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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 REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on temporary derogations from certain provisions of Regulations (EU) 2017/2226 and (EU) 2016/399 as regards the progressive start of operations of the Entry/Exit System <b>(first reading)</b><br>- Adoption of the legislative act |

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1. On 4 December 2024 the Commission submitted its proposal<sup>1</sup>, based on Article 77(2) points (b) and (d) and Article 87(2) point (a) TFEU, to the Council.
2. On 8 July 2025 the European Parliament adopted its position at first reading on the Commission proposal<sup>2</sup>. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council.

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<sup>1</sup> 16639/24.

<sup>2</sup> 11274/25.

3. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council<sup>3 4</sup> approve the European Parliament's position, as set out in PE-CONS 17/25, as an "A" item at a forthcoming meeting.
4. If the Council approves the European Parliament's position, the legislative act will be adopted.

After being signed by the Presidents of the European Parliament and of the Council, the legislative act will be published in the *Official Journal of the European Union*.

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- <sup>3</sup> In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis*, Denmark should, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.
  - <sup>4</sup> 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 the adoption of this Regulation and is not bound by it or subject to its application.