

The Schengen Evaluation Mechanism: Exploring the views of experts in the field of police cooperation

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Abstract

Freedom of movement was founded in Europe over 30 years ago, signing the Schengen Agreement 1985. The convention implementing the Schengen Agreement (CISA) took effect in 1995. It was incorporated into EU law and considered a major achievement of European integration. The Schengen evaluation mechanism has been developed as guarding system for establishing and maintain effective cooperation and mutual trust among member states. There have been major changes within the mechanism, the initial intergovernmental peer review process is now a community method led by the European Commission. This study analyses the development of the Schengen area and the evaluation process, exploring the views of the evaluation experts assessing police cooperation. The research found that although the new evaluation system was considered appropriate for the monitoring the arrangements, there are key areas that could be improved within the process of conducting evaluations, maintaining expertise and sharing best practise.

Keywords: Schengen area, Schengen evaluation and monitoring mechanism, police cooperation, evaluation experts

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Introduction

The “Schengen area” is a “border-free” area in Europe, where the free movement of citizens and goods is facilitated. Most EU States, except for Bulgaria, Croatia, Cyprus, Ireland, Romania and the United Kingdom are part of Schengen, and four non-EU countries (Iceland, Norway, Switzerland and Liechtenstein). Bulgaria and Romania are in the process of joining the Schengen area, Croatia are fulfilling criteria to join (European Commission, 2018a).

Schengen members have agreed rules based on the mutual trust, but some tasks have been delegated away to other Member States (MS). For example, several measures are in place to compensate missing border controls, such as tightened border control on external borders, common rules on visas and relevant information system, enhanced cross-border police cooperation, judicial cooperation and Schengen Information System (SIS).³ These measures are assessed through the Schengen evaluation and monitoring mechanism (SEM)⁴ for reliability and effectiveness.

The aim of this research was to examine the development of the Schengen acquis⁵, police cooperation and its evaluation mechanism. The SEM has experienced recent changes⁶. The research explores the contribution of the evaluation system to ensure compliance and the potential for future development. Within this analysis, the research considers the views of expert evaluators in relation to the changes to SEM. Therefore, the research targeted mainly the Schengen police cooperation evaluation process.

3 **Schengen Information System (SIS)** – large scale information system supporting border controls and law enforcement cooperation in Schengen countries, allowing alerts to be seen and raised on wanted or missing persons or objects (European Commission 2018a).

4 **Schengen evaluation and monitoring mechanism (SEM)** – assesses the application of the Schengen acquis (Council Regulation (EU) No 1053/2013, recital 3).

5 **Schengen acquis** – legal framework for Schengen area, according to the Protocol integrating the Schengen acquis into the framework of the European Union (Annex B to the Treaty of Amsterdam). It includes Schengen Agreement (signed 1985), Convention of Implementation of Schengen Agreement (signed 1990), Accession protocols and agreements to the aforementioned legal acts, decisions and declarations adopted by the Executive Committee established by the 1990 Implementation Convention, as well as acts adopted for the implementation of the Convention by the organs upon which the Executive Committee has conferred decision making powers (The Treaty of Amsterdam, Annex B protocols, Official Journal C 340,10/11/1997 P. 0093).

6 The changes were introduced by Council Regulation (EU) No 1053/2013 implemented in spring 2015. The system was strengthened through new tools (e.g. unannounced visits, adding return field as a new area for evaluation, more regulated follow up procedures, evaluation activities are led by the European Commission), which will be explained in this writing later.

