



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE, FREEDOM AND SECURITY  
Directorate B : Immigration and Asylum  
**Unit B1 : Immigration and Integration**

MIGRAPOL  
European Migration Network  
Doc 160

**EUROPEAN MIGRATION NETWORK  
SPECIFICATIONS FOR  
ANNUAL POLICY REPORT 2008  
FINAL Version: 5<sup>th</sup> March 2009**

**Subject:** Specifications for the EMN Annual Policy Report 2008

**Action:** These common specifications have been slightly modified in light of the discussion at the 32<sup>nd</sup> EMN NCP Meeting of 16<sup>th</sup> February 2009 and contributions subsequently received.

**EMN NCPs are now requested to produce their National Report** according to these common specifications and to the timetable given in Section III.

A further review of these specifications may occur at the time of the 33<sup>rd</sup> EMN NCP Meeting of 2<sup>nd</sup> April 2009. If, in the meantime, you have any queries or require clarification please do not hesitate to contact Stephen DAVIES ([Stephen.Davies@ec.europa.eu](mailto:Stephen.Davies@ec.europa.eu)).

## **I. Introduction**

In accordance with Article 9(1) of Council Decision 2008/381/EC establishing the EMN, each EMN NCP is required to provide every year a report describing the migration and asylum situation in the Member State, which shall include policy developments and statistical data.

To this aim, these common study specifications are for the production of the EMN Annual Policy Report 2008. The specifications are based mainly on the assessment of previous reports and on the lessons learned from drafting the 2007 Synthesis Report.

The yearly EMN Annual Policy Reports provide an insight into the most significant political and legislative (including EU) developments, as well as public debates in the area of migration and asylum. This will be the fifth in a series of such reports, this time covering the period 1st January 2008 to 31st December 2008. The reports follow two main objectives. Firstly, the nation-specific significant developments (political, legal, administrative, public debates) in the area of migration and asylum shall be described by each Member State. Secondly, each Member State shall document the state of implementation of EU legislation and the impact of European policy developments at national level. It shall be the task of the Synthesis Report to compare the findings in order to identify trends and monitor the political developments in the field of migration and asylum in a comparative perspective.

In the context of the European Pact on Immigration and Asylum,<sup>1</sup> the EMN Annual Policy Report might also contribute to the report to be prepared by the Commission and presented to the Council each year from June 2010 onwards. This report to the Council is to be based on Member States' contributions and accompanied, as necessary, by proposals for recommendations, on the implementation, by both the Union and its Member States, of the Pact and of the programme that will follow on from the Hague programme. The annual debate of the Council, on the basis of the report, will also enable the European Council to be kept informed of the most significant developments planned by each Member State in conducting its immigration and asylum policy. To this end, the European Council invited the Commission to propose a tracking method to the Council.

In light also of the above and in keeping with the EMN's objectives, particular emphasis should be given in the content of your National Report on aspects/items (e.g. experiences in implementation of legislation, concerns/criticisms from wider society such as migrant (support) associations, academia) which you would consider as relevant to the work of **policymakers**, both at Member State and EU-level.

To this end, and in order to facilitate comparability between the findings from the Member States, these common specifications also define what is considered to be a "significant development/debate", namely that this is an event which had been discussed in the national parliament and had been widely reported in the media. The longer the time of reporting in the media, the more significant the development. Similarly, if such developments/debates then led to any proposals for amended or new legislation, this too is considered to be significant.

## **II. Reference Period**

The EMN Annual Policy Report 2008 covers the period from **1<sup>st</sup> January 2008 – 31<sup>st</sup> December 2008 inclusive**.

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<sup>1</sup> Available from [http://ec.europa.eu/justice\\_home/news/intro/doc/doc\\_13440\\_08\\_en.pdf](http://ec.europa.eu/justice_home/news/intro/doc/doc_13440_08_en.pdf).

### III. Timetable

End February 2009	Finalisation of specifications
5 <sup>th</sup> March 2009	Launching of activity
2 <sup>nd</sup> April 2009	Review of progress made, including any clarifications on, or minor modifications of, the specifications (at time of 33 <sup>rd</sup> EMN NCP meeting).
5 <sup>th</sup> June 2009	Provision of <b>Final National Reports</b> to Commission (at time 34 <sup>th</sup> EMN NCP meeting).
17 <sup>th</sup> July 2009	Discussion of <b>draft Synthesis Report</b> at 35 <sup>th</sup> EMN NCP meeting.
11 <sup>th</sup> September 2009	Finalisation of <b>Synthesis Report</b> at 36 <sup>th</sup> EMN NCP meeting.

### IV. Structure

In order to facilitate the production of the Synthesis Report, the National Report should be as concise as possible, focussing only on the *most significant developments in 2008* and which would be of relevance to policymakers.

Referring to the definition given previously on what is considered to be a "*significant development/debate*", each EMN NCP is best placed to determine exactly what this is in your Member State. For example, this might be an event which occurs or an article which appears in the national newspaper(s), which then leads to a debate in parliament and/or a change in the Minister responsible for immigration and/or asylum and/or integration. Another example might be events, such as the formation of a new lobby group which attracts wide media coverage, following the development and/or entering into force of new legislation. You may also consider that there are different criteria to be used for determining a development as significant, depending on whether it relates to actual legislative developments, to policy developments or to debates in media/civil society. Given this, an Annex should be completed in your National Report which outlines the methodology, concepts and definitions you have used in this context.

Keep any background information to a minimum, instead providing (hyperlink) references as much as possible. For example, provide, when possible, web address links to legislation/case-law and/or reports referred to in your report. In order to provide some guide as to the length of the report, an indication of the expected number of pages for each Section is given. Whilst not binding, it is recommended that, as far as possible, these indications are not excessively exceeded. For those EMN NCPs who have not provided a National Report for this activity before, it is recommended to reference the National Reports<sup>2</sup> of another EMN NCP who has previously participated in this EMN activity.

Where possible, include any relevant statistical data (even if tentative) to quantify the explanation of developments, particularly in Section 2.3.

### V. Introduction of data into the EMN Information Exchange System (if available)

All EMN relevant data and information used for drafting the report (relevant legislation, reports, articles, press releases, etc.) should be described, indexed and introduced into the corresponding templates of the EMN Information Exchange System, if it is available.

<sup>2</sup> Currently (February 2009) available from <http://emn.sarenet.es/Downloads/prepareShowFiles.do;directoryID=14>.

Likewise, a short abstract (in English) should be written for every entry and all statistical material referred to should be included in an Annex.

## **VI. Detailed Specifications**

*It is important to emphasise that the content should focus only on **significant developments in 2008** and which would be of particular **relevance to policymakers**. Therefore, if there have been no such significant developments then simply leave out the relevant (sub-)section.*

*If any clarification is required during the course of preparing your National Report, please contact the Commission.*

### **Executive Summary** (2-3 pages)

*This should summarise the key findings of the report.*

#### **1. Political Developments in [Member State]** (4-6 pages)

1.1 Outline briefly the **general structure** of the political system and institutional context relevant for migration and asylum, with particular emphasis on any developments in 2008. What are the main Ministries/institutions? Who are the main actors involved?

*For those EMN NCPs who have completed their National Report on the "Organisation of Asylum and Migration Policies" this can be a very short section as reference can be made to this other report. Also, if this has been done for a previous Annual Policy Report, refer to this and provide a brief summary, including, in particular, any significant changes that may have occurred.*

1.2 **General political developments** during the reference period, e.g. elections on regional or national levels, government changes/reshuffles, appointment of new Ministers responsible for asylum, migration and/or integration.

1.3 **Institutional developments:** Describe (if applicable) any new Ministries, institutions, organisations, agencies or other actors established to deal with migration, asylum, refugee protection or integration issues in the Member States. If there have been none, then it is not necessary to complete this sub-section.

#### **2. Policy and Legislative Developments in the area of Migration and Asylum** (5-8 pages)

2.1 Outline briefly the **general structure** of the legal system in the area of migration and asylum. Which are the relevant laws? On which levels are decisions made? Who are the main actors involved?

