



2023/2668(RSP)

18.4.2023

DRAFT MOTION FOR A RESOLUTION

pursuant to Rule 227(2) of the Rules of Procedure

on the accession to the Schengen area
(2023/2668(RSP))

Dolors Montserrat
on behalf of the Committee on Petitions

**European Parliament resolution on the accession to the Schengen area
(2023/2668(RSP))**

The European Parliament,

- having regard to Protocol No 19 to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU) on the Schengen *acquis* integrated into the framework of the European Union (11997D/PRO/02),
- having regard to Article 67(1) and (2) TFEU, which states that the Union must constitute an area of freedom, security and justice which ‘shall ensure the absence of internal border controls for persons’,
- having regard to Article 2 TEU, which states that the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities,
- having regard to Articles 20 and 21(1) TFEU, which provide that every citizen of the Union must have the right to move and reside freely within the territory of the Member States,
- having regard to Article 18 TFEU, which states that ‘any discrimination on grounds of nationality shall be prohibited,
- having regard to Article 4(3) and Article 13(1) and (2) TEU regarding the obligation of the EU institutions to practice mutual sincere cooperation,
- having regard to Article 4(2) of the Act of 21 June 2005 concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the treaties on which the European Union is founded¹,
- having regard to 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,
- having regard to 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 Romania²,
- having regard to 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, 5 and 6 December 2013 and 8 and 9 December 2022,
- having regard to Council Decision (EU) 2017/1908 of 12 October 2017 on the putting into effect of certain provisions of the Schengen *acquis* relating to the Visa Information

¹ OJ L 157, 21.6.2005, p. 203.

² OJ C 380 E, 11.12.2012, p. 160.

System in the Republic of Bulgaria and Romania³,

- having regard to Council Decision (EU) 2018/934 of 25 June 2018 on the putting into effect of the remaining provisions of the Schengen *acquis* relating to the Schengen Information System in the Republic of Bulgaria and Romania⁴,
 - having regard to the Commission communication of 24 May 2022 entitled ‘State of Schengen Report 2022’ (COM(2022)0301),
 - having regard to the Commission communication of 16 November 2022 entitled ‘Making Schengen stronger with the full participation of Bulgaria, Romania and Croatia in the area without internal border controls’ (COM(2022)0636), including the Report of the voluntary based fact-finding mission to Romania and Bulgaria on the application of the Schengen *acquis* and its developments since 2011⁵, published together with the communication,
 - having regard to 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 1053/2013⁶,
 - 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 borders⁷,
 - having regard to its resolutions of 13 October 2011 and of 18 October 2022 on the accession of Romania and Bulgaria to the Schengen area⁸,
 - having regard to the report of 23 November 2022 of the complementary voluntary fact-finding mission to Romania and Bulgaria on the application of the Schengen *acquis* and its developments since 2011, sent to the European Parliament in December 2022,
 - having regard to the explainer of 9 December 2022 on Austria’s position, released by the Federal Ministry for European and International Affairs of the Republic of Austria,
 - having regard to Petition No 0004/2023 and Petition No 1033/2015 and the relevant discussion in the Committee on Petitions of 22 March 2023,
 - having regard to Rule 227(2) of its Rules of Procedure,
- A. whereas the Schengen area is one of the pillars of the European project and is essential in the framework of European citizenship and designed to be the bedrock of the European Union and of the single market as a whole; whereas the Schengen area is the most emblematic achievement of European integration and represents a tangible manifestation of the European way of life, driving the economy and uniting Europeans

³ OJ L 269, 19.10.2017, p. 39.

⁴ OJ L 165, 2.7.2018, p. 37.

⁵ https://home-affairs.ec.europa.eu/system/files/2022-11/Bulgaria%20and%20Romania%20fact-finding%20mission%20report_en.pdf.

⁶ OJ L 160, 15.6.2022, p. 1.

⁷ OJ C 388, 13.11.2020, p. 18.

⁸ OJ C 94 E, 3.4.2013, p. 13 and OJ C 149, 28.4.2023, p.11.

across internal borders;

