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COR 1

TELECOM 194  
COMPET 567  
MI 580  
CONSOM 289  
CODEC 1315

**NOTE**

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From: Presidency  
To: Delegations

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No. Cion doc.: 12252/1/16 TELECOM 48 COMPET 486 MI 578 CONSOM 215 IA 72  
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Subject: Proposal for a Directive of the European Parliament and of the Council  
establishing the European Electronic Communications Code (Recast)  
- Examination of Presidency text (Services)

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On page 2 of the cover note, paragraph 7 should read as follows:

"7. In **Article 40(2)** the word 'estimated' was **not included in** point (e) to **ensure continued alignment** with the NIS Directive Article 16(4). The final subparagraph of this Article has been revised to improve clarity, particularly to be clear that that this does not create an obligation to collect or retain new information."

On page 3, paragraph 11 of the cover note should read as follows:

"11. A minor change has been made to Article **81(1)** to improve clarity."

Article 95 should also be covered by full harmonisation (in addition to Art. 96 to 106).

Therefore, on page 103, Article 94 paragraph 1 should read as follows:

"1. Member States shall not maintain or introduce in their national law end-user protection provisions ~~on the subject matters covered by this Title and~~ **number-independent interpersonal communication services** diverging from the provisions laid down in ~~this Title~~ **Articles 95 to 106**, including more or less stringent provisions to ensure a different level of protection, unless otherwise provided for in this Title."

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