Schengen and police cooperation

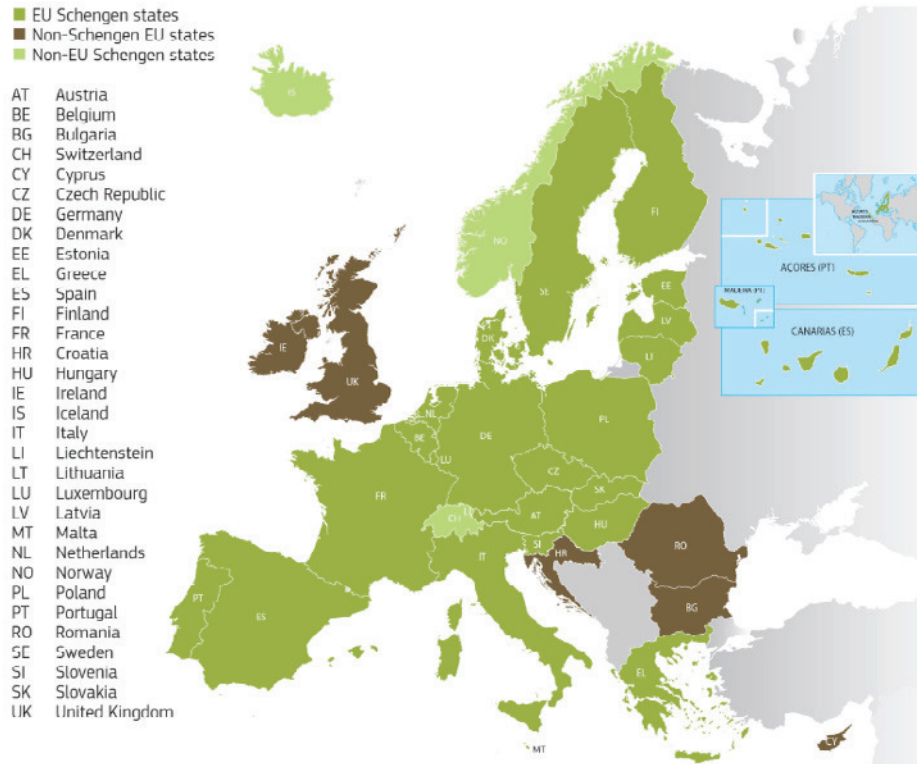
Schengen, it has been claimed, is *'the major achievement of European integration (...) [being] one of the key means through which European citizens can exercise their freedoms, and internal markets can prosper and develop'* (European Commission, 2016a: p.2). At this point, it would be useful to provide a brief overview of the Schengen system and cooperation.

Schengen started relatively slowly from the initiative of a group of founding countries. The limited regional initiative (Laursen, 2016) involving a limited group of countries has become one of the most important freedoms for EU citizens and significant influence on EU law (Eckes, 2014). Five countries (France, Germany, Belgium, Netherlands and Luxembourg) signed the Schengen Agreement 1985. The convention implementing the Schengen Agreement (CISA)⁷ was drafted and signed on 19 June 1990 and took effect in 1995. The idea grew incorporated into the EU by the Amsterdam Treaty 1997. The signatory states of the Schengen Agreement abolished internal borders. Common rules regarding visas, asylum requests and border controls were agreed and cooperation between police and justice authorities set up. Currently, the Treaty of European Union (TEU) describes free movement in conjunction as one of the key principles of the Union (Art. 3, Consolidated version of TEU 2012). The Treaty on the Functioning of the EU (TFEU) lays out the main objectives of Schengen cooperation, acknowledging the absence of internal borders and efficient control and integrated management for the external borders (Art.77, Consolidated version of TFEU 2012).

Although CISA is now part of the EU law, the Schengen area is not the same as the EU area (Figure 1). Some non-EU states enjoy the privilege of free movement, but some EU countries are still not fully part of the agreement. Popa argues that 'free movement can be even more important for the people of Eastern Europe because movement has been restricted through communism' (Popa, 2015: p.97). Although considered a positive outcome, the full accession of Bulgaria and Romania remains a political issue to be solved at Council level (Zhelev, 2015). Two countries have chosen not to implement the Schengen Agreement, preferring to maintain control over their own borders (Popa, 2015: p.97). The United Kingdom operates the SIS in the field of law enforcement cooperation and another state, Ireland, is in the process of integrating into SIS (European Commission, 2018a). The Schengen area becomes a complex and differentiated system. Since the Lisbon Treaty, it has been an "active policy domain", where EU combines freedom of movement with challenges of security and human dignity (De Capitani, 2014: pp.117-118).

⁷ Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

Figure 1. Map of the Schengen area and the Schengen States (source: European Commission 2018b)



The EU agencies (e.g. Frontex), common standards (e.g. Schengen Visa Code, Schengen Border Code) and the new Schengen evaluation mechanism have been developed to ensure consistency. The migration flow of 1.3 million people into the EU in 2015 (Connor, 2016) was a wake-up call for EU institutions. Schengen was at risk and in autumn 2015, some member states (Slovenia, Hungary, Austria, Germany, Sweden, and Norway) made a temporary reintroduction of border controls (Member States' notifications... 2017). Early 2016 the European Council gave a mandate 'to restore the normal functioning of the Schengen area' (European Commission, 2016a). The temporary introduction of border control in five countries was then decided at EU level, not by individual countries. It was done 'in exceptional circumstances putting the overall functioning of the Schengen area at risk' and supposed to last until November 2016 'as a last resort', but was prolonged on two occasions until November 2017 (European Commission proposals COM (2016)711, COM (2017)226).

