Inclusion of the United Arab Emirates in the visa-free Schengen area

27.5.2013

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-7-2013-005897-ASW_EN.html)

Question for written answer E-005897-13  
to the Commission  
Rule 117  
Mário David (PPE) , Alexandra Thein (ALDE) , Burkhard Balz (PPE) , Oldřich Vlasák (ECR) , Filip Kaczmarek (PPE) , Salvador Sedó i Alabart (PPE) , Nuno Teixeira (PPE) , Roberta Metsola (PPE) , Ivo Vajgl (ALDE) , Lara Comi (PPE) , Inese Vaidere (PPE) , Rolandas Paksas (EFD) , Libor Rouček (S&D) , Paul Rübig (PPE) , Niccolò Rinaldi (ALDE) , Marc Tarabella (S&D) , Tunne Kelam (PPE) , Antonio Cancian (PPE) , Angelika Niebler (PPE) , Ismail Ertug (S&D) , Emilio Menéndez del Valle (S&D) , Krzysztof Lisek (PPE) , Ildikó Gáll-Pelcz (PPE) , Rodi Kratsa-Tsagaropoulou (PPE) , Paulo Rangel (PPE) , Michael Gahler (PPE) , David Casa (PPE) , Jacek Protasiewicz (PPE) , Eduard Kukan (PPE) , Elena Oana Antonescu (PPE) , Diogo Feio (PPE) , Cristian Dan Preda (PPE) , Antonio López-Istúriz White (PPE) , Charles Tannock (ECR) , Anne Delvaux (PPE)

Securing visa-free access to the Schengen area for United Arab Emirates (UAE) citizens is a top priority and a natural development for the exceptional relations between the EU and the UAE. This can be achieved if the UAE is included in the Commission’s current proposal (from November 2012) for a list of countries whose nationals can enter the Schengen area without a visa (Annex II to Council Regulation (EC) No 539/2001).

The UAE and the EU share important political and security interests, while trade and investment between the UAE, on the one hand, and the EU and the non-EU Schengen countries, on the other hand, is valued at EUR 50 billion.

In 2012, 1 640 000 EU citizens visited the UAE. The current list of European countries whose nationals are issued a visa upon arrival in the UAE will be extended to include a further 12 EU Member States. Furthermore, negotiations are about to be concluded which, from the end of this year, will exempt UAE citizens from visa requirements when visiting the United Kingdom.

The UAE presents a range of solid, positive and objective arguments for being included in the current Annex II list: there are no immigration or security concerns, as there are fewer than 1 million holders of UAE passports (which meet the required technical standards), none of whom has ever been denied a Schengen visa or been detained over immigration or security concerns. We all know that when UAE citizens visit the Schengen area, they travel mainly for business, high-end leisure, (private) medical care, or study/education (fully financed and not at the EU’s expense).

Only one other country in the region (Israel) is exempted from the Schengen visa requirements, and only two other Islamic countries (Brunei and Malaysia) are listed. Even if the UAE case were to be judged on its own merits, the political message from the EU would therefore have a tremendous impact. Parliament will certainly give wide support to this measure.

Given that the UAE complies with all relevant and applicable criteria for being granted Annex II status, we think it is time to act. How does the Commission view the inclusion of the UAE in the ongoing revision of the list of countries whose nationals can access the Schengen area without a visa?

Schengen Visas — refusal of entry

8.3.2013

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-7-2013-002742-ASW_EN.html)

Question for written answer E-002742-13  
to the Commission  
Rule 117  
Carlos Coelho (PPE) , Mário David (PPE)

There have been numerous complaints made by third-country nationals who have been refused entry to the Schengen area, despite holding a visa valid for this purpose.

Despite holding a uniform visa (a visa valid for the entire Schengen area), issued by the Member State whose territory constitutes the main destination of the visit (after it has been confirmed that the applicant meets all of the entry requirements set out in the Schengen Borders Code and does not represent a risk of clandestine immigration or a threat to the security of the Member State and intends to leave the territory before the visa expires), these third-country nationals have been refused entry at an external border of a Member State other than that which issued the visa.

In the Commission’s view, does this constitute a violation of the Schengen rules or is this not the case? Can it explain the legal rules used as the basis for a Member State refusing entry to a third-country national holding a uniform visa valid for a short-term stay (issued in accordance with the rules set out in the Visa Code)?

Should there be a legal basis for refusing entry in this way? Who holds the power of decision?

REPORT on the proposal for a regulation of the European Parliament and of the Council on the establishment of an evaluation mechanism to verify application of the Schengen *acquis*

11.7.2012 - (COM(2010)0624 – C7‑0370/2010 – 2010/0312(COD)) - \*\*\*I

Committee on Civil Liberties, Justice and Home Affairs  
Rapporteur: Carlos Coelho

EXPLANATORY STATEMENT

**Background**

The creation of the Schengen area in the late 1980s and early 1990s was one of European history's greatest successes, characterised by the absence of controls at shared borders between participating countries and the introduction of freedom of movement within this area. In parallel, various compensatory measures were implemented, in particular the strengthening of controls at external borders and of police, customs and judicial cooperation, the creation of the Schengen Information System, etc.

The abolition of internal border controls requires full mutual trust between the Member States in their capacity to fully implement the accompanying measures allowing those controls to be lifted. Indeed, the security of the Schengen area depends on the rigour and effectiveness with which a Member State carries out controls at its external borders, as well as on the quality and speed with which information is exchanged through the SIS. The fragility or inadequate functioning of any of these elements poses a risk to the security of the European Union and to the efficiency of the Schengen area.

In 1998 a Standing Committee was created with the task of assessing the Member States at two separate stages:

-          putting into effect: the committee was to verify whether all the preconditions for application of the Schengen *acquis* had been met so that border controls could be lifted;

-          implementation: the mutual trust established when internal controls were lifted was to be maintained and strengthened through assessments of the way in which the Schengen *acquis* was being applied by the Member States.

Following the entry into force of the Amsterdam Treaty in 1999 and the integration of the Schengen *acquis* into the EU, the name of the Standing Committee was changed to Schengen Evaluation Working Group (SCH-EVAL). Its mandate was, however, unchanged and its intergovernmental character was preserved.

Under the Hague Programme, the Commission was invited to submit a proposal to supplement and remedy the weaknesses identified in the existing Schengen evaluation mechanism. In March 2009, the Commission presented two proposals for a Council regulation and a Council decision to establish the legal framework for a single evaluation mechanism to verify and monitor the correct application of the Schengen *acquis*. The Council regulation covered activities relating to the free movement and border control elements of the Schengen *acquis*. The Council decision covered policing measures which compensated for the removal of internal border controls.

The proposals further aimed to respond to the changes in the legal situation following the integration of the Schengen *acquis* into the EU framework, when each provision of the *acquis* received a legal basis under the first or the third pillar.

The European Parliament was consulted about these two proposals and, proceeding from the opinion given by its the Legal Service regarding the verification whether the legal basis chosen by the Commission was the most appropriate one, concluded that codecision should have been the procedure chosen for the proposal for a regulation. Given that both proposals showed the same shortcomings and, in legal terms, represented two sides of the same coin, i.e. the creation of a single Schengen evaluation system, they should have been treated as a package. In October 2009, the European Parliament rejected the two proposals and invited the Commission to withdraw them and to submit new substantially improved proposals respecting the codecision procedure and taking into account the entry into force of the Treaty of Lisbon.

With the entry into force of the Lisbon Treaty, the third pillar proposal became obsolete and was withdrawn in the ‘Omnibus Communication’ of December 2009. At the same time, the remaining proposal (the first pillar regulation) was also withdrawn.

**Scope of the new proposal**

A single new proposal was put forward in November 2010, with the objective of establishing a legal framework for evaluating the correct application of the Schengen *acquis*. This evaluation mechanism is designed to maintain mutual trust between Member States in their capacity to apply, effectively and efficiently, the accompanying measures making it possible to maintain an area without internal borders.

Codecision is proposed as the legislative procedure, the European Parliament being a full participant in the area of justice and home affairs. To enhance transparency, regular reporting to the Council and to the European Parliament is proposed on evaluations carried out, conclusions drawn from evaluations and follow-up measures taken by the Member States concerned.

The proposal further aims at making the Schengen evaluation mechanism more efficient, ensuring the transparent, effective and consistent implementation of the Schengen *acquis*.

This new evaluation mechanism should be based on questionnaires and visits *in situ*, announced or not, and is organised in phases. There should be a multiannual programme of five years (each Member State should be evaluated at least once in the five-year period) with the list of countries that should be evaluated (preparatory phase). The draft programme should be adopted by a comitology procedure.

The same should happen in relation to the annual programme, which should be based on the risk analysis assessment made by Frontex. This programme should establish the evaluations that should take place per country, with or without previous warning (in this case, the list of Member States should be confidential).

**Rapporteur's position**

The rapporteur applauds the Commission for submitting this new proposal, which not only takes into account some of Parliament's earlier criticisms, but also provides – quite rightly –for a legal basis (Article 77(2)(e) TFEU) entailing the use of the codecision procedure (the ordinary legislative procedure).

A new Schengen evaluation mechanism needs to be established along the following lines:

- it should be more Community oriented (and based on a European approach and the involvement of the Community institutions as opposed to a purely intergovernmental approach);

- it should be more transparent (and hence impose an obligation to inform the Council and Parliament about the outcome of on-site visits and about Commission recommendations and their implementation);

- it should make for greater cooperation (striking a balance between the Commission and Member States in terms of their participation by allowing European and national experts to participate to the full);

- it should utilise resources more effectively (by involving Frontex and drawing on its experience and risk analyses);

- it should be more effective (teams should be less ‘cumbersome’);

- it should make for greater rigour (enabling accurate assessment to be brought to bear on the degree of compliance with Schengen rules and providing for prompt corrective action to dispel any feelings of impunity).

The rapporteur is opposed to a system based on ‘double standards’ that would be very severe to candidate countries and very lenient with countries already in the Schengen area. He therefore believes that the rules must invariably be the same and that the evaluation system must proceed from the premiss that they will continue to be complied with over time and not just at the moment of accession. It thus makes no sense to have different criteria and assessment systems for members and candidates.

The rapporteur wishes to draw attention once again to the importance of mutual trust, the bedrock on which the entire Schengen system is built.

Finally, he has sought to secure the partial participation of the United Kingdom and Ireland so as to enable them to be evaluated as regards police cooperation, SIS/SIRENE operations, and data protection.

<https://www.europarl.europa.eu/doceo/document/A-7-2012-0226_EN.html#_section2>

REPORT on the draft Council regulation on the establishment of an evaluation mechanism to verify the application of the Schengen acquis

10.6.2013 - (10273/2013 – C7‑0160/2013 – 2010/0312(NLE)) - \*

Committee on Civil Liberties, Justice and Home Affairs  
Rapporteur: Carlos Coelho

Procedure : [2010/0312(NLE)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2010/0312(NLE))

EXPLANATORY STATEMENT

**Context**

The text on which the European Parliament is being consulted is the result of an agreement reached between the three institutions following a long process of negotiations.

An initial attempt to respond to the weaknesses and shortcomings of the current evaluation mechanism, which is purely intergovernmental in nature and was established by Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/ Com-ex (98) 26 def.), was made in March 2009, when the Commission put forward two proposals (one for the former first pillar and one for the former third pillar) designed to replace the evaluation mechanism. Parliament rejected both proposals in October 2009 and invited the Commission to withdraw them and to submit new, substantially improved proposals in accordance with the codecision procedure and taking into account the entry into force of the Treaty of Lisbon. A fresh proposal was put forward in November 2010, based on Article 77(2)(e) TFEU, which provides for the ordinary legislative (co-decision) procedure. Whilst Parliament responded favourably to this proposal, the Justice and Home Affairs Council of 7 and 8 June 2012 decided to change the legal basis to Article 70 TFEU, arguing that this article was specifically inserted in the Treaty for the purpose of approving agreements on mutual evaluations. This decision gave rise to an unprecedented interinstitutional dispute which was eventually resolved after intense negotiations.

**Rapporteur's position**

The rapporteur welcomes the agreement reached and recommends that this text be approved. Even though this agreement is not precisely what Parliament would have desired, it responds to most of Parliament's concerns and represents substantial progress by comparison with the current Schengen rules, thereby strengthening Schengen governance. Furthermore, it strengthens the right of citizens to move freely within the Schengen area, making explicit provision for the possibility of evaluating whether or not illegal checks are being carried out at internal borders, in particular through the possibility of making unannounced visits.

**A European mechanism**

The evaluation mechanism will no longer be a purely intergovernmental mechanism, instead taking on a European dimension. The Commission will no longer merely play the part of observer and will instead be responsible for the general coordination of the evaluation and follow-up process. It will be responsible for the majority of decisions relating to the evaluation procedure, the annual and multiannual programme, the preparation and carrying-out of on-site visits and the drawing-up of evaluation reports and recommendations. Following an evaluation, the Commission will be responsible for approving the report and proposing recommendations for remedial action designed to overcome the shortcomings found, which will then have to be approved by the Council. Two Commission representatives will take part in each visit, one of whom will act as visit leader, alongside a national expert. The number of Member State experts taking part in on-site evaluation visits may not exceed a total of eight in the case of announced on-site visits and six in the case of unannounced on-site visits. Various EU agencies and institutions will also be involved.

**A more efficient and rigorous mechanism**

Unlike the current system, which is not legally binding and which provides only peer-to-peer evaluation, the new system has more effective and dissuasive mechanisms. It will allow a more precise evaluation of the level of compliance with the Schengen rules and enable immediate remedial action to be taken, which will do away with any impression of impunity. The Member States will be obliged to resolve any problems they encounter. The new system also makes provision for the possibility of unannounced on-site visits to internal borders, which will help preserve what is one of the main achievements of European integration, i.e. free movement of citizens in an area without internal borders. Whilst there are currently no formal rules on the follow-up action to be taken following an evaluation which has uncovered shortcomings, one of the most significant innovations under the new system is the inclusion of rigorous provisions on the follow-up action to be taken to remedy such shortcomings. Member States in respect of which recommendations have been made for action to remedy shortcomings must draw up an action plan to remedy any deficiencies identified within three months (or one month if the recommendations conclude that the evaluated Member State is seriously neglecting its obligations). This action plan will be assessed and closely monitored and, where necessary, fresh on-site visits will be made to verify that the action plan has been implemented correctly. Provision has also been made for additional monitoring as part of the revision of the Schengen Borders Code, which may include the adoption of recommendations for specific measures such as the deployment of European Border Guard teams, the

submission of strategic plans that must be assessed by Frontex, and as a last resort, in view of the gravity of the situation, the closure of a specific border crossing-point for a limited period of time.

This new mechanism also puts an end to the current double standards. From now on, candidate countries and countries that already belong to Schengen must be evaluated in the same way and according to the same rules. The Schengen acquis must be rigorously respected not only on joining Schengen but also afterwards.

**A mechanism subject to democratic scrutiny**

The Commission will play a significant role in this new evaluation mechanism, and the implementation of the new mechanism will thus be subject to political scrutiny by the European Parliament.

Parliament will be kept informed throughout the process and will have access to all the relevant documents, including the Frontex risk analysis, the multiannual and annual evaluation programme, the evaluation reports, the recommendations for remedial action and the action plans to remedy deficiencies that have been detected. It will also have access to Member States' specific replies to questionnaires. This shows that huge progress has been made in terms of transparency and Parliament's right to information, since up to now Parliament has not had access to any Schengen evaluation documents.

Finally, Parliament has succeeded in guaranteeing its involvement both in the current procedure and in future initiatives in this field. Even though the mechanism is to be approved on the basis of Article 70 of the Treaty, which does not provide for Parliament to be involved in the decision-making process, this regulation has in effect been negotiated as a co-decision text and includes the vast majority of the amendments tabled by Parliament in its report ([A7-0226/2012](https://www.europarl.europa.eu/doceo/document/A-7-2012-0226_EN.html)). In the letter sent to Parliament to confirm the agreement reached, the Council also confirmed its intention to adopt the regulation in accordance with the exact terms of the agreed text; it also confirmed its intention to consult Parliament if a decision was taken to amend the regulation in the future. This commitment is given not only in a joint statement from the three institutions annexed to the regulation, but also in the text of the regulation itself and in the evaluation clause laid down in the Schengen Borders Code (Article 37a). This latter document also includes important guarantees with regard to any future amendment of the Schengen evaluation mechanism, while setting out a large number of details relating to the operation of the evaluation mechanism. For reasons of legal certainty and consistency, the Council is now under pressure not to make any amendments to the evaluation mechanism that could conflict with the terms of the evaluation clause laid down in the Schengen Borders Code.

