

English edition

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## II

(Acts whose publication is not obligatory)

## COUNCIL

## COUNCIL DECISION

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 acquis**

(1999/435/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Acting on the basis of Article 2(1), second subparagraph, first sentence, of the Protocol annexed to the Treaty on European Union and the Treaty establishing the European Community, integrating the Schengen acquis into the framework of the European Union (hereinafter referred to as 'the Schengen Protocol'),

- (1) Whereas it is necessary to define the Schengen acquis in order to allow the Council to determine, in conformity with the relevant provision of the Treaties, legal bases for each of the provisions of the Schengen acquis;
- (2) Whereas the determination of legal bases is necessary only in respect of those binding provisions or decisions constituting the Schengen acquis which are still operative;
- (3) Whereas the Council must therefore establish for which provisions or decisions constituting the Schengen acquis it is not necessary to determine a legal basis in conformity with the relevant provision of the Treaties;
- (4) Whereas the conclusion that for certain provisions of the Schengen acquis it is not necessary or appropriate for the Council to determine a legal basis in conformity with the relevant provisions of the Treaties may be justified on the following grounds:
  - (a) The provision does not have any binding legal force, and a comparable provision can be adopted by the Council only on the basis of an instrument that has not legal basis in one of the Treaties.
  - (b) The passage of time and/or events have rendered the provision redundant.
  - (c) The provision relates to institutional rules which are regarded as being superseded by European Union procedures.

- (d) The subject matter of the provision is covered by — and therefore superseded by — existing European Community or Union legislation or by a legal act adopted by all Member States.
- (e) The provision has been made redundant by the Agreement to be concluded with the Republic of Iceland and the Kingdom of Norway pursuant to Article 6 of the Schengen Protocol.
- (f) The provision concerns an area covered neither by the activity of the Community nor by the aims of the European Union and thus concerns one of those areas in which the Member States have retained freedom to act. This includes provisions which may be significant only for the purposes of calculating financial claims of or between the Member States concerned;
- (5) Even if on one of these grounds it is not necessary or not appropriate for the Council to establish legal bases for certain provisions of the Schengen acquis, this does not have the effect of rendering them redundant or depriving them of legal validity. The legal effects of acts still in force which were adopted on the basis of such provisions are not affected;
- (6) The rights and duties of Denmark are governed by Article 3 of the Protocol integrating the Schengen acquis into the framework of the European Union and in Articles 1 to 5 of the Protocol on the position of Denmark,

HAS DECIDED AS FOLLOWS:

*Article 1*

1. In accordance with the Annex to the Protocol integrating the Schengen acquis into the framework of the European Union, the Schengen acquis comprises all the acts listed in Annex A to this Decision.

2. The Schengen acquis, as referred to in paragraph 1, shall be published in the *Official Journal of the European Communities*, with the exception of those of its provisions listed in Article 2 and those provisions which at the time of the adoption of this Decision are classified as 'confidential' by the Schengen Executive Committee.

3. The Council shall retain the right also to publish other parts of the Schengen acquis in the Official Journal at a later date, in particular provisions the publication of which appears necessary in the general interest, or which the Council considers important for the interpretation of the Schengen acquis.

#### Article 2

It shall not be necessary for the Council, acting on the basis of Article 2(1), second subparagraph, second sentence, of the Schengen Protocol, to determine, in conformity with the relevant provisions of the Treaties, a legal basis for the following provisions and decisions constituting part of the Schengen acquis:

- (a) the provisions of the Convention, signed in Schengen on 19 June 1990, between the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, implementing the Schengen Agreement and its related Final Act and declarations ('the Schengen Convention') which are listed in Part 1 of Annex B;
- (b) the provisions of the Accession Agreements and Protocols to the Schengen Agreement and to the Schengen

Convention with the Italian Republic (signed in Paris on 27 November 1990), the Kingdom of Spain and the Portuguese Republic (signed in Bonn on 25 June 1991), the Hellenic Republic (signed in Madrid on 6 November 1992), the Republic of Austria (signed in Brussels on 28 April 1995) and the Kingdom of Denmark, the Republic of Finland and the Kingdom of Sweden (signed in Luxembourg on 19 December 1996) which are listed in Part 2 of Annex B;

- (c) the decisions and declarations of the Executive Committee established by the Schengen Convention which are listed in Part 3 of Annex B;
- (d) the decisions of the Central Group which the Group has been authorised to take by the Executive Committee and which are listed in Part 3 of Annex B.

#### Article 3

This Decision shall have immediate effect.

It shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 20 May 1999.

For the Council

The President

E. BULMAHN

## ANNEX A

## Article 1

**SCHENGEN ACQUIS**

1. The Agreement, signed in Schengen on 14 June 1985, 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.
2. The Convention, signed in Schengen on 19 June 1990, between the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, implementing the Agreement on the gradual abolition of checks at their common borders, signed in Schengen on 14 June 1985, with related Final Act and common declarations.
3. The Accession Protocols and Agreements to the 1985 Agreement and the 1990 implementing Convention with Italy (signed in Paris on 27 November 1990), Spain and Portugal (signed in Bonn on 25 June 1991), Greece (signed in Madrid on 6 November 1992), Austria (signed in Brussels on 28 April 1995) and Denmark, Finland and Sweden (signed in Luxembourg on 19 December 1996), with related Final Acts and declarations.
4. Decisions and declarations of the Schengen Executive Committee.
5. Decisions of the Central Group which the Group has been authorised to take by the Executive Committee.

**Decisions**

SCH/Com-ex (93) 3 14.12.1993	Administrative and Financial Arrangements GENERAL SECRETARIAT
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SCH/Com-ex (93) 10 14.12.1993	Confirmation of the declarations by the Ministers and Secretaries of State of 19 June 1992 and 30 June 1993 on bringing into force of the implementing Convention ENTRY INTO FORCE
SCH/Com-ex (93) 11 14.12.1993	Confirmation of the declarations by the Ministers and Secretaries of State ENTRY INTO FORCE
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SCH/Com-ex (93) 16 14.12.1993	Financial Regulations on the installation and operating costs for the Schengen — C.SIS SIS
SCH/Com-ex (93) 21 14.12.1993	Extending the uniform visa VISAS
SCH/Com-ex (93) 22 Rev 14.12.1993	Confidential nature of certain documents EXECUTIVE COMMITTEE
SCH/Com-ex (93) 24 14.12.1993	Common procedure for cancelling, rescinding or shortening the length of validity of the uniform visa VISAS
SCH/Com-ex (94) 1 Rev 2 26.4.1994	Adjustment measures aiming to remove the obstacles and restrictions on traffic flows at road border crossing points at internal borders INTERNAL BORDERS
SCH/Com-ex (94) 2 26.4.1994	Issuing uniform visas at the borders VISAS
SCH/Com-ex (94) 15 Rev 21.11.1994	Introducing a computerised procedure for consulting the central authorities provided for in Article 17(2) of the implementing Convention
SCH/Com-ex (94) 16 Rev 21.11.1994	Acquisition of common entry and exit stamps EXTERNAL BORDERS

SCH/Com-ex (94) 17 Rev 4 22.12.1994	Introducing and applying the Schengen system in airports and aerodromes AIRPORTS
SCH/Com-ex (94) 25 22.12.1994	Exchanges of statistical information on the issue of visas VISAS
SCH/Com-ex (94) 27 22.12.1994	Schengen 1993 accounts are approved and a discharge given to the Secretary-General of a Benelux Economic Union BUDGET — GENERAL SECRETARIAT
SCH/Com-ex (94) 28 Rev 22.12.1994	Certificate provided for in Article 75 for the transportation of drugs and/or psychotropic substances DRUGS
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SCH/Com-ex (95) PV 1 Rev (Point No 8)	Common visa policy VISAS
SCH/Com-ex (95) 7 29.6.1995	The Executive Committee endorses the decision to use the Benelux General Secretariat for the award of the SIRENE Phase II contract SIS — SIRENE II
SCH/Com-ex (95) 20 Rev 2 20.12.1995	Approval of document SCH/I (95) 40 Rev 6 on the procedure for applying Article 2(2) of the implementing Convention INTERNAL BORDERS
SCH/Com-ex (95) 21 20.12.1995	Swift exchange between the Schengen States of statistical and tangible data on possible malfunctions at the external borders EXTERNAL BORDERS
SCH/Com-ex (96) 13 Rev 27.6.1996	Principles for issuing Schengen visas in accordance with Article 30(1)(a) of the implementing Convention VISAS
SCH/Com-ex (96) 15 Cor 2 27.6.1996	Amendment to the Financial and Administrative Arrangements GENERAL SECRETARIAT
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SCH/Com-ex (97) 17 Rev 15.12.1997	Distribution key for 1998/1999 SIS
SCH/Com-ex (97) 18 7.10.1997	Contributions from Norway and Iceland to the C.SIS operating costs SIS
SCH/Com-ex (97) 19 7.10.1997	C.SIS operating budget for 1998 BUDGET — SIS
SCH/Com-ex (97) 20 7.10.1997	Use of the uniform visa sticker by Norway and Iceland COOPERATION AGREEMENT
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SCH/Com-ex (97) 34 Rev 15.12.1997	Implementation of the Joint Action on a uniform format for residence permits VISAS
SCH/Com-ex (97) 35 15.12.1997	Amendment to the C.SIS Financial Regulations SIS
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SCH/Com-ex (97) 39 Rev 15.12.1997	Guiding Principles for means of proof and indicative evidence within the framework of readmission agreements between Schengen States READMISSION
SCH/Com-ex (98) 1 Rev 2 21.4.1998	Report on the activities of the task force
SCH/Com-ex (98) 2 21.4.1998	SIS 1+project BUDGET — SIS
SCH/Com-ex (98) 3 21.4.1998	Management report on the 1996 C.SIS budget BUDGET — SIS
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SCH/Com-ex (98) 11 21.4.1998	C.SIS with 15/18 connections SIS
SCH/Com-ex (98) 12 21.4.1998	Exchange at local level of statistics on visas VISAS
SCH/Com-ex (98) 15 23.6.1998	1998 budget for setting up SIS BUDGET — SIS

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SCH/Com-ex (98) 19 23.6.1998	Monaco VISAS — EXTERNAL BORDERS — SIS
SCH/Com-ex (98) 21 23.6.1998	Stamping of passports of visa applicants VISAS
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SCH/Com-ex (98) 34 16.9.1998	Approval of the report on the 1997 expenditure for the Help Desk
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SCH/Com-ex (98) 37 def. 2	Action plan to combat illegal immigration
SCH/Com-ex (98) 43 Rev 16.9.1998	Ad hoc Committee on Greece
SCH/Com-ex (98) 44 16.12.1998	Budget estimate for the installation of the C.SIS for 1999
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SCH/Com-ex (98) 50 16.12.1998	Budget (installation and operations) for the C.SIS for 1997
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SCH/Com-ex (98) 56 16.12.1998	Manual of documents to which a visa may be affixed
SCH/Com-ex (98) 57 16.12.1998	Introduction of a harmonised form for invitations, proof of accommodation, and the acceptance of obligations of maintenance support
SCH/Com-ex (98) 58 Rev 16.12.1998	Report by the Standing Committee on the implementation of the implementing Convention by the Federal Republic of Germany
SCH/Com-ex (98) 59 Rev 16.12.1998	Coordinated deployment of document advisers
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SCH/Com-ex (99) 9 Rev 28.4.1999	Resolving the Schengen acquis
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SCH/Com-ex (99) 14 28.4.1999	Manual of documents on which a visa may be affixed
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SCH/Com-ex (99) 17 Rev 28.4.1999	Winding up after 1 May 1999
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SCH/Com-ex (93) Decl 5 14.12.1993	SIRENE Manual
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SCH/Com-ex (93) Decl 13 14.12.1993	Guidelines to facilitate international judicial assistance in combatting drugs trafficking
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SCH/Com-ex (96) Decl 2 Rev 18.4.1996	The approach to the problem of drug tourism and illicit drug flows
SCH/Com-ex (96) Decl 4 Rev 18.4.1996	Introduction of uniform fees for issuing visas
SCH/Com-ex (96) Decl 5 18.4.1996	Definition of the concept of an alien
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SCH/Com-ex (97) Decl 4 24.6.1997	Annual report on the situation at the external borders of the States already implementing the implementing Convention between 1 January and 31 December 1996
SCH/Com-ex (97) Decl 5 Rev 24.6.1997	Conclusions of the seminar held in Lisbon on 14 and 15 April 1997 on joint alternative measures taken by individual Schengen States
SCH/Com-ex (97) Decl 6 25.4.1997	Problems encountered in determining identity and obtaining travel documents to replace passports
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SCH/Com-ex (97) Decl 9 24.6.1997	Pilot projects 'drug trafficking' and 'illegal immigration'
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SCH/Com-ex (97) Decl 12 7.10.1997	List of the central authorities competent for the national component of the SIS
SCH/Com-ex (97) Decl 13 Rev 2 21.4.1998	Abduction of minors

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SCH/Com-ex (98) Decl 1 23.6.1998	Network of national illegal immigration experts
SCH/Com-ex (98) Decl 2 Rev 16.9.1998	Strategy for the secondment of liaison officers
SCH/Com-ex (98) Decl 3 16.9.1998	Deployment of document advisers
SCH/Com-ex (98) Decl 7 16.12.1998	List of the authorities pursuant to Article 101 of the implementing Convention
SCH/Com-ex (98) Decl 8 16.12.1998	Treatment of third-country nationals who do not satisfy the conditions for entry into or stay in the territory of a Schengen State
SCH/Com-ex (98) Decl 9 16.12.1998	Results and the conclusions of visits to selected representations abroad
SCH/Com-ex (98) Decl 10 16.12.1998	Schengen external border security viewed as a system of integrated security filters
SCH/Com-ex (98) Decl. 11 Rev 16.12.1998	1997 annual report on the situation at the Schengen external borders
SCH/Com-ex (99) Decl 2 Rev 28.4.1999	SIS structure
SCH/Com-ex (99) Decl 3 28.4.1999	Report on Schengen external border control in the drugs sector

6. List of acts adopted for the implementation of the Convention by the organs upon which the Executive Committee has conferred decision-making powers.