*Again, for those EMN NCPs who have completed their National Report on the "Organisation of Asylum and Migration Policies" this can be a very short section as reference can be made to this other report. Likewise, if this has been done for a previous Annual Policy Report, refer to this and provide a brief summary, including, in particular, any significant changes that may have occurred.*

2.2 This section is intended to provide the general context in which to place the specific developments detailed in the next section. A **general overview of the main policy and/or**

**legislative debates** that have occurred on migration and asylum issues during 2008 should, therefore, be given. This could include parliamentary debates, contributions from civil society and/or migrant organisations and/or academia, plus debates undertaken within published media (e.g. newspapers). Examples of what could be included here are the publication (and subsequent debate) of proposals to amend current asylum/migration legislation; the entry into force of new legislation in 2008 and any immediate impact this has had; actions by migrant (support) groups (e.g. hunger strikes). For those Member States who held the Presidency of the EU during 2008 (Slovenia, France) provide an overview of the main developments and achievements. Do not focus too much on specific topics as this can be covered in the following sub-sections.

2.3 Whilst it is often the case that legislation follows policy proposals, the two are, of course, very much interlinked. Therefore, for each topic listed below, provide (when there have been developments) details of both the policy and legislative developments, as well as debates in the media and/or by civil society, which have occurred during 2008. Legislative developments include changes in, for example, the constitutional law, case law, court decisions, relevant decrees. In describing these developments, please briefly summarise the *status quo* before the new law, regulation, etc. entered into force.

As mentioned previously, if at all possible, any available statistical data (even if provisional) to quantify the developments described should be included.

**2.3.1 Control and Monitoring of Immigration** (*This should include any developments in respect to the control and monitoring of immigration. For example, developments in the Schengen, measures for identity establishment, introduction and/or use of information technology, (health) screening of immigrants, changes in public order policy and/or the issue of residence/work permits*)

**2.3.2 Refugee Protection and Asylum**

**2.3.3 Unaccompanied Minors (and other vulnerable groups)**

**2.3.4 Economic Migration** (*e.g. High- and/or Low-skilled, labour shortages, impact current economic crisis*)

**2.3.5 Family Reunification**

**2.3.6 Other legal migration** (*Include details of any developments of other legal routes for entry, e.g. for study purposes, researchers - in context also of directives 2004/114/EC and 2005/71/EC, stay for medical treatment, extended stay*)

**2.3.8 Integration** (*Outline significant developments in integration measures that have a direct link to migrants, for example, (obligatory) courses, language knowledge, education, housing, health, anti-discrimination*)

**2.3.7 Citizenship and Naturalisation**

**2.3.9 Illegal Immigration** (*Including any regularisations or changes in policy towards illegal entry and/or stay*)

**2.3.10 Actions against Human trafficking**

**2.3.11 Return Migration**

**2.3.12 (Optional) Other policy areas/topics** that you consider of relevance but can not be included in any of the above, e.g. specifically relating to effects resulting from the current economic crisis, to co-operation/agreements with third (i.e. non-EU) countries, to gender, and to migrant-attributed crime(s).

### 3. Implementation of EU Legislation (4-6 pages)

- 3.1 Summarise the progress made during 2008 in the transposition of EU legislation in the field of migration and asylum into national law and administrative practices during the reference period.

*Annex A provides the complete list of the relevant EU legislation for the asylum/immigration acquis as of end 2008 (changes from 2007 are highlighted in grey). However, if no progress or developments have occurred for particular legislation in 2008 or there is no impact on national legislation then it is **not necessary** to comment on it. Instead, **only when there have been changes or developments** in 2008 in respect to the transposition or implementation of particular legislation which has an impact on national legislation, should details be provided. At the very least, a list of EU legislation that has been transposed into national legislation and/or came into force during 2008, with the corresponding national law(s), should be given.*

- 3.2 Detail any experiences, debates, both at political level and within wider society (e.g. issues raised by migrant (support) associations, academia) in the implementation or non-implementation (in which case outline the reasons for this) of the most significant EU legislation in asylum and immigration, both for directives previously (before 2008) transposed into national legislation, as well as those transposed during 2008. Any impact or changes or experience with the entry into force of EU re-admission agreements, including with respect to bilateral agreements which existed before, can also be included.

Include also any inter-Member State experiences (good or bad) in the implementation of EU legislation (e.g. differences in treatment of nationals compared to other EU and/or third country nationals, such as the so-called *Belgian route* for family reunification, consequences at national level in exercising of right to free movement). The purpose is to identify any consequences as a result of any different approaches that may be taken by another Member State for which a (positive or negative) impact in your Member State has been observed.

In particular, this section should identify aspects/topics which might merit further consideration by policymakers.

### Annex – Methodology, terms and definitions (1-2 pages)

#### A1.1 Methodology

This section should include information on how the study was produced and who contributed to the study. Information to be provided should include the following:

- Methods used in identifying and selecting sources of information, databases used and whether the previously given criteria used to define what is considered as a ‘significant development/debate’ was modified in any way;
- An overview of the type and sources of information used, including statistics;
- Which, if any, organisations/institutions/individuals were contacted to obtain the relevant information;
- What problems were encountered while carrying out the study;

- Whether any aspects (or statistics) could not be addressed (or provided) in accordance with these specifications. If alternative information was provided, one should outline how the alternative information should be interpreted in relation to what was requested in these specifications;
- Whether there are any reservations/caveats one should apply to any of the included information and, if so, how.

### **A1.2 Terms and Definitions**

To the extent possible, terms and their definitions as given in the EMN Glossary should be used. If this is not possible for some term(s), or they do not exist in the Glossary, then this section should provide the (national) definitions used.

Where different and appropriate, ‘national’ definitions should be compared with definitions used in any relevant EU Directives or other EU legislation. If definitions are the same in national and EU legislation, this should be highlighted.

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**Annex A: Relevant JHA Acquis (up to end 2008)**

This Annex provides the complete list of the relevant EU legislation for the asylum/immigration acquis up to the end 2008 (changes from 2007 are highlighted in grey). The complete list of EU acquis in the field of JHA policy is available from:

[http://ec.europa.eu/justice\\_home/doc\\_centre/intro/docs/jha\\_acquis\\_1008\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/intro/docs/jha_acquis_1008_en.pdf).

The following key has been used to indicate when the legislation below was adopted:

◆ instruments published in 2008

❖ instruments published in 2007

➤ instruments published in 2006

▪ instruments published in 2005

▶ instruments published in 2004

● instruments published in 2003

○ instruments published in 2002

– all instruments until 31.12.2001

## I. ASYLUM

### A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1<sup>st</sup> May 1999)

- Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (OJ L 326 of 13 December 2005, p. 13);
- ▶ Council Decision 2004/927/EC of 22 December 2004 providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty (OJ L 396 of 31 December 2004 p. 45);
- ❖ Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" and repealing Council Decision 2004/904/EC (OJ L 144 of 6 June 2007, p. 1)<sup>3</sup>;
- ❖ Commission Decision (2007/599/EC) of 29 November 2007 implementing decision No 573/2007/EC of the European Parliament and the Council as regards the adoption of the strategic guidelines 2008 to 2013 (OJ L326, 12 December 2007, p.29);
- ❖ Commission Decision of 19 December 2007 laying down rules for the implementation of Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Refugee Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund<sup>4</sup> (OJ L 7 of 10 January 2008, p. 1);

<sup>3</sup> See also "ERF I" Decision: Council Decision 2000/596/EC of 28 September 2000 establishing a European Refugee Fund (OJ L 252 of 6 October 2000, p.12) and Commission Decision 2002/307/EC of 18 December 2001 laying down detailed rules for the implementation of Council Decision 2000/596/EC as regards management and control systems and procedures for making financial corrections in the context of actions co-financed by the European Refugee Fund (notified under document number C(2001) 4372) ( OJ L 106 of 23 April 2002, p. 11). See also "ERF II": Council Decision 2004/904/EC of 2 December 2004 establishing the European Refugee Fund for the period 2005 to 2010 (OJ L 381 of 28 December 2004 p. 52) and Commission Decision 2006/399/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards the eligibility of expenditure within the framework of actions co-financed by the European Refugee Fund implemented in the Member States<sup>3</sup> (OJ L 162 of 14 June 2006, p. 1), Commission Decision 2006/400/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards procedures for making financial corrections in the context of actions co-financed by the European Refugee Fund<sup>3</sup> (OJ L 162 of 14 June 2006, p. 11) and Commission Decision 2006/401/EC of 20 January 2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards Member States management and control systems, and rules for the administrative and financial management of projects co-financed by the European Refugee Fund<sup>3</sup>, (OJ L 162 of 14 June 2006, p. 20).

