

## Visas and Schengen Code: Towards a win-win cooperation between the EU and its neighbours?

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*In order to address the issue of free movement of persons, a major challenge for cooperation between the EU and its neighbours at large, Notre Europe, the CERI and the Stefan Batory Foundation organised a panel discussion "Access to Europe and visa policies: A major challenge for the EU and its neighbours" in Paris on 28 June 2012.*

The EU's approach on this issue is split into various policies (enlargement, neighbourhood policy and others) and covers different perceptions, realities, and perspectives amongst the partners themselves. The aim of this conference was to debate the way the EU addresses this issue in its vicinity, with a special focus on the expectations from both the EU and its neighbours, the logics behind closer integration with the partner countries, as well as the coherence of the various instruments of cooperation (such as visa liberalisation).

The participants in the panel were:

- **Pierre Beckouche**, Scientific Advisor, Institut de prospective économique du monde méditerranéen (IPEMED);
- **Joanna Fomina**, Coordinator of the "Friendly EU Border Project", Stefan Batory Foundation;
- **Katharina Knaus**, Analyst, European Stability Initiative (ESI);
- **Roderick Parkes**, Head of Brussels Office, Stiftung Wissenschaft und Politik (SWP).

**António Vitorino**, President of *Notre Europe* and former European Commissioner for Justice and Home Affairs, gave an introductory speech and participated in a Q&A session right after.

The debate was moderated by **Catherine Wihtol de Wenden**, Director of research, CNRS/CERI. Questions and answers from the audience concluded the event. This synthesis tries to summarise the key issues that were covered during the presentations and discussions.

### **1. Visa and migration policies are under close scrutiny.**

#### ***1.1. Visa policies are an important tool for the European authorities.***

- Even if visas free policies could have some positive consequences, for example in promoting human contacts and easing trade (Joanna Fomina), an **"open door policy" on migration is neither feasible nor credible** (António Vitorino).
- It is important to underline that the majority of the illegal migrants are **"overstayers"**, i.e. people who had been authorized to come in a given EU country (especially by receiving a visa), but who decided to stay beyond the limits fixed by this authorization. The way visas are delivered is then of major importance.

- The priority is to **rebuild trust<sup>1</sup> between EU member states and with neighbouring countries**. In parallel, it is of course necessary to **manage inflows of migrants with the departure countries** and to try and control illegal immigration by signing readmission agreements with these countries.

### ***1.2. A broader European strategy should be promoted as regards migrations<sup>2</sup> (António Vitorino).***

- Mistrust among member states is due to the **structural imbalance between the establishment of common external borders and the fact that each country continues to maintain responsibility for its section of that common border** and continues to be solely responsible for deciding who may or may not enter its territory (deciding on both admission and regularisation without any kind of coordination and irrespective of the impact of national policies in the entire Schengen area).
- This mistrust is initially displayed outside the country, in the form of doubts voiced regarding the ability of one or the other country to efficiently monitor its borders or to effectively record the arrival of refugees on its soil.
- Regulating movement of people better seems all the more needed since the economic crisis led to the rise of criticism over migrants in general, the non-Europeans coming from outside EU thanks to visa as well as the Europeans benefiting from the free movement of people.
- It would be an important achievement to have a **migration policy** at the European level that would promote transparency and effective coordination of national decisions concerning the admission of migrants in the EU and its potential impact. The efficiency of border control is crucial, but it cannot do miracles.

## **2. The challenges of European visa policies.**

### ***2.1. Promise of visa-free travel to selected neighbouring countries?***

- In the neighbouring countries, reforms take place in order to address **five major issues**: document security (biometric passports), dealing with asylum seekers, data protection, fundamental rights protection (non-discrimination) and fight against corruption, money laundering and organized crime (Joanna Fomina).
- In this context Ukraine and Moldova have obtained **action plans on visa facilitation and readmission**, while the other countries of the Eastern partnership have achieved fewer progresses (Joanna Fomina).
- Turkey has been granted a similar action plan, called “roadmap”, on 20 June 2012. Previously stuck, the situation is now moving with the signature of a readmission agreement. The perspective of visa-free travel for its citizens could be an incentive for Turkey to help better control the Greek-Turkish border (Katharina Knaus).

