"I/A" ITEM NOTE

from: General Secretariat of the Council
to: COREPER/COUNCIL
No. Cion prop.: 5088/08 ENV 3 CODEC 7
(second reading)
– Approval of the European Parliament's amendments (LA + S)

1. On 21 December 2007 the Commission sent the above proposal\(^1\), based on Article 175(1) of the TEC, to the Council. Following the entry into force of the Lisbon Treaty, the proposal must be adopted on the basis of Article 192(1) of the TFEU.

2. The European Economic and Social Committee delivered its Opinion on 14 January 2009\(^2\).
   The Committee of the Regions delivered its Opinion on 9 October 2008\(^3\).

3. The European Parliament delivered its Opinion at first reading on 10 March 2009\(^4\).

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\(^1\) 5088/08.
\(^2\) OJ C 182, 4.8.2009, p. 46.
\(^4\) 7391/09.
4. On 15 February 2010 the Council adopted its position at first reading\(^1\) and forwarded it, with a statement of its reasons, to the European Parliament.

5. In accordance with the provisions of the Joint Declaration on practical arrangements for the codecision procedure\(^2\), informal contacts were initiated between the Council, the European Parliament and the Commission with the aim of reaching agreement at second reading.

6. At its sitting on 7 July 2010, the Parliament adopted, at second reading, one amendment to the Council's position at first reading. That amendment reflects the compromise agreement between the three institutions and should therefore be acceptable to the Council\(^3\).

7. The Commission issued its opinion on the European Parliament's amendment on 26 October 2010\(^4\).

8. The Permanent Representatives Committee is therefore asked to confirm its agreement on this amendment and to suggest that the Council:

   – approve the European Parliament's amendment contained in 11753/10, as set out after legal/linguistic revision in PE-CONS 31/10, as an "A" item on the agenda for a forthcoming meeting;

   – decide to enter the statement set out in the addendum to this note in the minutes of that meeting.

9. Following approval by the Council of the European Parliament's amendment, the Directive is deemed to have been adopted in the form of the Council's position at first reading thus amended, in conformity with Article 294(8)(a) of the TFEU.

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.

\(^1\) 11962/1/09.
\(^2\) OJ C 145, 30.6.2007, p. 5.
\(^3\) 11753/10.
\(^4\) 15551/10.