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## TEXTS ADOPTED

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### **P9\_TA(2021)0350**

#### **Annual Report on the functioning of the Schengen area**

#### **European Parliament resolution of 8 July 2021 on the Annual Report on the Functioning of the Schengen Area (2019/2196(INI))**

*The European Parliament,*

- having regard to Article 77(2) of the Treaty on the Functioning of the European Union (TFEU), establishing an area of freedom, security and justice which ‘shall ensure the absence of internal border controls for persons’,
- having regard to Article 21(1) TFEU and Article 45 of the Charter of Fundamental Rights of the European Union (the ‘Charter’), ensuring citizens’ right to move and reside freely within the territory of the Member States,
- having regard to Article 18 TFEU and Article 21(2) of the Charter, prohibiting any discrimination on grounds of nationality,
- having regard to Articles 18 and 19 of the Charter on the right to asylum, and to protection in the event of removal, expulsion or extradition,
- having regard to the continuously evolving Schengen *acquis* developed since the signature of the Schengen Agreement on 14 June 1985, which currently comprises numerous EU legal acts in the areas of internal and external border management, visa policy, return policy, police cooperation and data protection, as well as legal acts establishing and governing two Union agencies (the European Border and Coast Guard Agency (Frontex) and the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA)), a financial programme (the instrument for financial support for external borders and visa) and four large-scale IT systems (the Schengen Information System, the Visa Information System, the European Travel Information and Authorisation System (ETIAS) and the Entry/Exit System (EES)), including interoperability among them,
- having regard to the legislation adopted since the last annual report on the functioning of the Schengen area aimed at strengthening it in view of persistent challenges, more specifically Regulations (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals<sup>1</sup>, Regulation (EU) 2018/1861 of the European

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<sup>1</sup> OJ L 312, 7.12.2018, p. 1.

Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006<sup>1</sup> and Regulation (EU) 2018/1862 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of police cooperation and judicial cooperation in criminal matters, amending and repealing Council Decision 2007/533/JHA, and repealing Regulation (EC) No 1986/2006 of the European Parliament and of the Council and Commission Directive 2010/261/EU<sup>2</sup>, Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa and amending Regulations (EC) No 767/2008, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1726 and (EU) 2018/1861 of the European Parliament and of the Council and Council Decisions 2004/512/EC and 2008/633/JHA<sup>3</sup>, Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration and amending Regulations (EU) 2018/1726, (EU) 2018/1862 and (EU) 2019/816<sup>4</sup>, Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226<sup>5</sup>, Regulation (EU) 2018/1241 of the European Parliament and of the Council of 12 September 2018 amending Regulation (EU) 2016/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS)<sup>6</sup>, Regulation (EU) 2020/493 of the European Parliament and of the Council of 30 March 2020 on the False and Authentic Documents Online (FADO) system and repealing Council Joint Action 98/700/JHA<sup>7</sup>, Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624<sup>8</sup> ('EBCG Regulation') and Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019 amending Regulation (EC) No 810/2009 establishing a Community Code on Visas (Visa Code)<sup>9</sup>,

- having regard to the ongoing legislative work on the revision of the Schengen Borders Code as regards the rules applicable to the temporary reintroduction of border control at internal borders, on reforming the Visa Information System, on the completion of the ETIAS legislative framework, on the recast of the Return Directive, on the instrument for financial support for border management and visa 2021-2027, and the new proposal for a Regulation introducing a screening of third country nationals at the external borders (COM(2020)0612),

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<sup>1</sup> OJ L 312, 7.12.2018, p. 14.

<sup>2</sup> OJ L 312, 7.12.2018, p. 56.

<sup>3</sup> OJ L 135, 22.5.2019, p. 27.

<sup>4</sup> OJ L 135, 22.5.2019, p. 85.

<sup>5</sup> OJ L 236, 19.9.2018, p. 1.

<sup>6</sup> OJ L 236, 19.9.2018, p. 72.

<sup>7</sup> OJ L 107, 6.4.2020, p. 1.

<sup>8</sup> OJ L 295, 14.11.2019, p. 1.

