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European Union

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REV 1

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COMIX 174

'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
No. prev. doc.:	15249/17; 15820/17
Subject:	Draft Council Decision on the putting into effect of remaining provisions of the Schengen <i>acquis</i> relating to the Schengen Information System in the Republic of Bulgaria and Romania - Endorsement of corrections and approval of a letter

A draft Council Decision allowing Bulgaria and Romania to apply the SIS without any remaining restrictions, as set out in Article 1 (4) of Council Decision 2010/365/EU of 29 June 2010 on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in Bulgaria and Romania was prepared last year.

On 6 December 2017, the Permanent Representatives Committee confirmed agreement on that draft Council Decision with a view to its eventual adoption by the Council after consultation of the European Parliament and legal-linguistic revision in all languages (doc. 15249/17 and its annex).

The European Parliament has been consulted on the draft Council Decision and has started its procedure for the adoption of its opinion.

It has appeared that the draft Council Decision requires two technical corrections, made by the Council Legal Service:

- linking the date of application to the publication of the Decision,
- adding that Article 25 of the Convention Implementing the Schengen Agreement applies (consultation for residence permits and alerts for the purposes of refusing entry), in order to correct an omission.

The corrected text of the above draft Council Decision, as set out in WK 4137/2018 has been brought to the attention of delegations by email, and announced at the JHA Counsellors (SIS) meeting on 11 April 2018. No objections have been raised by delegations.

It is appropriate that the European Parliament be informed of the technical corrections and invited to take them into consideration in its opinion.

The Permanent Representatives Committee is therefore invited to :

- endorse the corrections on the draft Council decision as set out in doc. 15820/1/17 REV 1 (to be issued following finalization of the legal linguist revision), with a view to its adoption by the Council after receiving the opinion of the European Parliament;
- approve the letter in the Annex to be sent to the European Parliament for information .

ANNEX

Mr Antonio TAJANI
President of the European Parliament
c/o Mr Markus WINKLER
Deputy Secretary-General
Plateau du Kirchberg
L-2929 LUXEMBOURG

Brussels,

Sir,

In its letter of 18 January 2018 [*letter Ref. SGS 18/00298*], the Council invited the European Parliament to provide its opinion on the **draft Council Decision on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania** [2018/0802 (CNS) - doc 15820/17].

The European Parliament has not yet given its opinion.

Since then, it has appeared that two technical corrections to the draft Council Decision are needed, the first one in order to link the date of application to the publication of the Decision and the second one to add that Article 25 of the Convention implementing the Schengen Agreement applies. The corrected draft Council Decision is hereby provided (doc. 15820/1/17 REV 1).

The European Parliament is kindly invited to take into consideration these corrections when drawing up its upcoming opinion.

Yours faithfully,

For the Secretary General

Jim CLOOS

Annex: 15820/1/17 REV 1