



Plenary sitting

B9-0462/2022

12.10.2022

MOTION FOR A RESOLUTION

to wind up the debate on the statements by the Council and the Commission

pursuant to Rule 132(2) of the Rules of Procedure

on the accession of Romania and Bulgaria to the Schengen area
(2022/2852(RSP))

Paulo Rangel, Cristian-Silviu Buşoi, Daniel Buda, Dan-Ştefan Motreanu, Emil Radev, Eugen Tomac, Eva Maydell, Gheorghe Falcă, Loránt Vincze, Marian-Jean Marinescu, Mircea-Gheorghe Hava, Siegfried Mureşan, Traian Băsescu, Gheorghe-Vlad Nistor, Vasile Blaga, Alexander Alexandrov Yordanov, Ioan-Rareş Bogdan, Iuliu Winkler, Andrey Kovatchev, Asim Ademov

on behalf of the PPE Group

Iratxe García Pérez, Gabriele Bischoff, Birgit Sippel, Dan Nica, Petar Vitanov

on behalf of the S&D Group

Sophia in 't Veld, Dacian Cioloş, Vlad Gheorghe, Fabienne Keller, Moritz Körner, Iskra Mihaylova, Alin Mituţa, Dragoş Pîslaru, Nicolae Ştefănuţă, Ramona Strugariu, Dragoş Tudorache, Vlad-Marius Botoş

on behalf of the Renew Group

Erik Marquardt

on behalf of the Verts/ALE Group

Cristian Terheş, Patryk Jaki, Jadwiga Wiśniewska, Beata Kempa, Joachim Stanisław Brudziński

on behalf of the ECR Group

Clare Daly
on behalf of The Left Group

European Parliament resolution on the accession of Romania and Bulgaria to the Schengen area (2022/2852(RSP))

The European Parliament,

- having regard to the Protocol integrating the Schengen *acquis* into the framework of the European Union (11997D/PRO/02),
- having regard to Article 67(2) of the Treaty on the Functioning of the European Union (TFEU), which provides that the Union must constitute an area of freedom, security and justice which ‘shall ensure the absence of internal border controls for persons’,
- having regard to Article 21(1) TFEU, which provides that every citizen of the Union must have the right to move and reside freely within the territory of the Member States,
- having regard to Article 4(2) of the 2005 Act of Accession,
- having regard to the Charter of Fundamental Rights, including Article 45 thereof, which stipulates that every citizen of the Union has the right to move and reside freely within the territory of the Member States,
- having regard to the draft Council decisions on the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania of 29 September 2010 (14142/2010) and of 8 July 2011 (14142/1/2010),
- having regard to the draft Council decision of 7 December 2011 on the framework for the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania (14302/3/11),
- having regard to its position of 8 June 2011 on the draft Council decision on the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania¹,
- having regard to the conclusions of the Justice and Home Affairs Council of 9 and 10 June 2011, 22 and 23 September 2011, 25 and 26 October 2012, 7 and 8 March 2013, and 5 and 6 December 2013,
- having regard to its resolution of 13 October 2011 on the accession of Bulgaria and Romania to Schengen²,
- having regard to the European Council conclusions of 9 December 2011 and 1 and 2 March 2012,

¹ OJ C 380 E, 11.12.2012, p. 160.

² OJ C 94 E, 3.4.2013, p. 13.

- having regard to Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen *acquis* relating to the Visa Information System in the Republic of Bulgaria and Romania³,
 - having regard to Council Decision (EU) 2018/934 of 25 June 2018 on the putting into effect of the remaining provisions of the Schengen *acquis* relating to the Schengen Information System in the Republic of Bulgaria and Romania⁴,
 - having regard to the Commission communication of 2 June 2021 entitled ‘A strategy towards a fully functioning and resilient Schengen area’ (COM(2021)0277),
 - having regard to the Commission proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders (COM(2021)0891),
 - having regard to the Commission communication of 24 May 2022 entitled ‘State of Schengen Report 2022’ (COM(2022)0301),
 - having regard to Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and repealing Regulation (EU) No 1053/2013⁵,
 - having regard to the draft Council decision of 23 June 2022 on the full application of the provisions of the Schengen *acquis* in the Republic of Croatia (10624/22),
 - having regard to its resolution of 11 December 2018 on the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania: abolition of checks at internal land, sea and air borders⁶,
 - having regard to its resolution of 19 June 2020 on the situation in the Schengen area following the COVID-19 outbreak⁷,
 - having regard to its resolution of 8 July 2021 on the Annual Report on the Functioning of the Schengen Area⁸,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas Bulgaria and Romania adopted the Schengen *acquis* upon their accession to the European Union in 2007; whereas in 2008 Bulgaria issued its declaration of readiness to start the evaluations carried out by the Schengen Evaluation Working Group (SCH-EVAL), comprising experts from Schengen Member States; whereas in 2007 and 2008 Romania issued its declaration of readiness to start the evaluations carried out by

³ OJ L 269, 19.10.2017, p. 39.

⁴ OJ L 165, 2.7.2018, p. 37.

⁵ OJ L 160, 15.6.2022, p. 1.

⁶ OJ C 388, 13.11.2020, p. 18.

