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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) 2016/399 as regards the reinforcement of checks against relevant databases at external borders
- Adoption of the legislative act (LA +S)

1. On 16 December 2015 the Commission sent the above proposal¹, based on Article 77(2)(b) TFEU, to the Council.²³⁴
2. The European Parliament adopted its position at first reading on the Commission proposal on 16 February 2017. 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 15397/15.

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 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 6342/17.

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 55/16, as an 'A' item at a forthcoming meeting, with the Hungarian delegation voting against;
 - 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.
