



Brussels, 26.5.2014
COM(2014) 292 final

**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**Fifth bi-annual report on the functioning of the Schengen area
1 November 2013 - 30 April 2014**

1. INTRODUCTION

As announced by the Commission on 16 September 2011 in its Communication on strengthening Schengen governance¹ and supported by the Council on 8 March 2012, the Commission submits biannual reports to the European Parliament and to the Council on the functioning of the Schengen area. This fifth report covers the period 1 November 2013-30 April 2014.

2. SITUATIONAL PICTURE

2.1. Situation at the Schengen external borders

During November 2013-February 2014 (months for which the data was available at the time of writing), the number of detections of irregular border crossings decreased compared to the four months preceeding the reporting period (July-October 2013). This can be considered normal due to seasonal fluctuations of irregular migration flows. Nevertheless, compared to November 2012-February 2013, the number of detected irregular border crossings increased by 96%, up to 25 936 detections². Italy, Greece, Hungary, Spain and Bulgaria had the highest number of apprehensions in November 2013-February 2014. In total, the number of detections of irregular border crossings in 2013 was 107 365, i.e. 48% higher than in 2012. The number of detections and consequently pressure at the border therefore remains high and might be further increasing, since the traditionally calm months of this reporting period have seen one of the highest numbers of irregular migrants ever for this time of year. The total for 2013 is comparable to the levels of 2009-2010, but still lower than reported during the Arab spring in 2011. Main nationalities of the persons detected (for the entire year 2013) were Syrians, Eritreans, Afghanis and Albanians.

The Central Mediterranean was the main route used during 2013, having almost a four-fold increase (to over 40 000 detections) compared to 2012³. For the first four months of the reporting period for which the statistics are available (November 2013-February 2014), the increase was four-fold compared to the same period the year before (9 175 detections against 2 177). While November 2013 had a lower number of detections than in 2012, December 2013 exceeded the same month of 2012 by nearly five times while the numbers for January and February 2014 were correspondingly 58 and 61 times higher than for the same months a year before⁴.

¹ COM (2011) 561 final

² Unless otherwise indicated, the data in Section 2 is taken from Frontex Risk Analysis Network information exchange system, and covers the Schengen area as well as Schengen candidate countries. The data covers only the third country nationals detected at external borders (except temporary external borders) when entering or attempting to enter illegally between the border crossing points. Figures for Croatia are included from the day of accession to the EU.

³ Note that the figures for this route here and below exclude Apulia and Calabria.

⁴ Higher detection figures can partially be attributed to the operation Mare Nostrum by the Italian Navy launched in October 2013.

As chair of the Task Force Mediterranean, on 4 December 2013 the Commission published its Communication⁵ that presents lines of actions to be taken by Member States, the EU institutions and other EU bodies. This also includes steps for reinforced border surveillance, contributing to enhancing the maritime situational picture and to the protection and saving of lives of migrants. Implementing the measures should result in preserving the integrity of the EU external borders in the Mediterranean.

The Eastern Mediterranean route was the second most frequently used in 2013. While in 2013 the detections at the Bulgarian borders on this route were close to seven times higher than in 2012, the annual level of detections on the Eastern Mediterranean route decreased by one third thanks to the decrease on the land border section between Greece and Turkey, which can be attributed to the ongoing efforts and operations at the Greek borders⁶. A sharp cut was seen in the level of detections at the Bulgarian border in the last month of 2013 as well as beginning of 2014, which can be attributed to the seasonal effects, as well as to the deployment of additional resources by Bulgaria.

However, each of the first four months of the current reporting period show a higher number of detections on the Eastern Mediterranean route than a year ago. It will need to be seen if this trend persists and if any additional action is required to address the situation.

The Commission is planning to issue Recommendations to Bulgaria and Italy triggering the early warning, preparedness and crisis management mechanism on the basis of Article 33 of the Dublin III Regulation⁷, to support these Member States in preparing to cope with the situations of pressure they are prone to, to show solidarity, and to help the asylum seekers in need.

The Western Balkans route was the third most used route with over three times more crossings in 2013 than in 2012. The greatest pressure there remained on the Hungarian border. As far as the available data for the reporting period is concerned, the number of detections on the Western Balkans route was almost double compared to a year before.

2.2. Situation within the Schengen area

In the first four months of the reporting period for which data is available, the level of detections of irregular stay⁸ was slightly higher than during the same period in 2012-2013 (109 712 detections, which is around 9 % more). Germany, followed by Sweden, France, Spain and Belgium had the highest number of detections during this period.

