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#### OPINION OF THE LEGAL SERVICE<sup>1</sup>

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From: Legal Service

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Subject: Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence

- Appropriateness of the legal bases of Articles 114 and 16 TFEU in relation to the provisions applicable to law enforcement and judicial authorities

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In document ST 12302/22 INIT:

- on page 15, footnote 15, the first sentence should read:

"It is noteworthy that Article 5(4) of the proposal presents certain characteristics similar to Article 15(1) of **e-Privacy** Directive 2002/58.";

- on page 16, point 31, the third sentence should read:

"Article 5(1)(d) is formulated as a prohibition in principle, to which a set of three exceptions apply.".

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<sup>1</sup> This document contains legal advice protected under Article 4(2) of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, and not released by the Council of the European Union to the public. The Council reserves all its rights in law as regards any unauthorised publication.