



SCHENGEN ACQUIS

GENERAL ASPECTS

IMPLEMENTATION
MECHANISM

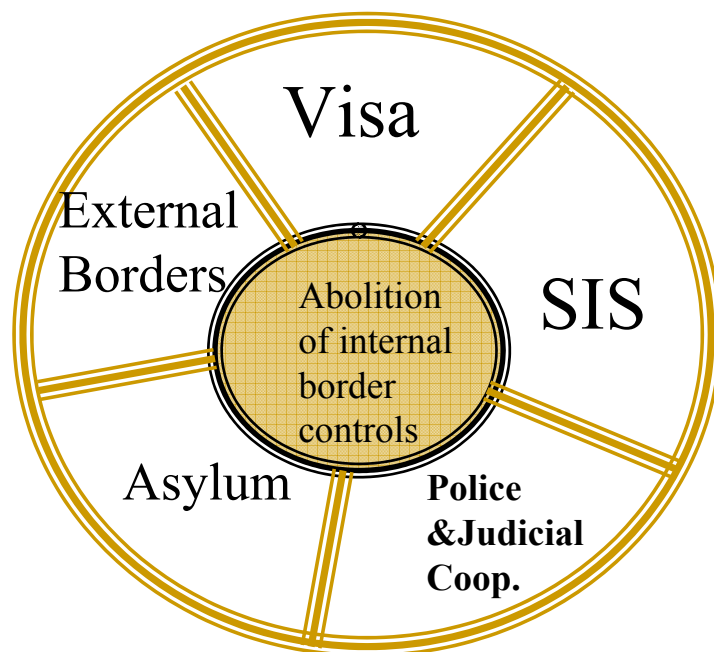
Monika Moßhammer, JLS/B1

Living in an
area of
freedom,
security
and justice





• Double axiom: free movement of persons on the one hand, requires complementary measures (external borders, visa policy, police cooperation, judicial cooperation, drugs cooperation, SIS) on the other hand.



Living in an
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1997 (1999)
Amsterdam

