Basic information

2014/0338(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Repealing obsolete acts from the Schengen acquis in the field of police cooperation and judicial cooperation in criminal matters **Subject** 7.10.02 Schengen area, Schengen acquis 7.30.05 Police cooperation 7.40.04 Judicial cooperation in criminal matters	

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)0714	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	A8-0251/2015	Summary
24/11/2015	Decision by Parliament, 1st reading	T8-0397/2015	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	2014/0338(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 082-p1 Treaty on the Functioning of the European Union TFEU 087-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/02262

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A8-0251/2015	14/09/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0397/2015	24/11/2015	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00055/2015/LEX	20/01/2016	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2014)0714	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	PT_PARLIAMENT	COM(2014)0714	27/01/2015	

Additional information

Source	Document	Date

European Commission	EUR-Lex	

Final act
Regulation 2016/0094 OJ L 026 02.02.2016, p. 0006 Summary

Repealing obsolete acts from the Schengen acquis in the field of police cooperation and judicial cooperation in criminal matters

2014/0338(COD) - 20/01/2016 - Final act

PURPOSE: to repeal a certain number of obsolete Union acts adopted in the field of police cooperation and judicial cooperation in criminal matters and belonging to the Schengen acquis.

LEGISLATIVE ACT: Regulation (EU) 2016/94 of the European Parliament and of the Council repealing certain acts from the Schengen acquis in the field of police cooperation and judicial cooperation in criminal matters.

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 adopted **in the field of police cooperation and judicial cooperation in criminal matters** and belonging to the Schengen acquis are no longer relevant due to their temporary nature or because their content has been taken up by successive acts.

The Regulation repeals:

- **three Decisions of the Executive Committee SCH/Comex** concerning: (i) combatting drug trafficking, (ii) police handbook, (iii) road traffic offences;
- **a Declaration of the Executive Committee SCH/Com-ex (97) decl. 13 rev 2 (abduction of minors)**,
- **Council Decision 2008/173/JHA** of 18 February 2018 on the tests of the second generation Schengen Information System (SIS II).

Following the notification made by the **United Kingdom** on 24 July 2013 in accordance with the first sentence of the first subparagraph of Article 10(4) of Protocol No 36 on transitional provisions, the obsolete Decisions and Declaration have ceased to apply to the United Kingdom as from 1 December 2014, pursuant to that Protocol. The United Kingdom is therefore not taking part in the adoption of this Regulation 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 in the field of police cooperation and judicial cooperation in criminal matters

2014/0338(COD) - 24/11/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 618 votes to 8, with 57 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council repealing certain acts in the field of police cooperation and judicial cooperation in criminal matters.

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:

- **3 Decisions of the Executive Committee SCH/Comex** concerning: combatting drug trafficking, police handbook, road traffic offences;
- **a Declaration of the Executive Committee SCH/Com-ex (97) decl. 13 rev 2 (abduction of minors)**,
- **Council Decision 2008/173/JHA** of 18 February 2018 on the tests of the second generation Schengen Information System (SIS II).

Several amendments aim at improving the drafting of the act, including an addition in the title specifying that **the repealed acts in question belong to the Schengen acquis**, and amendments adapting the recitals to the **UK's position** after the expiry of the transitional period set out in Protocol No 36 to the Treaties. The United Kingdom shall not take part in the adoption of this Regulation and is not bound by it or subject to its application.

In accordance with the Protocol No 22 on the position of **Denmark**, this country is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen acquis, Denmark shall 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 in the field of police cooperation and judicial cooperation in criminal matters

2014/0338(COD) - 28/11/2014 - Legislative proposal

PURPOSE: to repeal a certain number of legal measures in the field of police cooperation and judicial cooperation in criminal matters 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 and clarity, the proposal seeks to **repeal 4 legal measures**, adopted in the field of police cooperation and judicial cooperation in criminal matters that have been identified as obsolete.

Repealing obsolete acts from the Schengen acquis in the field of police cooperation and judicial cooperation in criminal matters

2014/0338(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 field of police cooperation and judicial cooperation in criminal matters.

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:

- 3 Decisions of the Executive Committee SCH/Comex (93) 14 (combatting drug trafficking), (98) 52 (police handbook), (99) 11 Rev. 2 (road traffic offences);
- a Declaration of the Executive Committee SCH/Com-ex (97) decl. 13 rev 2 (abduction of minors),
- Council Decision 2008/173/JHA of 18 February 2018 on the tests of the second generation Schengen Information System (SIS II).

The rapporteur suggests also several amendments aiming at improving the drafting of the act, including an addition in the title specifying that **the repealed acts in question belong to the Schengen acquis**, and amendments adapting the recitals to the **UK's position** after the expiry of the transitional period set out in Protocol No 36 to the Treaties.