

Brussels, 30 June 2022
(OR. en)

Interinstitutional Files:
2018/0108(COD)
2018/0107(COD)

10881/22

LIMITE

COPEN 268
JAI 983
CYBER 247
JAIEX 74
ENFOPOL 384
TELECOM 305
DATAPROTECT 209
EJUSTICE 64
MI 534
CODEC 1067

NOTE

From:	Presidency
To:	Delegations
No. prev. doc.:	8484/22 8485/22
Subject:	Regulation on European Production and Preservation Orders for electronic evidence in criminal matters ; Directive laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings – State of play by the French presidency

From January 2022, with the support of the Commission, the Presidency has worked intensively in order to find a compromise with the Parliament in the trilogues on the Regulation on European Production and Preservation Orders for electronic evidence in criminal matters and the Directive laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings.

In that perspective, the Presidency is very grateful for the constructive contributions of the Member States. Since January 2022, alongside regular information in COREPER, these negotiations have been on the agenda of one CATS, two JHA Counsellors meetings, six COPEN meetings and one informal Presidency meeting. The commitment of Member States and their support have been key to the advancement of this file.

This allowed the Council to take an active part in these negotiations, always fostering the dialogue with the Parliament. As a consequence, in parallel to fruitful informal exchanges, several official inter-institutional meetings have been scheduled: three political trilogues (01 March, 14 June, 28 June) and six official technical trilogues have been held.

During the last political trilogue on 28 June, an agreement has been reached on the core elements of the instruments in particular the limited scope of the notification. This agreement is reflected in the four-column-tables annexed to this document.

Delegations are invited to indicate in writing if there is something in these documents that they could not accept in the context of a global compromise with the EP focusing on the provisions marked in blue and yellow. Comments should be sent to the incoming Czech Presidency bhenzlova@msp.justice.cz, skubaricova@msp.justice.cz, Tereza.Jachova@mzv.cz, with Michael.Carlin@consilium.europa.eu in copy, at the latest on Tuesday 5 July, 17:00.