



EUROPEAN PARLIAMENT

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Plenary sitting

4.7.2011

B7-0457/2011

MOTION FOR A RESOLUTION

to wind up the debate on statements by the Council and the Commission
pursuant to Rule 110(2) of the Rules of Procedure
on changes to Schengen

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United in diversity

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European Parliament resolution on changes to Schengen

The European Parliament,

- having regard to the conclusions of the European Council of 24 June 2011,
 - having regard to the European Commission Communication on Migration of 5 May 2011, COM(2011) 248 final,
 - 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 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States,
 - 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),
 - 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 – C7 0370/2010 – 2010/0312(COD)),
 - 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(COM(2010)0624),
 - having regard to the article 2 TEU and to articles 18, 20, 21, 67, 77, 80 TFEU,
 - having regard to article 45 of the Charter of fundamental rights of the European Union,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas freedom of movement is one of the foundations of the European Union and that it is fully recognised in the frame of an Area of Freedom, security and justice, enshrining the right to move and reside freely in all Member states enjoying the same rights, protections and guarantees, including the ban of all discriminations based on nationality,
- B. whereas the Schengen rules governing the conditions for the movement of persons across internal borders have been defined in the Schengen Borders Code, whose articles 23 to 26 already set out precise measures and procedures for the temporary reintroduction of border controls at internal borders,
- C. whereas according to the Schengen Borders Code and to article 45 of the EU Charter, freedom of movement in the EU may be extended at precise conditions also to third

country nationals legally residing in the EU,

- D. whereas article 77 TFEU affirms that the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures concerning, amongst others, the checks to which persons crossing external borders are subject and the absence of any controls on persons, whatever their nationality, when crossing internal borders,
1. Recalls that freedom of movement is a fundamental right and achievement of the EU and affirms its firm opposition to any mechanism having other objectives than enhancing freedom of movement;
 2. Strongly opposes several Member States' attempt to re-introduce border control;
 3. Believes that the conditions for the temporary and exceptional reintroduction of controls at internal borders are already sufficiently set out in the Schengen Borders Code and that it is useless to introduce new norms; is of the opinion that such proposals are merely in the logic of internal politics aiming to create fear and xenophobia;
 4. Reminds that the arrival of migrants and asylum seekers can in no case per se be considered as an additional ground for the reintroduction of internal border controls; on the contrary, such events require enhanced solidarity among European Member States in assuring good reception conditions, the correct examination of all asylum claims and protection of all persons in need;
 5. Underlines the democratic prerogatives of the European Parliament and asks for their strict respect; insists that any attempt to move away from article 77 TFEU as the correct legal basis for any measure in this field will be considered as a deviation from EU Treaties and reserves the right to use all legal remedies available in case of need;
 6. Asks for extraordinary procedures to be put in place in the frame of the humanitarian aid of asylum seekers fleeing Libya following a conflict in which some European Member States are involved; the aid should in particular be addressed to asylum seekers living now for months in the camps at the Tunisia-Libya border;
 7. Calls the European Commission and the Council to activate the Temporary Protection Directive 2001/55/EC and to share responsibility for the relocation of persons protected under this scheme;
 8. Recalls that rescuing people at sea is a duty of each and every vessel and urges the European Union to make use of all means available in order to ensure rescue to all those fleeing Libya by sea, through interception and rescue following UN maritime law;
 9. Calls for the urgent establishment of a humanitarian corridor for the evacuation from Libya of all people in need of protection;
 10. Instructs its President to forward this resolution to the Council, the Commission, the Council of Europe, the governments and Parliaments of Member States.