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REPORT

on the annual report on the functioning of the Schengen area
(2017/2256(INI))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Carlos Coelho

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on the annual report on the functioning of the Schengen area (2017/2256(INI))

The European Parliament,

- having regard to the Commission communication of 27 September 2017 on preserving and strengthening Schengen (COM(2017)0570),
 - having regard to the Commission communication of 4 March 2016 entitled ‘Back to Schengen – A Roadmap’ (COM(2016)0120),
 - having regard to Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard¹,
 - having regard to the Schengen Borders Code, and in particular Articles 14 and 17 thereof,
 - having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol)²,
 - having regard to Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European border surveillance system (Eurosur)³,
 - having regard to Rule 52 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0160/2018),
- A. whereas the Schengen area is a unique arrangement and one of the greatest achievements of the European Union, allowing free movement of people within the Schengen area without controls at internal borders; whereas this has been made possible through a variety of compensating measures, such as reinforcing the exchange of information through the establishment of the Schengen Information System (SIS) and creating 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; whereas mutual trust also demands solidarity, security, judicial and police cooperation in criminal matters, joint protection of EU external borders, a common understanding and common policies on migration, visas and asylum, and respect for international and European law in this area;
- B. whereas in recent years several factors have impacted the functioning of the Schengen area; whereas these factors include the impact of international movements and tourist flows, which were the initial motivation for the so-called ‘Smart Borders’ legislation, as

¹ OJ L 251, 16.9.2016, p. 1.

² OJ L 135, 24.5.2016, p. 53.

³ OJ L 295, 6.11.2013, p. 11.

well as the significant numbers of asylum seekers and irregular migrants with related secondary movements and the subsequent reintroduction and prolongation of internal border controls by some Member States since 2014; whereas the reintroduction of controls at internal borders seems linked to a perception of threats to public policy and internal security related to movement of people and terrorism, the numbers of persons seeking international protection and irregular migrants arriving rather than sound evidence of the actual existence of a serious threat or the actual number of those arriving; whereas these factors also include terrorism and a heightened threat to public policy and the internal security of the Member States;

- C. whereas the strengthening of the EU's external borders and the introduction of systematic checks against relevant data bases, including for European citizens, were part of the measures put in place to protect the Schengen area;
- D. whereas some Member States have reacted to the arrivals of asylum seekers and refugees by re-establishing controls at their internal borders on the grounds of 'regulating' the movement of third-country nationals seeking international protection, even though Article 14(1) of the Schengen Borders Code stipulates that the 'normal border procedure' does not apply to asylum seekers; whereas there is a need to implement a fair system of shared responsibility for the assessment of asylum applications;
- E. whereas, from March 2016, the Commission has proposed a series of measures with a view to restoring the normal functioning of the Schengen area; whereas the proper functioning of the Schengen area has not yet been restored and depends primarily on the Member States, the trust they have in each other, the solidarity they demonstrate in support of the countries of first entry, the adoption of adequate measures and the implementation of such measures, in particular by Member States;
- F. whereas incentives for Member States to adopt measures to re-establish the proper functioning of the Schengen area depend mainly on the non-renewal of border control requests;
- G. whereas maintaining internal border controls in the Union or reintroducing such controls in the Schengen area has a serious impact on the lives of European citizens 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 maintaining or reintroducing internal border controls entails direct operational and investment costs for cross-border workers, tourists, road freight transporters and public administrations, with crippling effects on the economies of the Member States; whereas estimates of the costs linked to the reintroduction of border controls range between EUR 0.05 billion and EUR 20 billion in one-off costs and EUR 2 billion in annual operating costs¹; whereas cross-border regions are particularly affected;
- H. whereas the construction of walls and fences at the EU's external and internal borders by various Member States is increasing and is being used as a deterrent for entry and transit of asylum seekers, inter alia, into EU territory; recalls that, according to the

¹Wouter van Ballegooij, 'The Cost of Non-Schengen: Civil Liberties, Justice and Home Affairs aspects', Cost of Non-Europe Report, European Added Value Unit, 2016, page 32.

