



# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2014/0337(COD) Procedure completed
Repealing obsolete acts from the Schengen acquis	
Subject 7 Area of freedom, security and justice 7.10.02 Schengen area, Schengen acquis	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> Civil Liberties, Justice and Home Affairs	 <a href="#">MORAES Claude</a>	05/02/2015
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">3437</a>	14/12/2015
European Commission	Commission DG <a href="#">Migration and Home Affairs</a>	Commissioner AVRAMOPOULOS Dimitris	

Key events			
28/11/2014	Legislative proposal published	<a href="#">COM(2014)0713</a>	Summary
15/12/2014	Committee referral announced in Parliament, 1st reading		
03/09/2015	Vote in committee, 1st reading		
14/09/2015	Committee report tabled for plenary, 1st reading	<a href="#">A8-0250/2015</a>	Summary
24/11/2015	Results of vote in Parliament		
24/11/2015	Decision by Parliament, 1st reading	<a href="#">T8-0396/2015</a>	Summary
14/12/2015	Act adopted by Council after Parliament's 1st reading		
20/01/2016	Final act signed		
20/01/2016	End of procedure in Parliament		
02/02/2016	Final act published in Official Journal		

Technical information	
Procedure reference	2014/0337(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 078-p2; Treaty on the Functioning of the EU TFEU 087-p2; Treaty on the Functioning of the EU TFEU 079-p2; Treaty on the Functioning of the EU TFEU 077-p2
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/02187

Documentation gateway					
Legislative proposal		<a href="#">COM(2014)0713</a>	28/11/2014	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0250/2015</a>	14/09/2015	EP	Summary
Text adopted by Parliament, 1st reading/single reading		<a href="#">T8-0396/2015</a>	24/11/2015	EP	Summary
Commission response to text adopted in plenary		<a href="#">SP(2016)20</a>	13/01/2016	EC	
Draft final act		<a href="#">00054/2015/LEX</a>	20/01/2016	CSL	

Additional information	
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Regulation 2016/93</a> <a href="#">OJ L 026 02.02.2016, p. 0001</a> Summary

## Repealing obsolete acts from the Schengen acquis

**PURPOSE:** to repeal a certain number of legal measures in the area of freedom, security and justice that have been identified as obsolete.

**PROPOSED ACT:** Decision of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** in its Communication of June 2014 on "[Regulatory Fitness and Performance Programme \(REFIT\): State of Play and Outlook](#)", the Commission stated that it was screening the acquis in respect of police cooperation and judicial cooperation in criminal matters in order to identify acts which could be repealed in the context of the expiry of the transitional period set out in the Treaties.

The Commission has now completed its assessment on the legal acts related to the area of freedom, security and justice, including the former third pillar acquis. They are no longer relevant because of their temporary nature or because their content has been taken up by successive acts.

**CONTENT:** for reasons of legal certainty, the Commission proposes that a certain number of acts adopted in the Area of Freedom, Security and Justice (12 in total) are revoked by the European Parliament and the Council.

## Repealing obsolete acts from the Schengen acquis

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Claude MORAES (S&D, UK) on the proposal for a decision of the European Parliament and of the Council repealing certain acts in the Area of Freedom Security and Justice.

The committee recommended that the position of the European Parliament adopted at first reading under the ordinary legislative procedure should amend the Commission proposal.

Members proposed to change the type of act from 'decision' to 'regulation'. They stressed that in accordance with the Article 288 TFEU a regulation is binding in its entirety and directly applicable in all Member States and will better serve the purpose of the proposal to repeal the acts deemed to be obsolete.

Therefore, the proposal repeals:

- 11 decisions of the Schengen Executive Committee because their content has been taken up in successive acts,
- Council Regulation (EC) No 189/2008 of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) which exhausted its legal effect once the SIS II became operational on 9 April 2013.

The report also proposed several amendments seeking to improve the drafting of the act, including an addition in the title stating that the repealed acts in question are part of the Schengen acquis, as well as an amendment to clarify that the Denmark is not bound by Regulation or subject to its application, but that it shall decide, in accordance with Protocol No 22 annexed to the Treaties, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.

## Repealing obsolete acts from the Schengen acquis

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The European Parliament adopted by 601 votes to 10, with 56 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council repealing certain acts in the Area of Freedom Security and Justice.

Parliaments position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Parliament proposed to change the type of act from 'decision' to 'regulation'. Moreover, the title now stipulates that the repealed acts in question are part of the Schengen acquis.

The Regulation repeals:

- 11 decisions of the Schengen Executive Committee because their content has been taken up in successive acts. These concern: visa policy; exchange of statistical information; issuance of Schengen visas; evidence under readmission agreements; task force; difficulties on obtaining laissez-passer; stamping of passports; fight against illegal immigration; fight against illegal immigration; document advisers; liaison officers; and
- Council Regulation (EC) No 189/2008 of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) which exhausted its legal effect once the SIS II became operational on 9 April 2013.

An amendment stipulates that the Denmark is not bound by Regulation or subject to its application, but that it shall decide, in accordance with Protocol No 22 annexed to the Treaties, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.

## Repealing obsolete acts from the Schengen acquis

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**PURPOSE:** to repeal a number of obsolete Union acts belonging to the Schengen acquis.

**LEGISLATIVE ACT:** Regulation (EU) 2016/93 of the European Parliament and of the Council repealing certain acts from the Schengen acquis.

**CONTENT:** in the context of the better law-making strategy that the institutions of the Union are implementing, the Regulation repeals a number of acts belonging to the Schengen acquis which are no longer relevant due to their temporary nature or because their content has been taken up by successive acts.

11 decisions of the Schengen Executive Committee because their content has been taken up in successive acts. These concern: (i) visa policy; (ii) exchange of statistical information; (iii) issuance of Schengen visas; (iv) evidence under readmission agreements; (v) task force; (vi) difficulties on obtaining laissez-passer; (vii) stamping of passports; (viii) fight against illegal immigration (two Decisions); (ix) document advisers; (x) liaison officers;

Council Regulation (EC) No 189/2008 of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) which exhausted its legal effect once the SIS II became operational on 9 April 2013.

This Regulation constitutes a development of provisions of the Schengen acquis in which the United Kingdom and Ireland do not take part. These two countries are therefore not taking part in its adoption and is not bound by it or subject to its application.

Denmark is not bound by Regulation or subject to its application, but that it shall decide, in accordance with Protocol No 22 annexed to the Treaties, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.

**ENTRY INTO FORCE:** 22.2.2016.