

Question for written answer E-004052/2022
to the Commission
Rule 138
Eugen Tomac (PPE)

Subject: CJEU proceedings for infringement of Romania's right to be part of the Schengen area

At its meeting on 8-9 December 2022, the Council voted against Romania joining the Schengen area, disregarding the fact that it has met all the necessary conditions since 2011, as reconfirmed by the Commission fact-finding mission of October 2022. Both the Commission and the European Parliament have on several occasions delivered favourable opinions regarding Romanian accession.

By voting against, the Council is breaching numerous EU principles and legal provisions:

- Article 4 of the Treaty of Accession of Romania to the EU, which provides that the provisions of the Schengen acquis shall be made applicable to Romania by Council decision, once the necessary conditions have been met.
- The principle of sincere cooperation between Member States (Art. 4 TEU), given that the rights of a Member State have been unduly infringed;
- The principle of sincere cooperation between the Union institutions (Art. 13 TEU), ignoring the repeated urgings of the Commission and Parliament;
- The fundamental right to free movement of persons and goods (Art. 26 TFEU);
- The principle of non-discrimination (Art. 21 CFREU);

These breaches of EU law provide a clear justification for initiating legal proceedings. Will the Commission accordingly initiate proceedings against the EU Council before the CJEU for breach of Romania's right to membership of the Schengen area?

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