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**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL establishing a return border procedure, and amending  
Regulation (EU) 2021/1148 (**first reading**)  
- Adoption of the legislative act

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1. On 13 July 2016 the Commission submitted its proposal<sup>1</sup>, based on Article 78(2), point (d) TFEU, to the Council.
2. On 23 September 2020 the Commission submitted an amended proposal<sup>2</sup>, based on Article 78(2), point (d) and Article 79(2), point (c) TFEU, to the Council.
3. The European Economic and Social Committee delivered its opinions on 14 December 2016<sup>3</sup> and on 25 February 2021<sup>4</sup>.
4. The Committee of the Regions delivered its opinions on 8 February 2017<sup>5</sup> and on 19 March 2021<sup>6</sup>.

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<sup>1</sup> 11317/16 + ADD 1 and ADD 2.

<sup>2</sup> 11202/20.

<sup>3</sup> OJ C 75, 10.3.2017, p. 97.

<sup>4</sup> OJ C 155, 30.4.2021, p. 64.

<sup>5</sup> OJ C 207, 30.6.2017, p. 67.

<sup>6</sup> OJ C 175, 7.5.2021, p. 32.

5. On 10 April 2024 the European Parliament adopted its position at first reading on the Commission proposal<sup>7</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.
6. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council<sup>8 9</sup> approve the European Parliament's position, as set out in PE-CONS 17/24, as an "A" item at a forthcoming meeting, with Hungary and Poland voting against and Czech Republic and Slovakia 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*.

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<sup>7</sup> 8582/24.

<sup>8</sup> In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to 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.

<sup>9</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.