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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**Seventh bi-annual report on the functioning of the Schengen area
1 November 2014 - 30 April 2015**

1. INTRODUCTION

As announced by the Commission on 16 September 2011 in its Communication on strengthening Schengen governance¹ and supported by the Council on 8 March 2012, the Commission submits bi-annual reports to the European Parliament and to the Council on the functioning of the Schengen area. This seventh report covers the period 1 November 2014 - 30 April 2015. It is put forward just before the anniversary of the Schengen Agreement which was signed on 14 June 1985.

2. SITUATIONAL PICTURE

2.1. Migration flows at the Schengen external borders

The reporting period was characterised by continuing migration across the Mediterranean to Europe, a serious number of tragedies and by the increasing threat posed by radicalised persons, including the foreign terrorist fighters having returned to Europe, which was underscored by the terrorist attacks in France and Denmark and the prevented attack in Belgium.

The annual number of detections of irregular border crossings has increased significantly during 2014 and was the highest since the FRAN (Frontex Risk Analysis Network) data collection was started in 2007². There were nearly 284 000 detections during last year, a double of the peak year of 2011 (the number of detections in 2013 was around 107 000). Equally important, the number of detections for the first five months of the reporting period (November 2014 - March 2015, i.e. months for which consolidated data were available) was over 3 times higher than during the same period a year ago, reaching over 111 000 cases.

Italy continued to report by far the highest number of apprehensions in 2014, followed by Greece and Hungary. As in 2013, the main nationalities of the persons detected during 2014 were Syrians and Eritreans. The main routes used in 2014 were the Central Mediterranean³ (nearly four-fold increase from 2013, representing 60% of all detections), Eastern Mediterranean (double compared to the same period in 2013, although yet remaining below the record years of 2010-2011) and Western Balkans (more than double of 2013). For both Central Mediterranean and Western Balkans route the number of apprehensions in 2014 was the highest ever since the start of FRAN data collection in 2007.

As far as the first five months of the reporting period are concerned, Western Balkans route was the primary route used (over 55 000 detections), followed by Central and Eastern

¹ COM (2011) 561 final

² Unless otherwise indicated, the data in Section 2 are taken from Frontex Risk Analysis Network (FRAN) information exchange system, and covers the Schengen area as well as Schengen candidate countries. The data cover only the third country nationals detected at external borders (except temporary external borders) when entering or attempting to enter illegally between the border crossing points. Figures for Croatia are included from the day of accession to the EU.

³ In contrast to the previous biannual report, the Apulia and Calabria route has been integrated into the Central Mediterranean route.

Mediterranean routes (respectively, over 26 000 and 21 000 detections). The three routes combined accounted for almost 93% of all detections.

In this context, a significant increase of irregular migrants from Kosovo⁴ was recorded, reaching its peak in January-February 2015 and bringing the Western Balkans route to the first position in the number of irregular border crossings for November 2014-February 2015. To address the situation at the Serbian-Hungarian border, Frontex provided support to Hungary through deployment of equipment and guest officers in the context of its joint operations. Germany has deployed some officers to support Serbian border guards and, together with Austria and Hungary, have undertaken a number of joint initiatives, e.g., patrols on trains. The Commission has initiated an intensive dialogue between Serbia and Kosovo⁴, in particular through the Serbia-Kosovo Irregular Migration Working Group. This opened the way for cooperation between the two sides and enabled to obtain their commitments to step up measures to prevent and fight the irregular migration from Kosovo⁴. The Serbian authorities undertook to strengthen border controls at the Serbian-Hungarian border and prosecute the human smuggling networks in Vojvodina, while Kosovo⁴ undertook to step up police cooperation with Serbia as well as information exchange with Serbia and the EU side. The available data show that these measures helped to revert the trend: the number of apprehensions of irregular migrants originating from Kosovo⁴ at the Serbian-Hungarian borders decreased from almost 12 000 in February to less than 400 during March. Similarly, the number of apprehensions on the Western Balkans route declined from almost 15 000 in February to over 5 000 in March. Nevertheless, sustained efforts are required to consolidate this tendency.