Transnational Institute (TNI), it is estimated that European countries have built more than 1 200 kilometres of walls and borders at a cost of at least EUR 500 million and that, from 2007 to 2010, EU funds have contributed to the deployment of 545 border surveillance systems, covering 8 279 kilometres of the EU's external borders and 22 347 surveillance devices;

- I. whereas the Schengen area is at a crossroads and requires decisive and joint actions to bring back the entirety of the benefits it provides to the citizens; whereas it also requires mutual trust, cooperation and solidarity among Member states; whereas there should be no political discourse aiming at blaming Schengen;
- J. whereas enlargement of the Schengen area remains a key instrument for expanding the economic and social benefits stemming from the right of free movement of people, services, goods and capital to newer Member States, fostering cohesion and bridging gaps between countries and regions; whereas applying the Schengen *acquis* in full in all Member States which have fulfilled the criteria for successful conclusion of the Schengen evaluation process is essential for creating a coordinated and robust legal security framework; whereas Romania and Bulgaria's readiness for joining the Schengen Area has been announced on several occasions by the President of the Commission and has also been stated by Parliament in its resolution 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 and by the Council in its conclusions;
- K. whereas the Working Group on Schengen Scrutiny has followed closely the implementation of the Schengen *acquis* through the findings of the Schengen evaluation mechanism, the vulnerability assessment methodology, committee hearings and missions to Member States and third countries; whereas it has identified the measures that have been or are about to be implemented, the major shortcomings in the functioning of the Schengen area and the necessary actions to be taken in the future;

CORE ISSUES

Progress made in addressing identified shortcomings

- 1. Points out that the EU legislator has adopted a number of measures in the last three years which were designed to reinforce the integrity of the Schengen Area without internal border controls; welcomes the effectiveness of the measures taken at the external borders and the creation of the European Border and Coast Guard Agency (EBCGA); notes the efforts of the Agency in implementing the new regulation, especially through joint operations in the field of border surveillance and return, and by supporting the Member States subject to increased levels of migration while at the same time maintaining full respect for fundamental rights as stipulated in the EBCG Regulation; sees the importance of the newly introduced vulnerability assessment mechanism in uncovering weaknesses at the common external borders and preventing crises; emphasises the concerted efforts and cooperation between agencies and other stakeholders in organising the 'hotspot' approach in the area of training;
- 2. Notes the steps taken through amendment of the Schengen Borders Code and

¹ OJ C 380 E, 11.12.2012, p. 160.

introduction of mandatory systematic checks against relevant databases at the external borders on entry and exit for third-country nationals and for EU nationals, while remaining vigilant about the effects, necessity and proportionality of these measures on the border crossings of EU nationals; emphasises that in some instances mandatory systematic checks at the external Schengen Borders have been replaced by targeted checks due to their disproportionate impact on the flow of traffic; recalls that the Commission should take these consequences into account when carrying out the evaluation provided for in Regulation (EU) 2017/458;

3. Welcomes the ongoing reform of the SIS and the deployment on 5 March, by eu-LISA, of the SIS II Automated Fingerprint Identification System (AFIS) platform, that introduces a biometric search capability in the system, which will contribute to strengthening the fight against crime and terrorism;
4. Stresses the need to make better use of existing tools, namely to maximise the benefits of existing systems and to address the structural information gaps in full compliance with data protection requirements and respect for the principles of the right to privacy, non-discrimination, necessity and proportionality;
5. Welcomes the work done in the field of cross-border police and judicial cooperation and cooperation between law enforcement agencies, and the work of Eurojust and Europol to counter cross-border and organised crime, trafficking in human beings and terrorism through intelligence, information exchange and joint investigations;
6. Voices its concern about the Commission's efforts to elaborate the European Integrated Border Management (IBM) concept and strategy on the basis of what was published on 14 March 2018 in order to comply with the provisions in the European Border and Coast Guard Regulation; expresses doubts as to its effectiveness in setting the desired objectives and goals in the field of European Integrated Border Management, and in particular in strengthening and implementing fundamental rights and other components of the strategy;
7. Sees great value in the renewed Schengen evaluation mechanism as it promotes transparency, mutual trust and accountability between the Member States by scrutinising the way they implement the different fields of the Schengen *acquis*;

