Basic information

2010/0820(NLE) NLE - Non-legislative enactments Decision	Procedure completed, awaiting publication in Official Journal
Full application of the provisions of the Schengen acquis in Bulgaria and Romania **Subject** 7.10.04 External borders crossing and controls, visas 8.50.01 Implementation of EU law **Geographical area** Bulgaria Romania	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	COELHO Carlos (PPE)	09/12/2010

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3071	2011-02-24
Justice and Home Affairs (JHA)	3111	2011-09-22
Justice and Home Affairs (JHA)	3195	2012-10-25
Justice and Home Affairs (JHA)	4068	2024-12-12
Justice and Home Affairs (JHA)	3096	2011-06-09
Justice and Home Affairs (JHA)	3228	2013-03-07

European Commission

Commission DG	Commissioner
Migration and Home Affairs	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
29/09/2010	Legislative proposal published	14142/2010	Summary
23/11/2010	Committee referral announced in Parliament		
24/02/2011	Debate in Council		Summary
02/05/2011	Vote in committee		Summary
04/05/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0185/2011	

07/06/2011	Debate in Parliament		
08/06/2011	Decision by Parliament	T7-0254/2011	Summary
08/06/2011	Results of vote in Parliament		
09/06/2011	Resolution/conclusions adopted by Council		Summary
22/09/2011	Debate in Council		Summary
25/10/2012	Debate in Council		
07/03/2013	Debate in Council		Summary
12/12/2024	Act adopted by Council after consultation of Parliament		

Technical information

Procedure reference	2010/0820(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consultation of Parliament
Legislative instrument	Decision
Legal basis	2005 Act of Accession (Bulgaria and Romania) TSA 4-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed, awaiting publication in Official Journal
Committee dossier	LIBE/7/04583

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE456.684	05/04/2011	
Amendments tabled in committee		PE462.863	14/04/2011	
Committee report tabled for plenary, 1st reading/single reading		A7-0185/2011	04/05/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0254/2011	08/06/2011	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	14142/2010	29/09/2010	Summary

Additional information

Source	Document	Date

European Commission	EUR-Lex	

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

2010/0820(NLE) - 07/03/2013

The Council had a **state of play discussion** on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and in Romania.

In conclusion, the Presidency decided to address this issue again by the **end of 2013** with a view to considering the way forward on the basis of a two step approach.

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

2010/0820(NLE) - 22/09/2011

The Polish presidency presented a draft Council decision on the framework for the full application of the provisions of the Schengen acquis in Bulgaria and Romania. **This text did not, however, receive the unanimous support necessary and was therefore not put to a vote**. The presidency intends to continue its efforts to find a basis for agreement.

The Council reverted to the question of the **Schengen accession of Bulgaria and Romania** in line with the June Council conclusions on the completion of the process of Schengen evaluation of the state of preparedness of Bulgaria and Romania to implement all provisions of the Schengen acquis.

These conclusions underlined that the Schengen evaluation process for Bulgaria and Romania has been completed and that the Council would return to the issue as soon as possible, and no later than September 2011.

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

2010/0820(NLE) - 08/06/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 487 votes to 77, with 29 abstentions, a legislative resolution amending, under a special legislative procedure (European Parliament’s consultation), the draft Council decision on the full application of the provisions of the Schengen acquis in Bulgaria and Romania.

Parliament calls on each Member State concerned to inform the European Parliament and the Council in writing within six-months of the date of entry into force of this Decision on the follow up that was given to the recommendations that are contained in the evaluation reports and are referred to in the follow-up reports, which still need to be implemented.

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.

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

2010/0820(NLE) - 09/06/2011

The Council adopted **conclusions** on the completion of the process of Schengen evaluation of the state of preparedness of Bulgaria and Romania to implement all provisions of the Schengen acquis.

These conclusions underline that the **Schengen evaluation process for Bulgaria and Romania has been completed** and that the Council will return to the issue as soon as possible, and no later than September 2011.

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

2010/0820(NLE) - 24/02/2011

The committee discussed the state of play in the process of accession of Bulgaria and Romania to the Schengen area. After the mixed committee, the Council took note of presidency conclusions which can be summarised as follows:

According to the 2005 Act of Accession, the verification through evaluation procedures that the necessary conditions for the application of all parts of the Schengen acquis have been met by Bulgaria and Romania is a precondition for the Council, after consultation of the European Parliament, to take a Decision on its full application and the **resulting abolition of checks at internal borders with and between those Member States**.

Romania and Bulgaria programmed their preparations in concertation with the successive EU presidencies, with the aim of achieving full Schengen membership by the end of March 2011.

With regard to the results of the Schengen evaluation of Romania and Bulgaria and taking into account their Common Declaration, according to which the two countries join the Schengen area together and at the same time, it is appropriate to take stock of the situation and the results achieved to date, given the extensive work carried out both by Romania and Bulgaria and by Member States' experts during the evaluation process, and the importance of preserving the momentum.

On the road towards Schengen accession, evaluation missions were organized between 2009 and 2010 in the field of data protection, police cooperation, visa issuance, air-, land- and sea-borders, and SIS/SIRENE.

Upon conclusion of the last missions, which took place in December 2010, the evaluation process of Romania was concluded in January 2011 by the Working Party for Schengen Matters (Schengen Evaluation) with the adoption of all relevant reports and on the basis of their Common Declaration that Romania would join Schengen together with Bulgaria. On this basis, **Romania** has finalised the technical preparations required for all evaluated areas of the Schengen acquis. Romania will ensure the implementation of the recommendations listed in the evaluation reports and regularly informs the Council on the follow-up to these recommendations.

Bulgaria has to date closed all but one of the evaluated areas of the Schengen acquis, with a re-evaluation of the external land borders scheduled for the fourth week of March 2011. There is a strong commitment on the side of Bulgaria to complete the necessary preparations in order to fulfil all the requirements of the Schengen acquis as soon as possible. Bulgaria will make the necessary efforts to ensure the implementation of the recommendations listed in the evaluation reports and regularly informs the Council on the follow-up to these recommendations.

The accession of Romania and Bulgaria, once all requirements have been fulfilled, remains a priority of the Hungarian Presidency. In light of the positions outlined by some Member States in the Working Party for Schengen Matters (Schengen Evaluation) and in Coreper on 9 and 17 February, the Presidency will continue to work, in close cooperation with all Member States, towards a solution acceptable to all parties concerned taking also into account the concerns voiced.