The Central Mediterranean route was the second most frequently used route during November 2014-March 2015. During the reporting period a "ghost ship" phenomena (Carolyn Assens, Blue Sky M and The Ezadeen cases, when a ship with irregular migrants on board is abandoned by crew⁵ and is left to drift on its own) once again showed that traffickers quickly change their working methods with no respect for human life. An important development in relation to this route has been the launch of the Frontex joint operation "Triton" in the Central Mediterranean that started on 1 November 2014, at the time when Italy decided to phase out Mare Nostrum operation that was implemented by its Navy. During the operation⁶, there were 392 incidents related to irregular migration, out of which 334 were search and rescue (SAR) cases. There were 49 871 persons detected⁷, out of which 43 057 were SAR cases. One hundred and thirty-two facilitators were arrested. While the joint operation demonstrated the determination of all partners involved to stop the continuing tragedy in the Mediterranean, it is clear that border surveillance operation "Triton" or other operations alone cannot resolve

⁴ This designation is without prejudice to position on status, and is in line with UN Security Council Resolution 1244/99 and the International Court of Justice Opinion on the Kosovo declaration of independence.

⁵ In the three aforementioned cases, the crew abandoned the ship at the last leg of the journey.

⁶ Data as of 18.05.2015.

⁷ Top five nationalities in 2015 were: Eritrea, Somalia, Nigeria, Gambia, Senegal (Syrians were in the 6th position).

the situation. They are complementary to measures that go beyond the scope of the Schengen acquis (EU migration policy as such and the situation in the countries of origin and transit) and Member States' own efforts in managing their borders. To address these challenges, in the aftermath of the tragedy of 18 April in the Mediterranean⁸, a joint Foreign and Home Affairs Council agreed on a ten-point action plan on migration⁹. The corresponding measures were further developed in the statement issued by the European Council on 23 April¹⁰, committing for a strengthened EU presence at sea by tripling the financial resources for the joint operations "Triton" and "Poseidon", new methods to fight traffickers, measures to be taken together with the third countries as well as a reinforcement of intra-EU solidarity and responsibility. These orientations are now being implemented, based on a roadmap developed for this purpose. The Council and the Commission will report to the European Council in June on their implementation. The European Agenda on Migration adopted by the Commission on 13 May brings together the different steps to meet the challenges.

A significant increase of detections on the Eastern Mediterranean route brought it to the first position in terms of the most frequently used routes for the month of March (over 2,5 times more detections compared to February). This can be partially attributed to seasonal changes but it also reflects the increasing pressure on this route.

The Commission continued to monitor the situation in Member States affected by significant flows at the European border (notably in Italy, Hungary, Bulgaria) also with regard to the improvement of their respective asylum systems as well as to tackle secondary movements and to ensure the implementation of the EURODAC Regulation in particular concerning fingerprinting. The Agenda on Migration stressed the need to fully respect the rules on taking migrants fingerprints at the border. Member States under particular pressure will benefit from the Hotspot system for providing operational support on the ground.

The Commission will also continue to assess, in cooperation with EASO and the Member States concerned, the possible need of using the early warning, preparedness and crisis management mechanism on the basis of Article 33 of the Dublin III Regulation¹¹. The Commission has also continued to work with Cyprus in order to ensure that contingency reception capacity is in place to manage possible significant flows and to improve its asylum system in general. Greece has been implementing the National Action Plan for Asylum and Migration, in order to address its systemic deficiencies in the asylum area. This Action Plan expired in December 2014¹². It should be noted that these Member States have made considerable efforts to stabilise and improve the situation, but further progress is still needed.

⁸ On the night from 18 to 19 of April 2015, a ship with irregular migrants on board capsized. According to the data available at the time of writing, only 28 migrants were rescued and 24 dead bodies were recovered (some of rescued migrants stated there had been approximately 700 migrants on board the capsized boat).

