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LIMITE

JAI 796  
SCHENGEN 61  
SCH-EVAL 78  
FRONT 234  
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ENFOPOL 310  
IXIM 155  
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COMIX 295

**NOTE**

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From:	Presidency
To:	Council
No. prev. doc.:	9397/22
No. Cion doc.:	9478/22
Subject:	Overall state of the Schengen area - State of Schengen report

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**I. During the first half of 2022, the Council has strengthened its tools for the governance of the Schengen area**

A ‘Schengen Council’ has been set up to ensure better overall steering at ministerial level. It held its first meeting on 3 March. The work of the Schengen Council is informed by specific tools, in particular the annual ‘State of Schengen Report’ and a barometer that the Commission will present regularly. The Commission will also contribute to the proper preparation of the work and the follow-up of the decisions taken, by appointing a Schengen coordinator who will work closely with the Council bodies. The governance proposals formulated by the Presidency at the beginning of the semester have therefore begun to take shape, in accordance with the guidelines laid down in Council document 6234/22 of 23 February 2022.

The Council has also taken significant steps in the revision of the Schengen evaluation mechanism. On 3 March, it adopted a general approach on the regulation on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis. After taking into account the opinion of the European Parliament, the text will be proposed to the JHA Council on 10 June, as an ‘A’ item, for final adoption. The new evaluation mechanism will make it possible to identify major trends or systemic difficulties, and will enable the Schengen Council to define political guidelines.

In parallel, work has continued on the various essential elements of the Schengen acquis (interoperability of information systems, police cooperation, protection of external borders, etc.), with a view to making our common area stronger and more resilient.

The revision of the Schengen Borders Code, which is due to be finalised, is also an essential part of this package.

## **II. The Commission has just presented a ‘State of Schengen Report’**

The ‘State of Schengen Report’ (COM (2022) 301 final/2) sets out the following priorities:

- reinforcing the governance of the Schengen area (in its report, the Commission proposes a ‘Schengen Cycle’);
- progress in the implementation of a strategy to make the Schengen area stronger and more resilient;
- the current state of the Schengen area (the situation at the external borders, the situation at the internal borders and the completion of the Schengen area);
- strengthening police cooperation measures;
- the priorities resulting from the Schengen evaluations (in the following areas in particular: external border management; visa policy; returns; police cooperation; Schengen Information System (SIS); data protection).

***Ministers are invited to express their views on the main shortcomings and guidance identified in the report.***

**III. In the light of this work and these documents, the Presidency proposes that the Council pursue the following actions over the coming months:**

**1. Political governance:**

- Convene the Schengen Council four times a year to provide the political and strategic guidance necessary for the proper functioning of the Schengen area;
- Rely, for this purpose, on the ‘barometer’ presented regularly by the Commission, on the ‘State of Schengen Report’ presented once a year, and on the analyses and recommendations stemming from the Schengen evaluation mechanism;
- Rely on the Schengen coordinator appointed by the Commission.

**2. Evaluation mechanism:**

- Implement the new regulation from 1 October 2022;
- Develop the exchange of good practices identified during evaluations, by compiling these in a compendium.

**3. Schengen Borders Code, external borders, internal borders:**

- Finalise the revision of the Schengen Borders Code;
- Integrated Border Management: define a multiannual strategic policy for European Integrated Border Management, based on the Commission’s strategic policy document;
- Frontex: continue deployment of the standing corps; strengthen oversight by the Management Board; launch the process of recruiting an Executive Director; ensure the recruitment of Fundamental Rights Monitors; develop the Agency’s external action (status agreements, working arrangements); prepare for the evaluation expected by the end of 2023;
- Implement systematic checks at the external borders: enhance technical and human resources.
- Internal borders: promote accompanying measures to ensure the smooth functioning of the Schengen area.

#### **4. Police cooperation:**

- Implement the new Europol mandate as of 28 June 2022;
- Promote the measures proposed in the Council Recommendation on operational law enforcement cooperation (e.g. setting up a platform for administrative and logistical support to joint patrols and other joint operations);
- Continue the negotiation of the Directive on information exchange and the Prüm II Regulation;
- Develop the interoperability of radio communication networks.

#### **5. Schengen Information System (SIS):**

- Implement as soon as possible, i.e. before the end of 2022, the upgraded version of SIS, which will provide user services with new functionalities;
- Ensure the proper functioning of national 'SIRENE' bureaux;
- Make full use of the fingerprint search functionality.

#### **6. Interoperability between JHA information systems:**

Ensure that the timetables for the deployment of the various information systems (SIS, entry-exit system, ETIAS) are compatible with the objective of achieving interoperability by the end of 2023, while providing the conditions for the smooth functioning of external border controls.

#### **7. Return policy:**

Implement the actions that have been planned in this field in the framework of the first stage in the area of migration and asylum. In particular, continue the operational work carried out in the framework of MOCADDEM and by the Return Coordinator.

**8. Visa policy:**

Strengthen the arrangements for monitoring liberalisations that have already been granted, in particular in the face of citizenship for investment programmes, and ensuring that there are no associated risks.

**9. Data protection:**

Ensure, in the framework of the implementation of the Schengen acquis, that the procedures provided for by the GDPR are respected.

**10. The specific situation of some Member States that are not yet fully applying the acquis:**

Define a way forward on continuing applicable procedures.

*Ministers are invited to express their views on these general guidelines for Council action in the coming months.*