TREATY OF ACCESSION: PROTOCOL, ANNEX II

DRAFT LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Delegations will find attached the draft Treaty of Accession of Bulgaria and Romania to the European Union: **PROTOCOL, ANNEX II**.

ANNEX II

LIST OF PROVISIONS OF THE SCHENGEN ACQUIS AS INTEGRATED INTO THE FRAMEWORK OF THE EUROPEAN UNION AND THE ACTS BUILDING UPON IT OR OTHERWISE RELATED TO IT, TO BE BINDING ON AND APPLICABLE IN THE NEW MEMBER STATES AS FROM ACCESSION (REFERRED TO IN ARTICLE 4(1))

1. The Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders dated 14 June 1985[(1)].

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(1) OJ L 239, 22.9.2000, p. 13.

2. The following provisions of the Convention signed in Schengen on 19 June 1990 [1] implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, its related Final Act and Joint Declarations, as amended by certain of the acts listed in paragraph 8 below:

Article 1 to the extent that it relates to the provisions of this paragraph; Articles 3 to 7, excluding Article 5(1)(d); Article 13; Articles 26 and 27; Article 39; Articles 44 to 59; Articles 61 to 63; Articles 65 to 69; Articles 71 to 73; Articles 75 and 76; Article 82; Article 91; Articles 126 to 130 to the extent that they relate to the provisions of this paragraph; and Article 136; Joint Declarations 1 and 3 of the Final Act.

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[1] OJ L 239, 22.9.2000, p. 19, Convention as last amended by Council Regulation (EC) No 871/2004 (OJ L 162, 30.4.2004, p. 29).

3. The following provisions of the Agreements on Accession to the Convention signed in Schengen on 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, their Final Acts and the related Declarations, as amended by certain of the acts listed in paragraph 8 below:

(a) the Agreement signed on 27 November 1990 on the Accession of the Italian Republic:

– Article 4,
– Joint Declaration 1 in Part II of the Final Act;

(b) the Agreement signed on 25 June 1991 on the Accession of the Kingdom of Spain:

– Article 4,
– Joint Declaration 1 in Part II of the Final Act,
– Declaration 2 in Part III of the Final Act;

(c) the Agreement signed on 25 June 1991 on the Accession of the Portuguese Republic:

– Articles 4, 5 and 6,
– Joint Declaration 1 in Part II of the Final Act;

(d) the Agreement signed on 6 November 1992 on the Accession of the Hellenic Republic:

– Articles 3, 4 and 5,
– Joint Declaration 1 in Part II of the Final Act,
– Declaration 2 in Part III of the Final Act;

(e) the Agreement signed on 28 April 1995 on the Accession of the Republic of Austria:

– Article 4,
– Joint Declaration 1 in Part II of the Final Act;

(f) the Agreement signed on 19 December 1996 on the Accession of the

Kingdom of Denmark:

– Articles 4, 5(2) and 6,

– Joint Declarations 1 and 3 in Part II of the Final Act;

(g) the Agreement signed on 19 December 1996 on the Accession of the Republic of Finland:

– Articles 4 and 5,

– Joint Declarations 1 and 3 in Part II of the Final Act,

– Declaration by the Government of the Republic of Finland on the Åland islands in Part III of the Final Act;

(h) the Agreement signed on 19 December 1996 on the Accession of the Kingdom of Sweden:

– Articles 4 and 5,

– Joint Declarations 1 and 3 in Part II of the Final Act.

4. The following agreements concluded by the Council pursuant to Article 6 of the Schengen Protocol:

– the Agreement of 18 May 1999 concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis, including the Annexes, its Final Act, Declarations and the Exchanges of Letters annexed thereto[(1)], approved by Council Decision 1999/439/EC[(2)]

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(1) OJ L 176, 10.7.1999, p. 36.

(2) OJ L 176, 10.7.1999, p. 35.

– the Agreement of 30 June 1999 concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway on the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland, on the one hand, and the Republic of Iceland and the Kingdom of Norway, on the other, in areas of the Schengen acquis which apply to these States[(1)], approved by Council Decision 2000/29/EC[(2)]

– the Agreement signed on 25 October 2004 by the Council of the European Union and Switzerland on the implementation, application and development of the Schengen Acquis[(3)];

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(1) OJ L 15, 20.1.2000, p. 2.

