



2022/0806(NLE)

14.10.2022

AMENDMENTS

1 - 50

Draft report
Paulo Rangel
(PE737.230v01-00)

Draft Council Decision on the full application of the provisions of the
Schengen *acquis* in the Republic of Croatia

Proposal for a decision
((2022)10624 – C9-0222/2022 – 2022/0806(NLE))

AM_Com_LegReport

Amendment 1
Clare Daly

Proposal for a decision

—

Proposal for a rejection

***The European Parliament rejects the
draft Council decision.***

Or. en

Amendment 2
Erik Marquardt

Proposal for a decision

—

Proposal for a rejection

***The European Parliament rejects the
draft Council decision.***

Or. en

Amendment 3
Clare Daly

Draft legislative resolution
Citation 7 a (new)

Draft legislative resolution

Amendment

— ***having regard to the statement of
UN Special Rapporteurs of 19 June 2020,
calling on Croatia to investigate reports of
excessive use of force by law enforcement
personnel against migrants, including
acts amounting to torture and ill-
treatment, and sanction those
responsible^{1a},***

1a

<https://www.ohchr.org/en/news/2020/06/croatia-police-brutality-migrant-pushback-operations-must-be-investigated->

Or. en

Amendment 4
Erik Marquardt

Draft legislative resolution
Citation 7 a (new)

Draft legislative resolution

Amendment

– *having regard to the judgment of 18 November 2021 of the European Court of Human Rights in case M.H. and others v. Croatia (Applications nos. 15670/18 and 43115/18),*

Or. en

Amendment 5
Clare Daly

Draft legislative resolution
Citation 7 b (new)

Draft legislative resolution

Amendment

– *having regard to the report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its ad hoc visit to Croatia from 10 to 14 August 2020^{1a},*

^{1a} <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-report-on-its-2020-ad-hoc-visit-to-croatia>

Or. en

Amendment 6
Erik Marquardt

Draft legislative resolution
Citation 7 b (new)

Draft legislative resolution

Amendment

- *having regard to the report of 3 December 2021 to the Croatian Government on the visit to Croatia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT),*

Or. en

Amendment 7
Clare Daly

Draft legislative resolution
Citation 7 c (new)

Draft legislative resolution

Amendment

- *having regard to the statement of the Council of Europe Commissioner for Human Rights of 21 October 2020, calling on the Croatian authorities to stop pushbacks and border violence and eradicate impunity for serious human rights violations committed against migrants by law enforcement officers^{1a},*

1a

<https://www.coe.int/en/web/commissioner/-/croatian-authorities-must-stop-pushbacks-and-border-violence-and-end-impunity>

Or. en

Amendment 8
Erik Marquardt

Draft legislative resolution
Citation 7 c (new)

Draft legislative resolution

Amendment

– *having regard to the Decision of the European Ombudsman of 22 February 2022 in case 1598/2020/VS concerning how the European Commission monitors and ensures respect for fundamental rights by the Croatian authorities in the context of border management operations supported by EU funds,*

Or. en

Amendment 9
Clare Daly

Draft legislative resolution
Citation 7 d (new)

Draft legislative resolution

Amendment

– *having regard to the European Court of Human Rights judgment of 18 November 2021 in the case M.H. and Others v. Croatia - 15670/18 and 43115/18^{1a},*

1a

[https://hudoc.echr.coe.int/fre#%7B%22display%22:\[2\],%22tabview%22:\[%22document%22\],%22itemid%22:\[%22002-13480%22\]%7D](https://hudoc.echr.coe.int/fre#%7B%22display%22:[2],%22tabview%22:[%22document%22],%22itemid%22:[%22002-13480%22]%7D)

Or. en

Amendment 10
Erik Marquardt

Draft legislative resolution
Citation 7 d (new)

Draft legislative resolution

Amendment

- *having regard to the Croatian Ombudsperson Annual Report 2020 of 26 February 2021, ‘Izvješće pučke pravobraniteljice za 2020. godinu’,*

Or. en

Amendment 11
Erik Marquardt

Draft legislative resolution
Citation 7 e (new)