The Commission tried to explain the need for strengthening Schengen governance for better evaluations in its communication some years ago. Free movement of citizens in the Schengen area is based on a system, where the mutual trust between the countries is guaranteed. However, tools put in place by EU cannot themselves ensure that agreed rules are applied. The Schengen evaluation mechanism is “used to monitor the application of the Schengen acquis and issue recommendations on any shortcomings” (European Commission 2011). Indeed, the Schengen evaluation is an important guarding mechanism necessary for keeping consistency among member states’ best practices. It is also important to keep the balance between national interests and the general aims of Schengen area.

A proposal to modify the Schengen evaluation was presented in 2009, aiming to entrust the Commission to take over the tasks from the intergovernmental group of experts. This proposal was rejected by the European Parliament, because they were excluded from the decision-making process (Pascouau, 2012). It was a source of tensions during discussions (Pascouau, 2013). The Commission explained later proposals for changes in SEM (European Commission 2011) arguing the intergovernmental system was not effective and that unannounced visits by Commission-led teams would be a solution. A follow-up procedure was mentioned as a goal for the new system there. After difficult discussions, the “new” SEM was finally adopted in 2013. Following the adoption, the Council issued conclusions on the past of Schengen evaluation (Legacy of Schengen evaluation..., 2014) dividing them into two periods:

1. **The pre-EU integration era** (from Schengen Agreement 1985 to the Treaty of Amsterdam 1999). It was an intergovernmental mechanism relying on the decision of the Executive Committee (SCH/Com-ex (98) 26 rev def.), better known as “the Mandate”. A “Standing Committee on the evaluation and implementation of Schengen” was set up in 1998. The role of the Executive Committee was taken over by the Council’s Schengen Evaluation Working Party, later becoming the Council Working Party for Schengen Matters - Schengen Evaluation (the Scheval Working Party).
2. **Post-integration: the EU era** (from the Treaty of Amsterdam 1999 to new Schengen evaluation regulation 2014). Countries were visited at regular intervals by teams of experts from the Schengen MS accompanied by a representative from the General Secretariat of the Council and a Commission observer, to verify jointly whether the collective trust was justified. Compliance was assessed in border control at air, land and sea borders, police cooperation, data protection, visa issuance and the functioning of the Schengen Information System (SIS), and SIRENE bureaus and guidelines were given to the MS where necessary.

A **third era** could be added now: (operational). Implementation of new Schengen evaluation mechanism (starting from the 27th of November 2014, when all second mandate evaluations are carried out).

The Schengen evaluation and monitoring process has been an important tool for keeping the system working and to ensure the mutual trust between countries continues. Being initially an inter-governmental peer review system, it has become a more community-based method (European Parliament's Policy Department ..., 2016). The aim for improved effectiveness and new security challenges in Europe has been a driving force behind these changes.

There are clearer rules for outcomes for evaluations, based on certain standardised criteria. The assessments are divided into three categories: 'compliant', 'compliant, but improvement necessary' and 'non-compliant' (Council Regulation 1053/2013; European Commission, 2015). The assessments in previous system were not so well defined and could be presented differently. This new tool is to ensure that the evaluation will result with an objective assessment and that the reports of different countries are more comparable.

It can be summarised that the main new tools available for evaluation are:

- evaluation missions and follow-up procedures are led by the Commission;
- experts from EU agencies are observers in the team;
- unannounced evaluation visits to get more realistic insight.

The concerns or problems still present in new SEM are:

- questionable objectivity of the assessment due to the close networking of experts;
- the ability of the evaluated countries to implement the recommendations;
- too lengthy procedures decreasing the effectiveness of the system.

Although the literature (e.g. European Parliament's Policy Department ..., 2016; De Capitani, 2014; Pascouau, 2013) suggests the new evaluation mechanism should be more effective, strict and objective analysis of the available sources exposed questions concerning the objectivity of Schengen evaluation mechanism, the possible influence of the networking and areas for improvement. These potential problems and gaps of knowledge are related to the *research questions in this study*:

1. What are the differences, if any, between the "old" and "new" system and main benefits of the current Schengen evaluation mechanism?
2. Does the SEM ensure the full compliance of the states involved?
3. What do evaluation experts think about SEM implementation? What is their personal view of their role and on the objectivity of the SEM?

