

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 - (c) The provision relates to institutional rules which are regarded as being superseded by European Union procedures.

- (d) The subject matter of the provision is covered by — and therefore superseded by — existing European Community or Union legislation or by a legal act adopted by all Member States.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
SCH/Com-ex (93) 9 14.12.1993	Confirmation of the declarations by the Ministers and Secretaries of State on drugs and psychotropic substances DRUGS — JUDICIAL COOPERATION
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
SCH/Com-ex (93) 14 14.12.1993	Improving practical cooperation between the judicial authorities to combat drug trafficking DRUGS — JUDICIAL COOPERATION
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
SCH/Com-ex (94) 29 Rev 2 22.12.1994	Bringing into force the Convention implementing the Schengen Agreement of 19 June 1990 ENTRY INTO FORCE
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
SCH/Com-ex (96) 27 19.12.1996	Issuing visas at borders to seamen in transit VISAS
SCH/Com-ex (97) 2 Rev 2 25.4.1997	Awarding the tender for the SIS II preliminary study SIS
SCH/Com-ex (97) 6 Rev 2 24.6.1997	Schengen Manual on police cooperation in the field of public order and security POLICE COOPERATION
SCH/Com-ex (97) 14 7.10.1997	1995 Management Report on the implementation of the C.SIS installation and operating budget BUDGET — SIS
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
SCH/Com-ex (97) 22 Rev 15.12.1997	Budget for the Schengen Secretariat for 1998 BUDGET — SECRETARIAT

SCH/Com-ex (97) 24 7.10.1997	Future of the SIS SIS
SCH/Com-ex (97) 27 Rev 4 7.10.1997	Bringing into force the implementing Convention in Italy ENTRY INTO FORCE
SCH/Com-ex (97) 28 Rev 4 7.10.1997	Bringing into force the implementing Convention in Austria ENTRY INTO FORCE
SCH/Com-ex (97) 29 Rev 2 7.10.1997	Bringing into force the implementing Convention in Greece ENTRY INTO FORCE
SCH/Com-ex (97) 32 15.12.1997	Harmonisation of visa policy VISAS
SCH/Com-ex (97) 33 15.12.1997	Amendment to Article 18 of the Financial Regulations BUDGET
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
SCH/Com-ex (97) 38 Rev 15.12.1997	Financial Regulations for the Management Unit SIS
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
SCH/Com-ex (98) 5 21.4.1998	Budget for 1998 C.SIS installation expenditure BUDGET — SIS
SCH/Com-ex (98) 6 21.4.1998	1998 budget estimate for the SIRENE Phase II network BUDGET— SIS
SCH/Com-ex (98) 7 21.4.1998	1998 budget estimate for Management Unit expenditure BUDGET — SIS
SCH/Com-ex (98) 8 21.4.1998	1998 budget estimate for the Helpdesk BUDGET — SIS
SCH/Com-ex (98) 9 21.4.1998	JSA budget BUDGET — SECRETARIAT
SCH/Com-ex (98) 10 21.4.1998	Cooperation between the Contracting Parties in returning aliens by air READMISSION
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

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) 24 23.6.1998	Agreement on waiver of the visa requirement (Article 20 of the implementing Convention) VISAS
SCH/Com-ex (98) 26 def. 16.9.1998	Setting up of the implementing Convention Standing Committee
SCH/Com-ex (98) 27 23.6.1998	1997 annual report
SCH/Com-ex (98) 29 Rev 23.6.1998	Catch-all clause to cover the whole technical Schengen acquis
SCH/Com-ex (98) 30 16.9.1998	1999 budget estimate for the SIRENE Phase II network
SCH/Com-ex (98) 31 16.9.1998	1999 budget estimate for the Management unit
SCH/Com-ex (98) 32 16.9.1998	Approval of the report on the 1997 expenditure for the SIRENE Phase II network
SCH/Com-ex (98) 33 16.9.1998	Approval of the report on the 1997 expenditure for the Management Unit
SCH/Com-ex (98) 34 16.9.1998	Approval of the report on the 1997 expenditure for the Help Desk
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	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
SCH/Com-ex (98) 45 16.12.1998	Operating budget estimate for the C.SIS for 1999
SCH/Com-ex (98) 46 Rev 2 16.12.1998	1999 budget of the Joint Supervisory Authority
SCH/Com-ex (98) 47 Rev 16.12.1998	1999 budget of the Schengen Secretariat
SCH/Com-ex (98) 49 Rev 3 16.12.1998	Bringing the implementing Convention into force in Greece
SCH/Com-ex (98) 50 16.12.1998	Budget (installation and operations) for the C.SIS for 1997
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	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) 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
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	Telecomms 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) 9 Rev 28.4.1999	Resolving the Schengen acquis
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 of the Common Manual and the Common Consular Instructions and adoption of new versions
SCH/Com-ex (99) 14 28.4.1999	Manual of documents on which a visa may be affixed
SCH/Com-ex (99) 16 Rev 2 28.4.1999	Relation Schengen-Benelux
SCH/Com-ex (99) 17 Rev 28.4.1999	Winding up after 1 May 1999
SCH/Com-ex (99) 18 28.4.1999	Improvement of police cooperation in preventing and detecting offences

Declarations

SCH/Com-ex (93) Decl 5 14.12.1993	SIRENE Manual
SCH/Com-ex (93) Decl 6 14.12.1993	Cooperation measures between authorities responsible for border controls

SCH/Com-ex (93) Decl 13 14.12.1993	Guidelines to facilitate international judicial assistance in combatting drugs trafficking
SCH/Com-ex (94) Decl 8 27.6.1994	External borders
SCH/Com-ex (94) Decl 13 Rev 2 22.12.1994	Legal documents which can be transmitted directly by post
SCH/Com-ex (94) Decl 14 Rev 22.12.1994	SIS
SCH/Com-ex (95) Decl 2 29.6.1995	Police cooperation
SCH/Com-ex (95) Decl 3 29.6.1995	Cross-border police cooperation
SCH/Com-ex (95) Decl 4 20.12.1995	Exchange of information on visas which have been issued
SCH/Com-ex (95) Decl 5 20.12.1995	Harmonisation of consular fees
SCH/Com-ex (96) Decl 1 21.2.1996	Terrorism
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
SCH/Com-ex (96) Decl 6 Rev 2 26.6.1996	Declaration on extradition
SCH/Com-ex (96) Decl 7 Rev 27.6.1996	Transfer and readmission policy between the Schengen States
SCH/Com-ex (97) Decl 1 Rev 3 25.4.1997	Bringing the implementing Convention into force in Italy, Greece and Austria
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
SCH/Com-ex (97) Decl 8 24.6.1997	Pilot project 'routes used for the trafficking of stolen vehicles'
SCH/Com-ex (97) Decl 9 24.6.1997	Pilot projects 'drug trafficking' and 'illegal immigration'
SCH/Com-ex (97) Decl 10 24.6.1997	Bringing the implementing Convention into force in Italy, Greece and Austria
SCH/Com-ex (97) Decl 11 7.10.1997	List of authorities entitled to access the SIS in Italy, Austria and Greece
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

SCH/Com-ex (97) Decl 14 Rev 15.12.1997	Measures towards Third States giving rise to readmission problems
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 ⁽¹⁾

Article 10(2)

Article 19(2)

Articles 28 to 38 and related definitions ⁽²⁾

Article 60

Article 70

Article 74

Articles 77 to 81 ⁽³⁾

Articles 83 to 90 ⁽³⁾

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.

⁽¹⁾ 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).

⁽²⁾ 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).

⁽³⁾ 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 ⁽¹⁾
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.