








Procedure file

Basic information	
CNS - Consultation procedure Decision	2018/0802(CNS) Procedure completed
Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania	
See also 2010/0814(NLE) See also 2017/0808(CNS)	
Subject 7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas	
Geographical area Romania Bulgaria	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs		26/02/2018
		 MACOVEI Monica	
		Shadow rapporteur	
		 COELHO Carlos	
		 STANISHEV Sergei	
		 HYUSMENOVA Filiz	
		 VALERO Bodil	
Council of the European Union	Council configuration	Meeting	Date
	Environment	3627	25/06/2018
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events			
11/01/2018	Legislative proposal published	15820/2017	Summary
05/02/2018	Committee referral announced in Parliament		
24/05/2018	Vote in committee		

29/05/2018	Committee report tabled for plenary, 1st reading/single reading	A8-0192/2018	Summary
13/06/2018	Results of vote in Parliament		
13/06/2018	Decision by Parliament	T8-0253/2018	Summary
25/06/2018	Act adopted by Council after consultation of Parliament		
25/06/2018	End of procedure in Parliament		
02/07/2018	Final act published in Official Journal		

Technical information

Procedure reference	2018/0802(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
	See also 2010/0814(NLE) See also 2017/0808(CNS)
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/12150

Documentation gateway

Legislative proposal	15820/2017	12/01/2018	CSL	Summary
Committee draft report	PE618.142	22/03/2018	EP	
Supplementary legislative basic document	15820/1/2017	18/04/2018	CSL	Summary
Amendments tabled in committee	PE621.983	02/05/2018	EP	
Committee report tabled for plenary, 1st reading/single reading	A8-0192/2018	29/05/2018	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T8-0253/2018	13/06/2018	EP	Summary

Final act

[Decision 2018/934](#)
[OJ L 165 02.07.2018, p. 0037](#) Summary

Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania

PURPOSE: put into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: in order to increase the level of security in the Schengen area and to make the fight against serious crime and terrorism more

effective, the checks by Bulgaria and Romania at their external borders and in their territory should become more effective.

Following [Council Decision 2010/365/EU](#), the provisions of the Schengen acquis relating to the Schengen Information System (SIS) came into force in Bulgaria and Romania as from 15 October 2010 with the exception of 'the remaining restrictions', namely:

- the obligation to refuse entry into or stay on its territory to third country nationals for whom an alert has been issued by another Member State for the purposes of refusing entry or stay in accordance with [Regulation \(EC\) No 1987/2006](#) of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II);
- the obligation to refrain from issuing SIS alerts and entering additional information as well as from exchanging supplementary information on third country nationals for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006.

On 9 June 2011, the Council concluded, in accordance with the applicable Schengen evaluation procedures, that the conditions in all the areas of the Schengen acquis relating to air borders, land borders, police cooperation, data protection, the SIS, sea borders and visas had been fulfilled by Bulgaria and Romania.

On 12 October 2017, the Council adopted [Decision \(EU\) 2017/1908](#) putting into effect certain provisions of the Schengen acquis relating to the Visa Information System (VIS) in Bulgaria and Romania. The putting into effect of those provisions that authorise Bulgaria and Romania to access the VIS data for consultation purposes is aiming at facilitating checks by these two countries at border crossing points at their external borders, which are Schengen external borders, and within their territory.

CONTENT: the draft Council Decision provides that the remaining restrictions of the Schengen acquis relating to SIS, as referred to in Decision 2010/365 / EU, do not apply to Bulgaria and Romania between themselves and in their relations with the 26 member countries of the Schengen area.

The lifting of the remaining restrictions on the use of SIS will ensure that Bulgaria and Romania are required to deny entry into or stay in their respective territories to third-country nationals for whom an entry ban has been issued by another Member State, as well as the obligation to issue such SIS alerts.

The lifting of those restrictions in Bulgaria and Romania will contribute to increase the level of security in the Schengen area and make the fight against serious crime and terrorism more effective.

Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania

PURPOSE: put into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: in order to increase the level of security in the Schengen area and to make the fight against serious crime and terrorism more effective, the checks by Bulgaria and Romania at their external borders and in their territory should become more effective.

Following [Council Decision 2010/365/EU](#), the provisions of the Schengen acquis relating to the Schengen Information System (SIS) came into force in Bulgaria and Romania as from 15 October 2010 with the exception of 'the remaining restrictions', namely:

- the obligation to refuse entry into or stay on its territory to third country nationals for whom an alert has been issued by another Member State for the purposes of refusing entry or stay in accordance with [Regulation \(EC\) No 1987/2006](#) of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II);
- the obligation to refrain from issuing SIS alerts and entering additional information as well as from exchanging supplementary information on third country nationals for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006.