It should also be stressed that the majority of the most significant improvements were obtained after the negotiations had been reopened, that is following the Council's decision to change the legal basis and the interinstitutional dispute. This is true, for example, of the coordination role assigned to the Commission, its responsibility for adopting the evaluation reports, the possibility of carrying out unannounced on-site visits at internal borders and the increased involvement of the European Parliament and its access to information and documents. It was only thanks to the strong and united position that Parliament maintained throughout this lengthy process of negotiations that all these improvements could be achieved.

**Conclusion**

The rapporteur takes the view that this new mechanism - which is more European, more transparent, efficient and rigorous - represents a huge step forward by comparison with the status quo. It strengthens the tools needed to identify and swiftly remedy any shortcomings found in the Member States with regard to the implementation and application of the Schengen rules, thereby helping to preserve the Schengen area as an area without internal borders and protect citizens' freedom of movement. For all these reasons, and with satisfactory guarantees having been agreed to safeguard Parliament's institutional role, the rapporteur recommends that this agreement be approved.

<https://www.europarl.europa.eu/doceo/document/A-7-2013-0215_EN.html#_section3>

REPORT on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the Convention implementing the Schengen Agreement

7.6.2013 - (COM(2011)0118 – C7‑0070/2011 – 2011/0051(COD)) - \*\*\*I

Committee on Civil Liberties, Justice and Home Affairs  
Rapporteur: Georgios Papanikolaou

EXPLANATORY STATEMENT

**Introduction**

The creation of the Schengen area in the late 1980s was one of Europe's greatest achievements. The adoption of the Schengen Agreement on 14 June 1985 lead to the abolishment of systematic border controls at the internal borders of the countries participating in the Schengen area and guaranteed the free movement of persons in this area. Over those 25 years, the contractual and legal framework that the European Schengen area has become, resulted in what we now proudly call the Schengen acquis. Schengen area, initially counted 5 members, now is comprised of 25 member countries with Bulgaria and Romania soon to be integrated.

Regulation 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 borders (Schengen Borders Code) is an important milestone in this legislative effort to promote and enhance the Schengen acquis. It applies to any person crossing the internal or external borders of the European Union laying down standards for checks at border crossing points of the Schengen area. Its legal framework focuses on the protection of the interests of the Union and ensures the free movement of EU citizens and other persons enjoying the same right, but at the same time it protects the rights of individuals and the rights of particular vulnerable groups of persons that do not enjoy the privileges of the right of free movement.

The main purpose of this Regulation is to modify the existing legislation on border checks carried out on persons and enhance the integrated border management policy by improving the rules on crossing external borders.

**Scope of the Commission proposal**

Coming in a very crucial and historical for EU timing, the Commission proposal aims to make the Schengen Border Code a more clear and comprehensive mechanism.

Being primarily technical in nature, it concerns the updating of the rules and legal developments that have taken place since the establishment of Regulation 562/2006 and since the taking into force of the Lisbon Treaty.

It also takes under consideration practical experiences of the Member States in the application of the Schengen Borders Code.

The Commission proposal contains finally closely related modifications to the Convention implementing the Schengen Agreement of 14 June 1985.

**Rapporteur's position**

Taking into account the proposal by the European Commission and the recent developments both in legal and practical terms of the Schengen acquis, the rapporteur agrees with the Commission on the need to amend the existing Schengen Border Code. It is vital to maintain the notion that the removal of controls at the internal borders between Members States goes hand in hand with the need of effective controls, deeper cooperation and mutual trust at the external borders of the Schengen area. In particular this period, during which urgent developments in EU externals borders have taken place (i.e. radical political changes in North Africa) that affect deeply the migration flows directed towards the EU.

In this context, the rapporteur presents amendments that ameliorate the existing frame and which are mainly guided by two principles: First, by enhancing the rules that facilitate, simplify and further develop the free movement within the European Schengen area and secondly, by supporting a rigorous framework for control and security at the external borders of the territory of the Member States.

The rapporteur further agrees that it is important for the strengthening of the Schengen acquis that bilateral agreements are concluded between Member States and third countries for common crossing points. Such agreements should be compatible with European law and values. As seen in existing examples of agreements such as the ones concluded between Ukraine and Poland or Hungary and Croatia, these agreements can act as tools enhancing the protection and border checks of persons attempting to cross at external border crossing points.

The strengthening of the external borders will create legal certainty, it will strengthen the solidarity amongst the Member States and it will provide further economic development. In any case it should be noted that these proposals shall take into great consideration the protection of individual rights of all persons entering or attempting to enter the Schengen area by using the long standing political and legal tradition of the European Union. In addition, the rapporteur notes, that when it has been shown that acts or omissions by a third country have caused disturbances to the external borders of the Schengen area, Member States, in the conduct of border surveillance, should be concerned and act under Article 215 of TFEU.

Whilst drafting the amendments to the present proposal, apart from the newly established Lisbon Treaty and the EU legislation on the protection of human rights, the rapporteur took also into consideration recently adopted European legislation such as the newly adopted Visas Code, the Return Directive and the recent amendments to the regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) that offers new fields of action in order to improve the integrated management of the Union’s external borders.

Thus, the current proposal, even though it is more technical in nature, is an added value to the evolution of the Schengen acquis. It offers immediate benefits while facilitates and evolves border controls and develops the trust and solidarity in the Schengen area. The message that it conveys is crystal clear; despite the difficult period the European Union faces, it remains committed to its integration process and faithful to its values that guarantees peace, security and prosperity in the continent. Convinced that common challenges can only be tackled with shared goals and visions can only be achieved through cooperation and mutual solidarity.

<https://www.europarl.europa.eu/doceo/document/A-7-2013-0206_EN.html#_section3>

  Accession of Bulgaria and Romania to Schengen

29.9.2011

[Answer in plenary](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-10-12-ITM-015_EN.html)

Question for oral answer O-000218/2011  
to the Council  
Rule 115  
Renate Weber, Sophia in 't Veld, Alexander Alvaro, Cecilia Wikström, Baroness Sarah Ludford, Filiz Hakaeva Hyusmenova, Stanimir Ilchev, Louis Michel, Metin Kazak, Sonia Alfano, Gianni Vattimo  
on behalf of the ALDE Group

Procedure : [2011/2853(RSP)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2011/2853(RSP))

Document stages in plenary

Document selected :

O-000218/2011

Texts tabled :

**O-000218/2011** (B7-0628/2011)

Debates :

[PV 12/10/2011 - 15](https://www.europarl.europa.eu/doceo/document/PV-7-2011-10-12-ITM-015_EN.html)  
[CRE 12/10/2011 - 15](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-10-12-ITM-015_EN.html)

Votes :

Texts adopted :

On 8 June 2011, the European Parliament decided to give the green light to Bulgaria and Romania’s accession to the Schengen area, with 487 votes in favour, 77 against and 29 abstentions.

This vote took place after the Commission’s progress reports concluded that both countries met all the technical and legal criteria for joining the Schengen area, including visa issuance policy, police cooperation, readiness to connect to and use the Schengen Information System, data protection and control of land, sea and air borders.

However the Home Affairs Council decided last week to postpone indefinitely the decision on the countries’ accession after two Members States, using the rule of unanimity, decided to apply double standards to Bulgaria and Romania and thus transformed a technical evaluation into the political isolation of both countries.

By signing the Accession Treaty, Bulgaria and Romania received a list of requirements and fulfilled them. Does the Council believe it is fair to apply extra criteria which were not foreseen from the beginning and which were not applied to the earlier accessions?

Can the Council indicate what further criteria have to be met by Romania and Bulgaria in order for them to qualify? Can the Council clarify the legal basis for these criteria?

What are the next steps that the Council intends to take? What is the strategy and timetable of the Polish Presidency?

Tabled: 29.9.2011

Forwarded: 30.9.2011

Deadline for reply: 21.10.2011

chengen - illegal controls at internal borders

26.6.2012

Question for oral answer O-000133/2012  
to the Commission  
Rule 115  
Renate Weber, Sophia in 't Veld, Alexander Alvaro, Baroness Sarah Ludford, Sonia Alfano, Louis Michel, Nathalie Griesbeck, Cecilia Wikström, Stanimir Ilchev, Leonidas Donskis, Ramon Tremosa i Balcells, Marielle de Sarnez, Jelko Kacin, Ivo Vajgl  
on behalf of the ALDE Group

Freedom of movement is a defining principle of the EU, and the ability to move within the EU without facing checks at internal borders is one of its most successful achievements.

An area without internal border controls which enables the free movement of citizens, workers, goods and services is essential to the success of the single market and to Europe’s continued efforts to boost economic growth.

Unfortunately, the challenges to Schengen continue to grow across the Member States. Once again, complaints have been made regarding the existence of controls at internal borders. This time, the complaints, accompanied by detailed data, concern the checks that the German authorities are systematically carrying out on Czech buses in border areas. According to the statistics presented in February 2012, around 55.3 % of buses passing through Germany are checked.

Meanwhile, on 11 May 2012 a Dutch Court ruled that the checks carried out since 1 June 2011 by the Dutch authorities under the ‘*Mobiel Toezicht Veiligheid*’ on the basis of Article 4(17)(a) of the ‘*Vreemdelingenbesluit 2000*’ have the same effects as border controls and are in clear violation of the Schengen rules, specifically Articles 20 and 21 of the Schengen Borders Code.

Is the Commission aware of these facts? After months of investigation, is the Commission ready to take a position with regard to the controls at the Dutch border and to initiate infringement proceedings, pursuant to Article 258 of the TFEU, against any countries which are in clear violation of the Schengen rules?

What steps does the Commission intend to take with regard to Schengen governance in view of the series of incidents – including the Franco-Italian spat over Tunisian migrants which led to the reintroduction of controls near Ventimiglia, and the Danish plan to reintroduce controls at the internal borders – that have taken place during the last two years? Will the Commission accept that the proposals on Schengen governance have been hijacked by the Council decision to modify the legal basis of the proposal on the creation of an evaluation mechanism for the area?

Tabled: 26.6.2012

Forwarded: 28.6.2012

Deadline for reply: 5.7.2012

Postponement of the accession of the new Member States to the Schengen area

3.10.2006

ORAL QUESTION WITH DEBATE O-0112/06  
pursuant to Rule 108 of the Rules of Procedure  
by Zita Pleštinská, Peter Šťastný, Milan Gaľa, Ján Hudacký, Miroslav Mikolášik, Monika Beňová, Vladimír Maňka, Miloš Koterec, Irena Belohorská, Peter Baco, Sergej Kozlík, Tomáš Zatloukal, Jan Březina, Miroslav Ouzký, Jan Zahradil, Oldřich Vlasák, Petr Duchoň, Jaroslav Zvěřina, Nina Škottová, Milan Cabrnoch, Ivo Strejček, Libor Rouček, Joseph Muscat, Aldis Kušķis, Bernd Posselt, Árpád Duka-Zólyomi, Małgorzata Handzlik, Edit Bauer, Rihards Pīks, Paweł Piskorski, Bogusław Sonik, Renate Sommer, Jacek Saryusz-Wolski, Ioannis Kasoulides, Danutė Budreikaitė, Justas Paleckis, Zdzisław Podkański, Romana Jordan Cizelj, Jan Olbrycht, Pál Schmitt, Alojz Peterle, Tadeusz Zwiefka, Zbigniew Zaleski, Georgios Papastamkos, Marie Panayotopoulos-Cassiotou, Anna Záborská, Guido Podestà, Lívia Járóka, Jerzy Buzek, Zuzana Roithová, Hanna Foltyn-Kubicka, Urszula Krupa, Bogdan Pęk, József Szájer, Csaba Őry, Vladimír Železný, Jana Hybášková, Stanisław Jałowiecki, Ljudmila Novak, Lambert van Nistelrooij, Filip Kaczmarek, László Surján, Alexander Stubb, Jas Gawronski, Barbara Kudrycka, Etelka Barsi-Pataky, Albert Deß, Simon Busuttil, Grażyna Staniszewska, Michael Gahler, Luisa Rudi Ubeda, Czesław Siekierski, Jan Masiel, John Bowis, Zbigniew Kuźmiuk, Tunne Kelam, Ryszard Czarnecki, Marek Czarnecki, Horst Posdorf, Thomas Ulmer, Ioannis Gklavakis, Nikolaos Vakalis, John Purvis, Béla Glattfelder, Zsolt Becsey, Andreas Schwab, Manolis Mavrommatis, Leopold Rutowicz, Henrik Lax and Charles Tannock  
to the Commission

In 2004, the Commission declared that the enlargement of the Schengen area to include the new Member States would be possible after the adoption of vital measures to secure the area’s external borders. The provisional date of accession was set for October 2007.

However, a Commission statement made in September 2006 indicates that the date of accession will probably be put back to 2009 because of technical and legal problems relating to the creation and launch of the Schengen Information System (SIS) II.

1. Has the Commission considered alternatives to introducing SIS II, such as temporarily including the new Member States in the current system (SIS I+)? If not, why not? If so, what conclusions were reached?

1. What does the Commission intend to do to maintain the original timetable for the accession of the new Member States to the Schengen area?

1. Boosting public confidence in the EU is vital. The free movement of persons is a practical fulfilment of the fundamental freedoms guaranteed by the Treaties. When, in the near future, will citizens from the new Member States also be able to travel without border controls?

Tabled: 03.10.2006

Forwarded: 05.10.2006

Deadline for reply: 12.10.2006

Schengen area — continued restrictions on movement of EU workers and citizens in the internal market

28.1.2009

[Answer in writing](https://www.europarl.europa.eu/doceo/document/P-6-2009-0634-ASW_EN.html)

WRITTEN QUESTION P-0634/09  
by Tomáš Zatloukal (PPE‑DE)  
to the Commission

The Czech Republic has been a member of the Schengen area for over a year now; amongst other things, this allows its citizens to cross internal borders without any kind of restrictions. During this time, however, there have been innumerable cases of citizens of the Czech Republic being subjected to passport checks or their vehicles targeted for roadside checks on the territory of Germany and Austria. The motto of the Czech Presidency of the Council is ‘Europe without Barriers’, but the reality unfortunately still falls far short of the slogan.

During the past year the European Commission has been asked several times about this matter, and not just by Czech Members of the European Parliament. All that we received in reply were rather vague remarks and there has been no improvement on the ground.

We therefore ask once more what specific action the Commission intends to take in order to ensure that regulation (EC) No 562/2006[[1]](https://www.europarl.europa.eu/doceo/document/P-6-2009-0634_EN.html#def1) is not violated by certain Member States.