⁵ Communication from the Commission on the work of the Task Force Mediterranean, 4 December, 2013, COM(2013) 869 final.

⁶ In 2013, the level of irregular border crossings at the Greek borders was only slightly over the half of the 2012 level, whereas at this particular route it went down by 12%.

⁷ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person

⁸ As indicated above, the data covers the Schengen area as well as Schengen candidate countries.

As planned, Frontex, on the Commission's initiative and based on Member States' submission of available information, produced a tailored risk analysis on intra-EU/Schengen migratory movements. Results show that most irregular migrants do not end their journey after having crossed the external borders but continue to destinations elsewhere in the Schengen area. The analysis focuses on the most frequently encountered nationalities⁹ in the context of irregular migration, each of these nationalities showing a distinct pattern with regard to secondary movements.

Another important development was that the Frontex Risk Analysis Network started regular collection of the indicators of these movements as of January 2014. Twelve Member States have not yet sent their figures and the data for most of other Member States was not complete. For this reason, no conclusions on the data can be drawn at this stage.

Also relevant in this context is that some migrants are not fingerprinted as stipulated by the Eurodac Regulation. Migrants may want to avoid the possibility of later being sent back from another part of the Schengen area to the Member State of first entry in line with the Dublin procedures. However, in such cases, it should be clearly explained to the migrants that it is a legal obligation for them to have their fingerprints taken, and that certain legal consequences flow from such a refusal. In particular, if they apply for asylum, the fact that they refused to give their fingerprints means that the examination of their claim can be accelerated. If they don't apply for asylum, they should be treated as irregular migrants, and the Return Directive applies. The fact that they refused to give their fingerprints could be an indication that they are likely to abscond, which might justify detention, following an individual examination of the circumstances of each migrant.

3. APPLICATION OF THE SCHENGEN ACQUIS

3.1. Cases of temporarily reintroduced control at internal borders

Article 23 of the Schengen Borders Code¹⁰ provides that, exceptionally, where there is a serious threat to public policy or internal security, a Member State may reintroduce border control at its internal borders. During the period 1 November 2013-30 April 2014, there were two cases when Member States temporarily reintroduced control at their internal borders: Poland on 8-23 November (due to the 19th session of the Conference of the Parties to the UN Framework Convention on Climate Change (UNFCCC), the 9th session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol and the 39th Session of the Subsidiary Bodies) and the Netherlands on 14-28 March 2014 (due to the Nuclear Security Summit in the Hague). For the time-being, the results of temporary reintroduction are available for Poland, where 38 491 persons were checked, out of which 65 were refused entry and 54 apprehended. None of the refusals of entry was linked to the UN events concerned.

⁹ Those being Syrians, Eritreans and Somalis, Afghanis and Pakistanis, Algerians and Moroccans, Western Balkan nationals and Ukrainians.

¹⁰ Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), as amended by Regulation (EU) No 610/2013

3.2. Maintaining the absence of internal border control

Two areas of the Schengen acquis of which violations are often alleged are whether the carrying out of police checks close to the internal border have an effect equivalent to border checks (article 21 of the Schengen Borders Code) and the obligation to remove obstacles to fluid traffic flow, such as speed limitations, at road crossing-points at internal borders (article 22 of the Schengen Borders Code). In the period 1 November 2013-30 April 2014, the Commission requested information on possible violations of articles 21 and/or 22 of the Schengen Borders Code in two new cases (regarding Italy and Slovenia), while it closed two cases (involving Spain and Sweden) and continued investigating three existing cases (regarding Austria, Belgium and Germany).

In the same period, following the action taken by the Austrian and the Slovak authorities, the Commission closed two infringement cases against Austria and Slovakia for failure to comply with the obligations under Article 22 of the Schengen Borders Code. The Commission now considers the situation at the border crossing point in Kittsee-Jarovce as being in line with the Union law after Austria and Slovakia removed the remaining obstacles to fluid traffic flow, particularly the speed limits which were not exclusively based on road-safety considerations.

On 20 February 2014, the Commission issued a reasoned opinion asking the Czech Republic to amend its legislation to ensure that penalties are not imposed on carriers when transporting foreign nationals without the relevant travel documents on intra-Schengen flights. Imposing these rules (which were intended for flights crossing the external border¹¹) for the flights inside the Schengen area obliges carriers to carry out systematic checks on persons crossing the internal borders, which is not in line with the EU legislation on the abolition of the internal border controls.

