


Procedure file

Basic information		
CNS - Consultation procedure Regulation	2001/0802(CNS)	Procedure completed
Border checks: implementation, provisions and procedures. Initiative Portugal		
Subject 7.10.04 External borders crossing and controls, visas 7.30.05 Police cooperation		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	PPE-DE DEPREZ Gérard	10/10/2000
Council of the European Union	Council configuration	Meeting	Date
	Agriculture and Fisheries	2343	24/04/2001

Key events			
16/06/2000	Committee referral announced in Parliament		
01/02/2001	Legislative proposal published	05736/2001	Summary
27/02/2001	Vote in committee		Summary
27/02/2001	Committee report tabled for plenary, 1st reading/single reading	A5-0066/2001	
13/03/2001	Debate in Parliament		
13/03/2001	Decision by Parliament	T5-0125/2001	Summary
24/04/2001	Act adopted by Council after consultation of Parliament		
24/04/2001	End of procedure in Parliament		
26/04/2001	Final act published in Official Journal		

Technical information	
Procedure reference	2001/0802(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation

Legislative instrument	Regulation
Legal basis	EC Treaty (after Amsterdam) EC 067-p1; EC Treaty (after Amsterdam) EC 062
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/12830

Documentation gateway

Legislative proposal	05736/2001 OJ C 073 06.03.2001, p. 0008	01/02/2001	CSL	Summary
Document attached to the procedure	05441/2001	08/02/2001	CSL	
Committee report tabled for plenary, 1st reading/single reading	A5-0066/2001	27/02/2001	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0125/2001 OJ C 343 05.12.2001, p. 0022-0090	13/03/2001	EP	Summary

Additional information

European Commission	EUR-Lex
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Final act

[Regulation 2001/790](#)
[OJ L 116 26.04.2001, p. 0005](#) Summary

Border checks: implementation, provisions and procedures. Initiative Portugal

PURPOSE: to reserve to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance. **CONTENT:** On the initiative of the Portuguese Republic, it is proposed to adopt certain detailed provisions and practical procedures for carrying out border checks and surveillance. The objective is to reserve to the Council implementing powers, given the sensitivity of this area in the Member States, in particular involving political relations with third countries. Therefore, it is proposed that the Council reserves the right, during the transitional period of five years referred to in Article 67(1) of the Treaty establishing the European Community, to adopt, amend and update the detailed provisions and practical procedures referred to above by unanimity, pending a review by the Council of the conditions under which such implementing powers would be conferred on the Commission after the end of this transitional period. It is important to realise that some of those provisions and procedures require confidential treatment in order to prevent risk of abuse. Furthermore, it is also necessary to provide for a procedure whereby the members of the Council and the Commission are informed without delay of all the amendments to those Annexes of the Common Manual which consist, in whole or in part, of lists of factual information which must be provided by each Member State in accordance with the rules which it currently applies, and which therefore do not fall to be adopted, amended or updated by an act of the Council. ?

Border checks: implementation, provisions and procedures. Initiative Portugal

The committee adopted the report by Gérard DEPRez (EPP-ED, B) rejecting the Finnish initiative under the consultation procedure. The committee pointed out that, under the Treaty, the Council conferred implementing powers on the Commission and reserved such powers to itself only in specific cases. It argued that the Council had failed to prove that the initiative did indeed constitute a specific case. Moreover, it stressed that Parliament was being consulted on an initiative intended to empower the Council to alter provisions whose content was not known to Parliament and that the Council had refused to supply Parliament with certain documents which it had classified as confidential. It could therefore be argued that the procedure for consulting Parliament was being rendered meaningless. In addition, by reserving the right to exercise implementing powers itself instead of assigning them to the Commission, the Council was depriving Parliament of the information to which it would have been entitled under the usual comitology arrangements. The committee therefore proposed that the Finnish initiative be rejected outright.

Border checks: implementation, provisions and procedures. Initiative Portugal

The European Parliament voted to reject the Portuguese Initiative on reserving to the Council implementing powers for examining visa applications and carrying out border checks and surveillance. This is in line with the recommendation of the resolution tabled by Mr Gérard DEPRez (EPP/ED, B).?

Border checks: implementation, provisions and procedures. Initiative Portugal

PURPOSE : to reserve to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance. **COMMUNITY MEASURE :** Council Regulation 790/2001/EC to reserve to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance. **CONTENT:** the Council adopted a Regulation, on the initiative of the Portuguese Republic, to adopt certain detailed provisions and practical procedures for carrying out border checks and surveillance. The objective is to reserve to the Council implementing powers, given the sensitivity of this area in the Member States, in particular involving political relations with third countries. Therefore, it is proposed that the Council reserves the right, during the transitional period of five years referred to in Article 67(1) of the Treaty establishing the European Community, to adopt, amend and update the detailed provisions and practical procedures referred to above by unanimity, pending a review by the Council of the conditions under which such implementing powers would be conferred on the Commission after the end of this transitional period. **ENTRY INTO FORCE :** 24 April 2001.?