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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. prev. doc.:	5258/17 + ADD 1; 5649/17
Subject:	Draft Council Decision on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Croatia

1. Article 4(2) of the Act of Accession of Croatia provides that the provisions of the Schengen acquis not referred to in Article 4(1) of that Act, shall only apply in Croatia pursuant to a Council decision to that effect, after verification, in accordance with the applicable Schengen evaluation procedures ¹, that the necessary conditions for the application of all parts of the relevant acquis have been met in Croatia, including the effective application of all Schengen rules in accordance with the agreed common standards and with fundamental principles.

2. The Schengen evaluation in the area of data protection was carried out in Croatia in February 2016. The Commission adopted, by means of a Commission Implementing Decision ², the evaluation report confirming that the necessary conditions for the application of the Schengen acquis in the area of data protection are met in Croatia.

¹ Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27.)

² C(2016) 6870.

The Council subsequently adopted the resulting Council Implementing Decision setting out recommendations addressing the deficiencies identified in the evaluation of Croatia in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of data protection ³.

3. The entry into force of the present Decision will allow for real SIS data to be transferred to Croatia. The concrete use of these data should allow the Commission to verify the correct application of the provisions of the Schengen acquis relating to the SIS in Croatia. This evaluation is scheduled to take place in the beginning of September 2017.

4. Once this evaluation has been carried out, the Council can decide on the lifting of checks at the internal borders with Croatia. Until the date of the lifting of checks set out in that Decision, certain restrictions on the use of the SIS should be imposed.

5. The Working Party for Schengen Matters (Evaluations), including the Mixed Committee partners Norway, Iceland, Switzerland and Liechtenstein, agreed to the draft Decision at its meeting on 26 January 2017.

6. The European Parliament was consulted and voted in favour of the draft Decision on 5 April 2017.

7. Coreper is invited to approve the draft Decision and ask Council to adopt it as an A-point.

³ 5725/17.