MOTION FOR A RESOLUTION on the changes to Schengen

4.7.2011

to wind up the debate on the statement by the Commission  
pursuant to Rule 110(2) of the Rules of Procedure  
  
Renate Weber, Sarah Ludford, Louis Michel, Leonidas Donskis, Jan Mulder, Cecilia Wikström, Sonia Alfano, Alexander Graf Lambsdorff, Giommaria Uggias, Nadja Hirsch, Sophia in 't Veld, Nathalie Griesbeck, Gianni Vattimo, Ramon Tremosa i Balcells, Stanimir Ilchev, Antonyia Parvanova on behalf of the ALDE Group

See also joint motion for a resolution [RC-B7-0392/2011](https://www.europarl.europa.eu/doceo/document/RC-7-2011-0392_EN.html)

Procedure : [2011/2753(RSP)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2011/2753(RSP))

Document stages in plenary

Document selected :

B7-0456/2011

Texts tabled :

**B7-0456/2011**

Debates :

[PV 06/07/2011 - 17](https://www.europarl.europa.eu/doceo/document/PV-7-2011-07-06-ITM-017_EN.html)  
[CRE 06/07/2011 - 17](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-07-06-ITM-017_EN.html)

Votes :

[PV 07/07/2011 - 7.5](https://www.europarl.europa.eu/doceo/document/PV-7-2011-07-07-ITM-007-05_EN.html)

Texts adopted :

[P7\_TA(2011)0336](https://www.europarl.europa.eu/doceo/document/TA-7-2011-0336_EN.html)

B7‑0456/2011

European Parliament resolution on the changes to Schengen

*The European Parliament*,

–   having regard to the conclusions of the European Council of 24 June 2011,

–   having regard to the European Commission Communication on Migration of 4 May 2011, ([COM(2011)0248](https://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=EN&type_doc=COMfinal&an_doc=2011&nu_doc=0248) final),

–   having regard to the Schengen Agreement of 14 June 1985,

–   having regard to the Convention implementing the Schengen Agreement of 19 June 1990,

–   having regard to Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States,

–   having regard to Regulation (EC) No 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 borders (Schengen Borders Code),

–   having regard to the proposal for a Regulation of the European Parliament and of the Council on the establishment of an evaluation mechanism to verify application of the Schengen acquis ([COM(2010)0624](https://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=EN&type_doc=COMfinal&an_doc=2010&nu_doc=0624) – C7-0370/2010 – [2010/0312(COD)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2010/0312(COD))),

–   having regard to the draft report on the proposal for a regulation of the European Parliament and of the Council on the establishment of an evaluation mechanism to verify application of the Schengen acquis ([COM(2010)0624](https://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=EN&type_doc=COMfinal&an_doc=2010&nu_doc=0624)),

–   having regard to Article 2 of the TEU and to Articles 3, 18, 20, 21, 67, 77, 80 of the TFEU,

–   having regard to Article 45 of the Charter of Fundamental Rights of the European Union,

–   having regard to Rule 110(2) of its Rules of Procedure,

A. whereas the European Union is founded on the unequivocal respect of fundamental rights and freedoms, in particular the free movement of persons as enshrined in the TFEU,

B.  whereas the creation of the Schengen area and the integration of the Schengen acquis into the EU framework is one of the greatest achievements of the European integration process, marked by the removal of controls on persons at internal borders and by unprecedented freedom of movement inside the EU,

C. whereas freedom of movement has become one of the pillars of EU citizenship and one of the foundations of the European Union as an Area of freedom, security and justice, enshrining the right to move and reside freely in all Member States enjoying the same rights, protections and guarantees, including the ban of all discriminations based on nationality,

D. whereas the Schengen rules governing the conditions for the movement of persons across internal borders have been defined in the Schengen Borders Code, whose Articles 23 to 26 set out measures and procedures for the temporary reintroduction of border controls at internal borders which however, being of a unilateral nature, do not allow the collective EU interest to prevail,

E.  whereas the evaluation mechanism based on the Schengen Evaluation Working Group (SCH-EVAL), a purely intergovernmental body, has shown its limits,

F.  whereas a new evaluation mechanism has been set out in the proposal for a Regulation establishing an evaluation mechanism to verify application of the Schengen acquis, currently being examined in ordinary legislative procedure by the EP; whereas this mechanism already defines procedures, principles and tools for supporting and assessing Member States’ compliance with the Schengen acquis, also in presence of unforeseen events,

G. whereas Article 77 of the TFEU states that the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures concerning, amongst others, the checks to which persons crossing external borders are subject in the absence of any controls of persons, whatever their nationality, when crossing internal borders,

1.  Stresses that free movement of people within the Schengen area has been one of the biggest achievements of European integration; that Schengen has a positive impact on the life of hundreds of thousands of citizens, not only by making border crossing convenient, but also by boosting the economy because of the money saved on border checks; has serious doubts that EU citizens would consider it appropriate to reintroduce border controls and passport checks as a way to improve their daily lives;

2.  Believes that, while the conditions for the temporary and exceptional reintroduction of controls at internal borders are already clearly set out in Regulation No 562/2006 (Schengen Border Code) with Articles 23, 24 and 25 providing for the possibility of reintroducing border control at the internal borders only where there is a serious threat to public policy or internal security, the procedures for making such decisions need to be EU ones rather than Member States’ ones;

3.  Equally believes that support to Member States in order to ensure compliance with the Schengen acquis in case of exceptional pressure at the external borders can already be called upon and enforced through the new Schengen evaluation system;

4.  Is therefore of the opinion that any new additional exemptions from the current rules, such as new grounds for ‘exceptionally’ reintroducing borders controls would definitely not reinforce the Schengen system;

5.  Reminds that any proposal that would not aim at reinforcing EU citizens’ freedom of movement would contradict the word and the spirit of the Treaties and the acquis communautaire, harming one of the pillars of EU citizenship;

6.  Is convinced that the recent problems with Schengen are rooted in the reluctance to achieve European policy in other fields, most crucially a common European asylum and migration system (including tackling irregular immigration and fighting organised crime); reiterates that it is of utmost importance to make progress in this respect, also given the fact that the deadline for the establishment for a common European asylum system is set for 2012; considers it crucial to focus on improving existing instruments (such as Frontex) and on better European cooperation, not only between Member States on the basis of Article 80 of the TFEU, but also between EU agencies, such as Europol, Eurojust and the European Asylum Support Office;

7.  Warns that any measure in the Schengen field should fully respect Parliament’s prerogatives and therefore should be based on Article 77 of the TFEU; and that it should first of all aim at enforcing Commission supervision on the correct functioning of the Schengen system;

8.  Instructs its President to forward this resolution to the Council, the Commission, the Council of Europe, the governments and parliaments of Member States.

MOTION FOR A RESOLUTION on the accession of Bulgaria and Romania to Schengen

5.10.2011

further to Questions for Oral Answer B7‑0440/2011, 0621/2011 and B7‑0439/2011  
pursuant to Rule 115(5) of the Rules of Procedure  
  
Marian-Jean Marinescu, Andrey Kovatchev, Carlos Coelho, Manfred Weber, Simon Busuttil, Monica Luisa Macovei, Mariya Nedelcheva, Elena Oana Antonescu, Georgios Papanikolaou, Véronique Mathieu on behalf of the PPE Group  
Claude Moraes, Ioan Enciu, Iliana Malinova Iotova, Liisa Jaakonsaari on behalf of the S&D Group  
Renate Weber, Sophia in ‘t Veld, Alexander Alvaro, Cecilia Wikström, Sarah Ludford, Filiz Hakaeva Hyusmenova, Stanimir Ilchev, Louis Michel, Metin Kazak, Sonia Alfano, Gianni Vattimo, Nathalie Griesbeck on behalf of the ALDE Group  
Tatjana Ždanoka, Judith Sargentini on behalf of the Verts/ALE Group  
Cornelia Ernst on behalf of the GUE/NGL Group

Amendments

Procedure : [2011/2853(RSP)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2011/2853(RSP))

Document stages in plenary

Document selected :

B7-0532/2011

Texts tabled :

**B7-0532/2011**

Debates :

[PV 12/10/2011 - 15](https://www.europarl.europa.eu/doceo/document/PV-7-2011-10-12-ITM-015_EN.html)  
[CRE 12/10/2011 - 15](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-10-12-ITM-015_EN.html)

Votes :

[PV 13/10/2011 - 6.10](https://www.europarl.europa.eu/doceo/document/PV-7-2011-10-13-ITM-006-10_EN.html)  
[CRE 13/10/2011 - 6.10](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-10-13-ITM-006-10_EN.html)  
[Explanations of votes](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-10-13-ITM-009_EN.html?textTabled=B-7-2011-0532#4-129-000)  
[Explanations of votes](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-10-13-ITM-009_EN.html?textTabled=B-7-2011-0532#4-226-000)

Texts adopted :

[P7\_TA(2011)0443](https://www.europarl.europa.eu/doceo/document/TA-7-2011-0443_EN.html)

B7‑0532/2011

European Parliament resolution on the accession of Bulgaria and Romania to Schengen

*The European Parliament*,

–   having regard to its legislative resolution of 8 June 2011 on the draft Council decision on the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania[[1]](https://www.europarl.europa.eu/doceo/document/B-7-2011-0532_EN.html#_part1_def1),

–   having regard to the conclusions of the Justice and Home Affairs Council held in Luxembourg on 9 and 10 June 2011[[2]](https://www.europarl.europa.eu/doceo/document/B-7-2011-0532_EN.html#_part1_def2),

–   having regard to the conclusions of the European Council of 24 and 25 June 2011[[3]](https://www.europarl.europa.eu/doceo/document/B-7-2011-0532_EN.html#_part1_def3),

–   having regard to the questions of 29 September 2011 to the Council and the Commission on the accession of Bulgaria and Romania to Schengen ([O-000224/2011](https://www.europarl.europa.eu/doceo/document/O-7-2011-000224_EN.html) – B7‑0440/2011, [O-000225/2011](https://www.europarl.europa.eu/doceo/document/O-7-2011-000225_EN.html) – B7‑0621/2011, [O-000223/2011](https://www.europarl.europa.eu/doceo/document/O-7-2011-000223_EN.html) – B7‑0439/2011),

–   having regard to Rules 115(5) and 110(2) of its Rules of Procedure,

A. whereas the free movement of persons is a fundamental right guaranteed to EU citizens by the Treaties;

B.  whereas the creation of the Schengen area and the integration of the Schengen *acquis* into the EU framework is one of the greatest achievements of the European integration process;

C. whereas Romania and Bulgaria have fulfilled all the criteria for successful conclusion of the Schengen evaluation process;

D. whereas both countries’ preparedness for joining the Schengen area was certified by Parliament in its resolution of 8 June 2011 and by the Council in its conclusions of 9 June 2011;

E.  whereas, during the European Council of 24 June 2011, the heads of state and government agreed that the decision concerning the accession of Bulgaria and Romania should be taken no later than September 2011;

F.  whereas the decision on the accession of Romania and Bulgaria has been postponed following the Council’s failure to vote during its meeting of 22 September 2011;

1.  Points out that both countries have fundamentally redesigned and reorganised their integrated border management systems by investing substantially in their law enforcement authorities, including the provision of training and the latest technology, and have visibly reinforced their institutional and legal frameworks, a fact which is acknowledged in all the Schengen evaluation reports;

2.  Notes the constant support and solidarity shown by Bulgaria and Romania as reliable partners in south-eastern Europe, along with their continual contribution to border security in this part of the EU;

3.  Underlines that both countries have fully implemented the Schengen *acquis*, which –according to their Accession Treaty and the existing EU legal framework – is the only prerequisite for their accession to the Schengen area;

4.  Urges all Member States to take the decision on enlarging the Schengen area to include Bulgaria and Romania solely on the basis of the Schengen *acquis* and procedures; believes that additional criteria cannot be imposed on Member States which are already in the process of joining the Schengen area;

5.  Reiterates Parliament’s support for enlarging the Schengen area to include Bulgaria and Romania, and calls on the European Council to proceed in accordance with the EU Treaty and to take the necessary measures to enable Romania and Bulgaria to accede to the Schengen area;

6.  Calls on all Member States to honour their commitments under the EU legal framework as regards the Schengen accession criteria, and not to give priority to national populism;

7.  Instructs its President to forward this resolution to the Commission, the Council and the governments and parliaments of the Member States.

JOINT MOTION FOR A RESOLUTION on changes to Schengen

5.7.2011

pursuant to Rule 110(4) of the Rules of Procedure  
replacing the motions by the following groups:  
Verts/ALE ([B7‑0392/2011](https://www.europarl.europa.eu/doceo/document/B-7-2011-0392_EN.html))  
PPE ([B7‑0393/2011](https://www.europarl.europa.eu/doceo/document/B-7-2011-0393_EN.html))  
S&D ([B7‑0400/2011](https://www.europarl.europa.eu/doceo/document/B-7-2011-0400_EN.html))  
ALDE ([B7‑0456/2011](https://www.europarl.europa.eu/doceo/document/B-7-2011-0456_EN.html))  
  
Manfred Weber, Simon Busuttil, Carlos Coelho, Roberta Angelilli, Marian‑Jean Marinescu on behalf of the PPE Group  
Martin Schulz, Juan Fernando López Aguilar, Claude Moraes, Monika Flašíková Beňová, Sylvie Guillaume, Ioan Enciu on behalf of the S&D Group  
Guy Verhofstadt, Renate Weber, Sarah Ludford, Louis Michel, Leonidas Donskis, Jan Mulder, Cecilia Wikström, Sonia Alfano, Alexander Graf Lambsdorff, Giommaria Uggias, Nadja Hirsch, Sophia in ’t Veld, Nathalie Griesbeck, Gianni Vattimo, Ramon Tremosa i Balcells, Stanimir Ilchev, Antonyia Parvanova, Ivo Vajgl, Alexander Alvaro on behalf of the ALDE Group  
Daniel Cohn-Bendit, Rebecca Harms, Judith Sargentini, Raül Romeva i Rueda, Ulrike Lunacek, Tatjana Ždanoka on behalf of the Verts/ALE Group

Procedure : [2011/2753(RSP)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2011/2753(RSP))

Document stages in plenary

Document selected :

RC-B7-0392/2011

Texts tabled :

**RC-B7-0392/2011**

Debates :

[PV 06/07/2011 - 17](https://www.europarl.europa.eu/doceo/document/PV-7-2011-07-06-ITM-017_EN.html)  
[CRE 06/07/2011 - 17](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-07-06-ITM-017_EN.html)

Votes :

[PV 07/07/2011 - 7.5](https://www.europarl.europa.eu/doceo/document/PV-7-2011-07-07-ITM-007-05_EN.html)  
[Explanations of votes](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-07-07-ITM-008_EN.html?textTabled=RC-7-2011-0392#4-167-000)  
[Explanations of votes](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-07-07-ITM-008_EN.html?textTabled=RC-7-2011-0392#4-222-000)

Texts adopted :

[P7\_TA(2011)0336](https://www.europarl.europa.eu/doceo/document/TA-7-2011-0336_EN.html)

European Parliament resolution on changes to Schengen

*The European Parliament*,

–   having regard to Article 2 TEU and Articles 3, 18, 20, 21, 67, 77 and 80 TFEU,

–   having regard to Article 45 of the Charter of Fundamental Rights of the European Union,

–   having regard to the Schengen Agreement of 14 June 1985,

–   having regard to the Convention implementing the Schengen Agreement, of 19 June 1990,

–   having regard to Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States[[1]](https://www.europarl.europa.eu/doceo/document/RC-7-2011-0392_EN.html#_part1_def1),

–   having regard to Regulation (EC) No 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 borders (Schengen Borders Code)[[2]](https://www.europarl.europa.eu/doceo/document/RC-7-2011-0392_EN.html#_part1_def2),

–   having regard to the proposal for a Regulation of the European Parliament and of the Council on the establishment of an evaluation mechanism to verify application of the Schengen *acquis* ([COM(2010)0624](https://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=EN&type_doc=COMfinal&an_doc=2010&nu_doc=0624)),

–   having regard to the draft report on the proposal for a regulation of the European Parliament and of the Council on the establishment of an evaluation mechanism to verify application of the Schengen *acquis*,

–   having regard to its resolution of 2 April 2009 on the application of Directive 2004/38/EC on the right to citizens of the Union and their family members to move and reside freely within the territory of the Member States (2008/2184 (INI))[[3]](https://www.europarl.europa.eu/doceo/document/RC-7-2011-0392_EN.html#_part1_def3),

–   having regard to the Commission communication of 4 May 2011 on migration ([COM(2011)0248](https://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=EN&type_doc=COMfinal&an_doc=2011&nu_doc=0248)),

–   having regard to the conclusions of the Justice and Home Affairs Council of 9 June 2011,

–   having regard to the conclusions of the European Council of 24 June 2011,

–   having regard to Rule 110(4) of its Rules of Procedure,

A. whereas the creation of the Schengen area and the integration of the Schengen *acquis* into the EU framework is one of the greatest achievements of the European integration process, marked by the removal of controls on persons at internal borders and unprecedented freedom of movement for a population of more than 400 million people over an area of 4 312 099 km2,

B.  whereas freedom of movement has become one of the pillars of EU citizenship and one of the foundations of the EU as an area of freedom, security and justice, enshrining the right to move and reside freely in all Member States while enjoying the same rights, protections and guarantees, including the ban on all forms of discrimination based on nationality,

C. whereas, according to the Schengen Borders Code and Article 45 of the EU Charter of Fundamental Rights, freedom of movement in the EU may, under specific conditions, also be extended to third-country nationals legally resident in the EU,

*Recent events*

D. whereas, especially in the last year, there has been a massive displacement of people from several North African countries; whereas the Schengen system has recently come under pressure, with some Member States considering the reintroduction of national border controls in the face of the sudden influx of migrants,

E.  whereas on 4 May 2011 the Commission presented several initiatives for a more structured approach to migration, taking into account in particular the recent developments in the Mediterranean region and including a proposal on Schengen; whereas the European Council conclusions of 23-24 June 2011 ask the Commission to present a proposal on a ‘safeguard mechanism’ in order to respond to ‘exceptional circumstances’ that might put the Schengen cooperation at risk,

*Schengen Borders Code/migration policy*

F.  whereas the Schengen rules governing the movement of persons across internal borders are defined in the Schengen Borders Code, Articles 23 to 26 of which set out measures and procedures for the temporary reintroduction of internal border controls, but whereas such controls, being of a unilateral nature, do not allow the collective EU interest to prevail,

