



Plenary sitting

A8-0073/2017

24.3.2017

REPORT

on the proposal for a Council decision on the application of the provisions of the Schengen *acquis* in the area of the Schengen Information System in the Republic of Croatia
(COM(2017)0017 – C8-0026/2017 – 2017/0011(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Nuno Melo

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a Council decision on the application of the provisions of the Schengen *acquis* in the area of the Schengen Information System in the Republic of Croatia

(COM(2017)0017 – C8-0026/2017 – 2017/0011(NLE))

(Consultation)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2017)0017),
 - having regard to Article 4(2) of the Act of Accession of 9 December 2011¹, pursuant to which the Council consulted Parliament (C8-0026/2017),
 - having regard to Rule 78c of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0073/2017),
1. Approves the Commission proposal;
 2. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 3. Asks the Council to consult Parliament again if it intends to substantially amend the text approved by Parliament;
 4. Instructs its President to forward its position to the Council and the Commission.

¹ OJ L 112, 24.2.2012, p.21.

EXPLANATORY STATEMENT

A. Background

In line with Article 4(2) of Croatia's Act of Accession to the European Union¹ certain provisions of the Schengen *acquis* are already applicable in Croatia from the date of accession, while other provisions only apply pursuant to a Council Decision to that effect after verification that the necessary conditions for the application of all parts of that *acquis* have been met, including the effective application of all Schengen rules in accordance with the agreed common standards and with fundamental principles. This verification is done in accordance with the relevant Schengen evaluation procedures.

The present draft decision concerning the application of the provisions relating to the Schengen Information System (SIS) in Croatia is a very first step towards lifting checks at the EU internal borders to Croatia. The lifting of borders will be subject to a separate Council decision at a later stage, following further evaluations.

The Council referred the present draft decision concerning the application of the provisions relating to the Schengen Information System (SIS) in Croatia to the European Parliament. In accordance with the 2011 Act of Accession, these provisions shall only apply pursuant to a Council Decision, after consulting Parliament and after verification in accordance, through the Schengen evaluation mechanism, that the conditions for the application have been met in the Member State concerned.

The Council is only able to take such Decision after Croatia has made the necessary technical and legal arrangements, including relating to data protection, to process SIS data and exchange supplementary information. Accordingly, a Schengen evaluation to verify the level of data protection in Croatia was carried out in February 2016. Following the positive opinion of the Schengen Committee² on 6 October 2016, the Commission adopted, by means of Commission Implementing Decision³, the evaluation report confirming that a satisfactory level of data protection is met.

B. Position of the rapporteur

The Rapporteur recalls the progress made in terms of access to the evaluation reports and all other relevant information by the European Parliament and in particular the Members of the LIBE Committee.

As part of the agreement on the Schengen Governance Package in 2013 Parliament obtained a much more comprehensive transmission of documents to it than under the previous mechanism.

The Rapporteur also recalls the setting-up within the LIBE Committee of a Working Group on Schengen Scrutiny, which was set-up in order to increase the scrutiny on Schengen

¹ OJ L 112, 24.2.2012, p. 21

² Committee established by Article 21 of Council Regulation (EU) No 1053/2013.

³ COM(2016) 6870.

Matters and which is actively working to ensure that the Parliament, and in particular the LIBE Committee, is provided with the appropriate tools to exercise its competences, its duty of democratic scrutiny and ensure informed positions on matters regarding Schengen area.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Application of the provisions of the Schengen acquis in the area of the Schengen Information System in the Republic of Croatia	
References	COM(2017)0017 – C8-0026/2017 – 2017/0011(NLE)	
Date of consultation / request for consent	31.1.2017	
Committee responsible Date announced in plenary	LIBE 13.2.2017	
Rapporteurs Date appointed	Nuno Melo 9.3.2017	
Discussed in committee	9.3.2017	23.3.2017
Date adopted	23.3.2017	
Result of final vote	+: 50 -: 3 0: 1	
Members present for the final vote	Daniel Dalton, Agustín Díaz de Mera García Consuegra, Frank Engel, Cornelia Ernst, Raymond Finch, Lorenzo Fontana, Nathalie Griesbeck, Sylvie Guillaume, Jussi Halla-aho, Monika Hohlmeier, Sophia in 't Veld, Dietmar Köster, Cécile Kashetu Kyenge, Marju Lauristin, Monica Macovei, Roberta Metsola, Claude Moraes, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Udo Voigt, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra	
Substitutes present for the final vote	Kostas Chrysogonos, Maria Grapini, Jean Lambert, Andrejs Mamikins, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Emilian Pavel, Morten Helveg Petersen, Salvatore Domenico Pogliese, Christine Revault D'Allonnes Bonnefoy, Barbara Spinelli, Jaromír Štětina, Róza Gräfin von Thun und Hohenstein, Axel Voss	
Substitutes under Rule 200(2) present for the final vote	Elmar Brok, Jonás Fernández, Peter Kouroumbashev, Olle Ludvigsson, Julia Pitera, Helga Trüpel, Bogdan Brunon Wenta, Rainer Wieland, Wim van de Camp	
Date tabled	24.3.2017	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

50	+
ALDE	Nathalie Griesbeck, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Sophia in 't Veld
ECR	Daniel Dalton, Jussi Halla-aho, Monica Macovei, Helga Stevens, Branislav Škripek
EFDD	Kristina Winberg
GUE/NGL	Kostas Chrysogonos, Cornelia Ernst, Barbara Spinelli, Marie-Christine Vergiat
PPE	Elmar Brok, Agustín Díaz de Mera García Consuegra, Frank Engel, Monika Hohlmeier, Roberta Metsola, Julia Pitera, Salvatore Domenico Pogliese, Csaba Sógor, Róza Gräfin von Thun und Hohenstein, Traian Ungureanu, Axel Voss, Bogdan Brunon Wenta, Rainer Wieland, Tomáš Zdechovský, Wim van de Camp, Jaromír Štětina
S&D	Jonás Fernández, Maria Grapini, Sylvie Guillaume, Peter Kouroumbashev, Cécile Kashetu Kyenge, Dietmar Köster, Marju Lauristin, Olle Ludvigsson, Andrejs Mamikins, Claude Moraes, Emilian Pavel, Christine Revault D'Allonnes Bonnefoy, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Jean Lambert, Judith Sargentini, Helga Trüpel, Bodil Valero

3	-
EFDD	Raymond Finch
ENF	Auke Zijlstra
NI	Udo Voigt

1	0
ENF	Lorenzo Fontana

Key to symbols:

+ : in favour

- : against

0 : abstention