<sup>9</sup> OJ L 188, 12.7.2019, p. 25.

- having regard to the various European Council conclusions, Council recommendations and Commission communications, guidelines and roadmaps aimed at addressing the situation at internal and external Schengen borders in response to COVID-19, such as the Commission communication of 16 March 2020 entitled ‘COVID-19: Guidelines for border management measures to protect health and ensure the availability of goods and essential services’<sup>1</sup>, and the Commission communication of 30 March 2020 entitled ‘COVID-19: Guidance on the implementation of the temporary restriction on non-essential travel to the EU, on the facilitation of transit arrangements for the repatriation of EU citizens, and on the effects on visa policy’ (C(2020)2050), and its subsequent prolongations, such as that of 8 April 2020 (COM(2020)0148), the Joint European Roadmap towards lifting COVID-19 containment measures presented by the President of the Commission and the President of the European Council, and Council Recommendation (EU) 2020/1475 of 13 October 2020 on a coordinated approach to the restriction of free movement in response to the COVID-19 pandemic<sup>2</sup>,
- having regard to the Commission communication of 22 October 2019 on the verification of the full application of the Schengen *acquis* by Croatia (COM(2019)0497),
- having regard to the Commission communication of 23 September 2020 on a New Pact on Migration and Asylum (COM(2020)0609),
- having regard to its resolution of 30 May 2018 on the annual report on the functioning of the Schengen area<sup>3</sup>,
- having regard to the report from the Commission to the Council and the European Parliament of 25 November 2020 on the Functioning of the Schengen Evaluation and Monitoring Mechanism pursuant to Article 22 of Council Regulation (EU) No 1053/2013 (COM(2020)0779),
- having regard to its resolution of 19 June 2020 on the situation in the Schengen area following the COVID-19 outbreak<sup>4</sup>,
- having regard to its resolution of 11 December 2018 on the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania: abolition of checks at internal land, sea and air borders<sup>5</sup>,
- having regard to the European Union Agency for Fundamental Rights (FRA) report of 8 December 2020 entitled ‘Migration: fundamental rights issues at land borders’,
- having regard to its resolution of 17 December 2020 on the implementation of the Return Directive<sup>6</sup>,

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<sup>1</sup> OJ C 86 I, 16.3.2020, p. 1.

<sup>2</sup> OJ L 337, 14.10.2020, p. 3.

<sup>3</sup> OJ C 76, 9.3.2020, p. 106.

<sup>4</sup> Texts adopted, P9\_TA(2020)0175.

<sup>5</sup> OJ C 388, 13.11.2020, p. 18.

<sup>6</sup> Texts adopted, P9\_TA(2020)0362.

- having regard to its resolution of 13 November 2020 on the impact of COVID-19 measures on democracy, the rule of law and fundamental rights<sup>1</sup>,
  - having regard to the establishment of and ongoing work by the Committee on Civil Liberties, Justice and Home Affairs' Working Group on Frontex Scrutiny,
  - having regard to the preparatory work for this resolution undertaken by the Committee on Civil Liberties, Justice and Home Affairs' Working Group on Schengen Scrutiny,
  - having regard to Rule 54 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0183/2021),
- A. whereas the Schengen area is a unique arrangement and one of the greatest achievements of the European Union, which for over 25 years has allowed for free movement of people within the Schengen area without controls at internal borders; whereas this has been made possible through a variety of compensatory measures, such as the strengthening of the exchange of information through the establishment of the Schengen Information System (SIS) and the creation of an evaluation mechanism to verify the implementation of the Schengen *acquis* by the Member States and to promote 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 a common policy on visas and data protection;
- B. whereas a fully functioning Schengen area and its future enlargement to include the Schengen candidate countries remain key for further political, economic and social integration, fostering cohesion and bridging gaps between countries and regions, and a prerequisite for safeguarding the principle of freedom of movement; whereas the future of Schengen must be without fragmentation;
- C. whereas the abolition of internal border controls is one essential, practical element of what citizens identify as the European idea and is crucial for the functioning of the internal market; whereas the Schengen area is under threat, not least given the ever-increasing use of internal border controls by Member States, in particular in recent years;
- D. whereas as a response to the COVID-19 pandemic, most Member States, including Schengen-associated States, have reintroduced internal border controls or have closed their borders, either partially or totally, or to certain types of travellers, including EU citizens and their family members and non-EU nationals residing on their territory or that of another Member State; whereas, especially at the beginning of the pandemic, the absence of any effective coordination on the reintroduction and lifting of internal border controls between Member States and with the Commission challenged the very concept of Schengen cooperation;

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<sup>1</sup> Texts adopted, P9\_TA(2020)0307.