#### Decisions of the Central Group

SCH/C (95) 122 Rev 4 31.10.1995	Adoption of the administrative and financial rules for phase II of the SIRENE network
SCH/C (95) 122 Rev 5 23.2.1998	Amendment of the financial rules for phase II of the SIRENE network
SCH/C (98) 117 27.10.1998	Action plan to combat illegal immigration
SCH/C (99) 25 22.3.1999	General principles for payments to informers and infiltrators
SCH/C (99) 47 Rev 26.4.1999	Discharge for the budget 1998

## ANNEX B

## Article 2

## PART 1

The Convention, signed in Schengen on 19 June 1990, between the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, implementing the Schengen Agreement:

Article 2(4)

Article 4, as far as controls on baggage are concerned <sup>(1)</sup>

Article 10(2)

Article 19(2)

Articles 28 to 38 and related definitions <sup>(2)</sup>

Article 60

Article 70

Article 74

Articles 77 to 81 <sup>(3)</sup>

Articles 83 to 90 <sup>(3)</sup>

Articles 120 to 125

Articles 131 to 135

Article 137

Articles 139 to 142

Final Act: declaration 2

Final Act: declaration 4, 5 and 6

Protocol

Common declaration

Declaration by Ministers and State Secretaries

## PART 2

1. The Protocol, signed in Paris on 27 November 1990, on accession of the Government of the Italian Republic to 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 controls at their common borders, signed in Schengen on 14 June 1985.
2. The following provisions of the Agreement, signed in Paris on 27 November 1990, on accession of the Italian Republic to the Convention, signed in Schengen on 19 June 1990, 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 the French Republic, its Final Act and related declarations:

Article 1

Articles 5 and 6

Final Act: Part I

Part II, declarations 2 and 3

Declaration by Ministers and State Secretaries.

<sup>(1)</sup> As far as controls on baggage are concerned, Article 4 has been superseded by Council Regulation (EEC) 3925/91 of 19 December 1991 concerning the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea-crossing (OJ L 374, 31.12.1991, p. 4).

<sup>(2)</sup> Replaced by the Convention, signed in Dublin on 15 June 1990, determining the State responsible for examining applications for asylum lodged in one of the Member States of the European Communities (OJ C 254, 19.8.1997, p. 1).

<sup>(3)</sup> Articles 77 to 81 and 83 to 90 of the implementing Convention have been replaced by Directive 91/477/EEC on the control of the acquisition and possession of weapons. Weapons of war come within Member States' sphere of competence, under Article 296(1)(b) of the EC Treaty.

3. The Protocol, signed in Bonn on 25 June 1991, on accession of the Government of the Kingdom of Spain to 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 controls at their common borders, signed in Schengen on 14 June 1985, as amended by the Protocol on accession by the Government of the Italian Republic, signed in Paris on 27 November 1990, and its accompanying declarations.
4. The following provisions of the Agreement, signed in Bonn on 25 June 1991, on accession of the Kingdom of Spain to the Convention, signed in Schengen on 19 June 1990, 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 the French Republic, to which the Italian Republic has acceded under the Agreement signed in Paris on 27 November 1990, its Final Act and related declarations:

Article 1

Articles 5 and 6

Final Act: Part I

Part II, declarations 2 and 3

Part III, declarations 1, 3 and 4

Declaration by Ministers and State Secretaries.

5. The Protocol, signed in Bonn on 25 June 1991, on accession of the Government of the Portuguese Republic to 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 controls at their common borders, signed in Schengen on 14 June 1985, as amended by the Protocol on accession by the Government of the Italian Republic, signed in Paris on 27 November 1990, and its accompanying declarations.
6. The following provisions of the Agreement, signed in Bonn on 25 June 1991, on accession of the Portuguese Republic to the Convention, signed in Schengen on 19 June 1990, 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 the French Republic, to which the Italian Republic has acceded under the Agreement signed in Paris on 27 November 1990, its Final Act and related declarations:

Article 1

Articles 7 and 8

Final Act: Part I

Part II, declarations 2 and 3

Part III, declarations 2, 3, 4 and 5

Declaration by Ministers and State Secretaries.

7. The Protocol, signed in Madrid on 6 November 1992, on accession of the Government of the Hellenic Republic to 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 controls at their common borders, signed in Schengen on 14 June 1985, as amended by the Protocols on accession by the Government of the Italian Republic, signed in Paris on 27 November 1990, and by the Governments of the Kingdom of Spain and the Portuguese Republic, signed in Bonn on 25 June 1991, and its accompanying declaration.
8. The following provisions of the Agreement, signed in Madrid on 6 November 1992, on accession of the Hellenic Republic to the Convention, signed in Schengen on 19 June 1990, 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 the French Republic, to which have acceded the Italian Republic under the Agreement signed in Paris on 27 November 1990 and the Kingdom of Spain and the Portuguese Republic under the Agreements signed in Bonn on 25 June 1991, its Final Act and related declarations:

Article 1

Articles 6 and 7

Final Act: Part I

Part II, declarations 2, 3, 4 and 5

Part III, declarations 1 and 3

Declaration by Ministers and State Secretaries.

9. The Protocol, signed in Brussels on 28 April 1995, on accession of the Government of the Republic of Austria to 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 controls at their common borders, signed in Schengen on 14 June 1985, as amended by the Protocols on accession by the Governments of the Italian Republic, the Kingdom of Spain and the Portuguese Republic, and the Hellenic Republic, signed on 27 November 1990, 25 June 1991 and 6 November 1992 respectively.

10. The following provisions of the Agreement, signed in Brussels on 28 April 1995, on accession of the Republic of Austria to the Convention, signed in Schengen on 19 June 1990, 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 the French Republic, to which have acceded the Italian Republic, the Kingdom of Spain and the Portuguese Republic, and the Hellenic Republic under the Agreements signed on 27 November 1990, 25 June 1991 and 6 November 1992 respectively, and its Final Act:

Article 1

Articles 5 and 6

Final Act: Part I

Part II, declaration 2

Part III.

11. The Protocol, signed in Luxembourg on 19 December 1996, on accession by the Government of the Kingdom of Denmark to the Agreement on the gradual abolition of controls at their common borders, signed in Schengen on 14 June 1985, and its related declaration.

12. The following provisions of the Agreement, signed in Luxembourg on 19 December 1996, on accession of the Kingdom of Denmark to the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at their common borders, signed in Schengen on 19 June 1990, and its Final Act and related declaration:

Article 1

Article 5(1)

Articles 7 and 8

Final Act: Part I

Part II, declaration 2

Part III

Declaration by the Ministers and State Secretaries.

13. The Protocol, signed in Luxembourg on 19 December 1996, on accession by the Government of the Republic of Finland to the Agreement on the gradual abolition of controls at their common borders, signed in Schengen on 14 June 1985, and its related declaration.

14. The following provisions of the Agreement, signed in Luxembourg on 19 December 1996, on accession of the Republic of Finland to the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at their common borders, signed in Schengen on 19 June 1990, and its Final Act and related declaration:

Article 1

Articles 6 and 7

Final Act: Part I

Part II, declaration 2

Part III

Declaration by the Ministers and State Secretaries.

15. The Protocol, signed in Luxembourg on 19 December 1996, on accession by the Government of the Kingdom of Sweden to the Agreement on the gradual abolition of controls at their common borders, signed in Schengen on 14 June 1985, and its related declaration.

16. The following provisions of the Agreement, signed in Luxembourg on 19 December 1996, on accession of the Kingdom of Sweden to the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at their common borders, signed in Schengen on 19 June 1990, and its Final Act and related declaration:

Article 1

Articles 6 and 7

Final Act: Part I

Part II, declaration 2

Part III

Declaration by the Ministers and State Secretaries.

### PART 3

#### Decisions of the Executive Committee

Reference	Subject	Justification (1)
SCH/Com-ex (93) 3 14.12.1993	Administrative and Financial Arrangements	(f)
SCH/Com-ex (93) 9 14.12.1993	Confirmation of the declarations by the Ministers and Secretaries of State regarding drugs and psychotropic substances	(a)
SCH/Com-ex (93) 11 14.12.1993	Confirmation of declarations made by the Ministers and Secretaries of State	(a)
SCH/Com-ex (94) 27 22.12.1994	Schengen 1993 accounts are approved and a discharge given to the Secretary-General of the Benelux Economic Union	(f)
SCH/Com-ex (95) 7 29.6.1995	The Executive Committee endorses the decision to use the Benelux General Secretariat for the award of the SIRENE Phase II contract	(f)
SCH/Com-ex (96) 15 Cor 2 27.6.1996	Amendment to the Financial and Administrative Arrangements	(f)
SCH/Com-ex (97) 14 7.10.1997	1995 Management Report on the implementation of the C.SIS installation and operating budget	(b)
SCH/Com-ex (97) 17 Rev 15.12.1997	Distribution key for 1998/1999	(f)
SCH/Com-ex (97) 19 7.10.1997	C.SIS operating budget for 1998	(b)
SCH/Com-ex (97) 20 7.10.1997	Use of the uniform visa sticker by Norway and Iceland	(e)
SCH/Com-ex (97) 22 Rev 15.12.1997	Budget for the Schengen Secretariat for 1998	(f)
SCH/Com-ex (97) 27 Rev 4 7.10.1997	Bringing into force the implementing Convention in Italy	(b)
SCH/Com-ex (97) 28 Rev 4 7.10.1997	Bringing into force the implementing Convention in Austria	(b)
SCH/Com-ex (97) 33 15.12.1997	Amendment to Article 18 of the Financial Regulations	(f)
SCH/Com-ex (97) 38 Rev 15.12.1997	Financial Regulations for the Management Unit	(c)

Reference	Subject	Justification <sup>(1)</sup>
SCH/Com-ex (98) 2 21.4.1998	SIS 1+project	(f)
SCH/Com-ex (98) 3 21.4.1998	Management report on the 1996 C.SIS budget	(f)
SCH/Com-ex (98) 5 21.4.1998	Budget for 1998 C.SIS installation expenditure	(f)
SCH/Com-ex (98) 6 21.4.1998	1998 budget estimate for the SIRENE Phase II network	(f)
SCH/Com-ex (98) 7 21.4.1998	1998 budget estimate for Management Unit expenditure	(f)
SCH/Com-ex (98) 8 21.4.1998	1998 budget estimate for the Helpdesk	(f)
SCH/Com-ex (98) 9 21.4.1998	JSA budget	(f)
SCH/Com-ex (98) 15 23.6.1998	1998 SIS installation budget BUDGET — SIS	(f)
SCH/Com-ex (98) 24 23.6.1998	Visa waiver agreements (Article 20 of implementing Convention) VISAS	(f)
SCH/Com-ex (98) 27 23.6.1998	1997 annual report	(f)
SCH/Com-ex (98) 30 16.9.1998	1999 draft budget for the SIRENE Phase II network	(f)
SCH/Com-ex (98) 31 16.9.1998	1999 draft budget for the Management Unit	(f)
SCH/Com-ex (98) 32 16.9.1998	Approval of the SIRENE Phase II accounts for 1997	(f)
SCH/Com-ex (98) 33 16.9.1998	Approval of the Management Unit accounts for 1997	(f)
SCH/Com-ex (98) 34 16.9.1998	Approval of the Help Desk accounts for 1996 and 1997	(f)
SCH/Com-ex (98) 44 16.12.1998	C.SIS installation budget for 1999	(f)
SCH/Com-ex (98) 45 16.12.1998	C.SIS operating budget for 1999	(f)
SCH/Com-ex (98) 46 Rev 2 16.12.1998	Joint Supervisory Authority budget for 1999	(f)
SCH/Com-ex (98) 47 Rev 16.12.1998	Schengen Secretariat budget for 1999	(f)
SCH/Com-ex (98) 50 16.12.1998	Implementation of the 1997 C.SIS installation and operating budget	(f)
SCH/Com-ex (98) 58 Rev 16.12.1998	Report by the Standing Committee on the implementation of the implementing Convention by the Federal Republic of Germany	(b)
SCH/Com-ex (99) 1 Rev 2 28.4.1999	Acquis drugs	(a)
SCH/Com-ex (99) 9 Rev 28.4.1999	Settlement of the Schengen acquis	(b)

Reference	Subject	Justification (1)
SCH/Com-ex (99) 16 Rev 2 28.4.1999	Relation Schengen-Benelux	(f)
SCH/Com-ex (99) 17 Rev 28.4.1999	Winding up after 1 May 1999	(f)

(1) The explanations (letters) given in this column relate to the criteria listed in the fourth recital.

#### Declarations of the Executive Committee

Reference	Subject	Justification (1)
SCH/Com-ex (93) Decl 5 14.12.1993	SIRENE Manual	(b)
SCH/Com-ex (93) Decl 6 14.12.1993	Cooperation measures between authorities responsible for border controls	(a)
SCH/Com-ex (93) Decl 13 14.12.1993	Guide aimed at facilitating international mutual assistance in combating drug trafficking	(a)
SCH/Com-ex (94) Decl 8 27.6.1994	External borders	(a)
SCH/Com-ex (94) Decl 13 Rev 2 22.12.1994	Legal documents which may be transmitted directly by post	(a)
SCH/Com-ex (94) Decl 14 Rev 22.12.1994	SIS	(b)
SCH/Com-ex (95) Decl 2 29.6.1995	Police cooperation	(a)
SCH/Com-ex (95) Decl 3 20.12.1995	Cross-border police cooperation	(a)
SCH/Com-ex (95) Decl 4 20.12.1995	Exchange of information on visas which have been issued	(a)
SCH/Com-ex (95) Decl 5 20.12.1995	Harmonisation of consular fees	(a)
SCH/Com-ex (96) Decl 1 21.2.1996	Terrorism	(a)
SCH/Com-ex (96) Decl 2 Rev 18.4.1996	The approach to the problem of drug tourism and illicit drug flows	(a)
SCH/Com-ex (96) Decl 4 Rev 18.4.1996	Introduction of uniform fees for issuing visas	(a)
SCH/Com-ex (96) Decl 7 Rev 27.6.1996	Transfer and readmission policy between Schengen States	(a)
SCH/Com-ex (97) Decl 1 Rev 3 25.4.1997	Annual report for 1996	(b)
SCH/Com-ex (97) Decl 4 24.6.1997	Annual report on the situation at the external borders of the States already implementing the Schengen Convention between 1 January and 31 December 1996	(b)
SCH/Com-ex (97) Decl 5 Rev 24.6.1997	Conclusion of the seminar held in Lisbon on 14 and 15 April 1997 on joint alternative measures	(b)

Reference	Subject	Justification (1)
SCH/Com-ex (97) Decl 6 25.4.1997	Problems encountered in determining identity and obtaining travel documents to replace passports	(a)
SCH/Com-ex (97) Decl 8 24.6.1997	Pilot project 'routes used for the trafficking of stolen vehicles'	(a)
SCH/Com-ex (97) Decl 9 24.6.1997	Pilot projects 'drug trafficking' and 'illegal immigration'	(a)
SCH/Com-ex (97) Decl 10 24.6.1997	Bringing the Convention into force in Italy, Greece and Austria	(a)
SCH/Com-ex (97) Decl 11 7.10.1997	List of authorities entitled to access the SIS in Italy, Austria and Greece	(a)
SCH/Com-ex (97) Decl 12 7.10.1997	List of the central authorities competent for the national component of the SIS	(a)
SCH/Com-ex (97) Decl 14 Rev 15.12.1997	Measures towards third States giving rise to readmission problems	(a)
SCH/Com-ex (98) Decl 1 23.6.1998	Network of national illegal immigration experts	(a)
SCH/Com-ex (98) Decl 2 Rev 16.9.1998	Strategy for secondment of liaison officers	(a)
SCH/Com-ex (98) Decl 3 16.9.1998	Deployment of document advisers	(a)
SCH/Com-ex (98) Decl 7 16.12.1998	List of competent authorities pursuant to Article 101 of the implementing Convention	(a)
SCH/Com-ex (98) Decl 8 16.12.1998	Treatment of third-country aliens who do not satisfy the conditions for entry into or stay in the territory of a Schengen State	(a)
SCH/Com-ex (98) Decl 9 16.12.1998	Outcome and conclusions of visits to selected representations abroad	(a)
SCH/Com-ex (98) Decl 10 16.12.1998	Schengen external border security viewed as a system of integrated security filters	(a)
SCH/Com-ex (98) Decl 11 Rev 16.12.1998	1997 Annual Report on the situation at Schengen external borders	(a)
SCH/Com-ex (98) Decl 3 28.4.1999	Report on Schengen external border control in the drugs sector	(a)

(1) The explanations (letters) given in this column relate to the criteria listed in the fourth recital.

