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**COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN  
PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL**

**Back to Schengen - A Roadmap**

## 1. Introduction

*Schengen is one of the major achievements of European integration. The creation of an internal area without borders where persons and goods can circulate freely has brought important benefits to European citizens and business alike. Schengen is one of the key means through which European citizens can exercise their freedoms, and the internal market can prosper and develop.*

*Yet in recent months the system has been shaken to its core by the scale of the challenge of facing up to the largest refugee crisis since the Second World War. The conflict and crisis in Syria and elsewhere in the region have triggered record numbers of refugees and migrants arriving in the European Union, which in turn has revealed serious deficiencies at parts of the Union's external borders and resulted in a wave-through approach applied by some Member States. This has led to the creation of a route across the Western Balkans which sees migrants travelling swiftly north. In reaction, several Member States have resorted to reintroducing temporary internal border controls, placing in question the proper functioning of the Schengen area of free movement and its benefits to European citizens and the European economy. Restoring the Schengen area, without controls at internal borders, is therefore of paramount importance for the European Union as a whole.*

*This was recognised by the European Council of 18/19 February which gave a clear mandate to restore, in a concerted manner, the normal functioning of the Schengen area while giving full support to Member States in the most difficult circumstances.<sup>1</sup>*

*Actions are needed in three areas to bring the Schengen system of border management back to normality. First, steps must be taken to remedy the serious deficiencies that were identified in the management of the external border by Greece. Member States, EU Agencies and the Commission should all assist Greece in this regard. Second, the wave-through approach must end. Member States must take their responsibilities and comply with EU law, both in terms of granting access to the asylum procedure for persons requesting asylum and in terms of refusing entry at the border to persons who do not satisfy the entry conditions; under EU law, asylum seekers have no right to choose the Member State granting them protection. Third, the current patchwork of unilateral decisions on the reintroduction of border controls needs to be replaced with a coordinated approach to temporary border controls, with the aim to subsequently lift all internal border controls as quickly as possible and with a clear target date of December 2016. The Schengen Borders Code expressly provides for such a coordinated approach.*

*The current crisis has also underlined the close structural links between border management and related areas. The absence of internal border controls should go hand in hand with the framing of a common policy on asylum, immigration and external border control, based on solidarity between Member States, and which is fair to third-country nationals<sup>2</sup>. It is therefore essential that the European Border and Coast Guard is agreed and legally adopted by June at*

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<sup>1</sup> Paragraph 8 e): "The Council adopted a Recommendation on 12 February 2016. It is important to restore, in a concerted manner, the normal functioning of the Schengen area, with full support for Member States which face difficult circumstances. We need to get back to a situation where all Members of the Schengen area apply fully the Schengen Borders Code and refuse entry at external borders to third-country nationals who do not satisfy the entry conditions or who have not made an asylum application despite having had the opportunity to do so, while taking into account the specificities of maritime borders, including by implementing the EU-Turkey agenda".

<sup>2</sup> Article 67(2) of the Treaty on the Functioning of the European Union.

*the very latest so that it can start functioning during the summer, to ensure that the European Union can deliver on the joint responsibility of protecting the external border. Moreover, related challenges beyond border control need to be addressed in order to create the confidence needed to restore the full functioning of the Schengen area, as set out in the Commission's Communication of 10 February<sup>3</sup>. This includes in particular a substantial reduction in the flow of irregular migrants to Greece, by working with Turkey to fully implement the Joint Action Plan, and with the support of NATO. The full application of the existing Dublin rules must be progressively restored, with the full participation of Greece, in line with the Commission's recommendation of 10 February<sup>4</sup>, whilst improving these rules for the future based on the objective of solidarity and fair burden-sharing between Member States. The emergency relocation schemes already in place since September 2015 must deliver concrete results in terms of meaningful volumes of persons relocated from Greece. Those persons who have no right to stay in the European Union must be effectively returned.*

*Taken together and in a coordinated way, these measures will lay the foundations for a return to a normally functioning Schengen area at the latest by the end of 2016. This roadmap sets out the steps that need to be taken in order to achieve this objective.*

## **2. The costs of non-Schengen**

The reintroduction of internal border controls on a sustained basis within the EU would not solve the challenges of the migration crisis, yet it would entail huge economic, political and social costs for the EU and the individual Member States. It would also risk putting in jeopardy the judicial and police cooperation that has become one of the key elements of added-value arising from the Schengen system.