EUROPEAN UNION

European Community

Common
Foreign
and
Security
Policy

**2nd
Pillar**

1st Pillar

*Borders; Visas;
Asylum;
Immigration;
Fraud; Civil
judicial coop.*

SCHENGEN ACQUIS

**Police and
Judicial
Coop. in
Criminal
Matters**

3rd Pillar

THE INTEGRATION OF SCHENGEN INTO THE EU

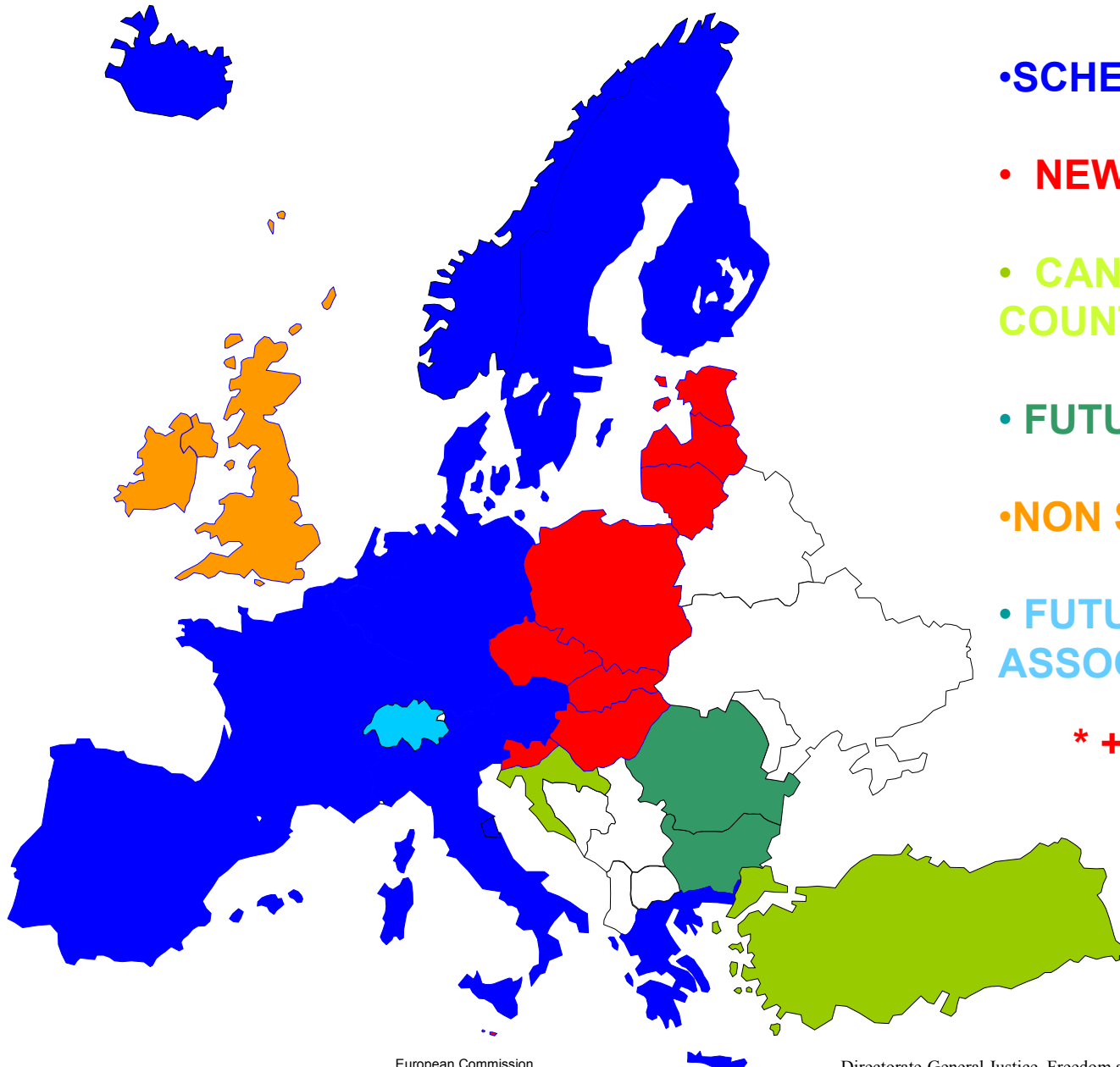
LEGAL COMPLEXITIES:

1st/3rd pillar legal bases, protocols, *géometrie variable*:

- United Kingdom and Ireland
- Norway and Iceland
- Switzerland and Liechtenstein

PECULIAR INSTITUTIONAL FRAMEWORK:

Mixed Committee



• **SCHENGEN MS**

• **NEW MS***

• **CANDIDATE COUNTRIES**

• **FUTURE MS**

• **NON SCHENGEN MS**

• **FUTURE ASSOCIATED MS**

*** + Chypre**

THE SCHENGEN ACQUIS AND ENLARGEMENT

- **Schengen acquis to be accepted in full (Art. 8 Schengen Protocol)**
- **Two step-implementation of the Schengen acquis: a) acceptance of the acquis and b) evaluation by Member States already applying the acquis**
- **Two categories of Schengen provisions (2004 enlargement)**

TWO CATEGORIES OF SCHENGEN PROVISIONS – Enlargement 2004

- 1. Provisions not related to the lifting of internal border control to be applied upon accession (Annex I to the Accession Treaty 2003):**

- 2. Provisions intrinsically related to the lifting of internal border control – separate Council decision**

TWO CATEGORIES OF SCHENGEN PROVISIONS – Enlargement 2004

CATEGORY 1 (binding and applicable upon accession):

- External border controls;
- Police and judicial cooperation (including drugs trafficking);
- Some visa aspects (visa lists; visa sticker);
- Provisions on carriers' liability.

CATEGORY 2 (binding but not applicable upon accession):

- Common visa regime;
- Abolition of internal border controls and circulation within the Schengen area;
- Provisions related to the SIS.

MONITORING OF THE IMPLEMENTATION OF THE SCHENGEN ACQUIS (2004 enlargement)

BEFORE ACCESSION:

- Continuous monitoring by the Commission (Regular reports, Schengen Action Plans, monitoring tables, peer review missions, follow-up letters)**
- Comprehensive Monitoring Report**

MONITORING OF THE IMPLEMENTATION OF SCHENGEN (2004 enlargement)

AFTER ACCESSION:

Schengen Evaluation procedure (SCH-EVAL WG):

- reply to questionnaire (all parts of the Schengen acquis)**
- evaluation on the spot (external borders, visas, police cooperation, data protection)**

Council decides unanimously on full application of the Schengen acquis (lifting of internal border controls)