<sup>4</sup> Notified under document number C(2007)6396.



## Annex A: Relevant JHA Acquis (2008)

- Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378 of 27 December 2006, p. 41) – Thematic Programme on cooperation with third countries in the areas of migration and asylum (Article 16);
- ▶ Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ L 304 of 30 September 2004, p. 12);
- Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 50 of 25 of February 2003, p.1);
  - Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 222 of 5 September 2003, p. 1);
- Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (OJ L 31 of 6 February 2003, p. 18);
- Council Decision 2002/817/EC of 23 September 2002 on the conclusion of the Convention between the European Community and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) concerning aid to refugees in the countries in the Near East (2002 to 2005) (OJ L 281 of 19 October 2002, p. 10);
- Council Decision 2002/223/EC of 19 December 2001 on the conclusion of an Agreement in the form of an Exchange of Letters between the European Community and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) concerning additional funding in 2001 under the current EC-UNRWA Convention for the years 1999 to 2001 (OJ L 075 of 16 March 2002, p. 46);
- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212 of 7 August 2001, p. 12);
- Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316 of 15 December 2000, p. 1);
  - Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 62 of 5 March 2002, p. 1);
- Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381 of 28 December 2006, p. 4)<sup>5</sup>;
- Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381 of 28 December 2006, p. 1)<sup>6</sup>;
- ❖ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199 of 31 July 2007, p. 23)<sup>7</sup>.

## B. International Agreements

- ◆ Council Decision 2008/147/EC of 28 January 2008 on the conclusion on behalf of the European Community of the Agreement between the European Community and the Swiss Confederation, concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (OJ L 53 of 27 February 2008, p. 3);
  - ◆ Agreement between the European Community and the Swiss Confederation, concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland (OJ L 53 of 27 February 2008, p. 5);

<sup>5</sup> This instrument is also mentioned under the section on "Schengen (horizontal issues / SIS)".

<sup>6</sup> This instrument is also mentioned under the section on "Schengen (horizontal issues / SIS)".

<sup>7</sup> This instrument is also mentioned under the section on "immigration".

## Annex A: Relevant JHA Acquis (2008)

- Council Decision of 21 February 2006 on the conclusion of an Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Council Regulation (EC) No 2725/2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 66 of 8 March 2006, p. 37);
  - Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and Council Regulation (EC) No 2725/2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention, 21 February 2006 (OJ L 66 of 8 March 2006, p. 38)<sup>8</sup>;
- Council Decision of 21 February 2006 on the conclusion of a Protocol to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway, concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway (OJ L 57 of 28 February 2006, p. 15);
  - Protocol to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway, concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway (OJ L 57 of 28 February 2006, p. 16);
- Council Decision 2001/258 of 15 March 2001 concerning the conclusion of an Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or Iceland or Norway (OJ L 93 of 3 April 2001, p. 38);
  - Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway (OJ L 93 of 3 April 2001, p. 40).

### *Indicative list of agreements, conventions and protocols to which the new Member States must indirectly accede<sup>9</sup>*

- Convention relating to the Status of Refugees (Geneva, 28 July 1951)<sup>10</sup>;
- Protocol relating to the Status of Refugees (New-York, 31 January 1967).

## **C. Other acts adopted before entry into force of the Amsterdam Treaty (1<sup>st</sup> May 1999)<sup>11</sup>**

- Council Resolution 97/C 221/03 of 26 June 1997 on unaccompanied minors who are nationals of third countries (OJ C 221 of 19 July 1997, p. 23);
- Council Decision (97/420/JHA) of 26 June 1997 on monitoring the implementation of instruments adopted concerning asylum (OJ L 178 of 7 July 1997, p. 6);
- Joint Position (96/196/JHA) of 4 March 1996 defined by the Council on the basis of Article K.3 of the Treaty on European Union on the harmonized application of the definition of the term 'refugee' in Article 1 of the Geneva Convention of 28 July 1951 relating to the status of refugees (OJ L 63 of 13 of March 1996, p. 2);
- Council Decision (96/198/JHA) of 4 March 1996 on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis (OJ L 063 of 13 of March 1996, p. 10);
- Council Decision of 23 November 1995 on publication in the Official Journal of the European Communities of acts and other texts adopted by the Council in the field of asylum and immigration (OJ C 274 of 19 of September 1996, p. 1);

<sup>8</sup> Information concerning the entry into force of the Agreement between the European Community and the Kingdom of Denmark extending to Denmark the provisions of Council Regulation (EC) No 343/2003 and Council Regulation (EC) No 2725/2000 concerning the establishment of Eurodac (OJ L 96 of 5 April 2006, p. 9).

<sup>9</sup> This list contains Conventions for which the obligation to accede is not explicit, but results from the binding force of the EU Treaty itself or of secondary legislation, from Council Conclusions or from Article 10 TEC.

<sup>10</sup> Mentioned in the Treaty. Furthermore linked to the *acquis inter alia* through the Dublin and the Eurodac Regulations.

<sup>11</sup> Relevant insofar as the later legislation has not replaced them.

- Council Resolution of 25 September 1995 on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis (OJ C 262 of 7 October 1995, p. 1);
- Council Resolution of 20 June 1995 on minimum guarantees for asylum procedures (OJ L 274 of 19 September 1996, p. 13);
- Resolution adopted 30 November 1992 on a harmonised approach to questions concerning host third countries: Document WG I 1283;
- Resolution adopted 30 November 1992 on manifestly unfounded applications for asylum: Document WG I 1282 REV 1;
- Conclusions adopted the 30 November 1992 concerning countries in which there is generally no serious risk of persecutions: Document WG I 1281.

## **EXTERNAL BORDERS**

### **A. Conventions to which accession is obligatory**

None

### **B. Joint Actions, Joint Positions (Maastricht Treaty); Common Positions, Framework Decisions and Decisions (Amsterdam Treaty) Instruments adopted under the TEC**

- Joint Action 96/197/JHA of 4 March 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union on airport transit arrangements (OJ L 063 of 13 March 1996, p. 8)<sup>12</sup>;
- Joint Position 96/622/JHA of 25 October 1996 defined by the Council on the basis of Article K.3 (2) (a) of the Treaty on European Union, on pre-frontier assistance and training assignments (OJ L 281 of 31 October 1996, p. 1);
- Joint Action 98/700/JHA of 3 December 1998 adopted by the Council on the basis of Article K.3 of the Treaty on European Union concerning the setting up of a European Image Archiving System (FADO - False and Authentic Documents) (OJ L 333 of 9 December 1998, p. 4);
- Council Decision 2000/261/JHA of 27 March 2000 on the improved exchange of information to combat counterfeit travel documents (OJ L 81 of 1 April 2000, p.1);
- ▶ Commission Decision C(2004)248 of 5 February 2004 on the management and monitoring of the Schengen Facility;
- ▶ Council Directive 2004/82/EC of 29 April on the obligation of carriers to communicate passenger data (OJ L 261 of 6 August 2004, p. 24)<sup>13</sup>;
- ▶ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 349 of 25 November 2004, p. 1);
  - ❖ Regulation (EC) No 863/2007 of the European Parliament and of the Council of 11 July 2007 establishing a mechanism for the creation of Rapid Border Intervention Teams and amending Council Regulation (EC) No 2007/2004 as regards that mechanism and regulating the tasks and powers of guest officers (OJ L 199 of 31 July 2007, p. 30);
  - Council Decision (2005/358/EC) of 26 April 2005 designating the seat of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, (OJ L 114 of 4 May 2005, p. 13);
- ❖ Council Decision 2007/511/EC of 15 February on the conclusion, on behalf of the Community, and on the provisional application of the Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 188 of 20 July 2007, p. 15);

<sup>12</sup> In relation between the Schengen States, Annex 3 of the Common Consular Instructions applies instead of this Joint Action.

<sup>13</sup> This instrument is also mentioned under the section on "Fight against illegal migration and return".

