



Procedure file

Basic information		
CNS - Consultation procedure Decision	2007/0810(CNS)	Procedure completed
Full application of the provisions of the Schengen acquis in the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia		
Subject 7.10.02 Schengen area, Schengen acquis		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		10/09/2007
		PPE-DE COELHO Carlos	
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2838	06/12/2007
	Justice and Home Affairs (JHA)	2827	08/11/2007
European Commission	Commission DG	Commissioner	
	Justice and Consumers	FRATTINI Franco	

Key events			
11/07/2007	Legislative proposal published	11722/2007	Summary
03/09/2007	Committee referral announced in Parliament		
08/11/2007	Resolution/conclusions adopted by Council		Summary
12/11/2007	Vote in committee		
12/11/2007	Committee report tabled for plenary, 1st reading/single reading	A6-0441/2007	
13/11/2007	Debate in Parliament		
15/11/2007	Results of vote in Parliament		
15/11/2007	Decision by Parliament	T6-0531/2007	Summary
06/12/2007	Act adopted by Council after consultation of Parliament		
06/12/2007	End of procedure in Parliament		

Technical information

Procedure reference	2007/0810(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Adhesion Act 2003 (10 countries) T 3-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/52277

Documentation gateway

Legislative proposal		11722/2007	11/07/2007	CSL	Summary
Committee draft report		PE396.505	30/10/2007	EP	
Committee report tabled for plenary, 1st reading/single reading		A6-0441/2007	12/11/2007	EP	
Text adopted by Parliament, 1st reading/single reading		T6-0531/2007	15/11/2007	EP	Summary
Commission response to text adopted in plenary		SP(2007)6527	18/12/2007	EC	

Final act

[Decision 2007/801](#)
[OJ L 323 08.12.2007, p. 0034](#) Summary

Full application of the provisions of the Schengen acquis in the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

PURPOSE: the full application of Schengen provision in: the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

LEGISLATIVE ACT: Council Decision.

BACKGROUND: Article 3 (2) of the Act of Accession provides that the full body of law relating to Schengen (other than those mentioned in Annex I of the Act of Accession) will apply in the new Member States once it has been verified that they have fulfilled all the conditions needed to apply Schengen provisions. The Council has authorised that as from 1 September 2007 the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland Slovenia and the Slovak Republic may apply all provisions relating to the Schengen Information System (SIS). (See [CNS/2007/0806](#)).

In accordance with evaluation procedures, the Council has now verified that these same countries have met the necessary conditions to apply the remaining Schengen acquis ? i.e. Air Borders, Land Borders, Police Co-operation, SIS, Sea Borders and visas. It has, therefore, become possible to set the date by which these new Member States can apply the Schengen body of law in full and dates from which checks on persons at the internal borders with those Member States should be lifted.

CONTENT: based on the above this proposal states:

1. that as from 31 December 2007 all provisions listed in Annex I to this proposal will apply to: the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic in their relations with: Belgium, Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland, Sweden, Iceland and Norway. To the extent that these provision regulate the abolition of checks on persons at internal borders, they will apply as from 29 March 2008 to air borders; and
2. that as from 31 December 2007, all provisions listed in Annex 2 to this proposal will apply to the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic in their relations with the UK and Northern Ireland.

Full application of the provisions of the Schengen acquis in the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

The Council concluded that the necessary conditions for the application of the Schengen acquis have been met in all areas (air, land and sea borders, police cooperation, the Schengen information system, data protection and visa issuance) in nine Member States: Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia, Slovakia and the Czech Republic. Therefore, and pending the opinion of the European Parliament, the EU is expected to abolish checks at internal land and sea borders (and air borders by March 2008) on 21 December 2007. People will be able to move freely, without checks, within an area expanded to 3.6 million km², the "Schengen area".

The Council adopted the following conclusions which reinforce this decision:

The readiness of the new Member States to correctly apply the Schengen acquis in full was evaluated on the basis of numerous texts. The process of evaluation before the lifting of controls at internal borders has been accomplished.

