

The accession of Romania and Bulgaria to the Schengen area

Adopted at the YEPP Council Meeting in Larnaca, Cyprus. 26/11/2022

Recognising that:

1. the Protocol integrating the Schengen *acquis* into the framework of the European Union,
2. Article 67(2) of the Treaty on the Functioning of the European Union (TFEU), which provides that the Union must constitute an area of freedom, security and justice which ‘shall ensure the absence of internal border controls for persons’,
3. Article 21(1) TFEU, which provides that every citizen of the Union must have the right to move and reside freely within the territory of the Member States,
4. the Charter of Fundamental Rights of the European Union, including Article 45 thereof, which stipulates that every citizen of the Union has the right to move and reside freely within the territory of the Member States,
5. the draft Council decisions on the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania of 29 September 2010 (14142/10) and of 8 July 2011 (14142/1/10),
6. the draft Council decision of 7 December 2011 on the framework for the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania (14302/3/11),
7. its position of 8 June 2011 on the draft Council decision on the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania
8. having regard to its resolution of 11 December 2018 on the full application of the provisions of the Schengen *acquis* in Bulgaria and Romania: abolition of checks at internal land, sea and air borders¹,
9. the conclusions of the Justice and Home Affairs Council of 9 and 10 June 2011, 22 and 23 September 2011, 25 and 26 October 2012, 7 and 8 March 2013, and 5 and 6 December 2013,
10. its resolution of 13 October 2011 on the accession of Bulgaria and Romania to Schengen²,
11. the European Council conclusions of 9 December 2011 and 1 and 2 March 2012,

¹ OJ C 388, 13.11.2020, p. 18.

² OJ C 94 E, 3.4.2013, p. 13.

12. its resolution of 19 June 2020 on the situation in the Schengen area following the COVID-19 outbreak
13. That European Parliament's resolution of 18 October 2022 1 on the accession of Romania and Bulgaria to the Schengen area urges the Schengen member states to allow Romania and Bulgaria to join the EU free movement area without further delay.³
14. That the Commission calls the council to take the necessary decisions without further ado to allow Bulgaria, Romania and Croatia to fully participate the Schengen area. Following the confirmation of the voluntary fact-finding mission, which took place in October 2022 that these countries have substantially reinforced the overall application of the Schengen architecture in all its dimensions.⁴

Acknowledging that:

1. Bulgaria and Romania adopted the Schengen *acquis* upon their accession to the European Union in 2007
2. in 2008 Bulgaria issued its declaration of readiness to start the evaluations carried out by the Schengen Evaluation Working Group (SCH-EVAL), comprising experts from Schengen Member States
3. whereas in 2007 and 2008 Romania issued its declaration of readiness to start the evaluations carried out by SCH-EVAL
4. the completion of the Schengen evaluation process for Bulgaria and Romania and the state of preparedness of the two countries to implement all the provisions of the Schengen *acquis* were confirmed by SCH-EVAL experts, and by the Council in its conclusions of 9 and 10 June 2011
5. its draft decision of 8 July 2011, the Council verified that the necessary conditions for the application of the Schengen *acquis* had been met in all areas, namely data protection, air borders, land borders, police cooperation, the Schengen Information System, sea borders and visas
6. the completion of the Schengen evaluation process has entailed both countries fundamentally restructuring their border surveillance systems and investing in increased law enforcement capacity
7. according to the 2005 Act of Accession, the successful completion of the Schengen evaluation procedures is the only prerequisite for the full application of the Schengen *acquis*
8. Bulgaria and Romania's state of preparedness to apply the Schengen *acquis* in full has been acknowledged by heads of state and government in the Council on multiple occasions, as well as by the

³ https://www.europarl.europa.eu/doceo/document/TA-9-2022-0364_EN.html

⁴ https://ec.europa.eu/commission/presscorner/detail/en/ip_22_6945

Commission and Parliament, most recently in the Commission's State of Schengen Report 2022 and Parliament's resolution of 8 July 2021 on the Annual Report on the Functioning of the Schengen Area

9. in its draft decision of 29 September 2010, the Council proposed the full application of the Schengen *acquis* in Bulgaria and Romania and the abolition of checks at internal land, sea and air borders
10. the Schengen area is a unique arrangement and one of the greatest achievements of the European Union, facilitating the free movement of people within the Schengen area without internal border controls
11. this has been made possible through a variety of compensatory measures, such as the establishment of the Schengen Information System (to reinforce the exchange of information), as well as the creation of an evaluation mechanism to verify the implementation of the Schengen *acquis* by Member States and foster mutual trust in the functioning of the Schengen area
12. the maintenance of internal border controls in the Union and their reintroduction in the Schengen area has a serious impact on the lives of European citizens, in particular mobile workers and all those who benefit from the principle of free movement within the EU, and seriously undermines their trust in the European institutions and integration
13. this entails direct operational and investment costs for cross-border and mobile workers, tourists, road freight transporters and public administrations, with negative effects on the economies of the Member States and the functioning of the internal market of the EU, including a negative impact on the environment due to the large number of slow-moving trucks waiting at border crossing points
14. the maintenance of internal border controls for Bulgaria and Romania has, in particular, a negative impact on the principle of equality and non-discrimination within the EU, as well as on exports and imports from and to both Member States, and on transport operations from and to some of Europe's largest southern civilian fleet and freight ports, meaning lost benefits and increased spending
15. the full application of the provisions of the Schengen *acquis* in the Republic of Bulgaria and Romania would strengthen the Schengen area and help to ensure equal rights for all citizens within it
16. all the necessary conditions for the full application of the Schengen *acquis* to Romania and Bulgaria were already met by both Member States in 2011
17. Romania and Bulgaria's availability to voluntarily host a fact-finding mission, which constitutes an expression, on their part, of the principle of sincere cooperation and mutual trust, despite the fact that they have already met all of the legal requirements and there are no grounds for any further evaluations



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YEPP calls for:

1. The Council to take all the necessary steps to adopt its decision on the full application of the provisions of the Schengen *acquis* to the Republic of Bulgaria and Romania by the end of 2022, thus ensuring the abolition of checks on persons at all internal borders for both of those Member States in early 2023.
1. EPP to intensify its advocacy activities in the light of the upcoming home affairs vote in early December on whether to grant Romania and Bulgaria's accession to the Schengen area.