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EUROPEAN UNION  
THE COUNCIL

Brussels, 25 August 1999

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LIMITE

FRONT 10

NOTE

from :	Presidency
to :	Permanent Representatives Committee
Subject :	<b>'Schengen Relevancy' in the context of issues relating to 'False documents' to be handled by the Frontiers Working Party</b>

1. In connection with the entry into force of the Treaty of Amsterdam, the Schengen acquis was integrated into the framework of the European Union.
2. The Schengen acquis was defined in the Decision of the Council of 20 May 1999<sup>1</sup>. According to Article 2 of the Council Decision of 17 May 1999<sup>2</sup> where a Member State or the Commission submits to the Council an initiative or a proposal which it considers to be Schengen related, it shall indicate this in the text submitted.
3. In addition to these new initiatives and proposals, there are, however, initiatives which were launched before the entry into force of the Treaty of Amsterdam, and which are still under discussion in the working parties of the Council. As regards these initiatives, nothing indicates whether or not an initiative is a Schengen related matter.

<sup>1</sup> Council Decision of 20 May 1999 (1999/435/EC) 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 (O.J. L 176, 10.7.1999, p. 1).

<sup>2</sup> Council Decision of 17 May 1999 (1999/437/EC) on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen acquis (O.J. L 176, 10.7.1999, p. 31).

4. Moreover, all matters relating to the application and further development of the Schengen acquis should be discussed in the Mixed Committee established by the Agreement with Iceland and Norway<sup>3</sup>.
5. False documents matters were on the on the agenda of the meeting of the Frontiers Working Party of 22 July 1999 as agenda items 2, 4 and 5<sup>4</sup>. In the Mixed Committee meeting on the same day, however, the Norwegian and Icelandic delegations pointed out that false document matters are covered by Articles 5, 6 and 7 of the Schengen Convention and asked to participate in the discussion of items 2, 4 and 5 of the Working Party.
6. Following this demand of Norway and Iceland the Working Party discussed the Schengen relevancy of the False document matter.
7. Some delegations (D, DK, AUT and S) supported the demand of participation of Norway and Iceland. The United Kingdom delegation signalled that before to answer to the question of the participation it is necessary to determine if the False documents topic is Schengen relevant or not. At this point, the Commission representative signalled that there is not Schengen acquis on this matter. Finally, the Spanish and the French delegations and the Commission representative, due to the fact that the Working Party was not able to agree on whether or not the False document matter was a Schengen related matter, asked the Presidency, according to Article 3 of the Council Decision of 17 May 1999<sup>5</sup>, to convene a meeting of the Permanent Representatives Committee in order to discuss this question.

<sup>3</sup> Council Decision of 17 May 1999 (1999/439/EC) on the conclusion of the Agreement with the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen acquis (O.J. L 176, 10.7.1999, p. 35).

<sup>4</sup> "2. Programme of the Finnish Presidency  
4. Improving statistical surveys and assessments of false documents  
docs 9661/98 ASIM 156 FAUXDOC 4  
5710/99 FAUXDOC 3  
5. System of reference codes precisely defining the signs of falsification revealed during the examination of false documents  
docs 14436/98 ASIM 262 FAUXDOC 20  
9662/98 ASIM 157 FAUXDOC 5"

<sup>5</sup> See footnote No 2

8. The Permanent Representatives Committee is invited to decide whether the False document matter falls within the area covered by Article 1 of the Council Decision of 17 May 1999 (1999/437/CE).
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