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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee (Part 2)/Council
No. prev. doc.: 15524/22

Subject: Draft Council Implementing Decision setting out a recommendation on addressing the (serious) deficiencies identified in the 2021 evaluation of the **Netherlands** on the application of the Schengen *acquis* in the field of **return**

1. Following the Council's adoption of Regulation (EU) No 1053/2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, a team of experts from the Member States and the Commission carried out an evaluation of the Netherlands on the application of the Schengen *acquis* in the field of return in 2021.
2. In accordance with that Regulation, the Commission submitted to the Council a proposal for a Council Implementing Decision setting out a Recommendation designed to address the deficiencies identified in the course of the evaluation and ensure that the Netherlands apply all Schengen rules related to return correctly and effectively.

3. From 1 October 2022, Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis¹ applies. According to Article 31 (3) of that Regulation, for evaluations carried out before 1 February 2023, the adoption of evaluation reports and recommendations shall be carried out in accordance with Regulation (EU) No 1053/2013.
4. The Working Party for Schengen Matters, including the Mixed Committee partners Norway, Iceland, Switzerland and Liechtenstein, approved the proposal for the Council Implementing Decision setting out a Recommendation on 30 November 2022.
5. The Permanent Representatives Committee is therefore asked to recommend that the Council adopt the draft Council Implementing Decision, as set out in 15524/22, as an 'A' item at a forthcoming meeting.

¹ OJ L 160, 15.6.2022, p. 1–27.