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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)/Council
No. prev. doc.:	15524/22
Subject:	Draft Council Implementing Decision setting out a recommendation on addressing the (serious) deficiencies identified in the 2021 evaluation of the **Netherlands** on the application of the Schengen *acquis* in the field of **return**

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 Netherlands on the application of the Schengen acquis in the field of return in 2021.

2. In accordance with that Regulation, the Commission submitted to the Council a proposal for a Council Implementing Decision setting out a Recommendation designed to address the deficiencies identified in the course of the evaluation and ensure that the Netherlands apply all Schengen rules related to return correctly and effectively.

3. From 1 October 2022, Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis[1] applies. According to Article 31 (3) of that Regulation, for evaluations carried out before 1 February 2023, the adoption of evaluation reports and recommendations shall be carried out in accordance with Regulation (EU) No 1053/2013.

4. The Working Party for Schengen Matters, including the Mixed Committee partners Norway, Iceland, Switzerland and Liechtenstein, approved the proposal for the Council Implementing Decision setting out a Recommendation on 30 November 2022.

5. The Permanent Representatives Committee is therefore asked to recommend that the Council adopt the draft Council Implementing Decision, as set out in 15524/22, as an 'A' item at a forthcoming meeting.

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[1] OJ L 160, 15.6.2022, p. 1–27.