



THE SCHENGEN AGREEMENT IS ON THE MOVE

IED Research Project: “Migration, borders control and solidarity: Schengen at stake?”

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Abstract: Nowadays the triptych of Migration – Border Control – Solidarity is at stake, pressure from frustrated European Union citizens who rightfully raise their concerns on security, lack of innovation and responsiveness present a gloomy future for Europe. The refugee crisis has sparked intense discussions and questionability on Schengen’s agreement viability and effectiveness. The aim of this research is to establish the viability of Schengen Convention at the present time, benefits of modernizing the agreement versus consequences of abolishing the convention. The author will attempt to set a linear timeline of events, dating back since the inception of the agreement, organized by a series of facts and milestone events relating to the evolvement of the Schengen Agreement into one cohesive and conceptual timeline stream. The research strategy is focused in real life examples of the Schengen Agreement and how it is responding to meet expectations of reality supported with the relevant European legal framework. The gathered material will be utilized to arrive at a more complete understanding on the following questions a) how important the Schengen Agreement is in terms of economic impact b) How important the Schengen Agreement is in terms of migration and establishment of the European territorial model c) Suggestions on improving the Schengen Agreement d) The legal backbone and forcibility difficulties. The data collection was focused on articles released by the Commission, quotations of politicians, research papers from renowned authors and European legislation. The reverberations from

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the aforementioned failures impacted a crack at the European foundations of solidarity and union between nations, evidently the general public is cultivating an anti-Europe behavior which is also witnessed in recent political news such as Great Britain referendum on exiting Europe, Greece referendum and a staggering uprising in extremist anti-Europe national parties, one can assume that the recent political and economic turmoil is truly testing Europe's vision on a territorial model and seriously questioning region's integration. Europe needs to act by preventing the further reverberations as the Union begun to appear increasingly fragmented – trying to fix a problem by creating another problem is a one step forward two steps back situation, a need to assess and map the dynamics of the European territoriality arises, a simple S.W.O.T. analysis on a multinational level. Europe started off as the greatest achievement of humanity in unifying nations however the underlying reality in current global dynamics it is very different, Europe is called for immediate action and finish what it started back in 1960, a truly multinational region with common policies, visions as identified by Bauman below: Mapping the dynamics of European territoriality can therefore provide relevant clues on how the region might be able to overcome its current woes. This exercise is daunting, as an “unfinished adventure” ¹(Bauman 2004) rather than an accomplished and well-defined geopolitical entity, “Europe” defies simple categorizations.



¹ Bauman, Z. 2004. Europe, an Unfinished Adventure. Cambridge: Polity Press.



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1. Introduction:

The Schengen Agreement is a product of collaboration and understanding between the participating nations, a perfect example for realizing the potential of nations working together and achieving evolvement. My country Cyprus, a small nation of one million population joined Europe on 1 of May 2004, an achievement which I consider the greatest political milestone since the inception and independence of the Republic of Cyprus back in 1960. However, the road towards EU membership was not paved with roses but with many difficulties and prerequisites, EU should maintain, refine and evolve such requirements starting with the migration policies as Europe begun to feel 'intangible' less physical, less territorial and less viable.

Schengen Agreement needs to move forward since the advantages outweigh by a great margin the current difficulties in Europe. However European Citizens are worried about having their security compromised, recent numbers from Eurostat service reveal a record braking influx of asylum seeker as a result of instability in the Middle East Region. Coming from a family who were forced out of their homes as a result of the Turkish aggression back in 1974, it is unpalatable to blame the displaced and a rather easy excuse for inefficient border protection, lack of common asylum policy and failure of the European Union's speed and effectiveness in assisting Greece and Italy accommodate and support the displaced.

Schengen Law in the in European Union framework raises accountability and implementation issues therefore the Schengen *Acquis* was born ²(Cf. Gautier, 1998). Schengen Law in order to be unified and “legalized” agreed on the fundamentals of International Law and their ratification into the framework of the European Union by the Treaty of Amsterdam. The legal backbone is extremely important as it will dictate up to which extend Schengen may or may not be abused. The recent up rise of asylum seekers and expansion of Schengen from “inland” countries to island nations such as Cyprus may cause a ripple effect from the legal point of view. Additionally, transparency is an essential precondition for involving the public in Schengen related decision making process, such involvement would be the pinnacle of democracy and will never be realized until public actively take point on decision making, but because not everyone is equipped with legal knowledge, the laws must be made clear and simple.

