



Council of the
European Union

Brussels, 1 December 2023
(OR. en)

16042/23

Interinstitutional File:
2021/0395(COD)

EJUSTICE 66
JURINFO 17
JAI 1572
JUSTCIV 181
COPEN 419
CODEC 2281

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2011/99/EU and 2014/41/EU of the European Parliament and of the Council, Council Directive 2003/8/EC and Council Framework Decisions 2002/584/JHA, 2003/577/JHA, 2005/214/JHA, 2006/783/JHA, 2008/909/JHA, 2008/947/JHA, 2009/829/JHA and 2009/948/JHA, as regards digitalisation of judicial cooperation (first reading) - Adoption of the legislative act

1. On 1 December 2021 the Commission submitted its proposal¹, based on Articles 81(2)(e) and (f) and 82(1)(d) TFEU, to the Council.
2. The European Data Protection Supervisor delivered its formal comments on 25 January 2022².
3. The European Economic and Social Committee delivered its opinion on 19 May 2022³.

¹ 14821/21 + ADD1 to ADD3.

² https://edps.europa.eu/system/files/2022-01/2022-01-25_edps_comments_justice_digitalisation_en.pdf

³ OJ C 323, 26.8.2022, p. 77.

4. On 23 November 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 ⁶ approve the European Parliament's position, as set out in PE-CONS 51/23, as an "A" item at a forthcoming meeting.
6. 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 15900/23.

⁵ In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

⁶ In accordance with Articles 1, 2 and 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.