



**COUNCIL OF
THE EUROPEAN UNION**

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"I/A" ITEM NOTE

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

Subject: Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters (**first reading**)
- Adoption of the legislative act (**LA + S**)

1. With a view to point (b) of Article 76 TFEU, the initiative of the above seven Member States was presented on 29 April 2010¹. This initiative is based on Article 82(1)(a) TFEU^{2 3 4}.

¹ OJ C 165, 24.6.2010, p. 22.

² In accordance with Article 3 of Protocol No 21, the United Kingdom has notified its wish to take part in the adoption and application of this Directive.

³ In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

⁴ In accordance with Articles 1 and 2 of Protocol No 22, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

2. 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.
3. The European Parliament adopted its position at first reading on 27 February 2014, making one amendment to the initiative. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council².
4. 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 122/13, as an "A" item at a forthcoming meeting, with the United Kingdom delegation abstaining;
 - order that the statement in the addendum to this note be entered in the minutes of that meeting.

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 6748/14.