# Annual Report on the Functioning of the Schengen Area

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The Committee on Civil Liberties, Justice and Home Affairs adopted an own-initiative report by Tanja FAJON (S&D, SI) on the Annual Report on the Functioning of the Schengen Area.

***Recent events***

As a reminder, the abolition of internal border controls is one essential, practical element of what citizens identify as the European idea and is crucial for the functioning of the internal market. However, the Schengen area is under threat, not least given the ever-increasing use of internal border controls by Member States, in particular in recent years. As a response to the COVID-19 pandemic, most Member States have reintroduced internal border controls or have closed their borders, either partially or totally. The absence of any effective coordination on the reintroduction and lifting of internal border controls between Member States and with the Commission challenged the very concept of Schengen cooperation. The report stated that allegations of violence against migrants, including those seeking international protection, and pushbacks at the EU's external borders continue to be reported. Serious deficiencies were identified in the 2017 Schengen evaluation of the United Kingdom on the application of the Schengen acquis in the field of the Schengen Information System.

***Functioning of the Schengen area***

Members acknowledged that the Commission has tried to coordinate a common European response to the pandemic. Nevertheless, they deplored the fact that internal border controls continue to be introduced by the Member States, often in an uncoordinated manner. These controls have had a negative impact on the free movement of goods, capital, services and people in the EU. Despite having identified significant shortcomings in the implementation of the Schengen acquis, the Commission has been slow or outright reluctant to initiate infringement proceedings. The report noted that no progress has been made so far during this legislative term on the revision of the Schengen Borders Code (SBC), for which interinstitutional negotiations remain blocked by the Council. Members welcomed the Commission's announcement that it will present new proposals for Schengen governance.

***EU visa policy***

Members considered it essential for EU visa policy to be efficient, user-friendly and secure, and welcomed, in that regard, the Commission's intention to digitise the visa procedure by 2025. The integration of non-EU nationals who are long-term residents in the Member States is a key element in promoting economic and social cohesion. Schengen evaluation and monitoring mechanism (SEMM). The report stated that the SEMM has brought significant improvements to governance of the Schengen area and has contributed to ensuring its functioning by enhancing

mutual trust and collective responsibility.

Members considered that Parliament's scrutiny role and improving the transparency of the process should be key elements of the reform. The Commission should allocate sufficient resources to ensure a comprehensive evaluation of the Schengen system, including by increasing the number of on-site visits to Member States.

The Council is called on to hold regular discussions at ministerial level on the proper functioning of the Schengen area, including discussions in situations where the evaluation reports have shown serious shortcomings, thus assuming the political role given to it by the Schengen evaluation process.

The report highlighted the recurrent deficiencies and areas for improvement in the Schengen system identified by the Commission: incomplete or non-compliant transposition, implementation and application of pertinent Schengen acquis.

***Future of Schengen***

Members considered that the Schengen Borders Code, in particular as regards rules on internal border controls, is no longer fit for purpose and requires urgent and meaningful reform in order to strengthen mutual trust and solidarity, and to safeguard the integrity and full restoration of the Schengen area. The report stressed that, while the reintroduction of internal border controls remains a decision for individual Member States, it should only ever be a measure of last resort, for a limited period of time.

Lastly, Members called on Parliament’s administration to establish a dedicated Schengen Governance Support Unit in order for Parliament to be able to properly exercise its democratic control and scrutiny functions in relation to the Schengen acquis.