The stabilisation of the Schengen system through the use of its safeguard mechanisms is essential in order to ensure the subsequent lifting of all internal border controls. To fail to do so would not only deprive people of the huge benefits of free movement across borders, but it would impose major economic costs on the EU economy as a whole by damaging the Single Market.<sup>5</sup> From an economic perspective, the Commission has estimated that full re-establishment of border controls to monitor the movement of people within the Schengen area would generate immediate direct costs for the EU economy in a range between €5 and €18 billion annually<sup>6</sup>. These costs would be concentrated on certain actors and regions but would inevitably impact the EU economy as a whole.

The free exchange of goods within the EU currently accounts for more than €2,800 billion in value and 1,700 million tonnes in volume. The highest and most immediate impact of border

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<sup>3</sup> Commission Recommendation on the State of Play of Implementation of the Priority Actions under the European Agenda on Migration (COM(2016) 85 of 10 February 2016).

<sup>4</sup> Commission Recommendation addressed to the Hellenic Republic on the urgent measures to be taken by Greece in view of the resumption of transfers under Regulation (EU) No. 604/2013 (C(2016) 871 of 10 February 2016).

<sup>5</sup> According to France Stratégie, trade between countries in the Schengen zone could be reduced by at least 10% through the permanent reintroduction of internal border controls. Another study (Bertelsmann Stiftung Study on Departure from the Schengen Agreement. Macroeconomic impacts on Germany and the countries of the European Union, February 2016) has shown that, in the case of a reintroduction of border controls, over a period of 10 years, the economic performance of the EU as a whole would be between €500 billion and €1.4 trillion lower than without such controls.

<sup>6</sup> Estimated for road freight transport, cross border passenger mobility, tourism and corresponding administrative costs at the border.

controls would be felt by the road haulage sector, with an additional €1.7 to €7.5 billion of additional direct cost each year. Member States such as Poland, the Netherlands or Germany would face more than €500 million of additional costs for the road transport of traded goods while others such as Spain or the Czech Republic would see their businesses paying more than €200 million in additional costs. These costs will have a particularly harmful impact on those sectors that operate on small margins and/or where transport presents a high percentage of the costs. Sectors that could be particularly affected include the agricultural sector and the chemical sector as well as the transport of raw materials. In the medium term, costs of transportation that are unduly increased by delays in border controls could hurt the efficient development of EU value chains and the competitiveness of the EU economy as a whole.

There are 1.7 million workers in the EU crossing a border every day to go to their jobs. Border controls would cost commuters and other travellers between €1.3 and €5.2 billion in terms of time lost. More importantly, long waits at the border would discourage people from looking for cross-border opportunities in the labour market, reducing the pool of potential workers. This would in the medium term reduce the economic efficiency of some regions.<sup>7</sup>

The Commission estimates that at least 13 million tourist nights could be lost in the EU due to the reduction of intra-Schengen tourist trips caused by cumbersome border controls, with a total cost of €1.2 billion for the tourism sector. If border controls also bring a fragmentation of the EU's common visa policy, the potential impact for the tourism industry could multiply (between €10 and €20 billion). Travel agents trying to minimise the number of countries visited by lucrative long distance tourists such as Asian tourists would hurt all but the most popular EU tourist destinations.

Finally, between €0.6 and €5.8 billion of administrative costs would have to be paid by governments due to the need for increased staff for border controls. Investment in the necessary infrastructure would add several billions.

The costs detailed above, mostly reflect direct first order effects of border controls. The medium term, indirect costs may be considerably higher with unprecedented impact on intra-community trade, investment and mobility.

From the citizens' perspective, the reintroduction of border controls within the EU would damage the freedom of citizens to travel, which is one of the most cherished accomplishments of the EU. It would risk destroying one of the central achievements of European integration and the construction of a shared European space.