- E. whereas Member States have reintroduced internal border controls a total of 268 times since 2015, which represents a significant increase compared with the period between 2006 and 2014 when internal border controls were reintroduced merely 35 times<sup>1</sup>;
- F. whereas the European Parliament has repeatedly expressed concerns about the necessity and proportionality of many of these internal border controls;
- G. whereas mutual trust and close cooperation among Member States are essential elements of the foundation on which the Schengen area is built;
- H. whereas important EU legislative instruments have been adopted in recent years with the objective of improving the effectiveness and efficiency of border checks at external borders, and contributing to a high level of security within the area of freedom, security and justice; whereas these instruments include a new architecture for EU information systems and their interoperability;
- I. whereas allegations of violence against migrants, including those seeking international protection, and pushbacks at the EU's external borders continue to be reported; whereas the European Parliament, OLAF, Frontex and the European Ombudsman have launched an inquiry into these allegations; whereas the Union does not yet have an effective mechanism for monitoring fundamental rights at its external borders;
- J. whereas serious deficiencies were identified in the 2017 Schengen evaluation of the United Kingdom on the application of the Schengen *acquis* in the field of the Schengen Information System;
- K. whereas the first evaluation cycle of the Schengen Evaluation Mechanism has shown the need for better and swifter implementation of recommendations stemming from the evaluations, and the need for appropriate reform, in particular as regards how the mechanism assesses compliance with fundamental rights;
- L. whereas Frontex's annual vulnerability assessments examine Member States' capacities to face threats and challenges at the external borders and recommend specific remedial actions to mitigate vulnerabilities, and therefore complement the evaluations under the Schengen evaluation mechanism;
- M. whereas the full application of the Schengen *acquis* with respect to the abolition of internal border controls as regards Bulgaria and Romania has not yet been achieved, despite Parliament's call for this in its resolution of 8 June 2011;
- N. whereas the Commission stated in its communication on the verification of the full application of the Schengen *acquis* of 22 October 2019 that Croatia had taken the measures needed to ensure the necessary conditions for the full application of the Schengen rules;

### ***Functioning of the Schengen area***

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<sup>1</sup> State of play as of 19 May 2021, [https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control/docs/ms\\_notifications\\_-\\_reintroduction\\_of\\_border\\_control.pdf](https://ec.europa.eu/home-affairs/sites/default/files/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control/docs/ms_notifications_-_reintroduction_of_border_control.pdf)

