COUNCIL OF
THE EUROPEAN UNION

Brussels, 8 April 1999 (19.04)
(OR. d)

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NOTE

from	:	Presidency
to	:	Permanent Representatives Committee (II)
Subject :		**Allocation of legal bases for incorporation of the Schengen acquis**

In accordance with Article 2(1) of the Protocol on the incorporation of the Schengen acquis into the framework of the European Union, the Council unanimously determines the legal basis for each of the provisions or decisions constituting the Schengen acquis in conformity with the provisions of the Treaty.

The Presidency submits the attached draft Council Decision on the allocation of the Schengen acquis. The draft reflects the state of play in the Permanent Representatives Committee and in the Working Party on the Schengen Acquis as at 31 March 1999.

The draft takes account of the development of the acquis up until 31 December 1998 inclusive, with a series of Executive Committee decisions taken at the December meeting of the latter still the subject of one delegation's parliamentary reservation. Decisions and declarations which the Presidency assumes will, given the state of play at present, be adopted by the entry into force of the Amsterdam Treaty are also already included.

In the light of discussions to date, no proposals as regard the Schengen Information System have as yet been included in the draft. The preliminary questions to be answered in that respect are the subject of a separate note for the Permanent Representatives Committee.

In addition, the competence of the Member States to recognise States, territorial units and documents issued by them also requires further discussion, which should, in the

first instance, take place at ministerial level.

Final determination of the Schengen acquis will be possible only when Schengen is incorporated into the EU, since the Executive Committee of the Schengen Agreement States will continue to operate up to that point. The attached draft Council Decision may therefore require some last-minute adjustment prior to its adoption. The Decision will be adopted by the Council in accordance with the second sentence of the second subparagraph of Article 2(1) of the Schengen Protocol.

In the statement on Article 2 of the Schengen Protocol, the Member States agreed to undertake the necessary preparatory work for the integration of Schengen into the EU in due time and to complete such work prior to the entry into force of the Amsterdam Treaty. The Permanent Representatives Committee is, therefore, requested to give its provisional approval.

Decision of the Council

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 Schengen acquis

THE COUNCIL OF THE EUROPEAN UNION,

Acting on the basis of Article 2(1), second subparagraph, second sentence, of the Protocol annexed to the Treaty on European Union and to the Treaty establishing the European Community, integrating the Schengen acquis into the framework of the European Union (hereinafter referred to as the "Schengen Protocol");

1. *Whereas* pursuant to Article 2(1), first subparagraph, of the Schengen Protocol, the Schengen acquis as defined in the Annex to the Protocol shall, from the date of entry into force of the Treaty of Amsterdam, immediately apply to the thirteen Member States referred to in Article 1 of the Protocol, without prejudice to the provisions of Article 2(2) of the Protocol;

2. *Whereas* nothing in this Decision affects the continuation of legal obligations under the 1990 Convention;

3. *Whereas* the mandate conferred upon the Council by Article 2(1), second subparagraph, of the Schengen Protocol, to determine, acting unanimously and in conformity with the relevant provisions of the Treaties, the legal basis for each of the provisions or decisions which constitute the Schengen acquis, has as one of its objectives the identification of the legal

basis for any future proposals and initiatives to amend or build upon the Schengen acquis, which, in accordance with Article 5(1), first subparagraph, of the Schengen Protocol, are subject to the relevant provisions of the Treaties, including those governing the form of the act to be adopted and the procedure for its adoption;

4. *Whereas* some provisions of the 1990 Convention implementing the Schengen Agreement require Contracting States to introduce penalties for their effective enforcement without, however, requiring any harmonisation of these penalties; whereas therefore, the legal basis to be determined for these provisions should be the one determined for the rules the breach of which has to be subject to sanctions, without prejudice to the legal basis for any future measure aiming at the harmonisation of penalties;

5. *Whereas* the determination of a legal basis in conformity with the relevant provisions of the Treaties for each of the provisions or decisions which constitute the Schengen acquis does not affect the exercise of the responsibilities incumbent upon the Member States according to Article 64 TEC and Article 33 TEU with regard to the maintenance of law and order and the safeguarding of internal security;

