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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 Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (**first reading**)
- Adoption of the legislative act

1. On 4 May 2016 the Commission sent its proposal¹ based on Articles 78(1) and 78(2) TFEU, to the Council.
2. The European Data Protection Supervisor delivered its opinion on 21 September 2016.²
3. The European Economic and Social Committee delivered its opinion on 19 October 2016³.
4. The Committee of the Regions delivered its opinion on 8 December 2016⁴.
5. On 11 November 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 Council⁵.

¹ ST 8742/16.

² OJ C 9, 12.1.2017, p. 3–5.

³ OJ C 34, 2.2.2017, p. 144–150.

⁴ OJ C 185, 9.6.2017, p. 91–104.

⁵ ST 13665/21.

6. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council^{6 7} approve the European Parliament's position, as set out in PE-CONS 61/21, as an "A" item at a forthcoming meeting, with Hungary, Poland and Slovakia voting against and Bulgaria and the Czech Republic abstaining.
7. The statements for the minutes of the Council meeting are set out in the Addendum 1 to this note.
8. 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*.

⁶ In accordance with Articles 1 and 2 of 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.

⁷ In accordance with Articles 1 and 2 of Protocol No 21 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.