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From: General Secretariat of the Council
To: Delegations

No. prev. doc.: 7579/21 + COR 1 (et)

Subject: Council conclusions on the functioning of the Schengen evaluation and monitoring mechanism (Council Regulation (EU) No 1053/2013)

Delegations will find enclosed the Council conclusions on the functioning of the Schengen evaluation and monitoring mechanism (Council Regulation (EU) No 1053/2013), approved by written procedure on 16 April 2021.

**Council conclusions on the functioning of the Schengen evaluation
and monitoring mechanism (Council Regulation (EU) No 1053/2013)**

THE COUNCIL

HIGHLIGHTING that TFEU article 70 provides for setting up a mechanism for conducting objective and impartial evaluation of the Union policies under its Title V “Area of freedom, security and justice” and that a robust and effective Schengen evaluation and monitoring mechanism (SEMM) is a crucial instrument for ensuring the effective and efficient application of the Schengen acquis, a high level of mutual trust between the Member States in the area of free movement, hence the well-functioning of the Schengen area;

RECALLING the Commission Work Programme 2021 ‘A Union of vitality in a world of fragility’, especially point 2.5 ‘Promoting our European Way of Life’, and its Annex I point 34 b)¹, ‘Amendment of the Regulation establishing the Schengen Evaluation Mechanism’;

WELCOMES the Report from the Commission to the Council and the European Parliament on the Functioning of the Schengen Evaluation and Monitoring Mechanism pursuant to Article 22 of Council Regulation (EU) No 1053/2013 - First Multiannual Evaluation Programme (2015-2019)²;

WELCOMES the Commission's ongoing consultations in preparation of the future ‘Schengen Strategy’ and the revision of Council Regulation (EU) No 1053/2013, as appropriate;

WELCOMES the launching of the Schengen Forum, towards building a stronger and more resilient Schengen area;

¹ Doc. 12115/20 + ADD 1

² Doc. 13378/20 + ADD 1

RECALLS the joint responsibility of the Commission and Council under the mechanism, reiterating that the *peer-to-peer* review foundation must remain as a key element of the SEMM;

UNDERLINES the crucial role of the Council and the Member States in adopting and implementing the recommendations, reaffirming the need to work jointly with the Commission in order to deliver clearer recommendations, more strategic and targeted on deficiencies that affect the functioning of the Schengen area;

HIGHLIGHTS that more focus should be put on ensuring the swift remedy of deficiencies identified during the evaluation process, especially those that constitute a risk for the functioning of the Schengen area, paying particular attention to the respect of fundamental rights in the application of the Schengen acquis, including through regular discussions at the appropriate political level;

STRESSES the need to further reinforce the follow-up mechanism in order to ensure the effective and timely implementation of the recommendations, inter alia by strengthening the role of the appropriate Council bodies in the monitoring of the follow-up, including the closure of the action plans, as well as, where appropriate, in other phases of the process.

INVITES the Council and the Member States to regularly address, at the appropriate political level, the identified deficiencies, their impact on the overall functioning of the Schengen area without border control at internal borders and the measures taken to remedy them;

INVITES the Commission to put forward initiatives in its announced proposal for the revision of the SEMM to streamline and clarify where necessary the evaluation process, inter alia with regards to timelines, harmonisation and prioritisation of recommendations based on their impact on the Schengen area as a whole, the closure of the evaluation cycle, improvement of the overall efficiency, reducing the administrative burden and strengthening support for Member States in the implementation of recommendations, including through support from the EU Agencies directly involved in the application of the Schengen acquis, in particular Frontex, within the limits of their respective mandates;

INVITES the Commission and the Member States to ensure adequate financial support within the financial framework and reinforce the prioritization of actions with a view to implementing the recommendations;

INVITES the Commission to reflect, in consultation with the Member states, on a reorganisation of the evaluations and a restructuring of the reports on the basis of relevant criteria, with a view to improved efficiency in the functioning of the Schengen area as a whole;

INVITES the Commission and the Member States to consider appropriate means to ensure the availability of highly qualified experts for the on-site visits (for example by setting up a pool of qualified experts, ensuring geographical balance for the on-site teams, as well as high quality supporting documents, and providing adequate initial and follow-up training in all evaluation fields, in close cooperation with Frontex and other relevant agencies, offices and bodies);

INVITES the Commission to ensure in its announced proposal that the SEMM remains a flexible mechanism, adaptable to the evolving circumstances and developments of the Schengen *acquis*, such as the implementation of the new IT architecture and interoperability framework in this area, and the increasing operational activities of Frontex and other relevant EU agencies in the implementation of the *acquis*, in order to address new challenges and to adapt to new realities;

INVITES the Commission to appropriately reflect in the SEMM framework the synergies with the Frontex-led vulnerability assessment, which forms, together with the SEMM, the European Integrated Border Management quality control system. Duplication between these two mechanisms should be avoided.