### **3. Ensuring the protection of the external borders**

The unprecedented migratory and refugee crisis has led to severe difficulties in several Member States in ensuring the efficient external border controls in accordance with the Schengen acquis and in the reception and processing of arriving migrants. Greece is, mainly due to its geographical situation, particularly affected by these developments due to a shift in migratory flows with the result that the Aegean Sea has become the most exposed area for irregular migration. In 2015, more than 868 000 persons entered into the Schengen area irregularly through this section of the external border. This massive inflow is of a nature that would put the external border control of any Member State under severe pressure. However,

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<sup>7</sup> The share of cross-border commuters is particularly high in Slovakia (5.7%), Estonia (3.5%), Hungary (2.4%) and Belgium (2.3%).

it does mean that there is an immediate need to address the current shortcomings in the protection of the external border by and in Greece. This is primarily the responsibility of Greece, but ultimately of the entire Union. Greece's external borders are also the external borders of each member of the Schengen area. Restoring a strong external border in Greece is an indispensable part of wider efforts to stabilise the asylum, migration and border policy in Greece, including the aim to bring Greece back into the Dublin system.<sup>8</sup>

Wider structural deficiencies in the way that the Union's external borders are currently protected have become evident in the current crisis. To address them, the Commission presented an ambitious proposal for a European Border and Coast Guard in December 2015. It is crucial that the co-legislators, the European Parliament and the Council, adopt the proposed Regulation without delay, by June at the very latest, in order for it to start functioning during the summer to ensure a high level of external border protection. To that end:

- Member States should already now start the necessary preparations for the mandatory pooling of resources.
- In the meantime, Member States should voluntarily step up the support provided to Frontex joint operations and rapid border interventions, in particular at present in Greece.
- Within the limits of its current mandate, Frontex, in coordination with the European Fisheries Control Agency and the European Maritime Safety Agency, should also take all possible steps to prepare the setting up of the European Border and Coast Guard. In particular, Frontex should take preparatory steps to enable the European Border and Coast Guard, once operational, to immediately conduct the first vulnerability tests under the proposed risk assessment and prevention mechanisms and complete them by September at the latest. This is in particular relevant since migration routes might change and all sections of the EU external borders should be secure.

### *3.1. Addressing the deficiencies in the external border management in Greece*

The Commission adopted a Schengen evaluation report on 2 February 2016, based on unannounced on-site visits to the Greek-Turkish land border and to the islands of Chios and Samos conducted from 10 to 13 November 2015. As a result, the Council adopted on 12 February 2016 a set of 50 recommendations to Greece to remedy serious deficiencies in external border management.<sup>9</sup> The recommendations concern in particular the identification, registration and fingerprinting of irregular migrants and sea border surveillance.

The Schengen Evaluation Mechanism and the Schengen Borders Code set out a clear procedure to address the serious deficiencies identified.

While recognising the improvements already made since the on-site visit in November 2015, the Commission adopted on 24 February 2016 an implementing decision setting out

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<sup>8</sup> See Report from the Commission to the European Parliament and the Council: Progress report on the implementation of the hotspots in Greece (COM(2016)141; 4 March 2016).

<sup>9</sup> Council Implementing Decision setting out a Recommendation on addressing the serious deficiencies identified in the 2015 evaluation of the application of the Schengen acquis in the field of management of the external borders by Greece (12 February 2016).

recommendations on specific measures to be taken by Greece, as provided for in the Schengen Borders Code.<sup>10</sup> These measures are designed with a view to ensuring full compliance by Greece with the recommendations of the Council. The implementation of these measures would serve the purpose of ensuring adequate border surveillance (including detection and apprehension), as well as correct and full identification, registration and reception of third-country nationals who crossed the external border irregularly, and return of those not in need of protection. This also applies to stepped-up exit controls at the border between Greece and the former Yugoslav Republic of Macedonia. In this way, these measures would safeguard the proper functioning of the Schengen area as a whole.