Identified critical shortcomings

8. Expresses concerns regarding the critical shortcomings and deficiencies discovered through the Schengen Evaluation Mechanism and the vulnerability assessment;
9. Condemns the continued reintroduction of internal border checks as this undermines the basic principles of the Schengen area; takes the view that many of the prolongations are not in line with the existing rules as to their extensions, necessity or proportionality and are therefore unlawful; regrets that Member States have not taken the proper measures to ensure cooperation with other affected Member States in order to minimise the effects of these measures and that they have not sufficiently justified such controls or provided enough information on their results, therefore hindering analysis by the Commission and scrutiny by Parliament; regrets also the practice by the Member States

of artificially changing the legal basis for reintroduction to extend it beyond the maximum possible period in the same factual circumstances; considers the economic, political and social impacts of this practice to be detrimental to the unity of the Schengen area and harmful to the prosperity of European citizens and the principle of freedom of movement; reiterates that the Union legislator has adopted many measures in the last three years to strengthen the external borders and external border control; underlines that there has been no corresponding reaction in terms of the removal of internal border controls;

10. Highlights that reintroducing border controls at internal borders has proven much easier than removing those internal border controls once they have been reintroduced;
11. Expresses concern about the lack of implementation in some areas of the regulation governing certain fields of external border control, such as the systematic consultation of databases during border checks and the thorough checking of the required entry conditions; is also concerned about the occasional unavailability of certain databases such as the SIS and the VIS at certain border crossing points; notes that clear non-compliance in establishing National Coordination Centres in accordance with the European Border Surveillance System Regulation (EUROSUR) is prevalent in many Member States; emphasises again that, in order for legislation on internal and external borders to be effective, it is essential that measures agreed at Union level are implemented properly by the Member States;
12. Recalls that Member States have tools available to them other than internal border control, including – as recommended by the Commission – targeted police controls provided that such controls do not have border control as an objective, are based on general police information or experience regarding possible threats to public security, aim, in particular, to combat cross-border crime, and are devised and executed in a manner clearly distinct from systematic checks on persons at the external borders; recalls that such checks may prove more effective than internal border controls, notably as they are more flexible and can be adapted more easily to evolving risks;
13. Recalls that unannounced Schengen on-site evaluation visits can be conducted at internal borders without prior notification of the Member State concerned;
14. Condemns the construction of physical barriers, including fences, between Member States and recalls its doubts as to the compatibility of such actions with the Schengen Borders Code; calls on the Commission to assess thoroughly existing and future constructions and report to Parliament;
15. Acknowledges, as part of efforts to restore the normal functioning of Schengen, the proposal to amend the Schengen Borders Code as regards the rules applicable to the temporary reintroduction of controls at internal borders; emphasises the need to establish clear rules and that these changes should merely reflect the new challenges and diffuse threats to internal security without encouraging the reintroduction of internal border controls; recalls that any changes should not be a further avenue for prolonging internal border controls; is concerned that the Commission's proposal on the reintroduction of internal border controls is based on an assessment of 'perceived risk' rather than strict and sound evidence and the existence of a serious threat, and that the so-called 'risk assessment' is to be entrusted entirely to the State reintroducing the

border controls; considers that these steps should be taken carefully in order not to inflict irreversible damage on the basic idea of free movement, particularly by establishing substantial procedural safeguards, in particular to maintain a strict temporal limitation on the reintroduction of checks at internal borders;

16. Underlines that a further prolongation of the existing internal border controls – or the reintroduction of new ones – would impose major economic costs on the EU as a whole by severely damaging the single market.

