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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 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (first reading) - Adoption of the legislative act

1. On 30 June 2017 the Commission sent the above proposal¹, based on Article 74, Article 77(2)(a) and (b), Article 78(2)(e), Article 79(2)(c), Article 82(1)(d), Article 85(1), Article 87(2)(a) and Article 88(2) TFEU²³⁴, to the Council.
2. The European Parliament adopted its position at first reading on the Commission proposal on 4 July 2018. The Parliament having approved a corrigendum to that position at its plenary session 1-4 October 2018, 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 29/18, as an "A" item at a forthcoming meeting with the United Kingdom abstaining;
 - order that the statement in the addendum 1 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.

¹ 10820/17.

² By virtue of Article 1 of Council Decision (EU) 2018/..., the United Kingdom has been authorised to take part in this Regulation. Furthermore, insofar as its provisions relate to Eurodac and DubliNet, the United Kingdom notified its wish to take part in the adoption and application of this Regulation by its letter of 23 October 2017 to the President of the Council. The United Kingdom therefore takes part in the adoption of this Regulation, is bound by it and subject to its application.

³ Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application, without prejudice to its rights under Protocols No 19 and No 21.

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

⁵ 10714/18.