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#### COVER NOTE

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From: Sir Tim BARROW, Permanent Representative of the UK to the EU  
date of receipt: 19 July 2018  
To: Mr Josef MOSER and Mr Herbert KICKL, Presidents of the Justice and  
Home Affairs Council

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Subject: eu-LISA: UK request under Article 4 of the Protocol on the Schengen  
acquis

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Delegations will find attached a letter from the Permanent Representative of the United Kingdom to the EU in relation to the above subject.



UK Representation  
to the EU Brussels

IM 07826 2018  
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The Permanent Representative  
Sir Tim Barrow KCMG

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19 July 2018

Mr Josef Moser and Mr Herbert Kickl  
Presidents of the Justice and Home Affairs Council  
Council of the European Union  
Rue de la Loi 175  
B1048 Brussels

*Dear Mr Moser and Mr Kickl,*

**eu-LISA: UK request under Article 4 of the Protocol on the Schengen acquis**

I write pursuant to Article 4 of Protocol 19 of the Schengen acquis integrated into the framework of the European Union to request that the United Kingdom participate in the provisions of the Schengen acquis specified below.

Prior to the adoption of Regulation (EU) 1077/2011 (the "2011 Regulation") establishing the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice ("the Agency"), the UK Permanent Representative made a request under Article 4 for a Council Decision authorising the UK to fully participate in the management of the Agency – including the operational management of systems forming parts of the Schengen acquis not covered by Council Decision 2000/365/EC.

Pursuant to that request, Council Decision (2010/779/EU) ("the 2010 Decision") was adopted on 14 December 2010 and authorised the UK to participate in the 2011 Regulation to the extent that it related to the operational management of the Visa Information System (VIS) and the parts of the second-generation Schengen Information System (SIS II), in which the United Kingdom does not participate. So far as the 2011 Regulation related to the operational management of those parts of SIS II in which the UK participates under the Council Decision 2000/365/EC, the UK was deemed to have been taking part by virtue of Article 8(2) of that Decision and Article 5 of Protocol No. 19.

The 2011 Regulation tasked the Agency with the operational management of the European Dactyloscopy database (EURODAC), which does not form part of the Schengen acquis nor build upon it, but in which the United Kingdom does participate by virtue of Protocol No. 21. On 23 September 2009, in accordance with Article 3 of Protocol 21 the United Kingdom notified the President of the Council of its wish to take part in the 2011 Regulation to the extent that it related to the operational management of EURODAC.



Therefore, through the operation of the 2010 Council Decision, Article 8(2) of Council Decision 2000/365/EC and Article 5 of Protocol No. 19, and Article 3 of Protocol No. 21, the UK fully participates in the 2011 Regulation and is bound by it in its entirety.

As you will be aware, the proposal for a new eu-LISA Regulation will shortly be adopted which, among other things, will repeal and replace the 2011 Regulation. Under that proposal, the Agency will assume additional responsibilities including the management of new systems, two of which will build upon the parts of the Schengen acquis in which the United Kingdom is not currently authorised to participate, namely the Entry and Exit System (EES) and the European Travel Information and Authorisation System (ETIAS).

As with the 2011 Regulation, the United Kingdom is deemed under Article 8(2) of Council Decision 2000/365/EC to have notified its wish under Article 5 of Protocol No. 19 to take part in the proposal to the extent that it relates to the operational management of the parts of SIS II referred to in that Decision.

To the extent that the new proposal relates to the operational management of EURODAC and the European Criminal Records Information System—Third Country Nationals (ECRIS-TCN), the United Kingdom has notified its wish to participate in accordance with Article 3 of Protocol No. 21.

As for the 2011 Regulation which this proposal will replace, it is understood that if a new Council Decision is adopted pursuant to this request, the United Kingdom will be able to participate in the adoption by the Council of the whole Regulation and to become bound by it in its entirety.

I am copying this letter to Martin Selmayr, Secretary-General of the Commission, and Jeppe Tranholm-Mikkelsen, Secretary-General of the Council.



**SIR TIM BARROW**