- B. whereas for more than a decade, Romania and Bulgaria have not enjoyed the full benefits of the Schengen area due to the fact that they are still not full members, even though they have fulfilled all the obligations established in the Schengen *acquis*;
- C. whereas every day around 3.5 million people cross internal borders to work, study or visit families and friends and almost 1.7 million people reside in one Schengen country while working in another; whereas Europeans make an estimated 1.25 billion journeys within the Schengen area yearly, which greatly benefits the tourism and cultural sector⁹;
- D. whereas the non-accession of Romania and Bulgaria into Schengen represents an important societal and economic burden for the businesses and population of the two countries; whereas Romania has a population of more than 19 million and Bulgaria has a population of almost 7 million, to which should be added the members of their respective diasporas, who are EU citizens living in other Member States who regularly shoulder the same burden;
- E. whereas all citizens of Bulgaria and Romania are discriminated against because they face delays, excessive bureaucratic burden and additional costs when travelling or doing business abroad, compared to their counterparts from the Schengen countries; whereas the veto on the accession of Romania and Bulgaria to the Schengen area can lead to anti-European sentiment in these countries, thereby leading to a decline in confidence in the EU project and its institutions; stresses that identity checks raise trade costs for goods by approximately 0.4 % to 0.9 % of the value of trade at every Schengen border, while even higher costs apply to trade in services; stresses that trade costs for the entire Schengen area amount to EUR 6.5-13 billion per year;
- F. whereas in its 8 December 2022 meeting, the Council did not support the decision on the full application of the Schengen *acquis* in Romania and Bulgaria, in spite of the positive evaluation by the Commission, which underlined that Romania and Bulgaria continue to fulfil all criteria for fully acceding the Schengen area;
- G. whereas the arguments used in Austria's official motivation for the vote published on 9 December 2022¹⁰ are not related to the conditions established for Romania's accession to the Schengen area, as mentioned in Article 4(2) of the 2005 Act on the accession of the Republic of Bulgaria and Romania to the European Union;
- H. whereas Romania and Bulgaria have successfully completed the Schengen evaluation process in accordance with Article 4(2) of the 2005 Act on the accession of the Republic of Bulgaria and Romania to the Union; whereas the state of preparedness of these two countries to implement all the provisions of the Schengen *acquis* were confirmed by experts from the Schengen Evaluation Working Group (SCH-EVAL) and by the Council in its conclusions of 9 and 10 June 2011; whereas the Council found on 8 July 2011 that both countries had met the conditions necessary for the application of the Schengen *acquis* in all areas; whereas full participation in the Schengen area, once all agreed conditions are verified and met, is not a matter of privilege but rather a law-

⁹ OJ C 99, 1.3.2022, p.158.

¹⁰ Official document issued by the Austrian Federal Ministry for European and International Affairs on 9 December 2022 and presented as Annex 2 to Petition 0004/2023 on Romania's accession to the Schengen area.

based right in compliance with the EU treaties;

- I. whereas the voluntary fact-finding missions of October and November 2022 revealed that Bulgaria and Romania have continuously implemented the Schengen *acquis* and tools since 2011 in a comprehensive manner and are therefore valuable contributors to the proper functioning of the Schengen area;
- J. whereas the European Border and Coast Guard Agency (FRONTEX) has clearly stated, on the basis of statistical data, that Romania and Bulgaria do not represent a migratory route towards the rest of the Schengen area; whereas all Member States that belong to the Schengen area are obliged to comply with the Schengen *acquis*, including with regard to fundamental rights in accordance with Article 4 of the Schengen Borders Code¹¹;
- K. whereas according to the Commission, Romania has efficiently managed, in compliance with the Schengen standards, the more than 4.5 million Ukrainian refugees¹² which have come into the country since the start of Russia's illegal war of aggression against Ukraine;
- L. whereas the Commission and the European Parliament have called upon the Council to take, without any further delay, all necessary decisions in order for Bulgaria and Romania to become full members of the Schengen area;
- M. whereas the environment, as well as the health of drivers, custom workers and people living in the border crossing areas, are also at risk due to the increased pollution from the many thousands of vehicles which are queuing daily, waiting for hours or even days to cross the border between Hungary and Romania, Romania and Bulgaria and Bulgaria and Greece; whereas evidence-based information¹³ highlighted that 46 000 tonnes of CO₂ are emitted per year due to the failure to lift internal border controls for Romania and Bulgaria;
- N. whereas the waiting time for lorries crossing the borders between Schengen countries was between 10 to 30 minutes in 2021, with many of the crossings reporting no delay at all, while for the non-Schengen countries, delays at crossing points can stretch from a few hours to even days¹⁴; whereas in 2022 the lorry queues were more than 25 km at the western Romanian borders¹⁵; whereas these long queues at customs that extend for days have an extremely negative effect on the working conditions of lorry drivers and the environment;
- O. whereas both Romania and Bulgaria have registered significant financial losses in the past 11 years despite fulfilling all the necessary criteria to access the Schengen area,

¹¹ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23.3.2016, p.1).

