

Schengen evaluation - Council conclusions

The Council adopted the following conclusions:

"The Council of the European Union:

- a) Confirming the Schengen Evaluation Working Party's mandate as laid down in SCH / ex- COM (98) 26 def. and striving for a more integrated approach towards Schengen evaluations;
- b) Welcoming the enlargement of the Schengen area to 24 Member States, resulting in a vast area stretching from the Atlantic Ocean to the Baltic Sea;
- c) Considering the new challenges of the European space in the field of security and the new threats linked to (the development of) increasing immigration pressure, organised crime and terrorism;
- d) Reaffirming the need to continue evaluations of Schengen candidate states prior to their entry into the Schengen area and to render the Schengen Evaluation Working Party's working methods and activities more efficient as regards ensuring the correct application of the provisions of the Schengen acquis by the Member States;
- e) Having regard to the objective of the Hague Programme concerning the new instrument which is to be proposed by the Commission to supplement the existing Schengen evaluation mechanism,

Has adopted the following conclusions:

1. The evaluation of Schengen candidate countries shall continue according to the existing mandate (SCH/ex-COM (98) 26 def.) to ensure that they fulfil all the necessary conditions prior to the full application of the Schengen acquis.
2. The evaluation of the correct application by Member States of the Schengen acquis shall be organised by way of:
 - "classic" evaluations on a country-by-country basis, starting with those Member States which have not been evaluated for a number of years and which require evaluation of all parts of the Schengen acquis;

– supplementary thematic and/or regional evaluations involving one or more Member States or regions based on risk analyses (provided by relevant stakeholders, such as FRONTEX, EUROPOL, the Member States and the Commission).

3. To this end, an indicative five-year programme of continued "classic" evaluations of Member States already applying the Schengen acquis shall be adopted.

4. A supplementary thematic and/or regional evaluation schedule supported by and reflecting analyses of relevant stakeholders can be adopted as part of the programme of each Presidency.

5. A full or partial evaluation of Member States' public authorities which are responsible for the application of the Schengen acquis and which have undergone a fundamental reorganisation can also be adopted as part of the Scheval programme of each Presidency.

6. The Multi-Presidency Proposal for a Schengen Evaluation Programme (6949/3/08), approved by the Schengen Evaluation Working Party, shall serve as the basis for planning the Working Party's evaluation activities for the next five-year period. This document can be updated and/or amended depending on future developments, including developments with regard to the instrument to be proposed by the Commission to supplement the existing Schengen evaluation mechanism in accordance with the Hague Programme."

Application of SIS in Switzerland

The Council approved a decision on the application of the provisions of the Schengen acquis relating to the Schengen Information System (SIS) in Switzerland (9059/08).

The decision allows for real SIS data to be transferred to Switzerland as from 9 June 2008, and allows Switzerland to enter data into the SIS and use SIS data as from 14 August 2008.

The concrete use of data by Switzerland will allow the Council to verify the correct application of the Schengen acquis provisions relating to the SIS. This

evaluation is scheduled by the end of August or beginning of September 2008. The lifting of checks at internal borders with Switzerland is foreseen for the end of 2008. Until this date, Switzerland is not would not be obliged to refuse entry on its territory to or to expel nationals of third states for whom an SIS alert has been issued by a member state for the purpose of refusing entry.

According to the agreement concluded by the EU and Switzerland concerning Switzerland's association with the implementation, application and development of the Schengen acquis (Council decisions 2004/849/EC and 2004/860/EC), the provisions of the Schengen acquis would only be applied in Switzerland following a Council decision, after verification that a satisfactory level of data protection exists. Such a verification took place in March 2008 and the Council concluded that the necessary conditions had been fulfilled.