6. *Whereas* the determination of a legal basis in conformity with the relevant provisions of the Treaties for each of the provisions or decisions which constitute the Schengen acquis, or the determination that a legal basis is unnecessary for any such provisions or decisions, does not affect the right of Member States to carry out checks on goods linked to prohibitions or restrictions laid down by the Member States, and which are compatible with Community law;

7. *Whereas* the determination of a legal basis in conformity with the Treaty establishing the European Community for the provisions of the 1990 Convention implementing the Schengen Agreement relating in particular to the conditions for entry into the territory of the Contracting States or for issuing visas does not affect current rules governing the recognition of the validity of travel documents;

8. *Whereas* the rights and obligations of Denmark are governed by Article 3 of the Protocol integrating the Schengen acquis into the framework of the European Union and in Articles 1 to 5 of the Protocol on the position of Denmark;

9. *Whereas* the relationship between the Protocol on the position of Denmark, the Protocol on the application of certain aspects of Article 14 TEU to the United Kingdom and to Ireland, the Protocol on the position of the United Kingdom and of Ireland on certain questions regarding the Treaty establishing the European Community and Treaty on European Union and the Protocol integrating the Schengen acquis into the framework of the EU, on the basis of which various forms are prescribed for the adoption of and participation in the Schengen acquis and its further development, should be taken into account when Schengen is incorporated into the European Union;

10. *Whereas* the Schengen Protocol itself provides for the association of the Republic of Iceland and the Kingdom of Norway with the implementation of the Schengen acquis and its further development on the basis of the Agreement signed in Luxembourg on 19 December 1996;

11. *Whereas* the acts adopted on the basis of a proposal or an initiative for the further development of the Schengen acquis must, in the case of the "provisions invoked", necessarily contain a reference to the Schengen Protocol, so that legal security is guaranteed and the provisions related to the Schengen Protocol can be applied in every case;

12. *Whereas* certain rules of the Schengen acquis, in particular in the areas covered by Chapters 1, 2, 3, 4 and 6 of Title II of the 1990 Convention implementing the Schengen Agreement on the gradual abolition of checks on persons at internal borders, allow every Treaty State considerable discretion as regards implementation;

13. *Whereas* this is especially the case with the question of the recognition of States and territorial units, their authorities and travel and other documents issued by them;

14. *Whereas* the adoption of these rules in the framework of the European Community does not affect Member States' discretion in these matters,

HAS DECIDED AS FOLLOWS:

Article 1

This Decision determines the legal basis for each of the provisions and decisions set out in Annexes A-D and constituting the Schengen acquis, except for those provisions and decisions for which the Council, acting on the basis of Article 2(1), second subparagraph, first sentence, of the Schengen Protocol, has determined that no legal basis is necessary.

Article 2

The legal basis for the provisions of the Convention signed in Schengen on 19 June 1990 between the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands implementing the Agreement on the gradual abolition of checks at their common borders, signed in Schengen on 14 June 1985 (hereafter referred to as "the Schengen Convention"), and its related Final Act, shall be determined in accordance with Annex A.

Article 3

The legal basis for the provisions of the Accession Agreements to the Schengen Convention concluded with the Italian Republic (signed in Paris on 27 November 1990), the Kingdom of Spain and the Portuguese Republic (signed in Bonn on 25 June 1991), the Hellenic Republic (signed in Madrid on 6 November 1992), the Republic of Austria (signed in Brussels on 28 April 1995) and the Kingdom of Denmark, the Republic of Finland and the Kingdom of Sweden (signed in Luxembourg on 19 December 1996), and their related Final Acts and declarations, shall be determined in accordance with Annex B.

Article 4

The legal basis for the decisions and declarations of the Executive Committee established by the Schengen Convention shall be determined in accordance with Annex C.

Article 5

The legal basis for the acts adopted for the implementation of the Schengen Convention by the organs upon which the Executive Committee has conferred decision-making powers shall be determined in accordance with Annex D.

Article 6

With regard to the Member States listed in Article 1 of the Protocol integrating the Schengen acquis into the framework of the European Union, the territorial scope of the provisions or decisions forming the Schengen acquis for which the Council has determined a legal basis in Title IV of Part 3 of the EC Treaty on the basis of Article 2(1), second sentence, of the abovementioned Protocol, and the territorial scope of measures extending or amending such provisions and decisions shall be that laid down in Article 138 of the 1990 Convention implementing the Schengen Agreement and that laid down in the relevant provisions of the accession instruments to that Convention.