2. Main Body:

A) The inception and roadmap

For the purposes of this research the Schengen area and cooperation will be briefly explained since its inception back in 1985. Schengen is the ultimate representation of free movement, an extension of the Universal Declaration of Human Rights on free movement and this is achieved by the abolition of internal borders which are replaced by a single external border negating any unlawful entrance. In the same time Schengen area must provide compliance with the Treaty of Amsterdam of 1997 which within the European Union’s legal framework commands for cooperation and corporation between police services and judicial authorities, this however is not realised by all Schengen participating Member States mostly because of their own wish to maintain border controls or due to the fact that are yet to fulfil the conditions required for the implementation of Schengen *Acquis*³

In the early 1980s the meaning of free movement of persons was to be redefined. A number of Member States instigated the fact that the concept should be applicable only to the European Union (EU) citizens, something which would maintain the need for internal border

² Cf. Gautier 1998. ‘ Le protocole ‘ intgrant l’acquis de Schengen das le cadre de l’ Unon europeene.

³ Official Journal of the European Communities L 239, 22 September 2000.

checks as there would be no other way to identify EU nationals and non-EU nationals. On the other hand other nations supported that internal border checks should be abolished all together. The nations could not reach a mutual agreement therefore France, Germany, Belgium, Luxembourg and the Netherlands agreed to create the first version of Schengen area, a territory without internal border controls.

Shortly after and on June 19 1991 the Schengen Convention was further enriched and in 1995 (the implementation date) all internal borders of the signatory states removed and a single immigration point for the external border was established. This change calls for common grounds between the signatory states concerning visa applications, asylum seekers in order to maintain compliance with the law; those measures were named compensatory. At this point the Schengen Convention did not enter into force for all the parties as Greece and Italy were facing technicalities due to local establishment of data protection legislation which was bound to be in existence in order to bind with the Implement Convention. Additional immigration controls and border protection required more time and changes. Member States, United Kingdom and Ireland did not show any interest in adhering to the Schengen, the latter state was facing conflict with the already existing Nordic Travel Area, an area of free circulation shared with Denmark, Sweden and Finland, a reconciliation problem which required time and resources for its evolvement.

The importance of Schengen at the time was immense, especially the psychological factor as Schengen was the realization of a Europe without any internal frontiers and a tangible implementation of Article 7A of the EC Treaty (The promise of the free circulation of persons.) From a legal viewpoint such multilateral agreement required at least a common law; therefore Article 134 of the Convention provides that: “The provisions of this Convention shall apply only in so far as they are compatible with the Community law.”

Article 134 hamstrung the implementation process as such provision was satisfied only by 7 out of the 15 Member States, it must be understood that the European Law could be considered the most advanced legal system the latest century, it is with no surprise one may realise that the super national law in the European Union may face difficulties in uniform implementation along 28 different Member States today. The data protection legislation was a great barrier at the time as local law was in conflict and the possibility of opening the legal floodgates was visible in the judicial systems. The Schengen requires real time exchange of



information and this is achieved by the SIS (Schengen Information System), essentially a database consisting of sub-databases for each Schengen participating state, namely N.SIS, a lower level system which may be operated by the national authorities, finally the data is collected by C.SIS a support function team located in Strasbourg. The Schengen database a few years just after its implementation contained more than 6 million entries on stolen / lost passports, cars and almost staggering 1.5million entries in individuals.

