



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 June 2001

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NOTE

from : the Swedish Presidency and the incoming Belgian Presidency
to : Frontiers Working Party

Subject : **Revision of the Common Manual**

Work on the revision of the Common Manual started in October 1999 during the Finnish Presidency. During the Portuguese and French Presidencies work were concentrated on the building up of a legal instrument allowing the Council to up-date the Common Manual. This instrument was adopted by the Council on 24 April 2001. Work on the revision of the Common Manual continued in parallel. On 15 December 2000 a questionnaire was sent by the Secretariat asking for delegations' views on points in the Common Manual which could be deleted, clarified, or added. Delegations' replies were compiled in 6441/01.

After analysis of the Member States' replies, the Swedish Presidency and the incoming Belgian Presidency consider that the work on the revision of the Common Manual should be divided into three different steps:

1. Deletion of the superfluous parts of the Manual.
2. Once the Manual has been reduced to its essential parts, work will be done in order to examine those parts of the Manual which need clarification and to study new matters/questions to be included.

3. Finally, once a complete and proper Manual has been established work could concentrate on the creation of a new structure in order to produce a Manual which can more readily be used by the Member States' border police.

Delegations will find attached a joint proposal of the Swedish Presidency and the incoming Belgian Presidency on the deletion of certain parts of the Common Manual.

Draft
COUNCIL DECISION
of

on the revision of the Common Manual

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance ¹,

Having regard to Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications ²,

Having regard to the joint initiative of Belgium and Sweden,

¹ OJ L 116, 26.4.2001, p. 5

² OJ L 116, 26.4.2001, p. 2

Whereas:

- (1) It is necessary to repeal certain parts and annexes of the Common Manual which are superfluous for border control activities and on which a decision must be taken by the Council in the exercise of its implementing powers.
- (2) Member States have indicated to the Secretariat General of the Council that certain parts of the Common Manual, consisting of lists of factual information which must be provided by them in accordance with the rules which they currently apply, also no longer need to form part of the Common Manual.
- (3) This instrument builds on the Schengen acquis, in accordance with the Protocol integrating it into the framework of the European Union, as laid down by Annex A to Council Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the acquis ¹.
- (3) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark is not participating in the adoption of this instrument, and is therefore not bound by it or subject to its application. Given that this instrument aims to build upon the Schengen acquis under the provisions of Title IV of the Treaty establishing the European Community, in accordance with Article 5 of the said Protocol, Denmark shall decide within a period of six months after the Council has adopted this instrument whether it will transpose it into its national law.

¹ OJ L 176, 10.7.1999, p. 1.

(4) As regards the Republic of Iceland and the Kingdom of Norway, this instrument constitutes a development of the Schengen acquis within the meaning of the Agreement concluded on 18 May 1999 by the Council of the European Union and those two States ¹. As a result of the procedures laid down in that Agreement, the rights and obligations arising from this instrument shall also apply to those two States and in relations between those two States and the Member States participating in this instrument.

[(5) Pursuant to Article 1 of the Protocol on the position of the United Kingdom and Ireland annexed to the Treaty on European Union and to the Treaty establishing the European Community, Ireland and the United Kingdom are not participating in the adoption of this instrument. Consequently, and without prejudice to the provisions referred to in Article 4 of the Protocol, the provisions of this instrument apply neither to Ireland nor to the United Kingdom.]

HAS ADOPTED THIS DECISION:

Article 1

1. The first indent of point 1.3 and point 3.1.3 of part I of the Common Manual are repealed.
2. Points 1.4.7, 3.3.1 and 6.7 of part II of the Common Manual are repealed.
3. Annexes 6a, 6c, 8, and 8a, of the Common Manual are repealed.

Article 2

In accordance with the wishes expressed by the Member States, point 1.3.2 of part I, as well as Annexes 2, 3, 7 and 12 shall no longer form part of the Common Manual.

¹ OJ L 176, 10.7.1999, p. 36.

Article 3

This Decision shall apply from 2001.

Article 4

This Decision is addressed to the Member States in accordance with the Treaty establishing the European Community.

Done at ,

For the Council
The President
