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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 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) .../... and (EU) .../... of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council (first reading) - Adoption of the legislative act

1. On 4 May 2016 the Commission submitted its proposal¹, based on based on Article 78(2), point (e), Article 79(2), point (c), Article 87(2), point (a), and Article 88(2), point (a) TFEU, to the Council.
2. On 23 September 2020 the Commission submitted an amended proposal², based on Article 78(2), points (d), (e) and (g), Article 79(2), point (c), Article 87(2), point (c), and Article 88(2), point (a) TFEU, to the Council.
3. The European Data Protection Supervisor delivered its opinions on 11 September 2016³ and on 30 November 2020⁴.

¹ 8765/16.

² 11205/20 + ADD 1.

4. The European Economic and Social Committee delivered its opinions on 19 October 2016⁵ and on 25 February 2021⁶.
5. The Committee of the Regions delivered its opinions on 8 December 2016⁷ and on 19 March 2021⁸.
6. On 10 April 2024 the European Parliament adopted its position at first reading on the Commission proposal⁹. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council.
7. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council^{10 11} approve the European Parliament's position, as set out in PE-CONS 15/24, as an "A" item at a forthcoming meeting, with Hungary and Poland voting against and the Czech Republic and Slovakia abstaining.
8. The statements for the minutes of the Council meeting are set out in the Addendum to this note.
9. 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*.

³ OJ C 9, 12.1.2017, p. 3.

⁴ OJ C 99, 23.3.2021, p.9-12

⁵ OJ C 34, 2.2.2017, p. 144.

⁶ OJ C 155, 30.4.2021, p. 64.

⁷ OJ C 185, 9.6.2017, p. 91.

⁸ OJ C 175, 7.5.2021, p. 32.

⁹ 8576/24.

¹⁰ 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.

¹¹ In accordance with Articles 1 and 2 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 Treaty on European Union and to the Treaty on the Functioning of the European Union, 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.