Action to be taken

17. Stresses the urgent need to address the identified critical shortcomings without delay in order to return to the normal functioning of Schengen without internal border controls;
18. Calls on all Member States to implement fully the existing regulations and calls on the Commission to act decisively in matters of violations of commonly agreed rules by imposing proportionate and necessary measures on the Member States in question, in order to safeguard the interests of the other Member States and of the Union as a whole, including infringement procedures;
19. Stresses the importance of reforming and adapting the SIS to face new challenges swiftly, namely regarding the protection of children who are at risk or missing, the immediate, obligatory exchange of information on terrorism while complying with the fundamental rights of EU citizens and third-country nationals and upholding safeguards on data protection and privacy and the mandatory exchange of information on return decisions; emphasises that such reform must not undermine the principles of necessity and proportionality; underlines that if the system is to function properly, alerts must require action and should justify their inclusion in the system; highlights the anticipated substantial increase in the activity of the Supplementary Information Request at the National Entry (SIRENE) Bureau and calls on Member States to reinforce the means at its disposal by ensuring that it has adequate financial and human resources to carry out its new functions;
20. Emphasises the critical nature of the findings of the Schengen evaluation mechanism and calls on the Member States to implement accordingly the recommendations addressed to them; emphasises also the vulnerability assessment and calls on the Member States to act upon the recommendations made by the European Border and Coast Guard Agency;
21. Calls on the Commission to present a yearly comprehensive report to Parliament and the Council on the evaluations carried out pursuant to Regulation 1053/2013;
22. Firmly insists that the Commission must not renew requests for derogation from Schengen if the Member State concerned has not implemented the recommendations addressed to it under the Schengen evaluation mechanism;
23. Stresses that all the Member States, including those with no external land borders, should do their utmost to ensure a high level of control at their external borders by allocating sufficient resources through staffing, equipment and expertise while ensuring full respect for fundamental rights – including in matters relating to international

protection and non-refoulement – establishing the necessary command and control structures and formulating up-to-date risk analyses in accordance with Regulation (EU) 2016/1624 for all tiers of command to facilitate effective operations and to provide adequate infrastructures to safe, orderly and fluent border crossings;

24. Is of the opinion that, were the Schengen evaluation mechanism to be revised, any proposal should address the major delays from the on-site visit to the implementing decisions and action plans and should facilitate swift remedial action on the part of the Member States; takes the view that the value of unannounced on-site visits in the context of the Schengen Evaluation Mechanism could be enhanced were such visits to be really unannounced (without 24-hours' notice);
25. Recalls that Parliament should be immediately and fully informed of any proposal to amend or replace the Schengen evaluation mechanism; notes that the Commission should undertake a review of the operation of the Schengen evaluation mechanism within six months of the adoption of all evaluation reports regarding evaluations covered by the first multiannual evaluation programme, and transmit this to Parliament;
26. Insists on developing the Schengen evaluation mechanism together with the vulnerability assessment tool in a way that prevents unforeseen relapses in and improves the overall management of the external borders, enhances respect for the Schengen *acquis* and fundamental rights, including compliance with the Geneva Convention, which was signed by all the Member States, and facilitates thorough scrutiny and transparency between Member States and the European institutions, in particular Parliament; calls on the Commission and the Member States to allocate sufficient resources to the implementation and follow-up of Schengen evaluations and vulnerability assessments; calls on the Commission to organise on-site visits to internal borders that are genuinely unannounced and to assess the nature and impact of the measures in place;
27. Calls on the competent authorities of the Member States to improve collection of information and statistical data on national management of resources and capabilities related to border control; calls on the Member States to make available, in a timely manner, all the necessary information to the vulnerability assessment mechanism;
28. Calls on the Member States, in particular those directly affected, to prepare and sufficiently test the necessary contingency plans to mitigate situations of increased levels of migration, as well as to enhance their registration and accommodation capacity in the event of such situations occurring; calls on the Member States to improve their capabilities to detect document fraud and irregular entries while fully respecting the principle of non-refoulement and fundamental rights; calls for concerted efforts to combat human trafficking and terrorism, particularly in order to identify the criminal organisations and their financing with greater precision;
29. Stresses that safe, legal access to the EU, including at the external borders of the Schengen area, will help ensure the overall stability of the Schengen area;
30. Regards the current state of implementation of the IBM Strategy as inadequate; requests that the Commission and the European Border and Coast Guard Agency support the Member States in their efforts to meet the requirements as stipulated in Regulation (EU)

