Council of the European Union

Brussels, 15 May 2024
(OR. en)

9743/1/24
REV 1

Interinstitutional File:
2021/0428(COD)

CODEC 1267
JAI 753
FRONT 158
COMIX 221

'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 on a Union Code on the rules governing the movement of persons across borders **(first reading)** - Adoption of the legislative act

1. On 14 December 2021 the Commission submitted its proposal[1], based on Article 77(2), points (b) and (e), and Article 79(2), point (c) TFEU, to the Council.

2. The European Economic and Social Committee delivered its opinion on 18 May 2022[2].

3. The Committee of the Regions delivered its opinion on 12 October 2022[3].

4. On 24 April 2024 the European Parliament adopted its position at first reading on the Commission proposal[4]. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council.

1 14601/21 + ADD 1 to 3.
2 OJ C 323, 26.8.2022, p. 69.
3 OJ C 498, 30.12.2022, p. 114.
4 9156/24.

5. 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 40/24, as an "A" item at a forthcoming meeting, with Spain and Slovenia abstaining.

6. The statements for the minutes of the Council meeting are set out in the Addendum to this note.

7. 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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[5] In accordance with Articles 1 and 2 of the 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.

[6] 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 (OJ L 64, 7.3.2002, p. 20); Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.