#### Decisions of the Central Group

Reference	Subject	Justification (1)
SCH/C (95) 122 Rev 4 31.10.1995	Adoption of the Administrative Regulation and the Financial Regulation for Phase II of the SIRENE network	(f)
SCH/C (95) 122 Rev 5 23.2.1998	Amendment to the Financial Regulation for Phase II of the SIRENE network	(f)
SCH/C (99) 47 Rev 26.4.1999	Discharge for the budget 1998	(f)

(1) The explanations (letters) given in this column relate to the criteria listed in the fourth recital.

## COUNCIL DECISION

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**

(1999/436/EC)

THE COUNCIL OF THE EUROPEAN UNION,

tenance of law and order and the safeguarding of internal security;

Acting on the basis of Article 2(1), second subparagraph, second sentence, of the Protocol annexed to the Treaty on European Union and to the Treaty establishing the European Community, integrating the Schengen acquis into the framework of the European Union (hereinafter referred to as the 'Schengen Protocol');

- (1) Whereas pursuant to Article 2(1), first subparagraph, of the Schengen Protocol, the Schengen acquis as defined in the Annex to the Protocol shall, from the date of entry into force of the Treaty of Amsterdam, immediately apply to the thirteen Member States referred to in Article 1 of the Protocol, without prejudice to the provisions of Article 2(2) of the Protocol;
- (2) Whereas nothing in this Decision affects the continuation of legal obligations under the 1990 Convention;
- (3) Whereas the mandate conferred upon the Council by Article 2(1), second subparagraph, of the Schengen Protocol, to determine, acting unanimously and in conformity with the relevant provisions of the Treaties, the legal basis for each of the provisions or decisions which constitute the Schengen acquis, has as one of its objectives the identification of the legal basis for any future proposals and initiatives to amend or build upon the Schengen acquis, which, in accordance with Article 5(1), first subparagraph, of the Schengen Protocol, are subject to the relevant provisions of the Treaties, including those governing the form of the act to be adopted and the procedure for its adoption;
- (4) Whereas some provisions of the 1990 Convention implementing the Schengen Agreement require Contracting States to introduce penalties for their effective enforcement without, however, requiring any harmonisation of these penalties; whereas therefore, the legal basis to be determined for these provisions should be the one determined for the rules the breach of which has to be subject to sanctions, without prejudice to the legal basis for any future measure aiming at the harmonisation of penalties;
- (5) Whereas the determination of a legal basis in conformity with the relevant provisions of the Treaties for each of the provisions or decisions which constitute the Schengen acquis does not affect the exercise of the responsibilities incumbent upon the Member States according to Article 64 TEC and Article 33 TEU with regard to the main-
- (6) Whereas the determination of a legal basis in conformity with the relevant provisions of the Treaties for each of the provisions or decisions which constitute the Schengen acquis, or the determination that a legal basis is unnecessary for any such provisions or decisions, does not affect the right of Member States to carry out checks on goods linked to prohibitions or restrictions laid down by the Member States, and which are compatible with Community law;
- (7) Whereas the determination of a legal basis in conformity with the Treaty establishing the European Community for the provisions of the 1990 Convention implementing the Schengen Agreement relating in particular to the conditions for entry into the territory of the Contracting States or for issuing visas does not affect current rules governing the recognition of the validity of travel documents;
- (8) Whereas the rights and obligations of Denmark are governed by Article 3 of the Protocol integrating the Schengen acquis into the framework of the European Union and in Articles 1 to 5 of the Protocol on the position of Denmark;
- (9) Whereas the relationship between the Protocol on the position of Denmark, the Protocol on the position of the United Kingdom and of Ireland on certain questions regarding the Treaty establishing the European Community and Treaty on European Union and the Protocol integrating the Schengen acquis into the framework of the European Union, on the basis of which various forms are prescribed for the adoption of and participation in the Schengen acquis and its further development, should be taken into account when Schengen is incorporated into the European Union;
- (10) Whereas the Schengen Protocol itself provides for the association of the Republic of Iceland and the Kingdom of Norway with the implementation of the Schengen acquis and its further development on the basis of the Agreement signed in Luxembourg on 19 December 1996;
- (11) Whereas the acts adopted on the basis of a proposal or an initiative for the further development of the Schengen acquis shall contain a reference to the Schengen Protocol, so that legal security is guaranteed and the provisions related to the Schengen Protocol can be applied in every case;

(12) Whereas, while having regard to Article 134 of the Convention implementing Schengen, the integration of the Schengen acquis in the framework of the European Community does not affect Member States' competence in relation to the recognition of States and territorial units, their authorities and travel and other documents issued by them,

HAS DECIDED AS FOLLOWS:

*Article 1*

This Decision determines legal basis for the provisions and decisions set out in Annexes A to D and constituting the Schengen acquis, except for those provisions and decisions for which the Council, acting on the basis of Article 2(1), second subparagraph, first sentence, of the Schengen Protocol, has determined that no legal basis is necessary.

*Article 2*

The legal basis for the provisions of the Convention signed in Schengen on 19 June 1990 between the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands implementing the Agreement on the gradual abolition of checks at their common borders, signed in Schengen on 14 June 1985 (hereafter referred to as 'the Schengen Convention'), and its related Final Act, shall be determined in accordance with Annex A.

*Article 3*

The legal basis for the provisions of the Accession Agreements to the Schengen Convention concluded with the Italian Republic (signed in Paris on 27 November 1990), the Kingdom of Spain and the Portuguese Republic (signed in Bonn on 25 June 1991), the Hellenic Republic (signed in Madrid on 6 November 1992), the Republic of Austria (signed in Brussels on 28 April 1995) and the Kingdom of Denmark, the Republic of Finland and the Kingdom of Sweden (signed in Luxembourg on 19 December 1996), and their related Final Acts and declarations, shall be determined in accordance with Annex B.

*Article 4*

The legal basis for the decisions and declarations of the Executive Committee established by the Schengen Convention shall be determined in accordance with Annex C.

*Article 5*

The legal basis for the acts adopted for the implementation of the Schengen Convention by the organs upon which the Executive Committee has conferred decision-making powers shall be determined in accordance with Annex D.

*Article 6*

With regard to the Member States listed in Article 1 of the Protocol integrating the Schengen acquis into the framework of the European Union, the territorial scope of the provisions or decisions forming the Schengen acquis for which the Council has determined a legal basis in Title IV of Part 3 of the EC Treaty on the basis of Article 2(1), second sentence, of the abovementioned Protocol, and the territorial scope of measures extending or amending such provisions and decisions shall be that laid down in Article 138 of the 1990 Convention implementing the Schengen Agreement and that laid down in the relevant provisions of the accession instruments to that Convention.

*Article 7*

This Decision shall not affect the competence of Member States with regard to the recognition of States and territorial units and passports, travel and identity documents issued by their authorities.

*Article 8*

The acts adopted on the basis of a proposal or an initiative for the further development of the Schengen acquis shall contain a reference to the Schengen-Protocol in the preamble.

*Article 9*

This Decision shall take effect immediately. It shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 20 May 1999.

*For the Council*

*The President*

E. BULMAHN

## ANNEX A

## Article 2

Schengen acquis	EU legal basis
1. Agreement between the Governments of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders of 14 June 1985	Article 2 Schengen Protocol
2. Convention implementing the Schengen Agreement, related final act and joint statements:	
Article 1, except for the definitions of 'application for asylum', 'asylum seeker' and 'processing applications for asylum'	Definitions shall apply in all Articles of the Convention implementing the Schengen Agreement given an EU legal basis by virtue of this Decision
Article 2(1)	Article 62(1) TEC
Article 2(2) and (3)	Article 62(1) TEC, while fully respecting the provisions of Article 64(1) TEC
Article 3	Article 62(2)(a) TEC, whilst recognising that the determination of the nature, modalities and severity of the penalty provisions required under this Article is a matter for the Member States
Article 4(1) to (3) <sup>(1)</sup>	Article 62(2)(a) TEC, to the extent that these provisions deal with checks on persons for the purpose of deciding upon nationality/entry and without prejudice to checks for national security purposes and checks for fiscal purposes, where appropriate
Article 5, except for paragraph (1)(e)	Article 62(2)(a) TEC
Article 5(1)(e)	Article 62(2)(a) TEC, whilst fully respecting the provisions of Article 64(1) TEC and recognising that these provisions have to be understood in light of the declaration adopted by the Intergovernmental Conference of 1996 relating to Article 64(1) (ex Article 73L(1)) TEC (Declaration No 19)
Article 6	Article 62(2)(a) TEC: statement under Article 4(1) to (3) also applies here
Article 7	Article 66 TEC: to the extent that these provisions deal with checks on persons for the purpose of deciding upon nationality/entry and without prejudice to checks for national security purposes and checks for fiscal purposes, where appropriate, and to the extent that these provisions do not concern forms of police cooperation covered by the provisions of Title III of the 1990 implementing Convention
Article 8	Article 62(2)(a) TEC: The note in respect of Article 4 (1) to (3) also applies in this case
Article 9	Article 62(2)(b) TEC, while fully respecting the provisions of Article 64(2) TEC
Article 10(1) and (3)	Article 62(2)(b) TEC
Article 11	Article 62(2)(b) TEC
Article 12	Article 62(2)(b) TEC
Article 13	Article 62(2)(b) TEC
Article 14	Article 62(2)(b) TEC, while recognising that the current rules on the recognition of travel documents are unaffected
Article 15	Article 62(2)(b) TEC

Schengen acquis	EU legal basis
Article 16	Article 62(2)(b) TEC
Article 17(1), (2) and (3) points (a) to (f)	Article 62(2)(b) TEC,
Article 17(3)(g)	Article 63(3) TEC
Article 18	Articles 62(2) and 63(3) TEC
Article 19(1)	Article 62(3) TEC
Article 19(3) and (4)	Article 62(3) TEC
Article 20	Article 62(3) TEC
Article 21	Article 62(3) TEC
Article 22	Article 62(3) TEC
Article 23(1)	Article 62(3) TEC
Article 23(2), (3), (4) and (5)	Articles 62(3) and 63(3) TEC
Article 24	Articles 62(3) and 63(3) TEC
Article 25	Articles 62(3) and 63(3) TEC
Article 26	Article 63(3) TEC, while it is acknowledged that the determination of the nature, modalities and severity of the penalty provisions required under this Article is a matter for the Member States
Article 27(1)	Article 63(3) TEC, while it is acknowledged that the determination of the nature, modalities and severity of the penalty provisions required under this Article is a matter for the Member States
Article 27(2) and (3)	Articles 30(1), 31 and 34 TEU
Article 39	Articles 34 and 30 TEU
Article 40	Articles 34 and 32 TEU
Article 41	Articles 34 and 32 TEU
Article 42	Articles 34 and 32 TEU
Article 43	Articles 34 and 32 TEU
Article 44	Articles 34 and 30(1) TEU
Article 45	Articles 34 and 30(1) TEU
Article 46	Articles 34 and 30(1) TEU
Article 47	Articles 34 and 30(1) TEU
Article 48	Articles 34 and 31(a) TEU
Article 49	Articles 34 and 31(a) TEU
Article 50	Articles 34 and 31(a) TEU
Article 51	Articles 34 and 31(a) TEU
Article 52	Articles 34 and 31(a) TEU
Article 53	Articles 34 and 31(a) TEU
Article 54	Articles 34 and 31 TEU
Article 55	Articles 34 and 31 TEU
Article 56	Articles 34 and 31 TEU
Article 57	Articles 34 and 31 TEU
Article 58	Articles 34 and 31 TEU
Article 59	Articles 34 and 31(b) TEU
Article 61	Articles 34 and 31(b) TEU
Article 62	Articles 34 and 31(b) TEU

Schengen acquis	EU legal basis
Article 63	Articles 34 and 31(b) TEU
Article 64	Articles 34 and 31(b) TEU
Article 65	Articles 34 and 31(b) TEU
Article 66	Articles 34 and 31(b) TEU
Article 67	Articles 34 and 31(a) TEU
Article 68	Articles 34 and 31(a) TEU
Article 69	Articles 34 and 31(a) TEU
Article 71	Articles 34 and 30 and 31 TEU
Article 72	Articles 34 and 31 TEU
Article 73	Articles 34 and 30(1) and 31 TEU
Article 75	Article 95 TEC
Article 76	Articles 95 and 152 TEC, to the extent that these provisions deal only with measures relating to the licit trade in controlled drugs which have as their object the functioning of the internal market; and, with due respect for individual Member States' competences, Articles 30(1)(a) and 34 TEU, to the extent that these provisions deal with elements of Member States' control or enforcement regimes for licit or illicit drugs
Article 82	Article 95 TEC (?)
Article 91	Article 95 TEC
Article 92 to 119	P. M.
Article 126(1), (2)	Articles 30(1) and 34 TEU
Article 126(3)	Articles 30(1) and 34 TEU and Article 95 TEC, to the extent that it concerns personal data exchanged pursuant to the provisions of Articles 16 and 25 of the 1990 Schengen Convention or on the basis of the Common Consular Instructions
Article 126(4)	Articles 30(1) and 34 TEU
Article 127	Articles 30(1) and 34 TEU and Article 95 TEC; with regard to Article 127(1) to the extent that in respect of Member States concerned, Directive 95/46/EC does not yet apply to the processing of personal data held in manual filing systems; moreover, the statement under Article 126(3)(a)(d) and (f) applies
Article 128(1) and (3)	Articles 30(1) and 34 TEU
Article 128(2)	Articles 30(1) and 34 TEU and Article 95 TEC
Article 129	Articles 30(1) and 34 TEU
Article 130	Articles 30(1) and 34 TEU
Article 136	Article 62(2) TEC (taking into account the Protocol annexed to the TEC under the Treaty of Amsterdam on External Relations of the Member States with regard to Crossing of External Borders)
Final Act: Declaration 1	Article 2(2) Schengen-Protocol (to be read also in conjunction with Article 8 of the Schengen-Protocol)
Final Act: Declaration 3	Articles 30, 31 and 34 TEU

(<sup>1</sup>) As far as controls on baggage are concerned, Article 4 is superseded by Council Regulation (EEC) No 3925/91 of 19 December 1991 on the elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing (OJ L 374, 31.12.1991, p. 4).