## Annex A: Relevant JHA Acquis (2008)

- ❖ Council Decision 2007/512/EC of 15 February on the signing, on behalf of the Community, and on the provisional application of the Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 188 of 20 July 2007, p. 17);
  - ❖ Arrangement between the European Community and the Republic of Iceland and the Kingdom of Norway on the modalities of the participation by those States in the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (OJ L 188 of 20 July 2007, p. 19);
- ▶ Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385 of 29 December 2004, p. 1);
  - Commission Decision of 28 February 2005 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C(2005) 409 final);
  - Commission decision of 28 June 2006 laying down the technical specifications on the standards for security features and biometrics in passports and travel documents issued by Member States (C (2006) 2909);
- Regulation (EC) N° 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across the borders (Schengen Borders Code) (OJ L 105 of 13 April 2006, p. 1)<sup>14</sup>;
  - ◆ Regulation (EC) No 296/2008 of the European Parliament and of the Council of 11 March 2008 amending Regulation (EC) No 562/2006 establishing a Community Code on rules governing the movement of persons across borders (Schengen Borders Code), as regards the implementing powers conferred on the Commission (OJ L 97 of 9 April 2008, p. 60);
- Commission Recommendation of 6 November 2006 establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons (C(2006) 5186 final);
- ◆ Commission Recommendation of 25 June 2008 amending the Recommendation establishing a common "Practical Handbook for Border Guards (Schengen Handbook)" to be used by Member States' competent authorities when carrying out the border control of persons (C (2006) 5186 final) (C (2008) 2976 final);
- Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (OJ L 405 of 30 December 2006, p. 1. Corrigenda published in OJ L 29 of 3 February 2007, p. 3);
- ❖ Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" (OJ L 144 of 6 June 2007, p. 22);
  - ❖ Commission Decision (2007/599/EC) of 27 August 2007 implementing Decision No 574/2007/EC of the European Parliament and of the Council as regards the adoption of strategic guidelines for 2007 to 2013 (OJ L 233 of 6 September 2007, p. 3);
- ◆ Commission Decision (2008/456/EC) of 5 March 2008 laying down the rules for the implementation of Decision No 574/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the External Borders Fund for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (notified under number C(2008) 789 final, OJ L 167 of 27 June 2008, p. 1).

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<sup>14</sup> Regulation (EC) No 562/2006 repealed from the date of its entry into force (a) the Common Manual (OJ C313 of 16 December 2002, p. 97), including its annexes; (b) the decisions of the Schengen Executive Committee of 26 April 1994 (SCH/Com-ex (94) 1, rev 2), 22 December 1994 (SCH/Com-ex (94)17, rev. 4) and 20 December 1995 (SCH/Com-ex (95) 20, rev. 2); (c) Annex 7 to the Common Consular Instructions; (d) Council Regulation (EC) No 790/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for carrying out border checks and surveillance (OJ L 116 of 26 April 2001, p. 5), modified by Decision 2004/927/CE OJ L 396 of 31 December 2004, p. 45); (e) Council Decision 2004/581/EC of 29 April 2004 determining the minimum indications to be used on signs at external border crossing points (OJ L 261 of 6 August 2004, p. 119); (f) Council Decision 2004/574/EC of 29 April 2004 amending the Common Manual (OJ L 261 of 6 August 2004, p. 36); (g) Council Regulation (EC) No 2133/2004 of 13 December 2004 on the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third country nationals when they cross the external borders of the Member States and amending the provisions of the Convention implementing the Schengen agreement and the Common Manual to this end (OJ L 369 of 16 December 2004, p. 5).

## C. Other European Union Instruments and documents

- Council Recommendation 98/C 189/02 of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the European Union (OJ C 189 of 17 June 1998, p. 19);
- Resolution 2000/C 310/01 of the representatives of the governments of the Member States, meeting within the Council of 17 October 2000 supplementing the Resolutions of 23 June 1981, 30 June 1982, 14 July 1986 and 10 July 1995 as regards the security characteristics of passports and other travel documents (OJ C 310 of 28 October 2000, p. 1).

## VISA

### A. Conventions to which accession is obligatory

None

### B. Joint Actions, Joint Positions (Maastricht Treaty); Common Positions, Framework Decisions and Decisions (Amsterdam Treaty) Instruments adopted under the TEC<sup>15</sup>

- Council Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 164, of 14 July 1995, p. 1);
  - o Council Regulation (EC) No 334/2002 of 18 February 2002 amending Regulation (EC) No 1683/95 laying down a uniform format for visas (OJ L 53 of 23 February 2002, p. 7);
  - o Commission Decision of 7 February 1996 and Commission Decision of 3 June 2002 laying down further technical specifications for the uniform format for visas (not published);
  - ◆ Council Regulation (EC) No 856/2008 of 24 July 2008 amending Regulation (EC) No 1683/95 of 29 May 1995 laying down a uniform format for visas (OJ L 235 of 2 September 2008, p. 1);
- Council Regulation (EC) NO 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81 of 21 March 2001, p. 1);
  - Council Regulation (EC) No 2414/2001 of 7 December 2001 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (OJ L 327 of 12 December 2001, p. 1);
  - Council Regulation (EC) No 453/2003 of 6 March 2003 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 69 of 6 March 2003, p. 10)<sup>16</sup>;
  - Council Regulation (EC) No 851/2005 of 2 June 2005 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as regards the reciprocity mechanism (OJ L 141 of 4 June 2005, p. 3)<sup>17</sup>;

<sup>15</sup> See also, for information purpose, Council Regulation (EC) No 1295/2003 of 15 July 2003 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2004 Olympic or Paralympic Games in Athens (OJ L 183 of 20 July 2003, p. 1) and Regulation (EC) No 2046/2005 of the European Parliament and of the Council of 14 December 2005 relating to measures envisaged to facilitate the procedures for applying for and issuing visas for members of the Olympic family taking part in the 2006 Olympic and/or Paralympic Winter Games in Turin (OJ L 334 of 20 December 2005, p. 1).

<sup>16</sup> See also Communication from the Commission pursuant to Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement as amended by Regulation (EC) No 2414/2001 of 7 December 2001 (OJ C 68 of 21 March 2003, p.1).

<sup>17</sup> See related notifications: notification by the Czech Republic concerning visa reciprocity (OJ C 163 of 5 July 2005, p. 1); notifications concerning visa reciprocity by the Slovak Republic, Estonia, Latvia, Lithuania, Greece, Germany, Czech Republic, Poland, Slovenia, Portugal, Cyprus, Malta, Hungary, Italy and Finland (OJ C 251 of 11 October 2005, p. 1); notification by Denmark concerning visa reciprocity (OJ C 277 of 10 November 2005, p. 1); notification by Sweden concerning visa reciprocity (OJ C 277 of 10 November 2005, p. 1); notification by the Republic of Austria concerning visa reciprocity (OJ C 277 of 10 November 2005, p. 2); notification by Iceland concerning visa reciprocity (OJ C 310 of 8 December 2005, p. 1); notification by the Slovak Republic concerning visa reciprocity (OJ C 327 of 23 December 2005, p. 1); notification by the Republic of Estonia concerning visa reciprocity (OJ C 327 of 23 December 2005, p. 2); notification by Estonia concerning visa reciprocity (OJ C 27 of 3 February 2006, p. 1); notification by Bulgaria concerning visa reciprocity (OJ C 75 of 3 April 2007, p. 5); notification by Romania

