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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 European Production Orders and European Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings (first reading) - Adoption of the legislative act

1. On 17 April 2018 the Commission submitted its proposal¹, based on Article 82(1) TFEU, to the Council.
2. The European Economic and Social Committee delivered its opinion on 12 July 2018².
3. The European Data Protection Supervisor delivered its opinion on 6 November 2019³.

¹ 8110/18 + ADD1 to ADD3.
² OJ C 367, 10.10.2018, p. 88.
³ OJ C 32, 31.1.2020, p.11.

4. On 13 June 2023 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 Council⁴.
5. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council⁵ approve the European Parliament's position, as set out in PE-CONS 4/23, as an "A" item at a forthcoming meeting, with Hungary and Finland voting against and Bulgaria abstaining.
6. The statements for the minutes of the Council meeting are set out in the Addendum to this note.
7. 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*.

⁴ 10312/23.

⁵ Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.