Resolution on changes to Schengen

2011/2753(RSP) - 07/07/2011 - Text adopted by Parliament, single reading

The European Parliament adopted by 52 votes to 5, with 5 abstentions, a resolution on changes to Schengen.

The resolution had been tabled by the Greens/EFA, EPP, S&D, and ALDE groups.

Parliament affirmed the **importance of Schengen**, stressing that free movement of people within the Schengen area has been one of the biggest achievements of European integration. 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 freedom of movement is a fundamental right and a pillar of EU citizenship. Parliament notes especially in the last year, there has been a massive displacement of people from several North African countries, and 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.

Schengen governance/evaluation mechanism: Members strongly recommends strengthening the Schengen governance, noting that the evaluation mechanism based on the Schengen Evaluation Working Group (SCH-EVAL), a purely intergovernmental body, has not proven sufficiently effective. It 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. The new Schengen evaluation mechanism currently being discussed within Parliament (COM(2010)0624) 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. Parliament stresses the need to ensure the proper application of the Schengen rules by Member States even after their accession. This also means helping those Member States facing problems so that they can remedy their deficiencies with practical support from the EU agencies. Members are of the opinion that the existing evaluation mechanism should be reinforced and made into an EU system, and 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. The primary purpose of such sanctions is dissuasion.

Schengen Borders Code: Parliament 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. It calls on the Commission to present an initiative aimed at defining the strict application of these Articles by Member States, and also notes that such controls, being of a unilateral nature, do not allow the collective EU interest to prevail.

Members are 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. They reaffirm their 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. They point 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, and strongly regrets the attempt by several Member States to reintroduce border controls, which clearly jeopardises the very spirit of the Schengen acquis. Parliament 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). 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.

Co-decision: the resolution notes that 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. Parliament 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 it reserves the right to use all available legal remedies if necessary.