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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 setting up a Union regime for the control of exports, brokering, technical assistance, transit and transfer of dual-use items (recast) **(first reading)**
- Adoption of the legislative act

1. On 30 September 2016 the Commission sent its proposal¹, based on Article 207(2) TFEU, to the Council.
2. On 25 March 2021 the European Parliament adopted its position at first reading on the Commission proposal. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council².

¹ 12785/16 + ADD1 to ADD3.

² 6959/21.

3. 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 54/20, as an "A" item at a forthcoming meeting;
 - decide that the statement set out in Addendum 1 to this note be entered in the minutes of that meeting and published in the C series of the *Official Journal of the European Union*.
4. At the same time, the Permanent Representatives Committee is invited to decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision (EU) 2021/454³, that the Council use the written procedure for the adoption of the abovementioned Regulation if, due to the circumstances related to COVID-19, no Council meeting takes place before 12 May 2021.
5. 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*.

³ Council Decision (EU) 2021/454 of 12 March 2021, further extending the temporary derogation from the Council's Rules of Procedure introduced by Decision (EU) 2020/430, and extended by Decisions (EU) 2020/556, (EU) 2020/702, (EU) 2020/970, (EU) 2020/1253, (EU) 2020/1659 and (EU) 2021/26, in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 89, 16.3.2021, p. 15–16).