



Brussels, 9 November 2018
(OR. en)

13763/18

Interinstitutional File:
2016/0409(COD)

CODEC 1859
JAI 1085
SIRIS 151
SCHENGEN 60
FRONT 377
ENFOPOL 530
COPEN 371
MIGR 173
COMIX 602

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/ 2006 of the European Parliament and of the Council and Commission Decision 2010/261/EU (**first reading**)
- Adoption of the legislative act

1. On 23 December 2016 the Commission sent the above proposal¹²³⁴, based on Articles 82(1) second subparagraph point (d), Article 85(1), Articles 87(2)(a) and 88(2)(a) TFEU, to the Council.

¹ 15814/16.

² The United Kingdom is taking part in this Regulation in accordance with Article 5(1) of Protocol No 19 on the Schengen acquis integrated into the framework of the EU annexed to the TEU and to the TFEU and Article 8(2) of Council Decision 2000/365/EC.

³ Ireland is taking part in this Regulation in accordance with Article 5(1) of Protocol No 19 annexed to the TEU and to the TFEU and Article 6(2) of Council Decision 2002/192/EC.

⁴ In accordance with Articles 1 and 2 of Protocol No 22 on the Position of Denmark annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

2. On 24 October 2018 the European Parliament adopted its position at first reading on the Commission proposal. The outcome of voting in the European Parliament reflects the compromise agreement reached between the institutions and should, therefore, be acceptable to the Council⁵.
3. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council approve the European Parliament's position, as set out in PE-CONS 36/18, as an "A" item at a forthcoming meeting.

If the Council approves the European Parliament's position, the legislative act will be adopted.

After being signed by the President of the European Parliament and the President of the Council, the legislative act will be published in the Official Journal of the European Union.

⁵ 13325/18.