2016/1624, and to start the IBM thematic evaluations in the Member States in due course; calls on the Member States to bring their border management into line with the IBM concept by employing a comprehensive approach to border management on the basis of its underlying fundamental principles and in particular by guaranteeing full respect for fundamental rights, with a specific focus on vulnerable groups and minors, in all border management and return activities, including respect for the non-refoulement principle; stresses the need to ensure the full implementation of the IBM Strategy at European and national level and compliance with international conventions, thus strengthening the management of the external borders while respecting fundamental rights;

31. Insists on the need for prompt introduction of the fully-fledged IBM Strategy, as agreed between the institutions, the technical and operational strategy by the European Border and Coast Guard Agency and the Member States' subsequent national strategies; is fully aware of the inconsistencies in the implementation of the IBM Strategy in the Member States and stresses that the full execution of the IBM Strategy in all Member States is vital for the adequate functioning of the Schengen area;
32. Calls on the Commission to adopt a legislative proposal to amend the EUROSUR Regulation in light of the major shortfalls encountered in the implementation of the current regulation, and considers that such a proposal should encourage greater use of EUROSUR to engage and assist information exchange, risk analysis and search and rescue operations;
33. Reiterates Parliament's support for Bulgaria and Romania's immediate accession to the Schengen area, and the accession of Croatia as soon as it fulfils the criteria for joining; calls on the Council to approve the accession of Bulgaria and Romania as fully-fledged members of the Schengen area;

OTHER ISSUES WITH AN IMPACT ON SCHENGEN

34. Stresses that the current state of Schengen and the persistence of internal border controls are not due primarily to problems in the structure and rules of the Schengen area itself but rather to the related fields of the *acquis*, such as shortcomings in the area of the Common European Asylum System, including a lack of political will, solidarity and responsibility sharing, the Dublin Regulation and the management of the external borders;

Progress made in addressing identified shortcomings

35. Emphasises the support and capacity-building measures taken to address the root causes of irregular migration and in order to improve living conditions in the countries of origin;
36. Considers that cooperation with third countries is one element in alleviating the circumstances resulting in forced and irregular migration; emphasises the comprehensive nature of measures needed to reach the desired objectives;