3.3. Development of European Border Surveillance System (Eurosir)

On 2 December 2013 the European Border Surveillance System became operational in 19 Schengen Member States at the southern and eastern external borders. EUROSUR will improve the ability of Member States to share and coordinate the resources and react to incidents and situations occurring at the external borders. All the Member States that have joined Eurosir in 2013 have fully established National Coordination Centres in place. Frontex connected these centres to the Eurosir communication network and will connect the centres of the remaining 11 countries in 2014. Frontex also started cooperating with the European Maritime Safety Agency (EMSA) and the EU Satellite Centre in providing services and information at the EU level, such as ship reporting systems and satellite imagery.

3.4. Alleged violations of other parts of the Schengen acquis

The Schengen Borders Code requires that border control measures be proportionate to the objectives pursued and non-discriminatory. In the performance of their duties, border guards must fully respect human dignity and they must act in full compliance with the Charter of Fundamental Rights and relevant international law, including access to international

¹¹ Convention implementing the Schengen Agreement of 14 June 1985 as well as Council Directive 2001/51/EC.

protection and the principle of non-refoulement. In December 2013, the Commission started an inquiry as regards Greece on allegations of serious ill-treatment during border surveillance operations and push-back practices at the external border. Similarly, in February 2014, the Commission entered into contact with Bulgaria to assess allegations of push-back practices by Bulgarian authorities. Also, in April 2014, the Commission contacted Greece and Bulgaria regarding the operation of a border crossing point at the Greek-Bulgarian border which has been reported as allegedly not complying with the necessary requirements under the Schengen Borders Code.

Following the referendum held in Switzerland on 9 February 2014 on the introduction of quantitative limits to immigration, the Swiss authorities will bring forward their proposals on how to implement the outcome of this referendum. The Commission will subsequently analyse the possible implications on Swiss participation in the Schengen area.

In 2013, the Commission received complaints about excessive waiting times caused by checks by the Spanish authorities at the border with Gibraltar. Given the significant number of complaints, the Commission published an acknowledgement of receipt in the Official Journal of the EU (2013/C 246/07). Following an on-site visit and while recognising that the management of the crossing point of La Línea de la Concepción is challenging, on 15 November 2013 the Commission issued recommendations to both Spain and the United Kingdom to address the traffic situation at this border and the tobacco smuggling. In particular, the United Kingdom and Gibraltar were invited to take measures to fight tobacco smuggling better, including by developing risk-based profiling and by introducing non-systematic, risk analysis-based checks upon exit from Gibraltar, and optimising Gibraltar legislation. Spain was invited to take measures to improve the traffic organisation, including the modernisation of the crossing point, optimise the risk-based profiling and develop the exchange of information on tobacco smuggling with the Gibraltar authorities. The Commission is committed to continue monitoring the situation at this border, including on how both Member States practically implement the recommendations.

Transposition of the Return Directive (2008/115/EC) into national legislation

The deadline for implementation of the Return Directive (2008/115/EC) expired on 24 December 2010. All countries concerned except Iceland have notified full transposition of the Directive into national law. The majority of the identified transposition issues were settled by modification of the relevant law provisions of the Member States concerned. The Commission continues to systematically follow up on all shortcomings identified and launches investigation where necessary.

On 27 March 2014, the Commission presented its first application report as part of a Communication on EU Return Policy, which concluded that the Directive contributed to promote full respect of fundamental rights in fair and dignified as well as efficient return procedures. The cases in which migrants are left without clear legal status were reduced and voluntary departure has been widely accepted as primary form of return. Finally, the sustainability of returns has been improved by increasingly providing reintegration measures.

These positive changes have been confirmed both by civil society actors (NGOs active in the field of migration) as well as international bodies (including the United Nations International Law Commission's reports).

Implementation of the Regulation on Local Border Traffic (EC No 1931/2006)

Since the entry into force of the local border traffic regime in 2006, the Commission has been monitoring its implementation. In relation to the previous report, the Commission, after having received clarifications from the Member States concerned, closed its investigations regarding four Member States on the bilateral agreements that these countries (Hungary, Slovakia, Latvia and Poland) have concluded with their third country neighbours, having asked the Member States concerned to provide information on further developments. At the same time, the Commission continued the investigation with regard to Slovenia as well as two infringement cases, one with Latvia and another with Poland.

On 17 February 2014 the Commission adopted a Report on the operation of the exceptional extension of the local border traffic regime area in Kaliningrad region of the Russian Federation and certain Polish administrative districts¹². The report looks at the practical implementation of this arrangement, including the number of crossings under the LBT regime, organisational arrangements and challenges. The report concludes that the regime appears to be functioning well, at the same time pointing out that given the short time since its entry into force, any assessment is limited. The report was positively received by the Council which is looking forward to the next report due in two years time, by when more data should be available.

