Full application of the provisions of the Schengen acquis in Bulgaria and Romania

2010/0820(NLE) - 29/09/2010 - Legislative proposal

PURPOSE: to provide a measure to apply all provisions of the Schengen acquis in Bulgaria and Romania.

PROPOSED ACT: Council Decision.

BACKGROUND: Article 4(2) of the 2005 Act of Accession provides that the provisions of the Schengen acquis shall only apply in each of those Member States within the meaning of that instrument 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 rendered the provisions of the Schengen acquis related to the Schengen Information System (SIS) applicable to the Member States concerned from 15 October 2010. The provisions of this acquis shall apply to those Member States in accordance with Council Decision 2010/365/EC on the application of the provisions of the Schengen acquis relating to the SIS in Bulgaria and Romania.

This Decision also states that a separate Council Decision should be adopted in time to set the date of abolishing the checks at internal borders with the two countries and lift residual restrictions on the application of the SIS.

This is the aim of this draft Decision.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 4(2) of the 2005 Act of Accession.

CONTENT: pursuant to Article 4(2) of the Act of Acession, the verification through evaluation procedures that the necessary conditions for the application of all parts of the Schengen acquis (Data Protection, the Schengen Information System, Air Borders, Land Borders, Sea Borders, Police Cooperation and Visas) have been met by the new Member States is a precondition for the Council to decide on the abolition of checks at internal borders with those Member States.

Abolishing border checks on persons: the Council may decide to set possible dates for the application of the Schengen acquis in full by those Member States, i.e. dates from which checks on persons at the internal borders with those Member States should be lifted.

End of restrictions on the use of the SIS: the Council may also decide to lift as soon as possible after this date, the remaining restrictions imposed on the use of the SIS (as provided for in Council Decision 2010/365/EC) in the Member States.

Specific measures on visas: 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 582/2008 for third-country nationals holding a national short-term visa issued by Bulgaria or Romania for transit through the territory of other Member States concerned, should be maintained. Consequently, certain provisions of that Decision should continue to apply for a limited, transitional period.

It should be noted that an annex details the measures of the Schengen acquis applicable to Bulgaria and Romania.

BUDGETARY IMPLICATION: this proposal has no implication for the Union’s budget.