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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 establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006 (**first reading**)
- Adoption of the legislative act

1. On 23 December 2016 the Commission sent the above proposal¹²³⁴, based on Articles 77(2)(b) and (d) and Article 79(2)(c) TFEU, to the Council.

¹ 15813/16.

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 35/18, as an "A" item at a forthcoming 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 13324/18.