G. whereas the creation of the Schengen area defined a common external border, which the EU has a joint responsibility to manage under Article 80 TFEU; whereas the EU has not yet fully complied with this requirement, although it has sought to establish effective controls and cooperation between customs, police and judicial authorities, to develop a common immigration, asylum and visa policy and to establish the second-generation Schengen Information System (SIS II) and the Visa Information System (VIS),

*Evaluation mechanism*

H. whereas the abolition of internal border controls requires the Member States to have complete trust in one another’s capacity to implement fully the accompanying measures allowing such controls to be lifted; whereas the security of the Schengen area depends on the rigour and effectiveness with which each Member State carries out controls at its external borders, as well as on the quality and speed of exchanges of information via the SIS; whereas the inadequate functioning of any of these elements presents a risk to the security of the EU as a whole,

I.   whereas it is essential to evaluate the Member States’ compliance with the Schengen *acquis* in order to ensure the smooth functioning of the Schengen area; whereas the evaluation mechanism based on the Schengen Evaluation Working Group (SCH-EVAL), a purely intergovernmental body, has not proven sufficiently effective,

J.   whereas the double standards currently operating in respect of Schengen, whereby high demands are placed on all candidate countries while those countries already belonging to the Schengen area are treated very complacently, should be abolished,

K. whereas a new evaluation mechanism is set out in the proposal for a Regulation establishing an evaluation mechanism to verify application of the Schengen *acquis*, which is currently being examined by the EP under the ordinary legislative procedure; whereas this mechanism already specifies procedures, principles and tools for supporting and assessing the Member States’ compliance with the Schengen *acquis*, including in the face of unforeseen events,

*Co-decision*

L.  whereas Article 77 TFEU states that Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures concerning, inter alia, the checks to which persons crossing external borders are subject in the absence of any controls of persons, whatever their nationality, when crossing internal borders,

*Importance of Schengen*

1.  Stresses that free movement of people within the Schengen area has been one of the biggest achievements of European integration, that Schengen has a positive impact on the lives of hundreds of thousands of EU citizens, both by making border crossing convenient and by boosting the economy, and that freedom of movement is a fundamental right and a pillar of EU citizenship, the conditions for the exercise of which are laid down in the Treaties and in Directive 2004/38/EC;

*Schengen governance/evaluation mechanism*

2.  Strongly recommends strengthening the Schengen governance in order to help ensure that each Member State can effectively control its section of the EU’s external borders, to reinforce mutual trust and to build confidence in the effectiveness of the EU system of migration management; firmly stresses the need for greater solidarity towards those Member States facing the greatest influx of migrants in order to help them deal with extraordinary situations of this nature;

3.  Believes that the new Schengen evaluation mechanism currently being discussed within Parliament will be part of the answer, insofar as it ensures effective monitoring of any attempt to introduce illegal internal border controls and reinforces mutual trust; also believes that the new Schengen evaluation system already makes it possible to request and obtain support for Member States with a view to ensuring compliance with the Schengen *acquis* in the event of exceptional pressure on the EU’s external borders;

4.  Stresses the need to ensure the proper implementation and application of the Schengen rules by the Member States even after their accession; points out that this also means helping, at an early stage, those Member States facing problems so that they can remedy their deficiencies with practical support from the EU agencies; is of the opinion that the existing evaluation mechanism should be reinforced and made into an EU system;

5.  Believes that the effectiveness of the evaluation mechanism lies in the possibility of sanctions in the event that deficiencies persist and jeopardise the overall security of the Schengen area; recalls that the primary purpose of such sanctions is dissuasion;

*Schengen Borders Code*

6.  Believes that the necessary conditions for the temporary reintroduction of internal border controls in exceptional circumstances are already clearly set out in Regulation No 562/2006 (Schengen Borders Code), Articles 23, 24 and 25 of which provide for the possibility of reintroducing internal border controls only where there is a serious threat to public policy or internal security; calls on the Commission to present an initiative aimed at defining the strict application of these Articles by the Member States;

7.  Is therefore of the opinion that any new additional exemptions from the current rules, such as new grounds for reintroducing border controls on an ‘exceptional’ basis would definitely not reinforce the Schengen system; points out that on no account can the influx of migrants and asylum seekers at external borders per se be considered an additional ground for the reintroduction of border controls;

8.  Strongly regrets the attempt by several Member States to reintroduce border controls, which clearly jeopardises the very spirit of the Schengen *acquis*;

9.  Is of the opinion that the recent problems with Schengen are rooted in a reluctance to implement common European policies in other fields, most crucially a common European asylum and migration system (which would include tackling irregular immigration and fighting organised crime);

10. Reiterates that it is of the utmost importance to make progress in this respect, given that the deadline for establishing a common European asylum system has been set for 2012;

11. Reaffirms its firm opposition to any new Schengen mechanism with objectives other than those of enhancing freedom of movement and reinforcing EU governance of the Schengen area;

*Co-decision*

12. Stresses that any attempt to move away from Article 77 TFEU as the proper legal basis for all measures in this field will be considered to be a deviation from the EU Treaties, and reserves the right to use all available legal remedies if necessary;

13. Instructs its President to forward this resolution to the Council, the Commission, the Council of Europe and the governments and parliaments of the Member States.

REPORT on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the Convention implementing the Schengen Agreement

7.6.2013 - (COM(2011)0118 – C7‑0070/2011 – 2011/0051(COD)) - \*\*\*I

Committee on Civil Liberties, Justice and Home Affairs  
Rapporteur: Georgios Papanikolaou

EXPLANATORY STATEMENT

**Introduction**

The creation of the Schengen area in the late 1980s was one of Europe's greatest achievements. The adoption of the Schengen Agreement on 14 June 1985 lead to the abolishment of systematic border controls at the internal borders of the countries participating in the Schengen area and guaranteed the free movement of persons in this area. Over those 25 years, the contractual and legal framework that the European Schengen area has become, resulted in what we now proudly call the Schengen acquis. Schengen area, initially counted 5 members, now is comprised of 25 member countries with Bulgaria and Romania soon to be integrated.

Regulation 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 borders (Schengen Borders Code) is an important milestone in this legislative effort to promote and enhance the Schengen acquis. It applies to any person crossing the internal or external borders of the European Union laying down standards for checks at border crossing points of the Schengen area. Its legal framework focuses on the protection of the interests of the Union and ensures the free movement of EU citizens and other persons enjoying the same right, but at the same time it protects the rights of individuals and the rights of particular vulnerable groups of persons that do not enjoy the privileges of the right of free movement.

The main purpose of this Regulation is to modify the existing legislation on border checks carried out on persons and enhance the integrated border management policy by improving the rules on crossing external borders.

**Scope of the Commission proposal**

Coming in a very crucial and historical for EU timing, the Commission proposal aims to make the Schengen Border Code a more clear and comprehensive mechanism.

Being primarily technical in nature, it concerns the updating of the rules and legal developments that have taken place since the establishment of Regulation 562/2006 and since the taking into force of the Lisbon Treaty.

It also takes under consideration practical experiences of the Member States in the application of the Schengen Borders Code.

The Commission proposal contains finally closely related modifications to the Convention implementing the Schengen Agreement of 14 June 1985.

**Rapporteur's position**

Taking into account the proposal by the European Commission and the recent developments both in legal and practical terms of the Schengen acquis, the rapporteur agrees with the Commission on the need to amend the existing Schengen Border Code. It is vital to maintain the notion that the removal of controls at the internal borders between Members States goes hand in hand with the need of effective controls, deeper cooperation and mutual trust at the external borders of the Schengen area. In particular this period, during which urgent developments in EU externals borders have taken place (i.e. radical political changes in North Africa) that affect deeply the migration flows directed towards the EU.

In this context, the rapporteur presents amendments that ameliorate the existing frame and which are mainly guided by two principles: First, by enhancing the rules that facilitate, simplify and further develop the free movement within the European Schengen area and secondly, by supporting a rigorous framework for control and security at the external borders of the territory of the Member States.

The rapporteur further agrees that it is important for the strengthening of the Schengen acquis that bilateral agreements are concluded between Member States and third countries for common crossing points. Such agreements should be compatible with European law and values. As seen in existing examples of agreements such as the ones concluded between Ukraine and Poland or Hungary and Croatia, these agreements can act as tools enhancing the protection and border checks of persons attempting to cross at external border crossing points.

The strengthening of the external borders will create legal certainty, it will strengthen the solidarity amongst the Member States and it will provide further economic development. In any case it should be noted that these proposals shall take into great consideration the protection of individual rights of all persons entering or attempting to enter the Schengen area by using the long standing political and legal tradition of the European Union. In addition, the rapporteur notes, that when it has been shown that acts or omissions by a third country have caused disturbances to the external borders of the Schengen area, Member States, in the conduct of border surveillance, should be concerned and act under Article 215 of TFEU.

Whilst drafting the amendments to the present proposal, apart from the newly established Lisbon Treaty and the EU legislation on the protection of human rights, the rapporteur took also into consideration recently adopted European legislation such as the newly adopted Visas Code, the Return Directive and the recent amendments to the regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) that offers new fields of action in order to improve the integrated management of the Union’s external borders.

Thus, the current proposal, even though it is more technical in nature, is an added value to the evolution of the Schengen acquis. It offers immediate benefits while facilitates and evolves border controls and develops the trust and solidarity in the Schengen area. The message that it conveys is crystal clear; despite the difficult period the European Union faces, it remains committed to its integration process and faithful to its values that guarantees peace, security and prosperity in the continent. Convinced that common challenges can only be tackled with shared goals and visions can only be achieved through cooperation and mutual solidarity.

<https://www.europarl.europa.eu/doceo/document/A-7-2013-0206_EN.html#_section3>

Meeting the Schengen Agreement criteria

9.2.2006

[Answer in writing](https://www.europarl.europa.eu/doceo/document/P-6-2006-0636-ASW_EN.html)

WRITTEN QUESTION P-0636/06  
by Arūnas Degutis (ALDE)  
to the Commission

With a view to its accession to the European Union, Lithuania carried out preparatory work in the field of justice and home affairs, focusing in particular on security at its borders. In order to meet the requirements of the Schengen *acquis*, it needed to reorganise its arrangements in respect of border controls, visa policy, illegal immigration controls and data protection. The European Union has provided for the allocation of some EUR 150 million to Lithuania for the period 2004‑06 in relation to the Schengen Agreements. These funds should have been granted by the EU to meet the criteria laid down by the Schengen Agreements.

However, a member of the administration of the Lithuanian Ministry of the Interior recently stated publicly that he regretted the delays in payment of the funds granted in respect of the Schengen criteria. He said that the Commission had only transferred funds in respect of 2004 in December 2004. He added that, in December 2005, the Commission had still not approved the funds for projects relating to implementation of the Schengen criteria for 2005 and that the list of projects, with their financial implications, had not been submitted in time. As the expected amounts did not arrive, the calls for tenders relating to the implementation of projects were not published, and this may be why funds for the implementation of the Schengen criteria are being utilised more slowly in Lithuania than in the other new Member States.

Will the Commission state whether the statements and criticisms made by this official are justified?

Schengen

20.7.2007

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-6-2007-4001-ASW_EN.html)

WRITTEN QUESTION E-4001/07  
by Arūnas Degutis (ALDE)  
to the Commission

It has been reported that the first test of the SISone4All system failed in the current members of the Schengen Agreement. What is being done to correct the deficiencies of the system urgently so as to enable land and sea internal borders to be lifted as of 1 January 2008, which is one of the strategic goals of the entire EU?

Inclusion of the United Arab Emirates in the visa-free Schengen area

27.5.2013

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-7-2013-005897-ASW_EN.html)

Question for written answer E-005897-13  
to the Commission  
Rule 117  
Mário David (PPE) , Alexandra Thein (ALDE) , Burkhard Balz (PPE) , Oldřich Vlasák (ECR) , Filip Kaczmarek (PPE) , Salvador Sedó i Alabart (PPE) , Nuno Teixeira (PPE) , Roberta Metsola (PPE) , Ivo Vajgl (ALDE) , Lara Comi (PPE) , Inese Vaidere (PPE) , Rolandas Paksas (EFD) , Libor Rouček (S&D) , Paul Rübig (PPE) , Niccolò Rinaldi (ALDE) , Marc Tarabella (S&D) , Tunne Kelam (PPE) , Antonio Cancian (PPE) , Angelika Niebler (PPE) , Ismail Ertug (S&D) , Emilio Menéndez del Valle (S&D) , Krzysztof Lisek (PPE) , Ildikó Gáll-Pelcz (PPE) , Rodi Kratsa-Tsagaropoulou (PPE) , Paulo Rangel (PPE) , Michael Gahler (PPE) , David Casa (PPE) , Jacek Protasiewicz (PPE) , Eduard Kukan (PPE) , Elena Oana Antonescu (PPE) , Diogo Feio (PPE) , Cristian Dan Preda (PPE) , Antonio López-Istúriz White (PPE) , Charles Tannock (ECR) , Anne Delvaux (PPE)

Securing visa-free access to the Schengen area for United Arab Emirates (UAE) citizens is a top priority and a natural development for the exceptional relations between the EU and the UAE. This can be achieved if the UAE is included in the Commission’s current proposal (from November 2012) for a list of countries whose nationals can enter the Schengen area without a visa (Annex II to Council Regulation (EC) No 539/2001).

The UAE and the EU share important political and security interests, while trade and investment between the UAE, on the one hand, and the EU and the non-EU Schengen countries, on the other hand, is valued at EUR 50 billion.

In 2012, 1 640 000 EU citizens visited the UAE. The current list of European countries whose nationals are issued a visa upon arrival in the UAE will be extended to include a further 12 EU Member States. Furthermore, negotiations are about to be concluded which, from the end of this year, will exempt UAE citizens from visa requirements when visiting the United Kingdom.

The UAE presents a range of solid, positive and objective arguments for being included in the current Annex II list: there are no immigration or security concerns, as there are fewer than 1 million holders of UAE passports (which meet the required technical standards), none of whom has ever been denied a Schengen visa or been detained over immigration or security concerns. We all know that when UAE citizens visit the Schengen area, they travel mainly for business, high-end leisure, (private) medical care, or study/education (fully financed and not at the EU’s expense).

Only one other country in the region (Israel) is exempted from the Schengen visa requirements, and only two other Islamic countries (Brunei and Malaysia) are listed. Even if the UAE case were to be judged on its own merits, the political message from the EU would therefore have a tremendous impact. Parliament will certainly give wide support to this measure.

Given that the UAE complies with all relevant and applicable criteria for being granted Annex II status, we think it is time to act. How does the Commission view the inclusion of the UAE in the ongoing revision of the list of countries whose nationals can access the Schengen area without a visa?

REPORT on the proposal for a regulation of the European Parliament and of the Council laying down rules on local border traffic at the external land borders of the Member States and amending the Schengen Convention and the Common Consular Instructions

13.12.2005 - (COM(2005)0056 – C6‑0049/2005 – 2005/0006(COD)) - \*\*\*I

EXPLANATORY STATEMENT

**1. Introduction**

With the adoption of the *Plan for the management of the external borders of the Member States of the European Union*at a Council meeting on 13 June 2002, and subsequently at the Seville European Council of 21 and 22 June, it became apparent that the European Community needed common rules on local border traffic.

The Commission, too, in its 2003 report on ‘wider Europe’ (COM(2003)104, 11.3.2003), stressed that the EU and its neighbours were striving to ensure that the external border was not a barrier to trade, social and cultural interchange or regional cooperation.

The Commission subsequently drew up two proposals for regulations, but they were not adopted before the latest enlargement on 1 May 2004. As a result of the adoption of the ‘Hague Programme’ in November 2004 and the extension of the codecision procedure to certain areas covered by Title IV of the EC Treaty, including measures related to external borders, this year the Commission has drawn up a new proposal and submitted it to the Council and Parliament.

No common provisions regulating the question of local border traffic currently exist in the EU, although certain Member States have concluded bilateral agreements on local border traffic.

**2. Content of the proposal for a regulation**

The purpose of the regulation is to lay down common rules on the criteria and conditions for establishing a regime of local border traffic at the ‘external land borders’ of the Member States, i.e. the common land border between: a Member State and a neighbouring third country (e.g. the border between Poland and Ukraine); a Member State fully implementing the Schengen acquis and a Member State bound to apply such acquis in full but for which the Council decision authorising it to fully apply that acquis has not entered into force (e.g. the border between Austria and Hungary); or two Member States bound to apply the Schengen acquis in full but for which the Council decision authorising them to fully apply that acquis has not entered into force (e.g. the border between the Czech Republic and Poland).