[Article 7

This Decision shall not affect the competence which the Member States – recognised in the relevant provisions of the Schengen acquis – reserve for themselves with regard to the recognition of States and territorial units and their authorities and passports, travel, identity or other documents.] [1]

Article 8

This Decision shall take effect immediately.

Done at, on

For the Council
the President,

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[1] E: Reservation.

ANNEX A
Article 2

Schengen Acquis	EU Legal Basis
1. Agreement between the Governments of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders of 14 June 1985	Article 2 Schengen Protocol
2. Convention implementing the Schengen Agreement, related final act and joint statements:	
Article 1, except for the definitions of "application for asylum", "asylum seeker" and "processing applications for asylum"	Definitions shall apply in all Articles of the Convention implementing the Schengen Agreement given an EU legal basis by virtue of this Decision [1]
Article 2(1)	Article 62(1) TEC
Article 2(2) and (3)	Article 62(1) TEC, while fully respecting the provisions of Article 64(1) TEC [2]
Article 3	Article 62(2)(a) TEC, whilst recognising that the determination of the nature, modalities and severity of the penalty provisions required under this Article is a matter for the Member States.
Article 4(1)-(3) [3]	Article 62(2)(a) TEC, to the extent that these provisions deal with checks on persons for the purpose of deciding upon nationality/entry and without prejudice to checks for national security purposes and checks for fiscal purposes, where appropriate. [4]
Article 5, except for paragraph (1)(e)	Article 62(2)(a) TEC [5]
Article 5(1)(e)	Article 62(2)(a) TEC, whilst fully respecting the provisions of Article 64(1) TEC and recognising that these provisions have to be understood in the light of the declaration adopted by the Intergovernmental Conference of 1996 relating to Article 64(1) (ex Article 73L(1)) TEC (declaration No 19). [6]

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1 E reservation.

2 E: reservation: proposes Article 30 TEU.
With reference to Spain's reservations on Article 2(2) and (3), Article 4(1) to (3), Article 5(1)(e) and Article 8 of the implementing Convention, the Presidency proposes the following Council statement:
"Notwithstanding the adaptation of Article 2(2) and (3), Article 4(1) to (3), Article 5(1)(e) and Article 8 of the Convention implementing the Schengen Agreement, in line with the legal bases of the Treaties, the duties and powers of the Member States with regard to surveillance measures and border controls remain unaffected for the purposes of maintaining law and order and national security in accordance with national law.".

3 As far as controls on baggage are concerned, Article 4 is superseded by Council Regulation (EEC) No 3925/91 of 19 December 1991 on the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing (OJ L 374, 31.12.1991, p. 4).

4 **E reservation: suggests reference to Article 30 TEU.**

5 E reservation: suggests following alternative legal bases: introduction to Article 5(1): Article 62 TEC; Article 5(1)(a); Third-Pillar; Article 5(1)(b): joint legal bases First/Third Pillar; Article 5(1)(c): Article 62(2)(a) and (b),Article 63(3)(a) TEC and Third Pillar; Article 5(1)(d): Third Pillar with reference to Article 64(1) TEC and Article 33 TEU; Articles 5(2) and (3): Article 62(2)(a) and Third Pillar with reference to Article 64(1) TEC.

