

Dimitris AVRAMOPOULOS

Member of the European Commission

Brussels, 9 January 2019

Dear Carlos,

Thank you for your letter dated 27 November 2018, in which you ask for more details on the yearly risk analysis products provided by the Fundamental Rights Agency and Europol for the Schengen Evaluation Mechanism.

Indeed, Article 8 of Regulation (EU) 1053/2013 *establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis* indicates that the Commission can, where appropriate, request Union bodies, offices and agencies to carry out risk analysis products, and we have requested the Fundamental Rights Agency and Europol for such risk analysis products since the beginning of the Schengen Evaluation Mechanism (in addition to the yearly risk analysis provided by the European Border and Coast Guard Agency).

With regard to your specific questions:

1. The risk analysis products by the Fundamental Rights Agency and Europol are used to prepare both the annual evaluation programme as well as the evaluation missions itself, by indicating either possible locations to visit or by flagging possible issues which would require the attention of the evaluation teams.
2. The risk analysis products are neither restricted nor limited. We will transmit them to you once the two Agencies, whom we consulted in the meantime and who are the owners of these products, agreed to it.
3. The presentation of the risk analysis products by the respective agencies takes place once per year in the Schengen Committee, usually in the beginning of September. The LIBE Secretariat receives the agenda of the meetings of the Schengen Committee.
4. The Commission has no objection to transmitting the risk analysis products. We will transmit them to you once the two Agencies, whom we consulted in the meantime and who are the owners of these products, agreed to it.
5. Only the Fundamental Rights Agency, Europol and the European Border and Coast Guard Agency are requested to provide risk analysis products for the Schengen Evaluation Mechanism. However, eu-LISA participates as an observer in the evaluation missions in the field of Common Visa Policy and SIS/SIRENE, and the EDPS participates as an observer in the evaluation missions in the field of data protection.

Mr Carlos Coelho
Committee on Civil Liberties, Justice and Home Affairs

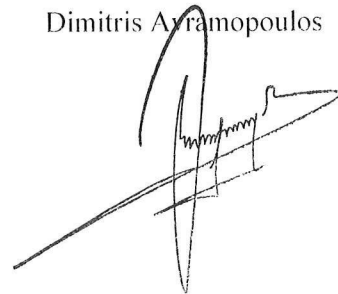
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6. While the main focus of the requested risk analysis products is linked to the specific expertise of the Fundamental Rights Agency and Europol, their scope is not strictly limited to return and police cooperation: The risk analysis requested from the Fundamental Rights Agency should focus on the general fundamental rights' situation in the Member States to be evaluated, and not only in the field of return. The Commission requests Europol to focus in its risk analysis also on the functioning of the authorities applying the Schengen acquis, in addition to the focus on police cooperation.

I hope that this clarifies the questions you had with regard to the risk analysis products. I would like to take this opportunity to express my appreciation for the well-functioning and clear added value of the Schengen Scrutiny Group you have set up, and I look forward to continuing our cooperation in this regard.

Cordally,

Dimitris Aramopoulos

A handwritten signature in black ink, appearing to be 'Dimitris Aramopoulos', written in a cursive style with a large loop at the top and a long horizontal stroke at the bottom.