Repealing obsolete acts from the Schengen acquis

2014/0337(COD) - 14/09/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Claude MORAES (S&D, UK) on the proposal for a decision of the European Parliament and of the Council repealing certain acts in the Area of Freedom Security and Justice.

The committee recommended that the position of the European Parliament adopted at first reading under the ordinary legislative procedure should amend the Commission proposal.

Members proposed to change the type of act from '**decision**' **to** '**regulation**'. They stressed that in accordance with the Article 288 TFEU a regulation is binding in its entirety and directly applicable in all Member States and will better serve the purpose of the proposal to repeal the acts deemed to be obsolete.

Therefore, the proposal repeals:

- **11 decisions of the Schengen Executive Committee** because their content has been taken up in successive acts,
- **Council Regulation (EC) No 189/2008** of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) which exhausted its legal effect once the SIS II became operational on 9 April 2013.

The report also proposed several amendments seeking to improve the drafting of the act, including an addition in the title stating that the repealed acts in question **are part of the Schengen acquis**, as well as an amendment to clarify that the **Denmark** is not bound by Regulation or subject to its application, but that it shall decide, in accordance with Protocol No 22 annexed to the Treaties, decide within a period of six months after the Council has decided on this Regulation whether it will implement it in its national law.