1. Considers that the very concept of Schengen cooperation, that of ensuring the absence of controls at internal borders and guaranteeing freedom of movement, has been further challenged by the COVID-19 pandemic; reiterates, in this context, its concern about the current situation with regard to internal border controls in some Member States, and to that end recalls, while fully supporting the public health measures put in place to limit the spread of COVID-19, that any such measures to combat the pandemic and restrict fundamental rights and freedoms should always respect both the spirit and the letter of the law;
2. Recalls that under current EU law, internal border controls may be reintroduced provided that they are necessary, proportionate, temporary in nature and a measure of last resort; reiterates, in that regard, its view that many of the prolongations of internal border controls since 2015 are not sufficiently substantiated and are not in line with the rules pertaining to their extension, necessity or proportionality, and are therefore unlawful;
3. Acknowledges that the Commission has tried to coordinate a common European response; deplors, nevertheless, the fact that internal border controls continue to be introduced by the Member States, often in an uncoordinated manner, before sufficient consideration has been given to the common European interest in maintaining Schengen as an area without internal border controls; reiterates that the controls introduced have had a negative impact on the free movement of goods, capital, services and people in the Union; underlines in this context the particularly difficult situation of cross-border workers;
4. Recalls that despite having identified significant shortcomings in the implementation of the Schengen *acquis*, the Commission has been slow or outright reluctant to initiate infringement proceedings; reiterates its call on the Commission to exercise appropriate scrutiny over the application of the Schengen *acquis*, to assess whether the principles of necessity and proportionality have been respected and to use infringement proceedings where necessary; underlines the urgent need to enhance mutual trust and cooperation among the Schengen states and to ensure appropriate governance for the Schengen area;
5. Reiterates the need for Member States to respect the law as enshrined in the Treaties and the Charter, and to implement border measures in a lawful and non-discriminatory manner; considers a regular political and public debate on the functioning of the Schengen area to be of critical importance;
6. Notes that no progress has been made so far during this legislative term on the revision of the Schengen Borders Code (SBC), for which interinstitutional negotiations remain blocked by the Council; welcomes the Commission's announcement that it will present new proposals for Schengen governance; expresses its disappointment that the Commission continues to neglect its reporting obligation to Parliament by not submitting the annual report on the functioning of the area without internal border controls (Article 33 of the SBC) and the annual comprehensive report in accordance with Article 20 of the Schengen Evaluation Mechanism (SEMM), thereby hampering scrutiny and constructive political debate;
7. Further to its numerous requests for the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania, urges the Council to honour its commitment and take an immediate decision on the abolition of checks at internal land, sea and air borders and thus allow those Member States to rightfully join the area of free movement without internal border controls; is prepared, when consulted by the Council in accordance with Article 4

of the Act of Accession, to express its opinion on the full application of the provisions of the Schengen *acquis* in Croatia; considers that solidarity and responsibility are for all, and that the future of the Schengen area must be without fragmentation;

8. Considers it essential for EU visa policy to be efficient, user-friendly and secure, and welcomes, in that regard, the Commission's intention to digitise the visa procedure by 2025; considers that the integration of non-EU nationals who are long-term residents in the Member States is a key element in promoting economic and social cohesion, and therefore calls for consideration to be given to harmonising the minimum rules for issuing long-term visas and residence permits;
9. Reiterates its call on the Member States to ensure proper implementation of the Return Directive<sup>1</sup> in all its aspects and calls on the Commission to monitor its implementation;
10. Encourages the Member States to strengthen the exchange of information and to further develop mutual cross-border police cooperation, for example through the increased use of joint investigation teams;
11. Welcomes the fact that a number of actions requested in the previous annual report<sup>2</sup> have in the meantime been implemented (revision of the legislative framework of the Schengen Information System and reform of Eurosur); notes, however, that most recommendations formulated continue to remain valid;
12. Points out that effectively functioning external borders are essential for the viability of the Schengen area; notes with concern that the Schengen evaluation reports and the vulnerability assessments continue to point to deficiencies and vulnerabilities in the protection and management of external borders; calls on the Member States to implement the recommendations addressed to them by the Council and Frontex, aimed at remedying the deficiencies and vulnerabilities, in particular those relating to respect for fundamental rights in border management activities; stresses the importance of the legislative measures recently adopted;
13. Is concerned about the impact of the existing travel restrictions on the rights of refugees and people seeking international protection; calls on the Commission and the Member States to ensure that the adoption of such measures is fully consistent with the requirements enshrined in Articles 3 and 4 of the SBC and in the Charter;
14. Expresses its deep concern about the repeated allegations concerning Frontex's involvement in pushbacks and the reported potential violations of fundamental rights in the context of the Agency's activities, and considers that internal reporting mechanisms, as well as parliamentary and public scrutiny over Frontex's activities, must be reinforced and effectively implemented; emphasises that Article 46 of the EBCG Regulation instructs the Executive Director of Frontex to suspend, terminate or not launch activities if the conditions to conduct those activities, including compliance with fundamental rights, are violated;

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<sup>1</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

<sup>2</sup> OJ C 76, 9.3.2020, p. 106.

