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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 protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC (first reading) - Adoption of the legislative act

1. On 15 December 2021 the Commission submitted its proposal¹, based on Article 83(2) TFEU, to the Council.
2. The European Economic and Social Committee delivered its opinion on 23 March 2022².
3. On 27 February 2024 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 Council³.

¹ 14459/21 + ADD1 to ADD3.

² OJ C 290, 29.7.2022, p. 143.

³ 7152/24.

4. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council^{4 5} approve the European Parliament's position, as set out in PE-CONS 82/23, as an "A" item at a forthcoming meeting, with Germany abstaining.
5. The statements for the minutes of the Council meeting are set out in the Addendum to this note.
6. If the Council approves the European Parliament's position, the legislative act will be adopted.

After being signed by the Presidents of the European Parliament and of the Council, the legislative act will be published in the *Official Journal of the European Union*.

⁴ In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Directive and is not bound by it or subject to its application.

⁵ In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU, 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.