6 **E suggests Article 33 TEU.**

Article 6	Article 62(2)(a) TEC: statement under Article 4(1)-(3) also applies here [7]
Article 7	Article 66 TEC: to the extent that these provisions deal with checks on persons for the purpose of deciding upon nationality/entry and without prejudice to checks for national security purposes and checks for fiscal purposes, where appropriate, and to the extent that these provisions do not concern forms of police cooperation covered by the provisions of Title III of the 1990 implementing Convention.
Article 8	Article 62(2)(a) TEC [8]
Article 9	Article 62(2)(b) TEC, while fully respecting the provisions of Article 64(2) TEC
Article 10(1) and (3)	Article 62(2)(b) TEC
Article 11	Article 62(2)(b) TEC
Article 12	Article 62(2)(b) TEC [9]
Article 13	Article 62(2)(b) TEC [10]
Article 14	Article 62(2)(b) TEC, while recognising that the current rules on the recognition of travel documents are unaffected
Article 15	Article 62(2)(b) TEC
Article 16	Article 62(2)(b) TEC
Article 17(1), (2) and (3) points a – f	Article 62(2)(b) TEC
Article 17(3) point g	Article 63(3) TEC
Article 18	Articles 62(2) and 63(3) TEC [11]
Article 19(1)	Article 62(3) TEC
Article 19(3) and (4)	Article 62(3) TEC
Article 20	Article 62(3) TEC [12]
Article 21	Article 62(3) TEC [13]
Article 22	Article 62(3) TEC
Article 23(1)	Article 62(3) TEC
Article 23(2),(3),(4) and (5)	Articles 62(3) and 63(3) TEC
Article 24	Articles 62(3) and 63(3) TEC
Article 25	Articles 62(3) and 63(3) TEC
Article 26	Article 63(3) TEC, while it is acknowledged that the determination of the nature, modalities and severity of the penalty provisions required under this Article is a matter for the Member States.
Article 27(1)	Article 63(3) TEC, while it is acknowledged that the determination of the nature, modalities and severity of the penalty provisions required under this Article is a matter for the Member States.

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7 **Reservation from E: suggests Article 6 be split between legal bases, as explained in 12720/97 (Schengen 7).**
8 **E suggests Article 30 TEU.**
9 **Scrutiny reservation from E on Article 12.**
10 **Reservations from E and EL on Articles 13-17: Third-Pillar base required.**
11 **Reservation from E: Third-Pillar basis required. Scrutiny reservation from EL.**
12 **Reservation from E: suggests adding Articles 34 TEU and 63(3) TEC.**
13 **Reservation from E: Third-Pillar basis required for Article 21(3).**

Article 27(2) and (3)	Articles 30(1), 31 and 34 TEU
Article 39	Articles 34 and 30 TEU
Article 40	Articles 34 and 32 TEU
Article 41	Articles 34 and 32 TEU
Article 42	Articles 34 and 32 TEU
Article 43	Articles 34 and 32 TEU
Article 44	Articles 34 and 30(1) TEU
Article 45	Articles 34 and 30(1) TEU
Article 46	Articles 34 and 30(1) TEU
Article 47	Articles 34 and 30(1) TEU
Article 48	Articles 34 and 31(a) TEU
Article 49	Articles 34 and 31(a) TEU
Article 50	Articles 34 and 31(a) TEU
Article 51	Articles 34 and 31(a) TEU
Article 52	Articles 34 and 31(a) TEU
Article 53	Articles 34 and 31(a) TEU
Article 54	Articles 34 and 31 TEU
Article 55	Articles 34 and 31 TEU
Article 56	Articles 34 and 31 TEU
Article 57	Articles 34 and 31 TEU
Article 58	Articles 34 and 31 TEU
Article 59	Articles 34 and 31(b) TEU
Article 61	Articles 34 and 31(b)TEU
Article 62	Articles 34 and 31(b) TEU
Article 63	Articles 34 and 31(b) TEU
Article 64	Articles 34 and 31(b) TEU
Article 65	Articles 34 and 31(b) TEU
Article 66	Articles 34 and 31(b) TEU
Article 67	Articles 34 and 31(a) TEU
Article 68	Articles 34 and 31(a) TEU
Article 69	Articles 34 and 31(a) TEU
Article 71	Articles 34 and 30 and 31 TEU
Article 72	Articles 34 and 31 TEU
Article 73	Articles 34 and 30(1) and 31 TEU
Article 75	Article 95 TEC

Article 76	Articles 95 and 152 TEC, to the extent that these provisions deal only with measures relating to the licit trade in controlled drugs which have as their object the functioning of the internal market; and, with due respect for individual Member States' competences, Articles 30(1)(a) and 34 TEU, to the extent that these provisions deal with elements of Member States' control or enforcement regimes for licit or illicit drugs.
Article 82	Article 95 TEC [13a]
Article 91	Article 95 TEC
Article 92	P.M.
Article 93	P.M.
Article 94	P.M.
Article 95	P.M.
Article 96	P.M.
Article 97	P.M.
Article 98	P.M.
Article 99	P.M.
Article 100	P.M.
Article 101(1)	P.M.
Article 101(2)	P.M.
Article 101(3) and (4)	P.M.
Article 102(1), (2) and (3)	P.M.
Article 102(4)	P.M.
Article 102(5)	P.M.
Article 103	P.M.
Article 104	P.M.
Article 105	P.M.
Article 106	P.M.
Article 107	P.M.
Article 108	P.M.
Article 109	P.M.
Article 110	P.M.
Article 111	P.M.
Article 112(1) except the last sentence	P.M.
Article 112(1) last sentence	P.M.
Article 112(2), (3) and (4)	P.M.
Article 113(1)	P.M.
Article 113(2)	P.M.
Article 114	P.M.
Article 115	P.M.
Article 116	P.M.

