



Schengen: MEPs strongly object to Council decision and consider legal action

Committees: Committee on Civil Liberties, Justice and Home Affairs

Civil Liberties Committee MEPs reserved the right, in a vote on Monday, to bring a European Court of Justice case against the decision by EU governments to change the legal basis for evaluating the functioning of the Schengen visa-free travel agreement. The committee also stood by its amendments to two draft laws on the temporary reimposition of internal border controls and the evaluation mechanism.

The committee's text reiterates 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, last-resort measure.

The draft law 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. In the event of an emergency requiring immediate action, a Member State may reimpose checks, on its own initiative, for up to ten days, to be prolonged should the threat persist, say MEPs.

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, MEPs say.

Monitoring of Schengen rules

The Schengen evaluation mechanism would step up the frequency of on-the-spot inspections and introduce unannounced visits by Commission-led teams to verify that Member States are not imposing internal border checks in breach of Schengen rules.

Should a serious deficiency be found in the way that Schengen rules are enforced at external borders, support should be provided to the Member State concerned for up to six months, MEPs say, including the help of the EU's Frontex border agency and other EU agencies.

However, if, despite this support, the Member State concerned is still seriously neglecting its obligation to carry out external border control or return procedures, it could be asked to take certain specific measures that might lead to the closure of a specific border crossing point with another Member State.

Context

EU Justice and Home Affairs ministers decided on 7 June to change the legal basis of the rules governing the evaluation of Schengen from Article 77 of the Treaty on the Functioning of the EU to Article 70.

This means that Parliament's could no longer co-decide on these arrangements, but instead merely be informed of the Member States' decisions. So Parliament and the Commission would be prevented from exercising their supervisory role on behalf of citizens, and Member States would be free to ignore any concerns that they put forward. Furthermore, the decision was taken while negotiations with the other EU institutions were still in progress.

Press release

Civil Liberties Committee MEPs therefore decided not to recognize Council's decision and to proceed with the votes on the laws on the temporary reintroduction of border controls (Weber report adopted with 44 votes in favours, 5 against and 3 abstentions) and the Schengen evaluation mechanism (Coelho report, adopted with 47 votes in favour, none against and 3 abstentions).

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In the chair: Juan Fernando López Aguilar (S&D, ES)

Procedure: co-decision, 1st reading

Plenary vote: July

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