Draft legislative resolution

Amendment

- *having regard to the Fundamental Rights Report 2022 of 8 June 2022 of the European Union Agency for Fundamental Rights,*

Or. en

Amendment 12
Erik Marquardt

Draft legislative resolution
Citation 7 f (new)

Draft legislative resolution

Amendment

- *having regard to the judgment of Federal Administrative Court of Switzerland (BVG) of 12.06.2019, in case BVGE 3078/2019, regarding the annulment of a Dublin transfer to Croatia,*

Or. en

Amendment 13
Erik Marquardt

Draft legislative resolution
Citation 7 g (new)

Draft legislative resolution

Amendment

- *having regard to the Article of the ‘Guardian’ of 15 June 2020 ‘EU “covered up” Croatia’s failure to protect migrants from border brutality’, and the results of the joint investigation published by Lighthouse Reports on 6 October 2021 ‘Unmasking Europe’s shadow armies’,*

Or. en

Amendment 14
Erik Marquardt

Draft legislative resolution
Citation 7 h (new)

Draft legislative resolution

Amendment

- *having regard to the Annual Report of the Independent Mechanism of Monitoring the actions of police officers of the Ministry of the Interior in the area of illegal migration and international protection, June 2021 - June 2022, published in July 2022,*

Or. en

Amendment 15
Abir Al-Sahlan, Olivier Chastel, Moritz Körner, Jan-Christoph Oetjen, Sophia in ’t Veld, Hilde Vautmans

Draft legislative resolution
Recital A

Draft legislative resolution

A. whereas a fully functioning Schengen area and its enlargement to include the Schengen candidate countries remain key for further political, economic and social integration, fostering cohesion and bridging gaps between countries and regions, and a prerequisite for safeguarding the principle of freedom of movement whilst increasing security in the EU as a whole;

Amendment

A. whereas a fully functioning Schengen area and its enlargement to include the Schengen candidate countries remain key for further political, economic and social integration, fostering cohesion and bridging gaps between countries and regions, and a prerequisite for safeguarding the principle of freedom of movement whilst increasing security in the EU as a whole; ***whereas the Schengen area is one of the greatest achievements of the European Union; whereas this has been made possible through 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;***

Or. en

Amendment 16
Erik Marquardt

Draft legislative resolution
Recital A

Draft legislative resolution

A. whereas ***a fully functioning*** Schengen area ***and its enlargement to include the Schengen candidate countries remain*** key for further political, economic and social integration, fostering cohesion and bridging gaps between countries and regions, and ***a prerequisite*** for safeguarding the principle of freedom of movement ***whilst increasing security in the EU as a whole;***

Amendment

A. whereas ***the*** Schengen area ***is one of the most tangible achievements of an integrated Europe to the benefit of people and remains*** key for further political, economic and social integration, fostering cohesion and bridging gaps between countries and regions, and for safeguarding the principle of freedom of movement;

Or. en

Amendment 17
Clare Daly

Draft legislative resolution
Recital C a (new)

Draft legislative resolution

Amendment

Ca. whereas reports of violence against migrants, including those seeking international protection, as well pushbacks at Croatia’s external borders have been widely reported and documented by media and human rights organisations, and include video evidence of Croatian police carrying out violent pushbacks as well as whistleblower testimony from within the Croatian police claiming that orders for the pushbacks come from the very top of the Croatian government; whereas NGOs have thoroughly documented beatings, sexual assault, and humiliating acts carried out against migrants by Croatian border guards; whereas Croatia has been found in violation of the prohibition of collective expulsion in the case M.H. and others v. Croatia; whereas the Parliament has expressed on multiple occasions its deep concerns about the persistent and serious reports of violence and pushbacks at the external borders, including from one Member State to another and then to a non-EU country;

Or. en

Amendment 18
Clare Daly

Draft legislative resolution
Recital C b (new)

