

**Question for oral answer O-000040/2017
to the Commission**

Rule 128

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on behalf of the ALDE Group

Subject: Implementation of Regulation (EU) 2017/458 regarding the reinforcement of checks against relevant databases at external borders

Regulation (EU) 2017/458 of the European Parliament and the Council of 15 March 2017, amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders, which entered into force on 7 April 2017, has amended the provisions relating to the implementation of border controls. The new regulation imposes an obligation to carry out systematic checks on passengers at Member States' external borders, as well as at the external borders of the Schengen Area, although no impact assessment was carried out by the Commission prior to the adoption of the regulation.

Since the regulation entered into force, it has had extremely serious consequences for commuters, the transport and tourism sector, and the economy alike. Long queues of vehicles and lorries built up between Slovenia and Croatia, as well as between Gibraltar and Spain. Likewise, major congestion has ensued at the border crossings between Hungary and Serbia, as well as at those between Croatia and Bosnia and Herzegovina, and Serbia, respectively.

Nonetheless, Regulation (EU) 2017/458 stipulates that where systematic checks against the databases would have a disproportionate impact on the flow of traffic, a Member State may decide to carry out such checks on a targeted basis at specified border crossing points.

In keeping with these provisions, on 29 April 2017, the President of the Commission Mr Juncker and the Prime Ministers of Slovenia and Croatia, Mr Cerar and Mr Plenković, agreed that targeted checks could be carried out whenever the waiting time at specified land border crossing points between the two countries exceeded 15 minutes.

Could the Commission answer the following questions:

1. Taking into account that a Member State must first demonstrate that there is a 'disproportionate impact on the traffic flow' before it can apply the derogation, how does the Commission interpret the derogation set out in Article 8(2a) of the Schengen Borders Code?
2. Since the controls at Schengen borders are not a bilateral issue, has the Commission envisaged applying the 15 minutes rule to all countries, and will it be formally included in the Schengen Border Code?
3. How does the Commission assess the severity of the regulation's impact on commuters and on the tourism and transport sectors?

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Deadline for reply: 18.5.2017