

THE SCHENGEN AREA UNDER THREAT: PROBLEM OR SOLUTION?

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This synthesis presents the main discussion points and subjects evoked during the event “The Schengen area under threat: Problem or solution?” organized on June 26 2015 in the Hôtel de l’Industrie by the Jacques Delors Institute, the European Movement - Paris and the Société d’encouragement pour l’industrie nationale (Trust for National Industries). This event was recorded and broadcasted by EuradioNantes, in partnership with the Jacques Delors Institute, as part of a series entitled “Around Schengen”, hosted by Yves Pascouau.

Introduction

It was 30 years ago: Jacques Delors had just taken over the presidency of the European Commission when the Schengen Agreement was signed. This undoubtedly constitutes one of the most important and most symbolic achievements of the European construction, with the principal objective of reconciling freedom and security. The existence of the European construction has not been a long, quiet river; today as never before, this space comes under fire and is subject of much debate. In the face of the threats to European civil society, we can thus ask ourselves what role it has to play. Is there something like a sort of “responsibility” of the Schengen area? Is it right or wrong that we often hear about its “reconsideration”? And above all, what does “reconsideration” mean in practice?

The current context is undeniably characterized by these numerous challenges; some of them have just appeared which is notably the case for terrorism, others such as conflicts, poverty and climate change are more traditional, increasing migration waves to the old continent.

After a word of welcome by Jean-Claude Houdoin, President of the European Movement Paris, the debate, which was moderated by Yves PASCOUAU, associate senior research fellow at the Jacques Delors Institute and director at the European Policy Centre, began between:

- Johannes DE CEUSTER, Head of unit “Border management and Schengen”, European Commission;
- Marietta KARAMANLI, Socialist MP, National Assembly;
- António Vitorino, President of the Jacques Delors Institute and former European Commissioner for Justice and Internal Affairs.

The speakers then answered questions from the audience which allowed them to better intensify the fundamental aspects of Schengen as well as the reforms they would like to see adopted in the future.

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1. An extremely tense situation right now

First of all, António Vitorino pointed out that the difficulties encountered during the European Council on 25 June¹ (the debate is reported to have dragged on until three in the morning), particularly with regard to the share-out of the excess number of asylum-seekers², are emblematic. They show quite clearly that Europe's main problem right now is the massive dearth of mutual trust among its Member States. The issues on the table are unquestionably very sensitive and drive a wedge into grass-roots opinions. Faced with such tragedies as those currently taking place in the Mediterranean, the first question that national politicians often ask is "*What is Europe doing about it?*" But Europe is, in effect, the Member States that comprise it, so the question that they should be asking is: what are those Member States allowing Europe to do about it? Unfortunately, mutual mistrust carries the day.

1.1. Schengen has recently come under growing pressure: why?

In his introductory address, Jean Claude Houdoin pointed out that the creation of an area with of freedom of movement was greeted with enthusiasm thirty years ago, but in recent years Europe, and in fact the whole world, have changed. These major changes, on both the political and economic levels, are prompting people today to call the Schengen area into question.

Johannes De Ceuster recalled saying at Schengen's twentieth anniversary celebrations that "*Schengen has been accused of everything and its opposite simply for existing. It is Schengen's fate to have become a symbol of Fortress Europe in some people's eyes and a laxist model permitting freedom of movement for traffickers and outlaws of all kinds in the eyes of others*". That clearly shows that the question mark hanging over Schengen today is nothing new. It has been a topic for debate, in one way or another, since it was first set up³.

But while political pressure on Schengen may not be anything new, can we argue that that pressure is greater today than it has been in the past?

According to António Vitorino, growing migrant pressure is currently playing a crucial role in the debate, and this is not the first time that it happens. As long ago as the late Eighties that pressure skyrocketed on account of the crisis in the Balkans. Last year some 600,000 applications for asylum were lodged in the Union as a whole, marking a significant increase over the previous year (approximately 400,000 applications were lodged in 2013)⁴. The current debate revolves primarily around an alleged increase in the threat to Member States' security. Pressure on Schengen has built up on account of the new threats to public order and security, yet we should not forget that the abolition of internal border control controls, a direct consequence of the Schengen area's creation, was accompanied by countervailing measures in the context of police and judiciary compensation, in order to improve the struggle against transnational terrorism and organised crime.

