



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 29 May 2012

10472/12

**JAI 367
SCHENGEN 41
COMIX 331**

NOTE

from : Presidency
to : Coreper/Council Mixed Committee

Subject: Schengen Governance – the situation in the Schengen area
 - Political debate based on report from the Commission

The European Council in June 2011 stated that political guidance and cooperation in the Schengen area need to be further strengthened, enhancing mutual trust between Member States. The Council, in its Conclusions of 8 March 2012 regarding guidelines for the strengthening of political governance in the Schengen cooperation¹, welcomed the Commission's intention to present regular reports to the European Parliament and to the Council on the functioning of the Schengen cooperation and the application of the Schengen acquis at least once every year.

The reports will help Ministers in the Mixed Committee focus discussions with a view to give political guidance and will help the Council to take decisions within the scope of its competence to ensure the efficient functioning of the Schengen area.

¹ Doc. 7417/12 JAI 154 SCHENGEN 20 COMIX 159.

In the Conclusions, the Commission is invited, where relevant, to address in its reports how Schengen related shortcomings could be remedied, and, where appropriate, to give an indication of possible solutions at the practical and operational level or submit new initiatives, including legislative proposals, to address these shortcomings. The Conclusions moreover set out that the reports should provide an overview of the main trends and recent developments regarding Schengen cooperation, including analysis of causes. In addition, identified weaknesses and/or threats that could affect the functioning of the Schengen area in the short term should be presented in order for the Council to consider preventive actions.

The Commission has adopted the first of these reports on 16 May 2012.¹ As set out in the Council conclusions, the report – together with specific suggestions from Member States or relevant EU agencies – should form the basis for a political and strategic discussion in the Mixed Committee at Ministerial level in June 2012.

Following an exchange of views between delegations at an informal meeting on 24 May 2012, the Presidency suggests that the JHA Council at its meeting on 7 and 8 June 2012 holds a political debate on the report of the Commission in order to give political guidance with a particular focus on the following issues:

- 1) Secondary movements within the Schengen area of migrants who have entered illegally or have entered legally but are no longer entitled to stay in the Schengen area legally (overstayers) and asylum seekers and the reasons for these movements, including for example an insufficient handling of situations at hot spots both within the EU and neighbouring countries (see points 2.1 and 2.2 of the report).

Should better and more regular data regarding illegal secondary movements within the Schengen area be collected and analyzed in the future, how could such movements be prevented and curbed and which "hot spots" are considered to be most significant in order to give priority to and focus efforts to the right challenges in line with the EU Action on Migratory Pressures – A Strategic Response²?

¹ Doc. 10223/12.

² Doc. 8714/1/12 REV 1 MIGR 39 FRONT 56 COSI 19 COMIX 237.

- 2) Visa policy and readmission - lessons to be learned from experience so far with focus on the Western Balkan countries and the approach to follow in the future both when monitoring the situation post-visa liberalisation and when considering the possibility of visa liberalisation in relation to relevant third countries (see point 4.3 of the report).

Does an amendment of the Visa Regulation with a safeguard mechanism – presently under negotiation with the European Parliament – combined with the approach followed generally in relation to visa liberalisation constitute the necessary tools or do we need to refine the present approach?

Delegations may also bring up other matters which they deem to be particularly important.