⁹ http://europa.eu/rapid/press-release_IP-15-4813_en.htm

¹⁰ <http://www.consilium.europa.eu/en/press/press-releases/2015/04/23-special-euco-statement/>

¹¹ Regulation (EU) No 604/2013 (OJ L 180, 29.6.2013, p. 31).

¹² In October, the Commission adopted a Staff Working Document assessing the state of implementation of the Plan (SWD(2014) 316 final).

The Commission worked closely with the Member States and the European Asylum Support Office (EASO) in view to facilitate the transposition of the recast Asylum Procedures Directive which clarified and strengthened the rules on ensuring an effective access to the asylum procedure, including on the applications made at the external borders. A number of trainings regarding the asylum procedure have been organised by EASO and a new training module addressed also to border guards is being developed in cooperation with Frontex and the Fundamental Rights Agency. During the reporting period, EASO continued undertaking steps to enable collection of detailed and reliable data on the asylum applications, including those lodged at the external border.

In 2014, there were around 14 000 Ukrainian citizens applying for asylum in the Schengen area and Schengen candidate countries¹³. While this is almost a fourteen-fold increase from ca. 1 000 asylum applicants for the whole of 2013, the overall numbers are still relatively low. Ukrainian applicants for asylum in the Schengen area and Schengen candidate countries represented around 2% of all applicants in 2014. Virtually all Ukrainian applicants arrived legally with short- or long-term visas and very few applications for asylum were lodged at the borders. The situation in Ukraine and its impact on the migratory and asylum flows should continue to be adequately monitored so that the EU and the Schengen area is in position to react to further developments in the most efficient way.

Addressing security threats posed by foreign terrorist fighters

As far as the foreign terrorist fighters returning from Syria to the EU and their detection at the external borders are concerned, an item which has also been addressed in the European Agenda on Security adopted by the Commission on 28 April 2015¹⁴, it is possible under the current legal framework to carry out systematic checks on persons enjoying the rights of free movement under Union law against the relevant databases based on risk assessment. The Commission continued working together with Member States on the one hand to ensure that the existing instruments, notably the Schengen Borders Code and the Schengen Information System (see section 4.1 for details) can be fully exploited to respond to foreign terrorist fighters' threat and on the other hand on common risk indicators allowing for more targeted checks on persons.

At its informal meeting of 12 February 2015, members of the European Council sent a clear message on the next steps in further developing tools to detect and disrupt terrorist-related travel, notably of foreign terrorist fighters¹⁵. In this regard, the Commission has adapted the Practical Handbook for Border Guards (Schengen Handbook) with regard to minimum and thorough checks, general rules applicable to persons enjoying the Union right of free movement and rules relevant for controls at land and air borders.

2.2. Situation within the Schengen area

¹³ Eurostat data.

¹⁴ COM (2015) 185 final

¹⁵ <http://www.consilium.europa.eu/en/press/press-releases/2015/02/150212-european-council-statement-fight-against-terrorism/>

In 2014 the level of detections of irregular stay increased by 28% compared to the year before (up to almost 426 000 detections). Germany, followed by Sweden, France, Spain and Austria had the highest number of detections. As far as the reporting period is concerned, the level of detections of irregular stay in November 2014-March 2015 (ca. 184 000 detections) was 32% higher than during the same period in 2013-2014.

As mentioned in the previous bi-annual reports, FRAN started collecting data on the secondary movements in 2014. It should be noted that despite the reminders made in previous reports, a number of countries (Austria, Bulgaria, Cyprus, Greece, Iceland, Malta as well as non-Schengen Member State Ireland) have not yet submitted their data (situation as of mid-April 2015). It is essential that all Member States submit the complete data to enable a reliable analysis that would help tracing migration routes. The first ever regular joint report by Frontex and Europol on the secondary movements based on the aforementioned data is scheduled to be published in June 2015.

The Presidency activity "Amberlights 2015", the most recent information gathering exercise on migration flows within the EU/Schengen area, was carried out from 1 to 14 April 2015, based on the guidelines set out in the Guide for Joint Police Operations¹⁶. It was held on the initiative of the Latvian Presidency of the Council of the European Union and was intended to intensify border checks and step up detection of overstaying third country nationals (on exit at the air borders) as well as to collect and analyse related information, including on document fraud. Twenty-eight countries participated in the activity. Main results include 825 incident reports on 1409 overstayers detected¹⁷ and 3 impostors¹⁸ cases.

