



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 15 March 2010 (16.03)
(OR. fr)**

7392/10

**Interinstitutional file:
2009/0028 (COD)**

**CODEC 194
VISA 80
COMIX 205**

"I/A" ITEM NOTE

from: General Secretariat of the Council
to: COREPER/COUNCIL

No. Cion prop.: 7097/09 VISA 77 CODEC 277 COMIX 190

Subject: Proposal for a Regulation of the European Parliament and of the Council
amending the Convention Implementing the Schengen Agreement and Regulation
(EC) No 562/2006 as regards movement of persons with a long-stay visa
(first reading)
– Adoption of the legislative act **(LA + S)**

1. On 2 March 2009 the Commission sent the Council the above proposal¹, based on Article 62(2)(a) and (3) of the EC Treaty^{2 3 4}.

¹ 7097/09.

² In accordance with Articles 1 and 2 of the Protocol on the Position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

³ This Regulation constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000. The United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

⁴ This Regulation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002. Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.

2. In accordance with the joint declaration on practical arrangements for the codecision procedure¹, informal talks were held between the Council, the European Parliament and the Commission with a view to reaching agreement at first reading.
3. The European Parliament issued its first-reading position on 9 March 2010, passing one amendment to the Commission proposal. The outcome of voting in the European Parliament² reflects the compromise agreement reached between the institutions and should thus be acceptable to the Council.
4. The Permanent Representatives Committee is therefore asked to confirm agreement and advise the Council to:
 - adopt the Regulation, as set out in PE-CONS 5/10, as an "A" item at a forthcoming meeting, with the Hungarian, Polish and Greek delegations abstaining;
 - have the statements in the addendum hereto entered in the minutes of that meeting.

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.

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¹ OJ C 145, 30.6.2007, p. 5.

² 7262/10.