



**COUNCIL OF THE
EUROPEAN UNION**

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"I/A" ITEM NOTE

from: General Secretariat of the Council

to: COREPER/COUNCIL

Subject: Proposal for a Regulation of the European Parliament and of the Council on establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (**first reading**)
– Adoption of the legislative act

1. On 26 June 2009, the Commission¹ sent the Council the above proposal¹, based on Articles 62(2)(a), 62(2)(b)(ii), 63(1)(a), 63(3)(b) and Article 66 of the EC Treaty, supplemented by an amended proposal sent to the Council on 19 March 2010².

¹ 11722/09.

² 8151/10.

Following the entry into force of the Treaty of Lisbon, the proposal is to be adopted on the basis of Article 74, Article 77(2)(a) and (b), Article 78(2)(e), Article 79(2)(c), Article 82(1)(d), Article 85(1), Article 87(2)(a) and Article 88(2) of the Treaty on the Functioning of the European Union¹.

2. In accordance with the provisions of the joint declaration on practical arrangements for the codecision procedure², informal contacts were initiated between the Council, the European Parliament and the Commission with the aim of reaching agreement at first reading.
3. The European Parliament delivered its opinion at first reading on 6 July 2011, adopting the single amendment to 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 Council³.
4. The Permanent Representatives Committee is therefore asked to confirm its agreement and to suggest that the Council adopt the Regulation as an "A" item on the agenda for a forthcoming meeting, as set out in PE-CONS 22/11.

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.

¹ In accordance with Articles 1 and 2 of the Protocol on the position of Denmark, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
Since it is not possible to ensure the applicability of this Regulation to Ireland in its entirety as required by Article 288 TFEU, Ireland is not taking part in the adoption of this Regulation and, without prejudice to its rights under Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice and under the Protocol on the Schengen acquis, is not bound by it or subject to its application.
The United Kingdom is taking part in the adoption of this Regulation, is bound by it and is subject to its application.

² OJ C 145, 30.6.2007, p. 5.

³ 12493/11.