

**To** MEP Sara Skyttedal  
*By e-mail*

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**Subject** Letter on the Schengen Evaluation Mechanism (CM2112)

**Meijers Committee**  
Standing committee  
of experts on  
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Dear Sara Skyttedal,

The Meijers Committee congratulates you on your appointment as Rapporteur to the European Parliament on the new proposal for a Schengen Evaluation Mechanism. In this letter, we would like to share our comments on the proposal to assist you in your important work as Rapporteur.

In comparison with the current Regulation 1053/2013, the new proposal contains valuable improvements. For instance, the new proposals speed up the procedure, reduce the role of the Council and increase the role of the Commission, and allows other EU bodies, such as the Fundamental Rights Agency (FRA), as well as international organisations and non-governmental organisations, to play a part in the preparation of the evaluations. Further, the new proposal increases the number of visits to the Member States, which should, in principle, occur without prior notice. The Commission is also empowered to conduct unannounced evaluations and can work with an expanded definition of 'serious deficiencies'.

Apart from these positive developments, the Meijers Committee is not convinced that the proposed changes will remedy the major deficiency of the current system, as identified by the Commission itself: the fact that the mechanism did not generate sufficient political pressure on the Member States to repair severe deficiencies in their implementation of the Schengen *acquis*. Thus far, the Council discussed Schengen Evaluations only once (in the case of Greece). The process remains technical, and its outcomes remain invisible to national parliaments and the general public.

The observation, detection and description of the deficiencies and the formulation of the recommendations should remain primarily a technical process performed by experts. However, where the follow-up does not lead to swift action and concrete results, greater political scrutiny and transparency are in order. To ensure that the outcome of the monitoring mechanism is implemented in practice, the results should be discussed in political arenas, such as the Council, the European Parliament and the national parliaments. This requires, at least, that relevant stakeholders have timely access to the relevant information.

The proposal only marginally improves the role of the European Parliament and does not change the position of national parliaments. The European Parliament shall be informed by the Commission at least twice a year. The access to evaluation reports is slightly improved. But the national parliaments continue to receive only the evaluation reports and the Commission's recommendations.

The Meijers Committee recommends **strengthening the role of the European Parliament and the national parliaments** to ensure the implementation of the findings of the monitoring mechanism. The first step in that direction would be to improve further **access to documents** regarding the evaluation process.

These recommendations could be implemented as follows:

- Add in Article 18 SEMM a clause that the Commission shall invite the European Parliament to designate a representative with relevant professional and field experience to take part as an observer in an evaluation or monitoring activity. Article 18(5)-(7) provides already for other observers. The observer on behalf of the Parliament will be able to assist members of the European Parliament in their task with focussed and first-hand information.
- Add in Article 22(3) that the periodic reports to the EP and the Council will explicitly mention the document names and numbers of all the Council documents on the evaluation process produced during the six months of the report. This will facilitate access of Members of the European Parliament to the relevant documents.
- Add in Article 22(3) that the Commission shall send the relevant Council documents twice a year also to the national parliaments of the Member States addressed.
- Add in Article 19(3) that the Commission shall inform the national parliament of the Member State subject to the Schengen evaluation of any announced visits in advance. This will facilitate the participation and preparation of members of the national parliaments, ensuring access to relevant information during the Schengen evaluation.

As always, we are available for your questions and comments.

Yours sincerely,



Prof. A.B. Terlouw  
Chairwoman