

Schengen

Historic aspects

The Schengen process dates back to 1985 when the initial contracting parties Germany, France, Belgium, the Netherlands and Luxembourg signed an agreement on abolishing border controls for persons travelling between the internal borders of the contracting parties. The agreement was signed in a small village in Luxembourg called Schengen, which gave name to the agreement. Schengen is located where the borders of Germany, France and Luxembourg meet, showing the purpose of the agreement.¹

The Schengen Agreement was developed outside of the treaties of the then existing European Economic Community (EEC), the predecessor to the EU, and was only signed by 5 out of the 10 members. The reason for this was that consensus on the abolishment of border controls couldn't be reached between all the countries of the EEC. The five signing countries therefore decided to move forward outside of the EEC. An agreement on easier border crossings already existed between the Benelux countries (Belgium, the Netherlands and Luxembourg).

However, with the Amsterdam Treaty signed in 1997 consensus was reached and the Schengen agreement was incorporated in to the EU treaties and has since been an important part of the EU. In the signing of the Amsterdam Treaty the UK demanded the right to not be a part of the Schengen. As unanimity from all the EU member states is needed to make changes to the Treaties the UK was granted the right to opt-out from Schengen related legislation within the union. Due to historical and political reasons Ireland wanted to maintain previously agreed free movement between Ireland and the UK and was therefore granted the same opt-out possibilities, thus avoiding passport controls to Northern Ireland and the rest of the UK.

¹ https://www.auswaertiges-amt.de/de/service/visa-und-aufenthalt/schengen/207786#content_0

In 1996 Iceland and Norway signed an agreement to join the Schengen area as the first non-EU members, in 2004 Switzerland did the same followed by Lichtenstein.² The possibility for Norway and Iceland to join the Schengen as non-EU countries was crucial to the other Nordic countries Finland, Sweden and Denmark. This was because there existed a “Nordic passport union”, dating back to the 1954, granting all Nordic citizens the right to travel and stay within any other Nordic country. Had the three Nordic countries that was part of the EU join the Schengen without the other two, there would suddenly have been external borders between these countries and the Nordic countries that was part of the Schengen would have been obliged to enforce border controls to the other Nordic countries. The Nordic passport union still exists today, granting Nordic citizens further reaching rights as to those agreed upon within the Schengen.

Even though the Schengen area today is an integrated part in the EU treaties there are still differences between EU countries and Schengen countries. Most of the EU countries are members of the Schengen area. However, Bulgaria, Romania, Croatia and Cyprus, together with the already mentioned exception of Ireland are the five EU countries that are not part of the Schengen. However, the situation for Bulgaria, Romania, Croatia and Cyprus differs to that from Ireland. As these countries are intended to join the Schengen as soon as they fulfil certain criterions demanded on all the Schengen member countries in the areas of external border protection, visas, law enforcement agencies, police collaboration, personal data protection and the Schengen Information System (SIS).³

Purpose and benefits

The purpose of the Schengen was to further integrate the member states people and economies. This was done by the removal of border controls within the internal borders. Internal borders are border between member states, for example Finland and Sweden or Germany and France. External borders are those between a member country and a third country, for example Finland and Russia or Greece and Turkey. This allows the free movement of person within the internal borders of the Schengen area. Today up to 3.5

² https://www.auswaertiges-amt.de/de/service/visa-und-aufenthalt/schengen/207786#content_0

³ <https://www.schengenvisainfo.com/schengen-visa-countries-list/>

million people travel across an internal border every day. A common Schengen visa was created, allowing third country citizens to travel within the internal borders of the Schengen area with only one visa. Furthermore, the Schengen agreement includes cooperation in areas of asylum matters, fighting cross-border drug dealing, police cooperation and cooperation in justice matters. The Schengen agreement didn't only mean the abolishment of the internal borders but also means cooperation on strengthening the external borders.

Thanks to the Schengen all EU citizens can now stay in another EU country as a tourist for up to three months with a valid passport or identity card. EU citizens are able to live and work in other member states, while being guaranteed to be treated the same way as national citizens of the country. Students have the right to study anywhere in the EU and entrepreneurs and business benefit from the freedom of establishment, meaning they are allowed to conduct business anywhere within the member states.

Free movement

For the EU enabling free movement not only for goods, but for its citizens was and still is one of the main goals. Any person irrespective of the passport they own is, as long as they are legally present, once within the Schengen area, able to cross the international borders without being controlled at border checkpoints. This means that foreign citizens enjoy this right as well as over 500 million European citizens (vgl consilium.europa.eu).

This absence of regular border controls eases international tourism and allows the working population to settle in whatever country they choose to. The big advantage apart from all possibilities that come with this freedom is, that crossing a border within the Schengen area became way faster. There are for example no more queues at airports, sea- or land borders. One might also consider this a big step towards bringing the countries of the Schengen area closer together, because abolishing the actual physical borders comes with reducing the psychological borders as well.

