



Brussels, 4.11.2021  
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**COMMISSION IMPLEMENTING DECISION**

**of 4.11.2021**

**establishing the first section of the annual evaluation programme for 2022 in accordance with Article 6 of Council Regulation (EU) No 1053/2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis***

(Only the Bulgarian, Croatian, Czech, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish texts are authentic)

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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) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen<sup>1</sup>, and in particular Article 6(2) thereof,

Whereas:

- (1) The Commission should establish an annual evaluation programme for 2022 on the evaluation of selected Member States as regards their application of aspects of the Schengen *acquis*. The evaluation programme should in particular cover external borders, return, visa policy, the Schengen Information System (SIS), data protection and police cooperation, the correct application of which are important for a good functioning of the Schengen area.
- (2) The order in which the Member States are to be evaluated is set out in Commission Implementing Decision C(2019) 3692<sup>2</sup>, and was amended by Commission Implementing Decision C(2020) 8045<sup>3</sup>. In 2022 Denmark, Iceland, Norway, Portugal, Spain and Sweden are to be evaluated; however, the data protection evaluation of Portugal will not take place in 2022, but is planned for 2023.
- (3) The evaluations that were included in the 2021 annual programme but which could not take place due to the COVID-19 pandemic should also be included in the 2022 evaluation programme. Consequently, the evaluations of visa policy of Greece, Malta, Luxembourg and Italy and the evaluations of data protection of Luxembourg as well as the evaluation of SIS/SIRENE of Cyprus (Supplementary Information Request at the National Entries) should be included in the annual evaluation programme of 2022.

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<sup>1</sup> OJ L 295, 6.11.2013, p. 27.

<sup>2</sup> Commission Implementing Decision C(2019)3692 of 17 May 2019 establishing the multi-annual evaluation programme 2020 – 2024 in accordance with Article 5 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*.

<sup>3</sup> Commission Implementing Decision C(2020) 8045 of 14 December 2020 amending Commission Implementing Decision C(2019) 3692 of 17 May 2019 establishing the multiannual evaluation programme for 2020 - 2024.

- (4) 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 have been taken into account in preparing the annual programme. The sites to visit were chosen in view of the risks of irregular migration, passenger/traffic flows, as well as the capacity of the authorities implementing the *acquis* within the respective areas.
- (5) Given that Regulation (EU) No 1053/2013 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 1053/2013 in its national law. It is therefore bound under international law to implement this Decision.
- (6) 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>.
- (7) 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>.
- (8) 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>.
- (9) 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

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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 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).

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>.

- (10) The measures provided for in this Decision are in accordance with the opinion of the committee referred to in Article 21 of Regulation (EU) No 1053/2013,

HAS ADOPTED THIS DECISION:

*Article 1*

The first section of the annual evaluation programme for 2022 is set out in the Annex.

*Article 2*

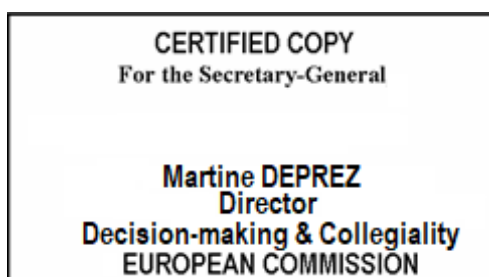
This Decision is addressed to the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden.

Done at Brussels, 4.11.2021

*For the Commission*

*Ylva JOHANSSON*

*Member of the Commission*



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<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).