



Brussels, 23 February 2016
(OR. fr)

Interinstitutional File:
2015/0006 (COD)

6157/1/16
REV 1

CODEC 168
CODIF 7
SCHENGEN 2
FRONT 69
COMIX 107
VISA 37

"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 Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (codification) (**First reading**)
- Adoption of the legislative act (**LA**)

1. On 20 January 2015 the Commission sent its proposal¹, based on Article 77(2)(b) and (e) TFEU^{2 3 4}, to the Council.
2. The European Parliament adopted its position at first reading on the Commission proposal on 2 February 2016. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council⁵.

¹ 5470/15.

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 This Regulation constitutes a development of the provisions of the Schengen acquis in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

⁴ This Regulation constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part, in accordance with Council Decision 2002/192/EC; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

⁵ 5676/16.

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 36/15, as an 'A' item at a forthcoming 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.