⁷ OJ C 362, 8.9.2021, p. 77.

⁸ OJ C 99, 1.3.2022, p. 158.

SCH-EVAL;

- B. whereas the completion of the Schengen evaluation process for Bulgaria and Romania and the state of preparedness of the two countries to implement all the provisions of the Schengen *acquis* were confirmed by SCH-EVAL experts, and by the Council in its conclusions of 9 and 10 June 2011; whereas in its draft decision of 8 July 2011, the Council verified that the necessary conditions for the application of the Schengen *acquis* had been met in all areas, namely data protection, air borders, land borders, police cooperation, the Schengen Information System, sea borders and visas; whereas in addition to the challenge of managing external borders of the European Union, the completion of the Schengen evaluation process has entailed both countries fundamentally restructuring their border surveillance systems and investing in increased law enforcement capacity; whereas according to the 2005 Act of Accession, the successful completion of the Schengen evaluation procedures is the only prerequisite for the full application of the Schengen *acquis*, including the abolition of checks at internal land, sea and air borders; whereas Bulgaria and Romania's state of preparedness to apply the Schengen *acquis* in full has been acknowledged by heads of state and government in the Council on multiple occasions, as well as by the Commission and Parliament, most recently in the Commission's State of Schengen Report 2022 and Parliament's resolution of 8 July 2021 on the Annual Report on the Functioning of the Schengen Area;
- C. whereas in its draft decision of 29 September 2010, the Council proposed the full application of the Schengen *acquis* in Bulgaria and Romania and the abolition of checks at internal land, sea and air borders; whereas in its position of 8 June 2011, Parliament approved this decision and asked the Council to consult Parliament again if it intended to substantially amend it;
- D. whereas the adoption of the Council decision by the Justice and Home Affairs Council has been repeatedly deferred;
- E. whereas with the Council decision of 12 October 2017 Bulgaria and Romania were granted passive access to the Visa Information System; whereas in its draft decision of 18 April 2018 the Council proposed the full application of the remaining provisions of the Schengen *acquis* relating to the Schengen Information System in both Member States;
- F. whereas neither the 2005 Act of Accession nor the Schengen evaluation mechanism provide for setting different timeframes for the abolition of checks at internal land, sea and air borders; whereas all previous enlargements of the Schengen area were established with a single legal act;
- G. whereas the Council has consulted Parliament on its draft Council decision on the full application of the provisions of the Schengen *acquis* in the Republic of Croatia (10624/22); whereas work on that draft Council decision is ongoing in Parliament;
- H. whereas the Schengen area is a unique arrangement and one of the greatest achievements of the European Union, facilitating the free movement of people within the Schengen area without internal border controls; whereas this has been made possible through a variety of compensatory measures, such as the establishment of the Schengen

Information System (to reinforce the exchange of information), as well as the creation of an evaluation mechanism to verify the implementation of the Schengen *acquis* by Member States and foster mutual trust in the functioning of the Schengen area;

- I. whereas all Member States that belong to the Schengen area are obliged to comply with the Schengen *acquis*, including with regard to fundamental rights in accordance with Article 4 of the Schengen Borders Code⁹;
 - J. whereas the maintenance of internal border controls in the Union and their reintroduction in the Schengen area has a serious impact on the lives of European citizens, in particular mobile workers and all those who benefit from the principle of free movement within the EU, and seriously undermines their trust in the European institutions and integration; whereas this entails direct operational and investment costs for cross-border and mobile workers, tourists, road freight transporters and public administrations, with negative effects on the economies of the Member States and the functioning of the internal market of the EU, including a negative impact on the environment due to the large number of slow-moving trucks waiting at border crossing points; whereas the maintenance of internal border controls for Bulgaria and Romania has, in particular, a negative impact on the principle of equality and non-discrimination within the EU, as well as on exports and imports from and to both Member States, and on transport operations from and to some of Europe's largest southern civilian fleet and freight ports, meaning lost benefits and increased spending;
 - K. whereas the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania would strengthen the Schengen area and help to ensure equal rights for all citizens within it;
1. Recalls that all the necessary conditions for the full application of the Schengen *acquis* to Romania and Bulgaria were already met by both Member States in 2011;
 2. Is dismayed that in the 11 years since, the Council has failed to take a decision on the full application of the Schengen *acquis* to Bulgaria and Romania despite the repeated calls to this end by both the Commission and Parliament;
 3. Reiterates its long-standing position, as set out in its resolution of 11 December 2018, in support of the full application of the Schengen *acquis* to Bulgaria and Romania;
 4. Welcomes the willingness of Romania and Bulgaria to voluntarily host a fact-finding mission, which constitutes an expression, on their part, of the principle of sincere cooperation and mutual trust, despite the fact that they have already met all of the legal requirements and there are no grounds for any further evaluations;
 5. Urges the Council to take all the necessary steps to adopt its decision on the full application of the provisions of the Schengen *acquis* to the Republic of Bulgaria and Romania by the end of 2022, thus ensuring the abolition of checks on persons at all

⁹ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), OJ L 77, 23.3.2016, p. 1.

internal borders for both of those Member States in early 2023;

6. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.