



Brussels, 13.1.2023
C(2023) 57 final

COMMISSION IMPLEMENTING DECISION

of 13.1.2023

establishing the multiannual evaluation programme for 2023-2029 in accordance with Article 12(1) and 31(1) of 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*

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establishing the multiannual evaluation programme for 2023-2029 in accordance with Article 12(1) and 31(1) of 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*

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 2022/922¹ 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 1053/2013², and in particular Articles 12(1) and 31(1) thereof,

Whereas:

- (1) The Commission should establish a multiannual evaluation programme on the basis of which each Member State will undergo one periodic evaluation during the period 2023-2029 and may undergo, where appropriate, one or more thematic or unannounced evaluations.
- (2) In accordance with Article 31(1), second subparagraph of Regulation (EU) No 2022/922, the multiannual evaluation programme for 2023-2029 should take into account the evaluations already carried out under the multiannual evaluation programme for 2020-2024, adopted under Regulation (EU) No 1053/2013³, the time that has elapsed since the previous periodic evaluations, and be drawn up as a continuation of that programme.
- (3) In particular, account should be taken of the delayed evaluations in the field of the common visa policy, caused by the COVID-19 related restriction to travel to the countries outside of the European Union. To ensure continuity in the verification of the application of the Schengen *acquis* also in the field of the common visa policy, it is necessary to schedule for the first two years of this multiannual evaluation programme the evaluation of the Member States that were not evaluated between 2020 and 2022 in accordance with the previous multiannual evaluation programme.
- (4) The multiannual evaluation programme should identify, where relevant, specific priority areas within the policy areas to be covered during the periodic evaluations under the evaluation and monitoring mechanism. The present multiannual programme should focus on two specific priority areas. A first priority area is the functioning of the national components of the European Border and Coast Guard within the policy area of management of the external borders and within the policy area of return. The

¹ OJ L 160, 15.6.2022, p. 1–27.

² OJ L 295, 6.11.2013, p. 27–37.

³ Commission Implementing Decision C(2020) 8045 of 14.12.2020, amending Implementing Decision C(2019) 3692 establishing the multiannual evaluation programme for 2020-2024.

effective performance of Member States' authorities responsible for border management and return, and their cooperation with the European Border and Coast Guard Agency (Frontex) for the purposes of situational awareness, risk analysis, vulnerability assessments and integrated planning is essential for the functioning of the Schengen area. This specific priority will also include the verification of the activities of Frontex insofar as it performs function on behalf of the Member States to assist in the operational application of provisions of the Schengen *acquis*. The Schengen Information System within the policy area of large-scale information systems supporting the application of the Schengen *acquis* is identified as a second specific priority area, given the entry into operation of the updated Schengen Information System planned for March 2023. If the identification of other specific priority areas within the policy areas will become relevant, the programme could be adapted accordingly at a later stage.

- (5) The year for the periodic evaluation of Bulgaria, Romania, Croatia and Cyprus⁴, not yet applying the Schengen *acquis* in full, will be determined once the date of the full application of the Schengen *acquis* in those Member States is known, and no later than one 1 year from these dates, following a decision taken by the Council in accordance with, respectively, Article 4(2) of the 2005 Act of Accession, Article 4(2) of the 2011 Act of Accession and Article 3(2) of the 2003 Act of Accession.
- (6) As regards the evaluations carried out for the purpose of Article 1(2(b)) of the Regulation (EU) No 2022/922 of 9 June 2022, the Member States, in respect of which a Council decision stating that the provisions of the Schengen *acquis* are to apply in full or in part has not been taken yet, will be determined once the Member State to be evaluated will have submitted its declaration of readiness.
- (7) The evaluation of Cyprus in the field of the Schengen Information System will take place following the adoption of the Council Decision on the application of the provisions of the Schengen *acquis* in the area of Schengen Information System in the Republic of Cyprus, and the connection of Cyprus to the system.
- (8) The 2023-2029 evaluation programme replaces the multiannual evaluation programme for 2020-2024.
- (9) Given that Regulation (EU) No 2022/922 builds upon the Schengen *acquis*, in accordance with Article 4 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark notified the implementation of Regulation (EU) No 2022/922 of 9 June 2022 in its national law. It is therefore bound under international law to implement this Decision.
- (10) Ireland is taking part in this Decision, in accordance with Article 5(1) of Protocol No 19 on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and Article 6(2) of Council Decision 2002/192/EC⁵.
- (11) As regards Iceland and Norway, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by

⁴ For Cyprus, the 'first time' evaluation in the field of the Schengen Information System still needs to take place in accordance with Article 1(2(b)) of the Regulation (EU) No 2022/922.

