

European Parliament resolution on the Schengen Agreement and political asylum (6 April 1995)

Caption: On 6 April 1995, the European Parliament adopts a resolution on the impact of the Convention implementing the Schengen Agreement on asylum policy and emphasises that the free movement of persons is an integral part of the internal market and of the objectives of the European Union.

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Resolution on the Schengen Agreement and political asylum (6 April 1995)

The European Parliament,

- having regard to the entry into force of the Convention applying the Schengen Agreement on 26 March 1995,
 - A. deploring the delay which means that countries signatory to the Schengen Agreement, including Italy, are unable to put it into practice,
 - B. whereas this agreement, which was signed ten years ago, has primarily been used to hide the total lack of political will on the part of the Council and the Commission to institute full freedom of movement for persons,
 - C. having regard to the way in which these measures have been negotiated, outside the competence of the EU and with an executive committee made up of government representatives as the sole decision-making body without any real control either by the European Parliament or the national parliaments and therefore within the framework of intergovernmental agreements,
 - D. whereas the Convention applying the Schengen Agreement ought to be replaced as soon as possible by Community rules,
 - E. whereas the Schengen Agreement currently divides the Member States into three categories: those where the free movement of persons applies, those which wish to join the system in the future and those who do not envisage such a move, with, consequently, strengthened border controls among the countries of the Union,
 - F. whereas only in the framework of the Community can the principles of parliamentary and jurisdictional control and obligatory information of citizens be guaranteed,
 - G. whereas the entry into force of the Convention applying the Schengen agreements could have serious implications for the protection asylum seekers,
 - H. concerned at the fact that in certain situations the country responsible for examining an application for asylum cannot be identified, given that the criteria laid down in Title II, Chapter 7, Articles 28-38 of the Schengen Agreement may conflict with one another,
1. Points out that the free movement of persons is an integral part of the internal market and of the objectives of the European Union, in accordance with Article 7a EC;
 2. Calls on the Commission, the Council and the Member States of the Union to find Community solutions to this problem, which concerns all the citizens of the Union and - in order to achieve the free movement of persons for all the citizens of the Union and all citizens of third countries legally resident in the Union - finally to adopt and put into practice compensatory measures to ensure internal security once border controls are abolished, without turning the Union into a 'Fortress Europe';
 3. Recalls the vital role which the national parliaments and the European Parliament must play in exercising democratic control as representatives of the citizens of the European Union in a matter which constitutes the essence of 'European citizenship';
 4. Calls for an effective legal control to be established of the implementation of the Convention applying the Schengen Agreement, which is indispensable to diminish the grave risks of discordant interpretations at national level, and considers that the Court of Justice is the appropriate body for this legal control;
 5. Calls on the Schengen States to guarantee access to asylum procedures, unhindered by strict visa

requirements;

6. Demands that, with the coming into force of the Schengen Convention, which in due course will be superseded by the Dublin Convention, Member States must implement minimum guarantees for fair and efficient asylum procedures, and that they do not simply operate according to the lowest common denominator as presently proposed by the Council;
7. Considers that the resolution on minimum rules which is about to be adopted by the Council does not respect the principles of the Geneva Convention and appeals to the Council to amend the contents of the resolution accordingly before its adoption; reminds the Council of its obligation under Article K.6 TEU to consult Parliament before adopting a resolution in this field;
8. Calls upon the Council to ensure that in matters relating to asylum policy the obligations of international law such as the Geneva Convention of 1951 and its New York Protocol of 1967 are observed;
9. Calls on the Member States to review the practice of carriers' liability in order to avoid carrier personnel, who are not qualified to make such judgments, having to decide on the merits of asylum claims;
10. Calls on the Council, the Commission and the Member States to take all the requisite steps and decisions to deal with asylum policy by means of the procedure laid down in Article 100c EC, as provided for in Article K.9 TEU;
11. Instructs its President to forward this resolution to the Commission, the Council, the governments and parliaments of the Member States, the UNHCR and the Presidency of Schengen.