



Council of the  
European Union

Brussels, 19 June 2023  
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**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL laying down harmonised rules on the designation of designated establishments and the appointment of legal representatives for the purpose of gathering electronic evidence in criminal proceedings (**first reading**)  
- Adoption of the legislative act

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1. On 17 April 2018 the Commission submitted its proposal<sup>1</sup>, based on Articles 53 and 62 TFEU, to the Council.
2. The European Economic and Social Committee delivered its opinion on 12 July 2018<sup>2</sup>.
3. The European Data Protection Supervisor delivered its opinion on 6 November 2019<sup>3</sup>.

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<sup>1</sup> 8115/18 + ADD1 and ADD2.

<sup>2</sup> OJ C 367, 10.10.2018, p. 88.

<sup>3</sup> OJ C 32, 31.1.2020, p.11.

4. On 13 June 2023 the European Parliament adopted its position at first reading on the Commission proposal. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council<sup>4</sup>.
5. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council approve the European Parliament's position, as set out in PE-CONS 3/23, as an "A" item at a forthcoming meeting, with Bulgaria abstaining.
6. If the Council approves the European Parliament's position, the legislative act will be adopted.

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

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<sup>4</sup> 10311/23.