⁵ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning their association with the implementation, application and development of the Schengen *acquis*⁶, which fall within the area referred to in Article 1 of Council Decision 1999/437/EC⁷.

- (12) As regards Switzerland, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁸, which fall within the area referred to in Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁹.
- (13) As regards Liechtenstein, this Decision constitutes a development of provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*¹⁰ which fall within the area referred to in Article 1 of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU¹¹.
- (14) As regards Cyprus, Bulgaria, Romania and Croatia, this Decision constitutes an act building upon, or otherwise related to, the Schengen *acquis* within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession, Article 4(1) of the 2005 Act of Accession and Article 4(1) of the 2011 Act of Accession.
- (15) The relevant Union bodies, offices and agencies, which are participating in the implementation of the Schengen *acquis*, as well as the European Union Agency for Fundamental Rights, were consulted on 23 September 2022.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Schengen Committee,

⁶ OJ L 176, 10.7.1999, p. 36.

⁷ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁸ OJ L 53, 27.2.2008, p. 52.

⁹ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

¹⁰ OJ L 160, 18.6.2011, p. 21.

¹¹ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

HAS ADOPTED THIS DECISION:

Article 1

The multiannual evaluation programme for 2023-2029 with provisional list of Member States subject to periodic evaluations is set out in the Annex.

Article 2

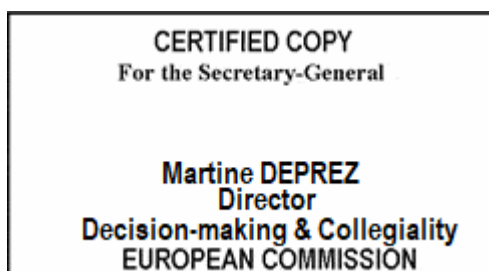
The starting date of the multiannual evaluation programme 2023-2029 shall be 1 February 2023 and the end date shall be 31 December 2029.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 13.1.2023

For the Commission
Ylva JOHANSSON
Member of the Commission





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ANNEX

ANNEX

to the

Commission Implementing Decision

establishing the multiannual evaluation programme for 2023-2029 in accordance with Article 12(1) and 31(1) of 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*

ANNEX

The multiannual evaluation programme 2023-2029 to verify the application of the Schengen *acquis* starts on 1 February 2023 and ends on 31 December 2029.

I. Provisional time schedule for the periodic evaluations carried out for the purpose of Article 1 of Council Regulation (EU) No 2022/922 of 9 June 2022¹

Year	MS subject to periodic evaluation²
2023*	FI, LT, LV, EE
2024**	PL, CZ, SK, HU
2025	CH, SI, AT
2026	DE, LI, NL, BE
2027	LU, FR, IT, EL
2028	MT, ES, PT, IE
2029	SE, IS, NO, DK

* *The delayed evaluations of Spain and Portugal in the field of the common visa policy caused by COVID-19 related restriction to travel to countries outside of the European Union will be included in the annual evaluation programme of 2023.*

** *The delayed evaluations of Sweden, Norway and Denmark in the field of the common visa policy caused by COVID-19 related restriction to travel to countries outside of the European Union will be included in the annual evaluation programme of 2024.*

II. Specific priority areas within the policy areas

Within the policy area of management of the external borders and within the policy area of return, the functioning of the national components of the European Border and Coast Guard was identified as a specific priority for the period of 2023-2027. This specific priority will also include the verification of the activities of Frontex insofar as it performs function on behalf of the Member States to assist in the operational application of provisions of the Schengen *acquis*.

Within the policy area of large-scale information systems supporting the application of the Schengen *acquis*, the Schengen Information System is identified as specific priority area for the period of 2023-2025.

¹ Council Regulation ((EU) No 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 (OJ L 160, 15.6.2022, p. 1–27).

² The final order of particular evaluations in a given year will be established in the annual programme.