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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 European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 **(first reading)**
- Adoption of the legislative act

1. On 12 September 2018 the Commission sent its proposal¹, based on Article 77(2) and Article 79(2) TFEU²³⁴, to the Council.
2. The European Economic and Social Committee delivered its opinion on 12 December 2018⁵.
3. The Committee of the Regions delivered its opinion on 6 February 2019⁶.

¹ 12143/18.

² In accordance with Articles 1 and 2 of the Protocol No 22, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

³ In accordance with Council Decision 2000/365/EC, the United Kingdom is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

⁴ In accordance with Council Decision 2002/192/EC, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

⁵ OJ C 110, 22.3.2019, p. 62.

⁶ OJ C 168, 16.5.2019, p. 74.

4. On 18 April 2019, the European Parliament adopted its position at first reading on the Commission proposal (without legal linguistic revision). After finalisation of the adopted text by the legal linguists, the Parliament approved a corrigendum to that position at its plenary session from 21 to 24 October 2019. It reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council⁷.
5. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council:
 - approve the European Parliament's position, as set out in PE-CONS 33/19, as an "A" item at a forthcoming meeting, with Spain and Italy voting against;
 - decide that the statements in the Addenda 1 and 2 to this note be entered in the minutes of that meeting.
 - decide that the statement in Addendum 1 to this note be published in the Official Journal;

If the Council approves the European Parliament's position, the legislative act will be adopted.

After being signed by the President of the European Parliament and the President of the Council, the legislative act will be published in the Official Journal of the European Union.

⁷ 8498/19.