



JUSTITIS MINISTERIET

Ministry of Justice

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European Parliament
60, rue Wiertz
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Date:
Office:
Contact:
Our ref.:
Doc.:

Dear ,

I have taken good note of the concerns you have expressed following the decision by the Justice and Home Affairs Council on 7 June 2012. Allow me therefore to explain the decision from the perspective of the Council and the Danish Presidency.

On Thursday 7 June 2012, the Justice and Home Affairs Council agreed on the Schengen Governance legislative package. The package contains two elements, the Schengen Evaluation Mechanism proposal and the proposal on the Schengen Borders Code. The proposal on the Schengen Borders Code will be adopted in accordance with the ordinary legislative procedure.

The Ministers agreed to change the legal basis of the proposal for the Schengen Evaluation Mechanism from Article 77 (2) (e) to Article 70 TFEU.

I am fully aware of the European Parliament's position regarding the legal basis of the Schengen Evaluation Mechanism. I acknowledge that this is a principled and very sensitive question to the Parliament.

In light of this, it is paramount to me to emphasise that in the Council's view, the change of legal basis was necessary for purely legal reasons and there was no alternative way of agreeing on the proposal in Council than by changing the legal basis.

The purpose of the decision to change the legal basis is thus by no means to exclude the Parliament from participating in the legislative procedure.

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This is underlined by the fact that all members of the Council clearly expressed a desire to keep the Parliament closely involved in the continued discussions on the proposal.

The Council therefore agreed on accompanying the decision with a declaration emphasising that the Council will consult the Parliament on the Schengen Evaluation Mechanism proposal and that the opinion of the Parliament will, to the fullest extent possible, be taken into consideration by the Council in all aspects before the Council moves to adopt a final text.

The Danish Presidency has from the very beginning of the handling of the Schengen Evaluation Mechanism proposal been in close contact with the rapporteur, Mr. Coelho, and other relevant Members of Parliament in order to accommodate the views of the Parliament.

In this regard, it should be noted that some of the most substantial elements of the original Commission proposal on the Schengen Evaluation Mechanism have been transferred to the proposal on the Schengen Border Code in order to ensure to the fullest extent co-decision.

The Danish Presidency has the greatest respect for the role and the views of the European Parliament and wishes to continue cooperating closely with the Parliament during the rest of our Presidency. And we hope that the Parliament will engage in further constructive discussions on this important issue.

At the end of the day, we all share the same goal, namely to ensure the strengthening of the Schengen-system to the benefit of all European citizens.

Yours sincerely,

Morten Bødskov