- Statement on Council Regulation (EC), No 851/2005 of 2 June 2005 amending Regulation (EC) No 539/2001 as regards the reciprocity mechanism (OJ L 185 of 16 July 2005, p. 1);
- Council Regulation (EC) No 1932/2006 of 21 December 2006 amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 405 of 30 December 2006, p. 23. Corrigendum OJ L 29 of 3 February 2007, p. 10);
- Council Regulation (EC) No 789/2001 of 24 April 2001 reserving to the Council implementing powers with regard to certain detailed provisions and practical procedures for examining visa applications (OJ L 116 of 26 April 2001, p. 2);
- Council Decision (2003/330/EC) of 19 December 2002 on declassifying the Schengen consultation network (technical specifications) (OJ L 116 of 13 May 2003, p. 22);
- ❖ Council Decision 2007/519/EC of 16 July 2007 amending Part 2 of the Schengen consultation network (technical specifications) (OJ L 192 of 24 July 2007, p. 26);
- ❖ Council Decision (2007/866/EC) of 6 December 2007 amending Part I of the Schengen consultation network (technical specifications) (OJ L 340 of 22 December 2007, p. 92);
- Council Regulation (EC) No 1091/2001 of 28 May 2001 on freedom of movement with a long-stay visa (OJ L 150 of 6 June 2001, p. 4);
- o Common Consular Instructions on visas for the diplomatic missions and consular posts (OJ C 313 of 16 December 2002, p. 1 and OJ C 326 of 22 December 2005, p. 1)<sup>18</sup>;
  - Council Decision 2003/454/EC of 13 June 2003 amending Annex 12 of the Common Consular Instructions and Annex 14a of the Common Manual on visa fees (OJ L 152 of 20 June 2003, p. 82);
  - Council Decision 2003/585/EC of 28 July 2003 amending Annex 2, Schedule A, of the Common Consular Instructions and Annex 5, Schedule A, of the Common Manual on the visa requirements for holders of Pakistani diplomatic passports (OJ L 198 of 6 August 2003, p. 13);
  - Council Decision 2003/586/EC of 28 July 2003 on the amendment of Annex 3, Part I, of the Common Consular Instructions and Annex 5a, Part I, of the Common Manual on third country nationals subject to airport visa requirements (OJ L 198 of 6 August 2003, p. 15);
  - ▶ Council Decision 2004/14 of 22 December 2003 amending the third subparagraph (Basic criteria for examining applications) of Part V of the Common Consular Instructions 22.12.2003 (OJ L 5 of 9 January 2004, p. 74);
  - ▶ Council Decision 2004/15 of 22 December 2003 amending point 1.2 of Part II of the Common Consular Instructions and drawing up a new Annex thereto (OJ L 5 of 9 January 2004, p. 76);
  - ▶ Council Decision 2004/16 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 (OJ L 5 of 9 January 2004, p. 78);
  - ▶ Council Decision 2004/17 of 22 December 2003 amending Part V, point 1.4, of the Common Consular Instructions and Part I, point 4.1.2 of the Common Manual as regards inclusion of the requirement to be in possession of travel medical insurance as one of the supporting documents for the grant of a uniform entry visa (OJ L 5 of 9 January 2004, p. 79);

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concerning visa reciprocity (OJ C 75 of 3 April 2007, p. 6); notification by Romania concerning visa reciprocity (OJ C 19 of 25 January 2008, p. 1); notification by Bulgaria concerning visa reciprocity (OJ C 62 of 7 March 2008, p. 2); notification by Romania concerning visa reciprocity (OJ C 161 of 25 June 2008, p. 2); notification by Romania concerning visa reciprocity (OJ C 161 of 25 June 2008, p. 3).

<sup>18</sup> Publication of the Common Consular Instructions as adopted by the Executive Committee established by the Convention implementing the Schengen Agreement including subsequent modifications (Council Decision 2001/329/EC of 24 April 2001 updating part VI and Annexes 3, 6 and 13 of the Common Consular Instructions and Annexes 5(a), 6(a) and 8 to the Common Manual (OJ L 116 of 26 April 2001, p. 32); Council Decision 2001/420/EC of 28 May 2001 on the adaptation of Parts V and VI and Annex 13 of the Common Consular Instructions on Visas and Annex 6a to the Common Manual with regard to long-stay visas valid concurrently as short-stay visas, (OJ L 150 of 6 June 2001, p. 47); Council Decision 2002/44/EC of 20 December 2001 amending Part VII and Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual (OJ L 20 of 23 January 2002, p. 5); Council Decision 2002/354/EC of 25 April 2002 on the adaptation of Part III of, and the creation of an Annex 16 to, the Common Consular Instructions (OJ L 123 of 9 May 2002, p. 50); Council Decision 2002/585/EC of 12 July 2002 on the adaptation of parts III and VIII of the common consular instructions, (OJ L 187 of 16 July 2002, p. 44); Council Decision 2002/586/EC of 12 July 2002 on the amendment of part VI of the common consular instructions (OJ L 187 of 16 July 2002, p. 48). A proposal for a Regulation of the European Parliament and of the Council amending the Common Consular Instructions on visas for diplomatic missions and consular posts in relation to the introduction of biometrics including provisions on the organisation of the reception and processing of visa applications was presented by the Commission on 31 May 2006 (COM(2006)269 final).

## Annex A: Relevant JHA Acquis (2008)

- Council Decision 2006/440/EC of 1 June 2006 amending Annex 12 to the Common Consular Instructions and Annex 14a to the Common Manual on the fees to be charged corresponding to the administrative costs of processing visa applications (OJ L 175 of 29 June 2006, p. 77);
- Council Decision (2006/684/EC) of 5 October 2006 amending Annex 2, Schedule A, to the Common Consular Instructions on the visa requirements for holders of Indonesian diplomatic and service passports (OJ L 208 of 12 October 2006, p. 29);
- ◆ Council Decision (2008/374/EC) of 29 April 2008 amending Annex 3, Part I, to the Common Consular Instructions on third-country nationals subject to airport visa requirements (OJ L 129 of 17 May 2008, p. 46);
- Council Regulation (EC) No 333/2002 of 18 February 2002 on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (OJ L 53 of 23 February 2002, p. 4);
  - Commission Decision of 12 August 2002 laying down the technical specifications for the uniform format for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form (not published);
- Council Regulation No 1030/2002/EC of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157 of 15 June 2002, p. 1) and Commission Decision of 14 August 2002 laying down the technical specifications for the uniform format for residence permits for third country nationals (not published);
  - ◆ Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (OJ L 115 of 29 April 2008, p. 1);
- Council Regulation (EC) No 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit (OJ L 64 of 7 March 2003, p. 1);
- Council Regulation 693/2003/EC of 14 April 2003 establishing a specific Facilitated Transit Document (FTD), a Facilitated Rail Transit Document (FRTD) and amending the Common Consular Instructions and the Common Manual (OJ L 99 of 17 April 2003, p. 8);
- Council Regulation No 694/2003 of 14 April 2003 on uniform formats for Facilitated Transit Documents (FTD and Facilitated Rail Transit Documents (FRTD) provided for in Regulation (EC) No 693/2003 (OJ L 99 of 17 April 2003, p. 15);
- ▶ Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 213 of 15 June 2004, p. 5)<sup>19</sup>;
  - Corrigendum to Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 271 of 30 September 2006, p. 85);
  - Commission Decision (2006/648/EC) of 22 September 2006 laying down the technical specifications on the standards for biometric features related to the development of the Visa Information System, (OJ L 267 of 27 September 2006, p. 41);
  - Commission Decision (2006/752/EC) of 3 November 2006 establishing the sites for the Visa Information System during the development phase (OJ L 305 of 4 November 2006, p. 13);
  - ◆ Commission Decision 2008/602/EC of 17 June 2008 laying down the physical architecture and requirements of the national interfaces and of the communication infrastructure between the central VIS and the national interfaces for the development phase (OJ L 194 of 23 July 2008, p. 3);
  - ◆ Commission Decision of 17 June 2008 laying down the physical architecture and requirements of the national interfaces and of the communication infrastructure between the central VIS and the national interfaces for the development phase (*notified under document number C(2008) 2693*) (OJ L 194 of 23 July 2008, p. 3)
  - ◆ Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ L 218 of 13 August 2008, p. 60);
  - ◆ Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218 of 13 August 2008, p. 129)

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<sup>19</sup> Corrigendum OJ L 271 of 30 September 2006, p. 85.

## Annex A: Relevant JHA Acquis (2008)

- Council Decision 2005/367/CE of 14 April 2005 authorising Member States to ratify in the interests of the Community the Seafarer's Identity Document Convention of the International Labour Organisation (Convention 185) (OJ L 136 of 30 May 2005, p. 1);
- Decision No 895/2006/EC of the European Parliament and of the Council of 14 June 2006 introducing a simplified regime for the control of persons at the external borders based on unilateral recognition by the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia of certain documents as equivalent to their national visas for the purposes of transit through their territories (OJ L 167 of 20 June 2006, p. 1)<sup>20</sup>;
- Decision No 896/2006/EC of the European Parliament and of the Council of 14 June 2006 establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory (OJ L 167 of 20 June 2006, p. 8)<sup>21</sup>;
  - ◆ Decision No 586/2008 of the European Parliament and of the Council of 17 June 2008 amending Decision No 896/2006/EC establishing a simplified regime for the control of persons at the external borders based on the unilateral recognition by the Member States of certain residence permits issued by Switzerland and Liechtenstein for the purpose of transit through their territory (OJ L 162 of 21 June 2008, p. 27);
  - ◆ Decision No 582/2008 of the European Parliament and of the Council of 17 June 2008 introducing a simplified regime for the control of persons at the external borders based on the unilateral recognition by Bulgaria, Cyprus and Romania of certain documents as equivalent to their national visas for the purposes of transit through their territories (OJ L 161 of 20 June 2008, p. 30);
- ❖ Council Decision 2007/340/EC of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on the facilitation of the issuance of visas to the citizens of the European Union and the Russian Federation (OJ L 129 of 17 May 2007, p. 25);
- ❖ Council Decision 2007/821/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Albania on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 84);
- ❖ Council Decision 2007/822/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 96);
- ❖ Council Decision 2007/823/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 108);
- ❖ Council Decision 2007/824/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Former Republic of Macedonia on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 120);
- ❖ Council Decision 2007/825/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Serbia on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 136);
- ❖ Council Decision 2007/826/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas (OJ L 334 of 19 December 2007, p. 168);
- ❖ Council Decision 2007/840/EC of 29 November 2007 on the conclusion of the Agreement between the European Community and Ukraine on the facilitation of the issuance of visas (OJ L 332 of 18 December 2007, p. 66).

