



Brussels, 18.12.2023
C(2023) 5300 final

COMMISSION IMPLEMENTING DECISION

of 18.12.2023

establishing the annual evaluation programme for 2024 in accordance with Article 13(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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THE EUROPEAN COMMISSION,

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

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*¹, and in particular Article 13(1) thereof,

Whereas:

- (1) The Commission should establish an annual evaluation programme for 2024 for the selected Member States as regards the application of the Schengen *acquis*. The evaluation programme should in particular be based on risk analysis, expertise, reports and other relevant information obtained by the Commission.
- (2) The order of the periodic evaluations of the Member States is set out in the Annex to the Commission Implementing Decision C(2023) 5400² amending Commission Implementing Decision C(2023) 57³. In accordance with that Decision, Croatia, Poland, Hungary, Slovakia, and Czechia are to be evaluated in 2024 as regards their overall performance in the implementation of the Schengen *acquis*.
- (3) The periodic evaluation of Norway, Sweden, and Denmark in the field of the common visa policy, delayed by COVID-19 related restrictions to travel to countries outside of the European Union, should be included in the annual evaluation programme of 2024.
- (4) An effective EU return system is a key component of the comprehensive approach to migration put forward under the New Pact on Migration and Asylum⁴. It constitutes an essential element for a well-functioning Schengen area and is key to address irregular migration and unauthorised secondary movements. Therefore, building on the

¹ OJ L 160, 15.6.2022, p. 1-27.

² Commission Implementing Decision C(2023) 5400 final of 7 November 2023 amending Commission Implementing Decision C(2023) 57 final of 13 January 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*.

³ Annex to the Commission Implementing Decision C(2023) 57 establishing the multiannual evaluation programme 2023–2029 in accordance with Article 12(1) and 31(1) of the 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.

⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum (COM/2020/609 final).

common efforts made over the years by the EU and the Member States, the programme should include a thematic evaluation ‘Bridging national gaps: towards an effective EU return system through common innovative solutions’. The objective is to address major common obstacles in the area of return with a view to ensuring a well-functioning Schengen area. It will pay particular attention to pre-return challenges, notably the identification of third-country nationals with no right to stay in view of enhancing coordination and the coherence of the EU return system in this regard. The thematic evaluation will focus on issues where common EU solutions would bring additional added value and effectively support Member States tasks, through the identification of innovative tools and operational solutions that enhance the effective and swift return of third-country nationals with no right to stay, in particular those who are considered a security threat.

- (5) The risk analyses submitted by the European Border and Coast Guard Agency, Europol and the European Union Agency for Fundamental Rights as well as the replies from Member States to the standard questionnaire and the information from third parties have been taken into account in preparing the annual programme, in accordance with Articles 7, 8, 9, 10, 11 and 14 of Regulation (EU) 2022/922.
- (6) Regulation (EU) 2022/922 does not require the determination in the annual evaluation programme of the sites to be visited. The detailed programme for each evaluation activity with exact sites and locations to be visited will be established by the Commission in close cooperation with the lead experts and the Member State concerned in accordance with that Regulation.
- (7) Given that Regulation (EU) 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) 2022/922 of 9 June 2022 in its national law. It is therefore bound under international law to implement this Decision.
- (8) 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.
- (9) 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 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.
- (10) As regards Switzerland, this Decision constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European

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).

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).

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.

- (11) As regards Liechtenstein, this Decision constitutes a development of the 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.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Schengen Committee established in accordance with Article 30 of Regulation (EU) 922/2022

HAS ADOPTED THIS DECISION:

Article 1

The annual evaluation programme for 2024 is set out in the annex to this Decision.

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).

Article 2

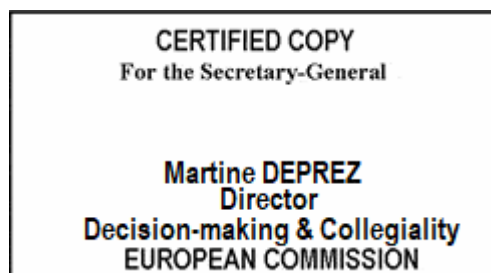
This Decision is addressed to the Member States.

Done at Brussels, 18.12.2023

For the Commission

Ylva JOHANSSON

Member of the Commission





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ANNEX

ANNEX

to the

Commission Implementing Decision

establishing the annual evaluation programme for 2024 in accordance with Article 13(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 annual evaluation programme to verify the application of the Schengen *acquis*

Provisional time schedule for the Member States to be evaluated in 2024¹

| | JAN | FEB | MAR | APR | MAY | JUN | JUL | AUG | SEP | OCT | NOV | DEC |
|----------------------|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Periodic evaluation* | HR** | | PL | | HU | | | | SK | | CZ | |
| Thematic evaluation | All the Member States fully applying the Schengen <i>acquis</i> | | | | | | | | | | | |

* The periodic evaluations in the field of visa policy in Norway and Sweden will be carried out in January/February 2024 and in Denmark in December 2024, as they had been delayed by COVID-19 related travel restrictions.

** The periodic evaluation of Croatia will start in December 2023 in the field of visa policy and will continue in January and February 2024 for other policy areas.

I. PERIODIC EVALUATION

The exact scope defining policy areas covered in each evaluation activity will be established by the Commission and communicated to the Member State concerned as part of the preparatory process.

The detailed programme for each evaluation activity with exact sites and locations to be visited will be established by the Commission in close cooperation with the lead experts and in line with Article 19(2) of the Regulation (EU) No 2022/922.

II. THEMATIC EVALUATION

Thematic Schengen evaluation ‘Bridging national gaps: towards an effective EU return system through common innovative solutions’ is planned to take place as of January 2024.

All the Member States fully applying the Schengen *acquis* are expected to be evaluated.

The intended methods of evaluation are questionnaires, videoconferences and on-site visits.

¹ In accordance with the Multiannual Evaluation Programme 2023-2029, Commission Implementing Decision C(2023) 5400 of 7 November 2023, amending Commission Implementing Decision C(2023) 57.