



Brussels, 29 March 2019
(OR. en)

7868/19

**Interinstitutional File:
2016/0002(COD)**

**CODEC 785
COPEN 129
EJUSTICE 46
JURINFO 7
DAPIX 118**

'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third-country nationals and as regards the European Criminal Records Information System (ECRIS), and replacing Council Decision 2009/316/JHA **(first reading)**
- Adoption of the legislative act

1. On 20 January 2016 the Commission sent the above proposal¹, based on Article 82(1) TFEU²³⁴, to the Council.

¹ 5438/16.

² In accordance with Articles 1 and 2 of Protocol No 22, Denmark is not taking part in the adoption of this Directive 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 Directive 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 Directive.

2. The European Data Protection Supervisor delivered its opinion on 13 April 2016⁵.
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 87/18, as an "A" item at a forthcoming meeting;
 - decide that the statements 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 186, 25.5.2016, p. 7.

⁶ 6934/19.