Identified critical shortcomings

37. Regrets that many persons have been reported dead or missing in the Mediterranean Sea in recent years; further emphasises that search and rescue is an individual component of European Integrated Border Management as set out in the EBCGA Regulation; takes the view that a permanent, robust and effective Union response in search and rescue operations at sea is crucial in preventing the loss of life at sea; considers it vital that adequate maritime search-and-rescue aspects and capabilities be embedded into all operational planning of border surveillance at sea borders and in the implementation of such operations by the EBCGA, as provided for in Regulation (EU) No 656/2014;
38. Expresses great concern regarding the implementation of European Border and Coast Guard Regulation ((EU) 2016/1624) and underlines the need for Member States to comply with the requirements stipulated in the regulation, in particular with regard to the commitments to contribute sufficient human resources and technical equipment both to joint operations and the rapid reaction equipment pool and allocate adequate resources to the implementation of the vulnerability assessment; is concerned about the European Border and Coast Guard Agency's resources and financial planning and the estimations on which the operations' funding and contributions required from Member States are based; calls on the Member States to guarantee proper training on fundamental rights for national border guards;
39. Considers that cooperation at national level between different law enforcement services, the military, border guards, customs and maritime search and rescue authorities is often inadequate, resulting in fragmented situational awareness and low effectiveness; notes that the absence of cooperation structures may lead up to ineffective and/or disproportionate measures; recalls that no amount of well-meaning measures at Union level can make up for a lack of internal cooperation between the relevant authorities of the Member States;
40. Notes the establishment of other large-scale information systems and the objective of improving their interoperability while preserving the necessary safeguards, including with regard to data protection and privacy;
41. Considers that the work on proposals for interoperability of information systems should be taken as an opportunity to improve and partially harmonise national IT systems and national infrastructure at border crossing points;

Action to be taken

42. Encourages the Agencies and the Member States to continue implementing multipurpose operations and to ensure that proper steps are taken to include maritime search and rescue within the operations through suitable assets and human resources; encourages the Agency to ensure the implementation of the complaints mechanism and related resources for and staff in support of the fundamental rights officer;
43. Calls on the Member States to ensure swift and effective return procedures, with full respect for fundamental rights and under humane and dignified conditions, once a return decision has been issued;

44. Notes that the Member States have the opportunity offered by Directive 2001/40/EC to acknowledge and implement a return decision taken by another Member State rather than making a new return decision or sending an irregular migrant back to the first issuing Member State;
45. Calls on the Member States to take specific steps to ensure adequate infrastructure, accommodation and living conditions for all asylum seekers, especially taking into consideration the needs of unaccompanied minors and families with minors as well as women in vulnerable situations; calls on the Member States to bring their detention facilities into line with the requirements of international best practices and human rights norms and conventions, to meet capacity demand, bearing in mind that detention is a measure of last resort and is not in the best interest of the child, and to increase the use of alternative measures to detention; calls on the Members States to honour their relocation commitments, as agreed by the European Council in September 2015 and reconfirmed by the European Court of Justice in September 2017, in order to restore order to the management of migration and foster solidarity and cooperation within the EU;
46. Calls on the Member States to ensure the independent nature of the national data protection authorities, notably by providing sufficient financial resources and staff to fulfil their increasing tasks; calls on the independent supervisory authorities of the Member States to ensure the necessary audits of information systems and their use; calls on the Member States to implement provisions to enable the rights of data subjects to launch complaints and request their personal information, and to raise public awareness regarding information systems;
47. Insists that multipurpose operations be conducted by the European Border and Coast Guard Agency, with the aim of responding to the need for maritime search-and-rescue assets (as provided for in Regulation (EU) No 656/2014), to be present in the relevant areas; recalls that national border guard authorities must also provide adequate resources for its operations, in particular to search and rescue; underlines that border control should be done by a trained border guard officer or under a strict supervision of a competent authority;
48. Notes that the European Border and Coast Guard Agency has a larger mandate which it can use to play a role in supporting the Member States in coordinated return operations;
49. Calls on the Member States to further develop mutual cross-border police cooperation through joint threat assessment, risk analysis and patrols; calls for the full implementation of the Prüm Convention and EU Council Decision 2008/615/JHA, and adhesion to the European Information Exchange Model and the Swedish Initiative; calls on the Member States to improve their national law enforcement cooperation and information sharing structures and to improve practical cooperation, in particular with neighbouring Member States;
50. Recalls the high priority given to the reform of the Common European Asylum System (CEAS) as part of the holistic approach to addressing the challenges affecting refugee, asylum-seeker and migrant policies and the Commission's Agenda on Migration; notes that Parliament has repeatedly stressed that opening legal channels for migrants and refugees is the best way to fight human trafficking and at the same time 'irregular'

migration; calls on the Council to swiftly follow Parliament in adopting a mandate for negotiations on every proposal in this regard, particularly as regards the Dublin Regulation; highlights that the new European Agency for Asylum has still to be approved and urges the Council to unblock this file as a matter of urgency;