(<sup>2</sup>) Articles 77 to 81 and Articles 83 to 90 of the implementing Convention have been superseded by Council Directive 91/447/EEC on control of the acquisition and possession of weapons. Under Article 296(1)(b) TEC the Member States are competent in respect of arms of war.

## ANNEX B

## Article 3

Schengen acquis	EU legal basis
The Agreement, signed in Paris on 27 November 1990, on Accession of the Italian Republic to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, its Final Act and related Declarations:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Part II, declaration 1	Articles 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Common declaration on Articles 2 and 3 of the Accession Agreement	Article 32 TEU
The Agreement, signed in Bonn on 25 June 1991, on Accession of the Kingdom of Spain to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, to which the Italian Republic has acceded under the Agreement signed in Paris on 27 November 1990, its Final Act and related declarations:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Part II, Declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Part III, Declaration 2	Articles 34 and 31(b) TEU
The Agreement, signed in Bonn on 25 June 1991, on Accession of the Portuguese Republic to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, to which the Italian Republic has acceded under the Agreement signed in Paris on 27 November 1990, its Final Act and related declarations:	
Article 2	Articles 34 and Articles 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Article 5	Articles 34 and 31(b) TEU
Article 6	Articles 34 and 31(a) TEU

Schengen acquis	EU legal basis
Part II, Declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Part III, Declaration 1	Article 62(3) TEU
The Agreement, signed in Madrid on 6 November 1992, on Accession of the Hellenic Republic to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, to which the Italian Republic acceded under the Agreement signed in Paris on 27 November 1990, and the Portuguese Republic and the Kingdom of Spain acceded under the Agreement signed in Bonn on 25 June 1991, its Final Act and related declarations:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 31(b) TEU
Article 4	Articles 34 and 31(b) TEU
Article 5	Articles 34 and 31(a) TEU
Part II, Declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Part III, Declaration 2	Article 31(a) TEU
The Agreement, signed in Brussels on 28 April 1995, on Accession of the Republic of Austria to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, to which have acceded the Italian Republic, the Kingdom of Spain and the Portuguese Republic, and the Hellenic Republic under the Agreements signed on 27 November 1990, 25 June 1991 and 6 November 1992 respectively and its Final Act:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Part II, declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
The Agreement, signed in Luxembourg on 19 December 1996, on Accession of the Kingdom of Denmark to the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at their common borders, signed at Schengen on 19 June 1990, and its Final Act and related declaration:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Article 5(2)	Article 2(1) Schengen Protocol
Article 6	Article 2(1) Schengen Protocol

Schengen acquis	EU legal basis
Part II, Declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Part II, Declaration 3	Articles 34 and 31(b) TEU
The Agreement, signed in Luxembourg on 19 December 1996, on Accession of the Republic of Finland to the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at their common borders, signed at Schengen on 19 June 1990, and its Final Act and related declaration:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Article 5	Article 2(1) Schengen Protocol
Part II, Declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Part II, Declaration 3	Articles 34 and 31(b) TEU
The Agreement, signed in Luxembourg on 19 December 1996, on Accession of the Kingdom of Sweden to the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at their common borders, signed at Schengen on 19 June 1990, and its Final Act and related declaration:	
Article 2	Articles 34 and 32 TEU
Article 3	Articles 34 and 32 TEU
Article 4	Articles 34 and 31(b) TEU
Article 5	Article 2(1) Schengen Protocol
Part II, Declaration 1	Article 2(2) Schengen Protocol (to be read also in conjunction with Article 8 of the Schengen Protocol)
Part II, Declaration 3	Articles 34 and 31(b) TEU

## ANNEX C

## Article 4

## CLASSIFICATION OF DECISIONS AND DECLARATIONS OF THE EXECUTIVE COMMITTEE

## Decisions of the Executive Committee

Decision	Subject	EU legal basis
SCH/Com-ex (93) 10 14.12.1993	Confirmation of the declarations by the Ministers and Secretaries of State of 19 June 1992 and 30 June 1993 on bringing into force	Article 2(2) Schengen Protocol in conjunction with Article 8 Schengen Protocol insofar as a declaration has not become redundant by virtue of time or events
SCH/Com-ex (93) 14 14.12.1993	Improving practical cooperation between the judicial authorities to combat drug trafficking	Articles 31(a), 34 TEU
SCH/Com-ex (93) 16 14.12.1993	Financial Regulations on the installation and operating costs for the Schengen C.SIS	for the record
SCH/Com-ex (93) 21 14.12.1993	Extending the uniform visa	Article 62(2)(b) TEC
SCH/Com-ex (93) 22 Rev 14.12.1993	Confidential nature of certain documents	Article 207 TEC, Article 41 TEU
SCH/Com-ex (93) 24 14.12.1993	Common procedures for cancelling, recinding or shortening the length of validity of the uniform visa	Article 62(2)(b) TEC
SCH/Com-ex (94) 1 Rev 2 26.4.1994	Adjustment measures aiming to remove the obstacles and restrictions on traffic flows at road border crossing points at internal borders	Article 62(1) TEC
SCH/Com-ex (94) 2 26.4.1994	Issuing uniform visas at the borders	Article 62(2)(b) TEC
SCH/Com-ex (94) 15 Rev 21.11.1994	Introducing a computerised procedure for consulting the central authorities provided for in Article 17(2) of the implementing Convention	Article 62(2)(b) TEC
SCH/Com-ex (94) 16 Rev 21.11.1994	Acquisition of common entry and exit stamps	Article 62(2) TEC
SCH/Com-ex (94) 17 Rev 4 22.12.1994	Introducing and applying the Schengen system in airports and aerodromes	Article 62(2)(a) TEC
SCH/Com-ex (94) 25 22.12.1994	Exchanges of statistical information on the issue of visas	Article 62(2)(b) in conjunction with Article 66 TEC
SCH/Com-ex (94) 28 Rev 22.12.1994	Certificate provided for in Article 75 for the transportation of drugs and/or psychotropic substances	Article 95 TEC
SCH/Com-ex (94) 29 Rev 2 22.12.1994	Bringing into force the Convention implementing the Schengen Agreement of 19 June 1990	Article 62(1) TEC bearing in mind Article 64(1) TEC
SCH/Com-ex (95) PV 1 Rev (Point No 8)	Common visa policy	Article 62(2)(b) TEC
SCH/Com-ex (95) 20 Rev 2 20.12.1995	Approval of document SCH/I (95) 40 Rev 6 on the procedure for applying Article 2(2) of the Convention implementing the Schengen Agreement	Article 62(1) TEC

Decision	Subject	EU legal basis
SCH/Com-ex (95) 21 20.12.1995	Swift exchange between the Schengen States of statistical and tangible data on possible malfunctions at the external borders	Article 66 TEC
SCH/Com-ex (96) 13 Rev 27.6.1996	Principles for issuing Schengen visas in accordance with Article 30(1)(a) of the Convention implementing the Schengen Agreement	Article 62(2)(b) TEC, for matters not covered by Article 30 of the implementing Convention
SCH/Com-ex (96) 27 19.12.1996	Issuing visas at borders to seamen in transit	Article 62(2)(b) TEC
SCH/Com-ex (97) 2 Rev 2 25.4.1997	Awarding the tender for the SIS II preliminary study	for the record
SCH/Com-ex (97) 6 Rev 2 24.6.1997	Schengen Manual on police cooperation in the field of public order and security	Article 30(1) TEU
SCH/Com-ex (97) 18 7.10.1997	Contributions from Norway and Iceland to the C.SIS operating costs	for the record
SCH/Com-ex (97) 24 7.10.1997	Future of the SIS	for the record
SCH/Com-ex (97) 29 Rev 2 7.10.1997	Bringing into force the Convention implementing the Schengen Agreement in Greece	Article 2(2) Schengen Protocol
SCH/Com-ex (97) 32 15.12.1997	Harmonisation of visa policy	Article 62(2)(b) TEC
SCH/Com-ex (97) 34 Rev 15.12.1997	Implementation of the Joint Action on a uniform format for residence permits	Article 63(3)(a) TEC
SCH/Com-ex (97) 35 15.12.1997	Amendment to the C.SIS Financial Regulations	for the record
SCH/Com-ex (97) 39 Rev 15.12.1997	Guiding Principles for means of proof and indicative evidence within the framework of readmission agreements between Schengen States	Articles 62(3), 63(3) TEC
SCH/Com-ex (98) 1, 2 Rev 21.4.1998	Report on the activities of the task force	Article 62(2)(a) TEC
SCH/Com-ex (98) 10 21.4.1998	Cooperation between the Contracting Parties in returning aliens by air	Articles 62(3), 63(3) TEC
SCH/Com-ex (98) 11 21.4.1998	C.SIS with 15/18 connections	for the record
SCH/Com-ex (98) 12 21.4.1998	Exchange at local level of statistics on visas	Article 62(2)(b) TEC
SCH/Com-ex (98) 17 23.6.1998	Confidential nature of certain documents	Article 41 TEU, Article 207 TEC
SCH/Com-ex (98) 18 Rev 23.6.1998	Measures to be taken in respect of countries posing problems with regard to the issue of documents required to remove their nationals from Schengen territory READMISSION — VISAS	Article 62(3) TEC
SCH/Com-ex (98) 19 23.6.1998	Monaco VISAS — EXTERNAL BORDERS — SIS	Article 62(3) TEC
SCH/Com-ex (98) 21 23.6.1998	Stamping of passports of visa applicants VISAS	Article 62(2)(b) TEC, with due regard for Article 64(2) TEC
SCH/Com-ex (98) 26 def 16.9.1998	Setting up of the Schengen implementing Convention Standing Committee	Article 66 TEC, Articles 30, 31 TEU
SCH/Com-ex (98) 29 Rev 23.6.1998	Catch-all clause to cover the whole technical Schengen acquis	for the record

Decision	Subject	EU legal basis
SCH/Com-ex (98) 35 Rev 2 16.9.1998	Forwarding the Common Manual to EU applicant States	Article 41 TEU, Article 207 TEC
SCH/Com-ex (98) 37 def 2 16.9.1998	Action plan to combat illegal immigration	Articles 62, 63 TEC, Article 30 TEU
SCH/Com-ex (98) 43 Rev 16.12.1998	Ad hoc Committee for Greece	Article 2 in conjunction with Annex to Schengen Protocol
SCH/Com-ex (98) 49 Rev 3 16.12.1998	Bringing the Convention implementing the Schengen Agreement into force in Greece	Article 2 in conjunction with Annex to Schengen Protocol
SCH/Com-ex (98) 51 Rev 3 16.12.1998	Cross-border police cooperation in the area of crime prevention and detection when requested	Article 30 TEU
SCH/Com-ex (98) 52 16.12.1998	Handbook on cross-border police cooperation	Article 30 TEU
SCH/Com-ex (98) 53 Rev 2 16.12.1998	Harmonisation of visa policy — abolition of the grey lists	Article 62(2)(b) TEC, with due regard for Article 64(2) TEC
SCH/Com-ex (98) 56 16.12.1998	Manual of documents to which a visa may be affixed	Article 62(2)(b) ii TEC
SCH/Com-ex (98) 57 16.12.1998	Introduction of a harmonised form for invitations, proof of accommodation, and the acceptance of obligations of maintenance support	Article 62(2)(b) TEC, with due regard for Article 64(2) TEC
SCH/Com-ex (98) 59 Rev 16.12.1998	Coordinated deployment of document advisers	Article 62(2)(b) TEC, Article 63(3) TEC
SCH/Com-ex (99) 3 28.4.1999	Help Desk budget for 1999	for the record
SCH/Com-ex (99) 4 28.4.1999	C.SIS installation costs	for the record
SCH/Com-ex (99) 5 28.4.1999	SIRENE Manual	for the record
SCH/Com-ex (99) 6 28.4.1999	Telecomms situation	Article 30 TEU
SCH/Com-ex (99) 7 Rev 2 28.4.1999	Liaison officers	Article 30 TEU
SCH/Com-ex (99) 8 Rev 2 28.4.1999	Payments to informers	Article 30 TEU
SCH/Com-ex (99) 10 28.4.1999	Illegal trade in weapons	Article 95 TEC
SCH/Com-ex (99) 11 Rev 2 28.4.1999	Agreement on cooperation in proceedings for road traffic offences	Article 31 TEU
SCH/Com-ex (99) 13 28.4.1999	Withdrawal of old versions of the Common Manual and the Common Consular Instructions and Adoption of new versions	Articles 62, 63 TEC
SCH/Com-ex (99) 14 28.4.1999	Manual of documents on which a visa may be affixed	Article 62 TEC
SCH/Com-ex (99) 18 28.4.1999	Improvement of police cooperation in preventing and detecting offences	Article 30 TEU

**Declarations of the Executive Committee**

Declaration	Subject	EU legal basis
SCH/Com-ex (96) Decl 5 18.4.1996	Determination of the concept of third-country 'alien'	for the record
SCH/Com-ex (96) Decl 6 Rev 2 26.6.1996	Declaration on extradition	Article 31(b) TEU in conjunction with Article 34 TEU
SCH/Com-ex (97) Decl 13 Rev 2 21.4.1998	Abduction of minors	Article 31(a), 34 TEU
SCH/Com-ex (99) Decl 2 Rev 28.4.1999	SIS-structure	For the record

## ANNEX D

## Article 5

**DECISIONS OF THE CENTRAL GROUP**

Declaration	Subject	EU legal basis
SCH/C (98) 117 27.10.1998	Action plan to combat illegal immigration	Articles 62, 63 TEC, Article 30 TEU
SCH/C (99) 25 22.3.1999	General principles for the remuneration of informants and infiltrators	Article 30 TEU

**STATEMENTS**

1. The Council has made the following statement when the Decision was adopted:

'Notwithstanding the determination of legal bases for Article 2(2) and (3), Article 4(1) to (3), Article 5(1)(e) and Article 8 of the Convention implementing the Schengen Agreement, in conformity with the relevant provisions of the Treaties, the responsibilities and powers of the Member States with regard to surveillance measures, including at their borders, for the purposes of maintaining law and order and safeguarding internal security in accordance with national law, and through the means at their disposal, shall remain unaffected.'

2. The Member States within the Council have made the following statement with respect to Member States listed in Article 1 of the Schengen Protocol:

'The inclusion of the first declaration of the Final Act of the Convention implementing the Schengen Agreement in this Decision must be interpreted as signifying that the decision confirming the capacity of each State acceding to the EU to implement the Schengen acquis, thus permitting the removal of controls at internal frontiers, will be taken unanimously by the Council comprised of the Member States named in Article 1 of the Schengen Protocol.'

