



**COUNCIL OF
THE EUROPEAN UNION**

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(OR. fr)**

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"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a Directive of the European Parliament and of the Council on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (**first reading**)
- Adoption of the legislative act (**LA**)

1. On 8 June 2011 the Commission sent the above proposal¹, based on Article 82(2)(b) TFEU, to the Council^{2 3}.
2. The European Economic and Social Committee delivered its opinion on 7 December 2011⁴.

¹ 11497/11.

² In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Directive and are not bound by it or subject to its application.

³ In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

⁴ OJ C 43, 15.2.2012, p. 51.

3. In accordance with the provisions of the Joint Declaration on practical arrangements for the codecision procedure¹, informal contacts were initiated between the Council, the European Parliament and the Commission with the aim of reaching agreement at first reading.
4. The European Parliament adopted its position at first reading on 10 September 2013, making one amendment to 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 Council².
5. 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 40/13, as an "A" item at a forthcoming meeting, with the Belgian delegation abstaining.

If the Council approves the European Parliament's position, the legislative act will be adopted.

After being signed by the President of the European Parliament and the President of the Council, the legislative act will be published in the Official Journal of the European Union.

¹ OJ C 145, 30.6.2007, p. 5.

² 12899/13.