51. Stresses the need to improve the security of identity cards provided by the Member States to EU citizens; calls on the Commission to propose standards for the security and biometric features incorporated in identity cards, as is already the case with passports;

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52. Instructs its President to forward this resolution to the Council, the Commission, the national parliaments and the European Border and Coast Guard Agency.

EXPLANATORY STATEMENT

The Schengen area is one of the greatest achievements of the European Union.

It is an essential part of the European project and the most appreciated and recognized by European citizens.

In the last reform of the Schengen Governance, and after severe negotiations, the European Parliament saw its scrutiny powers enhanced and more in line with the European framework. Although it remains founded in the sovereign competence of Member States to control their borders, in 2013 Schengen became more European.

On 5 September 2016 the Committee on Civil Liberties, Justice and Home Affairs (LIBE) decided to set up a Working Group on Schengen Scrutiny dedicated to the reviewing and scrutinising the specific results of the Schengen evaluations of different fields. The Working Group has proven to be invaluable in enhancing the level of cooperation and dialogue between the Commission and the Parliament, but above all, it has clearly improved the overall understanding of the Members as regards to the current State of Schengen.

On the 13 March 2017 the LIBE Committee Coordinators agreed to launch this annual Report on the Functioning of the Schengen area. This report is the result of the meticulous work of the Working Group on Schengen Scrutiny and the vital contributions of the Shadow Rapporteurs. During the past year the Working Group has delved itself into the details of the respective fields of the Schengen evaluation by examining the different evaluation reports and Council conclusions and by exchanging views with the Commission on specific issues.

After the establishment of the LIBE Working group on Schengen Scrutiny, this report hopes to be another important step in consolidating the active role of Parliament in representing citizens. It was not long ago when Member States treated this area as a secretive, exclusive and unaccountable domain, despite the huge impact of Schengen on peoples' lives.

The past three years have been quite daunting, with Schengen being under enormous pressure. Not because of its structure and governance, but due to failures in parts of the *acquis*, such as the external borders, and in strongly linked areas, such as the Common European Asylum System.

Times of incertitude and perils require of this European Parliament an even more active role in protecting Schengen and defending the rights of citizens.

In an area of free movement, external borders become common borders and today we share over 50.000 kilometres of those. This means, a security problem in one Member State or its external border potentially affects all. That is why Schengen has a set of compensating measures, an *acquis*, upon which mutual trust is based and an area of Freedom, Security and Justice to emerge.

Nevertheless, the mechanisms put in place to safeguard the area of free movement have come under enormous stress during recent times. For the first-time article 29 of the Schengen Borders Code has been activated, founded on serious deficiencies of a Member State. Member States have announced changes in their laws to allow internal border controls based on an influx of

illegal migrants. Others gave in on the easy rhetoric of blaming free movement, while at the same time just pretending to have internal border controls. Political discourse is using Schengen as an easy justification for security issues. Reintroduction of internal border controls must not become a normalized status quo.

Moreover, Member States have not been implementing the *acquis* properly, with problems across most fields of evaluations and Member States. The purpose of this report is precisely to highlight the major shortcomings encountered in the implementation of the Schengen *acquis*. It also brings forward the progress made and points out the actions that European Institutions and Member States should take in the future. The report details the core findings from the different fields of the Schengen evaluation mechanism and the Vulnerability Assessment methodology which the European Parliament has deemed to be unacceptable and in need of further actions.

