



Council of the
European Union

Brussels, 20 June 2023
(OR. en)

Interinstitutional File:
2018/0107(COD)

10481/1/23
REV 1

CODEC 1092
CYBER 155
COPEN 204
JAI 829
DROIPEN 92
ENFOPOL 291
TELECOM 194
EJUSTICE 24
MI 510
DATAPROTECT 163

'I/A' ITEM NOTE

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

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

1. On 17 April 2018 the Commission submitted its proposal¹, based on Articles 53 and 62 TFEU, to the Council.
2. The European Economic and Social Committee delivered its opinion on 12 July 2018².
3. The European Data Protection Supervisor delivered its opinion on 6 November 2019³.

¹ 8115/18 + ADD1 and ADD2.

² OJ C 367, 10.10.2018, p. 88.

³ 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 Council⁴.
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 Poland voting against and Bulgaria and Greece 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*.

⁴ 10311/23.