Draft legislative resolution

Amendment

Cb. whereas the CPT is one of the most venerable and trusted of EU bodies,

with a stellar track record of monitoring and reporting on how persons deprived of their liberty are treated; whereas the CPT's report on their monitoring visit to Croatia was suppressed by the Croatian authorities in a move unprecedented in the history of the CPT, and released publicly only after the CPT triggered Rule 39 §3 (1) of its Rules of Procedure and published the report itself following written statements made by a senior Croatian official pertaining to the content of the report which were placed into the public domain; whereas the Croatian state secretary for European and international affairs accused the CPT of having threatened police officers, attempted to steal documents, and forcibly entered official premises during their visit in 2020; whereas the CPT forcibly rebutted these claims and said they were 'a misrepresentation of the report's contents [and] the professional integrity and modus operandi of the members of the CPT's delegation'; whereas the CPT reported that its work was obstructed by the Croatian authorities during its visit; whereas the CPT reported numerous credible and concordant allegations of serious physical ill-treatment of migrants by Croatian police officers; whereas the CPT team included two forensic medical doctors who assessed the injuries of those they interviewed as being compatible with their allegations of ill-treatment by Croatian law enforcement officials; whereas as well as violence, the CPT reported allegations of degrading and humiliating treatment of migrants by Croatian law enforcement officers;

Or. en

Amendment 19
Clare Daly

Draft legislative resolution

Recital C c (new)

Draft legislative resolution

Amendment

Cc. *whereas the CPT called on the Croatian authorities to take vigorous steps to stamp out ill-treatment of foreign nationals deprived of their liberty by the police and to give police officers the clear and firm message that detained foreign nationals must be treated with respect, processed in accordance with law and be unequivocally reminded that any form of ill-treatment of detained persons – including psychological ill-treatment, threats of ill-treatment, demeaning and humiliating actions – as well as any tolerance of such ill-treatment by senior officers, is unlawful and will be punished accordingly; whereas the CPT concluded that there are no accountability mechanisms in place which would allow for the prompt identification and review of the behaviour of those police officers involved in diversion and interception operations of migrants, and recommended that the Croatian authorities take the necessary steps to introduce robust accountability and oversight mechanisms for all police operations related to the interception and diversion of migrants; whereas such accountability and oversight mechanisms have not been put in place by the Croatian authorities;*

Or. en

Amendment 20

Clare Daly

Draft legislative resolution

Recital C d (new)

Draft legislative resolution

Amendment

Cd. *whereas the UN Special Rapporteur on the human rights of*

migrants and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in 2020 stated their concerns regarding the repeated and ongoing disproportionate use of force by Croatian police against migrants in pushback operations and called for investigation of reports of violence and sanction for those responsible^{1a}; whereas no investigation or sanction has been forthcoming;

1a

<https://www.ohchr.org/en/news/2020/06/croatia-police-brutality-migrant-pushback-operations-must-be-investigated-and?LangID=E&NewsID=25976>

Or. en

Amendment 21
Clare Daly

Draft legislative resolution
Recital C e (new)

Draft legislative resolution

Amendment

Ce. whereas the Commission's the communication of 22 October 2019 on the verification of the full application of the Schengen acquis by Croatia has been criticised by human rights groups and NGOs, who called for Croatia to demonstrate concrete progress by putting in place an independent and effective monitoring mechanism as well as evidence of thorough investigations of summary returns of migrants and asylum seekers at its borders as well as allegations of Croatian guards using violence against them before Schengen accession would be granted;

Or. en

Amendment 22
Clare Daly

Draft legislative resolution
Recital C f (new)

Draft legislative resolution

Amendment

Cf. whereas no independent and effective human rights monitoring mechanism at the Croatian external border has been established;

Or. en

Amendment 23
Clare Daly

Draft legislative resolution
Recital C g (new)

Draft legislative resolution

Amendment

Cg. whereas no thorough and effective investigations of pushbacks or violence by Croatian border guards have taken place;

Or. en

Amendment 24
Clare Daly

Draft legislative resolution
Recital C h (new)

Draft legislative resolution

Amendment

Ch. whereas the Council of Europe's Commissioner for Human Rights called on the Croatian authorities in 2018 to ensure prompt, effective and independent investigations into allegations of collective expulsions of migrants, denial of access to

asylum, and of extreme violence by Croatian law enforcement officers; whereas in 2020 the Council of Europe's Commissioner for Human Rights stated that Croatian law enforcement officers continue to enjoy impunity for serious human rights violation^{1a};

