



Council of the  
European Union

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#### 'I' ITEM NOTE

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From:	JHA Counsellors (Visa, Frontiers, Schengen)
To:	Permanent Representatives Committee (Part 2)
Subject:	Council Decision on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania – Draft Letter to the European Parliament

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On 10 November 2010, the Council consulted the European Parliament on a draft Council decision on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania [ref. 2010/0820 (NLE)]. By its legislative resolution of 8 June 2011, the European Parliament gave its positive opinion on the draft Council Decision.

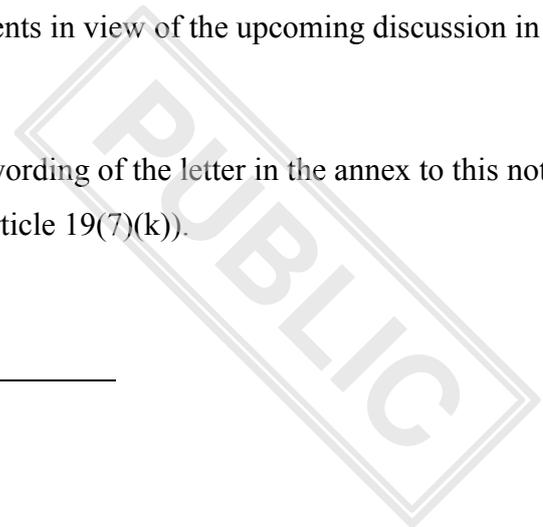
Up to now, the draft decision on the lifting of controls at internal borders for Bulgaria and Romania has not gathered the unanimous support required within the Council.

The Presidency has included the draft Council Decision on the full application of the provisions of the Schengen acquis in Bulgaria and Romania on the agenda of the Justice and Home Affairs Council on 8-9 December 2022 and presented a revised text of the draft Council Decision containing the necessary technical updates to that end.

The Council would like to inform the European Parliament about the technical updates of the draft Council decision as well as of accompanying developments in view of the upcoming discussion in the JHA Council on 8-9 December 2022.

In light of the above, Coreper is invited to approve the wording of the letter in the annex to this note in accordance with the Council's Rules of Procedure (Article 19(7)(k)).

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Draft letter

Ms Roberta Metsola  
President of the European Parliament

c/o

Madam,

On 10 November 2010, the Council consulted the European Parliament on a draft Council decision on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania [ref. 2010/0820 (NLE)]. By its legislative resolution of 8 June 2011, the European Parliament approved the draft Council Decision.

Up to now, the draft decision on the lifting of controls at internal borders for Bulgaria and Romania has not gathered the unanimous support required within the Council.

With a view to strengthening mutual trust, Bulgaria and Romania invited, on a voluntary basis, a team under the coordination of the Commission, to a fact finding mission from 9 to 14 October 2022 to look at the application among others of the latest developments of the Schengen *acquis* since the 2011 evaluation, focusing on external border management and police cooperation.

The fact-finding mission covered all relevant elements of the Schengen acquis (i.e., management of the external borders, police cooperation, return, Schengen Information System and visa), including the latest developments since 2011. The mission also took into account the respect for fundamental rights, including data protection, and the functioning of the authorities that apply the relevant parts of the Schengen *acquis*. On 9 November 2022, Coreper took note of the report presented by the team of experts which concluded that Bulgaria and Romania continue to fulfil the conditions for the full application of the Schengen acquis.

In view of continuously supporting Member States to make a subsequent decision on the full application of the Schengen *acquis* in Bulgaria and Romania, the Commission coordinated a complementary fact-finding mission between 14 and 18 November 2022. The aim of this complementary fact-finding mission was to provide recent and additional information on Romania's and Bulgaria's implementation of visa policy, data protection and judicial cooperation in criminal matters. After assessing these fields, the fact-finding team considers, in its report, that Bulgaria and Romania continue to meet the conditions necessary to apply all relevant parts of the Schengen *acquis* in full.

The Council would like to inform the European Parliament that the Presidency has included the draft Council Decision on the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania on the agenda of the Justice and Home Affairs Council on 8-9 December 2022.

This is in line with the resolution on the accession of Romania and Bulgaria to the Schengen area (2022/2852(RSP)) that the European Parliament adopted on 18 October 2022.

The text of the draft Council decision containing the necessary technical updates, as well as the report of the voluntary based fact-finding mission to Romania and Bulgaria and the report of the complementary voluntary fact-finding mission to Romania and Bulgaria on the application of the Schengen *acquis* and its developments since 2011 are annexed to this letter.

Enclosed:

Draft Council Decision on the full application of the provisions of the Schengen acquis in Bulgaria and Romania

Report of the voluntary based fact-finding mission to Romania and Bulgaria on the application of the Schengen acquis and its developments since 2011

Report of the complementary voluntary fact-finding mission to Romania and Bulgaria on the application of the Schengen *acquis* and its developments since 2011

Yours faithfully,

Ms Edita Hrdá

Chair of the Permanent Representatives Committee (Part 2)

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