In the meantime, the results of a similar operation "Mos Maiorum", held under auspices of the Italian Presidency, have become known. Twenty-seven countries participated in the operation. Main operational results included 19 234 irregular migrants intercepted, out of which 11 046 applied for asylum. As many as 257 facilitators were apprehended and 593 documents seized. The operation enabled to collect information on main routes followed by irregular migrants and modus operandi of criminal networks used for people smuggling.

3. APPLICATION OF THE SCHENGEN ACQUIS

3.1. Cases of temporarily reintroduced control at internal borders

Article 23 of the Schengen Borders Code¹⁹ provides that, exceptionally, where there is a serious threat to public policy or internal security, a Member State may reintroduce border control at its internal borders for a duration that shall not exceed what is strictly necessary to respond to the serious threat. During the period 1 November 2014-30 April 2015, there were

¹⁶ Council document no. 16825/10 of 23.11.2010

¹⁷ Overstayer is a third country national who does not fulfil, or no longer fulfils the conditions relating to the duration of a short stay on the territory of the Member States.

¹⁸ A person who applies for and obtains a document by assuming a false name and identity, or a person who alters his physical appearance to represent himself as another person for the purpose of using that person's document.

¹⁹ Regulation (EC) No 562/2006 (OJ L 105, 13.4.2006, p.1)

no cases when Member States temporarily reintroduced control at their internal borders. As far as the previous reporting period is concerned, Belgium finally decided not to carry out checks at internal borders (although they were previously notified to the Commission in view of the G7 Summit of June 2014), since finally there was no information received on decisive security risks.

3.2. Maintaining the absence of internal border control

Two areas of the Schengen acquis where violations are often alleged are (1) whether the carrying out of police checks close to the internal border have an effect equivalent to border checks (article 21(a) of the Schengen Borders Code) and (2) the obligation to remove obstacles to fluid traffic flow, such as speed limitations, at road crossing-points at internal borders (article 22 of the Schengen Borders Code). In the period 1 November 2014 -30 April 2015, the Commission continued its investigation into four cases on possible violations of provisions on the abolition of internal border control, in particular the removal of obstacles to fluid traffic flow (regarding Austria, Belgium, Italy and Slovenia). The Commission continued to exchange views with Germany following the letter of formal notice addressed in October 2014 on alleged non-compliance of German Federal Police Law with Article 20 and 21(a) of the Schengen Borders Code. Finally, the Commission requested clarifications from Poland on the obligation to carry documents in internal border zones of Poland (Article 21(c) of the Schengen Borders Code).

3.3. Development of European Border Surveillance System (Eurosur)

In the course of the reporting period the European Border Surveillance System was extended from the initial 19 to all 30 participating countries. Frontex connected the newly established national coordination centres in the remaining 11 participating countries to the Eurosur communication network and continued the process of the security accreditation of this network, which will be finalised in the course of 2015. In line with the provisions of the Eurosur Regulation, several Member States streamlined the responsibilities and workflows for border surveillance at national level and considerably improved the information exchange and cooperation among national border control authorities as well as with those of neighbouring Member States. A few neighbouring Member States also started to interlink their national border surveillance systems at local level.

The Commission, Frontex and the Member States completed the drafting of a Handbook which contains technical and operational guidelines for the implementation and management of Eurosur. The Handbook is scheduled to be adopted by the Commission later this year.

Frontex continued to develop its ability to coordinate the common application of surveillance tools and Eurosur fusion services in order to provide surveillance information on the external borders and on the pre-frontier area on a regular, reliable and cost-efficient basis. This capability will be increased considerably in the course of 2015 when Copernicus²⁰ funding will be made available for this purpose. Currently a range of services are available for the

²⁰ Regulation (EU) No 377/2014 (OJ L 122, 24.4.2014, p. 44)

Member States, ranging from vessel tracking and satellite-based vessel detection tools, complex algorithms for predicting vessel positions, up to precise weather and oceanographic forecasts. Fusion services use optical and radar satellite technology to locate vessels suspected to be engaged in people smuggling that often puts the lives of migrants in danger. Tracking particular vessels of interest can be requested by Member States at any time.