4. What is the possible influence of networking on the evaluation? Do the good relations between experts involved have any impact on the evaluation results? If so, what kind of impact?
5. What are the possibilities for the further development of Schengen Evaluations?

In short, the research is aimed to examine effectiveness and objectiveness of the Schengen evaluation process in the field of police cooperation and perceived differences between new and old systems. It explores the experience and views of the MS and EU evaluation experts.

Methodology

The most valuable source of empirical information regarding the SEM is the experts being involved in evaluation missions. The target group were the experts with experience in police cooperation evaluations (see Table 1 for a brief characterisation). The selection of the experts was challenging, as there is no list of Schengen police cooperation evaluation experts available. There are approximately 1-2 experts per Schengen member state on average (about 60 in total of which a third is more active⁸). Therefore, different contacts with known and less known colleagues had to be used to put the possible list of candidates together. Comparing those lists, the first preference was to choose experts with sufficient experience in (preferably both) Schengen evaluations. The second and equally important criteria was to find at least two potential interviewees from all identified regions (but not more than one expert from the same state) and involve EU institutions and agencies. The list of 33 possible candidates from 21 countries and two EU institutions/agencies was put together, 23 of them were contacted.

Table 1. General information about the background of the interviewed experts

Characteristics, markers of the experts	Yrs, times, amount
Average age (yrs)	45
Average work experience in related field (yrs)	20
Experts currently at Deputy's/Head's of Unit position	7
Total number of eval missions done by the group	117
	<i>in old system</i>
	63
	<i>in new system</i>
	54
Average missions per expert (without EU)	5

⁸ The representative of DG Migration and Home Affairs was on the opinion in verbal informal conversation that the estimated number of evaluation experts in the field of police cooperation can be approximately 60, from which maybe only a third (15-20) are more active.

Characteristics, markers of the experts	Yrs, times, amount
<i>Maximum missions per expert</i>	over 20
<i>Experts who had been in LE role</i>	8
Postgraduate degree (master or PhD)	13
Number of persons with some police education	12
Police officers	11
Number of experts having special Scheval training	14
<i>Incl. before the first mission</i>	8
<i>Number of people trained in CEPOL course</i>	13
Experts having done at least 1 Schengen evaluation in other field	6

Although different methods are available for collecting data (such as written questionnaire, a structured, open interview), the semi-structured interview was selected as a research method for the following reasons: First, the higher response rate is possible among a low number of available experts. Second, the interview can be considered as the best approach, since the objective of the research is exploratory, examining the attitudes and feelings of the evaluation experts. Third, the use of semi-structured interview was selected because the interviewer has also some personal experience in the field of police cooperation evaluations and the method allows flexibility and participants to add details about their specific experiences, to clarify views or to expand on the responses in discussions. Since there was still a need to maintain some structure in the information received and be able to compare to some extent with other interviews, open interviews or informal conversations would be too spontaneous or unstructured for comparison (Gray, 2004: pp.214-217). Semi-structured interview enables the researcher to encourage the interviewees to present their personal opinions through the dialogue with interviewers (Noaks and Wincup, 2004: p.79).

In total 18 interviews (respondents labelled A-R in the analysis) were conducted with the experts from 14 countries and two EU institutions between April and June 2017 (Table 2). 10 interviews were face-to-face and eight interviews through video conference or phone call. The total length of recordings was almost 14 hrs and the average interview was about 46 minutes. The interview data was analysed using thematic analysis. Due to the relatively low number of the available experts in this field and the need for objective answers, confidentiality considerations are limiting the use of data collected during the interviews. A coding system was used and participants were identified by region rather than country and were aware of their right to withdraw their consent at anytime.

