



DIRECTORATE GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT
CITIZENS' RIGHTS AND CONSTITUTIONAL AFFAIRS



Justice, Freedom & Security

Presentation of Study on
The Future of the Schengen Area
Latest Developments and
Challenges since 2016

The Future of Schengen Area

Original study (2016) and update requested by **EP LIBE Committee**

Update commissioned by **Policy Department for Citizens' Rights and Constitutional Affairs (POL DEP)**

AUTHORS:

- Prof Sergio Carrera (CEPS and EUI, Migration Policy Centre)
- Dr. Marco Stefan, Dr. Chun Luk and Ms. Lina Vosyliute (CEPS)

Research Questions

- *First*, has Schengen governance system been **'crisis-proof'**?
- *Second*, can EU move **'beyond crisis-mode policy making'** in Schengen area?
- *Third*, what **latest developments since 2016** (Previous EP Study)?

Research Findings

1. Reintroduction of Internal Border Controls
2. Internal Police Checks
3. Frontex: European Border and Coast Guard

1. Reintroduction Internal Border Checks

- 5 Member States (AT, DE, DK, SW and NO) + FR
- **November 2017:** Time is Up!
- Contrary to SBC: **Art. 29 deadline finished & not re-use Art. 25 for same grounds**
- **Proportionality & necessity:** intensity & impacts

1. Reintroduction of Internal Border Checks

- Risk of “Secondary Movements” as justification?
- Blurring between asylum and internal security
- Relocation (**Reform of Dublin Regulation**)
- EASO support + **new EU Asylum Agency**

1. Reintroduction of Internal Border Checks

- **Proposal Regulation amending SBC
COM(2017) 571, 27-9-2017**
- Extending deadlines and Risk Assessment
- **Fact-based** and not 'Risk Assessment Based'
- Schengen Evaluation Mechanism + Complaint Mechanism

2. Internal Police Checks

- **Commission Recommendation Proportionate Police Checks C(2017) 3349, 12-5-2017**
- **CJEU Case C-9/16**, *Criminal proceedings against A*, June 2017 (Germany)
- **Benchmarks lawfulness national framework:**
Incremental Legal certainty and non-discrimination

2. Internal Police Checks

- Flexibility *blurs* **what is and what is not equivalent** to border control, or what is **disproportionate policing**
- **Regular monitoring system** as they fall within the scope of EU law
- **Systematic statistics overview:** *how many checks and who?* (use SIS II)