Security

To guarantee the advantages of the Schengen agreement, the national border control checkpoints were unmanned or torn off. Still there are some security measurements left. According to a pdf released by the EU itself, neighboring countries are still entitled to perform joint operations and controls on both sides of their border. Also the law enforcement is allowed to carry out cross-border surveillance and pursuit into the territory of neighboring countries. Furthermore the Member States are allowed to exceptionally reestablish controls at its borders, in the event of a serious to public or international security. Those practices are only allowed to be valid for a very limited time. (Vgl. Consilium.Europa.de)

To strengthen international cooperation even more the Schengen Information System (SIS) was introduced. It is a “common database for the border and migration authorities, as well as law enforcement authorities, of the participating countries. It can be accessed by authorities at the borders, inside national territory and abroad in consulates, as well as by Eurojust and Europol.” (Consilium.Europa.de)

Most of the 70 million alerts of the SIS concern lost or stolen objects, like documents or vehicles. Only ~800.000 of the alerts concern persons. There are different reasons why those people are in the database. A few examples are that they might not be allowed to enter or stay in the Schengen area or they are missing or summoned to appear before a judicial authority.

To secure the whole of the area the external borders of the Schengen area had to be tightened too. According to Michelangelo Ceccorulli, frontier states had to assume the responsibility for controlling the EU’s common external border on behalf of the other Schengen states (West European Politics 2019). That means that every Schengen country has to look after their own external border. As the external border of the Schengen area is 50000 km long, this is sometimes a difficult task. That’s why in 2005 Frontex was created. Frontex which is now called “the European Border and Coast Guard Agency” describes its own tasks as followed: “Frontex promotes, coordinates and develops European border management in line with the EU fundamental rights charter and the concept of Integrated Border Management.

To help identify migratory patterns as well as trends in cross-border criminal activities, Frontex analyses data related to the situation at and beyond EU's external borders. It monitors the situation at the borders and helps border authorities to share information with Member States. The agency also carries out vulnerability assessments to evaluate the capacity and readiness of each Member State to face challenges at its external borders, including migratory pressure." (frontex.europa.eu) So both, Frontex as an EU organisation and the frontier States themselves are responsible for securing the external borders.

In 2015 the whole construct of the Schengen Agreement was tested by a massive influx of migrants. M. Ceccorulli describes the main problem of this challenge as "the perception that Greece was incapable of controlling its external border and managing massive inflows of migrants and asylum seekers as well as the decision of some member states, partly as a reaction to the Greek failure, to reintroduce temporary internal border controls." (West European Politics 2019) This reestablishing of temporary internal border controls was seen as a necessity by some of the member states to ensure their own security and to avoid secondary movements away from the frontier countries. Still this renationalization threatened to destroy most of the achievements of the Schengen Agreement. That is why maintaining Schengen became a key aim of the EU. The EU Commission published a document with the name "Back to Schengen – A Roadmap". To rereach the status quo "Back to Schengen' gave priority to three sets of demands. First, the lack of control by Greece over its external border had to be addressed; the country had to become compliant with Schengen requirements and the EU's asylum legislation more generally. Second, member states had to end the 'wave-through' approach by fully implementing existing EU law and recent decisions on asylum. And third, a coordinated framework was required in order to lend coherence to the 'patchwork of unilateral decisions' on internal borders taken by eight countries in the Schengen area (European Commission 2016b)."(West European Politics 2019) Because of these measurements and an agreement with Turkey which prevented arrivals of the migrants at the EU's territory at the first place, the EU was able to save Schengen and reduce the tension between the countries.

Economy

The absence of border controls between the Schengen states can be directly linked to a positive economic effect for those participating countries. To grasp the importance, one has to think about the cost that would result from reestablishing border controls. Firstly we want to address what that would mean for the almost 1.7 million people who work in another Schengen country from that in which they live. For those daily commuters the waiting times that would by all likelihood arise, would mean a more difficult journey to work. Additional to those commuters international Schengen borders are crossed by some 3.5 million people every day. (Vgl. europarl.europa.eu) “Estimates on the costs of re-imposing border controls for commuters and other travellers range from €1.3 to €5.2 billion. [Bruegel, European Commission]“ (europeanmovement.eu)

Those are only the personal cost of the citizens.

The estimated loss for the tourism sector ranges between 5 and 25 percent or in total numbers 13 million tourist nights. If Schengen was totally abandoned, the costs for the tourism industry could amount up to €10 - €20 billion. (Vgl. europeanmovement.eu)

There are not only people crossing the international borders every day, but a lot of goods too. The European Movement International Organization estimates the following numbers: “Each year, 1.700 million tonnes of goods, worth €2.800 billion in value, cross internal Schengen borders. The reintroduction of border controls would, first of all, impact the transport sector to the tune of an estimated additional €1.7 to €7.5 billion a year. In the long run, border controls could decrease trade between Schengen countries by 10 to 20%. The total impact of border controls on the Schengen Area economy could impact total GDP by estimates ranging from 0.8 percent to 2.7 percent. [France Stratégie, European Commission]“

Compared to the Movement of goods the cost of the border controls are minor, but nevertheless re-establishing the border checkpoints is estimated to cost the countries up to €5.8 billion a year.

To sum all of those numbers up, the European Parliament estimates the total cost of closing down the international borders to cost €100 - €230 billion over a period of 10 years.

(europarl.europa.eu)

If one looks at the listed numbers above, the cost of all encompassing border controls immens. Furthermore the Schengen Agreement fits perfectly to other agreements of the EU. The common currency Euro and the common and free domestic market for goods and services would not be as effective without completely open borders within the Schengen area.

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