1a

<https://www.coe.int/en/web/commissioner/-/croatian-authorities-must-stop-pushbacks-and-border-violence-and-end-impunity>

Or. en

Amendment 25
Clare Daly

Draft legislative resolution
Recital C i (new)

Draft legislative resolution

Amendment

Ci. whereas in the case of M.H. vs. Croatia, the ECHR found violations by Croatia of article 4, protocol 4 of the European Convention on Human Rights, as well as article 2, articles 3 and 5, and article 34; whereas the judgment enumerates the variety and authoritativeness of the reports, drawing a comparison to its findings in paragraph §174 M.K. v. Poland in which the Court had expressly concluded that the existing reports 'indicate[d] the existence of a systemic practice'; whereas the judgement emphasises the important role played by NGOs such as the Center for Peace Studies and Are You Syrious, and Croatia's obstruction of their work; whereas the Croatian authorities have not taken any concrete steps to execute the judgement or to investigate the incident that precipitated the case;

Amendment 26
Clare Daly

Draft legislative resolution
Recital C j (new)

Draft legislative resolution

Amendment

Cj. *whereas part of the EUR 6.8 million in emergency funding granted by the Commission to Croatia in December 2018 to reinforce border management was dedicated to a new monitoring mechanism, which, according to the Commission, would help to ensure that border control activities by Croatian border guard officers remain fully compliant with EU law, international obligations and with the respect of fundamental rights and the rights resulting from the EU asylum acquis, including the principle of non-refoulement; whereas in its 2019 communication the Commission stated that the mechanism ‘allows for independent monitoring of activities carried out by the Croatian border police; whereas the independent monitoring mechanism referred to in 2019 by the Commission as then extant was not established until 2021;*

Or. en

Amendment 27
Clare Daly

Draft legislative resolution
Recital C k (new)

Draft legislative resolution

Amendment

Ck. *whereas guidance from the*

European Network of National Human Rights Institutions issued in early 2021^{1a} makes clear that effective human rights border monitoring requires unfettered access to border areas without notice, to relevant documentation, and to alleged victims of violations, as well as requiring the authority engaged in monitoring to engage directly with prosecutors' offices, and others with information relevant to its investigations, including international organizations, civil society, and the media; whereas the published mandate of the independent monitoring mechanism established by Croatia and operational from June 2021 to June 2022 demonstrates that these standards were not met in regard to its establishment or operation; whereas the mechanism has been criticised by numerous stakeholders for lacking independence, credibility, and effectiveness; whereas the monitoring mechanism was established with the support of EU funding to support Croatia in fulfilling the conditions for Schengen accession;

1a

<https://www.ohchr.org/en/news/2020/06/croatia-police-brutality-migrant-pushback-operations-must-be-investigated-and?LangID=E&NewsID=25976>

Or. en

Amendment 28
Clare Daly

Draft legislative resolution
Recital C 1 (new)

Draft legislative resolution

Amendment

Cl. *whereas the mandate of this monitoring mechanism formally ended on 8 June 2022; whereas it is not clear if,*

when and for how long a new border monitoring mechanism will be set up; whereas this independent monitoring mechanism was a key element in the proposed accession of Croatia to the Schengen area;

Or. en

Amendment 29
Clare Daly

Draft legislative resolution
Recital C m (new)

Draft legislative resolution

Amendment

Cm. whereas all candidates for Schengen accession are obliged to take steps to apply the Schengen acquis in full; whereas full application of the Schengen acquis is a pre-condition for accession to the Schengen area; whereas Article 4 of the Schengen Borders Code explicitly obliges Member States to apply the Regulation in full compliance with relevant Union law, including the Charter of Fundamental Rights of the European Union ('the Charter'), relevant international law and fundamental rights; whereas the Commission failed to take into account Croatia's compliance with article 4 in its Communication; whereas a European Ombudsman inquiry has identified significant shortcomings related to how the Commission monitors respect for fundamental rights by the Croatian authorities in border management operations supported by EU funds^{1a};

