


Procedure file

Basic information		
INI - Own-initiative procedure	1996/2139(INI)	Procedure completed
Schengen: assessment, inclusion in Community law, forms of cooperation with third countries, etc.		
Subject 7.10.02 Schengen area, Schengen acquis		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties and Internal Affairs	PSE VAN LANCKER Anne	29/05/1996

Key events			
05/09/1996	Committee referral announced in Parliament		
20/01/1997	Vote in committee		Summary
20/01/1997	Committee report tabled for plenary	A4-0014/1997	
10/03/1997	Debate in Parliament		
11/03/1997	Decision by Parliament	T4-0082/1997	Summary
11/03/1997	End of procedure in Parliament		
14/04/1997	Final act published in Official Journal		

Technical information	
Procedure reference	1996/2139(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 54
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/08094

Documentation gateway				
Committee report tabled for plenary, single reading		A4-0014/1997 OJ C 055 24.02.1997, p. 0003	20/01/1997	EP

Text adopted by Parliament, single reading	T4-0082/1997 OJ C 115 14.04.1997, p. 0017-0030	11/03/1997	EP	Summary
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Schengen: assessment, inclusion in Community law, forms of cooperation with third countries, etc.

Parliament adopted the report by Mrs A. VAN LANCKER (PSE, B) which highlighted the danger that the Convention applying the Schengen Agreement might 'serve as a pretext ... for sealing off external borders' and 'be accompanied by the introduction of new administrative controls which constitute an attack on human rights'. The wording condemned the lack of transparency of the Convention and regretted that the control of its implementation and 'the legal protection of the individual' were 'not appropriate'. The same concerns were expressed about the operation of the information system (SIS) which was 'mainly used as a database on undesirable aliens', including foreign nationals who had no police record or who had no right of appeal. MEPs called on the Commission to keep Parliament informed of 'measures and decisions which are proposed within the framework of the Third Pillar ... and of the operation of the Schengen agreements. In the area of asylum policy, the committee submitted an exhaustive list of guarantees which must be met before a signatory to the Schengen agreement can expel an asylum seeker to another State. As regards the enlargement of the EU to include the member countries of the Passport Union of Nordic States, this move was welcomed, but should not 'mortgage future attempts to bring the Schengen acquis within the Community system'. Standing by the priorities of the European Parliament on the IGC, the committee 'advocated the repeal of the unanimity rule for Council decisions relating to the freedom of movement of persons, measures to bring asylum policy and asylum rights within the Community system, external borders, migration, combating drug trafficking, international fraud and organised crime, judicial cooperation in civil matters and the recourse to Community procedures and institutions within the framework of the Third Pillar.' ?

Schengen: assessment, inclusion in Community law, forms of cooperation with third countries, etc.

In adopting the resolution of the Committee on Civil Liberties and Internal Affairs by 229 votes to 192, with 23 abstentions, the European Parliament reaffirmed that the freedom of movement of persons should be achieved within the framework of the internal market, in accordance with Article 7a of the Treaty on European Union. It called on the Commission and the Council to employ Community instruments to guarantee freedom of movement for all citizens of the EU and for third-country nationals who are legally resident in the Community, while at the same time creating a safer environment for all the inhabitants of the Union. Freedom to travel, which is enshrined in the Schengen agreement, should be guaranteed to all third-country citizens who are legally resident in the European Union. Parliament regretted that the Schengen agreements had basically been used as a means for restricting immigration; it therefore called for more selective measures, centred on combating crime, which would improve collaboration between the police services and judicial authorities. Parliament also called for more transparency and for greater Parliamentary control of the Commission, together with legal protection for the individual. While the removal of internal border controls should not be used as a pretext for setting up systematic controls in border zones or for sealing-off external borders, this policy should nevertheless be balanced by measures which provide for different, more selective and better targeted forms of control through the use of random checks. Parliament called for the re-introduction of internal border controls to be a temporary measure and advocated that any extension of their period of duration should only be possible after consultation with other Member States. As regards the operation of the Schengen Information System (SIS) and the protection of privacy, Parliament was concerned that this system had been used primarily as a database on 'undesirable aliens' and called for police files to be used solely for preventing actual risk situations and specific acts of criminal behaviour. It also called for cooperation between police forces to be better coordinated through the use of bilateral agreements. In respect of external border controls, Parliament advocated the implementation of measures which would guarantee the right of persons who have been detained at external borders to appeal against being refused admission. In the area of drug control, Parliament noted that the administrative and penal authorities of border regions had set up a framework of cooperation and it therefore called on the governments of the countries in question to participate in these efforts and to abolish internal border checks. In respect of asylum policy, Parliament was of the opinion that visa conditions, measures relating to border checks and bilateral agreements between signatories to the Schengen agreements and third countries should respect the right of the individual to ask for asylum and the duty of the State to abide by the principle of 'non expulsion', as laid down in the Geneva Convention. Parliament called on Member States not to expel asylum seekers to another country until they were certain that the request for asylum would be examined carefully and that the asylum seeker would be granted proper protection. It also called for the establishment of an appeal procedure with suspensory effect, which would enable asylum seekers to challenge the description 'safe country' as applied to non-member states. Parliament welcomed the admission of the Passport Union of Nordic States to the Schengen Area, but took the view that this should not stand in the way of future moves to bring the Schengen acquis within the Community system as such and that the admission of Norway and Iceland should not constitute a precedent for the enlargement of the Schengen Area to include other non-member states. In addition, the Schengen Executive Committee was called on to ensure that all necessary steps were taken to allow the simultaneous integration of Italy, Greece and Austria before October 1997. For the future, the European Parliament took the view that Parliamentary control of the operation of the Schengen agreements could be improved by setting up a permanent consultation group comprising representatives of the appropriate committees of the Parliaments concerned, which would include the European Parliament. The EP considered that the eventual integration of Schengen into the framework of the European Union should be accompanied by substantial progress towards the application of Community procedures and should provide for the right of initiative of the Commission, the increased participation of Parliament in establishing the legislative framework and in controlling its implementation, and judicial control by the Court of Justice of the European Communities. Parliament also called for an annual debate to be held on the operation of the Schengen agreements. ?