Among the definitions laid down in Article 3, particular attention should be drawn to the definitions of ‘border resident’, ‘border area’ and ‘local border traffic’.

Pursuant to the proposed resolution, border residents would be issued with a special ‘L’ visa allowing them to cross the border for the purpose of local border traffic. The ‘L’ visa would be stamped, although Member States could, in certain circumstances, derogate from the obligation to affix stamps. In certain cases, as laid down in Article 17, the border may be crossed at places other than authorised crossing points.

Existing bilateral agreements may be maintained provided they are compatible with the proposed regulation. Where such agreements are not compatible with the proposed regulation they must be amended in such a way as to eliminate the incompatibilities established.

**2. Position of the rapporteur**

The rapporteur believes that in regulating the issue of local border traffic at the external land borders of the European Union the following points need to be taken into account:

- The need to facilitate crossing for border residents having legitimate reasons to cross the external border of the Member States frequently, and the need to prevent illegal immigration as well as potential threats to security posed by criminal activities;

- The proposed regulation seeks to regulate the issue of local border traffic, which involves frequent, in some cases daily, crossing of the border, e.g. for school or work purposes or because of family ties, and therefore the question of daily migrants who generally return to their own country each day (students, schoolchildren, landowners, etc.) should also be taken into account;

- External borders vary depending on historical, geographic and social circumstances;

- There must be no worsening of the living conditions for border residents on both sides of the border;

- The actual conditions pertaining at the external borders need to be taken into account and Member States should be allowed as far as possible to maintain the good practices applied until now through bilateral agreements.

Taking into account the positions set out above and on the basis of the exchange of views with representatives of the Council and the Commission, the rapporteur, in general, supports the Council’s position and is therefore proposing amendments which seek to ensure that effective controls are implemented at the external border while not disturbing the life of the people living on either side.

The gist of the amendments proposed by the rapporteur is as follows:

- Instead of an ‘L’ visa, border residents should be issued with a ‘local border traffic permit’ (LBTP), which would incorporate all the required security standards and would not need to be stamped on each daily crossing of the border;

- There is no need to differentiate between the different external land borders as the new Member States are expected to join the Schengen area in 2007 and it would be pointless therefore to undertake lengthy procedures to amend the existing agreements, which in all probability would drag on until beyond when the countries concerned are scheduled to join the Schengen area, as those agreements are between EU Member States;

- The border area should not extend further than 30 km. Increasing the size of the border area would make it difficult to ensure security control. In addition, the limits of a border area should not be equated with ethnic boundaries;

- ‘Border residents’ should mean third-country nationals who have been resident in the border area for at least one year;

- Member States should be allowed to lay down in bilateral agreements a maximum permitted length of stay, which may not exceed three months;

- Certain measures should also be permitted, where special circumstances apply, to facilitate crossing at places other than authorised border crossing points.

<https://www.europarl.europa.eu/doceo/document/A-6-2005-0406_EN.html#_section2>

REPORT on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code

2.6.2008 - (COM(2008)0101 – C6‑0086/2008 – 2008/0041(COD)) - \*\*\*I

Committee on Civil Liberties, Justice and Home Affairs  
Rapporteur: Mihael Brejc

EXPLANATORY STATEMENT

The European Parliament is involved in the codecision procedure to amend Regulation (EC) No 562/2006 as regards the use of the Visa Information System (VIS) under the Schengen Borders Code. The amendments proposed by the Commission to the Schengen Borders Code concerning the use of the Visa Information System (VIS) envisage that thorough border checks on third-country nationals holding a visa will also include consulting the VIS in accordance with the provisions of the VIS Regulation (checking the visa number and taking finger prints from all third-country nationals every time they cross the border). The aim of the proposal is to complement the VIS Regulation by establishing common rules to this effect through the amendment of the Schengen Borders Code to ensure that the VIS will be used in an efficient and harmonised way at the external borders.

The VIS Regulation defines the purpose and functionalities of and the responsibilities for the VIS, while the amendment to the Common Consular Instructions will create the legal basis for Member States to take mandatory biometric identifiers from visa applicants. In accordance with the VIS Regulation, border guards have access to search the VIS for the purpose of verification by using the number of the visa sticker in combination with the fingerprints of the visa holder. For a maximum period of three years after the start of operations, the search may be carried out using only the number of the visa sticker. The period of three years may be reduced in the case of air borders.

Systematic checks by consulting the VIS for third-country nationals holding a visa every time they crossed the external border will increase waiting times at border crossings, particularly in the tourist season and at the beginning and end of public holidays. Given that in recent years Europe has become a highly attractive tourist destination even for third-country nationals who need a visa to enter the EU, any consequences of introducing the VIS at the external borders will need to be appropriately mitigated. The rapporteur therefore proposes that the border guard in command can decide to consult the VIS on a non-systematic basis. This arrangement will be helpful for EU citizens and third-country nationals not requiring a visa to enter the European Union because it will reduce queues at border crossings.

The border guards will still check whether third-country nationals meet all the conditions for entering the EU (laid down in Article 5 of the Schengen Borders Code) and will consult the VIS on the basis of their own experience and information, thereby adequately helping to ensure a high level of security in the EU.

<https://www.europarl.europa.eu/doceo/document/A-6-2008-0208_EN.html#_section2>

Extension of Schengen cooperation and choice of legal basis

10.5.2005

[Answer in writing](https://www.europarl.europa.eu/doceo/document/P-6-2005-1777-ASW_EN.html)

WRITTEN QUESTION P-1777/05  
by Ole Krarup (GUE/NGL)  
to the Council

Can the Council state why it has chosen Article 71(1)(d) of the EC Treaty, on transport policy, as the legal basis in connection with altering and extending the number of authorities having access to the SIS?

How can this choice be reconciled with the many references, both in the Commission proposal ([COM(2003)510](https://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=EN&type_doc=COMfinal&an_doc=2003&nu_doc=0510)) and in Parliament’s report ([A5-0205/2004](https://www.europarl.europa.eu/doceo/document/A-5-2004-0205_EN.html)), to the aim of ‘combating … illegal trade in stolen vehicles’, which would more accurately be characterised as police and judicial cooperation in criminal matters (Pillar III) than as harmonisation of transport policy (Pillar I)?

I should be glad if the Council would attach to its answer the Legal Service’s opinion on the problem of the legal basis.

Accession of Bulgaria and Romania to the Schengen Area

29.9.2011

[Answer in plenary](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-10-12-ITM-015_EN.html)

Question for oral answer O-000223/2011  
to the Council  
Rule 115  
Claude Moraes, Ioan Enciu, Iliana Malinova Iotova  
on behalf of the S&D Group

Procedure : [2011/2853(RSP)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2011/2853(RSP))

Document stages in plenary

Document selected :

O-000223/2011

Texts tabled :

**O-000223/2011** (B7-0439/2011)

Debates :

[PV 12/10/2011 - 15](https://www.europarl.europa.eu/doceo/document/PV-7-2011-10-12-ITM-015_EN.html)  
[CRE 12/10/2011 - 15](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-10-12-ITM-015_EN.html)

Votes :

Texts adopted :

Under Article 4(2) of the Treaty of Accession to the European Union, Romania and Bulgaria are committed to becoming members of the Schengen area as soon as the implementation of the rules provided by the Schengen acquis is completed.

Since their accession to the EU, Romania and Bulgaria have been subjected to an evaluation process led by the Schengen Evaluation Working Group (SCH-EVAL) of the Council of the European Union and regarding the implementation of the Schengen acquis in seven areas: police cooperation, personal data protection, visa and consular matters, land, air and maritime borders, and the Schengen Information System (SIS).

Following the positive conclusions of the SCH-EVAL Working Group, the Council decided on 9 June 2011 that Romania and Bulgaria meet all the conditions provided by the Schengen acquis. Parliament also certified, through a resolution adopted on 8 June 2011 by a large majority, that the two States are ready to enter the Schengen area.

In spite of all this, the JHA Council of 22 June 2011 decided to postpone to an unknown date the decision regarding Romania and Bulgaria’s accession to Schengen, due to the opposition of two Member States which claim that the two candidate countries need to fulfil additional criteria which are not mentioned in the Schengen acquis.

Tabled: 29.9.2011

Forwarded: 30.9.2011

Deadline for reply: 21.10.2011

Possible breach of the Schengen acquis

9.7.2013

[Answer in writing](https://www.europarl.europa.eu/doceo/document/P-7-2013-008208-ASW_EN.html)

Question for written answer P-008208-13  
to the Commission  
Rule 117  
Ioan Enciu (S&D)

In the framework of one of the official delegations of the European Parliament which took place in Spain, I was requested by the airline company that operated my flight from Bucharest to Malaga to provide passport information prior to my flight’s arrival on Spanish territory. According to the information provided by the airline, ‘the authorities in your destination [Malaga, Spain] or connecting country require us to send specific information concerning all passengers before the flight’s departure’.

Having regard to Article 20 of the Schengen Borders Code which stipulates that no internal-border controls or equivalent measures should be carried out, and considering the fact that the abovementioned flight was internal (Bucharest-Paris-Malaga), the requirement to provide passport information could be considered as being in breach of the Schengen *acquis.*

In light of the abovementioned information, is the Commission aware of the new travel rules introduced by the Spanish authorities?

Does the Commission consider the new travel rules as being in breach of the Schengen *acquis*?

What measures is the Commission planning to undertake in the case where the new travel rules are illegal?

Schengen *acquis*

31.10.2012

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-7-2012-009941-ASW_EN.html)

Question for written answer E-009941-12  
to the Commission  
Rule 117  
Carlos Coelho (PPE) , Ioan Enciu (S&D)

The Schengen *acquis*as it stood on 1 May 1999, when it was integrated into the EU’s legal framework on the entry into force of the Treaty of Amsterdam, was set out in a booklet bearing that date, prepared by the General Secretariat of the Council; the booklet presented the Schengen *acquis* in chronological order and by topic.

The Schengen *acquis*was subsequently published in the Official Journal, in all language versions (OJ L 239, 22.9.2000).

Over the intervening 12 years the Schengen *acquis*has been subject to continuous changes, and two new Treaties, the Treaty of Nice and the Treaty of Lisbon, have entered into force.

It is very important to be able to follow the current Schengen *acquis*and to know exactly what applies to each of the countries belonging to the Schengen area.

1. Could the Commission say whether there is a recent official update compiling the current Schengen *acquis*?

2. If not, could the Commission explain why there is no such update and indicate which EU institution has the necessary competence to produce one?

Schengen - illegal controls at internal borders

26.6.2012

Question for oral answer O-000137/2012  
to the Commission  
Rule 115  
Sylvie Guillaume, Ioan Enciu, Claude Moraes, Juan Fernando López Aguilar, Carmen Romero López, Robert Goebbels, Iliana Malinova Iotova  
on behalf of the S&D Group

Free movement is a defining principle of the EU and the ability to move within the EU without facing checks at internal borders is one of its most successful achievements.

An area without internal border controls – which entails the free movement of citizens, workers, goods and services – is essential to the success of the single market and to Europe’s continued efforts to boost economic growth.

In order to provide the basis for a regular debate in the European Parliament and the Council and to contribute to the strengthening of political guidance and cooperation in the Schengen Area the Commission recently presented the first biannual overview on the functioning of Schengen. Unfortunately, there remain many challenges to Schengen across the Member States.

In particular, complaints have been made regarding the existence of controls at internal borders. This time, the complaints (accompanied by detailed data) concern checks of Czech buses performed, on a systematic basis, by the German authorities in areas near the borders. According to the statistics presented (from February 2012), around 55.3% of the buses passing through Germany are checked.

In the meantime, there has been a decision of a Dutch court, on 11 May 2012, that ruled that controls made by the Dutch authorities since 1 June 2011 under the ‘Mobiel Toezicht Veiligheid’ scheme, whose legal basis is Article 4.17(a) of the ‘Vreemdelingenbesluit’ of 2000, have the same effects as border controls and are in clear violation of the Schengen rules, namely Articles 20 and 21 of the Schengen Borders Code.

Is the Commission aware of these facts? Is the Commission considering opening infringement proceedings under Article 258 of the TFEU against any countries which might be in clear violation of the Schengen rules?

Tabled: 26.6.2012

Forwarded: 28.6.2012

Deadline for reply: 5.7.2012

Postponement of the accession of the new Member States to the Schengen area

3.10.2006

ORAL QUESTION WITH DEBATE O-0112/06  
pursuant to Rule 108 of the Rules of Procedure  
by Zita Pleštinská, Peter Šťastný, Milan Gaľa, Ján Hudacký, Miroslav Mikolášik, Monika Beňová, Vladimír Maňka, Miloš Koterec, Irena Belohorská, Peter Baco, Sergej Kozlík, Tomáš Zatloukal, Jan Březina, Miroslav Ouzký, Jan Zahradil, Oldřich Vlasák, Petr Duchoň, Jaroslav Zvěřina, Nina Škottová, Milan Cabrnoch, Ivo Strejček, Libor Rouček, Joseph Muscat, Aldis Kušķis, Bernd Posselt, Árpád Duka-Zólyomi, Małgorzata Handzlik, Edit Bauer, Rihards Pīks, Paweł Piskorski, Bogusław Sonik, Renate Sommer, Jacek Saryusz-Wolski, Ioannis Kasoulides, Danutė Budreikaitė, Justas Paleckis, Zdzisław Podkański, Romana Jordan Cizelj, Jan Olbrycht, Pál Schmitt, Alojz Peterle, Tadeusz Zwiefka, Zbigniew Zaleski, Georgios Papastamkos, Marie Panayotopoulos-Cassiotou, Anna Záborská, Guido Podestà, Lívia Járóka, Jerzy Buzek, Zuzana Roithová, Hanna Foltyn-Kubicka, Urszula Krupa, Bogdan Pęk, József Szájer, Csaba Őry, Vladimír Železný, Jana Hybášková, Stanisław Jałowiecki, Ljudmila Novak, Lambert van Nistelrooij, Filip Kaczmarek, László Surján, Alexander Stubb, Jas Gawronski, Barbara Kudrycka, Etelka Barsi-Pataky, Albert Deß, Simon Busuttil, Grażyna Staniszewska, Michael Gahler, Luisa Rudi Ubeda, Czesław Siekierski, Jan Masiel, John Bowis, Zbigniew Kuźmiuk, Tunne Kelam, Ryszard Czarnecki, Marek Czarnecki, Horst Posdorf, Thomas Ulmer, Ioannis Gklavakis, Nikolaos Vakalis, John Purvis, Béla Glattfelder, Zsolt Becsey, Andreas Schwab, Manolis Mavrommatis, Leopold Rutowicz, Henrik Lax and Charles Tannock  
to the Commission

In 2004, the Commission declared that the enlargement of the Schengen area to include the new Member States would be possible after the adoption of vital measures to secure the area’s external borders. The provisional date of accession was set for October 2007.

However, a Commission statement made in September 2006 indicates that the date of accession will probably be put back to 2009 because of technical and legal problems relating to the creation and launch of the Schengen Information System (SIS) II.

1. Has the Commission considered alternatives to introducing SIS II, such as temporarily including the new Member States in the current system (SIS I+)? If not, why not? If so, what conclusions were reached?

1. What does the Commission intend to do to maintain the original timetable for the accession of the new Member States to the Schengen area?

1. Boosting public confidence in the EU is vital. The free movement of persons is a practical fulfilment of the fundamental freedoms guaranteed by the Treaties. When, in the near future, will citizens from the new Member States also be able to travel without border controls?

Tabled: 03.10.2006

Forwarded: 05.10.2006

Deadline for reply: 12.10.2006

Delayed entry of new EU Member States into Schengen visa zone

30.6.2006

[Answer in writing](https://www.europarl.europa.eu/doceo/document/P-6-2006-3154-ASW_EN.html)

WRITTEN QUESTION P-3154/06  
by Jana Hybášková (PPE-DE)  
to the Commission

According to a statement by the spokesperson of the European Commission in Estonia, the accession of new EU Member States, including the Czech Republic, to the Schengen visa area could be delayed by a minimum of six months from the originally planned date of March 2007, due to problems with setting up the second-generation Schengen information system.

Can the Commission confirm the exact duration of this delay and state in detail the reasons for this delay?

<https://www.europarl.europa.eu/doceo/document/CRE-7-2012-06-12-ITM-004_EN.html>

Free movement of persons, goods and services in the Schengen area

21.2.2011

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-7-2011-001928-ASW_EN.html)

Question for written answer E-001928/2011  
to the Commission  
Rule 117  
Sergej Kozlík (ALDE)

Three years ago, the Schengen area was enlarged to include the new Member States. Yet restrictive measures are still in place at borders between old and new Member States.

