



Brussels, 9 November 2018
(OR. en)

13761/18

Interinstitutional File:
2016/0407(COD)

CODEC 1857
JAI 1083
SIRIS 149
SCHENGEN 58
FRONT 375
ENFOPOL 528
COPEN 369
MIGR 171
COMIX 600

'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 use of the Schengen Information System for the return of illegally staying third-country nationals (first reading) - Adoption of the legislative act

1. On 23 December 2016 the Commission sent the above proposal¹²³⁴, based on Article 79(2)(c) TFEU, to the Council.

¹ 15812/16.

² 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.

³ This Regulation constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, the United Kingdom is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

⁴ This Regulation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, Ireland is therefore 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 34/18, as an "A" item at a forthcoming meeting;
 - order that the statements 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.

⁵ 13321/18.