15. Expresses, in that regard, its full support for the setting up and ongoing work of the Committee on Civil Liberties, Justice and Home Affairs' Working Group on Frontex Scrutiny, the aim of which is to assess all aspects of the functioning of Frontex's activities and organisation, its reinforced role and resources for integrated border management, and the correct application of the EU *acquis*, including respect for fundamental rights;
16. Expresses its deep concern at the high number of deaths in the Mediterranean; recalls that rendering assistance to any person in distress at sea is a legal obligation under both EU and international law, and that search and rescue is an integral component of European integrated border management under the EBCG Regulation; calls on Frontex to significantly enhance the information available on its operational activities at sea, including through regular and adequate reporting to Parliament, such as in relation to its cooperation with the Maritime Rescue Coordination Centre in Tripoli and the Libyan Coast Guard;
17. Is deeply concerned by the persistent and serious reports about violence and pushbacks at the external borders, including from one Member State to another and then to a non-EU country; reiterates that Member States have an obligation to prevent unauthorised border crossings and recalls that this obligation is without prejudice to the rights of persons seeking international protection; calls on the Commission and the Member States to promote and carry out effective, independent and prompt investigations into any allegations of pushbacks and ill-treatment at the borders and to ensure that deficiencies are immediately remedied;
18. Notes the lack of adequate monitoring mechanisms to ensure respect for fundamental rights and the rule of law in the management of external borders, and considers that the European Union Agency for Fundamental Rights (FRA) must be given an enhanced operational role in that respect, including through the Schengen Evaluation and Monitoring Mechanism; calls on the Member States to ensure that their national monitoring bodies are effectively established and able to fulfil their role, with sufficient resources, an appropriate mandate and a high degree of independence; encourages Member States to invest continuously in the professional conduct of border authorities, including training in the area of asylum and refugee law, in coordination with Frontex, FRA, the UNHCR and relevant non-governmental organisations;
19. Deeply regrets the fact that there have been delays in the implementation of the fundamental rights provisions of the new EBCG Regulation, such as the recruitment of 40 fundamental rights monitors by 5 December 2020 as stipulated in the Regulation; welcomes the publication of vacancy notices and calls for the ongoing recruitment to be carried out as a matter of urgency; stresses that all monitors recruited must be able to perform their duties in accordance with Article 110 of the EBCG Regulation, and must therefore be recruited at an appropriate administrative level to fulfil their duties; calls, furthermore, for the independence of the Agency's complaints mechanism to be increased through involvement of experts from FRA and national human rights institutions;

#### ***Schengen evaluation and monitoring mechanism (SEMM)***

20. Expresses its view that the SEMM has brought significant improvements to governance of the Schengen area and has contributed to ensuring its functioning by enhancing mutual trust and collective responsibility; emphasises, however, the *sui generis* nature of the evaluation mechanism in EU law and recalls that the Commission remains ultimately



responsible for ensuring the application of the Treaties and the measures adopted by the institutions pursuant thereto;

21. Welcomes the Commission's intention to review the SEMM; recalls the discussions on its legal basis during the negotiations on the Schengen Governance Package in 2012 and insists on being involved in the reform of the mechanism on an equal footing with the Council, preferably through the use of the ordinary legislative procedure, or using the same method as for the adoption of Council Regulation (EU) No 1053/2013<sup>1</sup> establishing the SEMM;
22. Stresses the importance of introducing clear deadlines for all steps of the procedure in any reform, including the implementation of recommendations by Member States, the assessment of Commission proposals by the Scheval expert group and the presentation of action plans; reiterates also the importance of increasing flexibility in the multi-annual and annual planning and reinforcing the Commission's role, notably in the event of a no-opinion by Member States and the need for genuinely unannounced visits; takes the view that fundamental rights must be evaluated consistently during Schengen evaluations; considers, finally, that Parliament's scrutiny role and improving the transparency of the process should be key elements of the reform;
23. Calls on the Commission to allocate sufficient resources to ensure a comprehensive evaluation of the Schengen system, including by increasing the number of on-site visits to Member States; points out that, despite the Commission adopting 198 evaluation reports in the period 2015-2019, only 45 Schengen evaluations have been closed; calls on the Member States to step up the implementation of evaluation findings and Council recommendations; notes that the first Schengen evaluation cycle took five years; is of the view that the process of evaluation and adoption of recommendations, which takes on average 32 weeks, should be accelerated, and calls, in particular, on the Council to speed up the adoption of the recommendations issued by the Commission;
24. Calls on the Council to hold regular discussions at ministerial level on the proper functioning of the Schengen area, including discussions in situations where the evaluation reports have shown serious shortcomings, thus assuming the political role given to it by the Schengen evaluation process; calls, furthermore, on the Commission and the Council to prevent anything compromising the purpose of this mechanism, namely to determine whether all the preconditions for lifting internal border controls with a candidate country have been met and to ensure compliance with the Schengen *acquis* on the part of those Member States in which it is fully established;
25. Considers that the future Schengen evaluation mechanism must include an evaluation of the operational activities of the European Border and Coast Guard Agency, given its increasing role in external border management and return operations; considers further that the mechanism should reinforce its synergies with the vulnerability assessments of the