Moving forward after realizing the sophisticated Schengen Information System (SIS) the Schengen area gradually expanded to nearly every member state of the European Union, Italy signed the agreements on 27 November 1990, Spain and Portugal joined on 25 June 1991, Greece followed on 6 November 1992, then Austria on 28 April 1995 and Denmark, Finland and Sweden on 19 December 1996. The Czech Republic, Estonia, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia joined on 21 December 2007 and the associated country Switzerland on 12 December 2008. Bulgaria, Cyprus and Romania are not yet fully-fledged members of the Schengen area, border controls between them and the Schengen area are maintained until the EU Council decides that the conditions for abolishing internal border controls have been met. Those measures that the nations need to adopt command for radical changes in some nations (especially new members in the European Union) for both technical advancements and law reforms. Those changes include:

- Removal of checks on persons at the internal borders;
- Common set of rules applying to people crossing the external borders of the EU Member States;
- Harmonisation of the conditions of entry and of the rules on visas for short stays;
- Enhanced police cooperation (including rights of cross-border surveillance and hot pursuit);
- Stronger judicial cooperation through a faster extradition system and transfer of enforcement of criminal judgments;
- Establishment and development of the Schengen Information System (SIS).

The following years technological advancements and after years of extensive testing across the European Union the Second Generation Schengen Information System also known as SIS II was to replace the SIS II⁴. The second generation Schengen Information System

⁴ In accordance with ACT Regulation No 1987/2006/EC entered into force 17.1.2007 and available on the Official Journal OJ L 381 of 28.12.2006

(SIS II) will be a large-scale information system containing alerts both on persons and objects, the upgraded system may be used by border guard personnel, customs officers, visa- and law-enforcement authorities throughout the Schengen area, with a view to ensuring a high level of security. This new system is currently undergoing extensive testing in close cooperation with European Union (EU) countries and associated countries participating in the Schengen area (referred to below as the Member States *) and will replace the current system, providing enhanced functionalities.

B) Perception from non-participating Member States

While more than half Member States agreed to the Schengen Agreement up to early 2000s a handful of Member States did not fully participate. Some Member States had to deal with regulatory issues while other nations had to deal with technicalities.

Denmark: Although Denmark signed the Schengen Agreement, it can still decide on new measures decided under Title IV of the EC Treaty within the EU Framework⁵ even if that turned out to be slowing down the development of the Schengen *Acquis*.

Ireland and the United Kingdom: It was not until 22 December 2004 that the United Kingdom implemented the major parts of the Schengen *Acquis* with the Council decision 2004/926/EC.⁶ United Kingdom delayed its acceptance by many years, one must account that the UK is essentially an island and living in an island is often much more complicated to regulate and patrol external borders compared to inland, additionally the benefits of Schengen Agreement apart from the psychological impact of free movement are negated for countries surrounded by water as the movement is naturally restricted by water and therefore more difficult to move trade across the borders.

Iceland and Norway: As previously mentioned Iceland and Norway belong to the Nordic Passport Union, a free movement area which abolishes internal border controls, the two aforementioned countries involved directly with proposals and development of the Schengen framework but without any voting rights up to late 1990s. The Council's Decision

⁵ In accordance with Treaty 1200E/TXT found in the Official Journal C 340 , 10/11/1997 P. 0173 - Consolidated version.

⁶ 2004/926/EC: Council Decision of 22 December 2004 on the putting into effect of parts of the Schengen *acquis* by the United Kingdom of Great Britain and Northern Ireland found in Official Journal of the European Union L 395/70

of 17 May 1999⁷ was signed by both countries for the implementation, development and immediate application of the Schengen *Acquis*.

Third Countries: As a result of the slow but steady growth of the Schengen area expanding to almost all European Union Member states, third countries that had bilateral association with Member States soon began to satisfy the Schengen *Acquis* precondition of free movement between those and the European Union, those countries were part and bind by the Agreement on the European Economic Area, namely Liechtenstein, Norway, Iceland. The aforementioned countries although non EU member their participation was required in order for the Schengen to function:

- To enforce a free movement and be part of the wider area without checks and the Internal Borders.
- Adoption and compliance with the provisions of the Schengen *Acquis* and other Schengen affiliated directives.
- Taking part to the decision making process relating to Schengen development.

