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From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	13709/20
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a computerised system for communication in cross-border civil and criminal proceedings (e-CODEX system), and amending Regulation (EU) 2018/1726 - Approval

1. On 2 June 2021, the general approach for the proposal for a Regulation on e-CODEX was approved by Coreper. On that occasion, the Estonian and French delegations introduced a declaration calling for the location of the e-CODEX services in Tallinn.
2. After the general approach was approved by Council, on 7 June 2021, the Estonian and French delegations proposed drafting for the additions to the general approach. On 16 July 2021, the text for the proposed additions was put forward by the Estonian and French delegation¹.

¹ ST 10708/1/21 REV 1

3. On 19 July 2021, the Working Party on e-Justice convened to discuss the issue of this addition to the general approach. A large majority of delegations indicated that the proposed drafting was acceptable to them.
 4. In light of the previous elements, Coreper is invited to agree on this addition to the general approach² that was approved on 2 June 2021 (in Coreper) and 7 June 2021 (in the Council), as set out in the Annex below.
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² ST 9005/21

2020/0345 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on a computerised system for the electronic exchange of data [...] in the context of cross-border civil and criminal matters [...] (e-CODEX system), and amending Regulation (EU) 2018/1726

Article 16

Amendments to Regulation (EU) 2018/1726

Regulation (EU) 2018/1726 is amended as follows¹:

(1) in Article 1, the following paragraph 4a is inserted:

“4a. The Agency shall be responsible for the development, operational management, including technical evolutions, of the computerised system for **the electronic exchange of data [...] in the context of cross-border judicial cooperation in civil and criminal matters [...] (e-CODEX system.)**”;

¹ **The following recitals should be added: “In order to have this Regulation fit into the existing legal framework, Regulation (EU) 2018/1726 should be amended accordingly. The seat of the Agency was established in Tallinn, Estonia. In view of its specific nature and characteristics, it was considered appropriate to develop and operationally manage e-CODEX in Tallinn, Estonia.”**

(1a) in Article 1, paragraph 5 is replaced by the following:

“5. The Agency may be made responsible for the preparation, development or operational management of large-scale IT systems in the area of freedom, security and justice other than those referred to in paragraphs 3, 4 **and 4a** of this Article, including existing systems, only if so provided by relevant Union legal acts governing those systems, based on Articles 67 to 89 TFEU, taking into account, where appropriate, the developments in research referred to in Article 14 of this Regulation and the results of pilot projects and proofs of concept referred to in Article 15 of this Regulation.”

(2) the following Article 8b is inserted:

“Article 8b

Tasks related to the e-CODEX system

In relation to the e-CODEX system, the Agency shall perform:[...]

- (a) the tasks conferred on it by Regulation (EU) No XXX/20XX of the European Parliament and of the Council*;
- (b) tasks relating to training on the technical use of the e-CODEX system, including provision of online training materials.

* on a computerised system for **the electronic exchange of data [...]** in the context of cross-border civil and criminal **matters [...]** (e-CODEX system), and amending Regulation (EU) 2018/1726 (OJ L ...).”;

(3) in Article 14, paragraph 1 is replaced by the following:

“1. The Agency shall monitor developments in research relevant for the operational management of SIS II, VIS, Eurodac, the EES, ETIAS, Dublinet, ECRIS-TCN, e-CODEX and other large-scale IT systems as referred to in Article 1(5).”

(3a) In Article 17, paragraph 3 is replaced by the following:

3. The seat of the Agency shall be Tallinn, Estonia.

The tasks relating to development and operational management referred to in Article 1(4) and (5) and Articles 3, 4, 5, 6, 7, 8, 9 and 11 shall be carried out at the technical site in Strasbourg, France.

The tasks relating to the development and operational management of the e-CODEX system referred to in Articles 1(4a) and 8b shall be carried out in Tallinn, Estonia, where the necessary equipment for these tasks is installed.

A backup site capable of ensuring the operation of a large-scale IT system in the event of failure of such a system shall be installed in Sankt Johann im Pongau, Austria.

(4) in Article 19, paragraph 1 is amended as follows:

(a) point (ff) is replaced by the following:

“(ff) adopt reports on the technical functioning of the following:

(i) SIS pursuant to Article 60(7) of Regulation (EU) 2018/1861 of the European Parliament and of the Council* and Article 74(8) of Regulation (EU) 2018/1862 of the European Parliament and of the Council**;

- (ii) VIS pursuant to Article 50(3) of Regulation (EC) No 767/2008 and Article 17(3) of Decision 2008/633/JHA;
- (iii) EES pursuant to Article 72(4) of Regulation (EU) 2017/2226;
- (iv) ETIAS pursuant to Article 92(4) of Regulation (EU) 2018/1240;
- (v) ECRIS-TCN and of the ECRIS reference implementation pursuant to Article 36(8) of Regulation (EU) 2019/816 of the European Parliament and of the Council***;
- (vi) the interoperability components pursuant to Article 78(3) of Regulation (EU) 2019/817 and Article 74(3) of Regulation (EU) 2019/818;
- (vii) the e-CODEX system pursuant to Article **15** [...] of Regulation (EU) XXX of 20XX [*this Regulation*]

* Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006 (OJ L 312, 7.12.2018, p. 14).

** Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU. (OJ L 312, 7.12.2018, p. 56).

*** Regulation (EU) 2019/816 of the European Parliament and of the Council of 17 April 2019 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 (OJ L 135, 22.5.2019, p. 1).” ;

(b) point (mm) is replaced by the following:

“(mm) ensure annual publication of the following:

- (i) the list of competent authorities authorised to search directly the data contained in SIS pursuant to Article 41(8) of Regulation (EU) 2018/1861 and Article 56(7) of Regulation (EU) 2018/1862, together with the list of Offices of the national systems of SIS (N.SIS) and SIRENE Bureaux pursuant to Article 7(3) of Regulation (EU) 2018/1861 and Article 7(3) of Regulation (EU) 2018/1862 respectively;
- (ii) the list of competent authorities pursuant to Article 65(2) of Regulation (EU) 2017/2226;
- (iii) the list of competent authorities pursuant to Article 87(2) of Regulation (EU) 2018/1240;
- (iv) the list of central authorities pursuant to Article 34(2) of Regulation (EU) 2019/816;

- (v) the list of authorities pursuant to Article 71(1) of Regulation (EU) 2019/817 and Article 67(1) of Regulation (EU) 2019/818;
- (vi) the list of authorised e-CODEX access points pursuant to Article 6(1 [...])(g [...]) of Regulation (EU) XXX of 20XX [on the e-CODEX system – this Regulation];”;

(5) in Article 27(1), the following point (dc) is inserted:

“(dc) e-CODEX Advisory Group;”.