CONTENT: the draft Council Decision provides that the remaining restrictions of the Schengen acquis relating to SIS, as referred to in Decision 2010/365/EU, do not apply to Bulgaria and Romania between themselves and in their relations with the 26 member countries of the Schengen area.

Article 25 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and France on the gradual abolition of checks at their common borders (the Schengen Convention) on consultation for residence permits and alerts for the purposes of refusing entry should apply from the same date as from which the remaining restrictions of the Schengen acquis relating to the SIS should be lifted.

The lifting of those restrictions in Bulgaria and Romania shall contribute to increase the level of security in the Schengen area and make the fight against serious crime and terrorism more effective.

Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania

The Committee on Civil Liberties, Justice and Home Affairs adopted, following the consultation procedure, the report by Monica MACOVEI (ECR, RO) on the draft Council decision on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania.

The committee recommended that the European Parliament approve the Council draft.

The draft Council Decision aims to lift the remaining restrictions concerning the use of the Schengen Information System (SIS) by Bulgaria and Romania. The checks performed by Bulgaria and Romania at their external borders and in their territory should become more effective by issuing SIS alerts for the purposes of refusing entry or stay and by executing such alerts introduced by other Member States.

As recalled in the explanatory memorandum accompanying the report, in June 2011 the European Parliament gave its approval for Bulgaria and Romania to join the Schengen area, stating in a legislative resolution that Bulgaria and Romania were ready to join the Schengen border check-free area.

Since 2011, the European Parliament has repeatedly called for the enlargement of the Schengen area to these two countries and has asked the Council to take the final decision authorising the abolition of internal border controls with Bulgaria and Romania.

In October 2017, the Council adopted Decision (EU) 2017/1908 concerning the application in Bulgaria and Romania of certain provisions of the Schengen acquis relating to the Visa Information System (VIS).

Bulgaria and Romania play a key role in surveillance operations in the Black Sea and on the Danube river. These two countries share borders with Turkey, Moldova, Ukraine, Serbia and the former Yugoslav Republic of Macedonia, which constitute important buffer zones for entry into the Schengen area. Romania is a main contributor to the logistics operations of the European Border and Coast Guard Agency.

In the light of these elements, the proposed Council Decision would represent a positive development in the participation of Bulgaria and Romania in the Schengen acquis and would enhance the level of security of the Schengen area.

In view of all above-mentioned elements, the current Council Decision aiming at lifting the remaining restrictions concerning the use of SIS by Bulgaria and Romania is a welcomed development for the participation of these two countries in the Schengen acquis. It will increase the level of security in the Schengen area and make the fight against serious crime and terrorism more effective.

Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania

The European Parliament adopted by 591 votes to 68, with 31 abstentions, following the consultation procedure, a legislative resolution on the draft Council decision on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania.

Parliament approved without amendments the Council draft which aims to lift the remaining restrictions on the use of the Schengen Information System (SIS) by Bulgaria and Romania.

Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania

PURPOSE: to lift the remaining restrictions on the use of the Schengen Information System (SIS) by Bulgaria and Romania.

LEGISLATIVE ACT: Council Decision (EU) 2018/934 on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania.

CONTENT: following [Council Decision 2010/365/EU](#), the provisions of the Schengen acquis relating to the Schengen Information System (SIS) came into force in Bulgaria and Romania as from 15 October 2010 with the exception of 'the remaining restrictions', namely:

- the obligation to refuse entry into or stay on its territory to third country nationals for whom an alert has been issued by another Member State for the purposes of refusing entry or stay in accordance with [Regulation \(EC\) No 1987/2006](#) of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II);
- the obligation to refrain from issuing SIS alerts and entering additional information as well as from exchanging supplementary information on third country nationals for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006.

CONTENT: this Council Decision concerns the implementation in Bulgaria and Romania of the remaining restrictions of the Schengen acquis relating to the Schengen Information System (SIS). This will allow Bulgaria and Romania to use the SIS without any of the remaining restrictions.

The Council Decision aiming at lifting the remaining restrictions concerning the use of SIS by Bulgaria and Romania is a welcomed development for the participation of these two countries in the Schengen acquis. It will increase the level of security in the Schengen area and make the fight against serious crime and terrorism more effective. The checks performed by Bulgaria and Romania at their external borders and in their territory should become more effective by issuing SIS alerts for the purposes of refusing entry or stay and by executing such alerts introduced by other Member States, in particular if such alerts are based on a threat to public policy or public security or national security.

ENTRY INTO FORCE: 25.6.2018.

APPLICATION: from 1.8.2018.