3.5. Weaknesses identified via the Schengen evaluation mechanism

Under the current Schengen evaluation mechanism¹³, Member States' application of the Schengen acquis is regularly evaluated by experts from the Member States, the Council General Secretariat and the Commission.

In the period 1 November 2013-30 April 2014, Schengen evaluations were carried out on police co-operation in Switzerland and SIS/Sirene in Estonia, Latvia, Lithuania, Hungary and Poland. As far as SIS/Sirene is concerned, the evaluated Member States have, in general, achieved satisfactory progress in the implementation of SIS II. The reports are still being finalised, but will include positive as well as negative comments and recommendations, including on the more comprehensive use of the new alert categories and functionalities. Special focus is made on the more efficient use of SIS II at the external borders.

Preparations are ongoing as regards the new Schengen evaluation mechanism. In line with the Regulation 1053/2013 establishing an evaluation and monitoring mechanism to verify the

¹² COM(2014) 74 final, 17.2.2014, Report on the implementation and functioning of Regulation (EU) No 1342/2011 of the European Parliament and of the Council amending Regulation (EC) No 1931/2006 as regards the inclusion of the Kaliningrad oblast and certain Polish administrative districts in the eligible border area and on the bilateral agreement concluded thereof between Poland and the Russian Federation.

¹³ SCH/Com-ex (98) 26 def.

application of the Schengen acquis¹⁴, the Schengen Committee has been established and convened for the first time on 17 January 2014, where the practical implementation of the new Schengen evaluation mechanism was discussed. In accordance with the aforementioned Regulation, the multiannual evaluation programme is planned to be established by 27 May 2014. The first evaluations under the new mechanism can be expected as of January 2015.

3.6. Lifting of control at internal borders with Bulgaria and Romania

The Council has not yet been able to decide on the lifting of control at the internal borders to these countries. The Commission continues to fully support Bulgaria's and Romania's accession to the Schengen area.

4. FLANKING MEASURES

4.1. Use of the Schengen Information System

In many Member States the launch of SIS II was linked to the deployment of new end-user systems or significant upgrades of the existing ones which has led to the overall improvement of national applications for law enforcement officers. Many Member States have implemented solutions allowing several SIS II queries in parallel according to different criteria (e.g. in case of a stolen tractor, vehicle and industrial equipment alerts are queried at the same time). With regard to the number of hits (positive result to a query in the SIS II), following a bedding-in period in the Member States, the current pattern shows an overall positive trend with the level of hits exceeding the rate achieved by SIS 1+ by 3.5 %.

Although the hacker attack against the Danish N.SIS in 2011 took place under the predecessor system of SIS II, the Commission has carried out an end-to-end assessment of the efficiency of national security measures together with the experts of eu-LISA, the Member States and European Data Protection Supervisor. The recommendations will be available in the second quarter of 2014.

The Commission has continued to closely monitor the implementation of SIS II by Member States, with special emphases on the new alert categories and functionalities as many Member States still have to fully implement these features into their end-user systems. The Commission focuses, in particular, on the timely deletion by Member States of alerts in SIS II, as alerts which are not anymore relevant may cause inconvenience and damage to individuals concerned. The major reasons for delay are the lack of procedures and control by the responsible national authorities and the lack of clear legal provisions on when an alert has to be deleted. In addition, the Commission identified that certain Member States fail to systematically attach the European Arrest Warrant to the alerts for arrest, as they should do. This may jeopardize the validity of an alert. Therefore, the Commission raised the matter with the Member States concerned in order to remedy the situation. Where appropriate, the Commission will also open investigations against Member States which are not complying with the legal requirements.

¹⁴ OJ L 295, 6.11.2013, p. 27.

SIS II has proven to be an important tool for detecting the routes of terrorists and travelling criminal gangs even in cases of changed identity or forged personal identification documents. The Commission and the Member States are working closely together to fully exploit the possibilities offered by a special alert category in SIS II which allows the discreet and specific check of individuals and certain types of objects. Following the effective intervention of the Commission in proposing solutions for a more intensive use of this alert category the statistics show a more than 30 % increase in the number of such alerts.

4.2. Use of the Visa Information System

Since the end of the last reporting period (31 October 2013), the VIS became operational on 14 November 2013 in the ninth region (Central Asia), tenth region (South-East Asia) and eleventh region (occupied Palestinian territory)¹⁵.