Within the framework set out by the Schengen Borders Code, the following steps will need to be taken to return to the orderly application of the Schengen rules in the protection of the external borders in Greece:

- **12 March 2016:** Greece should provide its action plan (required at the latest one month from adoption of the Council recommendations). By the same date (and then monthly), Greece should report to the Commission on the progress in the implementation of the Commission's recommendations of 24 February 2016.
- **12 April 2016:** after consulting the Member States' experts involved in the on-site visits in November 2015, at the latest one month after the presentation of the action plan, the Commission will present its assessment of the adequacy of this action plan to the Council. The other Member States shall be invited to comment on the action plan.
- **11-17 April 2016:** a Schengen evaluation carried out by Member States' experts and the Commission of air, land and sea borders of Greece will take place<sup>11</sup>. The programme for the evaluation of land and sea borders includes some of the locations visited in November 2015 (land border with Turkey and Samos Island). The information gathered during this evaluation visit will be available within days after the visit.
- **12 May 2016:** at the latest by this date, Greece has to report on the implementation of the Council recommendations.

The Commission will, on the basis of all the information at its disposal, assess without delay whether Greece meets its obligations under the Schengen Borders Code and to what extent the serious deficiencies in external border management in Greece have been remedied.

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<sup>10</sup> Commission Implementing Decision setting out a recommendation on specific measures to be taken by the Hellenic Republic following the evaluation report of 2 February 2016 (C(2016) 1219 of 24 February 2016).

<sup>11</sup> Commission Implementing Decision establishing the first section of the annual evaluation programme for 2016 in accordance with Article 6 of the Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis (C(2015) 8537 of 9 December 2015). It is planned that the evaluation will consist of on-sites visits to Athens, Thessaloniki and Heraklion airports (air borders), Piraeus, Mytilini Port, Samos Port, Kos Port and Symi Port (sea borders), Border Crossing Points Kipi, Pythio, Tycherio, Kastanies, Fylakio, Didymoteicho, Evzonoi and Krystallopigi (land borders).

### 3.2. Immediate support for Greece

The difficulties that Greece faces in the protection of the external border have an impact on the European Union as a whole. It is therefore necessary that other Member States show solidarity and collectively take responsibility for addressing the situation. EU Agencies and the Commission should also assist Greece. More precisely, Member States, EU Agencies and the Commission should support Greece in implementing the Recommendations made to Greece by the Council and the Commission<sup>12</sup> with regard to the following steps:

- Commission experts on the ground in Greece should continue to cooperate closely with the responsible Greek authorities and to coordinate the action of the other actors involved (Frontex, the European Asylum Support Office, Europol, national authorities of other Member States, international organisations). Among the actions, there should be 100% identification and registration of all entries, including systematic security checks against databases<sup>13</sup>.
- When presenting its action plan (no later than 12 March), Greece should in parallel present a clear needs assessment. This will allow other Member States, EU Agencies and the Commission to provide timely support to Greece according to the needs identified.
- Frontex should immediately assess Greece's needs assessment to prepare the further deployment of European Border Guard teams. If needed, Frontex should launch additional calls for contributions by 22 March at the latest.
- Other Member States should then assume their responsibility and respond to these calls within 10 days at the latest, by providing human resources and technical equipment.

## 4. Applying the rules and stopping the wave-through approach

### 4.1. Stopping the wave-through approach and restoring Dublin transfers to Greece

A wave-through approach is neither politically nor legally acceptable. Politically, the conclusions adopted by the European Council at its meeting on 18 and 19 February call for "*an end to the wave-through approach*". Instead of unilateral decisions, the agreed approach for better cooperation and coordination between the countries along the Western Balkans route must be implemented.

Legally, in accordance with Article 6 of the Asylum Procedures Directive<sup>14</sup>, if a third-country national requests asylum in a Member State, including when the application is made at the border, the Member State must grant that person access to the asylum procedure. The question of whether that Member State will remain responsible for the handling of the particular

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<sup>12</sup> The table in Annex II provides an overview of those recommendations for which the Commission and EU Agencies should contribute to ensure their full and timely implementation.

<sup>13</sup> In line with the conclusions of the European Council of 18 and 19 February 2016, paragraph 8 f).

<sup>14</sup> Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

application will then be decided in accordance with the relevant provisions of EU law, including in particular the Dublin Regulation.