The Member States concerned have on the whole shown that they are sufficiently prepared to apply both the non-SIS-related provisions of the Schengen acquis as well as its SIS related

provisions in a satisfactory manner. On this basis, the preconditions have been fulfilled for taking the Decision referred to in Article 3(2) of the 2003 Act of Accession in December 2007 allowing the lifting of internal border controls at the land and sea borders as of 21 December 2007 and at air borders as of 30 March 2008.

In addition, the Council draws attention to the Border Management Strategy as defined by the JHA-Council in December 2006. Any fundamental reorganisation of the functions of Integrated Border Management in any Member State should be reported to the Council via the Schengen Evaluation Working Party for an appropriate follow-up.

Assessment of the Schengen evaluation of new Member States: the following is an excerpt from the findings of the Schengen Evaluation revisits carried out in eight new Member States in the course of 2007. The revisits were carried out on the basis of the conclusions adopted by the JHA Council on 4/5 December 2006 where it was decided that revisits were necessary to the Czech Republic (air borders, July), Estonia (data protection, March / land borders, May / air borders, September), Latvia (air borders, September), Lithuania (land borders, May / air borders, September), Malta (police cooperation, May / visa, August / air and sea borders September 2007), Poland (land borders, May / air borders, September), Slovakia (data protection, March / land borders, June / air borders, September) and Slovenia (air borders, July).

As far as Hungary is concerned, no revisits were required and the follow-up to the recommendations outlined in the conclusions adopted by the JHA Council on 4/5 December 2006 provided by Hungary to the Schengen Evaluation Working Party, was considered satisfactory.

The latest evaluation visits, which took place over the past six months, demonstrated that the nine Member States concerned are sufficiently prepared to apply the Schengen acquis in a satisfactory manner.

Full application of the provisions of the Schengen acquis in the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

The European Parliament adopted a resolution drafted by Carlos COELHO (EPP-ED, PT), by 468 votes for, 21 against and 34 abstentions and made one amendment to the draft Council decision on the full application of the provisions of the Schengen acquis in the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and the Slovak Republic.

It stipulated in a recital that each Member State concerned should inform the Council and the European Parliament in writing in the course of the next six months on the follow-up it decides to give to the recommendations contained in the report and mentioned in the follow-up which are still to be implemented.

It should be noted that Parliament also approved a resolution on the full application of the provisions of the Schengen acquis to these nine Member States. (Please see [RSP/2007/2653](#).)

Full application of the provisions of the Schengen acquis in the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

PURPOSE: the full application of the provisions of the Schengen acquis to 9 of the 10 new Member States from the 2004 enlargement (the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic).

LEGISLATIVE ACT: Decision 2007/801/EC on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

CONTENT: Article 3(2) of the 2003 Act of Accession provides that the provisions of the Schengen acquis other than those mentioned in Annex I to the said Act shall only apply in a new Member State pursuant to a Council Decision to that effect, after verification that the necessary conditions for the application of that acquis have been met.

The Council, having verified that the necessary conditions for the application of the Schengen acquis concerning Air Borders, Land Borders, Police Cooperation, the Schengen Information System, Sea Borders and Visas had been met by the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (all Member States from the 2004 enlargement except Cyprus), concluded that the conditions had been met to set a date for the lifting of air, land and sea border control in these Member States.

The date set by the Council is 21 December 2007 and, from this day, all restrictions on the use of the Schengen Information System by these 9 Member States shall be lifted and internal land and sea border controls between these 9 Member States and the rest of the Schengen countries (Belgium, Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland and Sweden as well as Iceland and Norway ? countries associated with the Schengen acquis) shall be abolished.

Provisions regulating the abolition of checks on persons at internal borders shall apply as from 30 March 2008 to air borders.

In order to avoid the enlargement of the Schengen area causing travel within the area to become more difficult for certain categories of persons, the facilitation provided by Decision No 895/2006/EC (4) for third-country nationals holding a national short-term visa issued by one of these 9 Member States for transit through the territory of other Member States, should be maintained.

Territorial provisions: as a result of the partial application of the Schengen acquis by the United Kingdom, only part of the provisions of the Schengen acquis applicable to the 9 Member States concerned in their relations with this country shall apply.

As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the EU and these 2 countries. The provisions of the Schengen acquis are therefore fully applicable to the 9 Member States in their relations with these 2 non-EU Member States.

ENTRY INTO FORCE: the Decision takes effect on 8/12/2007.