Annual report on the functioning of the Schengen area

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The European Parliament adopted by 439 votes to 157, with 80 abstentions, a resolution 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. Some Member States have reacted to the arrivals of asylum seekers and refugees by re-establishing controls at their internal borders.

Since March 2016, the Commission has proposed a series of measures aimed at restoring the normal functioning of the Schengen area. However, the proper functioning of the Schengen area has not yet been restored. Maintaining and re-establishing border controls in the Schengen area has serious repercussions on the lives of citizens who benefit from the principle of free movement within the EU.

The **Schengen area is at a crossroads**. It requires decisive and joint actions to fully restore the benefits it brings to citizens. It also requires **mutual trust**, cooperation and solidarity between Member States.

Progress and shortcomings: 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 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.

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Members expressed concerns regarding the **critical shortcomings** and deficiencies discovered through the Schengen Evaluation Mechanism and the vulnerability assessment. They condemned the co**ntinued 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**. The also condemned the construction of physical barriers, including fences, between Member States and recalls its doubts as to the compatibility of such actions with the Schengen Borders Code.

The resolution 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: Parliament stressed the need to remedy, as soon as possible, the critical shortcomings identified in order to restore the normal functioning of the Schengen area without internal border controls. The resolution in particular:

- 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;
- invited the Member States directly concerned to prepare **contingency plans** to mitigate situations of increased levels of migration and to improve registration and accommodation capacity while fully respecting the principle of non-refoulement and fundamental rights;
- called on the Council to approve the accession of **Bulgaria and Romania** as fully-fledged members of the Schengen area.

Other issues impacting Schengen: Parliament 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:

- ensure a **rapid and efficient return procedure**, respecting fundamental rights and in humane and dignified conditions;
- 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.

Parliament 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.