Schengen: evaluation mechanism to monitor the application of the Schengen acquis

2009/0032(CNS) - 06/10/2009

The Committee on Civil Liberties, Justice and Home Affairs adopted unanimously the report drafted by Carlos COELHO (EPP, PT) calling on the European Parliament to reject the proposal for a Council decision on the establishment of an evaluation mechanism to monitor the application of the Schengen acquis.

The proposal has been rejected by the MEPs for two reasons:

- **the scope of the proposal**: when the Treaty of Lisbon enters into force, this objective will no longer apply, since the new legal situation will be completely different as a result of the abolition of the Community's pillar structure. It is crucial that a Schengen evaluation mechanism is created that is consistent with the consolidation of tasks currently divided between the first and the third pillar;
- **legal basis**: although technically correct, the legal basis laid down for this proposal could pose problems given that the evaluation mechanism aims to evaluate the operation of the SIS, the VIS, the Schengen Borders Code and the Visa Code which are all subject to the codecision procedure. It is for this reason that codecision should be the procedure chosen as regards in particular the proposed parallel regulation. Parliament's position must not be a mere adjunct but must correspond to the significance of its role in adopting the respective basic legislative instruments. Moreover, given that both proposals show the same shortcomings and, in legal terms, represent two sides of the same coin, i.e. the creation of a single Schengen evaluation system, they should be treated as a package. As a consequence, the Commission is asked to withdrawn this proposal and the proposed parallel regulation and to submit, substantially improved proposals that respect the codecision procedure in relation to the first pillar.