3. The Commission has made the following statement:

Statement on the Schengen Implementing Convention Standing Committee

'In accordance with Article 1 of the Protocol integrating the Schengen acquis into the framework of the European Union, closer cooperation on Schengen matters "shall be conducted within the institutional and legal framework of the European Union and with respect for the relevant provisions of the Treaty on European Union and the Treaty establishing the European Community". The Commission therefore considers that the integration into the Union framework of the Decision of the Executive Committee setting up a Schengen Implementing Convention Standing Committee (SCH/Com-ex (98) 26 Def of 16.9.1998) does not in any way affect the powers devolving on it from the Treaties and in particular its responsibility as guardian of the Treaties.'

4. Statement made by the Netherlands delegation when the Council Decision determining the legal bases for the Schengen acquis was adopted:

'The Netherlands considers that provisions of Title IV of Part Three of the EC Treaty should be the legal basis for a number of decisions and provisions of the Schengen acquis concerning the Schengen Information System since the latter relate to aspects of the free movement of persons which touch on aliens' law.'

Belgium associates itself with the statement made by the Netherlands delegation.

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## COUNCIL DECISION

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**

(1999/437/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol integrating the Schengen acquis into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty establishing the European Community by the Treaty of Amsterdam (hereinafter referred to as 'the Schengen Protocol'), and in particular Article 2 thereof,

- (1) Whereas on 18 May 1999, an Agreement based on the first paragraph of Article 6 of the Schengen Protocol was concluded with 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 (hereinafter referred to as 'the Agreement');
- (2) Whereas it is necessary to establish arrangements for the application of some of the provisions of the Agreement;
- (3) Whereas the Agreement establishes a Joint Committee, which is to address all matters relating to the application and further development of those provisions of the European Union which Iceland and Norway have undertaken to implement and apply pursuant to Article 2 of the Agreement;
- (4) Whereas it is for the European Union to define the areas in which the further development of the existing provisions of the Union will be covered by the procedures set out in the Agreement, in particular the procedures for discussion within the Joint Committee;
- (5) Whereas any amendments to the list of those areas may be adopted by the Council on the same legal basis as that of this Decision;
- (6) Whereas the application of the procedures set out in the Agreement is without prejudice to the Agreement on the European Economic Area and any other agreement between the European Community and Iceland and Norway or agreements concluded with those States on the basis of Articles 24 and 38 of the Treaty on European Union;
- (7) Whereas this Decision is without prejudice to the application or the interpretation both of the Protocol on the position of Denmark, annexed by the Treaty of Amsterdam to the Treaty on European Union and to the Treaty establishing the European Community, and of other provisions of the Schengen Protocol;

- (8) Whereas provision should be made for a consultation procedure within the Council before any decision is taken by the Joint Committee relating to the termination or continuation of the Agreement, with the aim of reaching a common position among the members of the Council,

HAS DECIDED AS FOLLOWS:

*Article 1*

The procedures laid down in 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 association of those two States with the implementation, application and development of the Schengen acquis (hereinafter referred to as 'the Agreement') shall be applied to proposals and initiatives for the further development of those provisions in respect of which closer cooperation has been authorised under the Schengen Protocol and which fall within one of the following areas:

- A. The crossing by persons of the external borders of those States which have decided to abolish checks at their internal borders, including the rules and arrangements with which those States must comply when carrying out checks on persons at external borders, surveillance of border areas and cooperation with the services responsible for border control.
- B. Short-stay visas, particularly the rules on a uniform visa, the list of countries whose nationals must be in possession of visas for the States concerned and those whose nationals are exempt from that requirement, the procedures and conditions for the issue of uniform visas, and cooperation and consultation between the issuing services.
- C. Free movement, for a maximum period of three months, of nationals of third countries within the territory of those States which have decided to abolish checks at their internal borders and expulsion of such persons when their position is illegal.
- D. The settlement of disputes between States in cases where a State has issued or is considering issuing a residence permit to an alien reported as a person not to be permitted entry by another State.
- E. The penalties applicable to carriers and those responsible for organising illegal immigration.

- F. Protection of personal data exchanged between the services referred to in points A and B.
- G. The Schengen Information System (SIS), including the relevant provisions on protection and security of data, the provisions on the operation of the national sections of the SIS and the exchange of information between those national sections (SIRENE system), and the effect of the alerts in the SIS for persons wanted for arrest for extradition purposes.
- H. Any form of police cooperation coming under Articles 39 to 43, 46, 47, 73 and 126 to 130 of the Convention of 19 June 1990 implementing the Schengen Agreement on the gradual abolition of checks at the common borders, as applied between the Member States concerned at the time of entry into force of the Treaty of Amsterdam.
- I. The arrangements for judicial cooperation in criminal matters described in Articles 48 to 63 and 65 to 69 of the 1990 Convention referred to in point H, as applied between the Member States concerned at the time of the entry into force of the Treaty of Amsterdam.

*Article 2*

Where a Member State or the Commission submits to the Council an initiative or a proposal which it considers to fall within an area covered by Article 1, it shall indicate this in the text submitted.

*Article 3*

At the request of a Member State or of the Commission, the Presidency shall convene a meeting of the Committee of the Permanent Representatives of the Member States to enable a discussion to be held on whether an initiative or proposal falls within an area covered by Article 1.

*Article 4*

1. Acts for adoption by the Council which constitute the further development of those provisions in respect of which closer cooperation has been authorised under the Schengen Protocol and which fall within one of the areas covered by Article 1 shall contain an indication to that effect.

2. Publication in the *Official Journal of the European Communities* of any act referred to in paragraph 1 must include an indication stating that it falls within an area in respect of which closer cooperation has been authorised under the Schengen Protocol.

*Article 5*

Before the delegations representing the members of the Council participate in a decision of the Joint Committee set up by the Agreement, in accordance with Article 8(4) or Article 11 thereof, they shall meet within the Council in order to determine whether a common position can be adopted.

*Article 6*

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Communities*.

Done at Brussels, 17 May 1999.

*For the Council*

*The President*

J. FISCHER

## DECLARATIONS

### I. Declaration by the Council

'The sole purpose of the list reproduced in Article 1 is to determine the areas with regard to which the further development of the Schengen acquis within the framework of the European Union must comply with the procedures laid down in Article 4 of the Agreement concluded by the Council with the Republic of Iceland and the Kingdom of Norway concerning the association of those States with the implementation, application and further development of the Schengen acquis.

That list is not a list of the areas constituting the entire Schengen acquis as integrated into the framework of the European Union and as it is to be applied and implemented by and between the Member States bound by the Schengen agreements. To that end the Schengen acquis was determined by the Council in its Decision of 20 May 1999.

Nor is it a list of the areas constituting the entire Schengen acquis as it is to be applied and implemented by Iceland and Norway and between those States and the Member States bound by the Schengen agreements under Article 2(1) of the aforementioned agreement.

The fact of that list's existence cannot, therefore, affect the integrity of the Schengen acquis as referred to in the Annex to the Protocol integrating the Schengen acquis into the framework of the European Union.'

### II. Declaration by the Commission

'The Commission wishes to state that in the Mixed Committee it will comply with any common position adopted by the Council.'

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## COUNCIL DECISION

of 20 May 1999

**concerning the Joint Supervisory Authority set up under Article 115 of the Convention applying the Schengen Agreement of 14 June 1985, on the gradual abolition of checks at common borders, signed on 19 June 1990**

(1999/438/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Protocol integrating the Schengen Acquis into the framework of the European Union, and in particular Article 2 thereof,

- (1) Whereas under Article 115 of the Convention applying the Schengen Agreement of 14 June 1985, on the gradual abolition of checks at common borders, signed on 19 June 1990, a Joint Supervisory Authority has been set up, with responsibility for supervising the technical support function of the Schengen Information System ('SIS') and for examining other matters concerning the application of the provisions relating to the SIS and the protection of personal data;
- (2) Whereas this is an independent authority which cannot be assimilated to a committee or a working party of the Council within the meaning of Article 19 of the Council's Rules of Procedure;
- (3) Whereas the Joint Supervisory Authority has drawn up its own Rules or Procedure of 2 February 1996, last amended on 27 April 1998, to which it should make consequential amendments further to the integration of the Schengen Acquis into the framework of the European Union;
- (4) Whereas the Rules of Procedure of the Joint Supervisory Authority should also be considered as forming part of the Schengen Acquis in the widest sense, whose continued operation within the framework of the European Union should be preserved from the logistical and financial points of view;
- (5) Considering that this is a decision designed to ensure the smooth functioning of the Joint Supervisory Authority in the course of the entry into force of the Treaty of Amsterdam;
- (6) Taking account of the particularly special status of the Joint Supervisory Authority;
- (7) Having given an opportunity to the Joint Supervisory Authority to express its views,

DECIDES:

1. The General Secretariat of the Council of the European Union shall provide the facilities for meetings of the Joint Supervisory Authority and shall assist them in the same way as it assists the working parties of the Council.
2. The General Secretariat of the Council shall act as Secretariat for the Joint Supervisory Authority. The Secretariat shall put itself at the disposal of the Chairman of the Joint Supervisory Authority.
3. The Chairmanship of the Joint Supervisory Authority shall set, subject to prior agreement of the Presidency of the Council, the dates for the meetings of the Joint Supervisory Authority to be convened in the premises of the Council in Brussels.
4. Travelling expenses for meetings in Brussels and the carrying out of controls at the C.SIS shall be charged to the budget of the Council and shall be dealt with in accordance with the Decision of the Secretary-General of the Council of 21 May 1997.
5. The persons to be reimbursed travelling expenses shall be:
  - with regard to each Member State referred to in Article 1 of the Protocol integrating the Schengen Acquis into the framework of the European Union, as well as every other Member State taking part in the provisions of this Acquis relating to the SIS, in respect of meetings of the Joint Supervisory Authority: two representatives of the national authority, as referred to in Article 2(1) of the Rules of Procedure of the Joint Supervisory Authority,
  - the experts referred in Article 2(5) of the Rules of Procedure of the Joint Supervisory Authority.
6. The expenses covered by this Decision shall be imputed to post 2501 of Section II (Council) of the general budget.

Done at Brussels, 20 May 1999.

*For the Council**The President*

E. BULMAHN

**COUNCIL DECISION****of 17 May 1999****on the conclusion of the Agreement with the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen acquis**

(1999/439/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Article 6(1) of the Protocol, annexed by the Treaty of Amsterdam to the Treaty on European Union and to the Treaty establishing the European Community integrating the Schengen acquis into the framework of the European Union;

HAS DECIDED AS FOLLOWS:

*Sole Article*

The Agreement with the Republic of Iceland and the Kingdom of Norway concerning the latters' 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 are hereby approved.

The text of the acts referred to in the first subparagraph is attached to this Decision.

Done at Brussels, 17 May 1999.

*For the Council**The President*

J. FISCHER

**AGREEMENT****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**

THE COUNCIL OF THE EUROPEAN UNION

and

THE REPUBLIC OF ICELAND AND

THE KINGDOM OF NORWAY,

WHEREAS since the signature of the Agreement of Luxembourg of 19 December 1996 between the thirteen Member States of the European Union, signatories to the Schengen agreements and the Republic of Iceland and the Kingdom of Norway, the latter two States have been participating in the discussions concerning the application, implementation and further development of the Schengen agreements and related provisions;

WHEREAS as a result of the Protocol integrating the Schengen acquis into the framework of the European Union, annexed to the Treaty on European Union and the Treaty establishing the European Community by the Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts (hereinafter referred to as 'the Schengen Protocol'), the cooperation among the Member States of the European Union signatories to the Schengen agreements within the scope of those agreements and related provisions will be conducted within the institutional and legal framework of the European Union and with respect for the relevant provisions of the Treaty on European Union and of the Treaty establishing the European Community;

RECALLING the object and purpose of the Agreement of Luxembourg to preserve the existing regime between the five Nordic States pursuant to the Convention on the Abolition of Passport Controls at Intra-Nordic borders signed in Copenhagen on 12 July 1957, establishing the Nordic Passport Union, once those of the Nordic States which are Members of the European Union take part in the regime on the abolition of checks on persons at internal borders set out in the Schengen agreements;

BEARING IN MIND the provisions laid down in the Agreement of Luxembourg;

RECOGNISING, however, that the integration of the Schengen acquis into the framework of the European Union implies that the taking of decisions purporting to further develop the provisions constituting the Schengen acquis has become a matter for the European Union, including the European Community;

WHEREAS according to Article 6, first paragraph, of the Schengen Protocol, the European Union, including the European Community, wishes to respect and serve the object and purpose of the Agreement of Luxembourg through an Agreement associating the Republic of Iceland and the Kingdom of Norway, upon the entry into force of the Treaty of Amsterdam, with the implementation of the Schengen acquis and its further development on the basis of the Agreement of Luxembourg, thus ensuring the common objective of continuing the involvement of these two States in these activities;

CONVINCED of the need to involve all parties in an appropriate fashion which are applying the provisions constituting the Schengen acquis and to which such provisions and their further development may eventually have to apply, including the Republic of Iceland and the Kingdom of Norway, in discussions, at all levels, concerning their practical application, their implementation and the preparation of their further development;

CONSIDERING that for this purpose it is necessary to set up an organisational structure, outside the institutional framework of the European Union, ensuring the association of the Republic of Iceland and the Kingdom of Norway with the decision-making process in these fields and enabling their participation in these activities through a Mixed Committee,

HAVE AGREED AS FOLLOWS:

*Article 1*

The Republic of Iceland and the Kingdom of Norway hereinafter referred to as 'Iceland' and 'Norway' respectively shall be associated with the activities of the European Community and the European Union in the fields covered by the provisions referred to in Annexes A and B to this Agreement and their further development.

This Agreement creates reciprocal rights and obligations in accordance with the procedures set out herein.

*Article 2*

1. The provisions of the Schengen acquis as listed in Annex A to this Agreement as they apply to the Member States of the European Union hereinafter referred to as the 'Member States' which participate in the closer cooperation authorised by the Schengen Protocol, shall be implemented and applied by Iceland and Norway.

2. The provisions of the acts of the European Community listed in Annex B to this Agreement, to the extent that they have replaced corresponding provisions of, or adopted pursuant to, the Convention signed in Schengen on 19 June 1990 implementing the Agreement on the gradual abolition of checks at the common borders, shall be implemented and applied by Iceland and Norway.

3. The acts and the measures taken by the European Union amending or building upon the provisions referred to in Annexes A and B, to which the procedures set out in this Agreement have been applied, shall also, without prejudice to Article 8, be accepted, implemented and applied by Iceland and Norway.

*Article 3*

1. A Mixed Committee is hereby established, consisting of representatives of the governments of Iceland and Norway, the members of the Council of the European Union, hereinafter referred to as the 'Council', and of the Commission of the European Communities, hereinafter referred to as the 'Commission'.