In recent years, Parliament has recognized that reality has changed too. That there are new challenges, diffuse threats and unforeseeable phenomena, all of which require more cooperation, better information and European solidarity. Your rapporteur believes that the new measures approved by this house in the field of security, from information systems to amending the Schengen Borders code, are expression of such approach. Despite frail implementation by Member States being more often than desired. Regarding Asylum, Parliament is also acting with the urgency the situation requires and - here again - Member States fail to deliver.

Almost two years ago, the Commission presented a roadmap to bring back Schengen. Parliament and Council endorsed this Communication. Two years after, the normal functioning of Schengen is far from being seen.

Parliament remains strongly committed to look for all the possible solutions that will provide swift and reasonable outcome for the situation and for all EU citizens. It is crucial that the European Union enforces these rules in a manner that guarantees the functioning of Schengen.

Your rapporteur believes this house should stand firmly by the European Commission and remind vehemently to Member States that they are the key holders to bring Schengen back.

Your rapporteur firmly believes Schengen is part of the solution and not part of the problem. If Schengen perishes, the Europe of citizens that we have today will vanish.

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	25.4.2018
Result of final vote	+: 45 -: 8 0: 3
Members present for the final vote	Asim Ademov, Jan Philipp Albrecht, Heinz K. Becker, Malin Björk, Michał Boni, Caterina Chinnici, Daniel Dalton, Rachida Dati, Cornelia Ernst, Tanja Fajon, Laura Ferrara, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Sophia in 't Veld, Eva Joly, Barbara Kudrycka, Juan Fernando López Aguilar, Monica Macovei, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Judith Sargentini, Giancarlo Scotta', Birgit Sippel, Branislav Škripek, Traian Ungureanu, Marie-Christine Vergiat, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský, Auke Zijlstra
Substitutes present for the final vote	Carlos Coelho, Anna Maria Corazza Bildt, Ignazio Corrao, Gérard Deprez, Maria Grapini, Teresa Jiménez-Becerril Barrio, Jean Lambert, Jeroen Lenaers, Maite Pagazaurtundúa Ruiz, Siôn Simon, Barbara Spinelli, Elissavet Vozemberg-Vrionidi
Substitutes under Rule 200(2) present for the final vote	Michael Detjen, André Elissen, Francesc Gambús, Arndt Kohn, Annie Schreijer-Pierik, Marco Valli, Francis Zammit Dimech, Marco Zullo

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

45	+
ALDE	Gérard Deprez, Nathalie Griesbeck, Sophia in 't Veld, Maite Pagazaurtundúa Ruiz, Cecilia Wikström
ECR	Monica Macovei
EFDD	Ignazio Corrao, Laura Ferrara, Marco Valli, Marco Zullo
PPE	Asim Ademov, Heinz K. Becker, Michał Boni, Carlos Coelho, Anna Maria Corazza Bildt, Kinga Gál, Francesc Gambús, Monika Hohlmeier, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Jeroen Lenaers, Annie Schreijer-Pierik, Traian Ungureanu, Elissavet Vozemberg-Vrionidi, Francis Zammit Dimech, Tomáš Zdechovský
S&D	Caterina Chinnici, Michael Detjen, Tanja Fajon, Ana Gomes, Maria Grapini, Sylvie Guillaume, Arndt Kohn, Juan Fernando López Aguilar, Claude Moraes, Péter Niedermüller, Ivari Padar, Soraya Post, Siôn Simon, Birgit Sippel, Josef Weidenholzer
VERTS/ALE	Jan Philipp Albrecht, Eva Joly, Jean Lambert, Judith Sargentini

8	-
ECR	Daniel Dalton, Branislav Škripek
EFDD	Kristina Winberg
ENF	André Elissen, Giancarlo Scotta', Auke Zijlstra
GUE/NGL	Malin Björk
PPE	Rachida Dati

3	0
GUE/NGL	Cornelia Ernst, Barbara Spinelli, Marie-Christine Vergiat

Key to symbols:

+ : in favour

- : against

0 : abstention