For example, at the Rusovce – Kittsee border crossing, which is a motorway link between Slovakia and Austria, the Austrian authorities impose a strict speed limit of 30 km/h. In addition, a concrete barrier considerably restricts the road width.

It is not unusual for speed checks to be carried out regularly on this stretch of road and the police also frequently check documents and the contents of car boots.

Schengen membership gives people and goods the right to free movement. An ordinary sign should be sufficient to inform citizens they are crossing a border into another EU Member State. The behaviour cited in this instance, and in other cases not involving Austria, is in breach of Schengen rules and the European Commission should respond to this by a declaration of principle.

What measures and penalties does the European Commission apply in the case of Member States which restrict the free movement of people and goods in the Schengen area?

Provisions of the Schengen acquis

16.7.2010

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-7-2010-6002-ASW_EN.html)

Question for written answer E-6002/2010  
to the Council  
Rule 117  
Iliana Ivanova (PPE)

One of the achievements of European integration is enabling crossborder mobility. The Schengen agreement, which provides for the removal of checkpoints at borders between Member States, has played a key role in that regard. Over the past year, Bulgaria has made significant progress towards implementation of the Schengen *acquis*and particularly the Schengen information system.

1. What is the view of the Council on Bulgaria’s progress in preparation for joining the Schengen area?

2. What time frame does the Council envisage for the abolition of internal controls both on road borders and for air transport?

Integrating the central European countries into the Schengen area on 31 December 2007

2.10.2007

[Answer in writing](https://www.europarl.europa.eu/doceo/document/P-6-2007-4984-ASW_EN.html)

WRITTEN QUESTION P-4984/07  
by Carl Lang (ITS)  
to the Council

The countries of central Europe are set to accede to the Schengen area, within which there are no border controls, at the end of the year, when they will join the current 13 EU members, Norway and Iceland.

Politicians and European institutions are unanimous in considering clandestine immigration into Europe as a scourge that is growing exponentially.

The recent events this summer off the coast of Malta, and on Italian islands nearby, have provided a glaring example of Europe's inability to manage its own external borders without having internal borders.

Is the Council aware of the additional risks to the security of people living in the Schengen area that will be posed by this fresh expansion as a result of the accession of the ten new Member States?

Does the Council believe that the security of European territory as a whole depends more on the Member States themselves or on the European institutions?

Consequently, will it encourage the States to improve their cooperation in the field of security and border management within the framework of full respect for their national sovereignty, or does it wish little by little to deprive States of their sovereign powers?

Central and Eastern European countries joining the Schengen Area

11.3.2005

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-6-2005-1112-ASW_EN.html)

WRITTEN QUESTION E-1112/05  
by Joachim Wuermeling (PPE-DE)  
to the Council

According to recent press reports (in Gazeta Wyborcza on 26 January 2005), the Central and Eastern European states which acceded on 1 May 2004 will be joining the Schengen area on 28 October 2007.

1. Is that report correct?

2. If not, by when does the Council think it appropriate to extend the Schengen system to include the states which have acceded?

State of play on Romanian and Bulgarian integration into the Schengen area

21.10.2008

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-6-2008-5867-ASW_EN.html)

WRITTEN QUESTION E-5867/08  
by Nicolae Vlad Popa (PPE‑DE)  
to the Commission

The expansion of the Schengen area, which took place in late 2007 and in the first months of 2008, represents a remarkable success for the EU and a palpable benefit for European citizens.

Nonetheless, the Schengen area still excludes Romania and Bulgaria, the two Member States which joined in 2007. Their incorporation is of major importance for the citizens of those countries, and Bucharest and Sofia have undertaken to take the necessary measures. Nonetheless, informed sources are now criticising the slow pace of implementation of the two governments' measures.

* —Given that, as from 2009, Romania wishes to be ready to receive the first Schengen evaluation missions in the fields of police cooperation, visas and data protection, what is the Commission's position concerning implementation of the two Member States' plans for preparing to join the Schengen area?
* —What is the Commission's view on the coordination of the implementation of Community assistance via Schengen Facility funds by the Romanian authorities?
* —By what measures is the Commission supporting Romania in its process of implementing the Schengen Information System (SIS) and of migrating to that system's second-generation version (SIS II)?
* —How does the Commission evaluate the effectiveness of the institutional cooperation between it and the Romanian authorities, both in general and regarding the specialised unit — the Schengen National Self-Evaluation Commission (CNAS) — set up within the Ministry for Internal Affairs and Administrative Reform?
* New timetable for introducing the second-generation Schengen Information System (SIS II)
* 22.9.2006
* [Answer in writing](https://www.europarl.europa.eu/doceo/document/H-6-2006-0819-ASW_EN.html)
* ORAL QUESTION H-0819/06  
  for Question Time at the part-session in October 2006  
  pursuant to Rule 109 of the Rules of Procedure  
  by Mihael Brejc  
  to the Council
* We have been informed that a new timetable is being drawn up for introducing the second-generation Schengen Information System (SIS II), meaning that Slovenia, which meets all the criteria for inclusion in SIS II, will only be able to join the system much later than originally envisaged. If that is the case, could you please answer the following questions.
* Will the delay mean that fulfilment of the Schengen criteria which we have already met will need to be reassessed, and exactly what purpose will the previous assessments then serve?
* Given that the delay has arisen for reasons to do with the EU, not the activities of the Member States, how will the EU assist in meeting the costs caused by this delay (wages, facilities already in place for securing the Schengen border, etc.)?
* In view of the plan for the old Member States to implement SIS II first, and then all the others, I would ask why not proceed according to each Member State’s actual ability to implement the system, irrespective of whether it is an old or new Member State?
* Problems over accession to the Schengen area
* 26.1.2011
* [Answer in writing](https://www.europarl.europa.eu/doceo/document/P-7-2011-000797-ASW_EN.html)
* Question for written answer P-000797/2011  
  to the Commission  
  Rule 117  
  George Sabin Cutaş (S&D)
* The obstacles being encountered by Romania with regard to joining the Schengen area seem to suggest that the EU is divided into first- and second-class members. It is regrettable that the Member States as a whole are unwilling to see beyond an outdated notion of national interest, in a context of common challenges which require a coordinated response. This state of affairs may be confirmed by the Council's refusal to give the EP access to the report on Schengen membership for Romania and Bulgaria.
* Despite this, Romania's accession to the Schengen area should not be a matter for controversy: it is an obligation arising from Article 4 of its act of accession to the EU. How does the Commission, in its role as guardian of the Treaties, interpret the Council's refusal to permit access to documents which could influence the outcome of the vote in Parliament? Does the Commission believe it is legitimate to invoke additional conditions for Schengen membership other than those already successfully put in place by Romania?

Special fund for the development of infrastructure remaining following the dismantling of border crossings in connection with the recent enlargement of the Schengen area

10.4.2008

[Answer in writing](https://www.europarl.europa.eu/doceo/document/P-6-2008-2286-ASW_EN.html)

WRITTEN QUESTION P-2286/08  
by Genowefa Grabowska (PSE)  
to the Commission

One of the benefits of the recent enlargement of the Schengen area (on 21 December 2007), was the abolition of EU internal border controls. Poland has dismantled all checkpoints on its borders with the Czech Republic, Lithuania, Germany and Slovakia. As a result, in Silesia voivodeship alone, as many as 55 border crossing points (51 road and 4 rail crossings) have become redundant.

Their removal has, however, presented regional and local authorities with the need to develop the remaining infrastructure. This includes — in varying technical states — buildings (office blocks and border huts), hangars and warehouses, and car parks with adjoining land that are extremely well situated, often on important international transport routes.

The areas that are home to this infrastructure are interested in developing it for public use, including for the purposes of cross-border cooperation. Unfortunately, there is no room in their budgets at present for this type of investment. There is a strong likelihood, therefore, that these facilities will be given over to commercial use.

Does the Commission envisage setting up a special fund to enable border areas to develop this infrastructure for public use and cross-border cooperation activities, including the promotion of cultural cooperation?

Bulgaria's and Romania's entry to Schengen

30.5.2013

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-7-2013-006061-ASW_EN.html)

Question for written answer E-006061-13  
to the Commission  
Rule 117  
Dimitar Stoyanov (NI)

Right from the outset, in December 1999, of the negotiations about Bulgaria’s and Romania’s accession to the European Union, the two countries have been deemed to ‘come as a package’. When the question of their joining the Schengen Area arose, they were once again lumped together as an entity. The expansion of the Schengen Area was discussed at the EU Justice and Home Affairs Council on 7 March 2013 but the Ministers postponed their decision until the end of the year. The German, Finnish, Austrian and the Dutch Ministers expressed doubts — centring on suspicions of corruption and on judicial system deficiencies — about Bulgaria’s and Romania’s readiness. Subsequently the EurActiv website published the views of two German MEPs, Manfred Weber and Markus Ferber, to the effect that the Romanian Government was holding up Romania’s and Bulgaria’s accession to Schengen. According to Weber, Romania had failed to make progress on meeting the requisite standards and was thus blocking the way for Bulgaria. Speaking in Brussels, Weber also said that Bulgaria and Romania always ‘come as a package’.

Is it advisable for the two Member States to be paired in this way, given that their economic and political situations are different?

A Cooperation and Verification Mechanism exit strategy and Bulgaria's accession to Schengen

8.3.2013

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-7-2013-002746-ASW_EN.html)

Question for written answer E-002746-13  
to the Commission  
Rule 117  
Monika Panayotova (PPE)

1. Bearing in mind that the Cooperation and Verification Mechanism (CVM) includes monitoring and assessment of measures to combat corruption, does the Commission not consider that, following the introduction from 2013 of the practice of preparing regular EU anti-corruption reports for each Member State (including those subject to the CVM), there will be a risk of overlap here? The question is particularly pertinent as the Commission stated in its July 2012 monitoring reports on Bulgaria and Romania that the necessary legal and institutional framework for justice and home affairs was already in place and that what was now needed was to assess the effectiveness of its application. Therefore, does the Commission not think that a ‘CVM exit strategy’ needs to be prepared and that the anti-corruption reports initiative needs to be turned into a tool for future cooperation and coordination with the relevant national authorities in the Member States?

2. Increasingly, in pre-election rhetoric in some Member States, the question of accession to Schengen is being linked to the CVM. Does the Commission consider that Bulgaria’s accession to Schengen ought to be seen as an independent process which includes objective assessments of progress, without applying double standards and linking it to the CVM?

 Accession of Bulgaria and Romania to Schengen

29.9.2011

[Answer in plenary](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-10-12-ITM-015_EN.html)

Question for oral answer O-000218/2011  
to the Council  
Rule 115  
Renate Weber, Sophia in 't Veld, Alexander Alvaro, Cecilia Wikström, Baroness Sarah Ludford, Filiz Hakaeva Hyusmenova, Stanimir Ilchev, Louis Michel, Metin Kazak, Sonia Alfano, Gianni Vattimo  
on behalf of the ALDE Group

Procedure : [2011/2853(RSP)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2011/2853(RSP))

Document stages in plenary

Document selected :

O-000218/2011

Texts tabled :

**O-000218/2011** (B7-0628/2011)

Debates :

[PV 12/10/2011 - 15](https://www.europarl.europa.eu/doceo/document/PV-7-2011-10-12-ITM-015_EN.html)  
[CRE 12/10/2011 - 15](https://www.europarl.europa.eu/doceo/document/CRE-7-2011-10-12-ITM-015_EN.html)

Votes :

Texts adopted :

On 8 June 2011, the European Parliament decided to give the green light to Bulgaria and Romania’s accession to the Schengen area, with 487 votes in favour, 77 against and 29 abstentions.

This vote took place after the Commission’s progress reports concluded that both countries met all the technical and legal criteria for joining the Schengen area, including visa issuance policy, police cooperation, readiness to connect to and use the Schengen Information System, data protection and control of land, sea and air borders.

However the Home Affairs Council decided last week to postpone indefinitely the decision on the countries’ accession after two Members States, using the rule of unanimity, decided to apply double standards to Bulgaria and Romania and thus transformed a technical evaluation into the political isolation of both countries.

By signing the Accession Treaty, Bulgaria and Romania received a list of requirements and fulfilled them. Does the Council believe it is fair to apply extra criteria which were not foreseen from the beginning and which were not applied to the earlier accessions?

Can the Council indicate what further criteria have to be met by Romania and Bulgaria in order for them to qualify? Can the Council clarify the legal basis for these criteria?

What are the next steps that the Council intends to take? What is the strategy and timetable of the Polish Presidency?

Tabled: 29.9.2011

Forwarded: 30.9.2011

Deadline for reply: 21.10.2011

Border controls between Schengen countries

2.9.2008

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-6-2008-4805-ASW_EN.html)

WRITTEN QUESTION E-4805/08  
by Mogens Camre (UEN)  
to the Commission

I have noticed that police and customs checks are still in place on both the German and French sides of the border crossing at Strasbourg, and that some travellers are stopped and asked to show their passports. Both my assistant and I have been asked on numerous occasions to show our passports, which may be considered as nothing out of the ordinary.

The Danish police can no longer conduct such checks because the checkpoints have been dismantled, and Denmark, like other western Member States, is suffering greatly from a huge influx of criminals from both EU Member States and non-EU countries through its open borders.

One particular problem is the large number of prostitutes from Africa coming into Denmark of their own free will or through trafficking in women. We are therefore seeing prostitutes from countries such as Nigeria and Somalia, who can simply come into Denmark once they have entered another Schengen country that has no proper border controls and issues residence permits to any illegal immigrant. It should be noted that this influx of prostitutes is completely incompatible with all EU policy on prostitution.

Does the Commission consider that the absence of Danish border controls is a matter for the Danish Government alone, or does the Schengen Agreement prohibit Denmark from protecting itself against unwelcome immigration?

Current situation created by Roma in France and Romanian membership of the Schengen area

16.9.2010

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-7-2010-7614-ASW_EN.html)

Question for written answer E-7614/2010  
to the Commission  
Rule 117  
Sebastian Valentin Bodu (PPE)

In the light of the current situation created by the Roma of Romanian origin in France and the reaction of the French authorities that has followed, can the Commission state:

1. whether there is any legal connection between this situation and the cooperation and monitoring mechanism (CMM) applying to Romania;

2. whether there is any legal connection between that mechanism and Romania's accession to the Schengen area;

3. whether there is any legal connection between the situation referred to in the preamble and Romania's accession to the Schengen area?

Possible delay in extending Schengen system to new Member States

19.9.2006

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-6-2006-4137-ASW_EN.html)

WRITTEN QUESTION E-4137/06  
by Bogdan Klich (PPE‑DE)  
to the Commission

The Schengen area covers parts of European Union territory where Member States have abolished passport controls at frontiers in order to facilitate travel, thereby establishing one of the fundamental freedoms underlying the idea of a common Europe, the freedom for Member States citizens to travel between the countries of the Union. Some time ago, October 2007 was set as the date on which the new Member States, including Poland, were to join the Schengen system. The conclusions to the Brussels European Council of 16 June 2006 spoke of the need to do everything possible to ensure that this deadline was met.

There are now those in the Commission saying that a delay in extending the Schengen system is unavoidable. As a Polish Member of the European Parliament, I disagree profoundly with the approach adopted by the Commission. It is unacceptable that the delays in building premises to house the SIS II headquarters, the problems with the tender procedure for computers and software or the excessively long process for establishing a legal base for SIS II, should oblige millions of citizens from the new Member States of the Union to continue to stand in passport queues at borders.

This state of affairs relegates Poles and others to the rank of second-class EU citizens. Every delay in extending the Schengen agreement will serve only to increase the frustrations with accession felt by citizens of the new Member States. The October 2007 deadline initially set is still a long way off and the Commission should do all in its power to ensure that it is met. In the light of the above, will the Commission answer the following:

* 1.When will the Schengen agreement finally be extended to the new Member States of the Union, including Poland?
* 2.What will the Commission do to ensure that the deadline of October 2007 initially set for extending the agreement is met?

