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'A' ITEM NOTE

From:	General Secretariat of the Council
To:	Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a temporary derogation from certain provisions of Directive 2002/58/EC as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the purpose of combating online child sexual abuse (first reading) - Adoption of the legislative act

1. On 10 September 2020, the Commission sent its proposal¹, based on Article 16(2), in conjunction with Article 114(1) TFEU, to the Council.
2. The European Economic and Social Committee delivered its opinion on 29 October 2020².
3. The European Data Protection Supervisor delivered its opinion on 10 November 2020³.

¹ 10682/20.

² OJ C 10, 11.1.2021, p. 63–64.

³ OJ C 102, 24.3.2021, p. 4–6.

4. On 21 May 2021, the Permanent Representatives Committee endorsed the agreement reached in trilogues⁴ and authorised the Chair to send a letter to the Chair of the LIBE Committee stating that should the European Parliament adopt its position at first reading in the form set out in that letter, subject to revision by the legal linguists of both institutions, the Council would approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the European Parliament's position.
5. The European Parliament adopted its position at first reading at its plenary on 6 July 2021⁵.
6. At its meeting on 7 July 2021, the Permanent Representatives Committee agreed to invite the Council to approve the European Parliament's position at the first reading as set out in PE-CONS 38/21 as an 'A' item at a forthcoming meeting.
7. The Council is invited to approve the European Parliament's position at the first reading as set out in PE-CONS 38/21.
8. If the Council approves the European Parliament's position, the legislative act will be adopted in the wording which corresponds to the European Parliament's position.

After being signed by the President of the European Parliament and the President of the Council, the legislative act will be published in the *Official Journal of the European Union*.

⁴ 8468/1/21 REV 1.

⁵ 10521/21 + COR 1.