

07.10.22**Decision**
of the **Bundesrat**

Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: State of Schengen Report 2022**COM(2022) 301 final; Council doc. 9478/22**

In its 1025th session held on 7 October 2022, the Bundesrat adopted the following Opinion pursuant to sections 3 and 5 of the Act on Cooperation between the Federation and the Federal States in European Union Affairs (EUZBLG):

1. The Bundesrat reiterates that the open borders in the Schengen area are a core component of the European idea and indispensable in economic terms. They connect people with each other on a daily basis. Cross-border exchange and small-scale border traffic are a core component of the European idea.
2. The Bundesrat emphasises that internal borders in the EU should remain open as much as possible, even in times of crisis. Border controls should only ever be a last resort. During the COVID-19 pandemic, the great value of a unified European approach and close cross-border cooperation – for example in cross-border task forces with neighbouring countries – became particularly obvious.
3. In the context of the new Schengen governance, the Bundesrat welcomes the strengthened political control through the introduction of a “Schengen Council” as well as regular reports by the Commission on the state of the Schengen system.

4. With regard to the EU's internal borders, challenges must be identified at an early stage and the coordination between the Member States affected must be intensified. In particular, the early mutual exchange of information and concerted action are essential to ensure full and lasting freedom of movement in border regions.
5. In order to make the Schengen system crisis-proof now and in the future, the Bundesrat believes that the reform of the Union Code on the rules governing the movement of persons across borders (COM(2021) 891 final) should define a minimum level of essential border crossings that cannot be suspended even in the event of a crisis.
6. The proposal for a reform of the Union Code contains the obligation to carry out a risk assessment, which a Member State must do when deciding on the temporary reintroduction or prolongation of internal border controls. This risk assessment should be closely coordinated with partners in the border region in order to promote a coordinated action within the EU.