The vessel detection service supports the "Triton" operation on a daily basis, and is currently also launched for the "Poseidon" and "Indalo" operations. Other services, such as a maritime simulation module or detailed weather forecasts in support of operational activities are permanently available.

3.4. Alleged violations of other parts of the Schengen acquis

During the reporting period, the Commission continued its investigation in the case related to Estonian land borders (with regard to requirements imposed when crossing the border, in relation to Articles 5 and 7 of the Schengen Borders Code). Furthermore, the Commission continued its inquiry as regards Greece and Bulgaria on allegations of push-back practices at the external border and started an inquiry into allegations of summary removals from Spain (Ceuta and Melilla). In this context the Commission carried out a technical visit to Bulgaria, and another one to Ceuta and Melilla. It further continues monitoring of the situation in the countries concerned.

With regard to continuing complaints received about excessive waiting times caused by checks by the Spanish authorities at the border with Gibraltar, following the additional recommendations addressed to both Spanish and Gibraltar authorities on 30 July 2014 to improve the management of vehicle and passenger flows and to tackle tobacco smuggling more effectively, the Commission received replies from both countries on how they intend to implement these recommendations. At the end of February, the Commission has received information requested from the Spanish authorities back in July 2014. The preliminary assessment is that the Gibraltar authorities have made progress in introducing relevant measures to address the Commission's recommendations. There are indications that the level of cigarette/tobacco seizures made at the La Línea de la Concepción BCP are decreasing which may suggest that the measures introduced are already beginning to have a positive impact. The Commission will monitor the situation closely until all measures that were announced by Spain but not implemented yet, in particular the reconstruction works at the crossing point of La Línea de la Concepción, are finalised. The Commission has been encouraging the authorities of Gibraltar and Spain to strengthen cooperation and intelligence sharing and will continue the dialogue on these matters.

The Commission requested Polish authorities to take the necessary measures for amendment of the 2001 bilateral agreement on shared border crossing point (BCP) with Ukraine to ensure compatibility with the relevant safeguards introduced with regard to such BCPs in the Schengen Borders Code by Regulation 610/2013.

Transposition of the Return Directive (2008/115/EC) into national legislation

Since the previous report the Commission continues to systematically follow up on all shortcomings identified and launches investigations where necessary. It particularly focused on remaining shortcomings in several Member States and so far opened infringement procedures against four Member States for not having correctly implemented several articles of the Return Directive into national law.

One of the most important reasons for infringements is the detention of returnees. Conditions of detention and its extensive use (including detention beyond 18 months) as well as the absence of appropriate review of detention have been raising serious concerns. The absence of effective forced return monitoring systems, duration and territorial validity of entry bans were among reasons for infringement procedures as was the definition of return. Procedural issues (e.g., the translation of return decisions) also led to infringement procedures.

Implementation of the Regulation on Local Border Traffic (EC No 1931/2006)

Since the entry into force of the local border traffic regime in 2006, the Commission has been monitoring its implementation. In relation to the bilateral agreements that the Member States have concluded with their third-country neighbours, the Commission was able to close its investigation with regard to Slovenia and Croatia, while two infringement cases, one regarding Latvia and another regarding Poland will be closed once the amended agreements will be notified to the Commission. Moreover, investigations with regard to Romania, Slovakia and Croatia on the compliance of local border traffic permits with technical specifications and security measures as provided for by the Regulation (EC) No 1030/2002 have also been closed. Exchange of information on the same matter continues with Poland.

