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'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 establishing a centralised system for the identification of Member States holding conviction information on third-country nationals and stateless persons (ECRIS-TCN) to supplement the European Criminal Records Information System and amending Regulation (EU) 2018/1726 **(first reading)**
- Adoption of the legislative act

1. On 29 June 2017 the Commission sent the above proposal¹, based on Article 81(1)(d) TFEU²³⁴, to the Council.

¹ 10940/17.

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

³ In accordance with Articles 1 and 2 of Protocol No 21 and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

⁴ In accordance with Article 3 and Article 4a(1) of Protocol 21, the United Kingdom has notified its wish to take part in the adoption and application of this Regulation.

2. The European Data Protection Supervisor delivered its opinion on 12 December 2017⁵.
3. On 12 March 2019 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 Council⁶.
4. 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 88/18, as an "A" item at a forthcoming meeting;
 - decide that the statement in the addendum to this note be entered in the minutes of that 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 OJ C 55, 14.2.2018, p. 4.

⁶ 6935/19.