Marietta Karamanli pointed out that political protest is often driven by dangerous populist ideas. One of the reasons behind the protest may be sought in the fact that there is no common foreign policy vision in the EU. "*We need a foreign policy and a shared vision of our borders*". This common vision would be likely to spawn genuine solidarity. Today's crises underscore the crucial need to develop a European foreign policy.

Several issues underlie current debates. Participants analysed issues linked to terrorism as well as those connected with the environment.

1.2. Terrorism

The existence of new challenges, such as international terrorism in particular, is a fact. At the grass-roots level we are seeing the development of populist trends sparked by a growing sense of fear and insecurity.

Johannes De Ceuster argued that Schengen is going to have to come up with some solutions. The Commission has recently proposed an agenda containing a number of bold measures⁵ but it is, in effect, going to take some time before they can be adopted and implemented. *«In the meantime, let us be clear:*

1. This event was held the day after the Council meeting, so it was not yet possible to analyse that meeting in detail because its conclusions had not yet been published.

2. These are the relocation measures proposed by the Commission on 13 May 2015. The excess stands at about 40,000.

3. Anecdote: a tribunal was set up in The Netherlands to judge Schengen's legitimacy even before the accord was signed. The court's ruling went against it.

4. <http://ec.europa.eu/eurostat/documents/2995521/6751779/3-20032015-BP-EN.pdf/35e04263-2db5-4e75-b3d3-6b086b23ef2b>

5. http://ec.europa.eu/dgs/home-affairs/e-library/documents/basic-documents/docs/eu_agenda_on_security_en.pdf

no one should think that the adoption of national measures is going to resolve the problems».

While on the one hand we are witnessing the rise of brutal new threats, on the other we must make sure not to overlook the traditional threats to our security, in particular threats such as drug trafficking, illegal arms sales and so forth.

Sure enough, *«addressing the new threats does not mean denying the existence of the traditional threats»* (António Vitorino).

1.3. Environmental causes

The causes prompting so many thousands of people to migrate today include «natural» factors which undeniably play a major role. These factors include, in particular, demographic pressure, shortage of drinking water and climate change. *«If we build these factors into the equation, we can see that it is impossible to remain tied to a protectionist and security-related stance, because human rights have to take precedence»* (Marietta Karamanli). But that does not mean neglecting the security aspect. She added that, as Michel Rocard put it, while it is true that Europe cannot take in the whole of the world's poverty, it can (and must) take in its full share of it.

In António Vitorino's view, the environmental changes underlying this massive migration concern us directly. These challenges cannot be ignored, because they are going to account for millions of migrants eventually taking to the road. And indeed, people are eagerly awaiting the UN conference on climate change that is scheduled to be held in Paris in December, in the hope that some progresses may be made in connection with this important and sensitive issue.

To respond to the numerous challenges posed by the present situation, participants stressed the need to safeguard the Schengen "acquis" and its tools but they also agreed on the need to improve the current system, and accordingly formulated a number of concrete proposals.



2. Safeguarding the Schengen "acquis"

Participants highlighted on more than one occasion the need to defend the Schengen "acquis". A review of the aspects in the system that need improving should not be accompanied by any questioning of those aspects which function properly today and which are fully-fledged pillars of the system; starting with the need to strengthen confidence. The need to work together must be ceaselessly reaffirmed.

2.1. Reaffirming the need to act together in addressing the challenges facing us today

According to Johannes De Ceuster, no one should claim not to be concerned by the massive influx of migrants via the Mediterranean: *"and the next question is: what do we do with those who have been rescued?"* The key words in the debate are responsibility and solidarity. Each Member State is responsible within the system because it monitors its borders not only for itself but also on behalf of all the other members. At the same time, however, pressure on external borders unquestionably varies in intensity from one Member State to the other, hence the need for solidarity, because some Member States have to address challenges that are out of all proportion to those being faced by other states.

