

New Legal Framework for Schengen Evaluation

Thomas Wahl

News

On 15 June 2022, Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) No 1053/2013 was [published in the Official Journal \(L 160,1\)](#).

The Regulation establishes an evaluation and monitoring mechanisms for the purpose of ensuring that participating Member States apply the *Schengen acquis* effectively, efficiently and correctly. It replaces the former specific mechanism as laid down in the 2013 Regulation. The new legal framework reacts to shortcomings which were identified in several assessments of the Schengen evaluation since November 2020 (→ [eucrim 2/2021, 76](#)). Enhancements include, *inter alia*:

- Establishment of multiannual evaluation programmes covering a period of seven years in order to identify, where relevant, specific priority areas to be covered by the periodic evaluations;
- Better targeted unannounced and thematic evaluations;
- Evaluation of activities of EU agencies and private parties which perform functions under the Schengen legislation;
- Streamlined evaluation procedures and fast-track mechanism to identify/respond to serious deficiencies;
- Strengthened cooperation with national experts and EU agencies (in particular Frontex and Europol) in evaluation and monitoring activities;
- Enhanced political role of the Council, having, *inter alia*, the possibility to adopt recommendations in cases of serious deficiencies, for first-time evaluations and thematic evaluations, and where the evaluated member state substantially contests the report.

The European Parliament was consulted in the legislative procedure and adopted its resolution on 7 April 2022. The draft Act was formally endorsed by the Council on 9 June 2022.

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