



Index Previous Next Full text

Procedure : 2011/2753(RSP)

Document stages in plenary

Select a document :

<p>Texts tabled : RC-B7-0392/2011</p>	<p>Debates : PV 06/07/2011 - 17</p>	<p>Votes : PV 07/07/2011 - 7.5 Explanations of votes Explanations of votes</p>	<p>Texts adopted : <input type="text" value="P7_TA(2011)0336"/></p>
---	---	--	---

Texts adopted

Thursday, 7 July 2011 - Strasbourg

Provisional edition

Changes to Schengen

European Parliament resolution of 7 July 2011 on changes to Schengen

The European Parliament ,

- having regard to Article 2 TEU and Articles 3, 18, 20, 21, 67, 77 and 80 TFEU,
- having regard to Article 45 of the Charter of Fundamental Rights of the European Union,
- having regard to the Schengen Agreement of 14 June 1985,
- having regard to the Convention implementing the Schengen Agreement, of 19 June 1990,
- having regard to Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States⁽¹⁾ ,
- having regard to Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)⁽²⁾ ,
- having regard to the proposal for a Regulation of the European Parliament and of the Council on the establishment of an evaluation mechanism to verify application of the Schengen *acquis* (COM(2010)0624),
- having regard to the draft report on the proposal for a regulation of the European Parliament and of the Council on the establishment of an evaluation mechanism to verify application of the Schengen *acquis* ,
- having regard to its resolution of 2 April 2009 on the application of Directive 2004/38/EC on the right to citizens of the Union and their family members to move and reside freely within the territory of the Member States⁽³⁾ ,
- having regard to the Commission communication of 4 May 2011 on migration (COM(2011)0248),
- having regard to the conclusions of the Justice and Home Affairs Council of 9 June 2011,
- having regard to the conclusions of the European Council of 24 June 2011,
- having regard to Rule 110(4) of its Rules of Procedure,

A. whereas the creation of the Schengen area and the integration of the Schengen *acquis* into the EU framework is one of the greatest achievements of the European integration process, marked by the removal of controls on persons at internal borders and unprecedented freedom of movement for a population of more than 400 million people over an area of 4 312 099 km²,

B. whereas freedom of movement has become one of the pillars of EU citizenship and one of the foundations of the EU as an area of freedom, security and justice, enshrining the right to move and reside freely in all Member States while enjoying the same rights, protections and guarantees, including the ban on all forms of discrimination based on nationality,

C. whereas, according to the Schengen Borders Code and Article 45 of the EU Charter of Fundamental Rights, freedom of movement in the EU may, under specific conditions, also be extended to third-country nationals legally resident in the EU,

Recent events

D. whereas, especially in the last year, there has been a massive displacement of people from several North African countries; whereas the Schengen system has recently come under pressure, with some Member States considering the reintroduction of national border controls in the face of the sudden influx of migrants,

E. whereas on 4 May 2011 the Commission presented several initiatives for a more structured approach to migration, taking into account in particular the recent developments in the Mediterranean region and including a proposal on Schengen; whereas the European Council conclusions of 23-24 June 2011 ask the Commission to present a proposal on a 'safeguard mechanism' in order to respond to 'exceptional circumstances' that might put the Schengen cooperation at risk,

Schengen Borders Code/migration policy

F. whereas the Schengen rules governing the movement of persons across internal borders are defined in the Schengen Borders Code, Articles 23 to 26 of which set out measures and procedures for the temporary reintroduction of internal border controls, but whereas such controls, being of a unilateral nature, do not allow the collective EU interest to prevail,

G. whereas the creation of the Schengen area defined a common external border, which the EU has a joint responsibility to manage under Article 80 TFEU; whereas the EU has not yet fully complied with this requirement, although it has sought to establish effective controls and cooperation between customs, police and judicial authorities, to develop a common immigration, asylum and visa policy and to establish the second-generation Schengen Information System (SIS II) and the Visa Information System (VIS),

Evaluation mechanism

H. whereas the abolition of internal border controls requires the Member States to have complete trust in one another's capacity to implement fully the accompanying measures allowing such controls to be lifted; whereas the security of the Schengen area depends on the rigour and effectiveness with which each Member State carries out controls at its external borders, as well as on the quality and speed of exchanges of information via the SIS; whereas the inadequate functioning of any of these elements presents a risk to the security of the EU as a whole,