### ***2.2. Strict conditionality for a visa-free access to the EU?***

- The EU conceptualises conditionality as a common good to be shared between itself and the other countries and says “we will give access to our common good (Schengen) and demand the

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<sup>1</sup> Yves Pascouau, “[Schengen and solidarity: the fragile balance between mutual trust and mistrust](#)”, *Policy Paper No. 55, Notre Europe/EPC*, July 2012.

<sup>2</sup> Yves Bertoncini, “[Schengen and Immigration](#)”, in “European Steering Committee 2011 - Key elements”, *Notre Europe*, December 2011.

following in exchange.” This is actually the most exhausting form of foreign policy and a sign of weakness that shows an EU that lacks other means to attract third countries (Roderick Parkes).

- With respect to its Eastern neighbourhood, the EU approach has been characterised as a “carrot and stick” approach. It helps to promote democracy and “better” neighbours, but these are long processes for the individual neighbouring countries (Joanna Fomina).
- The case of Turkey is particular, since national courts have challenged the visa requirements as a violation of the 1963 association agreement that had offered comprehensive rights to Turkish citizens. Eleven countries did not require Turks to have visa at the time and the situation may not worsen (Katharina Knaus).

### **3. The case for a win-win cooperation on migration?**

#### ***3.1. Understanding better the neighbouring countries<sup>3</sup>.***

- Citizens from neighbouring countries would like to obtain primarily short term visas for tourism or business: it’s the main issue to be managed, an issue which shouldn’t be mixed with the one of labour migration (Joanna Fomina).
- Signals of openness addressed to civil societies and democratic forces are needed so as to strengthen the choices these forces make. It is then essential to send them a message of openness – by speeding up the delivery of visas for students and teachers, and of multi-entry visas for professionals (António Vitorino).
- The “threat of an invasion of migrants” to rich European countries could be deliberately used by the neighbouring countries that want the EU to make concessions on other issues (see the Greek-Turkey situation) (Roderick Parkes). Illegal migration can then only be fought efficiently on the basis of a close cooperation with the neighbouring countries, in the framework of a more global political deal (Katharina Knaus).

#### ***3.2. The need for a new European paradigm as regards migration.***

- EU leaders have been wrong to create polemics over immigrants numbering a few tens of thousands at the occasion of the Arab Spring – these polemics affects the image of European countries. The latter should rather try to **act better in the global competition to attract skilled and less skilled workers** (Pierre Beckouche).
- The European paradigm should shift from “migration” to “mobility”<sup>4</sup>. Comparing the European Blue Card to the US Green Card shows a significant lack of attractiveness of the European offer to highly qualified migrants from third countries. An innovative policy proposal would be a multi-entry passport for skilled workers (Pierre Beckouche), which would traduce a shift towards a more “circular” migration (Catherine Wihtol de Wenden).
- It is necessary to calmly tackle the debate over migration, in a multilateral framework, between ageing European countries (for whom foreign labour is a solution more than a problem) and much younger neighbouring countries (where some aspire to work in the EU). The **common good to be managed jointly should not be the access to the EU territory but a better economic development for both the European countries and the neighbouring countries** (Roderick Parkes).

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<sup>3</sup> Sami Andoura, Yves Bertonecini, “[The EU, its Neighbours and its Borders](#)”, *Notre Europe’s Viewpoint*, March 2012.

<sup>4</sup> Roderick Parkes, Daniela Schwarzer, “[The Divisiveness of Mobility: Fuelling Populism in the Euro and Schengen Areas](#)”, *SWP Comments 2012/C 21*, July 2012.