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NOTE

From:	Presidency
To:	Working Party for Schengen Matters / Mixed Committee (EU-Iceland/Norway/Switzerland/Liechtenstein)
Subject:	Schengen Governance - Schengen Council cycle 2023-2024 put into action

Delegations will find annexed a revised version of the Presidency note on Schengen Governance, following the discussion at the meeting of the Working Party for Schengen Matters on 6 September 2023, and subsequent comments submitted by delegations.

**PRESIDENCY NOTE ON SCHENGEN GOVERNANCE -
SCHENGEN COUNCIL CYCLE 2023-2024 PUT INTO ACTION**

An effective Schengen governance requires two pillars: an effective architecture of political steering (the Schengen Council and its preparatory work through the Working Party for Schengen Matters) and an appropriate annual planning (the Schengen Council cycle approved by the Council in 2022¹).

In June 2023, in light of the State of Schengen report 2023, the Schengen Council endorsed a set of priorities for the II Schengen Council cycle 2023-2024, including the consolidation of the governance of the Schengen area².

As a follow-up, the Spanish Presidency included an initial discussion on the governance priority in the meeting of the Working Party for Schengen Matters on 6 July 2023. After a presentation from the Commission on the different Schengen tools and a debate among Delegations, the Working Party agreed on the importance of finding a way forward to consolidate the role of the Working Party and to put the cycle into action.

On this basis, the Presidency presented a note reflecting on the working method for the preparations of the Schengen Council through the Working Party for Schengen Matters and proposing a work plan for the current Schengen Council cycle. The document was elaborated in consultation with the incoming Belgian Presidency and was discussed by the Working Party for Schengen Matters on 6 September 2023. Delegations could also submit their written comments.

¹ 12522/22.

² 10059/23.

I. Putting the governance priority of the Schengen Council into action – a working method for the Working Party on Schengen Matters

In June 2023, the Schengen Council reiterated that predictability in the process is important to ensure effective political steering, and that well-prepared discussions will contribute to a better understanding of issues, thereby contributing to mutual trust. A need to consolidate the Schengen Council by streamlining and anticipating its preparation process in Council instances was identified.

In this regard, it is necessary to ensure an adequate preparatory work through the Working Party for Schengen Matters. This is without prejudice to the role of other Council instances, which this Working Party does not intend to substitute but to complement. In order to achieve that, three issues need to be clarified.

a. Different activities of the Working Party for Schengen Matters

The Working Party holds discussions on the Schengen evaluations and on the functioning of the Schengen area. It is necessary to better distinguish between the meetings of the Working Party that primarily focus on such contents and those that additionally prepare the debates of the Schengen Council.

In this vein, the agenda should specify the type of meeting, so that Member States' representation is aligned with the nature, content and aim of the agenda items.

b. Participation of the Schengen Coordinator at the Working Party for Schengen Matters

The role of the Schengen Coordinator is of great importance and added value for the Schengen governance. For this reason, the Schengen Coordinator should be invited to attend the Working Party for Schengen Matters, especially to contribute to the meetings that prepare the Schengen Council.

This will provide the opportunity for the Working Party to be updated by the Schengen Coordinator on his activities and on his support to the efforts of Member States in the application of key issues of the Schengen acquis.

c. Elements for the meetings of the Working Party for Schengen Matters that prepare the Schengen Council

In these meetings, in order to ensure a follow-up of the priorities, the Working Party should identify issues and actions for discussion by Ministers, on the basis of:

1. Advanced Schengen Barometer data, to be shared by the Commission no later than 5 weeks in advance of the October 2023, December 2023 and March 2024 Schengen Council meetings.
2. The State of Schengen Report 2024, to be shared by the Commission by April 2024 at the latest, to enable preparation of the June 2024 Schengen Council meeting.
3. Possible in-depth discussion on the priorities in a Council committee or sectoral working party, when appropriate.
4. Discussion with the Schengen Coordinator at the Working Party for Schengen Matters meeting.
5. Discussion with EU agencies, as relevant.
6. A Presidency note, when relevant.

These elements will be shared with Delegations sufficiently in advance to ensure the quality of the debate.

The results of the Working Party for Schengen Matters that prepares the Schengen Council, in appropriate coordination with other Council instances depending on the topic, will be submitted to COREPER as part of the process of preparing the JHA/Schengen Council's meetings.

II. Putting the *policy* priorities of the Schengen Council into action – a work plan for the Schengen Council Cycle

In order to ensure an appropriate level of predictability, not only it is necessary to have a clear understating of the role of the Working Party for Schengen Matters, but also a clear calendar for each annual cycle. Such calendar should be agreed between the Presidencies concerned. Each Schengen Council meeting should include one or several concrete topic/s of discussion identified by the Presidency, considering the priorities agreed by the Schengen Council in June, as well as the presentation by the Commission of the appropriate Schengen tool/s.

The Presidency, in coordination with the upcoming Belgian Presidency, has prepared this work plan to outline the timing for key deliverables and processes for the Schengen Council cycle 2023-2024. Although the topics for debate at the Schengen Council are to be determined by the different Presidencies, the objective of the work plan is to ensure an effective and adequate planning of the Schengen Council debates and to enable Delegations to oversee the process.

Schengen Council meeting 19 October 2023

- Focus on topic/s selected by the Presidency and set of actions
- Presentation of the *Schengen Barometer* +
- Preparation: 3 October 2023: Working Party for Schengen Matters

Schengen Council meeting 5 December 2023

- Focus on topic/s selected by the Presidency and set of actions
- Presentation of the *Schengen Barometer* +
- Preparation: 17 November 2023: Working Party for Schengen Matters

Schengen Council meeting March 2024

- Focus on topic/s selected by the Presidency and set of actions
- Presentation of the *Schengen Barometer* +
- Distribution of Schengen Scoreboard (brown envelopes)
- Preparation: Working Party for Schengen Matters (date TBD)

Schengen Council meeting June 2024

- Definition of the priorities / areas for additional impetus for the next 12 months – led by the Belgian Presidency in coordination with the future Hungarian Presidency
 - Presentation of the State of Schengen Report 2024
 - Preparation: Working Party for Schengen Matters (date TBD)
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