Table 2. Division of interviewed experts between the groups

Group	Countries, institutions	No experts interviewed	No of states, Institutions
1 <i>Alpine countries</i>	Austria, Switzerland, Liechtenstein, Slovenia, Germany	2	2
2 <i>Baltic countries</i>	Estonia, Latvia, and Lithuania	2	2
3 <i>Benelux countries</i>	Belgium, the Netherlands, and Luxembourg	2	2
4 <i>British Isles</i>	England, Wales, Scotland, Northern Ireland, and the Republic of Ireland	2	2
5 <i>Central European countries</i>	Poland, Czech Republic, Romania, Slovakia and Hungary	2	2
6 <i>EU institutions</i>	Commission DG, General Secretariat of the Council, EUROPOL, CEPOL	4	2
7 <i>Mediterranean countries</i>	Portugal, Spain, France, Monaco, Italy, Croatia, Greece, Cyprus, Malta	2	2
8 <i>Nordic countries</i>	Sweden, Norway, Finland, Denmark, Iceland	2	2
Total number of experts		18	16

Analysis: The views of experts on Schengen evaluations

General assessments

Networking between experts was seen as a positive effect. There was not much evidence of negative attitudes detected on behalf of the evaluated countries. The group dynamics and the relationships with the evaluated country appear to be influenced by the personalities involved in the process. It is also important to note that the main effect does not come only from the Schengen evaluation visits and that SEM actually has a wider positive influence on the countries involved. The internal preparation for the scheduled external evaluation is an important outcome benefiting the development of the evaluated countries. It usually enables a deeper self-evaluation than any outsider can do. If the country wants to be seen in a good light, there will be improvements made before the official evaluations are underway. Recommendations given during the Schengen evaluation can also support the internal efforts of the agencies involved and put pressure on decision-makers at state level.

The experts were asked to give their general assessment on the Schengen evaluation mechanism. All experts were of the opinion that it works at least to a satisfactory level and helps countries to improve in the field of international police cooperation. The changes in SEM have been mostly seen as good but there are opportunities for improvement. Few experts saw Schengen police cooperation as a secondary evaluation among all the fields of evaluations. They believed that SEM is actually designed for other fields.

The experts were of the opinion that Schengen evaluation is an important tool to check if the country is on the right course and to advise on doing things in the right way.

EXPERT O: *"It does [work], if there wouldn't be any missions like this evaluation, check mechanism, so, in our country we would have different approach to everything. So, it wouldn't work at all."*

EXPERT K: *"I think really improve the things, not only sometimes in the Schengen matters but also in the police structure. If I may take an example with my country, for example, before Schengen, there was no uniform statistics on police activity. /.../ It was really a mess. /.../"*

SEM also helps to keep track, how countries are dealing with problems identified. Although, some experts believe that there are no strict sanctions, if the country doesn't follow the recommendations, it still supports the development process. Some experts see the evaluation and networking as a good tool for internal negotiations regarding the rules and budget for changing activities.

The future of Schengen evaluations

The new Schengen evaluation mechanism started to be implemented in spring 2015. It is a bit too early to come up with any drastic changes in the current system. However, there are some concerns and areas for improvement that could be identified. It is mentioned in article 22 in the SEM regulation, that the Commission should undertake the review of the operation of the new evaluation system six months after the evaluation reports from the first multi-annual (five-years) evaluations are adopted (Council Regulation 1053/2013). This will occur most probably in the year 2020. It might be good timing to start analysing the current system and to think about the possible improvements now, especially keeping in mind previous lengthy discussions between the Commission, EP and Council regarding the current regulations.

The experts did not propose many improvements in terms of the Schengen evaluation mechanism. They were mainly focused on implementing the existing system and sharing best practices between evaluation fields. The bureaucracy and length of the procedure are concerns mentioned by the experts from the MS and EU institutions. Most probably, the shorter internal procedures of adoption, planning respective meetings well in advance with the representatives of states (Schengen Committee and Scheval WP) and keeping to deadlines for the decision-makers, could optimise the process. There are already good practices in place in the follow-ups. Discussions regarding the implementation of monitoring provisions from current regulation (Council Regulation 1053/2013) have caused some confusion but in general the follow-up system takes some shape through experience. Training of the 40 evaluation experts (SIS/Sirene and police cooperation) has been delivered by CEPOL in 2018 (CEPOL Single Programming Document 2018-

2020). The Commission in cooperation with other institutions should take some steps in the fields of improvement mentioned by the evaluation experts.

There were no consistent views about possible improvements to the current SEM, since the experts were quite diverse in their suggestions. The following division of the responses are therefore conditional and interpreted by the authors. Most often mentioned possible improvements are listed below:

- procedure/legislation (7 occasions);
- training or available expertise (8 occasions);
- programming and time management (6 occasions).

A couple of experts did not see anything important to be improved now and considered the existing new evaluation system still to be tested.

First, the procedural/legislative issues involved among other things shortening the process of bureaucracy regarding the evaluation report and recommendations, and how these are handled and prepared for the evaluation. Improvements, according to the experts, should start with border related issues. The field of police cooperation alone does not seem to be that influential at EU level.