[13a] Articles 77 to 81 and Articles 83 to 90 of the implementing Convention have been superseded by Council Directive 91/447/EEC on control of the acquisition and possession of weapons. Under Article 296(1)(b) TEC the Member States are competent in respect of arms of war.

Article 117	P.M.
Article 118	P.M.
Article 119	P.M.
Article 126(1), (2), (3)(b)(c)(e)	Articles 30(1) and 34 TEU, Article 95 TEC[14]
Article 126(3)(a)(d)(f)	Articles 30(1) and 34 TEU and Article 95 TEC, to the extent that it concerns personal data exchanged pursuant to the provisions of Articles 16 and 25 of the 1990 Schengen Convention or on the basis of the Common Consular Instructions.
Article 126(4)	Articles 30(1) and 34 TEU
Article 127	Articles 30(1) and 34 TEU and Article 95 TEC; with regard to Article 127(1) to the extent that in respect of Member States concerned, Directive 95/46/EC does not yet apply to the processing of personal data held in manual filing systems; moreover, the statement under Article 126(3)(a)(d) and (f) applies.
Article 128(1) and (3)	Articles 30(1) and 34 TEU
Article 128(2)	Articles 30(1) and 34 TEU and Article 95 TEC
Article 129	Articles 30(1) and 34 TEU
Article 130	Articles 30(1) and 34 TEU
Article 136	Article 62(2) TEC (taking into account the Protocol annexed to the TEC under the Treaty of Amsterdam on External Relations of the Member States with regard to Crossing of External Borders)
Final Act: declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)[15]
Final Act: declaration 3	Articles 30, 31 and 34 TEU

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[14] In the area of the First Pillar, Articles 126 to 130 of the implementing Convention are covered by Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data – **S reservation**.

[15] Proposal from the Presidency for an explanation of the Member States named in Article 1 of the Schengen Protocol: "The inclusion of the first declaration of the Final Act of the Convention implementing the Schengen Agreement in this Decision must be interpreted as signifying that the decision confirming the capacity of each State acceding to the EU to implement the Schengen acquis, thus permitting the removal of controls at internal frontiers, will be taken unanimously by the Council comprised of the Member States named in Article 1 of the Schengen Protocol.".

ANNEX B
Article 3

Schengen Acquis	EU Legal Basis
The Agreement, signed in Paris on 27 November 1990, on Accession of the Italian Republic to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, its Final Act and related declarations:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Part II, declaration 1	Articles 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Common declaration on Articles 2 and 3 of the Accession Agreement	Article 32 TEU
The Agreement, signed in Bonn on 25 June 1991, on Accession of the Kingdom of Spain to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, to which the Italian Republic has acceded under the Agreement signed in Paris on 27 November 1990, its Final Act and related declarations:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Part II, declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Part III, declaration 2	Articles 34 and 31(b) TEU

The Agreement, signed in Bonn on 25 June 1991, on Accession of the Portuguese Republic to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, to which the Italian Republic has acceded under the Agreement signed in Paris on 27 November 1990, its Final Act and related declarations:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Article 5	Articles 34 and 31(b) TEU
Article 6	Articles 34 and 31(a) TEU
Part II, declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Part III, declaration 1	Article 62(3) TEU
The Agreement, signed in Madrid on 6 November 1992, on Accession of the Hellenic Republic to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, to which the Italian Republic acceded under the Agreement signed in Paris on 27 November 1990, and the Portuguese Republic and the Kingdom of Spain acceded under the Agreement signed in Bonn on 25 June 1991, its Final Act and related declarations:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 31(b) TEU
Article 4	Articles 34 and 31(b) TEU
Article 5	Articles 34 and 31(a) TEU
Part II, declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Part III, declaration 2	Article 31(a) TEU