## C. Other European Union Instruments and documents

- Council Recommendation 96/C 80/01 of 4 March 1996 relating to local consular cooperation regarding visas (OJ C 80 of 18 March 1996, p. 1);
- Council Recommendation 1999/C 140/01 of 29 April 1999 on the provisions for the detection of falsified documents in the visa departments of representations abroad and in the offices of domestic authorities dealing with the issue or extension of visas (OJ C 140 of 20 May 1999, p. 1);

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<sup>20</sup> Also relevant for visas.

<sup>21</sup> Also relevant for visas.



- Council Decision (2004/265/EC) of 8 March concerning the conclusion of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China (ADS) (OJ L 83 of 30 March 2004, p. 12);
- ▶ Commission Recommendation 2004/645/EC of 16 September 2004 on the implementation by the consular offices of the Member States of the Memorandum of Understanding between the European Community and the National Tourism Administration of the People's Republic of China on visa and related issues concerning tourist groups from the People's Republic of China (ADS) (notified under document number C(2004) 2886) (OJ L 296 of 21 September 2004, p. 23);
- Recommendation of the European Parliament and of the Council 2005/761/EC of 28 September 2005 to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research (OJ L 289 of 3 November 2005, p. 23);
- Council Recommendation (2005/762/EC) of 12 October 2005 to facilitate the admission of third-country nationals to carry out scientific research in the European Community (OJ L 289 of 3 November 2005, p. 26).

## IMMIGRATION

### ADMISSION

#### A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1<sup>st</sup> May 1999)

- ❖ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199 of 31 July 2007, p. 23)<sup>22</sup>;
- ❖ Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378 of 27 December 2006) – Thematic Programme on cooperation with third countries in the areas of migration and asylum (Article 16);
- Council Decision 2006/688/EC of 5 October 2006 on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration (OJ L 283 of 14 October 2006, p. 40);
- Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289 of 3 November 2005, p. 15);
- ▶ Council Decision 2004/927/EC of 22 December 2004 providing for certain areas covered by Title IV of Part Three of the Treaty establishing the European Community to be governed by the procedure laid down in Article 251 of that Treaty (OJ L 396 of 31 December 2004, p. 45);
- ▶ Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ L 375 of 23 December 2004, p. 12);
- ▶ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance) (OJ L 158 of 30 April 2004, p. 77)<sup>23</sup>;
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long term residents (OJ L 16 of 23 of January 2004, p. 44);
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251 of 3 October 2003, p. 12);
- Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157 of 15 June 2002, p. 1);

<sup>22</sup> This instrument is also mentioned under the section on "asylum".

<sup>23</sup> This instrument is also mentioned under the section on "EU citizenship".

- ◆ Council Decision 2008/381/EC of 14 May 2008 establishing a European Migration Network (OJ L 131 of 12 May 2008, p. 7);
- ❖ Council Decision N° 2007/435/EC of 25 June 2007 establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows, (OJ L 168 of 28 June 2007, p. 18);
- ❖ Commission Decision (2007/599/EC) of 21 August 2007 implementing Council Decision 2007/435/EC as regards the adoption of strategic guidelines for 2007 to 2013 (C(2007)3926);
- ◆ Commission Decision (2008/457/EC) of 5 March 2008 laying down the rules for the implementation of Council Decision 2007/435/EC establishing the European Fund for the integration of third-country nationals the period 2007 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (OJ L167, 27 June 2008, p. 69).

## **B. Other acts adopted before entry into force of the Amsterdam Treaty (1<sup>st</sup> May 1999)<sup>24</sup>**

- Joint principles for the exchange of data in CIREFI: Doc 9987/98 CIREFI 48;
- Council Resolution 97/C 221/03 of 26 June 1997 on unaccompanied minors who are nationals of third countries (OJ C 221 of 19 July 1997, p. 23);
- Joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State (OJ L 327 of 19 December 1994, p. 1);
- Council Resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons (OJ C 274 of 19 September 1996, p. 7);
- Council Conclusions of 30 November 1994 on the organization and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (Cirefi) (OJ C 274 of 19 September 1996, p. 50)<sup>25</sup>;
- Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment (OJ C 274 of 19 September 1996, p. 3).

## **FIGHT AGAINST ILLEGAL MIGRATION AND RETURN**

### **A. Legislative acts adopted after entry into force of the Amsterdam Treaty (1<sup>st</sup> May 1999)**

- Council Decision 2005/267/EC of 16 March 2005 establishing a secure web-based Information and Coordination Network for Member States' Migration Management Services (OJ L 83 of 1 April 2005, p. 48);
  - Commission Decision of 15 December 2005 laying down detailed rules for the implementation of Council Decision 2005/267/EC establishing a secure web-based Information and Co-ordination Network for Member States' Migration Management Services (C(2005)5159);
- ▶ Council Decision 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders (OJ 261 of 6 August 2004, p. 28);
- ▶ Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data (OJ L 261 of 6 August 2004, p. 24)<sup>26</sup>;
- ▶ Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ L 261 of 6 August 2004, p. 19);

<sup>24</sup> Relevant insofar as the later legislation has not replaced them.

<sup>25</sup> Also relevant for expulsion.

<sup>26</sup> This instrument is also mentioned under the section on "External borders".

## Annex A: Relevant JHA Acquis (2008)

- ▶ Council Regulation (EC) No 377/2004 of 19 February 2004 on the creation of an immigration liaison officers network (OJ L 64 of 2 of March 2004, p. 1);
- Commission Decision of 29 September 2005 (2005/687/EC) on the format for the report on the activities of immigration liaison officers networks and on the situation in the host country in matters relating to illegal immigration (notified under document number C (2005) 1508 (OJ L 264 of 8 of October 2005, p. 8);
- Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by Air, (OJ L 321 of 06 of December 2003, p. 26);
- Council Framework Decision 2002/946/JHA of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence (OJ L 328 of 5 December 2002, p. 1)<sup>27</sup>;
- Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328 of 5 December 2002, p. 4);
- Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 187 of 10 of July 2001, p. 45);
- Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (OJ L 149 of 02 of June 2001, p. 34);
  - ▶ Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (OJ L 60 of 27 of February 2004, p. 55);
- ❖ Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" (OJ L 144 of 6 June 2007, p. 45);
  - ❖ Commission Decision (2007/837/EC) of 30 November 2007 implementing Decision No 575/2007/EC of the European Parliament and of the Council as regards the adoption of strategic guidelines for 2008 to 2013 (OJ L 330 of 15 December 2007, p. 48);
  - ◆ Commission Decision (2008/458/EC) of 5 March 2008 Laying down the rules for the implementation of Decision No 575/2007/EC of the European Parliament and of the Council of 23 May 2007 establishing the European Return Fund for the period 2008 to 2013 as part of the General programme "Solidarity and Management of Migration Flows" as regards Member States' management and control systems, the rules for administrative and financial management and the eligibility of expenditure on projects co-financed by the Fund (OJ L167, 27 June 2008, p. 135).
  - ◆ Council Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348 of 24.12.2008, p98)

## B. International Agreements

- ❖ Council Decision 2007/341/EC of 19 April 2007 on the conclusion of the Agreement between the European Community and the Russian Federation on readmission (OJ L 129 of 17 May 2007, p. 38);
  - ❖ Agreement between the European Community and the Russian Federation on readmission (OJ L 129 of 17 May 2007, p. 40);
- Council Decision of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol to prevent, suppress and punish trafficking in human beings, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community (OJ L 262 of 22 September 2006, p. 51);
- Council Decision of 24 July 2006 on the conclusion, on behalf of the European Community, of the Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organised Crime concerning the provisions of the Protocol, in so far as the provisions of the Protocol fall within the scope of Part III, Title IV of the Treaty establishing the European Community (OJ L 262 of 22 September 2006, p. 34);

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<sup>27</sup> This instrument is also mentioned under the section on "organised crime, fraud and corruption".