Schengen Area as of 1/7/2013

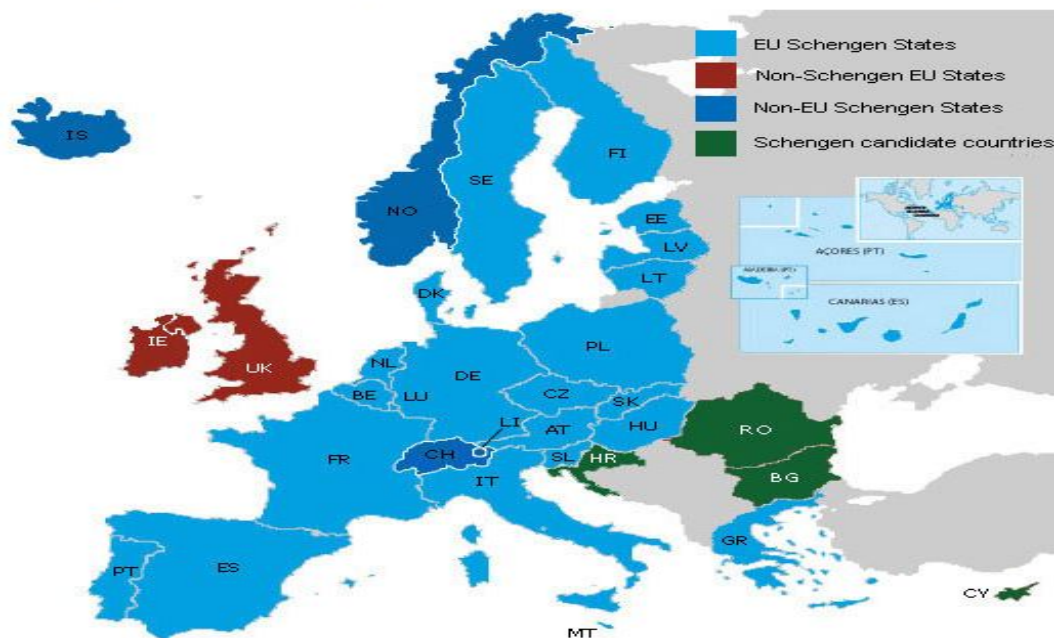


Figure 1 below illustrates the Schengen area as of 01/07/2013⁸

⁷ 1999/439/EC: Council Decision of 17 May 1999 available at Official Journal L 176 , 10/07/1999 P. 0035 - 0035

Those countries however did not take part in any voting process but only participation in discussions for the development of Schengen Agreement. One may clearly identify the complexity of such agreement to be implemented was immense but for the ultimate benefit of freedom of movement, such radical changes may take time until are “digested” by the citizens in order for the politicians to push law reformations. Although the Schengen Agreement was faced with hesitation and ignorance from some Member States, its true benefits were still to be realized, hence the slow adoption curve. The benefits of the Schengen Agreement will be exposed to critical thinking both from a tangible and intangible point of view.

C) The Schengen Agreement economic benefits

Historically trade was concentrated around trading hubs with access to water passage or geographically located in cost effective and efficient manner. The Schengen Agreement allows uninterrupted travel of goods from Greek olive fields to Germany’s dishwashers allows Italy to export fresh delicacies without freezing and maintaining natural freshness, allows commute to countries where the wages and opportunities differ from origin. On a yearly basis more than 1.2 billion citizens cross the internal borders and almost 3 trillion Euros worth of goods are being transferred along 57 million truck crossings. Tourism depended regions also greatly benefit from tourism and cross-border workers, as costs may be lower due to hiring from areas with lower average wage, an average of 3.5 million people cross the internal Schengen area borders. Trade obstacles between trading partners are dramatically reduced and a cross country trade facilitation is also achieved, an academic study⁹ shows that the effects of Schengen on European trades are beyond positive, participating countries are found to benefit as below:

- A bilateral net increase in trade by 0.09% on an annual basis
- An indirect further increase in imports of 0.09% as a result of the immigration dynamics

⁸ Data available online from Migration and Home Affairs Official website, accessed on 13/05/2016

⁹ The Positive Effects of the Schengen Agreement on European Trade, The World Economy, Volume 37, Issue 11, pages 1541–1557, November 2014