The sequencing of the VIS roll-out in the third set of regions was determined in September 2013¹⁶. The VIS is scheduled to start operations in the twelfth, thirteenth, fourteenth and fifteenth regions (Central America, North America, Caribbean and Australasia) on 15 May 2014 and in the sixteenth region (Western Balkans and Turkey) on 25 September 2014.

The VIS is functioning well and by 1 October 2013 the system had processed 4.8 million Schengen visa applications, whereby nearly four million visas have been issued. Despite continuous efforts by Member States, the main issue of concern remains the mid to long-term effect of a non-optimal quality of data (both biometric and alphanumeric) introduced by the consular authorities of Member States into the VIS. This can happen due to incomplete (e.g., different visa applications for the same person or family members travelling together are not linked) or unstructured data (it is not filled in with the appropriate format) as well as due to insufficient fingerprint quality. This can result in unreliable information for decision makers as well as raise difficulties in carrying out prior consultations with other Member States when issuing a visa.

The use of fingerprints to perform verifications of visa holders at the Schengen border crossing points will become obligatory in October 2014. Although some Member States have already been performing a number of such verifications, it is crucial that all the Member States comply with the deadline. The data available at eu-LISA show that for November 2013-January 2014, there were in total 152 262 verifications by fingerprints carried out in the VIS at the posts located at the external border¹⁷.

¹⁵ Commission Implementing Decision of 8 November 2013 determining the date from which the Visa Information System (VIS) is to start operations in a ninth, a tenth and an eleventh region (2013/642/EU)

¹⁶ Commission Implementing Decision of 30 September 2013 determining the third and last set of regions for the start of operations of the Visa Information System (VIS) (2013/493/EU)

¹⁷ These verifications were primarily carried out by 6 Member States, the rest having had no such verifications or numbers lower than 100 cases a month. For comparison, there were 6 159 564 verifications in the VIS using the alphanumeric data (the visa sticker number) during the same period for all the Schengen area.

4.3. Visa policy and readmission agreements

Amendment of Regulation 539/2001 introducing a new suspension mechanism and a revised reciprocity mechanism

On 11 December 2013, the European Parliament and the Council adopted an amendment of Regulation 539/2001 providing, among other elements, for a new suspension mechanism and a revised reciprocity mechanism.¹⁸ The amendment entered into force on 9 January 2014.

The new suspension mechanism

In accordance with the provisions of the new suspension mechanism, it could be used as a last resort measure in situations where the visa-free regime with a third country had led to substantial increases in the number of irregular migrants or of rejected asylum applicants from that third country resulting in specific pressures on the asylum system of a Member State. There is no automatic application of the mechanism: in case of a request from any Member State to trigger the suspension mechanism, based on clear and strict criteria, the Commission will have to examine all relevant factors, including any potential impact on the EU's relations with the third country concerned. If, after examination of all the facts and relevant elements, the Commission finds that the visa waiver should be suspended for nationals of a particular third country, it will propose to a committee where all Member States are represented a draft decision suspending the visa waiver, on which the committee will have to give its opinion. The Commission is also committed to holding a political debate with the European Parliament before proposing any suspension measure.

Revised reciprocity mechanism

In the course of the legislative negotiations, the European Parliament and several Member States called for a reinforced reciprocity mechanism – applied in case a visa-exempted third country introduces or maintains a visa requirement for the citizens of one or more Member States - in order to make it more efficient and ensure more solidarity among Member States.

The main changes introduced by the revised reciprocity mechanism are that, for a period of two years from the notification of a non-reciprocity situation, the Commission may at any time adopt an implementing act to suspend the visa-free regime for certain categories of nationals of the third country concerned, for a period of up to six months, with a possible prolongation by further periods of up to six months; if the Commission decides not to adopt such an act, it has to present a report explaining the reasons why it does not propose a measure. Furthermore, if after two years from the notification of the non-reciprocity the third country is still requiring visas from citizens of one or more Member States, the Commission shall adopt a delegated act to re-impose the visa obligation on all citizens of the third country,

¹⁸ Regulation (EU) No 1289/2013 of the European Parliament and of the Council amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, OJ L 347, 20.12.2013

for a period of 12 months; either the European Parliament or the Council could oppose the entry into force of this delegated act.

