



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 29 October 2009 (03.11)
(OR. fr)**

15400/10

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2007/0286 (COD)**

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"I/A" ITEM NOTE

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

No. Cion prop.: 5088/08 ENV 3 CODEC 7

Subject : Proposal for a Directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast) **(second reading)**
– Approval of the European Parliament's amendments **(LA + S)**

1. On 21 December 2007 the Commission sent the above proposal¹, 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 2009².
The Committee of the Regions delivered its Opinion on 9 October 2008³.
3. The European Parliament delivered its Opinion at first reading on 10 March 2009⁴.

¹ 5088/08.

² OJ C 182, 4.8.2009, p. 46.

³ OJ C 325, 19.12.2008, p. 60.

⁴ 7391/09.

4. On 15 February 2010 the Council adopted its position at first reading¹ 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 procedure², 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 Council³.
7. The Commission issued its opinion on the European Parliament's amendment on 26 October 2010⁴.
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.