Schengen: procedure for amending Articles 40, 41 and 65. Initiative Luxembourg

2000/0803(CNS) - 03/04/2000 - Legislative proposal

PURPOSE: to establish a simplified procedure to amend certain Articles of the Schengen Convention.
CONTENT: on 01/05/1999, the date of entry into force of the Amsterdam Treaty, which provided, inter alia, for the integration of the Schengen acquis into the framework of the European Union, the protocol had not entered into force. Since the integration of the Schengen acquis into the framework of the EU relating to the gradual abolition of border controls, the Member States can no longer modify the Convention signed in Schengen. However, a protocol was approved between parties in 1990 which provided for a simplified procedure to amend references in those articles to "officers", "authorities" and "competent Ministries" (Articles 40, 41, and 65). The initiative of Luxembourg outlines the same objectives as the Protocol but through community procedure. This procedure shall allow Member States to modify the reference of its "officers", "authorities" and "competent Ministries", if international changes and reorganisations were to make the existing reference no longer accurate, without requiring the amendments of the references to be formally adopted by the Council. Any modification of the aforementioned provisions that do not result merely from internal changes or reorganisations but purport to extend the powers under the provisions of Articles 40 and 41 of the Convention should be adopted in accordance with the relevant provisions of the Treaty.