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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 amending Regulation (EU) 2020/1429 as regards the duration of the reference period for the application of temporary measures concerning the levying of charges for the use of railway infrastructure **(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 22 December 2021 the Commission sent its proposal[1], based on Article 91 TFEU, to the Council.

2. The European Economic and Social Committee delivered its opinion on 19 January 2022[2].

3. The Committee of the Regions was consulted and decided not to issue an opinion.

4. On 16 February 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 Council[3].

[1] 15297/21.
[2] Not yet published in the OJ.
[3] 6064/22.

5. 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 3/22, as an 'A' item at a forthcoming meeting;

- 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. At the same time, the Permanent Representatives Committee is invited to decide, in accordance with Article 12(1), first subparagraph, of the Council's Rules of Procedure and Article 1 of Council Decision (EU) 2021/2098[4], that the Council use the written procedure for the adoption of the abovementioned Regulation if no Council meeting with a quorum takes place on 24 February 2022.

7. 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.

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[4] Council Decision (EU) 2021/2098 of 25 November 2021 further extending the temporary derogation from the Council's Rules of Procedure introduced by Decision (EU) 2020/430, in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 427, 30.11.2021, p. 194).