



EUROPEAN PARLIAMENT

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Committee on Civil Liberties, Justice and Home Affairs

DRAFT PROGRAMME

Hearing

Schengen / Border Management:
state of play and further developments

Wednesday 20 March 2013, 17.00 – 18.30

Thursday 21 March 2013, 09.00 – 12.30

Brussels

Room ASP 1 G - 3

Overview of Draft Agenda

SESSION I - 20 March

State of play: Schengen Governance, evaluation and membership

17:00 - 17:05	Welcome by Juan Fernando LÓPEZ-AGUILAR, Chair of the LIBE Committee
17:05 - 17:20	Cecilia MALMSTRÖM, Commissioner for Home Affairs
17:20 - 17:35	Alan SHATTER, Minister for Justice, Equality and Defence, Irish Presidency
17:35 - 17:50	Carlos COELHO (MEP), Rapporteur
17:50 - 18:30	Debate

SESSION II - 21 March

State of play: Technology

09:00 - 09:15	SIS II (going live) and VIS (roll-out) Ioan-Dragos TUDORACHE, Head of Unit for Transeuropean Networks for Freedom and Security and relations with eu-LISA, DG HOME
09:15 - 09:30	European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA): State of play of operational take-over Krum GARKOV, Executive Director
09:30 - 09:45	EU Biometric passports / large-scale IT systems - Preliminary results of study on age limits and access to biometric data: Joint Research Centre Stephan LECHNER, Director of the Institute for the Protection and Security of the Citizens, JRC
09:45 - 10:00	FIDELITY project - security of breeder documents Roland BELSER, Ministry of Security and Justice, The Netherlands
10:00 - 10:45	Questions and Answers; debate

SESSION III - 21 March
Further developments

- 10:45 - 11:00 Presentation of study commissioned for the LIBE Committee
"Evaluating current and forthcoming proposals on JHA databases and
a smart borders system at EU external borders"
Julien JEANDESBOZ, Centre d'Etudes sur les Conflits
- 11:00 - 11:20 Presentation by the Commission of the Smart Borders Package
Henrik NIELSEN, Head of Unit for Border Management and Return
Policy, DG HOME
- 11:20 - 11:30 European Data Protection Supervisor
Giovanni BUTTARELLI, Assistant Supervisor
- 11:30 - 11:50 First reactions by Renate SOMMER (MEP) and Ioan ENCIU (MEP),
Rapporteurs
- 11:50 - 12:30 Questions and Answers; debate

CONTEXT AND OBJECTIVES

Schengen is a major achievement of the EU. Initiated as an inter-governmental agreement it has been gradually incorporated in the EU treaties. In recent years a significant number of legislative instruments in the area of border policies in a wider sense were approved¹. They are part of "the Schengen acquis". This hearing will be an opportunity to monitor and discuss the main developments of the Schengen area as far as its management, tools, performance and accountability are concerned.

This is all the more needed as significant new legislative initiatives are announced or under discussion.

Schengen shows how difficult it is sometimes to reconcile national sovereignties and the European common interest. Almost 20 years after its inception it is now time to assess border management under the Schengen regime and prepare for future developments.

SESSION I STATE OF PLAY: SCHENGEN GOVERNANCE, EVALUATION AND MEMBERSHIP

This session should take stock of the reform of its governance structures as to date, its current functioning as well as the enlargement of the Schengen area.

Background

Major progress has been achieved since the conclusion of the Schengen agreement in 1985 between originally Belgium, the Netherlands, France, Luxembourg and Germany and today. Free movement of citizens, considered one of the major achievements of European integration, is today ensured in an area encompassing the EU Member States (except for Bulgaria, Cyprus, Ireland, Romania and the United Kingdom), Iceland, Norway, Switzerland and Liechtenstein.

To that end an extensive acquis² was adopted which includes common rules for the crossing of borders (the Schengen Borders Code) and the issuing of visas (the Visa Code), the large-scale IT systems such as SIS and VIS and the IT Agency set up for their operational management, FRONTEX, financing for example through the External Borders Fund, common standards for passports and also enhanced police cooperation.

There have, however, also been problems. These led the Commission to propose a major reform of the Schengen Governance. The Commission proposed a revised Schengen Evaluation Mechanism (report Coelho; 2010/312 (COD)) and a revision of the Schengen

¹ Schengen Borders Code, External Borders Fund, FRONTEX, SIS II, VIS, IT Agency, biometric passports etc.; for more details see below.

² Regrettably it is very difficult to have an overview of the Schengen acquis as no complete collection of the acquis is available.

Borders Code (report Weber; 2011/242 (COD)) to foresee as a last resort a possibility to reintroduce border controls if a Member State is not able to fulfil its obligations as Schengen member.

The enlargement of the Schengen area took place successively but has been stalled since the inclusion of Bulgaria and Romania was postponed several times. While the European Parliament has given a favourable opinion concerning the accession of Bulgaria and Romania in June 2011, the decision of the Council has repeatedly been blocked.