The Agreement, signed in Brussels on 28 April 1995, on Accession of the Republic of Austria to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, to which have acceded the Italian Republic, the Kingdom of Spain and the Portuguese Republic, and the Hellenic Republic under the Agreements signed on 27 November 1990, 25 June 1991 and 6 November 1992 respectively and its Final Act:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Part II, declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
The Agreement, signed in Luxembourg on 19 December 1996, on Accession of the Kingdom of Denmark to the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at their common borders, signed at Schengen on 19 June 1990, and its Final Act and related declaration:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Article 6	Article 2(1) Schengen Protocol
Part II, declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Part II, declaration 3	Articles 34 and 31(b) TEU
The Agreement, signed in Luxembourg on 19 December 1996, on Accession of the Republic of Finland to the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at their common borders, signed at Schengen on 19 June 1990, and its Final Act and related declaration:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU

Article 5	Article 2(1) Schengen Protocol
Part II, declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Part II, declaration 3	Articles 34 and 31(b) TEU
The Agreement, signed in Luxembourg on 19 December 1996, on Accession of the Kingdom of Sweden to the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at their common borders, signed at Schengen on 19 June 1990, and its Final Act and related declaration:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Article 5	Article 2(1) Schengen Protocol
Part II, declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Part II, declaration 3	Articles 34 and 31(b) TEU

CLASSIFICATION OF DECISIONS AND DECLARATIONS OF THE EXECUTIVE COMMITTEE

DECISIONS OF THE EXECUTIVE COMMITTEE

Decision	Subject	EU Legal Basis
SCH/Com-ex (93) 8 14.12.93	SIRENE Manual and its annexes [16]	Articles 62(2)(a), (3), 63(3), TEC, Articles30(1), 34 TEU
SCH/Com-ex (93) 10 14.12.93	Confirmation of the declarations by the Ministers and Secretaries of State of 19 June 1992 and 30 June 1993 on bringing into force	Article 2(2) Schengen Protocol in conjunction with Article 8 Schengen Protocol insofar as a declaration has not become redundant by virtue of time or events
SCH/Com-ex (93) 14 14.12.93	Improving practical cooperation between the judicial authorities to combat drug trafficking	Articles 31(a), 34 TEU
SCH/Com-ex (93) 16 14.12.93	Financial Regulations on the installation and operating costs for the Schengen C.SIS	for the record
SCH/Com-ex (93) 20 rev 14.12.93	Harmonisation of fees to be levied for the issue of uniform visas	Article 62(2)(b) TEC
SCH/Com-ex (93) 21 14.12.93	Extending the uniform visa	Article 62(2)(b) TEC
SCH/Com-ex (93) 22 rev 14.12.93	Confidential nature of certain documents	Article 207 TEC, Article 41 TEU

[16] F/S: Reservations.

SCH/Com-ex (93) 24 14.12.93	Common procedures for cancelling, rescinding or shortening the length of validity of the uniform visa	Article 62(2)(b) TEC
SCH/Com-ex (94) 1 rev 2 26.4.94	Adjustment measures aiming to remove the obstacles and restrictions on traffic flows at road border crossing points at internal borders	Article 62(1) TEC
SCH/Com-ex (94) 2 26.4.94	Issuing uniform visas at the borders	Article 62(2)(b) TEC
SCH/Com-ex (94) 15 rev 21.11.94	Introducing a computerised procedure for consulting the central authorities provided for in Article 17(2) of the implementing Convention	Article 62(2)(b) TEC
SCH/Com-ex (94) 16 rev 21.11.94	Acquisition of common entry and exit stamps	Article 62(2) TEC
SCH/Com-ex (94) 17 rev 4 22.12.94	Introducing and applying the Schengen system in airports and aerodromes	Article 62(2)(a) TEC
SCH/Com-ex (94) 25 22.12.94	Exchanges of statistical information on the issue of visas	Article 62(2)(b) in conjunction with Article 66 TEC
SCH/Com-ex (94) 28 rev 22.12.94	Certificate provided for in Article 75 for the transportation of drugs and/or psychotropic substances	Article 95 TEC
SCH/Com-ex (94) 29 rev 2 22.12.94	Bringing into force the Convention implementing the Schengen Agreement of 19 June 1990	Article 62(1) TEC bearing in mind Article 64(1) TEC
SCH/Com-ex (95) PV 1 rev (Point No. 8)	Common visa policy	Article 62(2)(b) TEC
SCH/Com-ex (95) 6 29.06.95	Setting up the SIS Management Unit	for the record

