

**Question for oral answer O-000223/2011  
to the Council**

Rule 115

**Claude Moraes, Ioan Enciu, Iliana Malinova Iotova**  
on behalf of the S&D Group

Subject: Accession of Bulgaria and Romania to the Schengen Area

Under Article 4(2) of the Treaty of Accession to the European Union, Romania and Bulgaria are committed to becoming members of the Schengen area as soon as the implementation of the rules provided by the Schengen acquis is completed.

Since their accession to the EU, Romania and Bulgaria have been subjected to an evaluation process led by the Schengen Evaluation Working Group (SCH-EVAL) of the Council of the European Union and regarding the implementation of the Schengen acquis in seven areas: police cooperation, personal data protection, visa and consular matters, land, air and maritime borders, and the Schengen Information System (SIS).

Following the positive conclusions of the SCH-EVAL Working Group, the Council decided on 9 June 2011 that Romania and Bulgaria meet all the conditions provided by the Schengen acquis. Parliament also certified, through a resolution adopted on 8 June 2011 by a large majority, that the two States are ready to enter the Schengen area.

In spite of all this, the JHA Council of 22 June 2011 decided to postpone to an unknown date the decision regarding Romania and Bulgaria's accession to Schengen, due to the opposition of two Member States which claim that the two candidate countries need to fulfil additional criteria which are not mentioned in the Schengen acquis.

1. By signing the Accession Treaty, Bulgaria and Romania received a list of requirements and fulfilled them. Does the Council believe it is fair and judicious to apply extra criteria which were not foreseen from the beginning and which were not applied to the earlier accessions?
2. Can the Council indicate what further criteria have to be met by Romania and Bulgaria and what would be the legal basis for these criteria?
3. What are the next steps that the Council intends to take? What is the strategy and timetable of the Polish Presidency?

Tabled: 29.9.2011

Forwarded: 30.9.2011

Deadline for reply: 21.10.2011