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European Union

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From:	General Secretariat of the Council
To:	Delegations
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Subject:	Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the report of the evaluation on the implementation of the Schengen Acquis in the field of absence of border control at internal borders between Germany and France

Delegations will find in the Annex the Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the report of the evaluation on the implementation of the Schengen acquis in the field of absence of border control at internal borders between Germany and France, adopted by the Council at its 3451st meeting held on 29 February 2016.

In line with Article 15(3) of Council Regulation (EU) No 1053/2013 of 7 October 2013, this Recommendation will be forwarded to the European Parliament and national Parliaments.

Council Implementing Decision setting out a

RECOMMENDATION

on addressing the deficiencies identified in the report of the evaluation on the implementation of the Schengen Acquis in the field of absence of border control at internal borders between Germany and France

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to 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 Schengen¹, and in particular Article 15 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The purpose of this Recommendation is to recommend to France remedial actions to address deficiencies identified during the Schengen evaluation in the field of absence of border control at internal borders between Germany and France carried out from 7 to 8 July 2015. Following the evaluation, a report covering the findings and assessments, listing best practices and deficiencies identified during the evaluation was adopted by Commission Implementing Decision C(2016) 26.
- (2) The factual situation observed at the internal borders of Germany and France is in line with the provisions of the Schengen Borders Code.

¹ OJ L 295, 6.11.2013, p. 27.

- (3) The identity checks on persons conducted in the border area by both the French and German authorities are based on specific cross border crime information received from central and regional level.
- (4) This Recommendation should be transmitted to the European Parliament and to the parliaments of the Member States. Within three months of its adoption, the evaluated Member State shall, pursuant to Article 16 of Regulation (EU) No 1053/2013, establish an action plan to remedy the deficiencies identified in the evaluation report and provide this to the Commission and the Council,

HEREBY RECOMMENDS:

France should:

Abolish the small car parking places situated next to the former control booths near the highway lanes, in order to eliminate the existing obstacles at the former BCP Lauterbourg – Bienwald which would allow increasing the speed limit.

Done at Brussels,

For the Council

The President
