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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 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (First reading) - Adoption of the legislative act

1. On 7 April 2016 the Commission sent the above proposal¹, based on Article 77(2)(b) TFEU²³⁴, to the Council.
2. The European Economic and Social Committee delivered its opinion on 21 September 2016.⁵ 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

¹ 7675/16.

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.

agreement reached between the institutions and should, therefore, be acceptable to the Council⁶.

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 47/17, 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.

⁶ 13557/17.