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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council on a European travel document for the return of illegally staying third-country nationals and repealing the Council Recommendation of 30 November 1994 - Adoption of the legislative act (LA+ S)

1. On 16 December 2015 the Commission sent its proposal¹, based on Article 79(2)(c) TFEU^{2 3}, to the Council.
2. The European Parliament adopted its position at first reading on the Commission proposal on 15 September 2016. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council⁴.

¹ 15391/15.

² 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 Regulation and is not bound by it or subject to its application.

³ In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland, and without prejudice to Article 4 of that Protocol, the United Kingdom and Ireland are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.

⁴ 12140/16.

3. 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 30/16, as an 'A' item at a forthcoming meeting;
 - 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.
