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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 addressing situations of crisis and <i>force majeure</i> in the field of migration and asylum and amending Regulation (EU) 2021/1147 <b>(first reading)</b> - Adoption of the legislative act

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1. On 23 September 2020 the Commission submitted its proposal<sup>1</sup>, based on Article 78(2), points (c), (d) and (e) and Article 79(2), point (c) TFEU, to the Council.
2. The European Economic and Social Committee delivered its opinion on 25 February 2021<sup>2</sup>.
3. The Committee of the Regions delivered its opinion on 19 March 2021<sup>3</sup>.
4. On 10 April 2024 the European Parliament adopted its position at first reading on the Commission proposal<sup>4</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> 11207/20.  
<sup>2</sup> OJ C 155, 30.4.2021, p. 58.  
<sup>3</sup> OJ C 175, 7.5.2021, p. 32.  
<sup>4</sup> 8587/24.

5. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council<sup>5</sup> <sup>6</sup> approve the European Parliament's position, as set out in PE-CONS 19/24, as an "A" item at a forthcoming meeting, with Austria, Hungary, Poland and Slovakia voting against and the Czech Republic 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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- <sup>5</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 Articles 12 and 13, and Articles 1 to 6 insofar as they concern the derogations in Articles 12 and 13 of this Regulation constitute amendments within the meaning of Article 3 of the Agreement concluded between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 66, 8.3.2006, p. 38), Denmark has to notify the Commission of its decision whether or not to implement the content of such amendments at the time of the adoption of the amendments or within 30 days hereafter.
  - <sup>6</sup> In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.