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<sup>1</sup> Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (OJ L 295, 6.11.2013, p. 27).

European Border and Coast Guard; reiterates that duplications must be avoided and that the Schengen evaluators should have access to the results of the vulnerability assessments;

26. Recalls that, among others, fundamental rights constitute an overarching component in the implementation of integrated border management; recalls, in addition, that the Schengen *acquis* must be implemented in compliance with the Charter; underlines, therefore, that Schengen evaluations must also examine whether fundamental rights are respected at the external borders, including the prohibition of refoulement, the right to respect for human dignity, the principle of non-discrimination and the right to seek international protection; considers that the future mechanism should provide for FRA experts to be formal members of the team responsible for on-site visits for any evaluation of external border management and return; considers that all relevant JHA agencies should be able to participate;
27. Considers that serious deficiencies, when discovered, require a much faster follow-up aimed at remedying them without delay; believes that a definition of ‘serious deficiency’ and an accelerated procedure in the case of such deficiencies should be included in the revised mechanism; considers that the current non-binding best practices catalogues should be given a formal status under EU law in the form of handbooks, in order to improve transparency and allow for the evaluations to be benchmarked against objective criteria;
28. Expresses its disappointment that the Commission has yet to present the annual report provided for in Article 20 of Regulation (EU) No 1053/2013, despite numerous calls from Parliament and the Council to do so;
29. Stresses that, in order to promote good governance and transparency, the Union institutions should conduct their work as openly as possible; considers that the Commission should make publicly available on its website information on the evaluation processes in each Member State and on Member States’ fulfilment of the Council’s recommendations; considers, furthermore, that the Commission should provide an appropriate platform for secure and encrypted access to the classified information of the Schengen evaluation documents for the actors with access rights, in particular for the Members of the European Parliament in order to facilitate their exercise of democratic control and scrutiny;
30. Notes that the Commission visited Croatia again in November 2020 with regard to the external border and reconfirmed that the necessary conditions for the application of the Schengen *acquis* had been met; calls on Croatia to continue to implement the ongoing actions and remedy any deficiencies identified, especially as regards training of staff, staffing levels and land border surveillance capacity; insists on a thorough assessment of compliance with fundamental rights following the repeated reports by NGOs and the media of abuse, violence and pushbacks by border officials; welcomes the establishment of an independent mechanism for the monitoring of the actions of police officers towards irregular migrants and applicants for international protection; calls on the Commission to continue to assess in all Member States the compliance of border management operations with fundamental rights requirements and to take the necessary measures in the event of human rights violations;
31. Highlights the recurrent deficiencies and areas for improvement in the Schengen system identified by the Commission: incomplete or non-compliant transposition, implementation

and application of pertinent Schengen *acquis*; insufficient number of staff and inadequate qualifications and/or training; diverging and inconsistent national practices due to incoherent implementation of the Schengen *acquis*; fragmented administrative structures with insufficient coordination and integration of the different authorities; and practical, technological and regulatory barriers to cooperation within the Schengen area; recalls that these problems constitute fundamental obstacles to the proper functioning of Schengen and urges the Member States to finally give them appropriate attention;

