



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 April 2012

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**JAI 226
SIRIS 18
VISA 74
EURODAC 2
SCHENGEN 25**

COVER NOTE

from: Mr Rory Montgomery, Permanent Representative of Ireland
date of receipt 16 March 2012
to: Mr Morten Bødskov, President of the Council of the European Union
Subject: Request from Ireland to take part in the Regulation of the European Parliament and of the Council on establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

Delegations will find in the Annex a copy of the letter from Ireland sent to the President of the Council in relation to the above mentioned subject.



Mr. Morten Bødskov
President of the Council
Council of the European Union
Rue de la Loi 175
Brussels B – 1048

16 March 2012

SECRETARIAT DU CONSEIL DE L'UNION EUROPÉENNE	
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DEST. PRIN: M. FERNANDEZ-PITA	
DEST. COP: Hickey	

**Regulation establishing a European Agency for the operational management of
large-scale IT systems in the area of freedom, security and justice**

Dear President,

I refer to the above-named Regulation and to Ireland's participation therein in the context of Protocols 19 and 21 to the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU).

The Agency which the Regulation establishes will be responsible for, *inter alia*, the technical development and operational management of the second-generation Schengen Information System (SIS II), the Visa Information System (VIS) and Eurodac. Ireland participates in Eurodac and in parts of SIS II and, as such, also wishes to participate in the Regulation.

The Regulation may be considered to cover three distinct categories for the purpose of Ireland's participation therein, as follows:

Firstly, aspects of the Regulation relate to the operational management of the Eurodac system. I hereby notify you, under Article 4 of Protocol 21, that Ireland wishes to accept these provisions of the Regulation (in this regard I am issuing a separate notification to the Director General for Home Affairs in the Commission).

Secondly, aspects of the Regulation relate to the operational management of those parts of SIS II in which Ireland participates in accordance with Council Decision 2002/192/EC. By virtue of Article 6(2) of that Decision, Ireland is deemed to have notified its wish under Article 5 of Protocol 19 to take part in these aspects of the Regulation.

Thirdly, aspects of the Regulation relate to the operational management of VIS, in which Ireland does not participate, and to those parts of SIS II in which Ireland does not participate. I hereby notify you that Ireland requests, under Article 4 of Protocol 19, to take part in the provisions of the Schengen *acquis* consisting exclusively of these aspects of the Regulation (for the avoidance of doubt, I emphasise that this

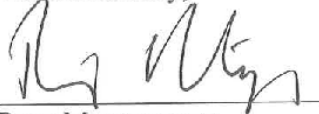
REPRÉSENTATION PERMANENTE DE L'IRLANDE AUPRÈS DE L'UNION EUROPÉENNE

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request does not extend to any other provisions of the Schengen *acquis* concerning borders and visa policy).

Accordingly it is understood that, if the Council adopts the Decision sought under Protocol 19 (and, separately, on completion by the Commission of the procedure under Article 331(1) TFEU *mutatis mutandis*, as referred to in Article 4 of Protocol 21), Ireland will be able to participate in the Regulation in its entirety.

Yours sincerely,



Rory Montgomery
Permanent Representative