## Annex A: Relevant JHA Acquis (2008)

- Council Decision 2005/809/EC of 7 November 2005 concerning the conclusion of the Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorization (OJ 304 of 23 November 2005, p. 14);
  - Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation (OJ L 124 of 17 May 2005, p. 22);
  - Information relating to the entry into force of the Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation (OJ L 96 of 5 April 2006, p. 9);
- Council Decision 2005/372/EC of 3 March 2005 concerning the conclusion of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation (OJ L 124 of 17 May 2005, p.41);
  - Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation (OJ L 124 of 17 May 2005, p.43);
  - Information relating to the entry into force of the Agreement between the European Community and the Democratic Socialist Republic of Sri Lanka on the readmission of persons residing without authorisation (OJ L 138 of 1 June 2005, p. 17);
- ▶ Council Decision 2004/424/EC of 21 April 2004 concerning the conclusion of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 143 of 30 April 2004, p. 97);
  - ▶ Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 143 of 30 April 2004, p. 99);
  - ▶ Information concerning the entry into force of the Agreement between the European Community and the Macao Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 258 of 5 August 2004 p. 17);
- Council Decision of 17 December 2003 concerning the conclusion of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 17 of 24 of January 2004, p. 23);
  - ▶ Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 17 of 24 of January 2004, p. 25);
  - ▶ Information on the entry into force of the Agreement between the European Community and the Government of the Hong Kong Special Administrative Region of the People's Republic of China on the readmission of persons residing without authorisation (OJ L 64 of 2 March 2004, p. 38);
- ❖ Council Decision 2007/839/EC of 29 November 2007 concerning the conclusion of the Agreement between the European Community and Ukraine on readmission of persons - Agreement between the European Community and Ukraine on the readmission of persons (OJ L 332 of 18 December 2007, p. 46);
- ❖ Council Decision 2007/817/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation - Agreement between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 1);
- ❖ Council Decision 2007/818/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Montenegro on the readmission of persons residing without authorisation - Agreement between the European Community and the Republic of Montenegro on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 25);
- ❖ Council Decision 2007/819/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation - Agreement between the European Community and the Republic of Serbia on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 45);
- ❖ Council Decision 2007/820/EC of 8 November 2007 on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation - Agreement

between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation (OJ L 334 of 19 December 2007, p. 65);

**C. Other acts adopted before entry into force of the Amsterdam Treaty (1<sup>st</sup> May 1999)<sup>28</sup>**

- Council Decision on the inclusion of model readmission clauses in Community agreements and in agreements between the European Community, its Member States and third countries. Doc. 13409/99 MIGR 69;
- Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience (OJ C 382 of 16 December 1997, p. 1);
- Council Decision (97/340/JHA) of 26 May 1997 on the exchange of information concerning assistance for the voluntary repatriation of third-country nationals (OJ L 147 of 5 June 1997, p. 3);
- Council Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals (OJ C 304 of 14 October 1996, p. 1);
- Council Conclusions of 4 March 1996 concerning readmission clauses for future mixed agreements: Documents 4272/96 ASIM 6 et 5457/96 ASIM 37;
- Council Recommendation of 22 December 1995 on concerted action and cooperation in carrying out expulsion measures (OJ C 5 of 10 January 1996, p. 3);
- Council Recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control (OJ C 5 of 10 January 1996, p. 1);
- Council Recommendation of 24 July 1995 on the guiding principles to be followed in drawing up protocols on the implementation of readmission agreements (OJ C 274 of 19 September 1996, p. 25);
- Council Recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals (OJ C 274 of 19 September 1996, p. 18);
- Council Recommendation of 30 November 1994 concerning a specimen bilateral readmission agreement between a Member State and a third country (OJ C 274 of 19 September 1996, p. 20);
- Recommendation of the 1st June 1993 concerning checks on and expulsion of third country nationals residing or working without authorisation: Document WGI 1516;
- Recommendation of 30 November 1992 regarding practices followed by Member States on expulsion: Document WGI 1266;
- Recommendation of the 30 November 1992 concerning transit for the purpose of expulsion: Document WGI 1266.

**SCHENGEN (HORIZONTAL ISSUES) / SIS<sup>29</sup>**

- Council Decision 1999/435/EC 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 decision which constitute the acquis (OJ L 176 of 10 July 1999, p. 1);
- The Schengen acquis as referred to in Article 1(2) of Council Decision 1999/435/EC of 20 May 1999 (OJ L 239 of 22 September 2000, p. 1);
- Council Decision 1999/436/EC of 20 May 1999 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 Schengen acquis (OJ L 176 of 10 July 1999, p. 17);
- Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two states with the implementation, application and development of the Schengen acquis (OJ L 176 of 10 July 1999, p. 31);

<sup>28</sup> Relevant insofar as the later legislation has not replaced them.

<sup>29</sup> Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 187 of 10 July 2001, p. 45) is listed under the section on migration.

## Annex A: Relevant JHA Acquis (2008)

- Council Decision 1999/439/EC of 17 May 1999 on the conclusion of the agreement with the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen acquis (OJ L 176 of 10 July 1999, p. 35);
- Council Decision 2000/29/EC of 28 June 1999 on the Agreement with the Republic of Iceland and the Kingdom of Norway on the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland on the one hand, and the Republic of Iceland and the Kingdom of Norway on the other, in areas of the Schengen acquis which apply to these States (OJ L 15 of 20 January 2000, p. 1);
- Decision No 1/1999 of the EU/Iceland and Norway Mixed Committee established by the agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association in the implementation, application and development of the Schengen acquis adopting its Rules of Procedure (OJ C 211 of 23 July 1999, p. 9);
  - ▶ Amended by Decision No 1/2004 of the EU/Iceland and Norway Mixed Committee established by the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association in the implementation, application and development of the Schengen acquis (OJ C 308 of 14 December 2004, p. 1);
- Council Decision 2000/777/EC of 1 December 2000 on the application of the Schengen acquis in Denmark, Finland and Sweden, and in Iceland and Norway (OJ L 309 of 9 December 2000, p. 24);
- Council Decision 1999/848/EC of 13 December 1999 on the full application of the Schengen acquis in Greece (OJ L 327 of 21 December 1999, p. 58);
- Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen acquis (OJ L 131 of 01 June 2000, p. 43);
- Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen acquis (OJ L 64 of 7 March 2002, p. 20);
  - ▶ Council Decision (EC) 2004/926 of 22 December 2004 on the putting into effect of parts of the Schengen acquis by the United Kingdom of Great Britain and Northern Ireland (OJ L 395 of 31 December 2004, p. 70);
- ❖ Council Decision of 6 December 2007 (2007/801/EC) on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 323 of 8 December 2007, p. 34);
- ◆ Council Decision (2008/146/EC) of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation, on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53 of 27 February 2008, p. 1);
- ◆ Council decision 2008/149/JHA of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation, on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (OJ L 53 of 27 February 2008, p. 50);
- ◆ Council Decision (2008/261/EC) of 28 February 2008 on the signature, on behalf of the European Community, and on the provisional application of certain provisions of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 83, 26.3.2008, p. 3);
- ◆ Council Decision (2008/262/EC) of 28 February 2008 on the signature, on behalf of the European Union, and on the provisional application of certain provisions of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 83, 26.3.2008, p.5) Corrigendum (OJ L 110, 22.4.2008, p. 16);
  - ▶ Decision N° 1/2004 of the EU/Switzerland Mixed Committee established by the Agreement concluded between the European Union, the European Community and the Swiss Confederation concerning the latter's association in the implementation, application and development of the Schengen *acquis* of 26 October 2004 adopting its Rules of Procedure (OJ C 308 of 14 December 2004, p. 2);