### ***Use of large-scale information systems in the field of justice and home affairs***

32. Notes the progress made in the development of the new large-scale IT systems and interoperability among them; calls on the Member States, the Commission and the agencies involved to uphold the envisaged timetable for implementation, which provides for implementation of the new IT systems, completion of the reforms of the existing systems and interoperability of those systems by the end of 2023; notes, furthermore, the need for a stable legal framework for the implementation of those systems; recalls that use of those systems will also affect the right to privacy and the right to protection of data of the persons whose information will be stored in these systems, and stresses the need to follow through on the safeguards laid down in the legal acts establishing these systems throughout implementation;
33. Recalls the crucial role of eu-LISA in setting up the new IT systems; stresses, furthermore, the importance of the national components in the overall architecture of these systems and urges Member States to allocate the appropriate financial and human resources for timely implementation;
34. Welcomes the political agreement reached on the reform of the Visa Information System (VIS), in particular the establishment of a clear and legally binding deadline for the start of operations;
35. Highlights the substantial increase in the activity of the Supplementary Information Request at the National Entries (SIRENE) Bureaux and reiterates its call on the Member States to reinforce the means at the disposal of the SIRENE Bureaux, ensuring adequate financial and human resources to carry out their functions;
36. Acknowledges the studies carried out by the Joint Research Centre for the use of fingerprints, palm prints, facial images and DNA in the Schengen Information System;
37. Considers that the Commission and the Council have seriously neglected their obligations following the detection of serious deficiencies in the use of the Schengen Information System by the UK, identified in the 2017 evaluation; recalls the request of the Working Group on Schengen Scrutiny to immediately disconnect the UK, as expressed in the letters to the Commission and to the Council Presidency of 15 June 2020; notes that the United Kingdom, as a non-EU country, no longer has access to the Schengen Information System; calls for the close monitoring of the continued security cooperation between the EU and the UK during the six-month period for data transfers agreed under the EU-UK Trade and Cooperation Agreement;

### ***Multiannual strategic policy cycle for European integrated border management***

38. Welcomes the presentation of the strategic risk analysis for European integrated border management presented by Frontex as the first step of the new policy cycle;

### ***Future of Schengen***

39. Notes that the various crises of recent years, such as the current pandemic, and the largely uncoordinated and sometimes unilateral actions taken by the Member States have eroded mutual trust among Member States and have put Schengen at risk; is convinced that efforts to find holistic solutions must be stepped up accordingly and that these measures should be properly harmonised; welcomes, in this context, the Commission's intention to adopt a strategy on the future of Schengen, and further welcomes the establishment of a Schengen Forum, which should also allow for high-level political debates on the state and future of Schengen with Parliament and the Council;

40. Considers that the Schengen Borders Code, in particular as regards rules on internal border controls, is no longer fit for purpose and requires urgent and meaningful reform in order to strengthen mutual trust and solidarity, and to safeguard the integrity and full restoration of the Schengen area; notes, in that regard, that clearer rules on public health emergencies are needed; stresses that, while the reintroduction of internal border controls remains a decision for individual Member States, it should only ever be a measure of last resort, for a limited period of time, and to the extent that controls are necessary and proportionate to the identified serious threat, paying particular attention to the impact on the right to freedom of movement and the principle of non-discrimination, and to the effects that such controls might have on border regions, while maintaining a distinction between different legal bases; considers that on each occasion that border controls are prolonged by a Member State, additional safeguards and oversight measures should apply and that, in all circumstances, such measures should be lifted as soon as the underlying grounds for them cease to exist;

41. Considers that a structured and transparent consultation mechanism in the event of crisis situations should be established, so as to determine mitigating, or alternative, measures to checks at the internal borders and uniform rules binding and applicable at the external borders;

42. Calls on Parliament's administration to establish a dedicated Schengen Governance Support Unit in order for Parliament to be able to properly exercise its democratic control and scrutiny functions in relation to the Schengen *acquis*;

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