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**'I/A' ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft Directive of the European Parliament and of the Council on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA Adoption of the legislative act ( <b>LA + S</b> )

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1. On 3 December 2015 the Commission sent its proposal<sup>1</sup>, based on Article 83(1) TFEU<sup>2 3</sup>, to the Council.
2. The European Economic and Social Committee delivered its opinion on 17 March 2016<sup>4</sup>.
3. 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 Council<sup>5</sup>.

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<sup>1</sup> 14926/15.

<sup>2</sup> In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Directive and are not bound by it or subject to its application.

<sup>3</sup> 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 Directive and is not bound by it or subject to its application.

<sup>4</sup> OJ C 177, 18.5.2016, p. 51.

<sup>5</sup> 6338/17.

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 53/16, as an 'A' item at a forthcoming meeting;
- order that the statement 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.

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