2. The Mixed Committee shall adopt its own Rules of Procedure by consensus.

3. The Mixed Committee shall meet at the initiative of its President or at the request of any of its members.

4. Subject to Article 4(2), the Mixed Committee meets at the level of Ministers, senior officials or experts, as circumstances require.

5. The office of President of the Mixed Committee shall be held:

- at the level of experts: by the representative of the European Union;
- at the level of senior officials and Ministers: alternately, for a period of six months by the representative of the European Union and by the representative of the government of Iceland or Norway.

*Article 4*

1. The Mixed Committee shall address, in accordance with this Agreement, all matters covered by Article 2 and shall ensure that any concern entertained by Iceland and Norway is duly considered.

2. In the Mixed Committee at the ministerial level, the representatives of Iceland and Norway shall have the opportunity:

— to explain the problems they encounter in respect of a particular act or measure or to respond to the problems encountered by other delegations;

— to express themselves on any questions concerning the development of provisions of concern to them or the implementation thereof.

3. Meetings of the Mixed Committee at ministerial level shall be prepared by the Mixed Committee at the level of senior officials.

4. The representatives of the governments of Iceland and Norway shall have the right to make suggestions in the Mixed Committee relating to the matters mentioned in Article 1. After discussion, the Commission or any Member State may consider such suggestions with a view to making a proposal or taking an initiative, in accordance with the rules of the European Union, for the adoption of an act or measure of the European Community or the European Union.

*Article 5*

Without prejudice to Article 4, the Mixed Committee shall be informed about the preparation within the Council of any acts or measures which may be relevant to this Agreement.

*Article 6*

When drafting new legislation in a field which is covered by this Agreement, the Commission shall informally seek advice from experts of Iceland and Norway in the same way as it seeks advice from experts of the Member States for drawing up its proposals.

*Article 7*

The Contracting Parties agree that an appropriate arrangement should be concluded on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in any of the Member States or in Iceland or Norway. Such an arrangement should be in place at the time the provisions referred to in Annex A and Annex B, as well as those already adopted pursuant Article 2(3), are put into effect for Iceland and Norway in accordance with Article 15(4).

#### Article 8

1. The adoption of new acts or measures related to matters referred to in Article 2 shall be reserved to the competent institutions of the European Union. Subject to paragraph 2, such acts or measures shall enter into force simultaneously for the European Union and its Member States concerned and for Iceland and Norway, unless those acts or measures explicitly state otherwise. In this context, due account shall be taken of the time indicated by Iceland or Norway in the Mixed Committee as the time necessary to enable Iceland or Norway to fulfil their constitutional requirements.

2. (a) The adoption of the acts or measures referred to in paragraph 1 to which the procedures set out in this Agreement have been applied, shall be notified immediately by the Council to Iceland and Norway. Iceland and Norway shall decide independently whether to accept their content and to implement it into their internal legal order. These decisions shall be notified to the Council and to the Commission within thirty days of the adoption of the acts or measures concerned.

(b) If the content of such an act or measure can become binding on Iceland only after the fulfilment of constitutional requirements, Iceland shall inform the Council and the Commission of this at the time of its notification. Iceland shall promptly inform the Council and the Commission in writing upon fulfilment of all constitutional requirements, and shall provide such information no later than four weeks before the date laid down for the entry into force of the act or measure for Iceland, as decided according to paragraph 1.

(c) If the content of such an act or measure can become binding on Norway only after the fulfilment of constitutional requirements, Norway shall inform the Council and the Commission of this at the time of its notification. Norway shall promptly, and at the latest six months from notification by the Council, inform the Council and the Commission in writing upon fulfilment of all constitutional requirements. From the date laid down for the entry into force of the act or measure for Norway and until the information upon fulfilment of constitutional requirements, Norway shall provisionally apply, where possible, the content of such act or measure.

3. The acceptance by Iceland and Norway of the content of acts and measures referred to in paragraph 2 shall create rights and obligations between Iceland and Norway, and between Iceland and Norway on the one hand, and the European Community and those of its Member States bound by those acts and measures, on the other hand.

4. In case:

(a) either Iceland or Norway notifies its decision not to accept the content of an act or measure referred to in paragraph 2 and to which the procedures set out in this Agreement have been applied; or

(b) either Iceland or Norway does not make a notification within the thirty days time limit set out in paragraph 2(a); or

(c) Iceland does not make a notification prior to the four weeks time limit set out in paragraph 2(b) before the date laid down for the entry into force of the act or measure concerned for it; or

(d) Norway does not make a notification within the six month time limit set out in paragraph 2(c) or does not provide for provisional application as envisaged in the same subparagraph from the date laid down for the entry into force of the act of measure concerned for it;

this Agreement shall be considered terminated with respect to Iceland or Norway, as the case may be, unless the Mixed Committee, after a careful examination of ways to continue the Agreement, decides otherwise within ninety days. Termination of this Agreement shall take effect three months after the expiry of the ninety days period.

#### Article 9

1. In order to achieve the objective of the Contracting Parties to arrive at as uniform an application and interpretation as possible of the provisions referred to in Article 2, the Mixed Committee shall keep under constant review the development of the case law of the Court of Justice of the European Communities, hereinafter referred to as the 'Court of Justice', as well as the development of the case law of the competent courts of Iceland and Norway relating to such provisions. To this end a mechanism shall be set up to ensure regular mutual transmission of such case law.

2. Subject to the adoption of the necessary modifications to the Statute of the Court of Justice, Iceland and Norway shall be entitled to submit statements of case or written observations to the Court of Justice in cases where a question has been referred to it by a court or tribunal of a Member State for a preliminary ruling concerning the interpretation of any provision referred to in Article 2.

#### Article 10

1. Iceland and Norway shall submit reports annually to the Mixed Committee on the way in which their administrative authorities and their courts have applied and interpreted the provisions referred to in Article 2, as interpreted by the Court of Justice, as the case may be.

2. If the Mixed Committee, within two months after a substantial difference in the case law of the Court of Justice and the courts of Iceland or Norway or a substantial difference in application between the authorities of the Member States concerned and those of Iceland or Norway in respect of the provisions referred to in Article 2 has been brought before it, has not been able to ensure the preservation of a uniform application and interpretation, the procedure in article 11 shall apply.

#### Article 11

1. In the case of a dispute about the application of this Agreement or in a case where the situation provided for in Article 10(2) occurs, the matter shall be officially entered as a matter of dispute on the agenda of the Mixed Committee at ministerial level.

2. The Mixed Committee shall have ninety days from the date of the adoption of the agenda on which the dispute has been entered within which to settle the dispute.

3. In a case where the dispute cannot be settled by the Mixed Committee within the period of ninety days envisaged in paragraph 2, a further period of thirty days shall be observed for reaching a final settlement.

If no final settlement is reached, this Agreement shall be considered as terminated with respect to Iceland or Norway, depending on which State the dispute concerns. Such termination shall take effect six months after the expiry of the thirty day period.

#### Article 12

1. As far as administrative costs involved in the application of this Agreement are concerned, Iceland and Norway shall contribute to the general budget of the European Communities an annual sum of:

— for Iceland 0,1 %

— for Norway 4,995 %

of an amount of 300 000 000 BEF (or an equivalent amount in euro) subject to annual adjustment in view of the rate of inflation within the European Union.

In cases where operational costs involved in the application of this Agreement are not attributed to the general budget of the European Communities, but are directly incumbent upon the participating Member States, Iceland and Norway shall contribute to these costs in accordance with the percentage of the gross national product of their countries in relation to the gross national product of all participating States.

In cases where operational costs are attributed to the general budget of the European Community, Iceland and Norway shall share in these costs by contributing to the said budget an annual sum in accordance with the percentage of the gross national product of their countries in relation with the gross national product of all participating States.

2. Iceland and Norway shall have the right to receive documents drawn up by the Commission or within the Council pertaining to this Agreement and, at meetings of the Mixed Committee, to request interpretation into an official language of the institutions of the European Communities of their choice. However, any costs of translation or interpretation into or from Icelandic or Norwegian shall be borne by Iceland or Norway, as the case may be.

#### Article 13

1. This Agreement shall not affect in any way the Agreement on the European Economic Area or any other agreement concluded between the European Community and Iceland and/or Norway.

2. This Agreement shall not affect in any way any future agreements to be concluded with Iceland and/or Norway by the European Community, or on the basis of Articles 24 and 38 of the Treaty on European Union.

3. This Agreement shall not affect the cooperation in the framework of the Nordic passport Union, to the extent that such cooperation is not contrary to and does not hinder this Agreement and the acts and measures based on this Agreement.

#### Article 14

This Agreement does not apply to Svalbard (Spitzbergen).

#### Article 15

1. This Agreement shall enter into force one month following the day on which the Secretary General of the Council, who shall act as its depositary, has established that all formal requirements concerning the expression of the consent by or on behalf of the Parties to this Agreement to be bound by it have been fulfilled.

2. Articles 1, 3, 4, 5 and 8(2)(a), first sentence shall apply provisionally as from the time of signature of this Agreement.

3. With respect to acts or measures adopted after the signature of this Agreement but before its entry into force, the period of thirty days referred to in Article 8(2)(a), last sentence shall start to run from the day of entry into force of this Agreement.

4. The provisions referred to in Annex A und Annex B, as well as those already adopted pursuant to Article 2(3), shall be put into effect for Iceland and Norway on a date to be fixed by the Council acting by unanimity of its Members representing the Member States which participate in the closer cooperation authorised by the Schengen Protocol, after consultations in the Mixed Committee in accordance with Article 4 of this Agreement, having satisfied itself that the preconditions for the implementation of the relevant provisions have been fulfilled by Iceland and Norway and that controls at their external borders are effective.

5. The putting into effect of the provisions referred to in paragraph 4 shall create rights and obligations between Iceland and Norway, and between Iceland and Norway on the one hand, and the European Community and those of its Member States in respect of which those provisions have also been put into effect, on the other hand.

#### *Article 16*

This Agreement may be denounced by Iceland or by Norway or by decision of the Council, acting by the unanimity of its members representing the Member States which participate in the closer cooperation authorised by the Schengen Protocol. Such denunciation shall be notified to the depositary. It shall take effect six months after notification.

#### *Article 17*

The consequences of denunciation of this Agreement by, or its termination with respect to, Iceland or Norway shall be the subject of an agreement between the remaining Parties and the Party which has denounced this Agreement or with respect to which the termination is to take effect. If no agreement can be reached, the Council shall decide after consultation of the remaining associated Contracting Party on the necessary measures. However, these measures shall be binding upon that Party only if they are accepted by it.

#### *Article 18*

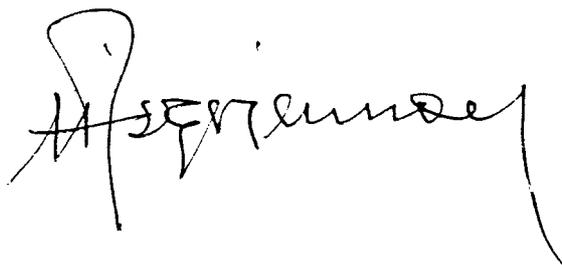
This Agreement replaces the Cooperation Agreement between the Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Italian Republic, the Kingdom of Spain, the Portuguese Republic, the Hellenic Republic, the Republic of Austria, the Kingdom of Denmark, the Republic of Finland, the Kingdom of Sweden, Contracting Parties to the Schengen Agreement and the Schengen Convention, and the Republic of Iceland and the Kingdom of Norway on the abolition of controls on persons at their common borders, signed in Luxembourg on 19 December 1996.

Done at Brussels on the eighteenth day of May in the year one thousand nine hundred and ninety-nine in a single original, in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish, Swedish, Icelandic and Norwegian languages, each text being equally authentic, such original remaining deposited in the archives of the General Secretariat of the European Union.

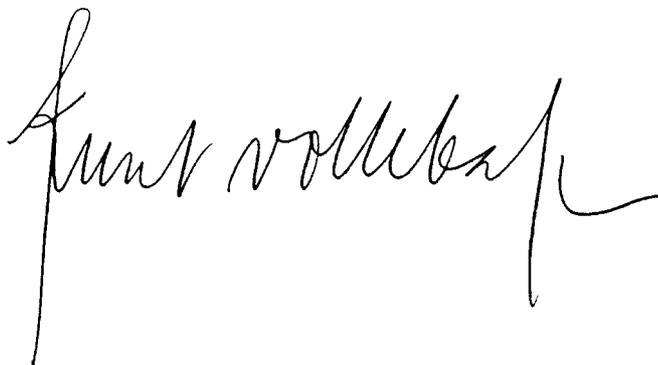
Por el Consejo de la Unión Europea  
 For Rådet for Den Europæiske Union  
 Für den Rat der Europäischen Union  
 Για το Συμβούλιο της Ευρωπαϊκής Ένωσης  
 For the Council of the European Union  
 Pour le Conseil de l'Union européenne  
 Per il Consiglio dell'Unione europea  
 Voor de Raad van de Europese Unie  
 Pelo Conselho da União Europeia  
 Euroopan unionin neuvoston puolesta  
 För Europeiska unionens råd  
 Fyrir hönd ráðs Evrópusambandsins  
 For Rådet for Den europeiske union



Por la República de Islandia  
 For Republikken Island  
 Für die Republik Island  
 Για τη Δημοκρατία της Ισλανδίας  
 For the Republic of Iceland  
 Pour la République d'Islande  
 Per la Repubblica d'Islanda  
 Voor de Republiek IJsland  
 Pela República da Islândia  
 Islannin tasavallan puolesta  
 På Republiken Islands vägnar  
 Fyrir hönd Lyðveldisins Íslands  
 For Republikken Island



Por el Reino de Noruega  
 For Kongeriget Norge  
 Für das Königreich Norwegen  
 Για το Βασίλειο της Νορβηγίας  
 For the Kingdom of Norway  
 Pour le Royaume de Norvège  
 Per il Regno di Norvegia  
 Voor het Koninkrijk Noorwegen  
 Pelo Reino da Noruega  
 Norjan kuningaskunnan puolesta  
 På Konungariket Norges vägnar  
 Fyrir hönd Konungsríkisins Noregs  
 For Kongeriket Norge



## ANNEX A

*(Article 2 paragraph 1)*

Part 1 of this Annex refers to the 1985 Schengen Agreement and the 1990 Schengen Convention implementing the 1985 Schengen Agreement. Part 2 refers to the instruments of Accession and Part 3 to the relevant secondary Schengen acts.

## PART 1

The provisions of the Agreement, signed in Schengen on 14 June 1985, 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.

All provisions of the Convention, signed in Schengen on 19 June 1990, between the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands, implementing the Schengen Agreement of 15 June 1985, with the exception of:

Article 2(4)

Article 4, as far as controls on baggage are concerned

Article 10(2)

Article 19(2)

Articles 28 to 38 and related definitions

Article 60

Article 70

Article 74

Article 77 to 91 to the extent covered by Council Directive 91/477/EEC on control of the acquisition and possession of firearms

Articles 120 to 125

Articles 131 to 133

Article 134

Articles 139 to 142

Final Act: declaration 2

Final Act: declarations 4, 5 and 6

Protocol

Common declaration

Declaration by Ministers and State Secretaries.

