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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 amending Regulations (EC) No 767/2008, (EC) No 810/2009, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1860, (EU) 2018/1861, (EU) 2019/817 and (EU) 2019/1896 of the European Parliament and of the Council and repealing Council Decisions 2004/512/EC and 2008/633/JHA, for the purpose of reforming the Visa Information System **(first reading)**
- Adoption of the Council's position at first reading and of the statement of the Council's reasons

1. On 17 May 2018 the Commission sent its proposal¹, based on Articles 16(2), 77(2), 78(2), 79(2), 87(2) and 88(2) TFEU, to the Council.
2. The European Economic and Social Committee delivered its opinion on 19 September 2018².
3. The Committee of the Regions was consulted and decided not to issue an opinion.
4. The European Parliament adopted its position at first reading on 13 March 2019³.

¹ 8853/18 + ADD 1 to ADD 3.

² OJ C 440, 6.12.2018, p. 154–157.

³ 7401/19

5. The Permanent Representatives Committee confirmed on 22 January 2021 the provisional agreement reached by the co-legislators.
6. Subsequently, on 27 January 2021 the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) confirmed the provisional agreement and its chair sent a letter on 1 February 2021 to the chair of Coreper declaring that the European Parliament should, at its second reading, approve the Council's position at first reading (following a legal-linguistic review) without amendments.
7. The Permanent Representatives Committee is therefore asked to suggest that the Council⁴ adopt its position at first reading, as set out in document 5950/21, and the statement of reasons, as set out in document 5950/21 ADD 1, as an 'A' item at a forthcoming meeting.
8. At the same time, the Permanent Representatives Committee is invited to decide, in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure and Article 1 of Council Decision (EU) 2021/454⁵, that the Council use the written procedure for the adoption of the abovementioned Regulation if, due to the circumstances related to COVID-19, no Council meeting takes place before 29 May 2021.

⁴ Denmark and Ireland are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.

⁵ Council Decision (EU) 2021/454 of 12 March 2021 further extending the temporary derogation from the Council's Rules of Procedure introduced by Decision (EU) 2020/430, in view of the travel difficulties caused by the COVID-19 pandemic in the Union (OJ L 89, 16.3.2021, p. 15–16)