The message must be put across very clearly: *"the solution does not lie in sealing our borders"*. One has but to consider that those countries that have opted out of the Schengen area, with the United Kingdom heading the list, still have to cope with illegal immigrants and with cross-border organised crime all the same.

"It is not always possible to strike a balance between responsibility and solidarity, but we still need to seek solutions at the EU level".

In António Vitorino's view, we need to underscore an aspect that is too often overlooked, namely that the abolition of internal borders led to *"a huge step forward in the field of judiciary and police cooperation among Member States"*. At this juncture a country's internal security depends on the security of the Schengen area as a whole, thus judiciary and police authorities now cooperate at a much higher level than before the Schengen Agreement came into force. In view of this, we need to very carefully gauge the effects that the potential restoration of internal borders would have. This cooperation, whose importance is crucial for Member States, would suffer a severe blow. The threats that we are facing can no longer be borne by a single, individual Member State not acting in conjunction with the other Member States.

There are some strikingly concrete examples of this. When London came under attack in July 2005, one of the terrorists was arrested by the Italian police in Rome only a few days after the tragedy. The Italian police were able to do this thanks to police and judiciary cooperation, in particular because the suspect's name had been keyed into the Schengen Information System (SIS)⁶. The United Kingdom is not, in fact, a member of the Schengen area, inasmuch as it still monitors its own borders, but it is party to the judiciary and police cooperation, and this episode is a useful example of the benefits to be gained from such participation.

Maintaining control over one's external borders cannot be considered to be the *"be all and end all of security"*. On the contrary, deepening this precious cooperation is the key to furthering the struggle against organised crime and terrorism on a Europe-wide level.

"The man in the street mistrusts the EU Member States' ability to manage the migrant influx. In view of that mistrust, we need to prove that we are capable of guaranteeing security, while safeguarding freedom at the same time" António Vitorino opined, adding that this *"is a daily challenge"*.

Yves Pascouau pointed out that very few people currently take advantage of freedom of movement,⁷ so some people might wonder whether Europe's citizens, in the search for a balance between security and freedom, would not prefer tipping the scales in favour of security rather than freedom. Is that tantamount to saying that instead of seeking a balance between the two, people might not prefer sacrificing some of their freedom in the hope that that would allow them to enjoy greater security?

According to Marietta Karamanli, the answer that almost automatically comes to mind is prompted by the "single market": *"Given that we defend the free movement of goods, capital and businesses, why would we not defend the free movement of people?"* From the security standpoint, one might point out that it is possible to strengthen security without forgoing freedom. It is possible to securitise travel without calling freedom of movement into question.

Another issue that should not be overlooked, she added, concerns young people. The younger generations are increasingly given to moving about, in fact they are sometimes virtually *"obliged"* to seek experience in other countries. Would we want them to go back to the old ways? *"If we add any more obstacles, we will be backtracking rather than moving forward."*

António Vitorino pointed out that cost is another crucial issue. The cost of restoring internal border monitoring and its impact on the circulation of goods would be quite simply enormous.



6. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen-information-system/index_en.htm

7. Almost 3 percent of Europe's citizens reside in a different Member State from their own. http://ec.europa.eu/eurostat/statistics-explained/index.php/EU_citizenship_statistics_on_cross-border_activities

2.2. The benefits for a broad swathe of the population

The Schengen area today is both an area for of free movement from which citizens can benefit in an individual capacity, but at the same time it is an area of police and judiciary cooperation that benefits European society as a whole. All participants drew attention to the following points.

- **“Individual” benefits**

All of the participants discussed their own recent travel between one country and another in the Schengen area.

“We never say this loudly enough, but a whole series of actions that we as European citizens perform on a daily basis today without giving them a second thought are in fact the result of a specific set of agreements signed by the Member States. We live in an interdependent world.” (Marietta Karamanli).

Johannes De Ceuster stressed that Schengen is now a given in the daily lives of Europe’s citizens, of the millions of people who cross the area’s internal borders, be it for business, for leisure and holiday-making or for any other reason. *“We often lose sight of all this. It has become second nature, to the point where we now forget what it rests on”*, he said.

