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'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 2009/65/EC, 2009/138/EC, 2011/61/EU, 2013/36/EU, 2014/59/EU, 2014/65/EU, (EU) 2015/2366 and (EU) 2016/2341 as regards digital operational resilience for the financial sector **(first reading)**
- Adoption of the legislative act

1. On 24 September 2020 the Commission sent its proposal¹, based on Article 53(1) and 114 TFEU, to the Council.
2. The European Economic and Social Committee delivered its opinion on 24 February 2021².
3. The European Data Protection Supervisor delivered its opinion on 10 May 2021³.
4. The European Central Bank delivered its opinion on 4 June 2021⁴.

¹ 11052/20 + ADD 1-2.

² OJ C 155, 30.4.2021, p. 38.

³ 8717/21.

⁴ OJ C 343, 26.8.2021, p. 1.

5. On 10 November 2022 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 Council⁵.
6. 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 42/22, as an "A" item at a forthcoming meeting.
7. 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*.

⁵ 14566/22.