

EN
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Answer given by Mr Brunner
on behalf of the European Commission
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Notwithstanding the distribution of competences defined by the EU legal order in relation to policies and individual decisions to regularise the status of illegally staying third-country nationals, in an area without internal borders, Member States' decisions may have consequences on other Member States and on the EU as a whole. A national residence permit issued by a Member State does not give authorisation to settle freely around the EU, but only to live and work in the Member State that issued it¹. If a permit holder is found illegally staying or applies for asylum in another Member State, the permit holder must return to the issuing Member State. National authorities must act in a spirit of sincere cooperation for this to happen swiftly.

The Commission is advancing a new EU common approach to returns. The proposed Return Regulation², which is currently under negotiation, aims to provide Member States with a more efficient framework to increase returns. Work is ongoing on the digitalisation of return, readmission and reintegration, with a proposal planned in 2026. The forthcoming revision of the Regulation on the European Border and Coast Guard Agency³ will also provide an opportunity to strengthen its role in returns.

The Commission monitors the application of EU law in all Member States, including through the Schengen Evaluation Monitoring Mechanism⁴. This is without prejudice to the possibility of using other instruments at its disposal as guardian of the Treaties.

¹ Article 21 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, OJ L 239, 22.09.2000, pp 19-62; ELI: <http://data.europa.eu/eli/convention/2000/922/oj>.

² Proposal for a Regulation of the European Parliament and of the Council establishing a common system for the return of third-country nationals staying illegally in the Union, and repealing Directive 2008/115/EC of the European Parliament and the Council, Council Directive 2001/40/EC and Council Decision 2004/191/EC.

³ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624, OJ L 295, 14.11.2019, pp. 1–131.

⁴ Council Regulation (EU) 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis, and repealing Regulation (EU) No 1053/2013.