In that regard, the Commission's Communication of 10 February underlined that if the Common European Asylum System is to work properly, there must be a real opportunity to return asylum-seekers to the country of first entry into the EU ("Dublin transfers"), as foreseen by the commonly agreed EU rules. Therefore, the Commission also adopted on 10 February a Recommendation listing the concrete steps needed in order to bring Greece back into the Dublin system<sup>15</sup>. Reporting by Greece on its progress in implementing the recommended actions, as well as other inputs such as reports from the Committee of Ministers of the Council of Europe on the execution of judgments and from the UNCHR, will clarify the assessment whether the conditions are such as to allow for Member States to resume individual transfers to Greece under the Dublin Regulation, bearing in mind that the volume of transfers and the categories of persons to be transferred would need to correspond to the specific progress being made. For its part, the Commission will carry out its assessment of the matter ahead of the June European Council.

At the same time, Member States should refuse entry at the external border to third-country nationals who do not satisfy the entry conditions provided in Article 5 of the Schengen Borders Code, including third-country nationals who have not made an asylum application despite having had the opportunity to do so. For Member States that have temporarily reintroduced controls at their internal borders, these Member States should also refuse entry at that internal border to third-country nationals who do not satisfy the entry conditions. This is irrespective of the intention of the third country national to apply for asylum in another Member State.

The wave-through approach is incompatible with Schengen and Dublin rules and encourages secondary movements and should be stopped. It also undermines the functioning of the relocation scheme, and it is thus one of the reasons for the poor implementation of the relocation decisions up to now. Therefore, stopping the wave-through approach in a coordinated way is a requirement for the functioning of the Schengen and Dublin systems, as well as the relocation scheme.

#### *4.2. Helping Greece to manage migratory pressure*

In its Communication of 10 February, the Commission identified a trend along the Western Balkan route towards a gradual tightening of border controls that could ultimately result in their closure. This trend has accelerated and has led to the intermittent closure of the border between the former Yugoslav Republic of Macedonia and Greece, in part in reaction to restrictions or closures applied in other countries along the route.

As the flow of migrants into Greece has not been reduced, an increasing number of migrants are stranded in Greece. Steps should be taken as a matter of urgency to address the growing humanitarian crisis in Greece and to relieve the migratory pressure it faces:

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<sup>15</sup> Commission Recommendation addressed to the Hellenic Republic on the urgent measures to be taken by Greece in view of the resumption of transfers under Regulation (EU) No. 604/2013 (C(2016) 871 of 10 February 2016).



- The implementation of the EU-Turkey Joint Action Plan and of the voluntary humanitarian admission scheme with Turkey<sup>16</sup> should lead to rapid decrease in the number of arrivals in Greece; with regard to the latter, the more Member States that take part in this scheme, the better the prospects for countering illegal migration in the Aegean Sea.
- Returns of persons with no right to stay and in no need of international protection to countries of origin and transit, including Turkey, should also reduce the number of irregular migrants present in Greece. Greece should accelerate readmissions, in particular with Turkey, on the basis of applicable existing readmission agreements and with the support of other Member States.
- The agreed relocation schemes are essential tools to lessen the strain on the Member States under greatest pressure and to restore order to the management of migration. In the case of Greece, it has also become a tool of humanitarian assistance. Member States must step up the rate of relocation speeding up processing in line with the need to carry out proper security checks<sup>17</sup>. The Commission stands ready to provide administrative and logistical assistance. In line with the schemes, Member States should also take all steps to inhibit secondary movements by requiring the immediate return to the Member State of relocation and by taking the necessary preventive measures in the field of access to social benefits and legal remedies, in accordance with Union law<sup>18</sup>.
- Humanitarian assistance to Greece should be stepped up, and facilitated through the rapid adoption and implementation of the Commission's proposal on the provision of emergency support within the Union.

In addition, the build-up of migratory pressure in Greece may lead to the increasing use of alternative routes through the wider Balkans region. The EU should make use of all instruments at its disposal (Member State information, EEAS, Commission, Frontex, Copernicus satellite) to monitor the migratory flows and to anticipate any changes of the route. It should also seek to intensify coordination with possible transit countries such as Albania, Montenegro and Bosnia-Herzegovina.