Questions to be discussed could include:

- How do we evaluate the functioning of the Schengen area today? Does Schengen work? Is free movement guaranteed and are the flanking measures sufficient to ensure security?
- What are positive developments? What does not work so well and what is missing?
- How do we evaluate the governance of the Schengen area now that the Treaty of Lisbon is in force for more than three years?
- What is the state of play regarding Schengen membership, especially with regard to Bulgaria and Romania?

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Background documents

- Communication from the Commission: [\(COM\(2011\) 561\) Schengen Governance - strengthening the area without internal border control](#)
- Communication from the Commission: [\(COM\(2012\) 203\) Biannual report on the functioning of the Schengen area - 1 November 2011 - 30 April 2012](#)
- Communication from the Commission: [\(COM\(2012\) 686\) Biannual report on the functioning of the Schengen area - 1 May 2012 - 31 October 2012](#)
- [European Parliament resolution of 13 October 2011 on the accession of Bulgaria and Romania to Schengen](#)
- European Parliament [legislative resolution of 8 June 2011 on the draft Council decision on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania](#)

SESSION II STATE OF PLAY: TECHNOLOGY

This session should aim to present the state of play of a number of mainly technological instruments. Dealing with all of them in one session should also allow judging the relation between them. The session could also serve to discuss missing elements (for example the security of breeder documents for passports, enrolment and matching process harmonisation, access keys to biometric data, different technology used by Member States).

Background

Start of operations of SIS II

After years of delays, SIS II is finally supposed to become operational on the 9th of April this year. This means that the legal framework of SIS II is applicable.

Questions which could be addressed include:

- How is the state of play of the migration to the SIS II?
- Are there remaining technical problems?
- To what degree has the data which is migrated been verified as to the compatibility with the legal requirements of SIS II?
- What new functionalities does SIS II provide for?

Background documents

- [Regulation \(EC\) No 1987/2006](#) of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4–23)
- [Council Decisions 2007/533/JHA of 12 June 2007](#) on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63–84)
- Working documents by the rapporteur Carlos Coelho on SIS II of October 2005
 - 1) [The current functioning of SIS](#)
 - 2) [New elements in the proposals in comparison to the current acquis](#)

Progress reports on the development of the second generation of the Schengen Information System (SIS II)

- [Progress Report January 2012 - June 2012](#) (COM(2012) 0587)
- [Progress Report July 2011- December 2011](#) (COM(2012) 0334)
- [Progress Report January - June 2011](#) (COM(2011) 907)
- [Progress Report January 2010 - June 2010](#) (COM(2010) 633)
- [Progress Report July 2009 - December 2009](#) (COM(2010)221)
- [Progress Report January 2009 - June 2009](#) (COM(2009) 555)
- [Progress Report July 2008 – December 2008](#) (COM(2009) 133)

Roll-out of VIS

The VIS started operating in North Africa as the first region chosen in October 2011. This was followed by the Near East Region in May 2012 and the Gulf Region in October 2012. It is supposed to continue with West Africa, Central Africa, East Africa, Southern Africa, South America, Central Asia, and South East Asia.

Questions which could be addressed include:

- How was the start of operations of the VIS? Did the technology function properly? How was the VIS perceived by visa applicants, especially the need to provide photograph and fingerprints?
- How does the further roll-out progress?
- How does the check of the VIS at the border crossing points function?

Background documents

- Consolidated version of the VIS Regulation [767/2008 VIS and the exchange of data between Member States on short stay visas](#) (OJ L 218, 13.8.2008 p. 60)
- Council Decision [2008/633/JHA 23 June 2008 access for consultation of the VIS by designated authorities](#) of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129–136)
- [Report on the development of the Visa Information System in 2011](#) (COM(2012) 376)
- [Report on the development of the Visa Information System in 2010](#) (COM(2011) 346)
- [Report on the development of the Visa Information System in 2009](#) (COM (2010) 588)

IT Agency

The IT Agency started operations on 1 December 2012. It has its seat in Tallinn but also maintains the technical site in Strasbourg. The IT Agency gradually takes over the operational management of the VIS, EURODAC and SIS II.

Questions which could be addressed include:

- How has the take-over of the operational management of the IT systems worked so far? What problems are encountered?
- How has the setting-up of the agency (recruitment of staff, headquarters etc) proceeded so far?
- What is foreseen in the work programme for this year?

Background documents

- [EU Regulation establishing this Agency \(Regulation 1077/2011\)](#)
- [Press Release : Start of operations of the new EU Agency in the Home Affairs area](#)
- [Factsheet](#)
- [Work Programme 2013](#)

Age limits for the use of biometrics

At the insistence of Parliament it was agreed to conduct a study on age limits for the use of biometrics. According to the revised Regulation on biometric passports¹ "[t]he Commission shall, not later than 26 June 2012, submit to the European Parliament and the Council a report based on a large scale and in-depth study carried out by an independent authority and supervised by the Commission, which shall examine the reliability and technical feasibility, including through an evaluation of the accuracy of the systems in operation, of using the fingerprints of children under the age of 12 for identification and verification purposes, including a comparison of the false rejection rates occurring in each Member State and, based on the results of that study, an analysis of the need for common rules regarding the matching process. If necessary, the report shall be accompanied by proposals to adapt this Regulation." (Article 1 - point 5) A similar obligation is contained in revised Common Consular Instructions² which require the Commission to "address the issue of the sufficient reliability for identification and verification purposes of fingerprints of children under the age of 12 and, in particular, how fingerprints evolve with age, based on the results of a study carried out under the responsibility of the Commission." (Article 2)

This study is being prepared by the Joint Research Centre in Ispra.

