Evaluation and monitoring mechanism to verify the application of the Schengen acquis

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The Council adopted conclusions regarding guidelines for the strengthening of political governance in the Schengen cooperation.

These conclusions follow up a discussion at the JHA Council in December 2011 in which support for strengthening the political guidance on developments in the Schengen area was expressed.

The conclusions may be summarised as follows:

- the evaluation reports have shown serious shortcomings, including special measures to be implemented, without prejudice to the applicable procedures for EU agencies and the competencies of each Member State;
- the fulfilment of agreed action plans aimed at tackling shortcomings and their implementation should also be discussed. Such political and strategic discussions should take place once during each Presidency and, where appropriate, be based on the reports from the Commission;
- the Council welcomes the Commission's intention to present regular reports to the European Parliament and to the Council on the functioning of the Schengen cooperation and the
- application of the Schengen acquis at least once every year. The first report should – together with specific suggestions from Member States or relevant EU agencies – form the **basis for a political and strategic discussion** in the Mixed Committee at Ministerial level in June 2012;
- the Commission is also invited, where relevant, to address in its reports how Schengen related shortcomings could be remedied, and, where appropriate, to give an indication of possible solutions at the practical and operational level or submit new initiatives, including legislative proposals to address these shortcomings.

The Council welcomes the intention of the Commission to present the first report in May 2012. The reports should be brief, concise and provide an overview of the main trends and recent developments regarding Schengen cooperation, including **analysis of causes**. In addition, identified weaknesses and/or threats that could affect the functioning of the Schengen area in the short term should be presented in order for the Council to consider preventive actions.

The overview should highlight matters which the Commission considers most relevant for the political and strategic discussion, such as:

- implementation of the relevant Schengen acquis and of key policy guidelines set out by the European Council or the Council as well as action plans adopted by the Council such as the Schengen related aspects of the 29 measures for reinforcing the protection of the external borders and combating illegal immigration, and Schengen cooperation in the fight against serious and organised crime;
- possible conclusions to be drawn from the functioning and the development of relevant ongoing and future IT projects and tools;
- selected findings from evaluation reports and key recommendations adopted in the context of the Schengen evaluation mechanism on selected issues such as controls at the external borders, visa processing at consular posts, data protection and the required functioning of the institutions involved in the application of the Schengen acquis, in particular when the reports point at serious shortcomings;
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application of the Schengen acquis at internal borders, especially in cases of temporary introduction of controls at internal borders;

- challenges linked to current and possible foreseen migration flows and external borders particular prone to pressure from illegal migration flows as well as proposals for possible ways for their prevention and deterrence;
- challenges in the Schengen relevant cooperation with key countries of origin and transit;
- any planned and existing visa facilitation and liberalisation and their consequences.

The Council invites the European Parliament also to make full use of the Commission reports as it deems appropriate, taking into consideration the sensitivity of the information contained in the reports.