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THE EUROPEAN UNION**

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NOTE

from: Presidency
to: Mixed Committee at the level of Senior Officials

No Prev. Doc.: 14296/06 CODEC 1149 SIRIS 183 SCHENGEN 92 COMIX 866
14298/06 CODEC 1151 SIRIS 184 SCHENGEN 93 COMIX 867
5710/7/06 SIRIS 23 SCHENGEN 11 EUROPOL 54 EUROJUST 29 COMIX 87
REV 7 + COR 1 + COR 2 + COR 3 + ADD 1

Subject: Legal basis SIS II
- proposal for agreement at first reading

1. As set out in documents 14296/06 CODEC 1149 SIRIS 183 SCHENGEN 92 COMIX 866 and 14298/06 CODEC 1151 SIRIS 184 SCHENGEN 93 COMIX 867, the European Parliament on 25 October 2006 adopted the opinions concerning the three texts constituting the legal basis for SIS II:
 - Regulation of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II).
 - Regulation of the European Parliament and of the Council regarding the access to the Second Generation Schengen Information System (SIS II) by the Services responsible for issuing registration certificates for vehicles.
 - Council Decision on the establishment, operation and use of the second generation Schengen Information System (SIS II), doc. 5710/7/06 SIRIS 23 SCHENGEN 11 EUROPOL 54 EUROJUST 29 COMIX 87 REV 7 + COR 1 + COR 2 + COR 3 + ADD 1.

2. The opinions adopted reflect the compromise reached between the three institutions with the exception of the new wording of Article 17(1)(b) of the main Regulation (and of Article 37(1)(b) of the Decision), concerning those authorities with the right to have access to the data stored through the system.
3. It is recognised that the access for authorities which enter data into the SIS II is an important issue related to the safeguarding of the area of freedom security and justice and that this question will require further examination, including on the possibility to submit new legislative proposals on this subject.
4. However, it is found that this issue should not delay or hinder the adoption of the legal basis for the SIS II, given the importance of the SIS II for the area of free movement and security in the EU.
5. **Coreper is therefore invited to endorse the amendments contained in the European Parliament's opinions on the three proposals with a view to their adoption by the Council.**
6. Subsequently, the concerned draft Regulations and Decision will undergo jurist-linguist scrutiny with a view to their formal adoption as soon as possible.
7. Delegations having outstanding parliamentary reservations are invited to lift these within the shortest possible time.
