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#### **"A" ITEM NOTE**

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From:	General Secretariat of the Council
To:	Council
No. Cion doc.:	COM(2016) 45 final; 5615/16 RESTREINT
Subject:	Draft Council Implementing Decision setting out a Recommendation on addressing the serious deficiencies identified in the 2015 evaluation of the application of the Schengen acquis in the field of management of the external borders by Greece

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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 application of the Schengen acquis in the field of management of the external borders by Greece in November 2015.
2. In accordance with that Regulation, the Commission submitted a proposal for a Council Recommendation designed to address the serious deficiencies that were identified in the course of that evaluation and to ensure that Greece applies all Schengen rules related to external border management correctly and effectively.
3. The Working Party for Schengen Matters (Evaluation), including the Mixed Committee partners Norway, Iceland, Switzerland and Liechtenstein, discussed the proposal for a Council Recommendation on 2 February 2016.

4. Following discussions in the Permanent Representatives Committee on 3 February and by JHA counsellors on 5 February 2016, the Permanent Representatives Committee on 10 February approved the text set out in 5876/16 for the purpose of its adoption by the Council as an A point at the ECOFIN Council on 12 February 2016.

5. On that basis, the Council is invited to adopt the draft Council Implementing Decision set out in document 5876/16.

It is noted that Greece has expressed its intention to vote against, and has submitted the attached statement, which was already made by Greece at the Permanent Representatives Committee on 10 February 2016, for inclusion in the minutes of the Council.

It is also noted that Bulgaria has expressed its intention to abstain.

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Statement by Greece

Greece regrets not to be able to give its consent to the Commission proposal for the Council Recommendation on addressing the “serious” deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of management of the external borders by Greece, i.e. at the land and sea borders with Turkey.

Greece wishes to reiterate its position, that the findings of the unannounced evaluation visit carried out from 10 to 13 November 2015 do not constitute “serious deficiencies” and show no evidence that “Greece is seriously neglecting its obligations”.

Greece further underlines that the massive mixed migration flow is of a nature that would put the external border control of any Member State under severe pressure and, moreover, that it has taken a number of measures to deal with the situation (as referred to recital (1a) of the Recommendation). Moreover, we have done so at a substantial national financial and social cost.

In the light of the above, Greece insists on the arguments and comments distributed during the Schengen Committee (room documents) and the arguments reiterated in the Schengen Matters-Schengen Evaluation WP and COREPER.

Finally, Greece will continue to work in close cooperation with EU institutions, agencies and other Member States to address the disproportionate migratory pressure, to mobilize resources and to put every effort primarily to protect refugees fleeing from war.