Basic information

2019/2196(INI) INI - Own-initiative procedure	Procedure completed
Annual Report on the Functioning of the Schengen Area **Subject** 7.10.02 Schengen area, Schengen acquis	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	LIBE Civil Liberties, Justice and Home Affairs	FAJON Tanja (S&D)	20/01/2020
		Shadow rapporteur RANGEL Paulo (EPP) ŠIMEČKA Michal (Renew) DELBOS-CORFIELD Gwendoline (Greens/EFA) WEIMERS Charlie (ECR) GARRAUD Jean-Paul (ID) DALY Clare (GUE/NGL)	
European Commission	**Commission DG**	**Commissioner**	
	Migration and Home Affairs	JOHANSSON Ylva	

Key events

Date	Event	Reference	Summary
19/12/2019	Committee referral announced in Parliament		
26/05/2021	Vote in committee		
01/06/2021	Committee report tabled for plenary	A9-0183/2021	Summary
06/07/2021	Debate in Parliament		
07/07/2021	Results of vote in Parliament		
08/07/2021	Decision by Parliament	T9-0350/2021	Summary

Technical information	
Procedure reference	2019/2196(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/02088

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE661.893	02/12/2020	
Amendments tabled in committee		PE663.369	21/01/2021	
Committee report tabled for plenary, single reading		A9-0183/2021	01/06/2021	Summary
Text adopted by Parliament, single reading		T9-0350/2021	08/07/2021	Summary

European Commission

Document type	Reference	Date	Summary
Commission response to text adopted in plenary	SP(2021)640	04/11/2021	

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.

Annual Report on the Functioning of the Schengen Area

2019/2196(INI) - 01/06/2021 - Committee report tabled for plenary, single reading

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.