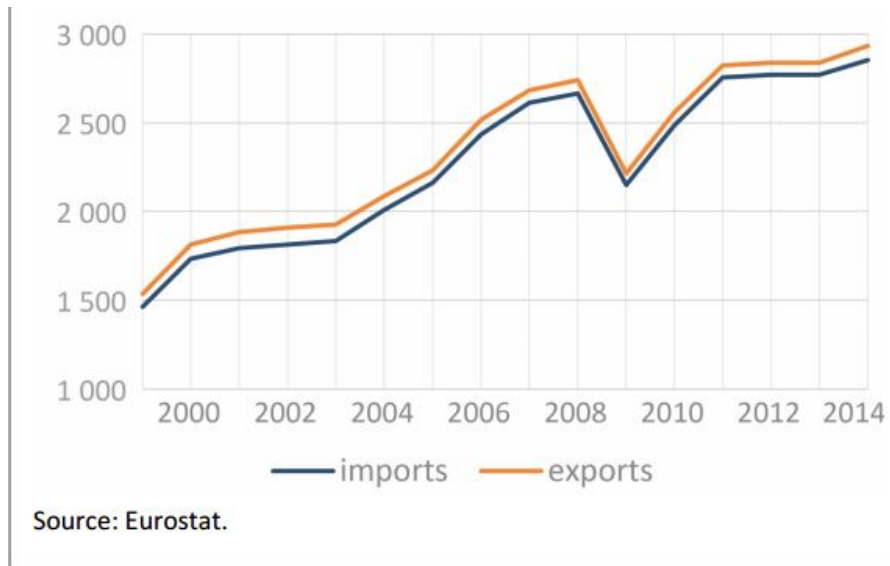


Figure 2 Intra-EU-28 trade – imports and exports in billion Euros.

D) Non-Schengen economic consequences

Emerging costs from a possible permanent closure are estimated a staggering loss of 1.3 billion Euros up to 5.2 billion Euros per year, additionally based on simple supply and demand equation the import prices will raise and the FDIs (Foreign Direct Investments) will also decreased. The Economic impact for time critical production processes will be multiplied by many times, for example a closure of Oresund Bridge (linking Sweden and Denmark) would cost a loss of 300 million Euros in just a year. Demurrage losses which are related to delays for the additional internal border controls, permanent border controls would cost the European tourism industry and additional losses amounting to 10 billion up to 20 billion Euros per annum.

European Commission calculations ¹⁰ reveal costs in a ‘Non-Schengen’ instance between 5 billion euro up to 18 billion Euros, it is acknowledged though in recent communication from the Commission to the European Parliament, the European Council and the Council that the most expensive and direct impact of internal border controls would be felt by the logistics and transportation market segment, with an additional €1.7 to €7.5 billion of excess direct cost each year to come. European Union Member States such as Poland,

¹⁰ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE EUROPEAN COUNCIL AND THE COUNCIL Back to Schengen - A Roadmap Brussels, 4.3.2016 COM(2016) 120 final

Germany and The Netherlands would be obliged to deal with a black hole of more than 500 million Euros of excess costs for the logistics and transportation of traded goods while other Member States such as Spain or the Czech Republic would have to burden their fragile economies even more and witness their businesses paying more than €200 million for additional storage and transportation costs. The additional costs will have a heavy negative effect on those market sectors that stay afloat in an economic form of marginal profits where transport presents a high percentage of the costs.

Additional market segments that would be particularly affected include the fragile agricultural market segments along with the chemical market segments in addition with the transport of raw materials. Looking into the future in medium term, economic costs of transportation that will be unduly increased due to the necessary delays in internal border controls would reduce the efficient development of EU value chains and the general competitiveness of the EU economy as a whole, as recent international trade's profitability is adjacent with the margin of efficiency.

For the purposes of evaluating the economic cost the 1.7 million workers in the EU crossing a border every day to go to their jobs one must consider that the border controls would cost commuters and other travellers between €1.3 and €5.2 billion in terms of time wasted at border security checks. Not to be ignored are also the long waits at the border would discourage jobseekers from looking for cross-border opportunities in the labour market, reducing the selection pool of potential workers, naturally such delays in medium term, would reduce the economic efficiency of some regions.