Breeder documents

Breeder documents are documents which need to be provided for the issuing of passports (for ex. birth certificates). When adopting the revised Regulation on passports in January 2009, a joint statement³ of the Parliament and the Council on the need of using secure breeder documents was approved. In this statement the Council agreed to send a questionnaire to Member States in order to obtain an overview of the procedures and documents necessary for the issuing of passports.

On 19 April 2012, a debate on biometric passports and breeder documents took place in plenary⁴ but there has been no concrete action so far.

¹ Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States; OJ L 142, 6.6.2009, p. 1–4

² Regulation (EC) No 390/2009 of the European Parliament and of the Council of 23 April 2009 amending the Common Consular Instructions on visas for diplomatic missions and consular posts in relation to the introduction of biometrics including provisions on the organisation of the reception and processing of visa applications *OJ L 131*, 28.5.2009, p. 1–10

³ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2009-0015&format=XML&language=EN>

⁴ <http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20120419&secondRef=ITEM-011&format=XML&language=EN>

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- 09:15 - 09:30 European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (eu-LISA):
State of play of operational take-over
Krum GARKOV, Executive Director
- 09:30 - 09:45 EU Biometric passports / large-scale IT systems - Preliminary results of study on age limits and access to biometric data: Joint Research Centre
Stephan LECHNER, Director of the Institute for the Protection and Security of the Citizens, JRC
- 09:45 - 10:00 FIDELITY project - security of breeder documents
Roland BELSER, Ministry of Security and Justice, The Netherlands
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SESSION III FURTHER DEVELOPMENTS

This session could discuss new proposals (already adopted or announced). On 28 February the Commission adopted its proposals of the so called **Smart Borders Package**. This package consists of two main components: 1) the Entry/Exit System (EES) (COM(2013)95) which would record the time and place of entry and the length of authorised short stays of third-country nationals in an electronic database and 2) the Registered Travellers Programme (RTP) (COM(2013)97) which would allow certain groups of frequent travellers (i.e. business travellers, family members etc.) from third countries to enter the Union, subject to appropriate pre-screening, using simplified border checks at automated gates. Both proposals would require changes to the Schengen Borders Code (COM(2013) 96) as well.

Background documents

- [Communication from the Commission to the European Parliament and the Council - Smart borders - options and the way ahead \(COM\(2011\) 680\)](#)
- [Study commissioned by LIBE "Evaluating Current and Forthcoming Proposals on JHA Databases and a Smart Borders System at EU External Borders"](#)
- [Proposal for a Regulation establishing Registered Traveller Programme](#)
- [Staff working document – detailed explanations](#)
- [Accompanying impact assessment \(Summary\)](#)
- [Proposal for a Regulation establishing an Entry/Exit System \(EES\)](#)
- [Staff working document – detailed explanations](#)
- [Accompanying impact assessment \(Summary\)](#)
- [Proposal for a Regulation amending Regulation \(EC\) No 562/2006](#)

10:45 - 11:00	Presentation of study commissioned for LIBE "Evaluating current and forthcoming proposals on JHA databases and a smart borders system at EU external borders" Julien JEANDESBOZ, Centre d'Etudes sur les Conflits
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11:20 - 11:30	European Data Protection Supervisor Giovanni BUTTARELLI, Assistant Supervisor
11:30 - 11:50	First reactions by Renate SOMMER (MEP) and Ioan ENCIU (MEP), Rapporteurs
11:50 - 12:30	Questions and Answers; debate

ANNEX

PRACTICAL GUIDELINES FOR THE DEBATE

- Speakers wishing to supplement their speeches may do so in writing by submitting a document (preferably in English or French) in advance to the secretariat (e-mail: libe-secretariat@europarl.europa.eu). These documents will be circulated during the meeting.
- Meeting documents will be progressively added to the Events section of the LIBE Committee pages.

IMPORTANT NOTICE FOR THOSE WISHING TO ATTEND THE MEETING

This meeting is open to the public.

However, for security reasons, participants who do not have a European Parliament access badge must obtain a pass in advance. Those wishing to obtain such a pass should contact the secretariat (libe-secretariat@europarl.europa.eu) **before 15 March 2013 at 15.00.**

It is essential to provide us with your **LAST NAME, First name, date of birth, nationality, type of the ID (passport, identity card, driving licence, etc.), number of the ID, address and company/institution/organisation.** Without this information, the Security Service will not provide entry passes.

THE MEETING IS BROADCASTED LIVE AND RECORDED

LIBE Committee pages:

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