



Parlamentul României Senat

Bucharest, October 27, 2021

Courtesy translation

OPINION of the SENATE of ROMANIA

regarding the Proposal for a Council Regulation on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing Regulation (EU) No 1053/2013 COM(2021) 278 final

The Romanian Senate examined the Proposal for a Council Regulation on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing Regulation (EU) No 1053/2013 – COM(2021) 278 final (Protocol no. 2).

Based on the report of the Committee for European Affairs, the Plenary of the Senate, during its session of October 18, 2021,

- (1) Considers that the Proposal for a Council Regulation on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing Regulation (EU) No 1053/2013 – COM(2021) 278 final – respects the principles of subsidiarity and proportionality.
- (2) Considers:
 - a) the period of time allowed for Member States to implement the recommendations (2 years) to be excessive, which may undermine the effectiveness of the mechanism;
 - b) that the elimination of areas of evaluation is worrying, as the field of Schengen evaluations is not explicitly limited to the Schengen acquis, and discussions on the Schengen connection and asylum have already shown divergent positions between Member States;
 - c) that equal treatment in the implementation of various evaluation methods is necessary, by expressly indicating the areas in which only on-site visits can be carried out, because the organization of unannounced visits carries the risk of obtaining a fragmented picture of the situation in the evaluated state and a relative added value;
- (3) Considers that the proposal for a Regulation explicitly states that a new verification procedure should not be launched for countries already positively assessed;
- (4) Welcomes the streamlining of the current legal framework in the field of the Schengen evaluation and monitoring mechanism, mainly in terms of the need to streamline the process, from the step of report adoption to the improvement of the subsequent monitoring phase of evaluations;
- (5) Recommends the replacement of the phrase Schengen area, already used in art. 1 para. 1., with the phrase space without controls at internal borders;

(6) Supports:

- a) the need to implement the agreed security instruments at the external borders of the Member States in order to complete the Schengen reform;
- b) the adoption of the report and recommendations in a single document, regardless of the type of evaluation;
- c) the application of greater transparency in the relationship with the Member States and the European Parliament and the increased role of the CONS in the monitoring process, which is not visible in the proposal;

(7) Stresses that:

- a) several Member States have continued to extend internal border controls in the last five years, and in the wake of the Covid-19 pandemic, more and more have reintroduced internal border controls, violating their 2-year period limitation, as stipulated in the Schengen Borders Code;
- b) despite positive evaluations regarding the management of the external borders, police cooperation and the Schengen Information System, as well as despite an overall assessment showing that Member States are implementing the Schengen acquis properly, the mechanism does not seem to generate sufficient confidence among Member States.