



Brussels, 24 July 2017
(OR. en)

11344/17

Interinstitutional Files:

2016/0407 (COD)

2016/0408 (COD)

2016/0409 (COD)

SCHENGEN 44
SIRIS 130
COMIX 534

OUTCOME OF PROCEEDINGS

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

On: 3, 4 and 5 July 2017

Subject: Summary of discussions

1. Adoption of the agenda

The agenda as set out in CM 3326/17 was adopted.

2. Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU

The Working Party (WP) continued the second round of the examination of this proposal by examining a Presidency draft compromise text for Article 36, as set out in 10883/17.

Then, the WP examined the compromise text from Articles 37 to 75 on the basis of document 9594/17.

The WP reached an agreement on Articles 45, 48, 50, 55, 58, 60, 61, 63 and 70A.

The outcome of the discussions is reflected in 9594/1/17 REV 1, which would also take into account the comments in writing that the Presidency asked the delegations to submit, by 12 July 2017, to schengenacquis@consilium.europa.eu and schacquis@list.politsei.ee.

After this second round of discussions, general scrutiny reservations are still pending from AT, BG, CZ, DE, FI, HU, IT, NL, PL, PT, SE, SI and UK. A parliamentary reservation is still pending from UK. Reservations on specific provisions are indicated in the footnotes to 9594/1/17 REV 1.

3. Proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1987/2006¹ (hereinafter, "the proposal on border checks")

The WP started the second round of the examination of this proposal, on the basis of the Presidency draft compromise as set out in 9593/17. As Articles 1 to 19, 30, 31 to 32B, 46, 47, and 49 to 58 are identical to, respectively, Articles 1 to 19, 46, 48 to 49B, 64, 65, and 66 to 75 of the proposal for a Regulation of the European Parliament and of the Council on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending Regulation (EU) No 515/2014 and repealing Regulation (EC) No 1986/2006, Council Decision 2007/533/JHA and Commission Decision 2010/261/EU (hereinafter, "the proposal on police cooperation"), as set out in 9594/17 (see above item 2), the WP did not examine the abovementioned provisions, so as to avoid double proceedings. The outcome of the discussions on those provisions in the proposal on police cooperation (see 9594/1/17 REV 1) would be mirrored in the revised version of the proposal on border checks (see 9593/1/17 REV 1, to be issued).

The WP reached an agreement on Articles 27A, 33, 34, 36 to 38, 41, 43, 44, 46A and 48.

The outcome of the discussions will be reflected in 9593/1/17 REV 1 (to be issued), which would also take into account the comments in writing that the Presidency asked the delegations to submit, by 12 July 2017, to schengenacquis@consilium.europa.eu and schacquis@list.politsei.ee.

¹ For the discussions of this agenda item, delegations were invited to be composed of experts in Borders.

After this second round of discussions, general scrutiny reservations are still pending from AT, BG, CZ, DE, FI, HU, IT, LT, NL, PL, PT, SE and SI. A parliamentary reservation is still pending from DE. Reservations on specific provisions would be indicated in the footnotes to 9593/1/17 REV 1 (to be issued, with a view to further examination at the WP meeting on 11 and 12 September 2017).

4. Proposal for a Regulation of the European Parliament and of the Council on use of the Schengen Information System for the return of illegally staying third-country nationals ²

(a) Opinion of the Council Legal Service

The Council Legal Service (CLS) presented its Opinion as set out in 10768/17. A representative of the Commission's Legal Service (LS COM) challenged this Opinion and said that LS COM would submit written comments in due time. Some delegations said they would take a position once they had received the written comments from LS COM.

(b) Examination of the draft compromise text

The WP held a second round of discussions on the proposal, on the basis of the Presidency compromise version as set out in 9592/17.

The outcome of the discussions will be reflected in a revised version as set out in 9592/1/17 REV 1 (to be issued), which would also take into account the comments in writing that the Presidency asked the delegations to submit, by 16 August 2017, to schengenacquis@consilium.europa.eu and schacquis@list.politsei.ee.

After this second round of discussions, general scrutiny reservations are still pending from AT, BG, BE, CZ, DE, EL, FI, HU, IT, NL, PL, PT, SE, SI and SK. A parliamentary reservation is still pending from DE and SE. Reservations on specific provisions would be indicated in the footnotes to 9592/1/17 REV 1 (to be issued, with a view to further examination at the WP meeting on 11 and 12 September 2017).

² For the discussions of this agenda item, delegations were invited to be composed of experts in Return/Expulsion.

5. AOB

None.

6. Confirmation by the Working Party for Schengen Matters (Acquis) of the decisions prepared in the Mixed Committee

The WP confirmed the outcome of the discussions in the Mixed Committee.
