



EUROPEAN
COMMISSION

Brussels, 11.7.2014
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COMMISSION IMPLEMENTING DECISION

of 11.7.2014

establishing a standard questionnaire in accordance with Article 9 of the Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis

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THE EUROPEAN COMMISSION

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen¹, and in particular Article 9 thereof,

Whereas:

- (1) The Commission should establish a standard questionnaire in close cooperation with the Member States.
- (2) The standard questionnaire should cover the relevant legislation, commonly agreed recommendations and best practices, in particular as stated in the Schengen catalogues, and the organisational and technical means available for the implementation of the Schengen *acquis* and available statistical data on each field of the evaluation.
- (3) Member States should as a general rule be requested to complete the questionnaire once every five years. The questionnaire will serve as the principal source of information for preparing and planning on-site visits and in case of evaluations without on-site visits be the only source of information for the findings and the recommendations. As a result, and taking into account the objective of ensuring high uniform standards in the application of the Schengen *acquis* and a high level of mutual trust between the Member States, an extensive questionnaire is justified.
- (4) The standard questionnaire should be updated regularly as appropriate.
- (5) Given that Regulation (EU) No 1053/2013 builds upon the Schengen *acquis*, in accordance with Article 4 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark notified the implementation of Regulation (EU) No 1053/2013 in its national law. It is therefore bound under international law to implement this Decision.
- (6) The United Kingdom is taking part in this Decision, in accordance with Article 5(1) of Protocol No 19 on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the

¹ OJ L 295, 6.11.2013, p. 27.

Functioning of the European Union, and Article 8(2) of Council Decision 2000/365/EC².

- (7) Ireland is taking part in this Decision, in accordance with Article 5(1) of Protocol No 19 on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and Article 6(2) of Council Decision 2002/192/EC³.
- (8) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen *acquis*⁴ which fall within the area referred to in Article 1 of Council Decision 1999/437/EC⁵.
- (9) As regards Switzerland, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁶ which fall within the area referred to in Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁷.
- (10) As regards Liechtenstein, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁸ which fall within the area referred to in Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU⁹.
- (11) The measures provided for in this Decision are in accordance with the opinion of the Schengen Committee,

² Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

³ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

⁴ OJ L 176, 10.7.1999, p. 36.

⁵ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁶ OJ L 53, 27.2.2008, p. 52.

⁷ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁸ OJ L 160, 18.5.2011, p. 21.

⁹ Council Decision of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.5.2011, p. 19).

HAS ADOPTED THIS DECISION:

Article 1

This Decision establishes the standard questionnaire, as set out in the Annex.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 11.7.2014

For the Commission
Cecilia MALMSTRÖM
Member of the Commission

