



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 21 November 2012

15416/12

**JAI 734
EURODAC 34
SIRIS 93
VISA 200
OC 589**

"I/A" ITEM NOTE

from: General Secretariat of the Council

to: COREPER / Council

Subject: Council Decision concerning the request of Ireland to take part in some of the provisions of the Schengen acquis relating to the establishment of a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

COMMON GUIDELINES

Consultation deadline for Croatia: 30 November 2012

1. On 25 October 2011 the European Parliament and the Council adopted Regulation (EU) No 1077/2011¹ establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (hereinafter "the IT Agency"). The IT Agency is currently responsible for operational management of SIS II, VIS and EURODAC.
2. So far, Ireland is not participating in the IT Agency, given that it did not opt in the EURODAC related provisions, nor does it participate in the SIS II provisions governed by Regulation (EC) No 1987/2006, and in the VIS.

¹ OJ L 286, 1.11.2011, p. 1.

3. As far as EURODAC related provisions of the Regulation 1077/2011 are concerned, the Commission services, verified in accordance with Article 331 TFEU that all the preconditions for the full participation of Ireland in the IT Agency were fulfilled and confirmed, by Commission Decision C(2012) 4881 of 18.7.2012, Ireland's participation in Regulation (EU) No 1077/2011.
4. In order to ensure compliance with the Treaties and the applicable Protocols, and at the same time to safeguard the unity and consistency of Regulation (EU) No 1077/2011, Ireland has also requested, by letter of 14 March 2012, to take part in Regulation 1077/2011 under Article 4 of the Schengen Protocol to the extent that the Agency is responsible for the operational management of SIS II, as governed by Regulation (EC) No 1987/2006, and of VIS.
5. On 12 October 2012 the JHA Counsellors agreed on the content of the draft Council Decision as set out in 14428/12; and the Mixed Committee, established pursuant to Article 3 of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application, and development of the Schengen acquis², as well as the Mixed Committee established pursuant to Article 3 of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis³, were informed about the preparation of this Decision in accordance with Article 5 of the respective Agreements.
6. All the reservations pending on the draft Council Decision were lifted and it underwent the necessary scrutiny by the Lawyer-Linguists. It is now set out in 14987/12 + COR 1.
7. On this basis, **COREPER is invited to confirm the agreement on the Council Decision as set out in 14987/12 + COR 1 and forward it to the Council (Justice and Home Affairs) meeting on 6 and 7 December 2012 with a view to adoption and publication in the Official Journal of the European Union.**

² OJ L 176, 10.7.1999, p. 36.

³ OJ L 53, 27.2.2008, p. 52.