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'A' ITEM NOTE

From:	General Secretariat of the Council
To:	Council
Subject:	Draft DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL providing exceptional macro-financial assistance to Ukraine, reinforcing the common provisioning fund by guarantees by Member States and by specific provisioning for some financial liabilities related to Ukraine guaranteed under Decision No 466/2014/EU, and amending Decision (EU) 2022/1201 (first reading) - Adoption of the legislative act - Decision to derogate from the eight-week period provided for in Article 4 of Protocol 1 on the role of national parliaments in the EU

1. On 7 September 2022 the Commission sent its proposal¹, based on Article 212 TFEU, to the Council.
2. On 14 September 2022, the Permanent Representatives Committee confirmed the final compromise text, as set out in document ST 12199/22, and authorised the Presidency to send a letter to the Chair of the European Parliament's Committee on International Trade (INTA) confirming that, should the European Parliament adopt its position at first reading, in accordance with Article 294 paragraph 3 of the Treaty, in the form set out in in document ST 12199/22, the Council would, in accordance with Article 294 paragraph 4 of the Treaty, approve the European Parliament's position and the act shall be adopted in that wording, subject, if necessary, to revision by the legal linguists of both institutions.

¹ 12199/22 + COR1.

3. On the same day, the Permanent Representatives Committee also agreed that, should the European Parliament adopt its position at first reading in the form set out in document ST 12199/22, as revised by the legal linguists of both institutions in PE-CONS 49/22, during the plenary session of 12-15 September 2022, this proposal will be submitted directly to the Council, namely to its General Affairs configuration at its meeting of 20 September 2022, and the Council would be invited to approve the European Parliament's position as an "A" item and to derogate, on the basis of Article 3(3), second subparagraph, of the Council's Rules of Procedure, from the eight-week period referred to in the first subparagraph of that Article, in view of the urgency of the matter as set out in the preamble of the legislative act².
4. The European Parliament adopted its position at first reading on 15 September 2022³. The outcome of the voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council.
5. The Council is invited to:
 - approve the European Parliament's position at first reading, as set out in PE-CONS 49/22;
 - derogate, on the basis of Article 3(3), second subparagraph, of the Council's Rules of Procedure, from the eight-week period referred to in the first subparagraph of that Article, in view of the urgency of the matter as set out in the preamble of the legislative act.
6. If the Council approves the European Parliament's position, the legislative act will be adopted in the wording which corresponds to the European Parliament's position.

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*.

² 12220/22.

³ 12332/22.