



Council of the
European Union

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'A' ITEM NOTE

From: General Secretariat of the Council
To: Council
On: 9 June 2022

Subject: Council Regulation on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing Regulation (EU) No 1053/2013
- Adoption

1. On 2 June 2021, the Commission presented a proposal for a Council Regulation on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing Regulation (EU) No 1053/2013. On 3 March 2022, the Council adopted a general approach on the proposal.
2. The proposal is based on Article 70 of the Treaty on the Functioning of the European Union, which does not provide for any involvement of the European Parliament in the adoption procedure.

Nevertheless, the Council has sought to honour the political commitments that were made in a statement from the European Parliament, the Council and the Commission issued when Regulation 1053/2013 was adopted, to the effect that the three institutions ‘understand that any future proposal from the Commission for amending this evaluation system would be submitted to the consultation of the European Parliament in order to take into consideration its opinion, to the fullest extent possible, before the adoption of a final text’, and in recital 20 of that Regulation.

3. On 30 August 2021, the Council invited the European Parliament to submit its opinion on the Commission proposal as soon as possible. On 8 December 2021, the Council, in line with the aforementioned statement, confirmed its decision to consult the European Parliament on a voluntary basis and requested that the latter submit its opinion by the end of February 2022. The European Parliament delivered its opinion in plenary session on 7 April 2022 on the basis of the report adopted by its LIBE committee on 16 March 2022. To fulfil the political commitment it had made, the Council examined the European Parliament’s opinion at a meeting of JHA Counsellors on 8 April 2022, with a view to taking it into consideration, to the fullest extent possible, before the finalisation and adoption of a final text.

4. On 27 April 2022, the Permanent Representatives Committee approved the text of the Regulation as supplemented at the JHA Counsellors’ meeting on 8 April 2022, prior to its legal-linguistic finalisation. The text as finalised by the legal-linguistic experts is set out in 7609/22.

5. In the light of the above, the Council is invited to adopt the Council Regulation on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing Regulation (EU) No 1053/2013, as set out in 7609/22.