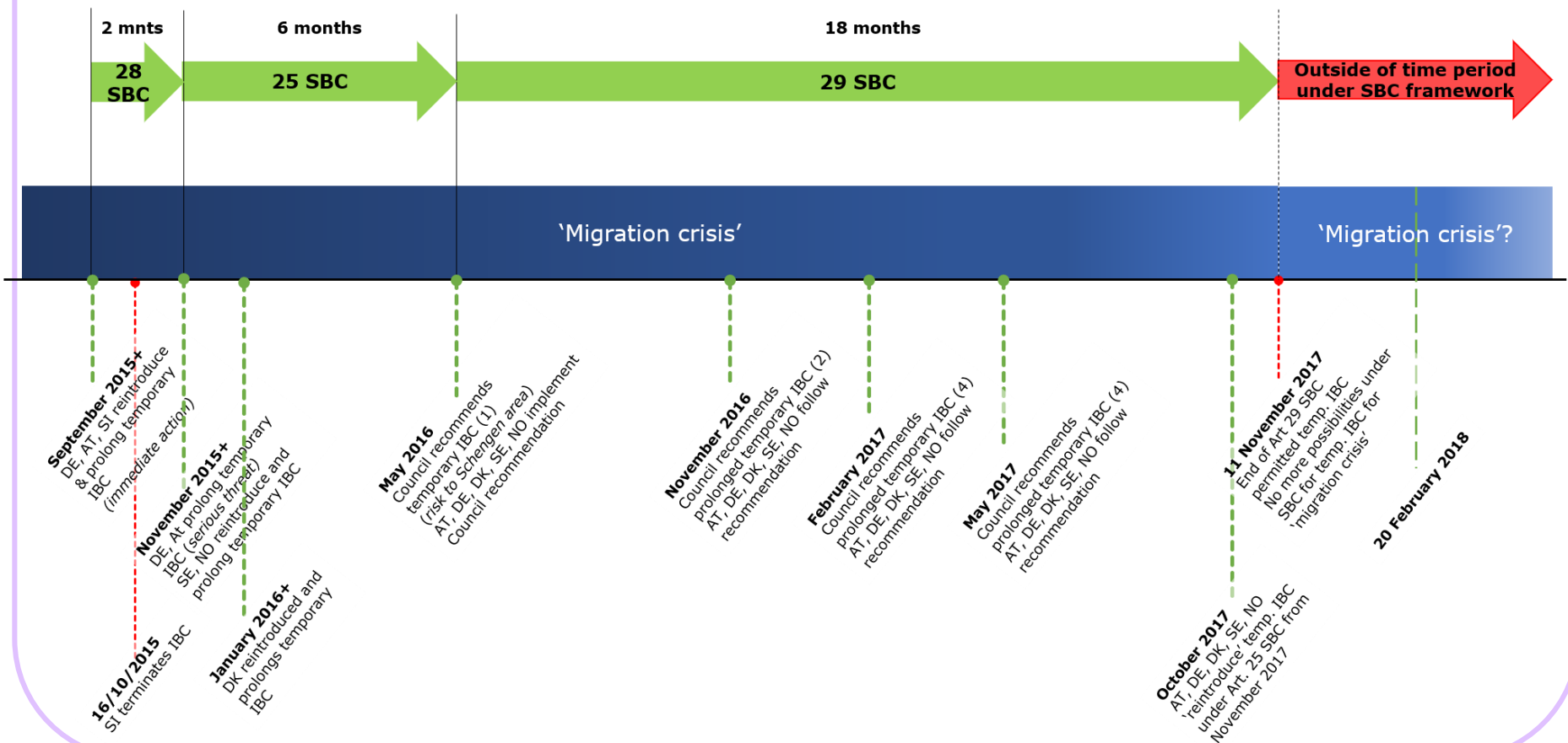
2. Internal Police Checks

- **Databases and Interoperability**
- *Who has access to what, and for which purpose?*
- **Purpose limitation principle and Privacy**
- *Mistrust and Lowering Data Quality*
- Complaint Mechanism at the **Checks Interface?**

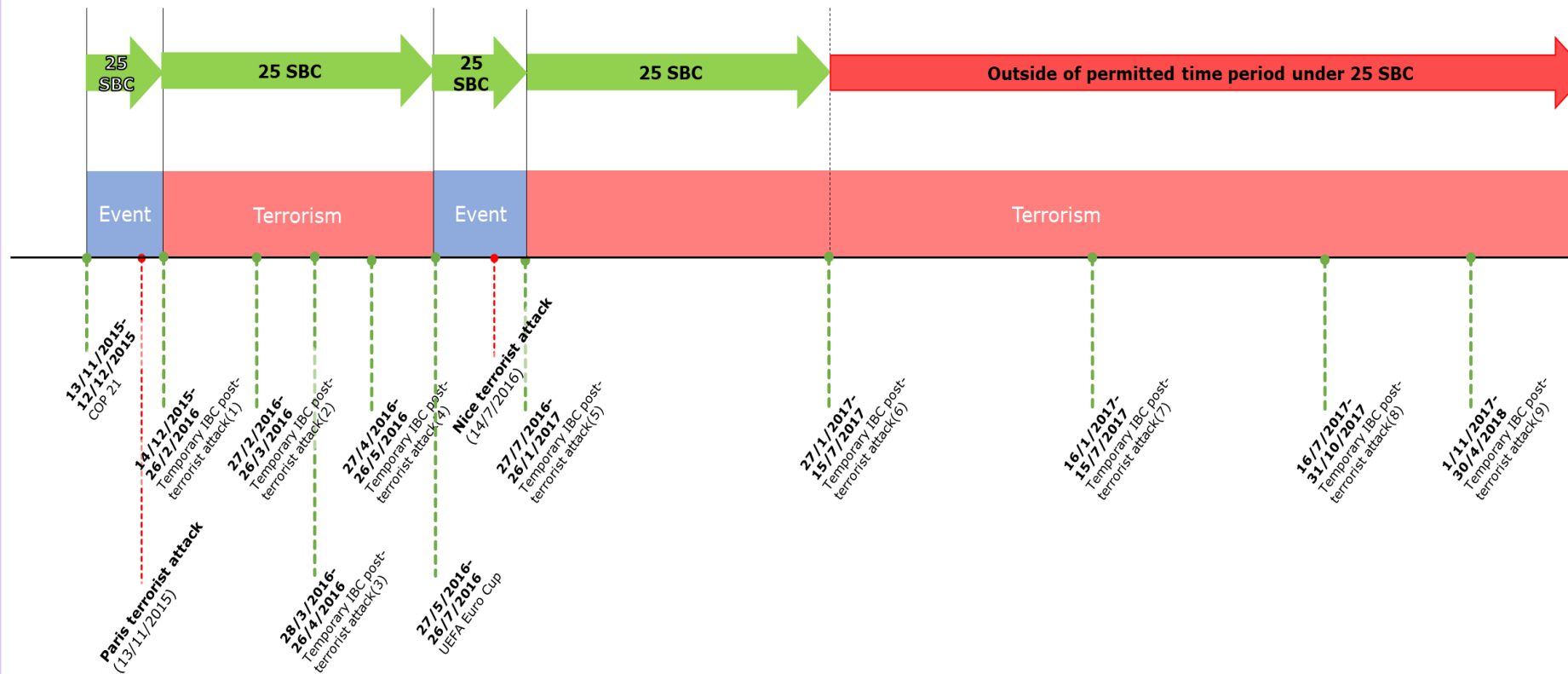
CONCLUSIONS

- **‘Crisis’ no longer used by Ministries of Interior to reverse ‘Lisbonisation’**
- **Reversing Contribution by EP** in ensuring more robust EU governance + democratic control
- Current system is **sound and crisis-proof**
- **TIME to reform CEAS!**

TIMELINE Internal Border Checks



TIMELINE Internal Border Checks



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- Dr. Marco Stefan, Dr. Chun Luk and Lina Vosyliute CEPS, Justice and Home Affairs Unit

Policy Department for Citizens' Rights and Constitutional Affairs

Responsible Administrator: Udo BUX

poldep-citizens@ep.europa.eu