Full application of the provisions of the Schengen acquis in the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia

2007/0810(CNS) - 06/12/2007 - Final act

PURPOSE: the full application of the provisions of the Schengen acquis to 9 of the 10 new Member States from the 2004 enlargement (the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic).

LEGISLATIVE ACT: Decision 2007/801/EC on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic.

CONTENT: Article 3(2) of the 2003 Act of Accession provides that the provisions of the Schengen acquis other than those mentioned in Annex I to the said Act shall only apply in a new Member State pursuant to a Council Decision to that effect, after verification that the necessary conditions for the application of that acquis have been met.

The Council, having verified that the necessary conditions for the application of the Schengen acquis concerning Air Borders, Land Borders, Police Cooperation, the Schengen Information System, Sea Borders and Visas had been met by the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (all Member States from the 2004 enlargement except Cyprus), concluded that the conditions had been met to set a date for the lifting of air, land and sea border control in these Member States.

The date set by the Council is **21 December 2007** and, from this day, all restrictions on the use of the Schengen Information System by these 9 Member States shall be lifted and internal land and sea border controls between these 9 Member States and the rest of the Schengen countries (Belgium, Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland and Sweden as well as Iceland and Norway – countries associated with the Schengen acquis) shall be abolished.

Provisions regulating the abolition of checks on persons at internal borders shall apply as from **30 March 2008** to air borders.

In order to avoid the enlargement of the Schengen area causing travel within the area to become more difficult for certain categories of persons, the facilitation provided by Decision No 895/2006/EC (4) for third-country nationals holding a national short-term visa issued by one of these 9 Member States for transit through the territory of other Member States, should be maintained.

Territorial provisions: as a result of the partial application of the Schengen acquis by the United Kingdom, only part of the provisions of the Schengen acquis applicable to the 9 Member States concerned in their relations with this country shall apply.

As regards Iceland and Norway, this Decision constitutes a development of provisions of the Schengen acquis within the meaning of the Agreement concluded by the EU and these 2 countries. The provisions of the Schengen acquis are therefore fully applicable to the 9 Member States in their relations with these 2 non-EU Member States.

ENTRY INTO FORCE: the Decision takes effect on 8/12/2007.