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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Council

pursuant to Rule 103(2) of the Rules of Procedure, by

- Carlos Coelho, on behalf of the PPE-DE Group,
- Claudio Fava, on behalf of the PSE Group,
- Henrik Lax, on behalf of the ALDE Group,
- Kathalijne Maria Buitenweg, on behalf of the Verts/ALE Group,
- Roberta Angelilli and Gintaras Didžiokas, on behalf of the UEN Group

on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (hereinafter the 'Member States concerned')

European Parliament resolution on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (hereinafter the 'Member States concerned')

The European Parliament,

- having regard to the draft Council decision on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (11722/07),
 - having regard to the opinion of the European Parliament, A6-XXXX,
 - having regard to Rule 103(2) of its Rules of Procedure,
- A. whereas the creation of the Schengen area was one of the greatest achievements, characterised by the removal of all controls at the common borders between all the participant states and the introduction of freedom of movement within EU territory,
- B. whereas in parallel to the removal of controls at the internal borders, some compensatory measures were implemented, including the establishment of efficient controls at the external borders, the reinforcement of the cooperation between their administrative, customs, police and judicial authorities, a common visa policy and the creation of the Schengen Information System (SIS),
- C. whereas, according to Article 3(2) of the 2003 Act of Accession¹, the provisions of the Schengen acquis other than those mentioned in Annex I to the said Act only apply in a new Member State within the meaning of that instrument pursuant to a Council Decision to that effect after verification that the necessary conditions for the application of that acquis have been met,
- D. whereas it is necessary to make a verification through evaluation procedures in order to check if the necessary conditions for the application of all parts of the acquis concerned (Data Protection, Air Borders, Land Borders, Police Cooperation, the Schengen Information System, Sea Borders and Visas) have been met by the new Member States; whereas this is a precondition for the Council to take decisions on the full application of the Schengen acquis, including the abolition of checks at internal borders with and between those Member States,
- E. whereas the evaluations for these new Member States started, following a request (in 2006) from each Member State (declaration of readiness); whereas they were conducted,

¹ OJ L 236, 23.09.2003, p.33

new Member State by new Member State, under the responsibility of the Schengen Evaluation Working Party; whereas they started with a questionnaire to the Member State concerning all parts of the Schengen acquis and were followed by evaluation visits; whereas teams of experts were sent to the borders, consulates, SIS, etc. and prepared exhaustive reports containing factual descriptions, assessments, and recommendations which can require additional measures and follow-up visits; whereas the final report should establish whether the new Member State concerned, after being subject to a full evaluation procedure, fulfils all the preconditions for the practical appliance,

- F. whereas the Portuguese Government should be congratulated for putting forward a proposal providing a technical transitional solution - SISone4all - which would allow the new Member States to be connected to the SIS in 2007 while waiting for the implementation of new SIS II by the Commission,
- G. whereas the creation of the SIS II continues to be a priority for Parliament because it was necessary not only as a means of allowing the new Member States to be connected to the system, but also, within the Community framework, to build a more robust and flexible tool, able to cope with rapidly changing requirements; whereas it should make it possible to boost security and allow more efficient use of data, will introduce new functionalities and take advantage of technological developments,
- H. whereas on 12 June 2007 the Council decision on the application of the provisions of Schengen acquis relating to the Schengen information system entered into force for nine of the new Member States and the evaluation on the correct application of the SIS in the Member States concerned could only be finalised at the end of September 2007,
- I. whereas when a Member State joins the European Union it has to accept the Schengen acquis and, at the same time, has the legitimate expectation that it will be able to enjoy the same rights as the other Member States and that its citizens will also be able to move freely inside of the territory,
- J. whereas in order to maintain a uniform level of security within the Community area it is imperative that Member States strictly and efficiently meet the Schengen area's requirements; whereas, if this objective is overlooked, it jeopardises the security of the entire Schengen Area,
- K. whereas it is expected that the speed of the entire evaluation process did not compromise the rigorous and effective manner in which these procedures should be carried out,
- L. whereas it is to be regretted that, at the beginning of this procedure, when the Council proceeded to the consultation of Parliament, the Council refused, in an initial stage, to provide Parliament with access to the evaluation reports of the experts, due to security reasons,
- M. whereas it should be taken into account that Parliament, and in particular the members of its Committee on Civil Liberties, Justice and Home Affairs, must have access to the evaluation concerning the application of all Schengen domains, before giving a reasoned and motivated opinion on the abolition of internal borders,

- N. whereas all the efforts and goodwill shown by the Portuguese Presidency to ensure that the European Parliament, and in particular its Committee on Civil Liberties, Justice and Home Affairs, was informed step by step of the state of play of the evaluation procedures carried out in the Member States concerned should be acknowledged,
1. Welcomes the new Member States entering the Schengen Area, congratulating them on the tremendous efforts that some of them made in order to be ready and to respect all the Schengen requirements in such a short period of time;
 2. Reminds the new Member States of the need to maintain a high level of security and to strictly and efficiently meet the Schengen area's requirements at all times;
 3. Congratulates the Portuguese Presidency on having created the necessary instruments to extend the Schengen area to the new Member States in 2007;
 4. Stresses the urgent need to speed up preparations for the start-up of a fully functioning SIS II;
 5. Reminds the Member States that they should put in place as soon as possible all the necessary measures to remedy the shortcomings that still exist, but notes that, although some issues are still outstanding and require to be followed up in the future, they do not constitute an obstacle to applying the full Schengen acquis to the new Member States concerned;
 6. Urges the Council to ensure that Parliament is kept informed, in writing, in the course of the next semester on the follow-up it decides to give to the recommendations contained in the Schengen evaluation report and mentioned in the follow-up for each Member State concerned;
 7. Recalls the need to proceed to a global evaluation, on the next two years, regarding the way that the system has been implemented and is working in every country participating in the Schengen area;
 8. Fully expects the Council to ensure that Parliament in all legislative procedures is provided with all the information required and available to be able to take a proper decision and to exercise the necessary democratic scrutiny;
 9. Instructs its President to forward this resolution to the Council and, for information, to the Commission and all national parliaments.