



Brussels, 8 September 2023
(OR. en)

12601/23

Interinstitutional File:
2021/0393(COD)

COPEN 295
EUROJUST 28
CT 137
ENFOPOL 365
COTER 157
JAI 1099
CODEC 1521

'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 amending Regulation (EU) 2018/1727 of the European Parliament and of the Council and Council Decision 2005/671/JHA, as regards digital information exchange in terrorism cases (first reading) - Adoption of the legislative act

1. On 2 December 2021 the Commission submitted its proposal¹, based on Article 85 TFEU, to the Council.
2. The European Data Protection Supervisor delivered its formal comments on 26 January 2022².
3. On 12 July 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 Council³.

¹ 14458/21 + ADD1.
² 5692/22.
³ 10964/23.

4. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council⁴ approve the European Parliament's position, as set out in PE-CONS 74/22, as an "A" item at a forthcoming meeting.
5. 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 Denmark and Ireland are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.