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'I/A' ITEM NOTE

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

No. Cion doc.: 5939/19

Subject: Draft Council Decision concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish no longer to take part in some of the provisions of the Schengen *acquis* which are contained in Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network
- Adoption

1. On 17 May 2018, the Commission submitted a proposal for the recast of the Regulation on the creation of a European network of immigration liaison officers (EC No 377/2004)¹, in which the United Kingdom has taken part. The Council received the proposal in all the required languages on 2 July 2018.
2. On 1 October 2018, within the required three-month deadline, the United Kingdom has notified to the President of the Council of its wish not to take part in the adoption of the recast of the Regulation. This was done in accordance with Article 5(2) of Protocol No 19 on the Schengen *acquis*.

¹ 9036/18

3. In line with the applicable procedure outlined in Article 5(3) of Protocol No 19, the Commission submitted a proposal for a Council decision concerning the above mentioned notification by the UK, which delegations can find in document 5939/19.
4. The Commission concluded that the recast of the Regulation can be considered as a self-standing measure within the Schengen *acquis*, which does not interact operationally with other legal instruments that are part of the Schengen *acquis*. Therefore the non-participation of the UK in the recast of the Regulation would not seriously affect the practical operability of the other parts of the Schengen *acquis* and would respect their coherence.
5. The Commission's proposal was discussed by the JHA Counsellors at their meeting on 5 February, at which no comments were raised. As such, delegations are in a position to agree on the proposal.
6. The Permanent Representatives Committee is therefore requested to recommend that the Council adopt the Council Decision concerning the notification of the United Kingdom of Great Britain and Northern Ireland of its wish no longer to take part in some of the provisions of the Schengen *acquis* which are contained in Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network, as set out in document 5979/19 as an 'A' item at a forthcoming meeting.