



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 20 September 2012**

**14003/12**

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**Interinstitutional File:  
2012/0033 (NLE)**

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**SIRIS 78  
SCHENGEN 64  
COMIX 513**

**"I" ITEM NOTE**

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from: General Secretariat of the Council  
to: Coreper

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Subject: Proposal for a Council Regulation on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (recast)

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1. On 3 May 2012 the Commission submitted a proposal for a Council Regulation on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II) (recast)<sup>1</sup>.
2. In its letter on 15 May 2012, the Council invited the European Parliament to provide its opinion on that proposal.

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<sup>1</sup> 9485/12 SIRIS 31 SCHENGEN 31 COMIX 284

3. Since then, the Council reflected on how to better ensure the correct participation of the United Kingdom and Ireland in the adoption of the above proposal, given that they are entitled to participate in SIS matters which concern police cooperation, but not in those which concern refusal of entry. Following the discussions in the Working Party on the Schengen Acquis and at JHA Counsellors level, and given the well established legal practice in the area of SIS II to have two legal instruments, it was considered that the original proposal for a Council Regulation would be split into two identical texts (see documents 11142/1/12 REV 1 and 11143/1/12 REV 1), one where the United Kingdom and Ireland participate and one where they do not. The splitting of the original proposal would not bring any substantial modification to the text.
3. Noting that the consultation of the European Parliament is not yet completed, it is appropriate:
- to inform the European Parliament of the Council's intention to split the proposal for the above reasons;
  - to invite the European Parliament to take the split into consideration when drawing up its opinion;
  - to provide the European Parliament with documents 11142/1/12 REV 1 and 11143/1/12 REV 1;
  - to ask the Parliament to deliver its opinion within the shortest deadline, given that the adoption of the future instruments would allow for the necessary financing of the national SIS II projects.
4. **The Permanent Representatives Committee is therefore invited to agree with the proposals set at point 3 above.**