

**COUNCIL DECISION**  
**of 22 December 2003**

**on downgrading Annex 5 to the Common Consular Instructions and the corresponding Annex 14b to the Common Manual and on declassifying Annexes 9 and 10 to the Common Consular Instructions and the corresponding Annexes 6b and 6c to the Common Manual**

(2004/16/EC)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 207 thereof,

Whereas:

- (1) Pursuant to its Decisions of 14 December 1993 (SCH/Com-ex (93)22 rev) and of 23 June 1998 (SCH/Com-ex (98)17), the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985, classified as 'Confidential' Annexes 5, 9 and 10 to the Common Consular Instructions and all Annexes of the Common Manual <sup>(1)</sup>, a new version of which was adopted by the Decision of the said Executive Committee on 28 April 1999 (SCH/Com-ex (99)13).
- (2) The Common Consular Instructions and the Common Manual and the Decisions of the Executive Committee on their classification form part of the Schengen *acquis* as defined by the Council in its Decision 1999/435/EC <sup>(2)</sup>.
- (3) Part I and several Annexes to the Common Manual have been declassified in accordance with Council Decision 2000/751/EC <sup>(3)</sup> and Part II to the Common Manual has been declassified in accordance with Council Decision 2002/353/EC <sup>(4)</sup>.
- (4) Annex 5 to the Common Consular Instructions and the corresponding Annex 14b to the Common Manual should be downgraded and Annexes 9 and 10 to the Common Consular Instructions and the corresponding Annexes 6b and 6c to the Common Manual should be declassified.
- (5) It is appropriate to repeal the Executive Committee decisions (SCH/Com-ex (93)22 rev) and (SCH/Com-ex (98)17), and to take future decisions on classification of documents constituting part of the Schengen *acquis* in accordance with the rules on the classification of documents set out in Council Decision 2001/264/EC of 19 March 2001 adopting the Council's security regulations <sup>(5)</sup>,

HAS DECIDED AS FOLLOWS:

*Article 1*

Annex 5 to the Common Consular Instructions and the corresponding Annex 14b to the Common Manual shall be downgraded to 'RESTREINT EU' and Annexes 9 and 10 to the Common Consular Instructions, as well as the corresponding Annexes 6b and 6c to the Common Manual, shall be declassified.

*Article 2*

Annexes 9 and 10 to the Common Consular Instructions and the corresponding Annexes 6b and 6c to the Common Manual shall be published in the *Official Journal of the European Union*.

*Article 3*

The decisions of the Schengen Executive Committee of 14 December 1993 (SCH/Com-ex (93)22 rev) and of 23 June 1998 (SCH/Com-ex (98)17) are repealed.

*Article 4*

This Decision shall take effect on the day of its publication in the *Official Journal of the European Union*.

Done at Brussels, 22 December 2003.

*For the Council*  
*The President*  
A. MATTEOLI

<sup>(1)</sup> OJ C 313, 16.12.2002, p. 97. The Common Manual as amended by Council Regulation (EC) No 693/2003 (OJ L 99, 17.4.2003, p. 8).

<sup>(2)</sup> OJ L 176, 10.7.1999, p. 1.

<sup>(3)</sup> OJ L 303, 2.12.2000, p. 29.

<sup>(4)</sup> OJ L 123, 9.5.2002, p. 49.

<sup>(5)</sup> OJ L 101, 11.4.2001, p. 1.