Basic information

2006/0279(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Community Code on the rules governing the movement of persons across borders (Schengen Borders Code): implementing powers conferred on the Commission Amending Regulation (EC) No 562/2006 2004/0127(COD) **Subject** 7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	CASHMAN Michael (PSE)	20/03/2007

Council of the European Union

Council configuration	Meetings	Date
Environment	2856	2008-03-03

European Commission

Commission DG	Commissioner
Justice and Consumers	FRATTINI Franco

Key events

Date	Event	Reference	Summary
22/12/2006	Legislative proposal published	COM(2006)0904	Summary
17/01/2007	Committee referral announced in Parliament, 1st reading		
17/07/2007	Vote in committee, 1st reading		Summary
20/07/2007	Committee report tabled for plenary, 1st reading	A6-0289/2007	
14/11/2007	Decision by Parliament, 1st reading	T6-0519/2007	Summary
14/11/2007	Results of vote in Parliament		
03/03/2008	Act adopted by Council after Parliament's 1st reading		
11/03/2008	Final act signed		
11/03/2008	End of procedure in Parliament		

09/04/2008	Final act published in Official Journal		

Technical information

Procedure reference	2006/0279(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 562/2006 2004/0127(COD)
Legal basis	EC Treaty (after Amsterdam) EC 062-p1/2 EC Treaty (after Amsterdam) EC 062-p2-aa
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/44443

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE390.553	13/06/2007	
Amendments tabled in committee		PE392.045	03/07/2007	
Committee report tabled for plenary, 1st reading/single reading		A6-0289/2007	20/07/2007	
Text adopted by Parliament, 1st reading/single reading		T6-0519/2007	14/11/2007	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03680/2007/LEX	11/03/2008	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2006)0904	22/12/2006	Summary
Commission response to text adopted in plenary	SP(2007)6527	18/12/2007	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act
Regulation 2008/0296 OJ L 097 09.04.2008, p. 0060 Summary

Community Code on the rules governing the movement of persons across borders (Schengen Borders Code): implementing powers conferred on the Commission

2006/0279(COD) - 14/11/2007 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Michael **CASHMAN** (PES, UK) on the proposal for a regulation amending Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), as regards the implementing powers conferred on the Commission.

Parliament made some technical amendments so as to take into account the specificity of the Schengen Borders Code. It felt that, since the proposal constituted a development of the Schengen acquis, some special provisions, notably as regards the Member States in which it applies, needed to be introduced. Accordingly, new recitals are introduced regarding Denmark, Iceland and Norway, Switzerland, the United Kingdom and Ireland.

Lastly, Parliament provided that any additional rules governing surveillance must be decided in accordance with the regulatory procedure with scrutiny.

Community Code on the rules governing the movement of persons across borders (Schengen Borders Code): implementing powers conferred on the Commission

2006/0279(COD) - 11/03/2008 - Final act

PURPOSE: to amend Regulation 562/2006/EC establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) by introducing a reference to the new regulatory procedure with scrutiny (comitology).

LEGISLATIVE ACT: Regulation (EC) No 296/2008 of the European Parliament and of the Council

amending Regulation (EC) No 562/2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), as regards the implementing powers conferred on the Commission

CONTENT: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC (CNS/2002/0298).

The amended Decision introduces a new regulatory procedure with scrutiny to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

The Decision provides that the Commission will be empowered to adopt certain practical measures governing border surveillance and to amend certain annexes in accordance with the regulatory procedure with scrutiny.

ENTRY INTO FORCE: 10/04/2008.

Community Code on the rules governing the movement of persons across borders (Schengen Borders Code): implementing powers conferred on the Commission

2006/0279(COD) - 22/12/2006 - Legislative proposal

PURPOSE: to amend Regulation 562/2006/EC establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) by introducing a reference to the new regulatory procedure with scrutiny (comitology).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

CONTENT: Council Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission has been amended by Council Decision 2006/512/EC (CNS/2002/0298).

The amended Decision introduces a new *regulatory procedure with scrutiny* to be used for measures of general scope which seek to amend non-essential elements of a basic instrument, adopted under co-decision, including by deleting some of those elements or by supplementing the instrument by the addition of new non-essential elements.

This procedure allows the legislator to oppose the adoption of "quasi-legislative" measures implementing a codecision-based instrument when it considers that the draft exceeds the implementing powers provided for in the basic instrument, or that the draft is incompatible with the aim or the content of that instrument or fails to respect the principles of subsidiarity or proportionality.

In a joint statement, the three institutions agreed on a list of 26 basic instruments already in force to be adjusted without delay in accordance with the new regulatory procedure with scrutiny (see ACI/2006/2152). Each case has been assessed on its own merits, notably in view of the nature of the implementing powers conferred on the Commission and the specificity of each sector.

Lastly, in accordance with the abovementioned statement, the Commission is proposing to repeal any provisions of these instruments that provide for a time-limit on the delegation of implementing powers to the Commission.