

ANNEX

SIRENE Manual and other implementing measures⁽¹⁾

INTRODUCTION

The Schengen *acquis*

On 14 June 1985, the Governments of the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands signed an agreement at Schengen, a small town in Luxembourg, with a view to enabling '(...) all nationals of the Member States to cross internal borders freely (...)’ and to enable the ‘free circulation of goods and services’.

The five founding countries signed the Convention implementing the Schengen Agreement⁽²⁾ on 19 June 1990, and were later joined by the Italian Republic on 27 November 1990, the Kingdom of Spain and the Portuguese Republic on 25 June 1991, the Hellenic Republic on 6 November 1992, the Republic of Austria on 28 April 1995 and by the Kingdom of Denmark, the Kingdom of Sweden and the Republic of Finland on 19 December 1996.

The Kingdom of Norway and the Republic of Iceland also concluded a Cooperation Agreement with the Member States on 19 December 1996 in order to join this Convention.

Subsequently, as of 26 March 1995, the Schengen *acquis* was fully applied in Belgium, Germany, France, Luxembourg, Netherlands, Spain and Portugal⁽³⁾. As of 31 of March 1998, in Austria and Italy⁽⁴⁾; as of 26 of March 2000 in Greece⁽⁵⁾ and finally, as of 25 March 2001, the Schengen *acquis* was applicable in full in Norway, Iceland, Sweden, Denmark and Finland⁽⁶⁾.

The United Kingdom (UK) and Ireland only take part in some of the provisions of the Schengen *acquis*, in accordance with Decision 2000/365/EC and Decision 2002/192/EC respectively.

In the case of the UK, the provisions in which the United Kingdom wished to take part (with exception of SIS) are applicable as of the 1 January 2005⁽⁷⁾.

The Schengen *acquis* was incorporated into the legal framework of the European Union by means of protocols attached to the Treaty of Amsterdam⁽⁸⁾ in 1999. A Council Decision was adopted on 12 May 1999, determining the legal basis for each of the provisions or decisions, which constitute the Schengen *acquis*, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union.

From 1 May 2004, the Schengen *acquis* as integrated into the framework of the European Union by the Protocol annexed to the Treaty on European Union and to the Treaty establishing the European Community (hereinafter referred to as the Schengen Protocol), and the acts building upon it or otherwise related to it are binding on the Czech Republic, the Republic of Estonia, the Republic of Cyprus, 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. As of 1 January 2007, this also applies to the Republic of Bulgaria and to Romania.

Some of the provisions of the Schengen *acquis* apply upon accession of new States to the EU. Other provisions shall only apply in these Member States pursuant to a Council decision to that effect. Finally, the Council takes a decision on the lifting of border checks, after verification that the necessary conditions for the application of all parts of the *acquis* concerned have been met in the Member State in question, in accordance with the applicable Schengen evaluation procedures and after consultation of the European Parliament.

In 2004, the Swiss Confederation signed an agreement with the European Union and the European Community concerning its association with the implementation, application and

Status: *This is the original version (as it was originally adopted).*

development of the Schengen *acquis*⁽⁹⁾, which shall be read in conjunction with Decision 2004/860/EC.

- (1) This text is identical to the text in the Annex to Commission Decision 2008/334/JHA (see page 41 of this Official Journal).
- (2) [OJ L 239, 22.9.2000, p. 19.](#)
- (3) Decision of the Executive Committee of 22 December 1994 on bringing into force the Implementing Convention (SCH/Com-ex (94)29 rev. 2. ([OJ L 239, 22.9.2000, p. 130.](#)).
- (4) Decisions of the Executive Committee of 7 October 1997 (SCH/com-ex 97(27) rev. 4) for Italy and (SCH/com-ex 97(28) rev. 4) for Austria.
- (5) Council Decision 1999/848/EC of 13 December 1999 on the full application of the Schengen *acquis* in Greece ([OJ L 327, 21.12.1999, p. 58.](#)).
- (6) 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, 9.12.2000, p. 24.](#)).
- (7) Council Decision 2004/926/EC of 22 December 2004 on putting into effect of parts of the Schengen *acquis* by the United Kingdom of Great Britain and Northern Ireland ([OJ L 395, 31.12.2004, p. 70.](#)).
- (8) [OJ C 340, 10.11.1997.](#)
- (9) [OJ L 370, 17.12.2004, p. 78.](#)