Annual report on the functioning of the Schengen area

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The Committee on Civil Liberties, Justice and Home Affairs adopted the own-initiative report by Carlos COELHO (EPP, PT) on the annual report on the functioning of the Schengen area.

In recent years several factors have impacted the functioning of the Schengen area such as the significant numbers of asylum seekers and irregular migrants with related secondary movements and the treat of terrorist attacks. The strengthening of the EU's external borders and the introduction of systematic checks against relevant data bases, including for European citizens, were part of the measures put in place to protect the Schengen area. Maintaining internal border controls in the Union or reintroducing such controls in the Schengen area has a serious impact on the lives of European citizens and all those who benefit from the principle of free movement within the EU, and seriously **undermines their trust** in the European institutions and integration.

Shortcomings: the report noted that the EU legislator has adopted a number of measures in the last three years which were designed to reinforce the integrity of the Schengen Area without internal border controls. Members welcomed the effectiveness of the measures taken at the external borders and the creation of the European Border and Coast Guard Agency (EBCGA). They noted the importance of the newly introduced **vulnerability assessment mechanism** in uncovering weaknesses at the common external borders and preventing crises.

They noted the steps taken through amendment of the Schengen Borders Code and introduction of **mandatory systematic checks** against relevant databases at the external borders on entry and exit for third-country nationals and for EU nationals, while remaining vigilant about the effects, necessity and proportionality of these measures on the border crossings of EU nationals.

Members expressed concerns regarding the critical shortcomings and deficiencies discovered through the Schengen Evaluation Mechanism and the vulnerability assessment. They condemned the continued reintroduction of internal border checks as this undermines the basic principles of the Schengen area. Many of the prolongations are not in line with the existing rules as to their extensions, necessity or proportionality and are therefore **unlawful**.

They stressed that a further prolongation of the existing internal border controls – or the reintroduction of new ones – would impose major economic costs on the EU as a whole by severely damaging the single market.

Action to be taken: Members:

- stressed the importance of reforming and adapting the SIS to face new challenges swiftly, namely regarding the **protection of children who are at risk or missing**, the immediate, obligatory exchange of information on terrorism;
- highlighted the anticipated substantial increase in the activity of the Supplementary Information Request at the National Entry (SIRENE) Bureau;
- called on the Commission and the Members States to **allocate sufficient resources** to the implementation and follow-up of Schengen evaluations and vulnerability assessments;

- reiterated support for Bulgaria and Romania's immediate accession to the Schengen area, and the accession of Croatia as soon as it fulfils the criteria for joining. They called on the Council to approve the accession of Bulgaria and Romania as fully-fledged members of the Schengen area.

Other issues impacting Schengen: Members stressed that the current state of Schengen and the persistence of internal border controls are not due primarily to problems in the structure and rules of the Schengen area itself but rather to the related fields of the acquis, such as shortcomings in the area of the Common European Asylum System, including a lack of political will, solidarity and responsibility sharing, the Dublin Regulation and the management of the external borders.

Members regretted that many persons have been reported dead or missing in the Mediterranean Sea in recent years. A permanent, robust and effective Union response in search and rescue operations at sea is crucial in preventing the loss of life at sea.

Member States are also called on to:

- take specific steps to ensure **adequate infrastructure, accommodation and living conditions** for all asylum seekers, especially taking into consideration the needs of unaccompanied minors and families with minors as well as women in vulnerable situations;
- bring their detention facilities into line with the requirements of international best practices and human rights norms and conventions, to meet capacity demand, bearing in mind that detention is a measure of **last resort** and is not in the **best interest of the child**, and to increase the use of alternative measures to detention;
- further develop mutual **cross-border police cooperation** through joint threat assessment, risk analysis and patrols.

Lastly, Members recalled the high priority given to the reform of the Common European Asylum System (CEAS) as part of the holistic approach to addressing the challenges affecting refugee, asylum-seeker and migrant policies and the Commission's Agenda on Migration. They noted that Parliament has repeatedly stressed that opening legal channels for migrants and refugees is the best way to fight human trafficking and at the same time 'irregular' migration. The Council was called on to swiftly follow Parliament in adopting a **mandate for negotiations** on every proposal in this regard, particularly as regards the Dublin Regulation. The report highlighted that the new European Agency for Asylum has still to be approved and urged the Council to unblock this file as a matter of urgency. It also stressed the need to improve the security of identity cards provided by the Member States to EU citizens and called on the Commission to propose standards for the security and biometric features incorporated in identity cards, as is already the case with passports.