Press release | 11.06.2012

Schengen and border controls

MEPs deliver muted rebuff to attack on Schengen border-free system

The European Parliament's civil liberties committee this evening voted on two key legislative files related to the EU's Schengen border-free system, one related to the reintroduction of border controls (Weber report) and one on the evaluation of Schengen (Coehlo report). The votes come after last week's controversial decisions by home affairs ministers on Schengen (1). Commenting on the general outcome of the votes and its implications, Greens/EFA home affairs expert **Tatjana Ždanoka** said:

"The outcome of today's votes sends a mixed message on Schengen and falls short of delivering a convincing rebuff to the moves by EU governments to scale back the EU's border-free system."

In the report on the reintroduction of border controls (Weber), MEPs fell short of backing proposals by the European Commission to ensure all decisions on the reintroduction of borders are taken at EU-level. Instead, only certain cases would be decided at EU-level (2). Commenting on this, **Tatjana Ždanoka** said:

"Regrettably, the majority of MEPs was not willing to support an unequivocal EU-level approach to the reintroduction of border controls. Given the trans-national nature of the Schengen border-free system, it is logical and essential that decisions to temporarily reintroduce border controls be subject to EU-level approval and not left up to the narrow-minded, national whims of individual member states. While the committee vote did not endorse the entirely national approach to border controls sought by the Council, the majority of MEPs failed to support ensuring all decisions on the reintroduction of border controls are taken at EU-level, which the Greens believe is essential to the integrity of the system."

In the report on the evaluation of Schengen (Coehlo), MEPs voted to ensure the evaluation of the application of Schengen is carried out at EU-level. In the context of the debate, MEPs also delivered a rebuke to the Council for trying to change the legal base of the legislative proposals on Schengen evaluation, with a view to excluding the EP from the process. Commenting on this, **Tatjana Ždanoka** said:

"Importantly, MEPs voted to support proposals from the Commission to ensure that the evaluation of the application of Schengen in its member countries is carried out by the Commission. The implementation of Schengen in its member states has EU-wide implications and must therefore clearly be subject to EU-level evaluation.

"The underhanded tactic by the Council to change the legal base for deciding on these rules is scandalous and

legally questionable. This development creates a dangerous precedent, which would undermine the democratic decision-making process in the EU. In the debate today, MEPs have shown they are determined to take the Council on if it does not back down. The EP must be strong in defending Schengen and the EU's democratic process."

(1) See the Greens/EFA press release on the Council decision last week: http://www.greens-efa.eu/border-controls-and-schengen-7413.html

(2) In cases where member states wish to reintroduce border controls when they deem there is an internal security threat, decisions would not be taken at EU-level. In cases where member states wish to reintroduce border controls because they deem a neighbouring member state is not fulfilling its obligations under Schengen (e.g. with regard to securing its borders), decisions would be taken at EU-level.

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