



**COUNCIL OF
THE EUROPEAN UNION**

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**SCHENGEN 14
SCH-EVAL 45
FRONT 52
COMIX 98
CODEC 899**

OUTCOME OF PROCEEDINGS

of: Working Party for Schengen Matters (Acquis) / Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)

on: 14 and 15 February 2012

Subject: Summary of discussions

1. Adoption of the agenda

The agenda was adopted as set out in CM 1538/12.

2. Amended proposal for a Regulation of the European Parliament and of the Council on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis

- Revised draft compromise text

Before starting an article-by-article analysis of 5754/12 SCHENGEN 7 SCH-EVAL 15 FRONT 8 COMIX 50 CODEC 202, the Presidency presented the main changes in the revised draft compromise text: Articles 14 and 15 had been removed from this text and inserted, with significant changes, in the revised draft compromise text of the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances, as set out in 6161/12 SCHENGEN 9 FRONT 15 SCH-EVAL 17 COMIX 83 CODEC 292 (see agenda item 4 below);

Article 12 had also been removed and its substance was now covered by Article 4(1), which had been considerably modified. The revised draft compromise text was broadly welcomed.

The Presidency explained that its aim was to reach an agreement on substance, in a text acceptable to both the Council and the European Parliament, setting aside the legal basis issue. This issue would be solved at a later stage. This approach was also shared by the European Parliament, as confirmed during informal contacts between the Presidency and the Rapporteur (Mr Carlos COELHO (EPP, PT)).

Delegations were therefore invited to focus their comments on the substance.

During this article-by-article discussion, the Presidency would try to close some of the articles and remove most footnotes, so that the next draft of the text would only include footnotes referring to substantial issues.

The Presidency also reiterated its approach of dealing with both instruments (5457/12 SCHENGEN 7 SCH-EVAL 15 FRONT 8 COMIX 50 CODEC 202 and 6161/12 SCHENGEN 9 FRONT 15 SCH-EVAL 17 COMIX 83 CODEC 292) in parallel.

IE and UK entered a general reservation on the text. DE, ES, MT, NL, SE and SI entered, or reiterated, a general reservation on every article referring to comitology.

The Presidency said that the comitology issue and the scope of the proposal (Article 4) would be further examined at the next meeting. The role and involvement of the different EU bodies would also be further discussed. Delegations were invited to send in contributions in writing, in particular on these matters and on the practicalities regarding the evaluation process.

The outcome of the day's discussion would be reflected in a revised version of the compromise text (see 5754/1/12 REV 1), which would also take into account the written comments sent by the delegations.

3. Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances

Before starting the analysis article-by-article of 6161/12 SCHENGEN 9 FRONT 15 SCH-EVAL 17 COMIX 83 CODEC 292, the Presidency presented the main changes in the revised draft compromise text, namely the introduction of a new Article 19A and the major changes in Article 26 subsequent to the transfer of some provisions (Articles 14 and 15) from the Amended proposal for a Regulation of the European Parliament and of the Council on the establishment of an evaluation and monitoring mechanism to verify the application of the Schengen acquis (5754/12).

The Presidency also explained that the recitals would be examined at a later stage, once a general agreement had been reached on the content of the articles.

The revised proposal was broadly supported by the delegations.

ES entered a general reservation on the text.

The outcome of the discussion would be reflected in a revised version of the compromise text (see 6161/1/12 REV 1). Most of the concerns expressed were to do with comitology.

This issue would be discussed further at the next meeting.

The forthcoming revised version would also make a clearer distinction between the provisions concerning the procedures in Articles 23 to 25 and those in Article 26.

Delegations were invited to send in any comments, which would also be taken into account in the next revised version.

A separate paper (roadmap) summarising the sequences of the different steps and procedures (see DS 1214/12) would also be submitted by the Presidency ahead of the next meeting on 2 April 2012.

4. Any other business

None.