



Council of the
European Union

Brussels, 27 September 2024
(OR. en)

13757/24

**Interinstitutional File:
2022/0272(COD)**

**CODEC 1840
CYBER 263
JAI 1416
DATAPROTECT 283
TELECOM 280
MI 814
CSC 560
CSCI 199**

'I/A' ITEM NOTE

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

Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on horizontal cybersecurity requirements for products with digital elements and amending Regulations (EU) No 168/2013 and (EU) 2019/1020 and Directive (EU) 2020/1828 (Cyber Resilience Act)
(first reading)
- Adoption of the legislative act

1. On 15 September 2022 the Commission submitted its proposal¹, based on Article 114 TFEU, to the Council.
2. The European Data Protection Supervisor delivered its opinion on 9 November 2022².
3. The European Economic and Social Committee delivered its opinion on 14 December 2022³.
4. The Committee of the Regions was consulted and decided not to issue an opinion.

¹ 12429/22 + ADD 1 to ADD 6.

² OJ C 452, 29.11.2022, p. 23.

³ OJ C 100, 16.3.2023, p. 101.

5. On 12 March 2024, the European Parliament adopted its position at first reading on the Commission proposal (without legal linguistic revision). After finalisation of the adopted text by the legal linguists, the Parliament approved a corrigendum to that position at its plenary session from 16 to 19 September 2024. It reflects the compromise agreement reached between the Institutions and should, therefore, be acceptable to the Council⁴.
6. 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 100/23, and the joint statement by the European Parliament, the Council and the Commission, set out in the Addendum 1 to this note, as an "A" item at a forthcoming meeting;
 - decide that the abovementioned joint statement set out in the Addendum 1 to this note be published in the C series of the *Official Journal of the European Union*, provided its approval by the Council.
7. The statement for the minutes of the Council meeting is set out in the Addendum 1 to this note.
8. 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 13431/24.