EXPERT Q: ".../If something structural comes, I would expect, that it would come for border people, people who really... you know, because they are 'de chef of the theatre'. Main service for the Schengen evaluation /.../"

Some experts mentioned that the evaluation could cover a wider area of police cooperation, not limiting itself to Schengen. For example, in reality it is quite difficult to distinguish if the joint patrol was done under the Schengen or Prüm regulation ("Prüm" Convention ..., 2005, Council Decision 2008/615/JHA).

Second, the availability of the experts with appropriate training/experience, improve planning of their involvement, and improve information exchange between experts. Few experts argued that the Commission should also try to employ more people with specific experience from the field to be involved in on-site visits. An agreed pool of trained experts with the platform of information exchange is one of the solutions for having enough MS officials available for Schengen police cooperation missions. A rotation of experts would be beneficial to share best practices in different evaluation fields.

Third, improvement could be made in organisation, programming and time management of the preparatory phase and in on-site visit. Good preparation through the questionnaire and possible pre-evaluation visit meeting would help to save time during the on-site visit. Some experts proposed that more precise guidelines should be given to the

evaluated country for their presentations, to avoid duplication of the information available for the evaluators. More practical inspections could be commissioned.

EXPERT N: *"... You read all this information, then you go and sit in a room for maybe even five, six hours being presented more or less the same thing you read a week before you got to that country. Then you're given about an hour to go and actually check. /... / I don't need to listen to it again. For me, maybe, this is one of the major aspects on which it can be improved."*

Other areas for improvement included: the possibility of sanctions and more frequently organised unannounced visits (4 occasions); update the catalogues of best practices (3); wider view on the evaluations and cross reference between different evaluation fields (3). There is a need for a better system to stimulate countries who do not follow recommendations, to make improvements in long term. So far pressure has not been that visible for the evaluation experts. Unannounced visits were seen as a good tool for getting a realistic perspective and motivate countries to make efforts between the 5-year evaluation periods.

The catalogues/ manuals should be updated on a regular basis and the best practices should be used across the evaluation fields, where possible. An expert recommended that the Commission should make more use of their position to examine evaluations in a more general way and find crosscutting issues, making sure that they are correctly addressed. Improved training was also mentioned.

EXPERT F: *"You can also improve the trainings. There are trainings organized by FRONTEX and there are trainings organized by CEPOL. Maybe once this evaluation process is more or less the same in each area, they could be preparing the same way in this approach /... /"*

Finally, there were some proposals regarding the tasking team members (the position of two leading experts and their roles) and how evaluators examine different practices in different countries. One expert was in opinion that there should be certain limitations in using best practices as an argument for any kind of recommendations – differences between the policing systems should still kept in mind.

EXPERT B: *"... / The cops on the ground will understand, what works much more, than a lot of European kind of evaluators. I think that sometimes only evaluators have freedom to say a lot's of - "we must do this, because the manual says you must do this." I don't think, that is necessarily the way, I would like to see that change."*

Recommendations

To summarise, the potential future of Schengen evaluations should be on the implementation of the current system without major changes. These proposals are about improving exchange of information, planning of the programs and resources, training and maintaining a pool of experts available for the evaluations, shortening the length of the procedures and better follow-up monitoring.

The following proposals can be made:

- Support the exchange of the best practices and information among the different evaluation fields and experts;
- Create a permanent pool of experts and with regular training (organised by CEPOL, Frontex or any other relevant organisation);
- Work with evaluation experts to develop a review mechanism to ensure evaluations meet needs of the changing context in Europe;
- Encourage the rotation of the COM and MS experts;
- Introduce the Code of Ethics to Schengen evaluators. Existing guidelines should be reviewed and amended;
- Review/update catalogues/manuals of the best practices. Best practices should be critically assessed;
- Improve internal guidelines for the Commission to monitor crosscutting issues among different evaluation fields;
- Improve the follow-up system of countries with serious deficiencies;
- Improve planning for the on-site visit programme with evaluated country to avoid duplications;
- Involve different EU agencies more actively as an observer to the different evaluation actions with clear task.

Conclusion

The views of the experts were explored and analysed in the research to fill in the gaps of knowledge about practical issues relating to the implementation of Schengen police cooperation evaluations and to formulate proposals for future improvements. As far as we know, there is no similar empirical study available in this field.

