



Brussels, 13.1.2023  
C(2023) 56 final

**COMMISSION IMPLEMENTING DECISION**

**of 13.1.2023**

**establishing the annual evaluation programme for 2023 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**

# COMMISSION IMPLEMENTING DECISION

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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<sup>1</sup> of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis*, and in particular Article 13(1) thereof,

Whereas:

- (1) The Commission should establish an annual evaluation programme for 2023 on the evaluation of selected Member States as regards their application of aspects of the Schengen *acquis*. The evaluation programme should in particular be based on risk analysis and other information obtained by the Commission and cover aspects important for a good functioning of the Schengen area.
- (2) The order of the periodic evaluation of Member States is set out in the Annex to the Commission Implementing Decision C(2023) 57<sup>2</sup>. In 2023, Finland, Lithuania, Latvia and Estonia are to be evaluated.
- (3) 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 should be included in the annual evaluation programme of 2023.
- (4) On 28 May 2019, Cyprus declared to be ready for a first-time evaluation, with a view to applying the Schengen *acquis* in full. The evaluation in the fields of data protection, return, police cooperation, management of the external borders and the common visa policy took place over the period 2019 – 2021. Following the adoption of a Council Decision on the application of the provisions of the Schengen *acquis* in the area of Schengen Information System in the Republic of Cyprus, the first-time evaluation of Cyprus' Schengen Information System should take place in 2023.
- (5) The conclusions of the fourth comprehensive overview of illicit drug markets in the European Union by Europol and the European Monitoring Centre for Drugs and Drug Addiction<sup>3</sup> discloses a significant increase in the trafficking of drugs into the European Union, illustrated, in particular by, the seizure of record quantities of cocaine. Given

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<sup>1</sup> OJ L 160, 15.6.2022, p. 1-27.

<sup>2</sup> Annex to the Commission Implementing Decision C(2023) 57 establishing the multiannual evaluation programme 2023–2029 in accordance with Article 13 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.

<sup>3</sup> “EU Drug Markets: In-depth analysis” [https://www.emcdda.europa.eu/publications/eu-drug-markets/cocaine\\_en#section2](https://www.emcdda.europa.eu/publications/eu-drug-markets/cocaine_en#section2)

that this kind of cross-border crime is linked to the implementation of the Schengen *acquis* in several policy areas such as police cooperation, border management and IT systems that are relevant for the well-functioning of the Schengen area, the programme should include a thematic evaluation to identify best practices in the Member States' national capabilities in the area of police cooperation, protection of external borders and management of IT systems to fight against drugs trafficking into the EU.

- (6) 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.
- (7) 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 line the Regulation.
- (8) 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.
- (9) 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/EC<sup>4</sup>.
- (10) 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*<sup>5</sup> which fall within the area referred to in Article 1 of Council Decision 1999/437/EC<sup>6</sup>.
- (11) As regards Switzerland, this Decision constitutes a development of the 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*<sup>7</sup> 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/EC<sup>8</sup>.

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<sup>4</sup> 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).

<sup>5</sup> OJ L 176, 10.7.1999, p. 36.

<sup>6</sup> 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).

<sup>7</sup> OJ L 53, 27.2.2008, p. 52.

<sup>8</sup> 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

- (12) 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*<sup>9</sup> 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/EU<sup>10</sup>.
- (13) The measures provided for in this Decision are in accordance with the opinion of the Schengen Committee, referred to in Article 30 of Regulation (EU) 922/2022.

HAS ADOPTED THIS DECISION:

*Article 1*

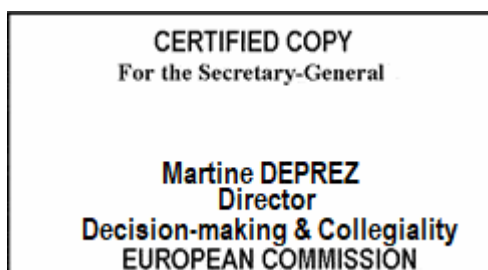
The annual evaluation programme for 2023 is set out in the Annex.

*Article 2*

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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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).

<sup>9</sup> OJ L 160, 18.6.2011, p. 21.

<sup>10</sup> 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).



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ANNEX

**ANNEX**

*to the*

**Commission Implementing Decision**

**establishing the annual evaluation programme for 2023 in accordance with Article 13(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**

## ANNEX

### The annual evaluation programme for 2023 to verify the application of the Schengen *acquis* Provisional time schedule for the Member States to be evaluated in 2023<sup>1</sup>

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Periodic evaluation*					FI				LV		EE	
First time evaluation						LT			CY			
Thematic evaluation			All Member States									

\* The evaluations in the field of visa policy of Spain and Portugal, delayed by COVID-19 related travel restrictions, will be carried out in February and March-April, respectively. The evaluations of Lithuania, Latvia and Estonia in this field will be combined and carried out in October-November.

#### **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. FIRST TIME EVALUATIONS**

The first-time evaluation of Cyprus in the field of the Schengen Information System is planned to take place in September 2023.

#### **III. THEMATIC EVALUATION**

A thematic evaluation to identify best practices in the Member States' national capabilities in the area of police cooperation, protection of external borders and management of IT systems to fight against drugs trafficking into the EU is planned to take place as of March 2023.

All the Member States are expected to be evaluated.

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

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<sup>1</sup> In accordance with the multiannual programme 2023-2029, Commission Implementing Decision C(2023) 57.