(2) OJ L 15, 20.1.2000, p. 1.

(3) As long as this Agreement is not yet concluded, in so far as it applies provisionally.

5. The provisions of the following Decisions of the Executive Committee established by the Convention signed in Schengen on 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, as amended by certain of the acts listed in paragraph 8 below:

SCH/Com-ex (93) 10 Decision of the Executive Committee of 14 December 1993 concerning the declarations by the Ministers and State Secretaries

SCH/Com-ex (93) 14 Decision of the Executive Committee of 14 December 1993 on improving practical judicial cooperation for combating drug trafficking

SCH/Com-ex (94) 16 rev Decision of the Executive Committee of 21 November 1994 on the acquisition of common entry and exit stamps

SCH/Com-ex (94) 28 rev Decision of the Executive Committee of 22 December 1994 on the certificate provided for in Article 75 to carry narcotic drugs and psychotropic substances

SCH/Com-ex (94) 29 rev 2 Decision of the Executive Committee of 22 December 1994 on bringing into force the Convention implementing the Schengen Agreement of 19 June 1990

SCH/Com-ex (95) 21 Decision of the Executive Committee of 20 December 1995 on the swift exchange between the Schengen States of statistical and specific data on possible malfunctions at the external borders

SCH/Com-ex (98) 1 rev 2 Decision of the Executive Committee of 21 April 1998 on the activities of the Task Force, insofar as it relates to the provisions in paragraph 2 above

SCH/Com-ex (98) 26 def Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen

SCH/Com-ex (98) 35 rev 2 Decision of the Executive Committee of

16 September 1998 on forwarding the Common Manual to EU applicant States

SCH/Com-ex (98) 37 def 2 Decision of the Executive Committee of 27 October 1998 on the adoption of measures to fight illegal immigration, insofar as it relates to the provisions in paragraph 2 above

SCH/Com-ex (98) 51 rev 3 Decision of the Executive Committee of 16 December 1998 on cross border police cooperation in the area of crime prevention and detection

SCH/Com-ex (98) 52 Decision of the Executive Committee of 16 December 1998 on the Handbook on cross-border police-cooperation, insofar as it relates to the provisions in paragraph 2 above

SCH/Com-ex (98) 57 Decision of the Executive Committee of 16 December 1998 on the introduction of a harmonised form providing proof of invitation, sponsorship and accommodation

SCH/Com-ex (98) 59 rev Decision of the Executive Committee of 16 December 1998 on coordinated deployment of document advisers

SCH/Com-ex (99) 1 rev 2 Decision of the Executive Committee of 28 April 1999 on the drugs situation

SCH/Com-ex (99) 6 Decision of the Executive Committee of 28 April 1999 on the Schengen acquis relating to telecommunications

SCH/Com-ex (99) 7 rev 2 Decision of the Executive Committee of 28 April 1999 on liaison officers

SCH/Com-ex (99) 8 rev 2 Decision of the Executive Committee of 28 April 1999 on general principles governing the payment of informers

SCH/Com-ex (99) 10 Decision of the Executive Committee of 28 April 1999 on the illegal trade in firearms

SCH/Com-ex (99) 13 Decision of the Executive Committee of 28 April 1999 on the definitive versions of the Common Manual and the Common Consular Instructions:

– Annexes 1-3, 7, 8 and 15 of the Common Consular Instructions
– The Common Manual, insofar as it relates to the provisions in paragraph 2 above, including Annexes 1, 5, 5A, 6, 10, 13

SCH/Com-ex (99) 18 Decision of the Executive Committee of 28 April 1999 on the improvement of police cooperation in preventing and detecting criminal offences.

6. The following Declarations of the Executive Committee established by the Convention signed in Schengen on 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, to the extent that they relate to the provisions in paragraph 2 above:

SCH/Com-ex (96) decl 6 rev 2 Declaration of the Executive Committee of 26 June 1996 on extradition

SCH/Com-ex (97) decl 13 rev 2 Declaration of the Executive Committee of 9 February 1998 on the abduction of minors.

7. The following Decisions of the Central Group established by the Convention signed in Schengen on 19 June 1990 implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at their common borders, to the extent that they relate to the provisions in paragraph 2 above:

SCH/C (98) 117 Decision of the Central Group of 27 October 1998 on the adoption of measures to fight illegal immigration

SCH/C (99) 25 Decision of the Central Group of 22 March 1999 on general principles governing the payment of informers.