- ◆ Decision No 1/2008 of the EU/Switzerland Mixed Committee established by the Agreement concluded between the European Union, the European Community and the Swiss Confederation concerning the latter's association in the implementation, application and development of the Schengen acquis of 28 February 2008 amending its Rules of Procedure (OJ L 83, 26.3.2008, p. 37);
- Council Decision 2000/586/JHA of 28 September 2000 establishing a procedure for amending Articles 40(4) and (5), 41(7) and 65(2) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 248 of 3 October 2000, p. 1);
- Council Decision 2000/645/EC of 17 October 2000 correcting the Schengen acquis as contained in Schengen Executive Committee SCH/Com-ex (94)15 rev (OJ L 272 of 25 October 2000, p. 24);
- Council Decision 2000/641/JHA of 17 October 2000 establishing a secretariat for the joint supervisory data-protection bodies set up by the Convention on the Establishment of a European Police Office (Europol Convention), the Convention on the Use of Information Technology for Customs Purposes and the Convention implementing the Schengen Agreement on the gradual abolition of checks at the common borders (Schengen Convention) (OJ L 271 of 24 October 2000, p. 1);
- Council Decision 2003/725/JHA of 2 October 2003 amending the provisions of Article 40(1) and (7) of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders (OJ L 260 of 11 October 2003, p. 37);
- Council Decision 2000/265/EC of 27 March 2000 on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, Sisnet (OJ L 85 of 6 April 2000, p. 12);
- Council Decision 2000/664/EC of 23 October 2000 amending Decision 2000/265/EC on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "SISNET" (OJ 278 of 31 October 2000, p. 24);
- Council Decision 2003/171/EC of 27 February 2003 amending Decision 2000/265/EC on the establishment of a financial regulation governing the budgetary aspects of the management by the Deputy Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the communication infrastructure for the Schengen environment, "Sisnet" (OJ L 69 of 13 March 2003, p. 10);
- Council Decision of 27 November 2003 on the repeal of the Financial Regulation governing the budgetary aspects of the management by the Secretary-General of the Council, of contracts concluded in his name, on behalf of certain Member States, relating to the installation and the functioning of the "Help Desk Server" of the Management Unit and of the Sirene Network Phase II (OJ L 318 of 3 December 2003, p. 23);
- Council Regulation (EC) No 2424/2001 of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 328 of 13 December 2001, p. 4);
  - Council Regulation (EC) No 1988/2006 of 21 December 2006 amending Regulation (EC) No 2424/2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 411 of 30 December 2006, p. 4; Corrigendum OJ L 27 of 2 February 2007, p. 3);
- Council Decision 2001/886/JHA of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 328 of 13 December 2001, p. 1);
  - Council Decision (2006/1007/JHA) of 21 December 2006 amending Decision 2001/886/JHA of 6 December 2001 on the development of the second generation Schengen Information System (SIS II) (OJ L 411 of 30 December 2006, p. 78; Corrigendum OJ L 27 of 2 February 2007, p. 43);
- ❖ Commission Decision (2007/170/EC) of 16 March 2007 laying down the network requirements for the Schengen Information System II (1<sup>st</sup> pillar) (OJ L 79 of 30 March 2007, p. 20);
- ❖ Commission Decision (2007/171/EC) of 16 March 2007 laying down the network requirements for the Schengen Information System II (3<sup>rd</sup> pillar) (OJ L 79 of 20 March 2007, p. 29);
- Council Decision of 27 November 2003 on the repeal of the decision authorising the Secretary-General of the Council in the context of the integration of the Schengen acquis into the framework of the European Union to act as representative of certain Member States for the purposes of concluding contracts relating to the installation and the

functioning of the "Help Desk Server" of the Management Unit and of the Sirene Network Phase II and to manage such contracts (OJ L 318 of 3 December 2003, p. 22);

- ▶ Council Regulation (EC) No 378/2004 of 19 February 2004 on procedures for amending the Sirene Manual (OJ L 64 of 2 March 2004, p. 5);
  - ▶ Council Decision 2004/201/JHA of 19 February 2004 on procedures for amending the Sirene Manual (OJ L 64 of 2 March 2004, p. 45);
  - Commission Decision 2006/757/EC of 22 September 2006 on amending the Sirene Manual (OJ L 317 of 16 November 2006, p. 1);
  - Commission Decision 2006/758/EC of 22 September 2006 on amending the Sirene Manual (OJ L 317 of 16 November 2006, p. 48);
- ◆ Council Decision 2008/422/EC of 5 June 2008 on declassifying Annex 4 to the SIRENE Manual adopted by the Executive Committee established by the Convention implementing the Schengen Agreement of 14 June 1985 (1990 Schengen Convention) (OJ L 149 of 7 June 2007, p. 78);
- ▶ Council Regulation (EC) No 871/2004 of 29 April 2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 162 of 30 April 2004, p. 29);
- Council Decision 2005/451/JHA of 13 June 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 158 of 21 June 2005, p. 26);
- Council Decision 2005/728/JHA of 12 October 2005 fixing the date of application of certain provisions of Regulation (EC) No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273 of 19 October 2005, p. 26);
- Council Decision (2006/628/EC) of 24 July 2006 fixing the date of application of Article 1(4) and (5) of Regulation No 871/2004 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 256 of 20 September 2006, p. 15);
- Regulation (EC) No 1160/2005 of 6 July 2005 amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders, as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles (Text with EEA relevance) (OJ L 191 of 22 July 2005, p. 18);
- Council Decision (2005/211/JHA) of 24 February 2005 concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 068 of 15 March 2005, p. 44);
- Council Decision 2005/719/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 271 of 15 October 2005, p. 54);
- Council Decision 2005/727/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273 of 19 October 2005, p. 25);
- Council Decision 2005/728/JHA of 12 October 2005 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 273 of 19 October 2005, p. 26);
- Council Decision 2006/228/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 81 of 18 March 2006, p. 45);
- Council Decision 2006/229/JHA of 9 March 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including in the fight against terrorism (OJ L 81 of 18 March 2006, p. 46);
- Council Decision 2006/631/JHA of 24 July 2006 fixing the date of application of certain provisions of Decision 2005/211/JHA concerning the introduction of some new functions for the Schengen Information System, including the fight against terrorism (OJ L 256 of 20 September 2006, p. 18);
- ❖ Council Decision (2007/471/EC) of 12 June 2007 on the application of the provisions of the Schengen *acquis* relating to the Schengen Information System in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OJ L 179 of 7 July 2007, p. 46);



## Annex A: Relevant JHA Acquis (2008)

- Regulation (EC) No 1986/2006 of the European Parliament and of the Council of 20 December 2006 regarding access to the Second Generation Schengen Information System (SIS II) by the services in the Member States responsible for issuing vehicle registration certificates (OJ L 381 of 28 December 2006, p. 1)<sup>30</sup>;
- Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381 of 28 December 2006, p. 4)<sup>31</sup>;
- ❖ Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205 of 7 August 2007, p. 63);
- ❖ Council Decision (2007/472/EC) of 25 June 2007 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 179 of 7 July 2007, p. 50);
- ◆ Council Decision 2008/328/EC of 18 April 2008 amending the Decision of the Executive Committee set up by the 1990 Schengen Convention, amending the Financial Regulation on the costs of installing and operating the technical support function for the Schengen Information System (C.SIS) (OJ L 113 of 25 April 2008, p. 21);
- ◆ Council Regulation (EC) No 189/2008 of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) (OJ L 57 of 1 March 2008, p. 1);
- ◆ Council Decision 2008/173/EC of 18 February 2008 on the tests of the second generation Schengen Information System (SIS II) (OJ L 57 of 1 March 2008, p. 14);
- ◆ Commission Decision 2008/333/EC of 4 March 2008 adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) (notified under document number C(2008) 774) (OJ L 123 of 8 May 2008, p. 1);
- ◆ Commission Decision 2008/334/JHA of 4 March 2008 adopting the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II) (OJ L 123 of 8 May 2008, p. 39);
- ◆ Council Decision 2008/421/EC of 5 June 2008 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Swiss Confederation (OJ L 149 of 7 June 2008, p. 74).
- ◆ COUNCIL REGULATION (EC) No 1104/2008 of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II)
- ◆ Council Decision 2008/839/JHA of 24 October 2008 on migration from the Schengen Information System (SIS 1+) to the second generation Schengen Information System (SIS II), OJ L 299, 8.11.2008, p. 43–49

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<sup>30</sup> This instrument is also mentioned under the section on "asylum".

<sup>31</sup> This instrument is also mentioned under the section on "asylum".