



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 5 March 2010

6429/10

**Interinstitutional File:
2009/0089 (COD)**

**SIRIS 27
VISA 70
EURODAC 13
SCHENGEN 18
COMIX 130**

OUTCOME OF PROCEEDINGS

of :: Working Party on the Schengen Acquis/Mixed Committee (EU-Iceland/Norway
and Switzerland/Liechtenstein)

on :: 3 February 2010

Subject: Summary of discussions

1. Adoption of the agenda

The Agenda as set out in CM 1341/10 was adopted.

2. Continuation of the discussion of the Proposal for a Regulation of the European Parliament and of the Council establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

– Presidency draft compromise proposal

The Presidency explained that its intention was to work further on the basis of the result of the work carried out under the Swedish Presidency. To that end, the Presidency submitted a compromise text as set out in 5747/10 SIRIS 20 VISA 28 EURODAC 4 COMIX 84 CODEC 59.

This text – already "Lisbonised" – was drafted taking into account the comments made by the delegations during the meeting of the Working Party on 4 December 2009 as well as the Opinion received from the EDPS set out in 5039/10 SIRIS 2 VISA 3 EURODAC 2 SCHENGEN 2 EUROPOL 2 EUROJUST 2 COMIX 5. However, it does not include the ex-Third Pillar provisions. COM said it would re-submit in due course a "fully Lisbonised" proposal, where the provisions previously contained in 11726/09 JAI 453 CATS 80 SIS-TECH 71 SIRIS 98 VISA 226 EUROPOL 66 EUROJUST 53 COMIX 555 would be included. However, since the content of the text would be the same, this delay would not prevent this Working Party from continuing its discussions on the basis of the current Presidency's compromise text.

The Presidency recalled that this act is to be adopted under the ordinary legislative procedure (co-decision) and informed the meeting of the informal contacts already established with the EP's Rapporteur.

The group has analysed the Articles 1 to 14. It considered the discussions on Articles 5, 10 and 12 as closed. Both Article 7 (related to the location and structure of the Agency) and Articles 11 and 13 (related to the rights of the Member States which do not apply the Schengen acquis in full) should be submitted to a higher political level for consideration.

AT presented its comments in writing (see 5747/10 ADD 1 SIRIS 20 VISA 28 EURODAC 4 COMIX 84 CODEC 59).

The results of the debate would be reflected in a separate document.¹

At the next meeting, the discussions would focus on Articles 15 onwards.

3. Any other business

None.

¹ They are provisionally set out in Room Document 2010-03-15/01.