Basic information

2018/0802(CNS) CNS - Consultation procedure Decision	Procedure completed
Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania See also 2010/0814(NLE) See also 2017/0808(CNS) **Subject** 7.10.02 Schengen area, Schengen acquis 7.10.04 External borders crossing and controls, visas **Geographical area** Bulgaria Romania	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	MACOVEI Monica (ECR)	26/02/2018
	Shadow rapporteur COELHO Carlos (PPE) STANISHEV Sergei (S&D) HYUSMENOVA Filiz (ALDE) VERGIAT Marie-Christine (GUE/NGL) VALERO Bodil (Verts/ALE)	

Council of the European Union

Council configuration	Meetings	Date
Environment	3627	2018-06-25

European Commission

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary

12/01/2018	Legislative proposal published	15820/2017	Summary
05/02/2018	Committee referral announced in Parliament		
24/05/2018	Vote in committee		
29/05/2018	Committee report tabled for plenary, 1st reading/single reading	A8-0192/2018	Summary
13/06/2018	Decision by Parliament	T8-0253/2018	Summary
13/06/2018	Results of vote in Parliament		
25/06/2018	Act adopted by Council after consultation of Parliament		
25/06/2018	End of procedure in Parliament		
02/07/2018	Final act published in Official Journal		

Technical information

Procedure reference	2018/0802(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Amendments and repeals	See also 2010/0814(NLE) See also 2017/0808(CNS)
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/12150

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE618.142	22/03/2018	
Amendments tabled in committee		PE621.983	02/05/2018	
Committee report tabled for plenary, 1st reading/single reading		A8-0192/2018	29/05/2018	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0253/2018	13/06/2018	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	15820/2017	12/01/2018	Summary
Supplementary legislative basic document	15820/1/2017	18/04/2018	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act	
Decision 2018/0934 OJ L 165 02.07.2018, p. 0037	Summary

Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania

2018/0802(CNS) - 13/06/2018 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 591 votes to 68, with 31 abstentions, following the consultation procedure, a legislative resolution on the draft Council decision on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania.

Parliament **approved** without amendments the Council draft which aims to lift the remaining restrictions on the use of the Schengen Information System (SIS) by Bulgaria and Romania.

Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania

2018/0802(CNS) - 25/06/2018 - Final act

PURPOSE: to lift the remaining restrictions on the use of the Schengen Information System (SIS) by Bulgaria and Romania.

LEGISLATIVE ACT: Council Decision (EU) 2018/934 on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania.

CONTENT: following Council Decision 2010/365/EU, the provisions of the Schengen acquis relating to the Schengen Information System (SIS) came into force in Bulgaria and Romania as from 15 October 2010 **with the exception of 'the remaining restrictions'**, namely:

- **the obligation to refuse entry into or stay** on its territory to third country nationals for whom an alert has been issued by another Member State for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006 of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II);
- **the obligation to refrain from issuing SIS alerts and entering additional information** as well as from exchanging supplementary information on third country nationals for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006.

CONTENT: this Council Decision concerns the implementation in Bulgaria and Romania of the remaining restrictions of the Schengen acquis relating to the Schengen Information System (SIS). This will allow Bulgaria and Romania to use the SIS without any of the remaining restrictions.

The Council Decision aiming at lifting the remaining restrictions concerning the use of SIS by Bulgaria and Romania is a welcomed development for the participation of these two countries in the Schengen acquis. It will increase the level of security in the Schengen area and make the fight against serious crime and terrorism more effective. The checks performed by Bulgaria and Romania at their external borders and in their territory should become more effective by issuing SIS alerts for the purposes of refusing entry or stay and by executing such alerts introduced by other Member States, in particular if such alerts are based on a threat to public policy or public security or national security.

ENTRY INTO FORCE: 25.6.2018.

APPLICATION: from 1.8.2018.

Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania

2018/0802(CNS) - 18/04/2018 - Supplementary legislative basic document

PURPOSE: put into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: in order to increase the level of security in the Schengen area and to make the fight against serious crime and terrorism more effective, the checks by Bulgaria and Romania at their external borders and in their territory should become more effective.

Following Council Decision 2010/365/EU, the provisions of the Schengen acquis relating to the Schengen Information System (SIS) came into force in Bulgaria and Romania as from 15 October 2010 with the exception of 'the remaining restrictions', namely:

- the obligation to refuse entry into or stay on its territory to third country nationals for whom an alert has been issued by another Member State for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006 of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II);
- **the obligation to refrain from issuing SIS alerts and entering additional information** as well as from exchanging supplementary information on third country nationals for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006.

CONTENT: the draft Council Decision provides that **the remaining restrictions of the Schengen acquis relating to SIS, as referred to in Decision 2010 /365/EU, do not apply to Bulgaria and Romania** between themselves and in their relations with the 26 member countries of the Schengen area.

