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NOTE

From: Presidency
To: Permanent Representatives Committee/Council
Subject: Political governance of Schengen

At the informal meeting of home affairs ministers on 3 February in Lille, the Presidency's proposal to establish a 'Schengen Council' received broad support. The Schengen Council will foster trust between Member States in the Schengen area. The arrangements for more structured political and operational governance were clarified at the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) on 16 February. Taking account of the suggestions made by the Member States, the Presidency invites ministers to express their views on the following points.

Schengen Council

As the ministers agreed in Lille, it is more necessary than ever to improve coherence between the political steering of the Schengen area and the operational level. To that end, the Home Affairs Council in Mixed Committee format could evolve to provide the institutional framework for the Schengen Council.

The Schengen Council is thus intended to serve as the most relevant forum for vital exchanges of views at political level on ongoing reforms and on the most strategic operational aspects.

The Presidency proposes that the Schengen Council be convened whenever the JHA Council meets and, if necessary, in the event of a crisis.

Its meetings would be organised in such a way as to:

- discuss broad political guidance for the Schengen area;
- examine the situation in the Schengen area based on a scoreboard ('barometer') – see below;
- mobilise the relevant instruments and determine the response to crises affecting the Schengen area;
- discuss systemic difficulties encountered by Member States, such as those identified in the course of Schengen evaluations, and examine how to respond;
- exchange best practices;
- establish guidance for action by Frontex at least once a year.

In addition, ministers will conduct an annual in-depth examination of the state of Schengen on the basis of a Commission report and a more detailed scoreboard.

Establishment of a scoreboard ('barometer') for the situation in the Schengen area

There are currently no clear and uniform indicators that offer a comprehensive overview of the situation in the Schengen area.

The establishment of a simplified scoreboard ('barometer') will provide ministers with a full picture of the situation. The various components of this 'barometer' were discussed at the informal JHA ministerial meeting on 3 February and at the SCIFA meeting on 16 February. It is proposed that it should cover five areas, comprising a number of indicators derived from the data of the relevant European agencies (Frontex, EUAA, Europol, eu-LISA) and the European Commission:

- the situation at the external borders;
- the migration situation within the European Union;
- internal security;
- health risks;
- the situation at the internal borders.

The issues identified would form the basis for discussions in the Schengen Council. The scoreboard is designed as an information tool for ministers. It is intended to facilitate discussion on the basis of objective and common findings.

The European Commission will present the first 'barometer' at the meeting on 3 March. The 'barometer' will remain a dynamic tool; the Member States will be able to contribute to its development and it may subsequently evolve.

The Schengen 'barometer' is planned to be presented three times a year. It will be made available in good time to allow for proper preparation for discussions within the Schengen Council (the aim will be to make it available to the Member States and associated countries at least two weeks before the meeting of the Schengen Council). Given its content, the Presidency will submit a short note to Coreper identifying the specific subjects on which ministers' discussions could focus. The barometer will be annexed to the note.

At the Schengen Council meeting, the Commission will report to ministers on the state of Schengen, which should enable the Schengen Council to determine the political guidance and any decisions necessary for the proper functioning of the Schengen area.

In addition, the Commission's annual report, which is a more comprehensive document and will be accompanied by a 'scoreboard', will present a more detailed state of play as regards the Schengen area and will also feed into ministers' annual discussions.

Schengen Coordinator

It is essential that the arrangements relating to the Schengen Council be responsive and permanent. To ensure this, one option would be to establish the role of 'Schengen Coordinator', who would be supported by a coordination team at operational and technical level. In the interests of continuity, the coordinator's role would be to assist in preparing documents for the Schengen Council and in following up on measures and action taken within the framework of the Schengen Council, building on existing capacity. The coordinator would also play a crucial role in the event of a crisis at the external borders, in order to ensure a proportionate and appropriate European response at all levels.

Following discussions on the matter, it is proposed that the mechanism be organised as follows:

- as with all Council configurations, preparations for Schengen Council meetings will be carried out by Coreper, meeting in Mixed Committee format;
- a 'Schengen Coordinator' working at the Commission will be responsible for the regular preparation of the barometer and will assist in following up on European-level action decided at Schengen Council meetings;
- the coordinator will work in close cooperation with the rotating Council presidency and the General Secretariat of the Council to ensure proper preparation and follow-up of Schengen Council meetings.

Solidarity platform in case of crisis at the external border

Emergency situations at the borders are occurring more and more often, and combine different challenges relating to migration, security or civil protection. The Member States can rely on Frontex, the joint agency responsible for managing operational cooperation at the borders, to protect our borders. In particular, the agency has a robust mechanism for rapid intervention at the external borders in emergency situations, which must be responsive and used to the full by Member States. It is the central instrument of European solidarity in the event of a problem at our external border.

In such situations, it may also be necessary to make use of a wider range of instruments, which may be provided by Frontex or could involve other EU tools or means available to the Member States. In this context, the Presidency considers it important to strengthen European arrangements for the coordination of support activities, in order to mobilise the resources available. It is thus proposed to establish a solidarity platform which, in the event of a crisis at the EU's external border, would make it possible to:

- coordinate offers of support in response to the needs of the Member States;
- ensure complementarity between the resources mobilised at European level (Frontex, EUAA, UCPM) and direct contributions from Member States;
- encourage the use of resources provided bilaterally by the Member States, for example for the purposes of internal security, on the basis of Article 17 of the 'Prüm' Decision 2008/615/JHA.

Following on from discussions on this subject, the Presidency notes that this platform does not constitute an additional legal structure. It would build on existing structures, such as the IPCR, with a view to closer coordination of European and bilateral support. It would thus ensure the consistency and continuity of the support mechanisms proposed by the agencies and the Member States.