- **“Collective” benefits**

In António Vitorino’s view, there can be no doubt but that the enormous progress made in judiciary and police cooperation should be considered one of the most important benefits deriving from the Schengen accords.

Johannes De Ceuster argued that it is crucial, in addressing the new challenges, to get Europe’s citizens to realise that a response can also be built on the basis of existing elements in the Schengen “acquis”. He provided a concrete example of this in connection with so-called “foreign fighters”. Several Member States have cancelled the passports of individuals who, they suspect, might be getting set to travel to war zones, and that cancellation is recorded in the Schengen Information System. Thanks to this exchange of information, if individuals held to be potentially dangerous were to seek to leave the Schengen area, intervention on the part of the authorities informed of the cancellation would permit their arrest on the border of the Member State through which they were planning to leave the Union.

3. Improving certain aspects of the present system

All participants stressed that the EU needs to strengthen its external borders. Yet it cannot stop there, because that alone would not be enough to resolve the numerous problems encountered today, particularly in connection with illegal immigration.

3.1. Strengthening external border monitoring

“Responsibility for the monitoring and supervision of external borders lies with the Member States”.⁸

According to António Vitorino, it is inevitable that we should notice certain weak links in the external border control chain but, he added, the trouble is that, *“in a system based on interdependence, which rocks the whole boat”*. All Member States must imperatively comply with common standards because each state is responsible for monitoring its own territory’s common external (land, sea and/or air) border.

Thus efforts must be made in the sphere of cooperation, in particular with the support of the European Commission, which not only sets common standards but also has to ensure that Member States implement and comply with those standards.

The Treaty stipulates that the Union *“shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States”*.⁹



Marietta Karamanli believes that “we must bolster the solidarity that exists across the Schengen area

8. <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32011R1168>
9. Art. 67 TFEU.

today". She stressed that several initiatives moving in that direction have been adopted in recent years, in particular with the implementation of a European border surveillance system known as Eurosur,¹⁰ which is currently being implemented and which is based on the exchange of information among national authorities in real time, in an effort to coordinate their operations. Its action is based on the principle of the *non-refoulement* of migrants in situations in which their freedom would be in jeopardy.¹¹ Another proposal that has been formulated, and which Marietta Karamanli greeted with enthusiasm, is the creation of a European border guard corps for external borders, which would make it easier to coordinate and to consolidate management of the Schengen area.¹²

The need to boost Frontex's resources was highlighted on more than one occasion. Frontex is a crucial player and it needs to be strengthened. António Vitorino pointed out that when there have been breakdowns in the past, as for instance happened in Greece, the deployment of Frontex has proved crucial. Special teams were sent out to bolster border-monitoring capability on the Greek islands, which had been very hard hit. *"But it must not be an ad hoc initiative, there must be more systematic initiatives,"* he added, and that requires Frontex to go beyond its present operational capability.

In fact, it has been noticed that stronger intervention by Frontex in certain areas has actually prompted migrants to change their routes accordingly. We must learn from this experience, opined Marietta Karamanli.

According to António Vitorino, strengthening external border monitoring is very important in a dissuasive function. In other words, there is a preventive element involved. Improved external border surveillance is also important to reassure the man in the street with regard to internal security.

At the same time, he specified that a majority of migrants in an illegal situation in the Member States today actually enter the Schengen area legally, but then simply fail to leave when their visas expire.

In view of this fact, we may well argue that, while strengthening external borders is crucial, it cannot be considered the sole solution in the struggle against illegal immigration.

3.2. Implementing expulsion orders effectively

One of the reasons for public opinion's current disenchantment with the Schengen system can be identified in the fact that he considers the Member States to be ineffectual when it comes to repatriating illegal migrants (António Vitorino). How many of the expulsion orders served by each Member State are effectively implemented? The issue is a sensitive one and its implementation has to comply with a whole spate of procedural safeguards and fundamental rights, in particular with the right to a fair trial. He states quite clearly that *"if expulsion orders are not carried out, it is the Member States that are to blame, not the EU!"* Also, there are differences in the implementation of these decisions among Member States, some being more effective than others. Expulsion has a cost and a vicious circle comes into being, at the end of which a scapegoat is sought, and Europe often pays the consequences.