3.5. Weaknesses identified via the Schengen evaluation mechanism

On 27 November 2014, the new Schengen evaluation mechanism²¹ started to apply, following a period of extensive preparations. In the preceding months, a particular focus has been put on further developing training for the evaluation experts, including integrating issues relating to fundamental rights and the development of a new comprehensive training package for return experts based on a commonly agreed core concept. The first integrated training for border and return experts took place in March 2015 in Croatia.

The first experiences related to the implementation of the evaluation visits under the new mechanism were positive. The preparatory phase was used to establish new processes and instruments for getting ready for the on-site visits. Continuous cooperation between the Commission and all the Member States proved to be very constructive. As a result and thanks to active involvement of the Member States in designating their experts, it was possible to get a good mixture of the required expertise in the evaluation teams. Partnership between the leading experts from the Commission and from the Member States and division of labour between them was very good, enabling a smooth team work of the evaluation teams.

²¹ Regulation EU) No 1053/2013 (OJ L 295, 6.11.2013, p. 27).

It should be noted that the cooperation with the Member States under evaluation has been intensive and constructive. Experience shows that participation of Frontex and other observers to the on-site visits have clearly brought added value for the evaluation process.

The first evaluations took place in Austria (February-March 2015) and in Belgium (April-May 2015). The evaluation teams have taken into account the whole range of issues, including the implementation of the recommendations in relation to the fight against foreign terrorist fighters. One of the innovations under the new evaluation mechanism is that all aspects of the Schengen acquis are evaluated during two months (instead of longer period under the old rules), enabling to obtain a full picture of the situation in a Member State in a relatively short time. In addition, return has been added as a separate item to the list of evaluated policy areas, while all the external borders of an evaluated Member State will be covered by one single report. The new mechanism also foresees the possibility to carry out unannounced visits. The first such visit took place in Sweden in early March. A revisit to Poland in the field of SIS/Sirene took place on 25-27 March 2015 (see section 4.1 for details). The reports of the aforementioned visits are being finalised.

Under the new Schengen evaluation mechanism, the Commission has an obligation to publish a yearly comprehensive report to the Parliament and the Council on the evaluations carried out. The intention is therefore to focus even more on the outcome of the Schengen evaluations in the future reports, notably by using one of the two biannual reports to meet the aforementioned reporting requirements.

3.6. Lifting of control at internal borders

The Council has not yet been able to decide on the lifting of control at the internal borders with Bulgaria and Romania. The Commission maintains its full support for Bulgaria's and Romania's accession to the Schengen area.

In March 2015, Croatia has officially declared its readiness for Schengen evaluation (as of 1 July 2015) with a view to lifting the control at the internal borders.

4. FLANKING MEASURES

4.1. Use of the Schengen Information System (SIS)

One of the most important developments of the reporting period was that the United Kingdom was provisionally integrated into the SIS²² and started to enter data into the SIS and use the SIS data as from 13 April 2015²³. The SIS/SIRENE evaluation visit will take place in June, after which (provided the results of the evaluation are positive) the Council will be in a position to turn the UK participation from provisional into final.

²² Except for the alerts for the purposes of refusing entry, which are part of the Schengen acquis in which the United Kingdom does not participate.

²³ Council Implementing Decision (EU) 2015/215 (OJ L 36, 12.2.2015, p. 8.).

During the reporting period the Commission has taken several initiatives to align the implementation and to enhance the use of the Schengen Information System. The Commission revised the SIRENE Manual on 29 January 2015, with effect on 30 January 2015²⁴. Implemented changes and technical upgrades of the SIS allow an accelerated and more targeted information exchange on terrorist suspects between relevant authorities of the Schengen states. Furthermore, they reinforce the efforts of the Member States to invalidate personal identification documents of persons who may join terrorist groups outside the EU and substantially contribute to more effective border controls, since when checks of travel documents are carried out at the external borders such documents must be seized.

The revised SIRENE manual also reinforces legal certainty and fundamental rights. The amendments address problems inherited from the predecessor system (SIS1+) as well as reflecting new challenges and requirements identified during the first year of operation of the second generation SIS. They lay down, *inter alia*, detailed criteria for the deletion of alerts and define uniform rules on the consultation procedure concerning third country nationals who are subject of an alert for entry to or stay in the Schengen area but who possess a residence permit.