## **5. Internal border controls: from patchwork to a coherent approach**

### *5.1. The current situation: unilateral reintroduction of internal border controls*

Since September 2015, overall eight countries of the Schengen area have reintroduced border controls at their internal borders in view of a serious threat to internal security and public policy related to secondary movements of irregular migrants. The countries concerned are Belgium, Denmark, Germany, Hungary, Austria, Slovenia, Sweden and Norway. The unilateral decisions notified by Member States refer to the influx of high numbers of undocumented or inadequately documented persons, including minors, who were not registered upon their first entry into the EU, and the fact that these massive movements stretch

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<sup>16</sup> Commission Recommendation for a voluntary humanitarian admission scheme with Turkey, (C(2015) 9490 of 15 December 2015).

<sup>17</sup> In line with the conclusions of the European Council of 18 and 19 February 2016, paragraph 8 h).

<sup>18</sup> See in this regard, for instance, the judgment of the Court of Justice of the European Union in Joined Cases C-443/14 and C-444/14 Alo and Oso of 1 March 2016.

the reception capacities of the respective national authorities and pose a serious threat to public policy or internal security.

While the controls at the internal borders of Slovenia and Hungary have been lifted in the meantime<sup>19</sup>, the other countries have prolonged the controls on several occasions, in line with the Schengen Borders Code.

In all eight cases the countries have based the decision on the unilateral reintroduction of internal border controls on the provision for cases requiring immediate action (Article 25 Schengen Borders Code), which allows for reintroduced controls at internal borders for a period of up to 2 months. As the situation has not improved significantly, the controls have been subsequently prolonged based on Articles 23 and 24 Schengen Borders Code, which allows for reintroduced controls at internal borders for a period of up to 6 months. For the detailed information of the dates of reintroduction of internal border controls and their prolongations, see the overview in Annex I.

France reintroduced internal border controls in November 2015 for reasons not related to irregular migration. The controls were introduced first in the context of the COP21 Conference and then in consequence of the emergency state following the Paris terrorist attacks of 13 November 2015. The internal border controls in France are currently still ongoing. Such controls also need to comply with the provisions of the Schengen Borders Code on the introduction of temporary border controls. This Communication does not address internal border controls that were introduced for reasons unrelated to irregular migration.<sup>20</sup> It goes without saying that the intention to return to normality would not preclude the possibility to put in place justified temporary security controls, in line with the Schengen Borders Code.<sup>21</sup>

The reintroduction of controls at internal borders is an exceptional measure of temporary character. A combined implementation of Articles 23, 24 and 25 of the Schengen Borders Code allows for maintaining border control for a total period of up to eight months<sup>22</sup>.

## *5.2. Towards a coherent Union approach*

The Schengen Borders Code also provides for a coordinated approach of temporary internal border controls (Article 26).

This provision applies in exceptional circumstances where the overall functioning of the Schengen area is put at risk as a result of persistent serious deficiencies relating to the management of the external border. The provision also requires that those circumstances constitute a serious threat to public policy or internal security within the Schengen area or

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<sup>19</sup> Slovenia and Hungary did not prolong controls after 30 and 10 days respectively, in response to the decline of the identified threats.

<sup>20</sup> Malta reintroduced internal border controls on 9 November in the context of the Commonwealth Heads of Government Meeting and the Valletta Conference on Migration, and subsequently prolonged these controls for reasons of a global terrorist threat and with the aim to dismantle a smuggling ring. Malta lifted the internal border controls on 31 December 2015.

<sup>21</sup> For example, for the purposes of dealing effectively with the security implications of major sporting events, political demonstrations or high-profile political meetings.

<sup>22</sup> Accordingly, if continued, the internal border controls that countries reintroduced unilaterally under the Schengen Borders Code would have to expire at the latest by 13 May for Germany, 15 May for Austria, 9 July for Sweden and 15 July for Norway.

parts thereof. In such exceptional circumstances, the Commission can submit a proposal to the Council for a Recommendation that one or more Member States reintroduce border controls at all or specific parts of their internal borders.