I. whereas it is essential to evaluate the Member States' compliance with the Schengen *acquis* in order to ensure the smooth functioning of the Schengen area; whereas the evaluation mechanism based on the Schengen Evaluation Working Group (SCH-EVAL), a purely intergovernmental body, has not proven sufficiently effective,

J. whereas the double standards currently operating in respect of Schengen, whereby high demands are placed on all candidate countries while those countries already belonging to the Schengen area are treated very complacently, should be abolished,

K. whereas a new evaluation mechanism is set out in the proposal for a Regulation establishing an evaluation mechanism to verify application of the Schengen *acquis*, which is currently being examined by the EP under the ordinary legislative procedure; whereas this mechanism already specifies procedures, principles and tools for supporting and assessing the Member States' compliance with the Schengen *acquis*, including in the face of unforeseen events,

Co-decision

L. whereas Article 77 TFEU states that Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures concerning, inter alia, the checks to which persons crossing external borders are subject in the absence of any controls of persons, whatever their nationality, when crossing internal borders,

Importance of Schengen

1. Stresses that free movement of people within the Schengen area has been one of the biggest achievements of European integration, that Schengen has a positive impact on the lives of hundreds of thousands of EU citizens, both by making border crossing convenient and by boosting the economy, and that freedom of movement is a fundamental right and a pillar of EU citizenship, the conditions for the exercise of which are laid down in the Treaties and in Directive 2004/38/EC;

Schengen governance/evaluation mechanism

2. Strongly recommends strengthening the Schengen governance in order to help ensure that each Member State can effectively control its section of the EU's external borders, to reinforce mutual trust and to build confidence in the effectiveness of the EU system of migration management; firmly stresses the need for greater solidarity towards those Member States facing the greatest influx of migrants in order to help them deal with extraordinary situations of this nature;

3. Believes that the new Schengen evaluation mechanism currently being discussed within Parliament will be part of the answer, insofar as it ensures effective monitoring of any attempt to introduce illegal internal border controls and reinforces mutual trust; also believes that the new Schengen evaluation system already makes it possible to request and obtain support for Member States with a view to ensuring compliance with the Schengen *acquis* in the event of exceptional pressure on the EU's external borders;

4. Stresses the need to ensure the proper implementation and application of the Schengen rules by the Member States even after their accession; points out that this also means helping, at an early stage, those Member States facing problems so that they can remedy their deficiencies with practical support from the EU agencies; is of the opinion that the existing evaluation mechanism should be reinforced and made into an EU system;

5. Believes that the effectiveness of the evaluation mechanism lies in the possibility of sanctions in the event that deficiencies persist and jeopardise the overall security of the Schengen area; recalls that the primary purpose of such sanctions is dissuasion;

Schengen Borders Code

6. Believes that the necessary conditions for the temporary reintroduction of internal border controls in exceptional circumstances are already clearly set out in Regulation No 562/2006 (Schengen Borders Code), Articles 23, 24 and 25 of which provide for the possibility of reintroducing internal border controls only where there is a serious threat to public policy or internal security; calls on the Commission to present an initiative aimed at defining the strict application of these Articles by the Member States;

7. Is therefore of the opinion that any new additional exemptions from the current rules, such as new grounds for reintroducing border controls on an 'exceptional' basis would definitely not reinforce the Schengen system; points out that on no account can the influx of migrants and asylum seekers at external borders per se be considered an additional ground for the reintroduction of border controls;

8. Strongly regrets the attempt by several Member States to reintroduce border controls, which clearly jeopardises the very spirit of the Schengen *acquis* ;

9. Is of the opinion that the recent problems with Schengen are rooted in a reluctance to implement common European policies in other fields, most crucially a common European asylum and migration system (which would include tackling irregular immigration and fighting organised crime);

10. Reiterates that it is of the utmost importance to make progress in this respect, given that the deadline for establishing a common European asylum system has been set for 2012;

11. Reaffirms its firm opposition to any new Schengen mechanism with objectives other than those of enhancing freedom of movement and reinforcing EU governance of the Schengen area;

Co-decision

12. Stresses that any attempt to move away from Article 77 TFEU as the proper legal basis for all measures in this field will be considered to be a deviation from the EU Treaties, and reserves the right to use all available legal remedies if necessary;

o
o o

13. Instructs its President to forward this resolution to the Council, the Commission, the Council of Europe and the governments and parliaments of the Member States.

(1) OJ L 158, 30.4.2004, p. 77.
(2) OJ L 105, 13.4.2006, p. 1.
(3) OJ C 137 E, 27.5.2010, p. 6.