Marietta Karamanli highlighted the fact that deciding on expulsions involves not only considerations of cost but also the matter of agreements with the migrants' countries of origin. She argued that Frontex should be tasked with implementing such decisions. The agency is, in fact, already empowered to do so, but only subject to authorisation from the Member State on whose soil the potential expellee is situated at the time. So as things stand today, the cost is borne by the host state, and those states that are bearing the brunt of the influx are no longer in a position to stand the huge costs involved. That, she concluded, is why it is necessary at the European level *"to reflect on how we can help the Member States via Frontex"*, which would engage the Union's responsibility in earnest and thus bear witness to a *"common European vision of our external borders"*.

3.3. Should the Dublin Regulation be reformed?¹³

People often talk about revising the body of rules enshrined in the Dublin Regulation, but what exactly are they talking about? Johannes De Ceuster explained that Dublin Agreement designates the

10. <http://frontex.europa.eu/intelligence/eurosur/>

11. Art. 79 TFEU states that: *"The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of non-refoulement"*.

12. <http://www.euractiv.fr/sections/leurope-dans-le-monde/paris-milite-pour-un-corps-europeen-de-gardes-frontieres-303075>

13. http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R0604&qid=1396345371258&from=EN#ntr4-L_2013180EN.01003101-E0004 regulation known as "Dublin III", modifying the regulation known as "Dublin II".

Member State responsible for examining an application for asylum, in a space with no internal borders. That responsibility lies with the state that has issued the individual with a temporary residence permit. If no state has issued such authorisation, then it is the state which let the individual enter the area that is responsible for examining his/her application for asylum. *“Thus as things stand today, with everything that is going on in the Mediterranean, if people enter through Italy, then Italy has to process their applications. But the Dublin system has not harmonised the other aspects pertaining to the right of asylum”*, he explained.

António Vitorino argued that the Dublin system clearly has not worked, and that includes the 1990 Convention, the 2003 rules and the 2013 revision (“Dublin III”, i.e. the regulation currently in force). This is basically for one reason: *“In order to work properly the system requires a degree of harmonisation in the asylum procedures in each country so as to prevent ‘asylum shopping’”*, in other words migrants strategically seeking to submit their applications for asylum in the country that takes longest to reach a decision, basing their choice on the consideration of such factors as administrative time frames, legal appeal rights and so on. Their primary aim is to play for time, because in effect, after a long period of time – sometimes lasting years – has elapsed, a de facto situation comes into being and is then extremely difficult to reverse. *“So either we have a common European system that curbs that risk, or Dublin will never work”*.

Moreover the figures show that *“the rationale underpinning the Dublin agreement is given the lie by reality”*, and this is even more striking when we consider that countries such as Germany or Sweden receive a very large number of applications for asylum, yet they are highly unlikely to be the countries of first entry on account of their geographical position. *“So Member States have to realise that the concrete dynamic does not in fact reflect the principles envisaged!”* Thus we have no choice but to deduce that with some countries being literally overwhelmed by applications compared to others, it seems obvious that in some cases the applications are not registered in the countries that are supposed to register them in accordance with the Dublin system, he said in conclusion.

Marietta Karamanli said that reforming the asylum system is an issue of crucial importance on which

we all need to work together and in depth: *“Major influxes on the borders are a fact. And in view of that fact, we should be asking ourselves questions not so much about their root causes, as about how to manage them.”*

She voiced the hope that the Union will put together a common list of “safe countries”, because that would make it simpler to share out the migrants.¹⁴ *“Europe being an ‘association of states’, we have to develop a common migration policy.”*

She added that the countries that have themselves been countries of origin of asylum-seekers in the past, must remember that fact today. Those countries which so recently called for solidarity, now have to display that solidarity themselves. In fact this should be one of the conditions for candidate countries seeking EU membership.

