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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 establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and of the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC (first reading) - Adoption of the legislative act

1. On 11 March 2025 the Commission submitted its proposal¹, based on Article 79(2), point (c), TFEU, to the Council.
2. The European Data Protection Supervisor delivered its opinion on 23 May 2025².
3. The European Economic and Social Committee delivered its opinion on 18 September 2025³.
4. The Committee of the Regions was consulted and decided not to issue an opinion.

¹ 6917/1/25 REV 1 + ADD 1 and ADD 2.

² https://www.edps.europa.eu/system/files/2025-05/28-05-2025-opinion-on-migration-management_en.pdf

³ 13480/25.

5. On 17 June 2026 the European Parliament adopted its position at first reading on the Commission proposal⁴. The European Parliament having approved a corrigendum to that position at its plenary session of 14 to 17 September 2026, the outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council.
6. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council^{5 6} approve the European Parliament's position, as set out in PE-CONS 40/26, as an "A" item at a forthcoming meeting, with Spain voting against and Belgium abstaining.
7. The statements for the minutes of the Council meeting are set out in the Addendum to this note.
8. 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*.

⁴ 10602/26.

⁵ In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark annexed to the TEU and the TFEU, 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 shall, 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.

⁶ This Regulation constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Protocol 19 on the Schengen *acquis* integrated into the framework of the European Union, annexed to the TEU and the TFEU and, subject to the application of Article 4 of that Protocol, Ireland is not bound by it or subject to its application.