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'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 a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) **(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 10 February 2021².
3. The European Economic and Social Committee delivered its opinion on 27 April 2021³.
4. The Committee of the Regions delivered its opinion on 30 June 2021⁴.

¹ 14124/20 REV 1 + ADD 1-3.
² OJ C 149, 27.4.2021, p. 3–7.
³ OJ C 286, 16.7.2021, p. 70–75.
⁴ OJ C 440, 29.10.2021, p. 67–98.

5. On 5 July 2022 the European Parliament adopted its position at first reading on the Commission proposal. The Parliament having approved a corrigendum to that position at its plenary session of 12 to 15 September 2022, the outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council⁵.
6. The statement of the Commission for the minutes of the Council is set out in the Addendum 1 to this note. The statement of Denmark for the minutes of the Council is set out in the Addendum 2 to this note.
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 30/22, as an "A" item at a forthcoming meeting;
 - decide that the Commission's statement, as set out in the Addendum 1 to this note, to be published in the C series of the *Official Journal of the European Union*.
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*.

⁵ 10967/22.