data, and we would like to thank the delegations for their constructive engagement with us, as facilitators, since the discussion last Friday.
- The first option is that we believe there is *almost a* consensus, minus one delegation, for Article 36 as it was drafted by you following the previous session, Madam Chair, and that it therefore enjoys the overwhelming support of the delegations without the need for any amendments.
- The second option is to reach a consensus by incorporating some few amendments to the text of Article 36 as currently drafted. Some of these amendments are supported by a large number of delegations on the basis that they bring clarity to the text, however, in relation to one amendment, namely the deletion of the reference to “written” in paragraph 3, we have heard from a small number of delegations who object to the amendment.
- The text of this possible consensus, with the amendments I described, was the one circulated to the delegations this morning.
- Unfortunately, events had already progressed before the text was circulated, after we heard from one delegation yesterday that, contrary to their position of support for the Chair’s draft at the Plenary discussion last week, they wished to bring forward several new amendments.
- We engaged with that delegation yesterday evening and agreed on some further changes.
- Unfortunately, however, the new amendments needed to accommodate the concerns of this delegation are objected by some other delegations and it will require further time to reconcile the remaining differences.

- That all said, Madame Chair, we believe there is a good basis for further discussions with a view to bringing together the remaining opposing views. The European Union stands ready, if requested by you Madam Chair, to continue to act as facilitator for the discussions in the weeks ahead. We are confident that we can bridge the gaps and reach a consensus on the text, one which meets the most important needs of all the delegations.
- We are pleased to report this progress to you Madam Chair and we submit the options for your further consideration.