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NOTE

From: Presidency
To: Permanent Representatives Committee
Subject: e-Evidence legislative package: letter from the rapporteur

Delegations will find attached for their information a letter from Ms Birgit Sippel, rapporteur, dated 16 February 2022. The letter refers to Parliament's proposal, previously distributed in WK 15725/22.



EUROPEAN PARLIAMENT

BIRGIT SIPPEL - S&D LIBE coordinator

Permanent Representative
Philippe Légère-Costa

Représentation Permanente de la
France auprès de l'Union Européenne

Place de Louvain 14

1000 Bruxelles

16 February 2022, Brussels

Subject: EP compromise package on the e-evidence package

Dear Ambassador Légère-Costa,

I am writing to you as the European Parliament Rapporteur for the so-called "e-evidence package", comprising the Proposal for a Regulation of the European Parliament and of the Council on European Production and Preservation Orders for electronic evidence in criminal matters as well as the Proposal for a Directive of the European Parliament and of the Council laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings (2018/0108 (COD) & 2018/0107 (COD)).

As you know, in the framework of the ongoing trilogue negotiations, the European Parliament submitted a comprehensive proposal for a compromise package on 20 December 2021, which I attach again to this letter for your convenience. With this package, the Parliament has moved substantially towards the Council position by dropping its original requests for notification for information purposes for European Preservation Orders, as well as for notification, with grounds for refusal, for European Production orders on subscriber data and further identifiers. Furthermore, we demonstrated a lot of flexibility on other aspects of the e-evidence package, with regard to the Directive, the central authority introduced by the Council, deadlines or provisions on conflicts of law with third countries, to only name a few. At the same time, we insisted on a full notification for traffic and content data, based on a meaningful list of grounds for refusal, on substantial procedural safeguards and consistency with the EU data protection acquis.

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In order to better demonstrate how such compromise package could look like in practice, we also put forward a number of draft articles on 2 February 2022. In addition, the inter-institutional technical meeting held last Thursday, 10 February, allowed for the Council to raise a number of questions, which, I believe, have been replied to in detail by the Parliament.

In order to progress in the trilogue negotiations, I hope that you will understand that the Parliament would need a clear political signal from the Council regarding the question of whether or not the compromise package allows for an agreement between the two legislators.

I believe that a COREPER meeting is taking place next week and I trust in your assessment whether this format or another would allow for such a general positioning of the Council, regarding the broad lines of the compromise package.

Should you be able to get a positive signal from the Member States, you can count on me as the Rapporteur, that the Parliament stands ready to work out the final details of the compromise, to make progress also on the other remaining points and to aim at finally concluding the package under the French Presidency.

I thank you very much in advance for your feedback.

Yours sincerely,

Birgit Sippel

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