Annual Report on the Functioning of the Schengen Area

2019/2196(INI) - 08/07/2021 - Text adopted by Parliament, single reading

The European Parliament adopted by 505 votes to 134, with 54 abstentions, a resolution on the Annual Report on the Functioning of the Schengen Area.

The Schengen area is a unique arrangement and one of the greatest achievements of the EU, which for over 25 years has allowed for free movement of people within the Schengen area without controls at internal borders. A fully functioning Schengen area and its future enlargement to include the Schengen candidate countries remain key for further political, economic and social integration, fostering cohesion and bridging gaps between countries and regions, and a prerequisite for safeguarding the principle of freedom of movement. The future of Schengen must be without fragmentation.

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.

Parliament highlighted 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

The resolution acknowledged that the Commission has tried to coordinate a common European response to the pandemic. Nevertheless, Parliament 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. Noting the identified significant shortcomings in the implementation of the Schengen acquis, Parliament reiterated its call on the Commission to exercise appropriate scrutiny over the application of the Schengen acquis, to assess whether the principles of necessity and proportionality have been respected and to use infringement proceedings where necessary.

Parliament also 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. It welcomed the Commission's announcement that it will present **new proposals for Schengen governance**.

EU visa policy

The resolution stressed that it is 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)

Parliament 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. It 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.

New large-scale IT systems

Parliament noted the progress made in the development of the new large-scale IT systems and interoperability among them. Member States, the Commission and the agencies involved are called on to uphold the envisaged timetable for implementation, which provides for implementation of the new IT systems, completion of the reforms of the existing systems and interoperability of those systems by the end of 2023.

Given that the Commission and the Council have seriously neglected their obligations following the detection of serious deficiencies in the use of the SIS by the UK, identified in the 2017 evaluation, Parliament reiterated the request of the Working Group on Schengen Scrutiny to immediately disconnect the UK from the SIS as it is now a non-EU country.

Future of Schengen

Parliament 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 resolution 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.