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From: Sir William Cash MP
Lord Boswell of Aynho

21 January 2015

Dimitris Avramopoulos
Commissioner for Migration, Home Affairs and Citizenship

Implementation of the new Schengen Evaluation and Monitoring Mechanism — the role of national parliaments

The EU Treaties accord national parliaments a role in the implementation of mechanisms established to evaluate EU justice and home affairs policies.¹ As Chairmen of our respective European Committees in the House of Commons and the House of Lords, we have a shared responsibility to ensure that the UK Parliament is able to play an effective part in overseeing arrangements established at EU level to monitor and evaluate Member States' implementation of EU policies in the field of justice and home affairs.

Council Regulation (EU) No. 1053/2013 establishes a new Schengen Evaluation and Monitoring Mechanism (SEMM). We understand that the first evaluations under the new mechanism will commence in February 2015. As you will be aware, the SEMM Regulation includes the following obligations which are relevant to national parliaments:

- an obligation on the Council to “transmit” to the European Parliament and national parliaments any recommendations for remedial action it has adopted to address deficiencies revealed in the course of Schengen evaluations of individual Member States;
- an obligation on the Commission to “inform national parliaments of the content and results of the evaluation”; and

¹ Article 12 TEU and Article 70 TFEU.

- an obligation on the Commission to “forward” to national parliaments an annual Commission report on the evaluations carried out under the SEMM Regulation, including the state of play regarding any remedial action taken.²

We are writing to you to seek clarification of the process and timetable envisaged by the Commission and Council for discharging the obligations imposed on them by the SEMM Regulation. In particular, we ask you to explain:

- what the various obligations to “transmit” and “forward” information to national parliaments mean in practice;
- whether the information will be redacted in some way to remove any classified material;
- whether the obligation in Article 19 of the SEMM Regulation to “inform national parliaments of the content and results of the evaluation” requires the Commission to provide information on each individual evaluation undertaken;
- how much information on the content and results of each evaluation national parliaments can expect to receive, and how frequently; and
- the timetable and means envisaged for sending information directly to national parliaments.

Your response will enable us to begin preparations for putting in place a workable system and timetable for receiving and considering the Council recommendations and other material required to be made available by the Commission. We look forward to hearing from you at the earliest opportunity.

We are writing in the same terms to Rihards Kozlovskis, the Minister of the Interior for Latvia who holds the Presidency of the EU Justice and Home Affairs Council.

We are sending a copy of our correspondence to the Rt Hon Keith Vaz, MP who chairs the House of Commons Home Affairs Select Committee.

² Articles 15, 19 and 20 of the SEMM Regulation.

Yours,

Chairman of the European Scrutiny Committee, House of Commons

William Cash

Chairman of the European Union Select Committee, House of Lords

T. C. Boscawen