## PART 2

The provisions of the Accession Agreements and Protocols to the Schengen Agreement and the Schengen Convention with the Italian Republic (signed in Paris on 27 November 1990), the Kingdom of Spain and the Portuguese Republic (signed in Bonn on 25 June 1991), the Hellenic Republic (signed in Madrid on 6 November 1992), the Republic of Austria (signed in Brussels on 28 April 1995) and the Kingdom of Denmark, the Republic of Finland and the Kingdom of Sweden (signed in Luxembourg on 19 December 1996), with the exception of:

1. The Protocol, signed in Paris on 27 November 1990, on accession of the Government of the Italian Republic to the Agreement between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of controls at their common borders signed at Schengen on 14 June 1985.
2. The following provisions of the Agreement, signed in Paris on 27 November 1990, on accession of the Italian Republic to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, its Final Act and related declarations:

Article 1

Articles 5 and 6

Final Act: Part I

Part II, declarations 2 and 3

Declaration by Ministers and State Secretaries.

3. The Protocol, signed in Bonn on 25 June 1991, on accession of the Government of the Kingdom of Spain to the Agreement between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of controls at their common borders signed at Schengen on 14 June 1985, as amended by the Protocol on accession by the Government of the Italian Republic, signed in Paris on 27 November and its accompanying declarations.
4. The following provisions of the Agreement, signed in Bonn on 25 June 1991, on accession of the Kingdom of Spain to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, to which the Italian Republic has acceded under the Agreement signed in Paris on 27 November 1990, its Final Act and related declarations:

Article 1

Articles 5 and 6

Final Act: Part I

Part II, declarations 2 and 3

Part III, declarations 3 and 4

Declaration by Ministers and State Secretaries.

5. The Protocol, signed in Bonn on 25 June 1991, on accession of the Government of the Portuguese Republic to the Agreement between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of controls at their common borders signed at Schengen on 14 June 1985, as amended by the Protocol on Accession by the Government of the Italian Republic, signed in Paris on 27 November 1990 and its accompanying declarations.
6. The following provisions of the Agreement, signed in Bonn on 25 June 1991, on accession of the Portuguese Republic to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, to which the Italian Republic has acceded under the Agreement signed in Paris on 27 November 1990, its Final Act and related declarations:

Article 1

Articles 7 and 8

Final Act: Part I

Part II, declarations 2 and 3

Part III, declarations 2, 3, 4 and 5

Declaration by Ministers and State Secretaries.

7. The Protocol, signed in Madrid on 6 November 1992, on accession of the Government of the Hellenic Republic to the Agreement between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of controls at their common borders signed at Schengen on 14 June 1985, as amended by the Protocols on accession by the Government of the Italian Republic, signed in Paris on 27 November 1990 and by the Governments of the Kingdom of Spain and the Portuguese Republic, signed in Bonn on 25 June 1991, and its accompanying declaration.
8. The following provisions of the Agreement, signed in Madrid on 6 November 1992, on accession of the Hellenic Republic to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, to which have acceded the Italian Republic under the Agreement signed in Paris on 27 November 1990, and the Kingdom of Spain and the Portuguese Republic under the Agreements signed in Bonn on 25 June 1991, its Final Act and related declarations:

Article 1

Articles 6 and 7

Final Act: Part I

Part II, declarations 2, 3 and 4

Part III, declarations 1 and 3

Declaration by Ministers and State Secretaries.

9. The Protocol, signed in Brussels on 28 April 1995, on accession of the Government of the Republic of Austria to the Agreement between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of controls at their common borders signed at Schengen on 14 June 1985, as amended by the Protocol on accession by the Government of the Italian Republic, the Kingdom of Spain and the Portuguese Republic, and the Hellenic Republic, signed on 27 November 1990, on 25 June 1991 and 6 November 1992 respectively.
10. The following provisions of the Agreement, signed in Brussels on 28 April 1995, on accession of the Republic of Austria to the Convention, signed at Schengen on 19 June 1990, implementing the Schengen Agreement of 14 June 1985 between the Governments of the States Members of the Benelux Economic Union, the Federal Republic of Germany and the French Republic, to which have acceded the Italian Republic, the Kingdom of Spain and the Portuguese Republic, and the Hellenic Republic under the Agreements signed on 27 November 1990, 25 June 1991 and 6 November 1992 respectively and its Final Act:

Article 1

Articles 5 and 6

Final Act: Part I

Part II, declaration 2

Part III

11. The Protocol, signed in Luxembourg on 19 December 1996, on accession of the Government of the Kingdom of Denmark to the Agreement on the gradual abolition of controls at their common borders signed at Schengen on 14 June 1985 and its related declaration.
12. The following provisions of the Agreement, signed in Luxembourg on 19 December 1996, on accession of the Kingdom of Denmark to the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at their common borders, signed at Schengen on 19 June 1990, and its Final Act and related declaration:

Article 1

Articles 7 and 8

Final Act: Part I

Part II, declaration 2

Part III

Declaration of the Ministers and State Secretaries.

13. The Protocol, signed in Luxembourg on 19 December 1996, on accession of the Government of the Republic of Finland to the Agreement on the gradual abolition of controls at their common borders signed at Schengen on 14 June 1985 and its related declaration.
14. The following provisions of the Agreement, signed in Luxembourg on 19 December 1996, on accession of the Republic of Finland to the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at their common borders, signed at Schengen on 19 June 1990, and its Final Act and related declaration:

Article 1

Articles 6 and 7

Final Act: Part I

Part II, declaration 2

Part III, except the declaration on the Åland Islands

Declaration of the Ministers and State Secretaries.

15. The Protocol, signed in Luxembourg on 19 December 1996, on accession of the Government of the Kingdom of Sweden to the Agreement on the gradual abolition of controls at their common borders signed at Schengen on 14 June 1985 and its related declaration.

16. The following provisions of the Agreement, signed in Luxembourg on 19 December 1996, on accession of the Kingdom of Sweden to the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of controls at their common borders, signed at Schengen on 19 June 1990, and its Final Act and related declaration:

Article 1

Articles 6 and 7

Final Act: Part I

Part II, declaration 2

Part III

Declaration of the Ministers and State Secretaries.

### PART 3

#### A. The following Decisions of the Executive Committee:

SCH/Com-ex (93) 10 14.12.1993	Confirmation of the declarations by the Ministers and Secretaries of State of 19 June 1992 and 30 June 1993 on bringing into force
SCH/Com-ex (93) 14 14.12.1993	Improving practical cooperation between the judicial authorities to combat drug trafficking
SCH/Com-ex (93) 16 14.12.1993	Financial Regulations on the installation and operating costs for the Schengen C.SIS
SCH/Com-ex (93) 21 14.12.1993	Extending the uniform visa
SCH/Com-ex (93) 22 Rev 14.12.1993	Confidential nature of certain documents
SCH/Com-ex (93) 24 14.12.1993	Common procedures for cancelling, rescinding or shortening the length of validity of the uniform visa
SCH/Com-ex (94) 1 Rev 2 26.4.1994	Adjustment measures aiming to remove the obstacles and restrictions on traffic flows at road border crossing points at internal borders
SCH/Com-ex (94) 2 26.4.1994	Issuing uniform visas at the borders
SCH/Com-ex (94) 15 Rev 21.11.1994	Introducing a computersid procedure for consulting the central authorities provided for in Article 17(2) of the implementing convention
SCH/Com-ex (94) 16 Rev 21.11.1994	Acquisition of common entry and exit stamps
SCH/Com-ex (94) 17 Rev 4 22.12.1994	Introducing and applying the Schengen system in airports and aerodromes
SCH/Com-ex (94) 25 22.12.1994	Exchanges of statistical information on the issue of visas
SCH/Com-ex (94) 28 Rev 22.12.1994	Certificate provided for in Article 75 for the transportation of drugs and/or psychotropic substances
SCH/Com-ex (94) 29 Rev 2 22.12.1994	Bringing into force the Convention implementing the Schengen Agreement of 19 June 1990
SCH/Com-ex (95) PV 1 Rev (Point 8)	Common visa policy
SCH/Com-ex (95) 20 Rev 2 20.12.1995	Approval of document SCH/I (95) 40 Rev 6 on the procedure for applying Article 2(2) of the Convention implementing the Schengen Agreement
SCH/Com-ex (95) 21 20.12.1995	Swift exchange between the Schengen States of statistical and tangible data on possible malfunctions at the external borders

SCH/Com-ex (96) 13 Rev 27.6.1996	Principles for issuing Schengen visas in accordance with Article 30(1)(a) of the Convention implementing the Schengen Agreement
SCH/Com-ex (96) 27 19.12.1996	Issuing visas at borders to seamen in transit
SCH/Com-ex (97) 2 Rev 2 25.4.1997	Awarding the tender for the SIS II preliminary study
SCH/Com-ex (97) 6 Rev 2 24.6.1997	Schengen Manual on police cooperation in the field of public order and security
SCH/Com-ex (97) 18 7.10.1997	Contributions from Norway and Iceland to the C.SIS operating costs
SCH/Com-ex (97) 24 7.10.1997	Future of the SIS
SCH/Com-ex (97) 29 Rev 2 7.10.1997	Bringing into force the Convention implementing the Schengen Agreement in Greece
SCH/Com-ex (97) 32 15.12.1997	Harmonisation of visa policy
SCH/Com-ex (97) 34 Rev 15.12.1997	Implementation of the Joint Action on a uniform format for residence permits
SCH/Com-ex (97) 35 15.12.1997	Amendment to the C.SIS Financial Regulations
SCH/Com-ex (97) 39 Rev 15.12.1997	Guiding Principles for means of proof and indicative evidence within the framework of readmission agreements between Schengen States
SCH/Com-ex (98) 1, 2 Rev 21.4.1998	Report on the activities of the task force
SCH/Com-ex (98) 10 21.4.1998	Cooperation between the Contracting Parties in returning aliens by air
SCH/Com-ex (98) 11 21.4.1998	C.SIS with 15/18 connections
SCH/Com-ex (98) 12 21.4.1998	Exchange at local level of statistics on visas
SCH/Com-ex (98) 17 23.6.1998	Confidential nature of certain documents
SCH/Com-ex (98) 18 Rev 23.6.1998	Measures to be taken in respect of countries posing problems with regard to the issue of documents required to remove their nationals from Schengen territory READMISSION — VISAS
SCH/Com-ex (98) 19 23.6.1998	Monaco VISAS — EXTERNAL BORDERS — SIS
SCH/Com-ex (98) 21 23.6.1998	Stamping of passports of visa applicants VISAS
SCH/Com-ex (98) 26 def 16.9.1998	Setting up of the Schengen implementing Convention Standing Committee
SCH/Com-ex (98) 29 Rev 23.6.1998	Catch-all clause to cover the whole technical Schengen acquis
SCH/Com-ex (98) 35 Rev 2 16.9.1998	Forwarding the Common Manual to EU applicant States
SCH/Com-ex (98) 37 def 2 16.9.1998	Action plan to combat illegal immigration
SCH/Com-ex (98) 43 Rev 16.9.1998	Ad hoc Committee on Greece
SCH/Com-ex (98) 49 Rev 3 16.12.1998	Bringing the Convention implementing the Schengen Agreement into force in Greece
SCH/Com-ex (98) 51 Rev 3 16.12.1998	Cross-border police cooperation in the area of crime prevention and detection when requested

SCH/Com-ex (98) 52 16.12.1998	Handbook on cross-border police cooperation
SCH/Com-ex (98) 53 Rev 2 16.12.1998	Harmonisation of visa policy — abolition of the grey lists
SCH/Com-ex (98) 56 16.12.1998	Manual of documents to which a visa may be affixed
SCH/Com-ex (98) 57 16.12.1998	Introduction of a harmonised form for invitations, proof of accommodation, and the acceptance of obligations of maintenance support
SCH/Com-ex (98) 59 Rev 16.12.1998	Coordinated deployment of document advisers
SCH/Com-ex (99) 1 Rev 2 28.4.1999	Drugs situation
SCH/Com-ex (99) 3 28.4.1999	Help Desk budget for 1999
SCH/Com-ex (99) 4 28.4.1999	C.SIS installation costs
SCH/Com-ex (99) 5 28.4.1999	SIRENE Manual
SCH/Com-ex (99) 6 28.4.1999	Telecoms situation
SCH/Com-ex (99) 7 Rev 2 28.4.1999	Liaison officers
SCH/Com-ex (99) 8 Rev 2 28.4.1999	Payments to informers
SCH/Com-ex (99) 10 28.4.1999	Illegal trade in weapons
SCH/Com-ex (99) 11 Rev 2 28.4.1999	Decision relating to the Agreement on cooperation in proceedings for road traffic offences
SCH/Com-ex (99) 13 28.4.1999	Withdrawal of old versions and adoption of new versions of the Common Manual and the Common Consular Instructions
SCH/Com-ex (99) 14 28.4.1999	Manual of documents on which a visa may be affixed
SCH/Com-ex (99) 18 28.4.1999	Improvement of police cooperation with regard to the prevention and detection of crime

**B. The following Declarations of the Executive Committee:**

Declaration	Subject
SCH/Com-ex (96) Decl 5 18.4.1996	Determination of the concept of third-country 'alien'
SCH/Com-ex (96) Decl 6 Rev 2 26.6.1996	Declaration on extradition
SCH/Com-ex (97) Decl 13 Rev 18.4.1996	Abduction of minors
SCH/Com-ex (99) Decl 2 Rev 2 29.4.1999	SIS-structure

**C. The following Decisions of the Central Group**

Decision	Subject
SCH/C (98) 117 27.10.1998	Action plan to combat illegal immigration
SCH/C (99) 25 22.3.1999	General principles for the remuneration of informants and infiltrators

## ANNEX B

(Article 2 paragraph 2) <sup>(1)</sup>

Council Regulation (EC) No 574/1999 of 12 March 1999 determining the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States (OJ L 72, 18.3.1999, p. 2) <sup>(2)</sup>;

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) and Commission Decision of 7 February 1996 laying down further technical specifications for the uniform format for visas (not published);

Council Directive 91/477/EEC of 18 June 1991 on control of the acquisition and possession of weapons (OJ L 256, 13.9.1991, p. 51) and Commission Recommendation 93/216/EEC of 25 February 1993 on the European firearms pass (OJ L 93, 17.4.1993, p. 39) as modified by Commission Recommendation 96/129/EC of 12 January 1996 (OJ L 30, 8.2.1996, p. 47).

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<sup>(1)</sup> See also the declaration of the Council and the Commission in respect of Directive 95/46/EC, adopted at the time of conclusion of the present Agreement.

<sup>(2)</sup> Without prejudice to its relationship to the provisions on the determination of third countries whose nationals must be in possession of visas or are dispensed of such obligations, adopted in the framework of the Schengen cooperation, which will continue to be applied upon integration of the Schengen acquis within the framework of the European Union and which are covered by the terms of Annex A.