During the reporting period the Commission adopted a decision²⁵ laying down uniform SIS test conditions for the newly integrating Member States and for Member States changing substantially their national applications.

While the number of new objects alerts and the use of functionalities have continued to increase in a large majority of Member States, significant discrepancies between them remain and the Commission continues to closely monitor the situation. With regard to the new functionalities some Member States are still unable to insert photographs, fingerprints or links. In February 2015, the Commission has launched an investigation concerning Estonia, requesting the time-schedule of the full implementation and use of the new object categories and functionalities of the SIS. The Commission has also formally raised the delayed implementation of the new object categories and functionalities of SIS with Switzerland.

The full availability of the SIS at the external borders is of major importance for the security of the Schengen area. The investigation of Poland (see the 6th biannual report) in this regard led to a SIS/SIRENE Schengen evaluation revisit in March 2015. The outcome of the visit is under assessment and will be reflected in the next report. The Commission has also started a formal investigation in March against Italy concerning the implementation of Article 24 of the SIS II Decision²⁶ on alerts for the purpose of refusal of entry or stay in the Schengen area and more specifically on the use of the SIS at the external borders and the data quality concerning this alert category.

²⁴ Commission Implementing Decision (EU) 2015/219 (notified under document C(2015) 326) (OJ L 44, 18.2.2015, p. 75).

²⁵ Commission Implementing Decision (EU) 2015/450 (notified under document C(2015) 1612) (OJ L 74, 18.3.2015, p. 31)

²⁶ Council Decision 2007/533/JHA (OJ L 205, 7.8.2007, p. 63.)

4.2. Use of the Visa Information System (VIS)

Despite initial planning to roll out the VIS to region 17 (Armenia, Azerbaijan, Belarus, Georgia, Republic of Moldova and Ukraine) and 18 (Russia) during the reporting period, the worldwide VIS rollout was temporarily halted. Given the major impact of the visa issuing in these regions on the overall VIS capacity (over 55%), a prerequisite to this roll-out was the successful completion of the capacity extension of the Biometrics Matching System (BMS) supporting the fingerprint-based operations such as identification and authentication. In December 2014, eu-LISA informed that the VIS/BMS would be able to support the VIS roll-out for region 17 and beyond, as its overall capacity would be increased 6.5 times by the end of March 2015 as compared to September 2014. Nevertheless, political, economic and technical doubts were raised by several Member States regarding the roll-out schedule of the remaining regions. Consequently a new time frame was agreed for these regions, which will be addressed in the next biannual report.

As referred in the 6th biannual report, the use of fingerprints to perform verifications of visa holders at the Schengen border crossing points became mandatory on 11 October 2014 for the visa holders whose data (including fingerprints, where applicable) are stored in the VIS. Statistics so far indicate that only a part of the visa holders who have given their fingerprints when applying for the visa, are checked on the basis of the fingerprints at the borders. At the current stage, it is important that Member States fully comply with the requirements for the checks in the VIS (including the fingerprints) at the borders and continue to adequately inform the travellers of this new requirement at the border.

4.3. Visa policy and readmission agreements

Suspension mechanism and revised reciprocity mechanism in Regulation 539/2001

So far, no Member State has requested to trigger the new suspension mechanism that entered into force in January 2014²⁷. As already referred to in the 6th biannual report, the Commission has adopted the Report assessing the situation of non-reciprocity with certain third countries in the area of visa policy²⁸ where it considered that, on the basis of the confirmation by the third countries concerned of the shared objective of mutual visa free travel, the positive engagement in the tripartite approach²⁹ and the fact that none of the Member States concerned has requested the Commission to suspend the exemption from the visa requirement for certain categories of nationals of the third country concerned, it would not be appropriate at that stage to adopt such measures suspending the visa waiver. The second round of tripartite meetings with Australia, Japan, the US and Canada were held in January – February 2015.

