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'I/A' ITEM NOTE

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

Subject: Draft Regulation of the European Parliament and of the Council amending Regulation (EU) No 2016/399 as regards the use of the Entry/Exit System
(First reading)
- Adoption of the legislative act

1. On 7 April 2016 the Commission sent its proposal¹, based on Article 77(2)(b) TFEU, to the Council²³⁴.
2. The European Economic and Social Committee delivered its opinion on 18 October 2017⁵.
The Committee of the Regions was consulted.
3. The European Parliament adopted its position at first reading on the Commission proposal on 25 October 2017. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council⁶.

¹ 7676/16.

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 Council Decision 2000/365/EC, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

⁴ In accordance with Council Decision 2002/192/EC, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

⁵ OJ C 487, 28.12.2016, p. 66.

⁶ 13558/17.

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 46/17, as an 'A' item at a forthcoming meeting;
 - order that the statements 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.