SCH/Com-ex (95) 7 29.06.95	The Executive Committee endorses the decision to use the Benelux General Secretariat for the award of the SIRENE Phase II contract	for the record
SCH/Com-ex (95) 8 29.06.95	Legal personality of the Benelux General Secretariat as contracting authority for the SIRENE Phase II network	for the record
SCH/Com-ex(95) 9 29.06.95	Setting up the appropriate structure for awarding the SIRENE Phase II contract as defined in document SCH/OR-SIS (95) 38 rev 6 annexed thereto	for the record
SCH/Com-ex (95) 20 2a rev 20.12.95	Approval of document SCH/I (95) 40 rev 6 on the procedure for applying Article 2(2) of the Convention implementing the Schengen Agreement	Article 62(1) TEC
SCH/Com-ex (95) 21 20.12.95	Swift exchange between the Schengen States of statistical and tangible data on possible malfunctions at the external borders	Article 66 TEC
SCH/Com-ex (96) 13 rev 27.6.96	Principles for issuing Schengen visas in accordance with Article 30(1)(a) of the Convention implementing the Schengen Agreement [17]	Article 62(2)(b) TEC, for matters not covered by Article 30 of the implementing Convention
SCH/Com-ex (96) 27 19.12.96	Issuing visas at borders to seamen in transit	Article 62(2)(b) TEC
SCH/Com-ex (97) 2 rev 2 25.04.97	Awarding the tender for the SIS II preliminary study	for the record
SCH/Com-ex (97) 6 rev 2 24.06.97	Schengen Manual on police cooperation in the field of public order and security	Article 30(1) TEU
SCH/Com-ex(97) 18 7.10.97	Contributions from Norway and Iceland to the C.SIS operating costs	for the record

[17] E: scrutiny reservation.

SCH/Com-ex(97) 24 7.10.97	Future of the SIS	for the record
SCH/Com-ex(97) 29 rev 2 7.10.97	Bringing into force the Convention implementing the Schengen Agreement in Greece	Article 2(2) Schengen Protocol
SCH/Com-ex(97) 32 15.12.97	Harmonisation of visa policy	Article 62(2)(b) TEC
SCH/Com-ex(97) 34 rev 15.12.97	Implementation of the Joint Action on a uniform format for residence permits	Article 63(3)(a) TEC
SCH/Com-ex(97) 35 15.12.97	Amendment to the C.SIS Financial Regulations	for the record
SCH/Com-ex(97) 39 rev 15.12.97	Guiding Principles for means of proof and indicative evidence within the framework of readmission agreements between Schengen States	Articles 62(3), 63(3) TEC
SCH/Com-ex(98) 1, 2 rev 21.04.98	Report on the activities of the task force	Article 62(2)(a) TEC
SCH/Com-ex(98) 10 21.04.98	Cooperation between the Contracting Parties in returning aliens by air	Articles 62(3), 63(3) TEC
SCH/Com-ex(98) 11 21.04.98	C.SIS with 15/18 connections	for the record
SCH/Com-ex(98) 12 21.04.98	Exchange at local level of statistics on visas	Article 62(2)(b) TEC
SCH/Com-ex(98) 14 21.04.98	X400 training	for the record
SCH/Com-ex(98) 17 23.06.98	Confidential nature of certain documents	Article 41 TEU, Article 207 TEC

