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No. Cion doc.:	6342/13 TELECOM 24 DATAPROTECT 14 CYBER 2 MI 104 CODEC 313
Subject:	Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union - Presidency report on the state of play of trilogues

1. The Commission submitted the above mentioned proposal on 12 February 2013.[1] Following an orientation debate on the basis of a progress report at the June 2013 TTE Council[2], two further progress reports were submitted to the TTE Councils of December 2013 and June 2014[3] followed by information on the state of play at the TTE Councils of November 2014 and June 2015[4].

1 Doc. 6342/13.
2 Doc. 10076 and doc. 10457/13.
3 Doc. 16630/13 and 10097/14 respectively.
4 Doc. 15639/14 and 9500/15 respectively.

2. Four informal trilogues have taken place under the previous Presidencies: two under the Italian Presidency[5] and two under the Latvian Presidency[6]. Under the Luxembourg Presidency, and taking into account the previous discussions at the informal trilogues, the Council's position was further refined in various meetings of the Working Party on Telecommunications and the Information Society ("WP TELE") on the basis of a number Presidency texts.[7] Significant amount of preparatory work has also been done in technical meetings with the European Parliament.

3. On 13 November, the Coreper granted the Presidency a mandate[8] to resume the negotiations with the EP and a fifth informal trilogue took place on 17 November. It allowed for good progress on a number of outstanding issues, notably in the area of operators of essential services, where the majority of the text was agreed in principle. The discussions also allowed to identify elements in the area of digital service providers, where the positions of the institutions were very close to each other, in particular with regard to the 'light touch' approach and the thresholds.

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5 Docs. 14076/14 and 14850/14

6 Docs. 6905/15, 8298/15 and 10041/15 REV1 COR1

7 Docs 10407/15, 11244/15, 11942/15, 12126/15, 12485/15, 12988/15, 13114/15 and 13205/15

8 Doc. 13754/1/15 REV1

4. Following further intensive work in the WP TELE and in technical meetings, the Presidency reached an informal political agreement with the European Parliament in the 6th and final trilogue on 7 December. On substance, the co-legislators agreed to provide for uniform rules on certain aspects in the area of digital service providers. In particular, Member State should not impose stricter security and notification requirements on those providers and the European Commission will have the power to further specify certain elements in implementing acts. Moreover, both institutions agreed to link jurisdiction of operators of essential services to an establishment on the Member States' territory and also reached an agreement on the role of the cooperation group and on the remaining horizontal issues. Notably concerning the timeline: Member States will transpose the Directive in their national legislation within 21 months and will carry out the identification of operators of essential services during additional 6 months.

5. The Presidency's aim is to present the agreed text for approval by the Permanent Representatives Committee (Coreper) on 18 December. This will be followed by the legal-linguistic revision by quality advisors of both institutions early next year. To conclude the procedure, formal adoption by both the Council and the Parliament is required.