

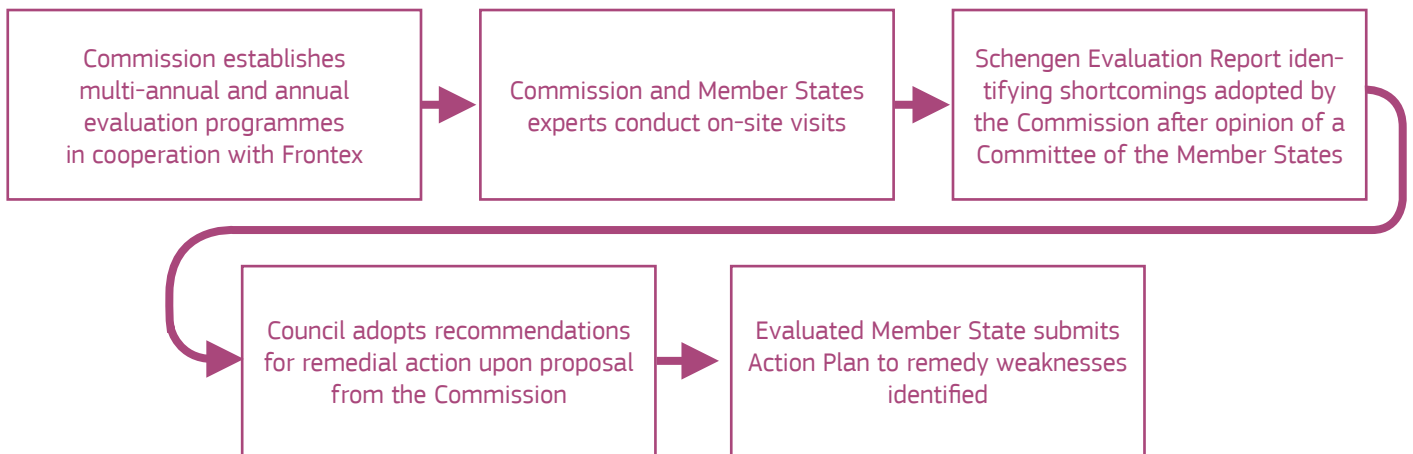


The Schengen Rules Explained

The Schengen Evaluation Mechanism

The Schengen evaluation mechanism provides for monitoring visits to Member States on an annual and multi-annual basis. On average, 5-7 Member States are evaluated each year. The evaluation visits are carried out by Commission-led teams with experts from Member States and Frontex. The visits can be announced or unannounced.

Following each visit, a Schengen Evaluation Report is drawn up and agreed by the Schengen evaluation committee of member state experts. If the report identifies any weaknesses in management of the external border, then recommendations for remedial action are presented. The recommendations are submitted by the Commission to the Council for adoption.



Articles 26, 27 and 28: Temporary Reintroductions of border controls by Member States

The Schengen Borders Code provides Member States with the possibility to temporarily reintroduce controls at internal borders where there is a serious threat to public policy or internal security.

Article 28 – Temporary Reintroduction of Border Controls for Unforeseen Circumstances

- Article 28 can be used in cases requiring immediate action
- The reintroduction is for an initial period of 10 days.
- This can be renewed for additional periods of 20 days, up to a maximum of **2 months** in total.

Article 26 and 27– Temporary Reintroduction of Border Controls for Foreseen Circumstances

- Article 27 can be used for foreseeable circumstances if notified in advance.
- These controls may last for an initial period of 30 days, renewable up to a maximum of **6 months**.

The Schengen Borders Code allows for the combination of Article 28 and Article 27 measures, allowing for the reintroduction of temporary border controls by Member States for a total duration of 8 months under these procedures.

In the exceptional circumstances, as a matter of last resort and to protect the common interest of the Schengen area, controls can be prolonged beyond this 8 month period. This procedure is set out under Article 29 of the Schengen Borders Code.

Articles 21 and 29: Threat to the overall functioning of the internal Schengen area

In exceptional situations, deficiencies in the management of the external Schengen border can put at risk the functioning of the internal area of free movement. In these cases, the Council is empowered to recommend border controls at one or several internal borders.

If a Schengen Evaluation Report concludes that in the evaluated Member State there are “serious deficiencies in the carrying out of external border control”, the Council may recommend remedial action to the Member State concerned. The Commission may also, under Article 19b of the Schengen Borders Code, recommend that the evaluated Member State take certain specific measures with a view to ensuring compliance with the Council recommendations.

The Commission adopts these recommendations after obtaining the opinion of a Committee of the Member States, acting by qualified majority. The evaluated Member State then has **three months** from the date of adoption of the Council recommendations to complete the remedial actions.

If the recommendations are not sufficiently addressed within three months, the Commission is empowered to trigger, as a last resort, measures to reintroduce internal border controls. Under **Article 29** of the Schengen Borders Code, the Commission may propose a Recommendation, to be adopted by the Council, to reintroduce controls at all or specific parts of the border of one or more Member States. These are measures of last resort which are subject to a clearly defined process. They may be introduced for a period of up to six months. Controls can be prolonged for additional six month periods up to a maximum duration of **two years**.

