Basic information

2014/0337(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Repealing obsolete acts from the Schengen acquis **Subject** 7 Area of freedom, security and justice 7.10.02 Schengen area, Schengen acquis	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	LIBE Civil Liberties, Justice and Home Affairs	MORAES Claude (S&D)	05/02/2015
Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Agriculture and Fisheries	3437	2015-12-14
European Commission	**Commission DG**	**Commissioner**	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events

Date	Event	Reference	Summary
28/11/2014	Legislative proposal published	COM(2014)0713	Summary
15/12/2014	Committee referral announced in Parliament, 1st reading		
03/09/2015	Vote in committee, 1st reading		
14/09/2015	Committee report tabled for plenary, 1st reading	A8-0250/2015	Summary
24/11/2015	Decision by Parliament, 1st reading	T8-0396/2015	Summary
24/11/2015	Results of vote in Parliament		
14/12/2015	Act adopted by Council after Parliament's 1st reading		
20/01/2016	Final act signed		
20/01/2016	End of procedure in Parliament		
02/02/2016	Final act published in Official Journal		

Technical information

Procedure reference	2014/0337(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the European Union TFEU 078-p2 Treaty on the Functioning of the European Union TFEU 087-p2 Treaty on the Functioning of the European Union TFEU 077-p2 Treaty on the Functioning of the European Union TFEU 079-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/02187

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A8-0250/2015	14/09/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0396/2015	24/11/2015	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00054/2015/LEX	20/01/2016	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2014)0713	28/11/2014	Summary
Commission response to text adopted in plenary	SP(2016)20	13/01/2016	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_SENATE	COM(2014)0713	22/01/2015	
Contribution	PT_PARLIAMENT	COM(2014)0713	27/01/2015	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act	
Regulation 2016/0093 OJ L 026 02.02.2016, p. 0001	Summary

Repealing obsolete acts from the Schengen acquis

2014/0337(COD) - 28/11/2014 - Legislative proposal

PURPOSE: to repeal a certain number of legal measures in the area of freedom, security and justice that have been identified as obsolete.

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

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: in its Communication of June 2014 on "Regulatory Fitness and Performance Programme (REFIT): State of Play and Outlook", the Commission stated that it was screening the acquis in respect of police cooperation and judicial cooperation in criminal matters in order to identify acts which could be repealed in the context of the expiry of the transitional period set out in the Treaties.

The Commission has now completed its assessment on the legal acts related to the area of freedom, security and justice, including the former third pillar acquis. They are no longer relevant because of their temporary nature or because their content has been taken up by successive acts.

CONTENT: for reasons of legal certainty, the Commission proposes that a certain number of acts adopted in the Area of Freedom, Security and Justice (12 in total) are revoked by the European Parliament and the Council.

Repealing obsolete acts from the Schengen acquis

2014/0337(COD) - 24/11/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 601 votes to 10, with 56 abstentions, a legislative resolution 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.

Parliament's position adopted at first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Parliament proposed to change the type of act from **'decision' to 'regulation'**. Moreover, the title now stipulates that the **repealed acts in question are part of the Schengen acquis**.

The Regulation repeals:

- **11 decisions of the Schengen Executive Committee** because their content has been taken up in successive acts. These concern: visa policy; exchange of statistical information; issuance of Schengen visas; evidence under readmission agreements; task force; difficulties on obtaining laissez-passer; stamping of passports; fight against illegal immigration; fight against illegal immigration; document advisers; liaison officers; and
- **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.

An amendment stipulates 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.

Repealing obsolete acts from the Schengen acquis

2014/0337(COD) - 20/01/2016 - Final act

PURPOSE: to repeal a number of obsolete Union acts belonging to the Schengen acquis.

LEGISLATIVE ACT: Regulation (EU) 2016/93 of the European Parliament and of the Council repealing certain acts from the Schengen acquis.

CONTENT: in the context of the better law-making strategy that the institutions of the Union are implementing, the Regulation **repeals a number of acts belonging to the Schengen acquis** which are no longer relevant due to their temporary nature or because their content has been taken up by successive acts.

11 decisions of the Schengen Executive Committee because their content has been taken up in successive acts. These concern: (i) visa policy; (ii) exchange of statistical information; (iii) issuance of Schengen visas; (iv) evidence under readmission agreements; (v) task force; (vi) difficulties on obtaining laissez-passer; (vii) stamping of passports; (viii) fight against illegal immigration (two Decisions); (ix) document advisers; (x) liaison officers;

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.

This Regulation constitutes a development of provisions of the Schengen acquis in which the **United Kingdom and Ireland** do not take part. These two countries are therefore not taking part in its adoption and is not bound by it or subject to its application.

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.

ENTRY INTO FORCE: 22.2.2016.

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.