1a

<https://www.ombudsman.europa.eu/en/news-document/en/152823>

Or. en

Amendment 30
Clare Daly

Draft legislative resolution
Recital C n (new)

Draft legislative resolution

Amendment

Cn. whereas according to NGOs, at least 9,114 people were pushed back from Croatia last year, and more than 16,400 pushbacks took place in 2020;

Or. en

Amendment 31
Clare Daly

Draft legislative resolution
Recital C o (new)

Draft legislative resolution

Amendment

Co. whereas in September 2022 estimated 236 persons reporting pushback cases and the preliminary numbers show 52 people experiencing violent pushbacks which is 22% of the total number of cases as reported by the Danish Refugee Council;

Or. en

Amendment 32
Clare Daly

Draft legislative resolution
Recital C p (new)

Draft legislative resolution

Amendment

Cp. whereas an increasing number of people are being given expulsion papers;

whereas this means that they are given seven days to leave the EEA, on the ground of not being an asylum seeker while they have not been given a chance to ask for asylum;

Or. en

Amendment 33
Erik Marquardt

Draft legislative resolution
Recital D a (new)

Draft legislative resolution

Amendment

Da. whereas systematic and severe violations of fundamental rights perpetrated by Croatian authorities at the country's external borders have been widely reported by international organisations, civil society organisations and media outlets;

Or. en

Amendment 34
Abir Al-Sahlan, Olivier Chastel, Moritz Körner, Jan-Christoph Oetjen, Sophia in 't Veld, Hilde Vautmans

Draft legislative resolution
Recital D a (new)

Draft legislative resolution

Amendment

Da. whereas there remain strong concerns regarding the fundamental rights situation at the external borders of Croatia; whereas there have been numerous well-documented reports and allegations of systematic pushbacks and violence towards migrants crossing into Croatia; whereas these practices are still ongoing;

Amendment 35
Erik Marquardt

Draft legislative resolution
Recital D b (new)

Draft legislative resolution

Amendment

Db. whereas the European Court of Human Rights, in case M.H. and others v. Croatia, found Croatia in violation of the Convention following the death of six-year-old Afghan Madina Hussiny;

Or. en

Amendment 36
Abir Al-Sahlani, Olivier Chastel, Moritz Körner, Jan-Christoph Oetjen, Sophia in 't Veld, Hilde Vautmans

Draft legislative resolution
Recital D b (new)

Draft legislative resolution

Amendment

Db. whereas a border monitoring mechanism was set up in Croatia in July 2021 in response to these reports and allegations, whose mandate has recently ended after twelve months; whereas there have been serious doubts expressed about the financial and operational independence of the mechanism as well as its effectiveness, as it did not trigger any serious investigations into the complaints filed; whereas its mandate was widely considered to be too limited in scope;

Or. en

Amendment 37
Erik Marquardt

Draft legislative resolution
Recital D c (new)

Draft legislative resolution

Amendment

Dc. whereas the establishment of an independent monitoring mechanism at the external borders was an integral part of the conditions set by the Commission to Croatia for receiving emergency assistance under the Internal Security Fund - Borders and Visa; whereas actions funded under the instrument shall be implemented in full compliance with fundamental rights and respect for human dignity;

Or. en

Amendment 38
Abir Al-Sahlani, Olivier Chastel, Moritz Körner, Jan-Christoph Oetjen, Sophia in 't Veld, Hilde Vautmans

Draft legislative resolution
Recital D c (new)

Draft legislative resolution

Amendment

Dc. whereas the European Commission proposed to set up a fundamental rights monitoring mechanism in its New Pact for Migration and Asylum, which should be extended to all asylum and return procedures as well as to border surveillance and border crossings; whereas this mechanism should provide for a continuous monitoring and possible investigation of the situation at the external borders of Croatia;

Or. en

Amendment 39
Erik Marquardt

Draft legislative resolution
Recital D d (new)

Draft legislative resolution

Amendment

Dd. whereas the full compliance with fundamental rights is a horizontal obligation stemming from, inter alia, Regulation (EU) 2016/399 (Schengen Borders Code) and Regulation (EU) 2019/1896 (European Border and Coast Guard Regulation);