Initially the objectivity of the evaluations seemed to be the key issue generated from the literature; however, the reflections from the interviewees suggested the significance of that criticism was overestimated. The current study serves as an exploratory study and provides an insight into the views of evaluators. It may be necessary to plan further

research with wider focus including all the evaluation fields and a greater number of experts.

The evaluation system developed from the intergovernmental to the supranational mechanism is fully integrated within the EU system. It is led by the European Commission but MS still influence the implementation of the evaluation mechanism as a whole.

It is possible to critique both, the “old” and “new” evaluation mechanisms. Still, the new system was viewed as being generally more effective than the old one. The main arguments were: clearer structure of the actions and reporting and common financial system supporting MS experts participating the on-site visits. The new mechanism is seeking also a more neutral approach, where the Commission has taken a leading role, although it is still shared with the MS. The EU agencies are also involved. It should give higher credibility to the results, if the observers are well chosen and want to contribute. There were some concerns discussed as well – for example, the objectivity of the experts might be put under question in some circumstances, the possible influence of the networking, too strong role of the Commission, not clear division of the tasks between two leading experts, excessively long and bureaucratic process of the adoption of the recommendations and other procedural issues.

Schengen evaluation is not fully objective as long as people are involved in the process, because of its human and peer-to-peer nature. The research shows that it does not play an important role, because the most significant improvements in an evaluated country will usually take place in the preparation phase before the official visit. Many experts assessed it as a crucial part of the development. The evaluation will help to improve the MS performance. It can sometimes be used as an external pressure to the internal policy to be improved. Experts do consider professional networking as rather positive effect and being useful for the evaluation process enabling to receive more and better quality of information.

The research findings presented in this paper set out the strengths and weakness of the current Schengen evaluation system. The recommendations point to enhancing procedures and processes within a system that is fit for purpose from the perspective of the experts that lead evaluations. Therefore, the potential impact of this research is to identify areas for improved operation, efficiency and effectiveness of system that is in the early stages of its implementation. Further developments in Schengen evaluations will depend on general developments in EU and on the readiness of the states to make concessions in their sovereignty.

References

- CEPOL (2017) *Single Programming Document: Years 2018-2020*. Available from: https://www.cepola.europa.eu/sites/default/files/Decision%2036_2017_MB_on%20CEPOL%20SPD%202018-2020.pdf [Accessed 2nd February 2018].
- Connor, P. (2016) Number of refugees to Europe surges to record 1.3 million in 2015. *Pew Research Center*. August, 2016. Available from: <http://assets.pewresearch.org/wp-content/uploads/sites/2/2016/08/14100940/Pew-Research-Center-Europe-Asylum-Report-FINAL-August-2-2016.pdf> [Accessed 2nd August 2017].
- Consolidated version of the Treaty on the Functioning of the European Union (TFEU). *Official Journal of the European Union*. C 326, 26.10.2012. Available from: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012E/TXT> [Accessed 15th November 2015].
- Consolidated version of the Treaty on European Union (TEU). *Official Journal of the European Union*. C 326, 26.10.2012. Available from: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT> [Accessed 15th November 2015].
- Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders. *Official Journal*. L 239, 22/09/2000. Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:42000A0922%2802%29;en:HTML> [Accessed 1st July 2017].
- Convention between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on the stepping up of cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration. (*Prüm Convention Signed 27.05.2005*). Available from: <http://register.consilium.europa.eu/pdf/en/05/st10/st10900.en05.pdf> [Accessed 15th November 2015].
- Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime. *Official Journal of the European Union*. L 210/1, 06.08.2008. Available from: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32008D0615> [Accessed 5th January 2017].
- Council Regulation 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. No 1053/2013, 07.10.2013. Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:295:0027:0037:EN:PDF> [Accessed 1st July 2016].
- De Capitani, E. (2014) The Schengen system after Lisbon: from cooperation to integration. *Academy of European Law (ERA) Forum*. 15 (1), 101-118. Available from: <http://link.springer.com/article/10.1007/s12027-014-0344-1>
- Eckes, C. (2014) External relations law: how the outside shapes the inside. In: Arcarazo, D. A. & Murphy, C. C. (eds.) *EU security and justice law after Lisbon and Stockholm*. Oxford, Hart Publishing, pp. 186-206.

