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COVER NOTE

From: Mr Declan KELLEHER, Permanent Representative of Ireland to the EU
date of receipt: 17 April 2019
To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

Subject: REGULATION (EU) 2018/1726 OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL of 14 November 2018 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
– Opt-in by Ireland

Delegations will find attached a letter from the Permanent Representative of Ireland to the EU
regarding the subject above.

Buan Ionadaíocht
na hÉireann
chuig an Aontas Eorpach



Permanent Representation
of Ireland
to the European Union

Jeppé Tranholm-Mikkelsen,
Secretary General of the EU Council,
Council of the European Union,
Rue de la Loi 175,
B – 1048 Brussels,
Belgium.

12 April 2019

**REGULATION (EU) 2018/1726 OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

of 14 November 2018

**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.**

Dear Secretary General,

I refer to the above-named Regulation and to Ireland's participation therein in the context of
Protocols 19 and 21 to the Treaty on the European Union (TEU) and the Treaty on the
Functioning of the European Union (TFEU).

The Agency, eu-LISA, whose mandate the Regulation concerns, will be responsible for, *inter
alia*, the technical development and operational management of: the second generation
Schengen Information System (SIS II); the European Asylum Dactyloscopy Database
(Eurodac); DublinNET; the Visa Information System (VIS); the Entry/Exit system (EES); and
the European Travel Information and Authorisation system (ETIAS). Ireland participates in
Eurodac and parts of SIS II and, as such, also wishes to participate in the Regulation.

The Regulation may be considered to cover three distinct categories for the purpose of
Ireland's participation therein, as follows:

REPRÉSENTATION PERMANENTE DE L'IRLANDE AUPRÈS DE L'UNION EUROPÉENNE

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Firstly, aspects of the Regulation relate to the operation management of the Eurodac system and DublinET. I hereby notify you, under Article 4 of Protocol 21, that Ireland wishes to accept these provisions of the Regulation (in this regard I am issuing a separate notification to the Director General for Home Affairs in the Commission).

Secondly, aspects of the Regulation relate to the operational management of those parts of SIS II in which Ireland participates in accordance with Council Decision 2002/192/EC. By virtue of Article 6(2) of that Decision, Ireland is deemed to have notified its wish under Article 5 of Protocol 19 to take part in these aspects of the Regulation.

Thirdly, aspects of the Regulation relate to the operational management of the VIS, in which Ireland does not participate; to the operational management of EES, in which Ireland does not participate; to the operational management of the ETIAS, in which Ireland does not participate; and to the operational management of those parts of the SIS II in which Ireland does not participate. I hereby notify you that Ireland requests, under Article 4 of Protocol 19, to take part in the provisions of the Schengen *acquis* consisting exclusively of these aspects of the Regulation (for the avoidance of doubt, I emphasise that this request does not extend to any other provisions of the Schengen *acquis* concerning borders and visa policy).

Accordingly it is understood that, if the Council adopts the Decision sought under Protocol 19 (and, separately, on completion by the Commission of the procedure under Article 331(1) TFEU *mutatis mutandis*, as referred to in Article 4 of Protocol 21), Ireland will be able to participate in the Regulation in its entirety.

Yours sincerely,



Declan Kelleher

Permanent Representative