

Full application of the Schengen *acquis*

European Parliament resolution of 15 November 2007 on the full application of the provisions of the Schengen *acquis* in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic

The European Parliament,

- having regard to the draft Council decision on the full application of the provisions of the Schengen *acquis* in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (11722/2007),
- having regard to its position of 15 November 2007 on the above-mentioned draft Council decision¹,
- having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas the creation of the Schengen area was one of the greatest achievements, characterised by the removal of all controls at the common borders between all the participant States and the introduction of freedom of movement within the territory of the EU,
- B. whereas in parallel with the removal of controls at the internal borders, some compensatory measures were implemented, including the establishment of efficient controls at the external borders, the reinforcement of cooperation between the administrative, customs, police and judicial authorities of the Member States, a common visa policy and the creation of the Schengen Information System (SIS),
- C. whereas, according to Article 3(2) of the 2003 Act of Accession², the provisions of the Schengen *acquis* other than those mentioned in Annex I to that Act only apply in a new Member State within the meaning of that Act pursuant to a Council Decision to that effect after verification that the necessary conditions for the application of that *acquis* have been met,
- D. whereas the Schengen *acquis* was incorporated into the European Union framework by the Treaty of Amsterdam in 1997 in which it was decided that its application would be obligatory for any subsequent new Member State;
- E. whereas it is necessary to conduct a verification through evaluation procedures in order to check whether the necessary conditions for the application of all parts of the *acquis* concerned (data protection, air borders, land borders, police cooperation, the SIS, sea borders and visas) have been met by the new Member States; whereas this is a precondition

¹ Texts Adopted, P6_TA(2007)0531.

² OJ L 236, 23.09.2003, p.33

for the Council to take decisions on the full application of the Schengen acquis, including the abolition of checks at internal borders with and between those Member States,

- F. whereas the extension of the Schengen area is therefore another step towards the full integration of the new Member States into the European Union;
- G. whereas the evaluations for these new Member States started, following a request (in 2006) from each Member State (declaration of readiness); whereas they were conducted, new Member State by new Member State, under the responsibility of the Schengen Evaluation Working Party; whereas they started with a questionnaire to the Member State concerning all parts of the Schengen acquis and were followed by evaluation visits; whereas teams of experts were sent to the borders, consulates, SIS, etc. and prepared exhaustive reports containing factual descriptions, assessments, and recommendations which can require additional measures and follow-up visits; whereas the final report should establish whether the new Member State concerned, after being subject to a full evaluation procedure, fulfils all the preconditions for the practical application,
- H. whereas the Portuguese Government should be congratulated for putting forward a proposal providing a technical transitional solution - SISone4all - which would allow the new Member States to be connected to the SIS in 2007 while waiting for the implementation of new SIS II by the Commission,
- I. whereas the creation of the SIS II continues to be a priority for Parliament because it was necessary not only as a means of allowing the new Member States to be connected to the system, but also, within the Community framework, to build a more robust and flexible tool, able to cope with rapidly changing requirements; whereas it should make it possible to boost security and allow more efficient use of data, introduce new functionalities and take advantage of technological developments,
- J. whereas Council Decision 2007/471/EC of 12 June 2007¹ on the application of the provisions of Schengen acquis relating to the SIS in nine of the new Member States entered into force on 7 July 2007 and the evaluation of the correct application of the SIS in the Member States concerned could only be finalised at the end of September 2007,
- K. whereas when a Member State joins the European Union it has to accept the Schengen acquis and, at the same time, has a legitimate expectation that it will be able to enjoy the same rights as the other Member States and that its citizens will also be able to move freely inside their territories,
- L. whereas in order to maintain a uniform level of security within the Community area it is imperative that Member States strictly and efficiently meet the Schengen area's requirements; whereas, if this objective is overlooked, it jeopardises the security of the entire Schengen area,
- M. whereas it is considered that the speed of the entire evaluation process did not compromise the rigorous and effective manner in which these procedures should be carried out,
- N. whereas it is to be regretted that, at the beginning of this procedure, when the Council proceeded to consult Parliament, the Council refused, initially, to provide Parliament with

¹ OJ L 179, 7.7.2007, p. 46.

access to the evaluation reports of the experts, for security reasons,

- O. whereas it should be borne in mind that Parliament, and in particular the members of its Committee on Civil Liberties, Justice and Home Affairs, must have access to the evaluation concerning the application of all Schengen domains, before giving a reasoned and motivated opinion on the abolition of internal borders,
 - P. whereas all the efforts and goodwill shown by the Portuguese Presidency to ensure that Parliament, and in particular its Committee on Civil Liberties, Justice and Home Affairs, was informed step by step of the state of play of the evaluation procedures carried out in the Member States concerned should be acknowledged,
1. Welcomes the new Member States entering the Schengen area, stresses the symbolic and historic importance of this event with a view to ending the former divisions in Europe and congratulates those Member States on the tremendous efforts that some of them have made in order to be ready and to respect all the Schengen requirements in such a short period of time;
 2. Reminds the new Member States of the need to maintain a high level of security and to strictly and efficiently meet the Schengen area's requirements at all times;
 3. Congratulates the Portuguese Presidency on having created the necessary instruments to extend the Schengen area to the new Member States in 2007;
 4. Stresses the urgent need to speed up preparations for the start-up of a fully functioning SIS II;
 5. Reminds the Member States that they should put in place as soon as possible all the necessary measures to remedy the remaining shortcomings , but notes that, although some issues are still outstanding and will require follow-up in the future, they do not constitute an obstacle to applying the full Schengen acquis to the new Member States concerned;
 6. Urges the Council to ensure that Parliament is kept informed, in writing, in the course of the next six months on the follow-up it decides to give to the recommendations contained in the Schengen evaluation report and mentioned in the follow-up for each Member State concerned;
 7. Recalls the need to proceed to a global evaluation, over the next two years, regarding the way in which the system has been implemented and is working in every country participating in the Schengen area, focussing in particular on the achievements of, the consequences of, and the problems arising from the implementation of the system;
 8. Fully expects the Council to ensure that Parliament in all legislative procedures is provided with all the information required and available to be able to take a proper decision and to exercise the necessary democratic scrutiny;
 9. Encourages the Council and the Commission to use the experiences, innovation and best practice acquired during the recent evaluation process for new Member States and promote them among all Member States;
 10. Instructs its President to forward this resolution to the Council and, for information, to the

Commission and to the parliaments of the Member States.