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

2000/0803(CNS) - 28/09/2000 - Final act

PURPOSE : to establish a simplified procedure to amend certain Articles of the Schengen Convention. COMMUNITY MEASURE : Council Decision 2000/586/JHA establishing a simplified procedure to amend certain Articles of the Schengen Convention. CONTENT : on 01.05.1999, the date of the 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, the Council has adopted - on the initiative of the Grand Duchy of Luxembourg - this Decision establishing a procedure for amending Articles 40(4) and (5) and 65(2) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders. This Decision will enable each Member State to amend certain administrative descriptions featuring in the abovementioned articles ("officers", "authorities" and "competent Ministries"), whenever, as a result of internal changes or reorganisations, the existing references are no longer accurate. Any modification to the aforementioned provisions that do not result merely from internal changes or reorganisations but purport to extend the powers under provisions of Articles 40 and 41 of the Convention should be adopted in accordance with the relevant provisions of the Treaty. Lastly, it should be noted that the United Kingdom shall participate in this Decision, in accordance with Decision 2000/365/EC aiming to authorise this country to participate in certain provisions of the Schengen acquis. ENTRY INTO FORCE : 04.10.2000.