The Commission, while welcoming the adoption of the amendment aiming at enhancing the credibility of the common visa policy and ensuring more solidarity amongst Member States, considers that the powers conferred on the Commission with regard to the revised reciprocity mechanism are not in compliance with Articles 290 and 291 of the TFEU and has lodged an application for annulment concerning certain provisions of Regulation 1289/2013, in accordance with the Commission declarations made during the adoption of the amendment by the European Parliament¹⁹ and by the Council.

Post-visa liberalisation monitoring mechanism for Western Balkan countries

According to Eurostat data, in the 2013, the total number of asylum applications from the five Western Balkan visa-free states²⁰ in the Schengen area and the Schengen candidate countries was around 12.5% higher than in 2012²¹. Hence, the situation continued to affect the functioning of the visa-free travel regime between the Western Balkans and the EU. Asylum inflows in 2013 have shown a similar trend to 2012.

Nationals of the five visa-free Western Balkan states represented almost 12% of all asylum-seekers in Schengen states and Schengen candidate countries in 2013, compared to around 13.4% in 2012. Around 93% of these applications in 2013 were lodged in the six most-affected Schengen countries, which were Germany, France, Sweden, Belgium, Switzerland and Luxembourg. The overall recognition rate²² of the applications for international protection in first instance from the citizens of the five Western Balkan countries in the Schengen area and the Schengen candidate countries was less than 2% in 2013.

Serbiens represented by far the largest group of the applicants, while the share of Albanian nationals increased significantly. Among the most-affected recipient countries, the top destination continues to be Germany (with its share increasing further), followed by France and Sweden.

On 28 November 2013, the Commission presented the Fourth Report on the Post-visa liberalisation monitoring for Western Balkan countries²³ where it gives assessment of the measures implemented, reviews the functioning and makes recommendations with regard to the visa-free travel regime.

Readmission and visa facilitation agreements and visa liberalisation

¹⁹ See <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20130910+ITEM-011+DOC+XML+V0//EN&language=EN>

²⁰ Since end of 2009, the citizens of the former Yugoslav Republic of Macedonia, Montenegro and Serbia, holding a biometric passport, have enjoyed visa-free travel to the EU Member States, in accordance with Regulation 539/2001. Under the same conditions the citizens of Albania as well as Bosnia and Herzegovina have enjoyed visa-free travel to the EU Member States since 15 December 2010.

²¹ Please note the 2012 Eurostat data did not cover Croatia as it was not yet an EU member.

²² The recognition rate is calculated as the share of first instance decisions granting Geneva convention or subsidiary protection status in the total number of first instance decisions taken (the total number of first instance decisions includes decisions granting Geneva convention or subsidiary protection status as well as decisions granting other status (e.g., humanitarian) and rejections of applications).

²³ COM(2013) 836 final.

In order to facilitate the readmission of persons residing without authorisation in a Member State, a readmission agreement with Turkey was signed on 16 December 2013. On the same occasion, a visa liberalisation dialogue was initiated. The EP gave its consent to the readmission agreement on 26 February 2014 and the Council is now set to adopt the decision on the conclusion of the agreement.

Readmission and visa facilitation agreements with Cape Verde are awaiting notification of the completion of ratification procedures by Cape Verde to allow for their entry into force (the ratification procedures on the EU side are finalised). The consent of the EP for a readmission and visa facilitation agreement with Armenia was received on 9 October 2013, followed by entry into force of the two agreements on 1 January 2014. The readmission agreement with Azerbaijan was signed on 28 February 2014 (the visa facilitation agreement had already been signed in November 2013). The EP gave its consent on 12 March 2014 and the agreements are expected to enter into force before the summer. With Belarus, negotiations on readmission and visa facilitation were officially launched on 29 January 2014 after an initial invitation to open negotiations in 2011. A first round of technical negotiations is expected to be held in mid-June 2014. Readmission negotiations with Morocco will be relaunched on 11-12 June in parallel with the negotiation of a visa facilitation agreement.

In December 2013 the co-legislators agreed on a visa waiver for citizens of the Republic of Moldova holding a biometric passport. From 28 April 2014, they can travel visa-free to the Schengen area. In February 2014 the co-legislators reached an agreement on amending the Regulation 539/2001 to lift the visa obligation for citizens of 16 small Caribbean and Pacific island nations, as well as the United Arab Emirates, Peru and Colombia. This amendment will enter into force before mid-June, but effective visa-free travel for nationals of these countries will only become a reality once visa waiver agreements between the EU and each of the countries enter into force. Moreover, for Colombia and Peru, the Commission will have to present assessment of their fulfilment of the relevant criteria before requesting the authorisation to negotiate such agreements.