Furthermore the Commission estimates that at least 13 million tourist nights could be lost in the EU due to the reduction of intra-Schengen tourist trips caused by cumbersome border controls, with a total loss amounting to €1.2 billion for the tourism sector. If border controls also bring a fragmentation of the European Union's common visa policy, the potential impact for the tourism industry could be multiplied (from €10 up to €20 billion). Additionally, travel agents attempting to minimise the number of countries visited by lucrative long distance tourists such as Asian tourists would hurt all but the most popular European Union tourist destinations. Finally, between €0.6 and €5.8 billion of additional administrative costs would have to be paid by governments due to the need for increased staff

for border security controls and it is instigated that investment in the necessary infrastructure would add several billions of euro.

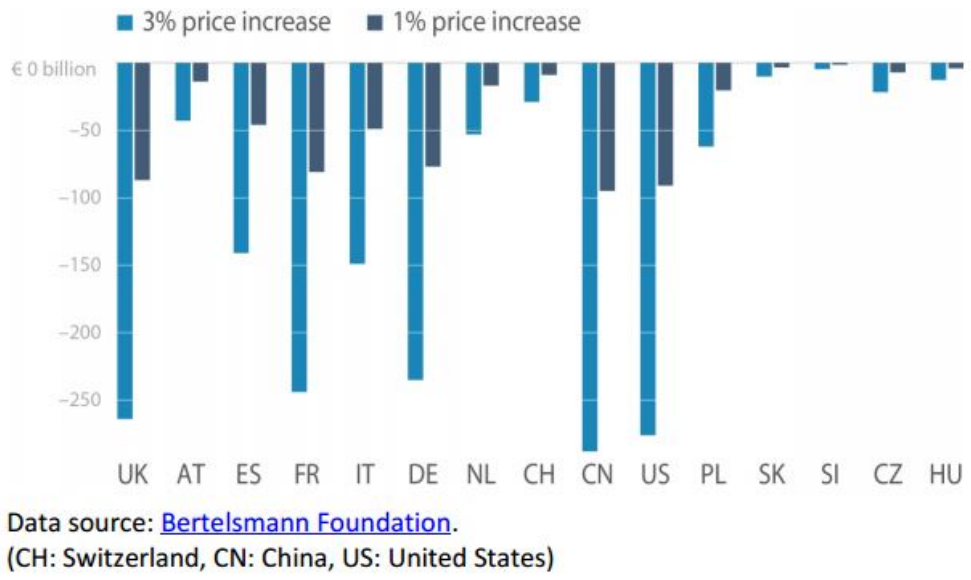


Figure 3: Cumulative GDP slip scenarios up to 2025 in billions of euro¹¹

E) Schengen’s migration impact

‘Every problem is a gift – without problems we would not grow’¹² and Europe is definitely looking at the wrong direction, this is a chance to revitalize the European Union, at a time where policymakers and politicians must work creatively to tackle the migration problem. It must be admonished that no country alone can shoulder the refugee crisis, the influx of migrants is not an Italian, Greek or Malta problem, it is not only a problem of accepting the migrants but how to deal with them after, one must understand that there is no easy way defending border in international waters. Besides the international law there is a serious risk of failing to preserve human life, which goes without saying that the perseverance of life exceeds any law, provisions or policies.

¹¹ ERTELSMANN STIFTUNG (ED.) Departure from the Schengen Agreement 1.edition 2016, available free of charge.