- European Commission (2011) Schengen governance - strengthening the area without internal border control. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and Committee of Regions. 16.09.2011. COM (2011) 561 final.
Available from: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/news/intro/docs/20110916/1_en_act_part1_v8.pdf [Accessed 12th May 2017].
- European Commission (2015) *Schengen Evaluation Guide*. DG Migration and Home Affairs. 06.10.2015. Manuscript for evaluators.
- European Commission (2016a) Back to Schengen – A Roadmap. Communication from the Commission to the European Parliament, the European Council and the Council. 04.03.2016. COM (2016) 120 final.
Available from: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/schengen/docs/communication-back-to-schengen-roadmap_en.pdf [Accessed 12th May 2017].
- European Commission (2016b) Proposal for a Council Implementing Decision setting out a Recommendation for prolonging temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk. COM (2016) 711 final, 25.10.2016.
Available from: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:0711:FIN> [Accessed 12th May 2017].
- European Commission (2017) Proposal for a Council Implementing Decision setting out a Recommendation for prolonging temporary internal border control in exceptional circumstances putting the overall functioning of the Schengen area at risk. COM (2017) 226 final, 02.05.2017.
Available from: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170502_council_implementing_decision_proposal_on_temporary_internal_border_control_en.pdf [Accessed 1st June 2017].
- European Commission (2018a) *Europe without borders: the Schengen area*. Migration and Home Affairs Webpage.
Available from: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/docs/schengen_brochure/schengen_brochure_dr3111126_en.pdf [Accessed 3rd February 2018].
- European Commission (2018b) *Map of Schengen area and Schengen states*. The Schengen Visa. Migration and Home Affairs Webpage.
Available from: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/schengen_visa_en [Accessed 15th August 2018].
- European Parliament's Policy Department for Citizen's Rights and Constitutional Affairs (2016) Internal border controls in the Schengen area: is Schengen crisis-proof? *European Parliament Study for the LIBE committee*. Research Administrator Neville, D.
Available from: [http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571356/IPOL_STU\(2016\)571356_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571356/IPOL_STU(2016)571356_EN.pdf) [Accessed 12th January 2017].
- Gray, D. (2004) *Doing Research in the Real World*. SAGE Publications.
- Laursen, F. (2016) The Eurozone crisis and other policy challenges in EU. In: Laursen, F. (ed.) *The EU and the Eurozone crisis: policy challenges and strategic choices*. New York, Routledge, pp. 3-22.
- Legacy of Schengen evaluation within the Council and its future role and responsibilities under the new mechanism. *Justice and Home Affairs Council meeting Conclusions from 5th December 2014*.
Available from: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/146074.pdf [Accessed 1st July 2017].

- Member States' notifications of the temporary reintroduction of border control at internal borders pursuant to Article 25 et seq. of the Schengen Borders Code.
Available from: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control/docs/ms_notifications_-_reintroduction_of_border_control_en.pdf [Accessed 2nd August 2017].
- Noaks, L. & Wincup, E. (2004) *Criminological Research: Understanding Qualitative Methods*. SAGE Publications.
- Pascouau, Y. (2012) The Schengen evaluation mechanism and the legal basis problem: breaking the deadlock. *European Policy Centre, Policy Brief*.
Available from: http://www.epc.eu/pub_details.php?cat_id=3&pub_id=1408 [Accessed 15th January 2017].
- Pascouau, Y. (2013) The Schengen governance package: the subtle balance between community method and intergovernmental approach. *European Policy Centre, Discussion Paper*.
Available from: http://www.epc.eu/pub_details.php?cat_id=1&pub_id=4011 [Accessed 12th January 2017].
- Popa, C.E. (2015) The challenges of the Schengen area. *Expert Journal of Economics*. 4 (3), 96-104.
Available from: <https://doaj.org/article/5c31c92ecb22413ba690384ef8c3622b> [Accessed 23rd July 2017].
- The Schengen acquis - Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (SCH/ Com-ex (98) 26 def.) *Official Journal*. L 239, 22.09.2000.
Available from: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A41998D0026> [Accessed 15th November 2015].
- Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts - Protocol annexed to the Treaty on European Union and to the Treaty establishing the European Community - Protocol integrating the Schengen acquis into the framework of the European Union. *Official Journal*. C 340, 10.11.1997.
Available from: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A11997D%2FPRO%2F02> [Accessed 2nd August 2017].
- Zhelev, V. (2015) French attack harms Bulgaria and Romania's Schengen hopes. Article in *EU Observer*.
Available from: <https://euobserver.com/beyond-brussels/127337> [Accessed 1st August 2017].