Another interesting example, mentioned by António Vitorino, is Hungary, which is currently beset by a fresh influx of migrants and refugees. Kosovars are among those seeking asylum today, while Kosovo has the European Union’s support. That is a clear signal pointing to the problem of a European foreign policy. There is a crucial link between foreign policies, policies toward third countries and internal policies, including migration policy.

3.4. Looking ahead to the future: desirable reforms

Participants discussed a number of reforms which they felt would be necessary in the future. Johannes De Ceuster pointed out that the Commission has recently adopted a number of proposals, a small “package”¹⁵ covering a common action plan, in particular for migrant return, for external borders management and so forth. *“This is the first step in the implementation of an agenda in the field of migration, aiming to adopt a global and consistent approach covering the ideas in the field of foreign relations, involving the opening up of new paths for legal immigration”*.

14. António Vitorino told a story about safe countries. Member States have very different perceptions and there have already been attempts in the past to draft a list of safe countries, but they have all ended in deadlock. One has but to think that Member States could not even reach agreement over the United States. That gives you an idea of the extent of the difficulties standing in the way of an agreement on the issue. It is worth pointing out that, in a letter to the delegations dated 15 July this year, Commissioner Dimitris Avramopoulos encouraged Member States to identify these safe countries of origin: <http://data.consilium.europa.eu/doc/document/ST-10962-2015-ADD-1/en/pdf> At a special JHA Council held on 22 July, the ministers adopted conclusions on the designation of certain third countries as safe countries of origin

15. http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf

In addition, it was stressed that the functioning of the Dublin Regulation is coming up for evaluation next year, and the idea of safe countries of origin is also on the agenda. These are clearly issues that require debating, and so realistically they are not going to be adopted any time in the near future.

- **Encouraging legal immigration**

Johannes De Ceuster explained that when the Schengen Agreement was negotiated, such sensitive issues as migration were not addressed; this, so as to avert a stalemate situation. Thus in order to proceed more rapidly, it was decided to open up negotiations on the harmonisation of migration policies in 1986, after the Schengen negotiations had been completed. But a change in the political majority, particularly in France, meant that those second negotiations never got off the ground, and so the issue has remained open ever since. Also, during the negotiations, it was not considered crucial to harmonise migration policies before lifting internal border controls, because it was felt that anyone with a long-term residence permit would have been vetted in depth by the issuing state. So if a Member State had issued an individual with a five-year permit, then that individual had perforce to enjoy freedom of movement.

António Vitorino voiced the hope that the management of borders and migrants is going to lie at the very heart both of the European Neighborhood policy and of its strategic security guidelines.

In this connection, it is necessary to develop policies that take into account both the security aspect and the issues of migrant intake and of legal immigration: *“If we wish to cooperate, then we have to accept a more transparent kind of legal immigration governed on a common basis”*.

Marietta Karamanli highlighted the need for cooperation among Member States, as well as with third countries. She argued that future draft legislation at the European level, particularly with regard to legal immigration, must necessarily be based on the principle of solidarity.

- **Harmonising long-term visas**

Yves Pascouau cited Eurostat sources showing that out of 17 million applications for asylum in 2013, 16 million were accepted and resulted in the issue of

a Schengen visa.¹⁶ Johannes De Ceuster noted that the Commission has developed a common visa policy based on the “promotion” of tourism towards the Union. This decision was made for economic reasons, the aim being to attract people in order to get them to spend their money and thus stimulate European economy.¹⁷ But aside from tourism, we also need, of course, to take into account business people from third countries who enter Europe. We need to examine the figures with a certain amount of prudence because the large number of visas applied for and issued can also be explained by the fact that the same person may apply for a visa more than once. In fact, that is one of the main reasons why the Commission has proposed creating a touring visa.

He stressed that Schengen has not harmonised long-term residence visas, which are national visas issued in accordance with a procedure and on terms determined by national law; even if there are sectoral directives in specific cases, they are basically a national affair.