MOTION FOR A RESOLUTION

7.11.2007

to wind up the debate on the statement by the Council  
pursuant to Rule 103(2) of the Rules of Procedure, by

* –Carlos Coelho, on behalf of the PPE-DE Group,
* –Claudio Fava, on behalf of the PSE Group,
* –Henrik Lax, on behalf of the ALDE Group,
* –Kathalijne Maria Buitenweg, on behalf of the Verts/ALE Group,
* –Roberta Angelilli and Gintaras Didžiokas, on behalf of the UEN Group

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 (hereinafter the 'Member States concerned')

Procedure : [2007/2653(RSP)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2007/2653(RSP))

Document stages in plenary

Document selected :

B6-0448/2007

Texts tabled :

**B6-0448/2007**

Debates :

[PV 13/11/2007 - 15](https://www.europarl.europa.eu/doceo/document/PV-6-2007-11-13-ITM-015_EN.html)  
[CRE 13/11/2007 - 15](https://www.europarl.europa.eu/doceo/document/CRE-6-2007-11-13-ITM-015_EN.html)

Votes :

[PV 15/11/2007 - 5.7](https://www.europarl.europa.eu/doceo/document/PV-6-2007-11-15-ITM-005-07_EN.html)  
[Explanations of votes](https://www.europarl.europa.eu/doceo/document/CRE-6-2007-11-15-ITM-006_EN.html?textTabled=B-6-2007-0448#4-157)

Texts adopted :

[P6\_TA(2007)0535](https://www.europarl.europa.eu/doceo/document/TA-6-2007-0535_EN.html)

B6‑0448/2007

European Parliament resolution 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 (hereinafter the 'Member States concerned')

*The European Parliament*,

–  having regard to the draft Council decision 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 (11722/07),

–  having regard to the opinion of the European Parliament, A6-XXXX,

–  having regard to Rule 103(2) of its Rules of Procedure,

A.  whereas the creation of the Schengen area was one of the greatest achievements, characterised by the removal of all controls at the common borders between all the participant states and the introduction of freedom of movement within EU territory,

B.  whereas in parallel to the removal of controls at the internal borders, some compensatory measures were implemented, including the establishment of efficient controls at the external borders, the reinforcement of the cooperation between their administrative, customs, police and judicial authorities, a common visa policy and the creation of the Schengen Information System (SIS),

C.  whereas, according to Article 3(2) of the 2003 Act of Accession[[1]](https://www.europarl.europa.eu/doceo/document/B-6-2007-0448_EN.html#_def1), the provisions of the Schengen acquis other than those mentioned in Annex I to the said Act only apply in a new Member State within the meaning of that instrument pursuant to a Council Decision to that effect after verification that the necessary conditions for the application of that acquis have been met,

D.  whereas it is necessary to make a verification through evaluation procedures in order to check if the necessary conditions for the application of all parts of the acquis concerned (Data Protection, Air Borders, Land Borders, Police Cooperation, the Schengen Information System, Sea Borders and Visas) have been met by the new Member States; whereas this is a precondition for the Council to take decisions on the full application of the Schengen acquis, including the abolition of checks at internal borders with and between those Member States,

E.  whereas the evaluations for these new Member States started, following a request (in 2006) from each Member State (declaration of readiness); whereas they were conducted, new Member State by new Member State, under the responsibility of the Schengen Evaluation Working Party; whereas they started with a questionnaire to the Member State concerning all parts of the Schengen acquis and were followed by evaluation visits; whereas teams of experts were sent to the borders, consulates, SIS, etc. and prepared exhaustive reports containing factual descriptions, assessments, and recommendations which can require additional measures and follow-up visits; whereas the final report should establish whether the new Member State concerned, after being subject to a full evaluation procedure, fulfils all the preconditions for the practical appliance,

F.  whereas the Portuguese Government should be congratulated for putting forward a proposal providing a technical transitional solution - SISone4all - which would allow the new Member States to be connected to the SIS in 2007 while waiting for the implementation of new SIS II by the Commission,

G.  whereas the creation of the SIS II continues to be a priority for Parliament because it was necessary not only as a means of allowing the new Member States to be connected to the system, but also, within the Community framework, to build a more robust and flexible tool, able to cope with rapidly changing requirements; whereas it should make it possible to boost security and allow more efficient use of data, will introduce new functionalities and take advantage of technological developments,

H.  whereas on 12 June 2007 the Council decision on the application of the provisions of Schengen acquis relating to the Schengen information system entered into force for nine of the new Member States and the evaluation on the correct application of the SIS in the Member States concerned could only be finalised at the end of September 2007,

I.  whereas when a Member State joins the European Union it has to accept the Schengen acquis and, at the same time, has the legitimate expectation that it will be able to enjoy the same rights as the other Member States and that its citizens will also be able to move freely inside of the territory,

J.  whereas in order to maintain a uniform level of security within the Community area it is imperative that Member States strictly and efficiently meet the Schengen area's requirements; whereas, if this objective is overlooked, it jeopardises the security of the entire Schengen Area,

K.  whereas it is expected that the speed of the entire evaluation process did not compromise the rigorous and effective manner in which these procedures should be carried out,

L.  whereas it is to be regretted that, at the beginning of this procedure, when the Council proceeded to the consultation of Parliament, the Council refused, in an initial stage, to provide Parliament with access to the evaluation reports of the experts, due to security reasons,

M.  whereas it should be taken into account that Parliament, and in particular the members of its Committee on Civil Liberties, Justice and Home Affairs, must have access to the evaluation concerning the application of all Schengen domains, before giving a reasoned and motivated opinion on the abolition of internal borders,

N.  whereas all the efforts and goodwill shown by the Portuguese Presidency to ensure that the European Parliament, and in particular its Committee on Civil Liberties, Justice and Home Affairs, was informed step by step of the state of play of the evaluation procedures carried out in the Member States concerned should be acknowledged,

1.  Welcomes the new Member States entering the Schengen Area, congratulating them on the tremendous efforts that some of them made in order to be ready and to respect all the Schengen requirements in such a short period of time;

2.  Reminds the new Member States of the need to maintain a high level of security and to strictly and efficiently meet the Schengen area's requirements at all times;

3.  Congratulates the Portuguese Presidency on having created the necessary instruments to extend the Schengen area to the new Member States in 2007;

4.  Stresses the urgent need to speed up preparations for the start-up of a fully functioning SIS II;

5.  Reminds the Member States that they should put in place as soon as possible all the necessary measures to remedy the shortcomings that still exist, but notes that, although some issues are still outstanding and require to be followed up in the future, they do not constitute an obstacle to applying the full Schengen acquis to the new Member States concerned;

6.  Urges the Council to ensure that Parliament is kept informed, in writing, in the course of the next semester on the follow-up it decides to give to the recommendations contained in the Schengen evaluation report and mentioned in the follow-up for each Member State concerned;

7.  Recalls the need to proceed to a global evaluation, on the next two years, regarding the way that the system has been implemented and is working in every country participating in the Schengen area;

8.  Fully expects the Council to ensure that Parliament in all legislative procedures is provided with all the information required and available to be able to take a proper decision and to exercise the necessary democratic scrutiny;

9.  Instructs its President to forward this resolution to the Council and, for information, to the Commission and all national parliaments.

Cross-border transport of passengers in the Schengen area

31.1.2008

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-6-2008-0587-ASW_EN.html)

WRITTEN QUESTION E-0587/08  
by Wolfgang Kreissl-Dörfler (PSE) and Willi Piecyk (PSE)  
to the Commission

In the last few weeks there have been several incidents involving cross-border passenger transport, and German taxi drivers in Denmark have, as a result, been sent to prison for people-trafficking. They had driven passengers to Denmark without first asking about their papers. In police checks in Denmark it emerged that the passengers did not hold valid residence documents and were in the country illegally. There have also been isolated cases in which private individuals have given lifts to hitch-hikers who later likewise turned out to have had no legal right of abode. Those who have carried such passengers can be jailed for months.

1. Do drivers have a duty to check their passengers’ papers before crossing a border in the Schengen area? Are there differences on this point between professional drivers and private motorists?

2. Is the Commission seeking to establish a harmonised legal framework in order to tackle cross-border people-trafficking carried on for gain and the simple act of crossing a border without identity papers?

3. What differences are there in the manner of dealing with such offences in the individual Member States?

4. What information does the Commission provide to citizens about the requirement to carry an identity card? What advice does it give to the people concerned?

REPORT on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the Convention implementing the Schengen Agreement

7.6.2013 - (COM(2011)0118 – C7‑0070/2011 – 2011/0051(COD)) - \*\*\*I

Committee on Civil Liberties, Justice and Home Affairs  
Rapporteur: Georgios Papanikolaou

EXPLANATORY STATEMENT

**Introduction**

The creation of the Schengen area in the late 1980s was one of Europe's greatest achievements. The adoption of the Schengen Agreement on 14 June 1985 lead to the abolishment of systematic border controls at the internal borders of the countries participating in the Schengen area and guaranteed the free movement of persons in this area. Over those 25 years, the contractual and legal framework that the European Schengen area has become, resulted in what we now proudly call the Schengen acquis. Schengen area, initially counted 5 members, now is comprised of 25 member countries with Bulgaria and Romania soon to be integrated.

Regulation 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 borders (Schengen Borders Code) is an important milestone in this legislative effort to promote and enhance the Schengen acquis. It applies to any person crossing the internal or external borders of the European Union laying down standards for checks at border crossing points of the Schengen area. Its legal framework focuses on the protection of the interests of the Union and ensures the free movement of EU citizens and other persons enjoying the same right, but at the same time it protects the rights of individuals and the rights of particular vulnerable groups of persons that do not enjoy the privileges of the right of free movement.

The main purpose of this Regulation is to modify the existing legislation on border checks carried out on persons and enhance the integrated border management policy by improving the rules on crossing external borders.

**Scope of the Commission proposal**

Coming in a very crucial and historical for EU timing, the Commission proposal aims to make the Schengen Border Code a more clear and comprehensive mechanism.

Being primarily technical in nature, it concerns the updating of the rules and legal developments that have taken place since the establishment of Regulation 562/2006 and since the taking into force of the Lisbon Treaty.

It also takes under consideration practical experiences of the Member States in the application of the Schengen Borders Code.

The Commission proposal contains finally closely related modifications to the Convention implementing the Schengen Agreement of 14 June 1985.

**Rapporteur's position**

Taking into account the proposal by the European Commission and the recent developments both in legal and practical terms of the Schengen acquis, the rapporteur agrees with the Commission on the need to amend the existing Schengen Border Code. It is vital to maintain the notion that the removal of controls at the internal borders between Members States goes hand in hand with the need of effective controls, deeper cooperation and mutual trust at the external borders of the Schengen area. In particular this period, during which urgent developments in EU externals borders have taken place (i.e. radical political changes in North Africa) that affect deeply the migration flows directed towards the EU.

In this context, the rapporteur presents amendments that ameliorate the existing frame and which are mainly guided by two principles: First, by enhancing the rules that facilitate, simplify and further develop the free movement within the European Schengen area and secondly, by supporting a rigorous framework for control and security at the external borders of the territory of the Member States.

The rapporteur further agrees that it is important for the strengthening of the Schengen acquis that bilateral agreements are concluded between Member States and third countries for common crossing points. Such agreements should be compatible with European law and values. As seen in existing examples of agreements such as the ones concluded between Ukraine and Poland or Hungary and Croatia, these agreements can act as tools enhancing the protection and border checks of persons attempting to cross at external border crossing points.

The strengthening of the external borders will create legal certainty, it will strengthen the solidarity amongst the Member States and it will provide further economic development. In any case it should be noted that these proposals shall take into great consideration the protection of individual rights of all persons entering or attempting to enter the Schengen area by using the long standing political and legal tradition of the European Union. In addition, the rapporteur notes, that when it has been shown that acts or omissions by a third country have caused disturbances to the external borders of the Schengen area, Member States, in the conduct of border surveillance, should be concerned and act under Article 215 of TFEU.

Whilst drafting the amendments to the present proposal, apart from the newly established Lisbon Treaty and the EU legislation on the protection of human rights, the rapporteur took also into consideration recently adopted European legislation such as the newly adopted Visas Code, the Return Directive and the recent amendments to the regulation of the European Parliament and of the Council amending Council Regulation (EC) No 2007/2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) that offers new fields of action in order to improve the integrated management of the Union’s external borders.

Thus, the current proposal, even though it is more technical in nature, is an added value to the evolution of the Schengen acquis. It offers immediate benefits while facilitates and evolves border controls and develops the trust and solidarity in the Schengen area. The message that it conveys is crystal clear; despite the difficult period the European Union faces, it remains committed to its integration process and faithful to its values that guarantees peace, security and prosperity in the continent. Convinced that common challenges can only be tackled with shared goals and visions can only be achieved through cooperation and mutual solidarity.

<https://www.europarl.europa.eu/doceo/document/A-7-2013-0206_EN.html#_section3>

MOTION FOR A RESOLUTION on the Schengen Area

24.9.2013

pursuant to Rule 120 of the Rules of Procedure  
  
Silvia-Adriana Ţicău

B7‑0430/2013

Motion for a European Parliament resolution on the Schengen Area

*The European Parliament*,

–   having regard to Rule 120 of its Rules of Procedure,

A. whereas Bulgaria and Romania have fundamentally redesigned and reorganised their integrated border management systems by making substantial investments in their law enforcement authorities, including by providing training and purchasing the latest technology, and have visibly reinforced their institutional and legal frameworks, as has been acknowledged in all the Schengen evaluation reports;

B.  whereas a candidate state meeting all the requirements of the Schengen acquis should be able to accede to the Schengen Area without significant delay;

C. whereas Bulgaria and Romania have fully implemented the Schengen acquis, which –according to their Accession Treaty and the existing EU legal framework – is the only prerequisite for their accession to the Schengen Area;

D. whereas it is essential for the EU to achieve the objectives of establishing the internal market and ensuring the free movement of persons, in accordance with Articles 3 and 20 of the Treaty on European Union;

1.  Calls on all Member States to base their decision on enlarging the Schengen Area to include Bulgaria and Romania strictly on the Schengen acquis and procedures;

2.  Calls on all Member States to honour their commitments under the EU legal framework as regards the criteria for accession to the Schengen Area.

Schengen Information System: border checks on minors

11.1.2013

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-7-2013-000305-ASW_EN.html)

Question for written answer E-000305-13  
to the Commission  
Rule 117  
Jean-Pierre Audy (PPE)

As of 1 January 2013, France has scrapped child travel consent forms. The form, which had to be obtained from local authorities by parents, was intended to make it more difficult for minors to be abducted and taken abroad or to leave the country without parental consent. Doing away with these security measures (a move which was not agreed at EU level) makes sense only if the Schengen Information System works properly. Since 2010, details of court orders banning people from leaving France have routinely been entered into both the French missing persons database and the Schengen Information System, which makes EU border checks easier to carry out and helps prevent parental child abductions and catch runaways. Furthermore, at the request of the French law enforcement authorities details of runaways can also be entered into these databases.

People in Europe should thus have no qualms about national security measures being phased as long as comparable and effective measures are in place at EU level. However, according to lawyers who specialise in cases of child abduction and children running away from home, ‘although more stringent checks should be carried out on minors crossing Schengen borders, that is not the case at present’ (see article of 31 December 2012 in *Le Figaro*). What is more, once minors have left the EU it is very difficult for parents to get them back.

Are the Schengen border checks satisfactory, particularly on minors? If the Commission believes that the Schengen border controls should be tightened, what measures will it take, or suggest that the Member States take, and when?

Availability of Schengen visas in Polish consulates in Belarus

27.6.2013

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-7-2013-007670-ASW_EN.html)

Question for written answer E-007670-13  
to the Commission  
Rule 117  
Konrad Szymański (ECR)

I am informed that it has recently become much more difficult to apply for a Schengen visa in Polish consulates in Belarus. This problem mainly affects the consular section in Minsk, but other consulates are also concerned.

Belarusians are alarmed, as for several months now they have been unable to honestly obtain an appointment to submit a visa application to Polish consulates. Attempts to register an application on the Polish Ministry of Foreign Affairs e‐consulate system result in an error message or in a message stating that no appointments are available. This is most likely due to the fact that all of the appointments are immediately snatched up by hackers, who then sell places in the queue for between EUR 200 and EUR 400.

Despite the numerous interventions that have been made within the Ministry of Foreign Affairs, this state of affairs shows no sign of improving.

Will the Commission take steps to ensure that Belarusian citizens have equal and honest access to Schengen visa application procedures in Polish consulates in Belarus?