**FINAL ACT**

The Contracting Parties have adopted this Final Act, containing the following declarations:

1. *Declaration by Iceland and Norway on Article 4(2)*

Regarding meetings of the Mixed Committee at ministerial level, Iceland and Norway consider that it is up to them to assess whether a particular issue is to be regarded as 'problems they encounter' (first indent of the provision) or 'concern to them' (second indent of the provision), and is of a nature requiring discussions at ministerial level. It is, in accordance with the common interest of the Parties, foreseen that such 'problems' and 'concerns' will normally surface in the course of the regular cooperation in a manner which will lead to their inclusion on the agenda of the Mixed Committee at ministerial level. Nevertheless, Iceland and Norway emphasise the right of the members of the Mixed Committee to request meetings of the Mixed Committee at any level in accordance with Article 3(3) of the Agreement.

2. *Declaration by Iceland and Norway on Article 8(4)*

In cases where a situation set out in Article 8(4)(a), (b) or (d) occurs, Iceland or Norway will avail itself of the opportunity provided for in Article 3(3), to request a meeting of the Committee at ministerial level in order to seek ways to continue the Agreement.

3. *Declaration by Iceland and Norway on extradition*

1. Reservations made pursuant to Article 13 of the European Convention on the Suppression of Terrorism, opened for signature in Strasbourg on 27 January 1977, shall not be applied in extradition procedures in relations with Member States of the European Union which ensure equal treatment.

2. Declarations made pursuant to Article 6(1) of the European Convention on Extradition, opened for signature in Paris on 13 December 1957, shall not be invoked as grounds for refusing to extradite residents from non-Nordic States to Member States of the European Union which ensure equal treatment.

4. *Joint declaration on Parliamentary consultation*

The European Union, Iceland and Norway consider it appropriate that matters falling under this Agreement be discussed in the European Parliament-Iceland and the European Parliament-Norway interparliamentary meetings.

5. *Declaration by the Council of the European Union, adopted by the unanimity of its Members referred to in Article 6(1) of the Schengen Protocol on decisions to be taken by the Mixed Committee*

It is the understanding of the Council that decisions to be taken by the Mixed Committee pursuant to the Agreement shall be taken unanimously by the representatives of the Members of the Council referred to in Article 6(1) of the Schengen Protocol and by the representatives of the governments of Iceland and Norway, unless the Rules of Procedure or the Agreement or be concluded under Article 6(2) of the Schengen Protocol provide otherwise.

6. *Declaration by the European Commission on making available proposals*

When transmitting its proposals which are relevant for this Agreement to the Council of the European Union and to the European Parliament, the European Commission shall transmit copies thereof to Iceland and Norway.

Hecho en Bruselas, el dieciocho de mayo de mil novecientos noventa y nueve.

Udfærdiget i Bruxelles den attende maj nitten hundrede og nioghalvfems.

Geschehen zu Brüssel am achtzehnten Mai neunzehnhundertneunundneunzig.

Έγινε στις Βρυξέλλες, στις δέκα οκτώ Μαΐου χίλια εννιακόσια ενενήντα εννέα.

Done at Brussels on the eighteenth day of May in the year one thousand nine hundred and ninety-nine.

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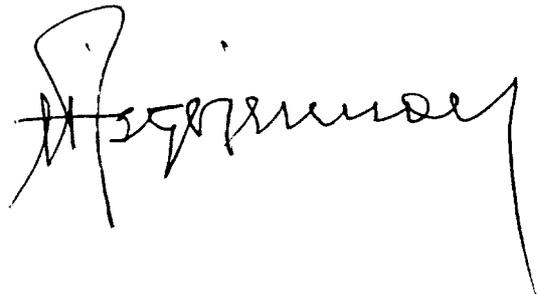
Gjört í Brussel 18. maí 1999.

Utfærdiget i Brussel, attende mai nittenhundreogtittini.

Por el Consejo de la Unión Europea  
For Rådet for Den Europæiske Union  
Für den Rat der Europäischen Union  
Για το Συμβούλιο της Ευρωπαϊκής Ένωσης  
For the Council of the European Union  
Pour le Conseil de l'Union européenne  
Per il Consiglio dell'Unione europea  
Voor de Raad van de Europese Unie  
Pelo Conselho da União Europeia  
Euroopan unionin neuvoston puolesta  
För Europeiska unionens råd  
Fyrir hönd ráðs Evrópusambandsins  
For Rådet for Den europeiske union



Por la República de Islandia  
For Republikken Island  
Für die Republik Island  
Για τη Δημοκρατία της Ισλανδίας  
For the Republic of Iceland  
Pour la République d'Islande  
Per la Repubblica d'Islanda  
Voor de Republiek IJsland  
Pela República da Islândia  
Islannin tasavallan puolesta  
På Republiken Islands vägnar  
Fyrir hönd Lyðveldisins Íslands  
For Republikken Island



Por el Reino de Noruega  
For Kongeriget Norge  
Für das Königreich Norwegen  
Για το Βασίλειο της Νορβηγίας  
For the Kingdom of Norway  
Pour le Royaume de Norvège  
Per il Regno di Norvegia  
Voor het Koninkrijk Noorwegen  
Pelo Reino da Noruega  
Norjan kuningaskunnan puolesta  
På Konungariket Norges vägnar  
Fyrir hönd Konungsríkisins Noregs  
For Kongeriket Norge



**AGREEMENT IN THE FORM OF EXCHANGES OF LETTERS**

**between the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning committees which assist the European Commission in the exercise of its executive powers**

*A. Letter from the Community*

Sir,

The Council refers to the negotiations concerning the Agreement concerning the association of the Republic of Iceland and the Kingdom of Norway to the implementation, application and development of the Schengen acquis and has taken good note of the request of Iceland and Norway, in the spirit of their participation in the decision-making process in the fields covered by the Agreement and in order to enhance the good functioning of the Agreement, to be fully associated with the work of the committees which assist the European Commission in the exercise of its executive powers.

The Council notes that in future, when such procedures will be applied in the fields covered by the Agreement, there will indeed be a need to associate Iceland and Norway with the work of these committees, also in order to ensure that the procedures of the Agreement have been applied to the acts or measures concerned, so that these may become binding on Iceland and Norway.

Therefore, the European Community is ready to commit itself to negotiate, as soon as the need arises, appropriate arrangements for the association of Iceland and Norway with the work of these committees.

I should be obliged if you would inform me of whether or not your Government is in agreement with the above.

Please accept, Sir, the assurance of my highest consideration.

Hecho en Bruselas, el dieciocho de mayo de mil novecientos noventa y nueve.

Udfærdiget i Bruxelles den attende maj nitten hundrede og nioghalvfems.

Geschehen zu Brüssel am achtzehnten Mai neunzehnhundertneunundneunzig.

Έγινε στις Βρυξέλλες, στις δέκα οκτώ Μαΐου χίλια εννιακόσια ενενήντα εννέα.

Done at Brussels on the eighteenth day of May in the year one thousand nine hundred and ninety-nine.

Fait à Bruxelles, le dix-huit mai mil neuf cent quatre-vingt dix-neuf.

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Gjört í Brussel 18. maí 1999.

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Für den Rat der Europäischen Union  
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For the Council of the European Union  
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Euroopan unionin neuvoston puolesta  
För Europeiska unionens råd  
Fyrir hönd ráðs Evrópusambandsins  
For Rådet for Den europeiske union



*B. Letter from Iceland*

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads as follows:

'The Council refers to the negotiations concerning the Agreement concerning the association of the Republic of Iceland and the Kingdom of Norway to the implementation, application and development of the Schengen acquis and has taken good note of the request of Iceland and Norway, in the spirit of their participation in the decision-making process in the fields covered by the Agreement and in order to enhance the good functioning of the Agreement, to be fully associated with the work of the committees which assist the European Commission in the exercise of its executive powers.

The Council notes that in future, when such procedures will be applied in the fields covered by the Agreement, there will indeed be a need to associate Iceland and Norway with the work of these committees, also in order to ensure that the procedures of the Agreement have been applied to the acts or measures concerned, so that these may become binding on Iceland and Norway.

Therefore, the European Community is ready to commit itself to negotiate, as soon as the need arises, appropriate arrangements for the association of Iceland and Norway with the work of these committees.

I should be obliged if you would inform me of whether or not your Government is in agreement with the above.'

I am able to inform you that my Government is in agreement with the contents of your letter.

Please accept, Sir, the assurance of my highest consideration.

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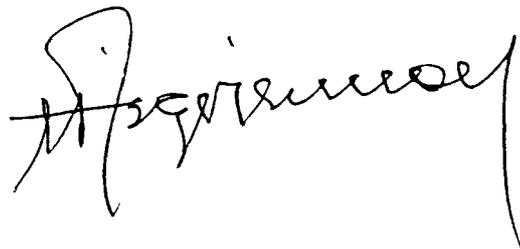
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Gjört í Brussel 18. maí 1999.

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Für die Republik Island  
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*A. Letter from the Community*

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The Council notes that in future, when such procedures will be applied in the fields covered by the Agreement, there will indeed be a need to associate Iceland and Norway with the work of these committees, also in order to ensure that the procedures of the Agreement have been applied to the acts or measures concerned, so that these may become binding on Iceland and Norway.

Therefore, the European Community is ready to commit itself to negotiate, as soon as the need arises, appropriate arrangements for the association of Iceland and Norway with the work of these committees.

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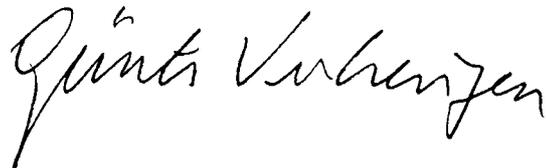
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*B. Letter from Norway*

Sir,

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The Council notes that in future, when such procedures will be applied in the fields covered by the Agreement, there will indeed be a need to associate Iceland and Norway with the work of these committees, also in order to ensure that the procedures of the Agreement have been applied to the acts or measures concerned, so that these may become binding on Iceland and Norway.

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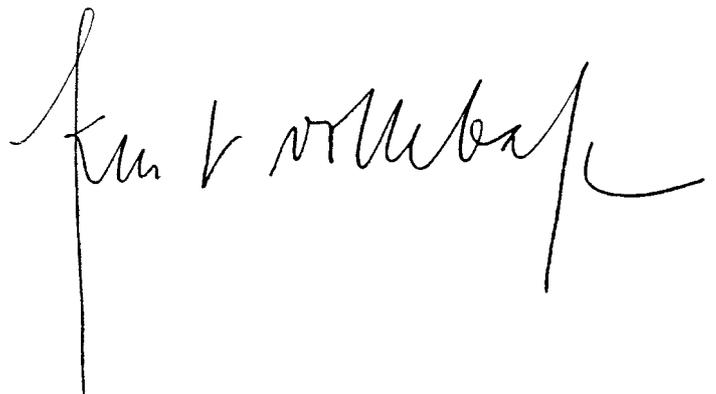
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Utfærdiget i Brussel, attende mai nittenhundreogtittini.

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For Kongeriget Norge  
Für das Königreich Norwegen  
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Norjan kuningaskunnan puolesta  
På Konungariket Norges vägnar  
Fyrir hönd Konungsríkisins Noregs  
For Kongeriket Norge



## STATEMENTS

**1. Statement of the Council, adopted by the unanimity of its Members referred to in Article 6(1) of the Schengen Protocol**

'It is the understanding of the Council that decisions to be taken by the Mixed Committee pursuant to the Arrangement shall be taken unanimously by the representatives of the Members of the Council referred to in Article 6(1) of the Schengen Protocol and by the representatives of the governments of Iceland and Norway, unless the Rules of Procedure or the Agreement to be concluded under Article 6(2) of the Schengen Protocol provide otherwise.'

**2. Statement by the Council and the Commission in respect of Directive 95/46/EC**

'Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31) has not been included in Annex B to the Agreement with the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis, in view of the proposal of the Commission of 2 December 1998 for the Decision of the Joint Committee of the EEA to include that Directive in Annex XI to the EEA Agreement <sup>(1)</sup>.

The European Union is of the view that this Directive constitutes an integral part of the Schengen acquis insofar as it has replaced provisions of the 1990 Schengen Convention pursuant to Article 134 of that Convention.

If the Directive were not included in Annex XI of the EEA Agreement, the Union assumes that the Republic of Iceland and the Kingdom of Norway will take the necessary steps to ensure that they will apply its provisions.

This statement will be published together with the text of the aforementioned Agreement with the Republic of Iceland and the Kingdom of Norway in the *Official Journal of the European Communities*.

**3. Statement entered in the Council minutes at the time of the adoption of the negotiating directives**

'The Council agrees that any matter concerning the implementation of the Agreement with Iceland and Norway is to be placed on the agenda for the Mixed Committee in timely fashion. Before the Mixed Committee meets, the Presidency will, if it so considers necessary or at the request of any delegation or of the Commission, call a meeting of the competent Council body in order to ascertain whether any particular matter does not need to be referred to the Mixed Committee or whether any particular other matter would be better first discussed or resolved within the Union (for example, visa questions or other questions to which the association procedure provided for in Article 6 of the Schengen Protocol does not strictly apply).

Re point I on the list <sup>(2)</sup>: neither proposals being negotiated within the Union nor the adaptation or development of acts based on the Treaty on European Union on the entry into force of the Amsterdam Treaty may be referred to the Mixed Committee before a reasonable time has elapsed.

The fact that certain matters are not dealt with under the procedure laid down in the Agreement to be concluded on the basis of the first paragraph of Article 6 of the Schengen Protocol does not, of course, rule out the possibility of regularly informing our Icelandic and Norwegian partners of developments within the Union in relation to such matters.'

<sup>(1)</sup> Council Doc. 13992/98 EEE 96 ECO 466 of 9 December 1998.

<sup>(2)</sup> See Article 1 of the draft decision of the Council on certain arrangements for the application of the Agreement concluded by the Council and the Republic of Iceland and the Kingdom of Norway concerning the association of those States with the implementation, application and further development of the Schengen acquis (doc. 6611/3/99 SCHENGEN 17 Rev. 3 of 22 April 1999).

**4. Declaration of the negotiating delegations made at the time of the initialling of the Agreement**

'The negotiating delegations take note of Declaration 47 of the Intergovernmental Conference on the occasion of the signature of the Treaty of Amsterdam.

They agree that it would be desirable that the Contracting Parties to the Agreement take the necessary preparatory steps so as to allow the entry into force of the Agreement on the same day as the date of entry into force of the Treaty of Amsterdam.'

**5. Declaration of the negotiating delegations from the Presidency of the Council, the Commission and Norway**

'The negotiating delegations from the Presidency of the Council, the Commission and from Norway share the understanding that the question as to the cases in which provisional application would be possible under Norwegian law does not affect the application of paragraph 4 of Article 8 of the Agreement.'

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