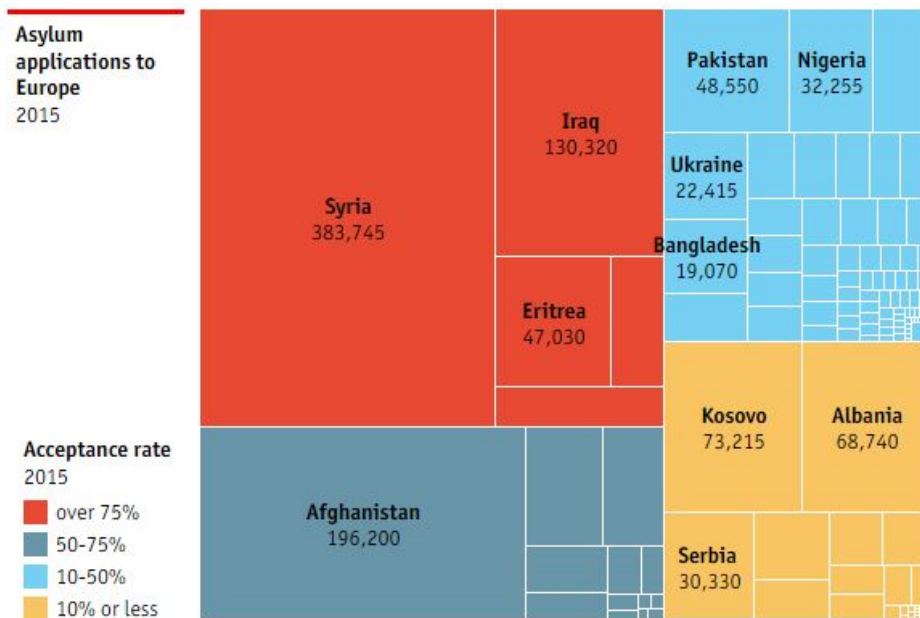
¹² Anthony Robbins , Writer - Author

The following statements were extracted at a conference from the Slovak president and his Polish counterpart: "The disintegration of the Schengen area would have a devastating impact -- especially on Slovakia,"¹³

"We want people to feel free in the EU"¹⁴

Despite the war in Syria (which contributes to almost 1/3 of the total population migrating) the migration influx comes naturally from poor neighbouring countries individuals who seek higher standards of living in European countries.

The below chart illustrates the asylum applications in Europe and their acceptance rates:



Sources: Eurostat; Frontex; *The Economist*

Figure 4 Asylum applications and countries of origin¹⁵

Taking into consideration the above chart and in accordance with Frontex Risk Analysis 2016¹⁶ in 2015 there as unprecedented number of refusals of entries and returns for

¹³ Slovak President Andrej Kiska statement press conference 2016-02-29

¹⁴ Polish President Adrej Duda statement press conference 2016-02-29

¹⁵ Chart from The Economist series : Daily Charts 2016, data available <http://frontex.europa.eu/>

¹⁶ Frontex Risk Analysis 2016, Frontex Reference Number : 2499/2016 available at <http://frontex.europa.eu/>

fraudulent document users and illegal border-crossing, numbers which will be later examined for this research indicate the largest migration crisis since World War 2. Particularly the detections in Europe happen at majority around three choke points, the maritime border between Turkey and Greece, the border with the Western Balkan countries and the Central Mediterranean border.

The latest situation in Europe reveals the following:

Reported Cases	2014	2015
Detections of illegal border-crossing between BCPs	282 962	1 822 337
Detections of persons legally residing	424 967	701 625
Returns (in accordance with decisions)	251 990	286 725
Returns (effective)	161 309	175 220
Refusals of entry	114 887	118 495
Detections of facilitators	10 234	12 023
Detection of fraudulent document users	9421	8373

Figure 5 Situation 2015 (Reported Cases)¹⁷

In accordance with the figure 5, extracted from official Frontex data three main types of irregular migration flow are identified in regards to asylum acceptance:

A. Nationalities that fall within the category Likely to be accepted for asylum

Security procedures at the border should be geared towards efficiency, faster identification and prompt access to protection. Under each wave a proportion of applicants it is very likely to make false declarations of nationality (in accordance with the number above), and this creates an ongoing challenge for border security personnel to identify such person, breaking the law. The security personnel must identify promptly whether protection

¹⁷ Frontex Risk Analysis 2016, Frontex Reference Number : 2499/2016 available at <http://frontex.europa.eu/>

is required and measures should be undertaken to return them promptly to safe countries. Under European Union law (the Asylum Procedures Directive¹⁸) considers a country safe when there is a democratic system, as well as, generally and consistently, no persecution, no torture or inhuman or degrading treatment or punishment, no threat of violence and no armed conflict and in general an environment which safeguards the human rights as described by the convention of the United Nations. This kind of flow matches at most the detections of illegal border crossing between BCPs, where border control authorities perform just surveillance activities.