8. The following acts which build upon the Schengen acquis or otherwise relate

to it:

Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, 14.7.1995, p. 1)

Council Decision 1999/307/EC of 1 May 1999 laying down the detailed arrangements for the integration of the Schengen Secretariat into the General Secretariat of the Council (OJ L 119, 7.5.1999, p. 49)

Council Decision 1999/435/EC of 20 May 1999 concerning the definition of the Schengen acquis for the purpose of determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen acquis (OJ L 176, 10.7.1999, p. 1)

Council Decision 1999/436/EC of 20 May 1999 determining, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union, the legal basis for each of the provisions or decisions which constitute the Schengen acquis (OJ L 176, 10.7.1999, p. 17)

Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two states with the implementation, application and development of the Schengen acquis (OJ L 176, 10.7.1999, p. 31)

Council Decision 1999/848/EC of 13 December 1999 on the full application of the Schengen acquis in Greece (OJ L 327, 21.12.1999, p. 58)

Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131, 1.6.2000, p. 43)

Council Decision 2000/586/JHA of 28 September 2000 establishing a procedure for

amending Articles 40(4) and (5), 41(7) and 65(2) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 248, 3.10.2000, p. 1)

Council Decision 2000/751/EC of 30 November 2000 on declassifying certain parts of the Common Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 303, 2.12.2000, p. 29)

Council Decision 2000/777/EC of 1 December 2000 on the application of the Schengen acquis in Denmark, Finland and Sweden, and in Iceland and Norway (OJ L 309, 9.10.2000, p. 24)

Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.03.2001, p. 1)

Council Regulation No 789/2001/EC of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications (OJ L 116, 26.4.2001, p. 2)

Council Regulation No 790/2001/EC of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance (OJ L 116, 26.4.2001, p. 5)

Council Decision 2001/329/EC of 24 April 2001 updating part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual (OJ L 116, 26.4.2001, p. 32), insofar as it relates to Annex 3 to the Common Consular Instructions and Annex 5(a) to the Common Manual

Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985

(OJ L 187, 10.7.2001, p. 45)

Council Decision 2001/886/JHA of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 328, 13.12.2001, p. 1)

Council Regulation (EC) No 2414/2001 of 7 December 2001 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (OJ L 327, 12.12.2001, p. 1)

Council Regulation (EC) No 2424/2001 of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 328, 13.12.2001, p. 4)

Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53, 23.2.2002, p. 4)

Council Regulation (EC) No 334/2002 of 18 February 2002 amending Regulation (EC) No 1683/95 laying down a uniform format for visas (OJ L 53, 23.2.2002, p. 7)

Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64, 7.3.2002, p. 20)

Council Decision 2002/352/EC of 25 April 2002 on the revision of the Common Manual (OJ L 123, 9.5.2002, p. 47)

Council Decision 2002/353/EC of 25 April 2002 on declassifying Part II of the Common Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 123, 9.5.2002, p. 49)

Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1)

Council Decision 2002/587/EC of 12 July 2002 on the revision of the Common Manual (OJ L 187, 16.7.2002, p. 50)

Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 1)

Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17)

Council Decision 2003/170/JHA of 27 February 2003 on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States (OJ L 67, 12.3.2003, p. 27)

Council Regulation (EC) No 453/2003 of 6 March 2003 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 69, 13.3.2003, p. 10)

Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 260, 11.10.2003, p. 37)

Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air (OJ L 321, 6.12.2003, p. 26)

Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64, 2.3.2004, p. 1)

Council Decision 2004/466/EC of 29 April 2004 amending the Common Manual in

order to include provision for targeted border controls on accompanied minors (OJ L 157, 30.4.2004, p. 136)

Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261, 6.8.2004, p. 24)

Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (OJ L 261, 6.8.2004, p. 28)

Council Decision 2004/574/CE of 29 April 2004 amending the Common Manual (OJ L 261, 6.8.2004, p. 36)

Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 213, 15.6.2004, p. 5)

Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349, 25.11.2004, p. 1)

Council Regulation (EC) No 2133/2004 of 13 December 2004 on the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third country nationals when they cross the external borders of the Member States and amending the provisions of the Convention implementing the Schengen agreement and the common manual to this end (OJ L 369, 16.12.2004, p. 5)

Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1)