Or. en

Amendment 40
Abir Al-Sahlani, Olivier Chastel, Moritz Körner, Jan-Christoph Oetjen, Sophia in 't Veld, Hilde Vautmans

Draft legislative resolution
Recital D d (new)

Draft legislative resolution

Amendment

Dd. whereas the European Parliament shall remain informed about the progress of the fundamental rights situation at the external borders of Croatia, in form of an annual reporting back to the Parliament by the Croatian Ministry of the Interior and the European Commission;

Or. en

Amendment 41
Sylvie Guillaume, Matjaž Nemec, Birgit Sippel

Draft legislative resolution
Paragraph 1

Draft legislative resolution

1. Approves the Council draft ***without amendments***;

Amendment

1. Approves the Council draft ***as amended***;

Or. en

Amendment 42
Erik Marquardt

Draft legislative resolution
Paragraph 1 a (new)

Draft legislative resolution

Amendment

- 1a. Recalls Croatia of its obligations and commitments under the Schengen acquis, including the full compliance with fundamental rights;***

Or. en

Amendment 43
Erik Marquardt

Draft legislative resolution
Paragraph 1 b (new)

Draft legislative resolution

Amendment

- 1b. Calls on Croatia to strengthen the mandate, independence and transparency of the ‘independent mechanism of monitoring the actions of police officers of the Ministry of the Interior in the area of illegal migration and international protection’, in line with the standards of the Council of Europe; calls, furthermore, on Croatia to ensure that the independent monitoring mechanism shall be able to have unhindered access to the entire border area, including the green borders, to receive and act upon information available in the public domain and/or***

information from international organisations, non-governmental organisations, journalists, EU agencies and institutions and affected individuals, and designed in a way to ensure direct accessibility for victims of violations, also for those in third countries; finally, calls on Croatian authorities to promptly and effectively follow-up all reported violations;

Or. en

Amendment 44
Erik Marquardt

Draft legislative resolution
Paragraph 1 c (new)

Draft legislative resolution

Amendment

1c. Calls on the Commission, in line with the suggestions made by the European Ombudsman, to provide clear and up-to-date public information on the functioning of the monitoring mechanism in Croatia, to oversee the mechanism and monitor whether it is indeed independent and that it is effective in ensuring compliance with fundamental rights and EU law, and to demand concrete and verifiable information from the Croatian authorities on the steps taken to investigate reports of collective expulsions and mistreatment of migrants and asylum seekers;

Or. en

Amendment 45
Erik Marquardt

Draft legislative resolution
Paragraph 1 d (new)

Draft legislative resolution

Amendment

1d. Call on the Council to adopt its decision on the full application of the provisions of the Schengen acquis in the Republic of Croatia exclusively after the conditions set in paragraphs 1a, 1b and 1c above are fully met;

Or. en

**Amendment 46
Clare Daly**

**Draft legislative resolution
Paragraph 2 a (new)**

Draft legislative resolution

Amendment

2a. Reiterates that Member States have an obligation to prevent unauthorised border crossings and recalls that this obligation is without prejudice to the rights of persons seeking international protection; calls on the Commission and Croatia to promote and carry out effective, independent and prompt investigations into any allegations of pushbacks and ill-treatment at the borders and to ensure that deficiencies are immediately remedied;

Or. en

**Amendment 47
Clare Daly**

**Draft legislative resolution
Paragraph 2 b (new)**

Draft legislative resolution

Amendment

2b. Signals its willingness to approve Croatia's accession to the Schengen area

when the following conditions are met:

- (a) the establishment of a genuinely independent and effective human rights monitoring mechanism at Croatia's external border, which fulfils the minimum standards set out in the UNHCR and OCHR's recent joint guidance on the establishment of an independent and effective national border monitoring mechanism in Greece*
- (b) thorough, meaningful, and effective investigation of all allegations of wrongdoing by Croatian border guards at Croatia's external border, and full accountability for same;*
- (c) the cessation of pushbacks and violence at Croatia's external border;*

Or. en

Amendment 48

Sylvie Guillaume, Matjaž Nemec, Birgit Sippel

Proposal for a decision

Recital 4

Text proposed by the Council

(4) On 22 October 2019, the European Commission published a Communication on the verification of the full application of the Schengen acquis by Croatia⁵, concluding that 'the Commission considers that Croatia has taken the measures needed to ensure that the necessary conditions for the application of all relevant parts of the Schengen acquis are met. Croatia will need to continue working consistently on the implementation of all the ongoing actions, in particular in the field of management of the external borders, to ensure that these conditions continue to be met. The Commission also confirms that Croatia continues to fulfil the commitments linked to the Schengen acquis as undertaken in its accession negotiations'.