Post-visa liberalisation monitoring mechanism for Western Balkan countries

The number of asylum applicants from the five Western Balkan visa-free states in the Schengen area and Schengen candidate countries has been rising steadily since the visa

²⁷ Regulation (EU) No 1289/2013 (OJ L 347, 20.12.2013, p. 74).

²⁸ C(2014) 7218 final of 10.10.2014.

²⁹ As explained in section 4.3 of the 6th biannual report.

liberalisation in 2009. Their number in 2014 was 34% higher than in 2013 (to put this increase in perspective, it should be noted that the total number of asylum applicants in the Schengen area and Schengen candidate countries has risen by 45% last year³⁰). Hence, the situation continued to affect the functioning of the visa-free travel regime. Germany remained by far the most-affected Member State, with its share of Western Balkan intake approaching 78%. It was followed by France, Sweden, and Belgium. Serbian citizens remained the largest group of asylum applicants from the Western Balkans (45% in 2014), followed by Albanian citizens (22%). The applicants from the five Western Balkan countries constituted 11% of the total number of the applicants for asylum in the Schengen area and Schengen candidate countries in 2014 which is comparable to the 2013 (12%).

On 25 February 2015, the Commission presented the fifth Report on the post-visa liberalisation monitoring for Western Balkan countries³¹ where it assesses the measures implemented, reviews the functioning and makes recommendations with regard to maintaining the visa-free travel regime, including actions to be taken by each visa-free Western Balkan country as well as EU Member States.

Readmission and visa facilitation agreements and visa liberalisation

Following the Statement of the Heads of State or Government on Ukraine of 6 March 2014³², bilateral talks with Russian Federation on visa matters remained suspended.

During the reporting period the visa-free travel for citizens of the Republic of Moldova holding a biometric passport introduced on 28 April 2014 has been implemented in a satisfactory manner. With regard to negotiations on readmission and visa facilitation with Belarus, the third round of negotiations took place on 11-12 March in Minsk. A "package deal" covering both agreements was agreed between chief negotiators, but has to be confirmed by the Member States. In early 2015 the negotiating directives for the Visa Facilitation Agreement with Belarus have been amended by the Council. They now include the possibility of a visa waiver for the holders of diplomatic passports. This provision is accompanied by a set of safeguards, including a wider catalogue of possibilities for suspension of such a visa waiver.

The readmission and visa facilitation agreements with Cape Verde entered into force on 1 December 2014. On 15 December 2014, the Council approved the negotiating directives for readmission and visa facilitation agreements with Tunisia. The first negotiation session on a visa facilitation agreement with Morocco, and the re-start of the readmission agreement negotiations took place on 19-20 January.

³⁰ Eurostat data extracted on 13.04.2015.

³¹ COM (2015) 58 final

³² https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/141372.pdf

On 30 October 2014 the Commission presented reports assessing the fulfilment by Peru and Colombia of the relevant criteria in order to benefit from visa-free travel to the Schengen area³³. The overall assessments were positive for both countries and on 11 March 2015 the Commission recommended to the Council the opening of visa waiver negotiations with both countries. After obtaining negotiating directives from the Council, the Commission started visa waiver negotiations in November 2014 with 16 small Caribbean and Pacific island nations and the United Arab Emirates (UAE). On 5 March 2015 the Commission proposed to the Council draft decisions on the signing and provisional application, and on the conclusion, of the visa waiver agreements with a first group of countries (UAE, Timor-Leste, Vanuatu, Samoa, Trinidad and Tobago, St Vincent and the Grenadines, St Lucia, Grenada and Dominica).

The Mobility Partnership between the EU and Jordan was signed on 9 October, and the Annex to the Joint Declaration on a Mobility Partnership was adopted on 8 December 2014, paving the way for the negotiations of a visa facilitation agreement in parallel to a readmission agreement. An exploratory mission to Amman took place on 17-18 February 2015 to prepare the ground for these negotiations. The findings of the mission will be used to prepare the draft negotiating directives which the Commission intends to submit to the Council in the second half of 2015 in view of opening negotiations with Jordan.

³³ COM(2014) 663 final for Peru and COM(2014) 665 final for Colombia