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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC (**first reading**)
- Adoption of the legislative act

1. On 7 June 2016 the Commission sent its proposal¹ based on Article 79(2) TFEU, to the Council.
2. The Committee of the Regions delivered its opinion on 8 December 2016².
3. The European Economic and Social Committee delivered its opinions on 14 December 2016³.
4. On 15 September 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 Council⁴.

¹ ST 10012/16.

² OJ C 185, 9.6.2017, p. 105–110.

³ OJ C 75, 10.3.2017, p. 75–80.

⁴ ST 11883/21.

5. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council⁵⁶ approve the European Parliament's position, as set out in PE-CONS 40/21, as an "A" item at a forthcoming meeting, with Hungary vote against and Austria, the Czech Republic and Slovakia abstaining.
6. The statement by Hungary for the minutes of the Council meeting is set out in the Addendum 1.
7. 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*.

⁵ In accordance with Articles 1 and 2 of Protocol No 22, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

⁶ In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Directive and is not bound by it or subject to its application.