SCH/Com-ex(98) 18 rev 23.06.98	Measures to be taken in respect of countries posing problems with regard to the issue of documents required to remove their nationals from Schengen territory READMISSION – VISAS	Article 62(3) TEC
SCH/Com-ex(98) 19 23.06.98	Monaco VISAS – EXTERNAL BORDERS – SIS	Article 62(3) TEC
SCH/Com-ex(98) 21 23.06.98	Stamping of passports of visa applicants VISAS	Article 62(2)(b) TEC, with due regard for Article 64(2) TEC
SCH/Com-ex(98) 26 def. 16.09.98	Setting up of the Schengen implementing Convention Standing Committee	Article 66 TEC, Articles 30, 31 TEU
SCH/Com-ex(98) 29 rev 23.06.98	Catch-all clause to cover the whole technical Schengen acquis	
SCH/Com-ex(98) 35 rev 2 16.09.98	Forwarding the Common Manual to EU applicant States	Article 41 TEU, Article 207 TEC
SCH/Com-ex(98) 37 def 2	Action plan to combat illegal immigration	Articles 62, 63 TEC, Article 30 TEU
SCH/Com-ex(98) 48 16.12.98	Revision of the SIRENE Manual: Form P; transliteration rules	for the record
SCH/Com-ex(98) 49 rev 3 16.12.98	Bringing the Convention implementing the Schengen Agreement into force in Greece	Article 2 in conjunction with Annex to Schengen Protocol
SCH/Com-ex(98) 51 rev 3 16.12.98	Cross-border police cooperation in the area of crime prevention and detection when requested	Article 30 TEU
SCH/Com-ex(98) 52 16.12.98	Handbook on cross-border police cooperation	Article 30 TEU
SCH/Com-ex(98) 53 rev 2	Harmonisation of visa policy – abolition of the grey lists	Article 62(2)(b) TEC, with due regard for Article 64(2) TEC
SCH/Com-ex(98) 56 16.12.98	Manual of documents to which a visa may be affixed	Article 62(3) TEC

SCH/Com-ex(98) 57 16.12.98	Introduction of a harmonised form for invitations, proof of accommodation, and the acceptance of obligations of maintenance support	Article 62(2)(b) TEC, with due regard for Article 64(2) TEC
SCH/Com-ex(98) 58 rev 16.12.98	Report by the Standing Committee on the implementation of the Convention implementing the Schengen Agreement	Article 66 TEC, Articles 30, 31, TEU
SCH/Com-ex(98) 59 rev 16.12.98	Coordinated deployment of document advisers	Article 62(2)(b) TEC, Article 63(3) TEC
SCH/Com-ex(99) 1 rev 2 28.04.99 (?)	Drugs situation	Article 30 TEU
SCH/Com-ex(99) 3 28.04.99 (?)	Help Desk budget for 1999	for the record
SCH/Com-ex(99) 4 + OR.SIS 99 3 r 1 28.04.99 (?)	C.SIS installation costs	for the record
SCH/Com-ex(99) 5 28.04.99 (?)	SIRENE Manual	for the record
SCH/Com-ex(99) 6 28.04.99 (?)	Telecomms situation	Article 30 TEU
SCH/Com-ex(99) 7 rev 2 28.04.99 (?)	Liaison officers	Article 30 TEU
SCH/Com-ex(99) 8 rev 1 28.04.99 (?)	Payments to informers	Article 30 TEU
SCH/Com-ex(99) 10 28.04.99 (?)	Illegal trade in weapons	Article 95 TEC
SCH/Com-ex(99) 11 28.04.99 (?)	Agreement on traffic regulations	Article 31 TEU
	Withdrawal of old versions of the Common Manual and the Common Consular Instructions	

DECLARATIONS OF THE EXECUTIVE COMMITTEE

Declaration	Subject	EU Legal Basis
SCH/Com-ex(96) decl 5 18.04.96	Determination of the concept of third-country "alien"	for the record
SCH/Com-ex(96) decl 6 rev 2 26.06.96	Declaration on extradition	Article 31(b) TEU in conjunction with Article 34 TEU
SCH/Com-ex(96) decl 13, 2. Rev 18.04.96	Abduction of minors	Article 31(a), 34 TEU

DECISIONS OF THE CENTRAL GROUP

Declaration	Subject	EU Legal Basis
SCH/C (95) 122, 4 rev 31.10.95	Adoption of the administrative and financial regulations for Phase II of the SIRENE network	for the record
SCH/C(95) 122, 5 rev 23.02.98	Amendment of the financial regulations for Phase II of the SIRENE network	for the record
SCH/C (98) 117 27.10.98	Action plan to combat illegal immigration	Articles 62, 63 TEC, Article 30 TEU
SCH/C (99) 25 22.03.99	General principles for the remuneration of informants and infiltrators	Article 30 TEU