



Council of the
European Union

Brussels, 22 November 2022
(OR. en)

**Interinstitutional File:
2020/0359(COD)**

14828/1/22
REV 1

CODEC 1757
CYBER 367
TELECOM 463
CSC 526
CSCI 174
DATAPROTECT 317
JAI 1475
MI 828

'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 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) **(first reading)**
- Adoption of the legislative act

1. On 16 December 2020 the Commission sent its proposal¹, based on Article 114 TFEU, to the Council.
2. The European Data Protection Supervisor delivered its opinion on 11 March 2021².
3. The European Economic and Social Committee delivered its opinion on 27 April 2021³.
4. The European Central Bank delivered its opinion on 11 April 2022⁴.
5. The Committee of the Regions was consulted and decided not to issue an opinion.

¹ 14150/20 + ADD 1 to ADD 6.

² OJ C 183, 11.5.2021, p. 3.

³ OJ C 286, 16.7.2021, p. 170.

⁴ OJ C 233, 16.6.2022, p. 22.

6. On 10 November 2022 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 Council⁵.
7. 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 32/22, as an 'A' item at a forthcoming meeting.
8. The statement for the minutes of the Council meeting is set out in the Addendum 1 to this note.
9. 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*.

⁵ 14617/22.