MOTION FOR A RESOLUTION

7.11.2007

to wind up the debate on the statement by the Council  
pursuant to Rule 103(2) of the Rules of Procedure, by

* –Carlos Coelho, on behalf of the PPE-DE Group,
* –Claudio Fava, on behalf of the PSE Group,
* –Henrik Lax, on behalf of the ALDE Group,
* –Kathalijne Maria Buitenweg, on behalf of the Verts/ALE Group,
* –Roberta Angelilli and Gintaras Didžiokas, on behalf of the UEN Group

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 (hereinafter the 'Member States concerned')

Procedure : [2007/2653(RSP)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2007/2653(RSP))

Document stages in plenary

Document selected :

B6-0448/2007

Texts tabled :

**B6-0448/2007**

Debates :

[PV 13/11/2007 - 15](https://www.europarl.europa.eu/doceo/document/PV-6-2007-11-13-ITM-015_EN.html)  
[CRE 13/11/2007 - 15](https://www.europarl.europa.eu/doceo/document/CRE-6-2007-11-13-ITM-015_EN.html)

Votes :

[PV 15/11/2007 - 5.7](https://www.europarl.europa.eu/doceo/document/PV-6-2007-11-15-ITM-005-07_EN.html)  
[Explanations of votes](https://www.europarl.europa.eu/doceo/document/CRE-6-2007-11-15-ITM-006_EN.html?textTabled=B-6-2007-0448#4-157)

Texts adopted :

[P6\_TA(2007)0535](https://www.europarl.europa.eu/doceo/document/TA-6-2007-0535_EN.html)

B6‑0448/2007

European Parliament resolution 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 (hereinafter the 'Member States concerned')

*The European Parliament*,

–  having regard to the draft Council decision 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 (11722/07),

–  having regard to the opinion of the European Parliament, A6-XXXX,

–  having regard to Rule 103(2) of its Rules of Procedure,

A.  whereas the creation of the Schengen area was one of the greatest achievements, characterised by the removal of all controls at the common borders between all the participant states and the introduction of freedom of movement within EU territory,

B.  whereas in parallel to the removal of controls at the internal borders, some compensatory measures were implemented, including the establishment of efficient controls at the external borders, the reinforcement of the cooperation between their administrative, customs, police and judicial authorities, a common visa policy and the creation of the Schengen Information System (SIS),

C.  whereas, according to Article 3(2) of the 2003 Act of Accession[[1]](https://www.europarl.europa.eu/doceo/document/B-6-2007-0448_EN.html#_def1), the provisions of the Schengen acquis other than those mentioned in Annex I to the said Act only apply in a new Member State within the meaning of that instrument pursuant to a Council Decision to that effect after verification that the necessary conditions for the application of that acquis have been met,

D.  whereas it is necessary to make a verification through evaluation procedures in order to check if the necessary conditions for the application of all parts of the acquis concerned (Data Protection, Air Borders, Land Borders, Police Cooperation, the Schengen Information System, Sea Borders and Visas) have been met by the new Member States; whereas this is a precondition for the Council to take decisions on the full application of the Schengen acquis, including the abolition of checks at internal borders with and between those Member States,

E.  whereas the evaluations for these new Member States started, following a request (in 2006) from each Member State (declaration of readiness); whereas they were conducted, new Member State by new Member State, under the responsibility of the Schengen Evaluation Working Party; whereas they started with a questionnaire to the Member State concerning all parts of the Schengen acquis and were followed by evaluation visits; whereas teams of experts were sent to the borders, consulates, SIS, etc. and prepared exhaustive reports containing factual descriptions, assessments, and recommendations which can require additional measures and follow-up visits; whereas the final report should establish whether the new Member State concerned, after being subject to a full evaluation procedure, fulfils all the preconditions for the practical appliance,

F.  whereas the Portuguese Government should be congratulated for putting forward a proposal providing a technical transitional solution - SISone4all - which would allow the new Member States to be connected to the SIS in 2007 while waiting for the implementation of new SIS II by the Commission,

G.  whereas the creation of the SIS II continues to be a priority for Parliament because it was necessary not only as a means of allowing the new Member States to be connected to the system, but also, within the Community framework, to build a more robust and flexible tool, able to cope with rapidly changing requirements; whereas it should make it possible to boost security and allow more efficient use of data, will introduce new functionalities and take advantage of technological developments,

H.  whereas on 12 June 2007 the Council decision on the application of the provisions of Schengen acquis relating to the Schengen information system entered into force for nine of the new Member States and the evaluation on the correct application of the SIS in the Member States concerned could only be finalised at the end of September 2007,

I.  whereas when a Member State joins the European Union it has to accept the Schengen acquis and, at the same time, has the legitimate expectation that it will be able to enjoy the same rights as the other Member States and that its citizens will also be able to move freely inside of the territory,

J.  whereas in order to maintain a uniform level of security within the Community area it is imperative that Member States strictly and efficiently meet the Schengen area's requirements; whereas, if this objective is overlooked, it jeopardises the security of the entire Schengen Area,

K.  whereas it is expected that the speed of the entire evaluation process did not compromise the rigorous and effective manner in which these procedures should be carried out,

L.  whereas it is to be regretted that, at the beginning of this procedure, when the Council proceeded to the consultation of Parliament, the Council refused, in an initial stage, to provide Parliament with access to the evaluation reports of the experts, due to security reasons,

M.  whereas it should be taken into account that Parliament, and in particular the members of its Committee on Civil Liberties, Justice and Home Affairs, must have access to the evaluation concerning the application of all Schengen domains, before giving a reasoned and motivated opinion on the abolition of internal borders,

N.  whereas all the efforts and goodwill shown by the Portuguese Presidency to ensure that the European Parliament, and in particular its Committee on Civil Liberties, Justice and Home Affairs, was informed step by step of the state of play of the evaluation procedures carried out in the Member States concerned should be acknowledged,

1.  Welcomes the new Member States entering the Schengen Area, congratulating them on the tremendous efforts that some of them made in order to be ready and to respect all the Schengen requirements in such a short period of time;

2.  Reminds the new Member States of the need to maintain a high level of security and to strictly and efficiently meet the Schengen area's requirements at all times;

3.  Congratulates the Portuguese Presidency on having created the necessary instruments to extend the Schengen area to the new Member States in 2007;

4.  Stresses the urgent need to speed up preparations for the start-up of a fully functioning SIS II;

5.  Reminds the Member States that they should put in place as soon as possible all the necessary measures to remedy the shortcomings that still exist, but notes that, although some issues are still outstanding and require to be followed up in the future, they do not constitute an obstacle to applying the full Schengen acquis to the new Member States concerned;

6.  Urges the Council to ensure that Parliament is kept informed, in writing, in the course of the next semester on the follow-up it decides to give to the recommendations contained in the Schengen evaluation report and mentioned in the follow-up for each Member State concerned;

7.  Recalls the need to proceed to a global evaluation, on the next two years, regarding the way that the system has been implemented and is working in every country participating in the Schengen area;

8.  Fully expects the Council to ensure that Parliament in all legislative procedures is provided with all the information required and available to be able to take a proper decision and to exercise the necessary democratic scrutiny;

9.  Instructs its President to forward this resolution to the Council and, for information, to the Commission and all national parliaments.

Possible delay in extending Schengen system to new Member States

19.9.2006

[Answer in writing](https://www.europarl.europa.eu/doceo/document/E-6-2006-4137-ASW_EN.html)

WRITTEN QUESTION E-4137/06  
by Bogdan Klich (PPE‑DE)  
to the Commission

The Schengen area covers parts of European Union territory where Member States have abolished passport controls at frontiers in order to facilitate travel, thereby establishing one of the fundamental freedoms underlying the idea of a common Europe, the freedom for Member States citizens to travel between the countries of the Union. Some time ago, October 2007 was set as the date on which the new Member States, including Poland, were to join the Schengen system. The conclusions to the Brussels European Council of 16 June 2006 spoke of the need to do everything possible to ensure that this deadline was met.

There are now those in the Commission saying that a delay in extending the Schengen system is unavoidable. As a Polish Member of the European Parliament, I disagree profoundly with the approach adopted by the Commission. It is unacceptable that the delays in building premises to house the SIS II headquarters, the problems with the tender procedure for computers and software or the excessively long process for establishing a legal base for SIS II, should oblige millions of citizens from the new Member States of the Union to continue to stand in passport queues at borders.

This state of affairs relegates Poles and others to the rank of second-class EU citizens. Every delay in extending the Schengen agreement will serve only to increase the frustrations with accession felt by citizens of the new Member States. The October 2007 deadline initially set is still a long way off and the Commission should do all in its power to ensure that it is met. In the light of the above, will the Commission answer the following:

* 1.When will the Schengen agreement finally be extended to the new Member States of the Union, including Poland?
* 2.What will the Commission do to ensure that the deadline of October 2007 initially set for extending the agreement is met?

# **Schengen area — continued restrictions on movement of EU workers and citizens in the internal market**

28.1.2009

[Answer in writing](https://www.europarl.europa.eu/doceo/document/P-6-2009-0634-ASW_EN.html)

WRITTEN QUESTION P-0634/09  
by Tomáš Zatloukal (PPE‑DE)  
to the Commission

The Czech Republic has been a member of the Schengen area for over a year now; amongst other things, this allows its citizens to cross internal borders without any kind of restrictions. During this time, however, there have been innumerable cases of citizens of the Czech Republic being subjected to passport checks or their vehicles targeted for roadside checks on the territory of Germany and Austria. The motto of the Czech Presidency of the Council is ‘Europe without Barriers’, but the reality unfortunately still falls far short of the slogan.

During the past year the European Commission has been asked several times about this matter, and not just by Czech Members of the European Parliament. All that we received in reply were rather vague remarks and there has been no improvement on the ground.

We therefore ask once more what specific action the Commission intends to take in order to ensure that regulation (EC) No 562/2006[[1]](https://www.europarl.europa.eu/doceo/document/P-6-2009-0634_EN.html#def1) is not violated by certain Member States.

REPORT on the draft Council regulation on the establishment of an evaluation mechanism to verify the application of the Schengen acquis

10.6.2013 - (10273/2013 – C7‑0160/2013 – 2010/0312(NLE)) - \*

Committee on Civil Liberties, Justice and Home Affairs  
Rapporteur: Carlos Coelho

EXPLANATORY STATEMENT

**Context**

The text on which the European Parliament is being consulted is the result of an agreement reached between the three institutions following a long process of negotiations.

An initial attempt to respond to the weaknesses and shortcomings of the current evaluation mechanism, which is purely intergovernmental in nature and was established by Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/ Com-ex (98) 26 def.), was made in March 2009, when the Commission put forward two proposals (one for the former first pillar and one for the former third pillar) designed to replace the evaluation mechanism. Parliament rejected both proposals in October 2009 and invited the Commission to withdraw them and to submit new, substantially improved proposals in accordance with the codecision procedure and taking into account the entry into force of the Treaty of Lisbon. A fresh proposal was put forward in November 2010, based on Article 77(2)(e) TFEU, which provides for the ordinary legislative (co-decision) procedure. Whilst Parliament responded favourably to this proposal, the Justice and Home Affairs Council of 7 and 8 June 2012 decided to change the legal basis to Article 70 TFEU, arguing that this article was specifically inserted in the Treaty for the purpose of approving agreements on mutual evaluations. This decision gave rise to an unprecedented interinstitutional dispute which was eventually resolved after intense negotiations.

**Rapporteur's position**

The rapporteur welcomes the agreement reached and recommends that this text be approved. Even though this agreement is not precisely what Parliament would have desired, it responds to most of Parliament's concerns and represents substantial progress by comparison with the current Schengen rules, thereby strengthening Schengen governance. Furthermore, it strengthens the right of citizens to move freely within the Schengen area, making explicit provision for the possibility of evaluating whether or not illegal checks are being carried out at internal borders, in particular through the possibility of making unannounced visits.

**A European mechanism**

The evaluation mechanism will no longer be a purely intergovernmental mechanism, instead taking on a European dimension. The Commission will no longer merely play the part of observer and will instead be responsible for the general coordination of the evaluation and follow-up process. It will be responsible for the majority of decisions relating to the evaluation procedure, the annual and multiannual programme, the preparation and carrying-out of on-site visits and the drawing-up of evaluation reports and recommendations. Following an evaluation, the Commission will be responsible for approving the report and proposing recommendations for remedial action designed to overcome the shortcomings found, which will then have to be approved by the Council. Two Commission representatives will take part in each visit, one of whom will act as visit leader, alongside a national expert. The number of Member State experts taking part in on-site evaluation visits may not exceed a total of eight in the case of announced on-site visits and six in the case of unannounced on-site visits. Various EU agencies and institutions will also be involved.

**A more efficient and rigorous mechanism**

Unlike the current system, which is not legally binding and which provides only peer-to-peer evaluation, the new system has more effective and dissuasive mechanisms. It will allow a more precise evaluation of the level of compliance with the Schengen rules and enable immediate remedial action to be taken, which will do away with any impression of impunity. The Member States will be obliged to resolve any problems they encounter. The new system also makes provision for the possibility of unannounced on-site visits to internal borders, which will help preserve what is one of the main achievements of European integration, i.e. free movement of citizens in an area without internal borders. Whilst there are currently no formal rules on the follow-up action to be taken following an evaluation which has uncovered shortcomings, one of the most significant innovations under the new system is the inclusion of rigorous provisions on the follow-up action to be taken to remedy such shortcomings. Member States in respect of which recommendations have been made for action to remedy shortcomings must draw up an action plan to remedy any deficiencies identified within three months (or one month if the recommendations conclude that the evaluated Member State is seriously neglecting its obligations). This action plan will be assessed and closely monitored and, where necessary, fresh on-site visits will be made to verify that the action plan has been implemented correctly. Provision has also been made for additional monitoring as part of the revision of the Schengen Borders Code, which may include the adoption of recommendations for specific measures such as the deployment of European Border Guard teams, the

submission of strategic plans that must be assessed by Frontex, and as a last resort, in view of the gravity of the situation, the closure of a specific border crossing-point for a limited period of time.

This new mechanism also puts an end to the current double standards. From now on, candidate countries and countries that already belong to Schengen must be evaluated in the same way and according to the same rules. The Schengen acquis must be rigorously respected not only on joining Schengen but also afterwards.

**A mechanism subject to democratic scrutiny**

The Commission will play a significant role in this new evaluation mechanism, and the implementation of the new mechanism will thus be subject to political scrutiny by the European Parliament.

Parliament will be kept informed throughout the process and will have access to all the relevant documents, including the Frontex risk analysis, the multiannual and annual evaluation programme, the evaluation reports, the recommendations for remedial action and the action plans to remedy deficiencies that have been detected. It will also have access to Member States' specific replies to questionnaires. This shows that huge progress has been made in terms of transparency and Parliament's right to information, since up to now Parliament has not had access to any Schengen evaluation documents.

Finally, Parliament has succeeded in guaranteeing its involvement both in the current procedure and in future initiatives in this field. Even though the mechanism is to be approved on the basis of Article 70 of the Treaty, which does not provide for Parliament to be involved in the decision-making process, this regulation has in effect been negotiated as a co-decision text and includes the vast majority of the amendments tabled by Parliament in its report ([A7-0226/2012](https://www.europarl.europa.eu/doceo/document/A-7-2012-0226_EN.html)). In the letter sent to Parliament to confirm the agreement reached, the Council also confirmed its intention to adopt the regulation in accordance with the exact terms of the agreed text; it also confirmed its intention to consult Parliament if a decision was taken to amend the regulation in the future. This commitment is given not only in a joint statement from the three institutions annexed to the regulation, but also in the text of the regulation itself and in the evaluation clause laid down in the Schengen Borders Code (Article 37a). This latter document also includes important guarantees with regard to any future amendment of the Schengen evaluation mechanism, while setting out a large number of details relating to the operation of the evaluation mechanism. For reasons of legal certainty and consistency, the Council is now under pressure not to make any amendments to the evaluation mechanism that could conflict with the terms of the evaluation clause laid down in the Schengen Borders Code.

It should also be stressed that the majority of the most significant improvements were obtained after the negotiations had been reopened, that is following the Council's decision to change the legal basis and the interinstitutional dispute. This is true, for example, of the coordination role assigned to the Commission, its responsibility for adopting the evaluation reports, the possibility of carrying out unannounced on-site visits at internal borders and the increased involvement of the European Parliament and its access to information and documents. It was only thanks to the strong and united position that Parliament maintained throughout this lengthy process of negotiations that all these improvements could be achieved.

**Conclusion**

The rapporteur takes the view that this new mechanism - which is more European, more transparent, efficient and rigorous - represents a huge step forward by comparison with the status quo. It strengthens the tools needed to identify and swiftly remedy any shortcomings found in the Member States with regard to the implementation and application of the Schengen rules, thereby helping to preserve the Schengen area as an area without internal borders and protect citizens' freedom of movement. For all these reasons, and with satisfactory guarantees having been agreed to safeguard Parliament's institutional role, the rapporteur recommends that this agreement be approved.

<https://www.europarl.europa.eu/doceo/document/A-7-2013-0215_EN.html#_section3>