

**Priority question for written answer  
to the Council**

Rule 138

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Subject: The accession of Bulgaria and Romania to the Schengen area

Bulgaria and Romania are legally obliged to implement the Schengen acquis, except for those provisions related to the lifting of the internal borders. The two Member States cannot exercise opt-in or opt-out clauses and bear all responsibilities for the Schengen external borders without enjoying the benefits of the Schengen area.

Bulgaria and Romania successfully accomplished their Schengen evaluation processes in 2011, which was duly recognized by the Council<sup>[1]</sup>, but no political decision has been taken on the lifting of the internal controls for more than 11 years.

Against this background:

1. In previous Schengen enlargements, has there been another precedent where Members of the Council requested additional evaluations before voting the Council Decision?
2. Is there a legal basis for the linkage between the lifting of the internal borders and the level of performance in other policy areas?
3. Does obliging a Member State to bear full responsibility for the Common policy in a certain field, while depriving it from its respective benefits for an indefinite period, constitute a breach of the principle of sincere cooperation?

[1] Council conclusions on Romania (Council Document 9166/11 of 9 June) and on Bulgaria (Council Document 9167/11 of 9 June 2011).

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