At this moment in time, there are serious deficiencies in external border control caused by a lack of border surveillance and insufficient registration and identification of irregular migrants. As a consequence of the secondary movements triggered by these deficiencies, Member States have reintroduced internal border controls. These serious deficiencies therefore jeopardise the Schengen area as a whole, and are evidence of a threat to public policy or internal security in that area.

If the migratory pressures and the serious deficiencies in external border control were to persist beyond 12 May, the Commission therefore would need to present a proposal under Article 26(2) of the Schengen Borders Code to the Council recommending a coherent Union approach to internal border controls until the structural deficiencies in external border control are mitigated or remedied. The Commission will be prepared for this eventuality and would act without delay.

Any proposal by the Commission under Article 26 Schengen Borders Code would only propose border controls at those internal border sections where controls would be necessary and proportionate to respond to the serious threat to public policy and internal security identified. The recommended border controls would also be temporary and for the shortest possible period in view of the threat addressed. If the overall situation allows, the objective should be to lift all internal border controls within the Schengen area within six months from their introduction, namely by mid-November 2016.

The application of Article 26 Schengen Borders Code is a safeguard for the overall functioning of the Schengen area. It is not a sanction against any Member States, nor does it aim at excluding any Member State from the Schengen area.

## **6. Conclusion**

The Schengen system is currently severely challenged by its exposure to high migratory pressures, and hampered by serious deficiencies in external border control. These pressures and deficiencies have together put the functioning of the entire system at risk.

The challenges are multi-faceted. The Commission in its Communication of 10 February identified the different policies that need to be put in place to address the crisis in all its complexity. Based on those findings and responding to the call of the European Council to return to a situation in which all Member States fully apply the Schengen Borders Code, this Communication identifies a path back to normality based on the systematic application of the rules. Whilst the identified path cannot be viewed in isolation from other important factors, such as the successful implementation of the EU-Turkey Joint Action Plan, leading to a sustainable and material reduction in the flow of irregular migration, it is now time for Member States to pull together in the common interest to safeguard one of the Union's crowning achievements.

To that end, the roadmap back to a fully functioning Schengen area involves the following steps:

- **4 March 2016 (and monthly thereafter):** Greece reports on its progress in implementing the actions identified in the Recommendation on resuming Dublin transfers.
- **12 March 2016 at the latest:** Greece provides its action plan to implement the recommendations made by the Council, together with a needs assessment.
- **16 March 2016:** Commission Communication on the reform of the Dublin Regulation based on the objective of solidarity and fair burden-sharing between Member States.
- **16 March 2016:** the Commission presents its First Report on Relocation and Resettlement.
- **22 March 2016 at the latest:** Frontex launches additional calls for contributions to further deploy European Border Guard teams to support Greece.
- **1 April 2016 at the latest:** Member States respond to the Frontex call by providing human resources and technical equipment.
- **12 April 2016 at the latest:** the Commission presents its assessment of the adequacy of the action plan prepared by Greece.
- **16 April 2016:** the Commission presents its Second Report on Relocation and Resettlement.
- **11-17 April 2016:** a Schengen evaluation by Commission and Member State experts of air, land and sea borders of Greece will take place.
- **12 May 2016 at the latest:** Greece reports on the implementation of the Council recommendations.
- **12 May 2016:** if the serious deficiencies in external border control were to persist, the Commission will present a proposal under Article 26(2) of the Schengen Borders Code.
- **13 May 2016:** if the serious deficiencies in external border control were to persist, the Council should adopt a recommendation under Article 26(2) of the Schengen Borders Code for a coherent Union approach to temporary internal border controls.
- **16 May 2016:** the Commission presents its Third Report on Relocation and Resettlement.
- **June 2016 at the latest:** the co-legislators reach political agreement on the European Border and Coast Guard and adopt the legal act.
- **June 2016:** Commission presents its assessment of the possibility of resuming Dublin transfers to Greece.
- **August 2016 at the latest:** the European Border and Coast Guard is operational.
- **September 2016 at the latest:** the European Border and Coast Guard has delivered the first vulnerability tests so that any necessary preventive measures can be taken.
- **December 2016:** if the overall situation allows, the target date for bringing to an end the exceptional safeguard measures taken.