



Council of the
European Union

038953/EU XXVI. GP
Eingelangt am 18/10/18

Brussels, 18 October 2018
(OR. en)

13332/18

Interinstitutional File:
2018/0153(COD)

JAI 1029
MIGR 159
FRONT 347
RELEX 888
COMIX 575
CODEC 1734

NOTE

From: General Secretariat of the Council
To: Delegations

No. Cion doc.: 9036/18

Subject: Proposal for a Regulation of the European Parliament and of the Council
on the creation of a European network of immigration liaison officers
(recast)
- Opinion of the Consultative Working Party

Delegations will find attached the opinion of the Consultative Working Party regarding the above-mentioned proposal.



GROUPE CONSULTATIF
DES SERVICES JURIDIQUES

Brussels, 11 OCT. 2018

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION

**Proposal for a Regulation of the European Parliament and of the Council on the creation of a European network of immigration liaison officers (recast)
COM(2018) 303 final of 16.5.2018 - 2018/0153 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 28 June, 3 July and 6 September 2018 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At those meetings¹, an examination of the proposal for a Regulation of the European Parliament and of the Council recasting Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network resulted in the Consultative Working Party's establishing, by common accord, as follows.

1. The following should have been marked with the grey-shaded type generally used for identifying substantive changes:

- in the first citation, the deletion of the indication '63(3)(b)' and the adding of the indication '79(2)';
- in Article 1(2), the adding of the words '*Union and*';
- in Article 3(1), the deletion of the initial words '*Each Member State shall ensure that its*';
- in Article 3(2)(k), the replacement of the word '*above*' with the indication '*in points (a) to (j)*';
- in Article 3(5) and in the introductory wording of Article 5(1), the deletion of the initial words '*Member States shall ensure that their*';
- in Article 5(1)(g), the deletion of the final words '*to the competent authorities of the sending Member States*'.

2. In Article 3(1), the adding of the word '*operating*' should have been identified with adaptation arrows.

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

3. In Article 3(2), in the wording *'the existence and activities of criminal organisations involved in smuggling of immigrants'*, entirely marked with a 'substantive deletion' marker, the word *'the'* should have been present between the words *'involved in'* and the words *'smuggling of immigrants'*.
4. In Article 11, the word *'the'* preceding the words *'Regulation (EC) N° 810/2009'* should be deleted.
5. In Article 13, the reference made to *'Annex I'* should be adapted so as to read as a reference to Annex II.
6. In the annex containing a correlation table, the annex number erroneously indicated as *'VII'* should be corrected so as to read *'II'*.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.



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