Article 25 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and France on the gradual abolition of checks at their common borders (‘the Schengen Convention’) on consultation for residence permits and alerts for the purposes of refusing entry should apply from the same date as from which the remaining restrictions of the Schengen acquis relating to the SIS should be lifted.

The lifting of those restrictions in Bulgaria and Romania shall contribute to increase the level of security in the Schengen area and make the fight against serious crime and terrorism more effective.

Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania

2018/0802(CNS) - 12/01/2018 - Legislative proposal

PURPOSE: put into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in Bulgaria and Romania.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council adopts the act after consulting the European Parliament but without being obliged to follow its opinion.

BACKGROUND: in order to increase the level of security in the Schengen area and to make the fight against serious crime and terrorism more effective, the checks by Bulgaria and Romania at their external borders and in their territory should become more effective.

Following Council Decision 2010/365/EU, the provisions of the Schengen acquis relating to the Schengen Information System (SIS) came into force in Bulgaria and Romania as from 15 October 2010 **with the exception of 'the remaining restrictions'**, namely:

- **the obligation to refuse entry into or stay** on its territory to third country nationals for whom an alert has been issued by another Member State for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006 of the European Parliament and of the Council on the establishment, operation and use of the second generation Schengen Information System (SIS II);
- **the obligation to refrain from issuing SIS alerts and entering additional information** as well as from exchanging supplementary information on third country nationals for the purposes of refusing entry or stay in accordance with Regulation (EC) No 1987/2006.

On 9 June 2011, the Council concluded, in accordance with the applicable Schengen evaluation procedures, that the conditions in all the areas of the Schengen acquis relating to air borders, land borders, police cooperation, data protection, the SIS, sea borders and visas **had been fulfilled by Bulgaria and Romania.**

On 12 October 2017, the Council adopted Decision (EU) 2017/1908 putting into effect certain provisions of the Schengen acquis relating to the Visa Information System (‘VIS’) in Bulgaria and Romania. The putting into effect of those provisions that authorise Bulgaria and Romania to access the VIS data for consultation purposes is aiming at facilitating checks by these two countries at border crossing points at their external borders, which are Schengen external borders, and within their territory.

CONTENT: the draft Council Decision provides that **the remaining restrictions of the Schengen acquis relating to SIS, as referred to in Decision 2010 /365 / EU, do not apply to Bulgaria and Romania** between themselves and in their relations with the 26 member countries of the Schengen area.

The lifting of the remaining restrictions on the use of SIS will ensure that Bulgaria and Romania are required to deny entry into or stay in their respective territories to third-country nationals for whom an entry ban has been issued by another Member State, as well as the obligation to issue such SIS alerts.

The lifting of those restrictions in Bulgaria and Romania will contribute to increase the level of security in the Schengen area and make the fight against serious crime and terrorism more effective.

Schengen Information System: putting into effect of the remaining provisions of the Schengen acquis in Bulgaria and Romania

2018/0802(CNS) - 29/05/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted, following the consultation procedure, the report by Monica MACOVEI (ECR, RO) on the draft Council decision on the putting into effect of the remaining provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Bulgaria and Romania.

The committee recommended that the European Parliament approve the Council draft.

The draft Council Decision aims to lift the remaining restrictions concerning the use of the Schengen Information System (SIS) by Bulgaria and Romania. The checks performed by Bulgaria and Romania at their external borders and in their territory should become more effective by issuing SIS alerts for the purposes of refusing entry or stay and by executing such alerts introduced by other Member States.

As recalled in the explanatory memorandum accompanying the report, in June 2011 the European Parliament gave its approval for Bulgaria and Romania to join the Schengen area, stating in a legislative resolution that Bulgaria and Romania where ready to join the Schengen border check-free area.

Since 2011, the European Parliament has repeatedly called for the enlargement of the Schengen area to these two countries and has asked the Council to take the final decision authorising the abolition of internal border controls with Bulgaria and Romania.

In October 2017, the Council adopted Decision (EU) 2017/1908 concerning the application in Bulgaria and Romania of certain provisions of the Schengen *acquis* relating to the Visa Information System (VIS).

Bulgaria and Romania play a key role in surveillance operations in the Black Sea and on the Danube river. These two countries share borders with Turkey, Moldova, Ukraine, Serbia and the former Yugoslav Republic of Macedonia, which constitute important buffer zones for entry into the Schengen area. Romania is a main contributor to the logistics operations of the European Border and Coast Guard Agency.

In the light of these elements, the proposed Council Decision would represent a positive development in the participation of Bulgaria and Romania in the Schengen acquis and would enhance the level of security of the Schengen area.

In view of all above-mentioned elements, the current Council Decision aiming at lifting the remaining restrictions concerning the use of SIS by Bulgaria and Romania is a welcomed development for the participation of these two countries in the Schengen *acquis*. It will increase the level of security in the Schengen area and make the fight against serious crime and terrorism more effective.