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Changes to Schengen

Greens/EFA motion for a resolution

The European Parliament,

– having regard to Article 2 TEU and to articles 18, 20, 21, 67, 77, 80 TFEU,

– having regard to article 45 of the Charter of Fundamental Rights of the European Union,

– having regard to the conclusions of the European Council of 24 June 2011,

– having regard to the European Commission Communication on Migration of 5 May 2011, COM(2011) 248 final,

– having regard to the Schengen Agreement of 14 June 1985,

– having regard to the Convention implementing the Schengen Agreement of 19 June 1990,

– having regard to Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States,

– having regard to Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code),

– having regard to the proposal for a Regulation of the European Parliament and of the Council on the establishment of an evaluation mechanism to verify application of the Schengen acquis (COM(2010)0624 – C7 0370/2010 – 2010/0312(COD)),

– having regard to the draft report on the proposal for a regulation of the European Parliament and of the Council on the establishment of an evaluation mechanism to verify application of the Schengen acquis(COM(2010)0624),

– having regard to Rule 110(2) of its Rules of Procedure,

A. whereas the creation of the Schengen area and the integration of the Schengen acquis into the EU framework is one of the greatest achievements of the European integration process, marked by the removal of controls on persons at internal borders and by unprecedented freedom of movement inside the EU,

B. whereas freedom of movement has become one of the pillars of EU citizenship and one of the foundations of the European Union as an area of freedom, security and justice, enshrining the right to move and reside freely in all Member States enjoying the same rights, protections and guarantees, including the ban of any discrimination on the grounds of nationality,

C. whereas the Schengen rules governing the conditions for the movement of persons across internal borders have been defined in the Schengen Borders Code, whose articles 23 to 26 already set out precise measures and procedures for the temporary reintroduction of border controls at internal borders,

D. whereas according to the Schengen Borders Code and to article 45 of the EU Charter of Fundamental Rights, freedom of movement in the EU may be extended at precise conditions also to third country nationals legally residing in the EU,

E. whereas the evaluation mechanism based on the Schengen Evaluation Working Group (SCH-EVAL), a purely intergovernmental body, has not proven sufficiently effective,

F. whereas a new evaluation mechanism has been set out in the proposal for a Regulation establishing an evaluation mechanism to verify application of the Schengen acquis, currently being examined in ordinary legislative procedure by the EP; that this mechanism already defines procedures, principles and tools for supporting and assessing Member states' compliance with the Schengen acquis, also in presence of unforeseen events,

G. whereas article 77 TFEU affirms that the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures concerning, amongst others, the checks to which persons crossing external borders are subject and the absence of any controls on persons, whatever their nationality, when crossing internal borders,

1. Recalls that freedom of movement in a European area of freedom, security and justice is a fundamental right and a pillar of EU citizenship, whose conditions of exercise are laid out in the Treaties and in Directive 2004/38/EC;

2. Equally believes that effective support to Member states in order to ensure compliance with the Schengen acquis in case of pressure at external borders can already be fully addressed via the new Schengen evaluation mechanism, currently being redefined in ordinary legislative procedure;

3. Strongly regrets several Member states' attempt to re-introduce border control clearly jeopardizing the very spirit of the Schengen Aquis;

4. Reminds that the influx of migrants and asylum seekers at external borders can in no case per se be considered as an additional ground for the reintroduction of border controls;

5. Considers Schengen too important to limit it, and that any restoration of border checks should be truly exceptional, should be used only as a last resort for a limited period of time, after all other possible remedies have been exhausted; such restoration should be decided at the EU level, not by individual Member States;

6. Reaffirms its firm opposition to any new Schengen mechanism having other objectives than enhancing

freedom of movement and reinforcing EU governance of the Schengen area; the new mechanism should replace, not complement the existing possibilities of de facto unilateral restoration provided for by the Schengen Borders Code;

7. Underlines the democratic prerogative of the European Parliament, and insist that any attempt to move away from article 77 TFEU as the correct legal basis for any measure in this field will be considered as a deviation from EU Treaties and reserves the right to use all legal remedies available in case of need;

8. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States

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Press release

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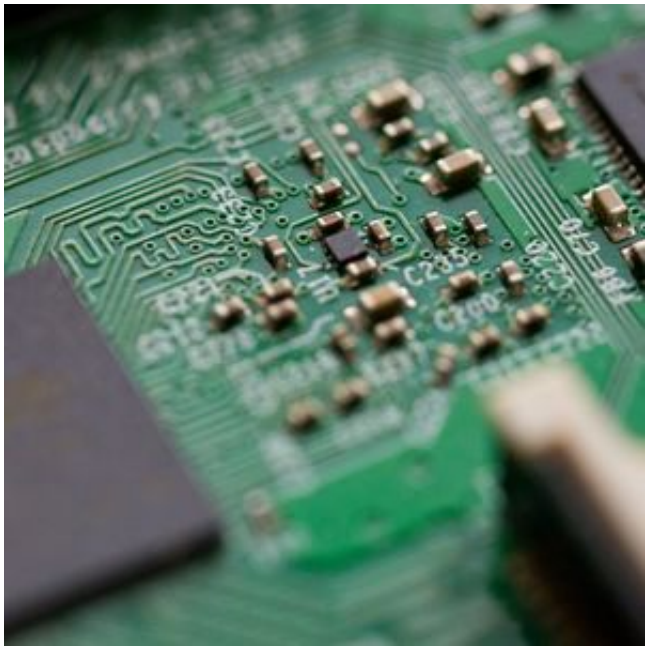


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