



# Schengen: internal border checks must be a last resort

Committees: Committee on Civil Liberties, Justice and Home Affairs

**Schengen Treaty Member States may reimpose checks at internal borders in the event of a serious threat to their public policy or to internal security, for up to ten days, says draft legislation as amended by the Civil Liberties Committee on Wednesday. In a separate vote on visa legislation, MEPs also backed a clause allowing the emergency reimposition of visa requirements for third country nationals crossing the EU's external frontiers.**

The Schengen Treaty allows its Member States to reimpose checks at their shared borders: one clause, used 26 times to date, permits this in the event of "a serious threat to public policy or to internal security". This clause has been activated for international sports events, and more recently, after the Utøya massacre in Norway.

## Rebuilding trust

It was the reimposition of checks at the Franco-Italian border, in April 2011 (at a time of heightened mistrust among Member States), that led to the proposed reform now before Parliament. The reform seeks to strengthen security mechanisms so as to restore trust in the Schengen area.

By approving a rapport by Renate Weber (ALDE, RO), with 47 votes in favour, 7 against and 2 abstentions, the committee gave her a mandate to negotiate with the Council.

## Migration, as such, is not a threat to security

MEPs reiterate that "migration and the crossing of external borders by a large number of third-country nationals should not per se be considered a threat to public policy or internal security". They stress that reimposing border checks must remain an exceptional measure, and a last resort.

The report sets out several scenarios that might justify reimposing checks: in the event of a serious and imminent threat to public order or internal security, checks could be reimposed for up to six months. The initial text would have empowered the European Commission to take this decision, which is currently a matter for Member States. MEPs would prefer it to remain a matter for Member States, but propose that the decision-taking process should be better-coordinated and more collegial.

In the event of an emergency requiring immediate action, a Member State may reimpose checks, on its own initiative, for up to five days. The committee inserted an amendment increasing this period to ten days and allowing it to be prolonged should the threat persist.

Finally, in the event of "persistent, serious deficiencies" in a Member State's management of its portion of an EU external frontier, the Commission could decide that checks must be reimposed.

## New rules allowing temporary suspension of visa waivers

# Press release

The committee also approved a report by Agustín Díaz de Mera (EPP, ES), with 51 votes in favour, 3 against and 3 abstentions, on a proposal to insert a safeguard clause to allow the rapid, temporary suspension of visa waivers for third countries in emergencies.

MEPs describe this as a "mechanism for rapid, temporary suspension", and stipulate that this, too, may be used only as a last resort. In the event of a "sudden and substantial" increase in the number of third-country nationals staying illegally on a Member State's territory, or in the number of asylum requests rejected, and if this seriously affects the situation as regards migrants in the Member State concerned, then the European Commission may reimpose the visa requirement.

The proposal also seeks to strengthen the "reciprocity mechanism" which provides for the reimposition of visa requirements for the nationals of third countries that reimpose them for the nationals of a Member State.

## Next steps

After this straw vote, the rapporteur will enter into talks with the Council, with a view to reaching a first-reading agreement.

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