¹² Romanian Border Police, <https://www.cotidianul.ro/cati-ucraineni-au-intrat-in-tara-noastra/> <https://www.politiadefrontiera.ro/ro/main/i-traficul-la-frontiera-in-data-de-13-iunie-2023-33710.html>.

¹³ Commission communication of 16 May 2023 entitled '[State of Schengen report 2023](#)' (COM(2023)0274).

¹⁴ <https://www.euronews.com/my-europe/2021/03/26/a-decade-after-talks-began-is-romania-any-closer-to-joining-schengen>.

¹⁵ National Union of Road Hauliers from Romania press release, available at <https://www.untrr.ro/en/press-release-untrr-requests-priority-for-romania-s-entry-into-the-schengen-area-and-the-right-of-free-movement-in-the-eu-for-romanian-road-carriers-and-passengers-without-blockages-for-trucks-and-coaches-at-the-eu-borders.html>.

while at the same time not benefiting from the related rights;

1. Reiterates, in line with its long-standing position as set out in its previous resolutions on the accession of Romania and Bulgaria to the Schengen area, its strong support for the enlargement of the Schengen area to include Romania and Bulgaria based on the fact that these countries have already demonstrated compliance with the necessary criteria, their effective fulfilment of Schengen obligations and the positive contribution they already bring to the Schengen area;
2. Expresses deep regret about the outcome of the Council deliberations of 8 December 2022, resulting in Romania and Bulgaria being denied accession to the Schengen area, without any legal justification related to accession criteria having been presented; considers that this outcome was motivated by national domestic political campaigns rather than the actual accession criteria;
3. Notes with severe concern that this outcome has made Romanian and Bulgarian citizens feel discriminated against and invites the Commission to consider analysing possible breaches of the Treaty on European Union; notes also that while Croatia's accession to the Schengen area was approved, the accession of Romania and Bulgaria was not approved; notes with concern that the refusal to extend the Schengen area to include Romania and Bulgaria has had a devastating effect on public support for the EU;
4. Urges the Council to fulfil its loyal cooperation obligations under Article 13 TEU in its relationship with the Commission and the European Parliament and expresses its good faith to act on the accession of Romania and Bulgaria to the Schengen area; considers that the refusal to accept Romania and Bulgaria into the Schengen area leads to a violation of the EU Charter of Fundamental Rights in relation to the right to human dignity (Article 1), liberty and security (Article 6), equality before the law (Article 20), environmental protection (Article 37) and freedom of movement (Article 45);
5. Requests that the Council respect Article 4(2) of the 2005 Act on the accession of the Republic of Bulgaria and Romania to the EU and vote, without further delay and no later than the end of 2023, in favour of the accession of the two countries and their full application of the Schengen *acquis* solely on the basis of their fulfilment of the Schengen criteria;
6. Asks the Council to take note that the collateral and irreparable damage, such as that produced by the increase in CO₂ emissions generated by the millions of vehicles per year waiting for hours at border controls, is in stark contrast with the Union's climate neutrality goals;
7. Regrets and points out with deep concern that the negative decision on the Schengen membership of Romania and Bulgaria is instrumentalised by anti-EU propaganda, including Russian propaganda, to the detriment of the EU's foreign policy goals; stresses that this decision, while not based on legally sound and applicable criteria, undermines the EU's capacity to promote its values and good governance in non-EU countries, including in accession countries;
8. Calls on the Commission to estimate the financial losses, missed gains and environmental damage incurred by Romania and Bulgaria, as well as by the Union as a whole, since 2011 due to the fact that Romania and Bulgaria are not Schengen

members; considers that the Commission should analyse possible mechanisms for the compensation of financial losses incurred by Bulgaria and Romania due to the negative and unjustified denial of Schengen area membership, taking into consideration financial losses starting from June 2011;

- 9 Underlines that the accession of Romania and Bulgaria to the Schengen area is essential, as an enlarged Schengen area without internal border controls will make the EU stronger:
10. Requests all Member States to fulfil their obligation of loyal cooperation with Romania and Bulgaria on these two Member States' accession to the Schengen area, in accordance with Article 4(3) TEU; notes that no Member State should arbitrarily violate the rights of other Member States, including their rightful accession into the Schengen area once the criteria are fulfilled
11. Urges the Commission to analyse all possible procedures to defend the right to free movement of Romanian and Bulgarian citizens;
12. Underlines the need to analyse current and potential future actions before the Court of Justice of the European Union;
13. Calls on the Council's Spanish presidency to give high priority to this topic and to schedule a vote on this matter in 2023; calls on the Council to take measures to avoid abuse of the power of veto;
14. Instructs its President to forward this resolution to the Commission, the Council and the governments and parliaments of the Member States.