Amendment

(4) On 22 October 2019, the European Commission published a Communication on the verification of the full application of the Schengen acquis by Croatia⁵, concluding that 'the Commission considers that Croatia has taken the measures needed to ensure that the necessary conditions for the application of all relevant parts of the Schengen acquis are met. Croatia will need to continue working consistently on the implementation of all the ongoing actions, in particular in the field of management of the external borders, to ensure that these conditions continue to be met. The Commission also confirms that Croatia continues to fulfil the commitments linked to the Schengen acquis as undertaken in its accession negotiations'. ***Croatia should***

inform the European Parliament and the Council in writing within six-months of the date of entry into force of this Decision on the follow up to the action plan in the field of the management of external borders and the implementation of any ongoing actions related thereto;

⁵ COM (2019) 497 final of 22.10.2019

⁵ COM (2019) 497 final of 22.10.2019

Or. en

Justification

Following the publication of the Commission's Communication on the verification of the full application of the Schengen acquis by Croatia in October 2019, several NGOs and media outlets repeatedly reported of abuse, violence and illegal pushbacks of migrants by Croatia's border officials. In November 2020, the Commission decided to revisit and reassess the application of the Schengen acquis by Croatia, in particular as regards the management of the external borders. Given that some concerns remain, it would be important to follow up on the action plan in respect of external borders and the implementation of the actions Croatia needed to take in that field, and for Croatia to report on this follow up to the European Parliament and the Council.

Amendment 49

Sylvie Guillaume, Matjaž Nemec, Birgit Sippel

Proposal for a decision

Recital 4 a (new)

Text proposed by the Council

Amendment

(4a) In accordance with Article 13 of Council Regulation (EU) 2022/922, the Commission should, in its upcoming annual evaluation programme, include as a priority, either a periodic evaluation of Croatia's application of the Schengen acquis in the field of management of the external borders, or a thematic evaluation on the respect for fundamental rights at Union external borders that should include a visit to Croatia. In either case, such an evaluation should assess the compliance of border management operations with fundamental rights requirements under Union and

international law. The Commission should make appropriate recommendations for actions aimed at addressing any identified deficiencies;

Or. en

Justification

In the Commission's assessment of the application of the Schengen acquis in the management of the external borders by Croatia several deficiencies were originally identified and an action plan was put in place to remedy them. In view of the full application of the Schengen Acquis to Croatia, the European Parliament calls on the Commission to include in its upcoming annual evaluation programme, either a periodic evaluation of Croatia, with a focus on external border management, or a thematic evaluation on the respect for fundamental rights at Union external borders, an evaluation that should involve a visit to Croatia. Whatever the form of evaluation, it should assess the compliance of border management operations with fundamental rights requirements under Union and international law. The Commission should make appropriate recommendations for actions aimed at addressing any identified deficiencies.

Amendment 50

Sylvie Guillaume, Matjaž Nemec, Birgit Sippel

Proposal for a decision

Recital 5

Text proposed by the Council

(5) On 9 December 2021, the Council concluded that the conditions for the application of all parts of the relevant acquis had been fulfilled by Croatia⁶.

⁶ ST 14883/21

Amendment

(5) On 9 December 2021, the Council concluded that the conditions for the application of all parts of the relevant acquis had been fulfilled by Croatia⁶ ***and invited Croatia to continue working consistently on the implementation of the Schengen acquis, as well as commitments linked to the Schengen acquis;***

⁶ ST 14883/21

Or. en

Justification

The fact that the Schengen acquis might apply in full to a particular Member State should in no way lessen the obligations on that Member States to comply with all aspects of the Schengen acquis.