He pointed out that the Commission’s recent proposal¹⁸ for the creation of a touring visa is a bold measure. As things stand today, Schengen short-stay multiple entry visas are the only visas provided for at the European level. These visas show that Schengen also represents an added value for third-country nationals, and that is, of course, a highly positive result for them. Third-country nationals in an illegal situation do not, of course, have the right to move freely about. Johannes De Ceuster went on to explain that a traditional Schengen visa allows a short stay, lasting 90 days, over a 180-day period (three months by six months). So, bearing in mind the situation of people needing to move around for longer periods (the traditional example being the *Cirque du Soleil*, which conducts its tours all over Europe), the Commission’s idea is to develop a new kind of visa allowing people to move around in the whole of the Schengen area for a longer period of time, with a cap of three months per Member State. For stays lasting longer than three months, it would be necessary to apply for long-term residence, which is a totally different kind of residence permit.

16. http://ec.europa.eu/dgs/home-affairs/e-library/docs/infographics/schengen-visas/schengen_visas_infographic_en.pdf

17. http://europa.eu/rapid/press-release_IP-14-347_en.htm

18. [http://www.europarl.europa.eu/meetdocs/2014_2019/documents/com/com_com\(2014\)0163_/com_com\(2014\)0163_en.pdf](http://www.europarl.europa.eu/meetdocs/2014_2019/documents/com/com_com(2014)0163_/com_com(2014)0163_en.pdf)

Johannes De Ceuster noted that Member States' response to this proposal so far has been rather lukewarm, in particular on account of the fact that it would benefit only a small number of individuals.

It is going to take a long time before such a measure is adopted, if at all, but the Commission's proposal does show that it is still possible to make further progress in the Schengen area, as Yves Pascouau pointed out.

- **Encouraging national parliaments to participate**

"Our Union must be built on democratic dialogue", and that, Marietta Karamanli argued, is a maxim which we should constantly bear in mind.

At the outset, the Schengen area was accused of actually increasing securitisation, particular on account of the countervailing measures adopted with it.¹⁹ It was often alleged that this increased securitisation was a result of the absence of parliamentary oversight in the spheres of immigration and of security, the theme of the former third pillar. But at this juncture, parliaments do have the appropriate tools for intervening increasingly in this sphere, especially with regard to guaranteeing the protection of human rights.²⁰

For instance, one has but to think of the European prosecutor's office and the protection of personal data, in connection with issues relating to police and judiciary cooperation. When there was no accord between the Commission and the Member States, representatives of eighteen national parliaments met in Paris and thrashed out a common position.²¹

Johannes De Ceuster added that the European Parliament *"very closely tracks what goes on in Schengen"*. The Commission submits a six-monthly report to it on the functioning of the Schengen area, and this report is not only technical, it is also political.

Conclusion

Since 1995, the primary aim of the Schengen area has been to strike a balance between freedom and security. Schengen has been a target for controversy since day one, but the existence of a critical and constructive debate on the aspects that could work better should not lead to the blind questioning of the system as a whole. Schengen is one of the "pillars" of European integration: it abolishes the control of individuals at internal borders while at the same time it provides a series of tools for cooperation amongst Member States, and those tools are crucial for the Union and for its security.

The Union is currently facing major challenges, but the need to find solutions to those challenges should not call into question the need for Member States to act together.

As António Vitorino pointed out: *"The search for a balance between security and freedom is never over. It is a never-ending search"*.

It is unquestionably a work in progress, in the course of which *"we sometimes draw close to the ideal model, and sometimes draw away from it."*

But the fact that the EU has never once suspended a terrorism defendant's or suspect's right to defence, the implementation of the European Convention on Human Rights or any other safeguard provided for under international law, including the Geneva Convention on Refugees, is a clear signal that its action is moving in the right direction.

19. Second report of the Committee for Public Liberties and Interior Affairs on the entry into force of the Schengen Conventions (1992), Rapporteur L. Van Outrive, 5 November 1992.

20. For instance Art. 69 TFUE, a measure introduced with the Lisbon Treaty stipulates with regard to police and judiciary cooperation that "National Parliaments ensure [...] compliance] with the principle of subsidiarity".

21. <http://www.assemblee-nationale.fr/presse/communiqués/20140917-04.asp>

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