B. Asylum Seekers at Member States which is different that the Member State of entrance and considered Unlikely to receive a positive asylum decision

For this instance the initial challenge is to identify individuals crossing illegally between BCPs and efficiently identify those likely to apply for asylum in other Member States, this is important to take place promptly in order to validate documentation originality. The second and more difficult challenge is to quickly identify among the large flow of bona fide travellers those who will likely apply for asylum at a different member state. The third challenge and equally important is the obligation of border control authorities to return to safe countries those who were granted a negative decision on their application for asylum. The target for this instance is increasing the ratio *vis a vis* return decisions and effective returns always in line with the European Union return policy.

C. Persons who are likely to be found staying illegally in the EU, mostly by overstaying a regular entry or not being detected at the border:

This instance of illegal migration challenge is to efficiently increase the rate of detection for those who enter Europe illegally and under cover, such person maybe hidden in vehicles or cargo and should be refused proactively since most of the times they tend to reside and are highly likely to overstay their legal period of stay. Prevention may be achieved with increased collaboration among border authorities and police authorities, usage of the

¹⁸ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection available at <http://eur-lex.europa.eu/>

Schengen Information System (SIS) for efficient and real time scanning for vehicle analysis and persons crossing illegally. Prompt and harmonised return policies among Member States are essential to avoid migrants deciding to stay in Member States where the likelihood of return is low. This flow of migration mostly corresponds to flows at BCPs, where border control authorities perform checks.

A handful of Member States act as a ‘buffer zone’ for migration. Countries such as Greece, Italy and the Polish – Ukrainian border essentially constitute exterritorial areas for unwanted migration. This reveals an increasing decline of central Europe, landlocked Member States trust towards the controls at the external borders, a reason enough to reintroduce controls at their common border and essentially ‘kill’ Schengen Agreement and freedom of movement. This was recently witnessed between France and Italy as well as in Denmark, this scenario may rapidly turn to fully fledged reality if the political actors within the Member States decide to seek and mobilize public concerns of additional inflows of undesired migrants, the lack of trust in peripheral Member States contributes to the fragility of the Schengen area. A recent proposal from the European Commission was backed to seal off Greece from the Schengen area in order to stop advancing northwards and it is mentioned below: ¹⁹‘We do not intend to become a cemetery of souls here, Ioannis Mouzalas, the Greek minister for migration, said. At least 42 migrants drowned in one night trying to reach Greece, but more than 2,000 a day succeeded. Ahmet Davutoglu, the Prime Minister of Turkey, met Angela Merkel, the Chancellor of Germany, and told her that his country wanted more than the 3 billion Euros that the EU had agreed to pay it to help deal with the migrant crisis. The Danish parliament voted to confiscate asylum seekers' valuables, though it scrupled at removing wedding rings. Europol said that the Islamic State had set up secret training camps in Europe to train recruited refugees to carry out terrorist attacks. Dozens of migrants boarded a P&O ferry, *Spirit of Britain*, at Calais, disrupting services for hours. The Capitoline Museum in Rome covered ancient nude statues when the visiting President Hassan Rouhani of Iran held a press conference there.’

¹⁹ Spectator. 330.9779 (Jan. 30, 2016): p7. From Literature Resource Center. available at <http://go.galegroup.com/ps/i.do?id=GALE%7CA441663057&v=2.1&u=tou&it=r&p=LitRC&sw=w&asid=82ceaec6f3808ea210331f38dd76a0e1>

3. Schengen's Future - Conclusion

The Schengen Agreement is undeniably a huge step towards Europeanization, together with Court of Justice and Euro currency compile a gradual development of supranational institutions. Since Europe is the house of democracy and a good example of implementation among 28 Member States, however a good example but not without its flaws. The governance within European Union is taking place by formalizing directives issued from the European Commission, such formalizations apart from their technical aspects, they need to be pitted in the nation level arena politics. A required process but often time consuming and inefficient, in fact so inefficient and time consuming that it defeats its purpose during times of crisis whereas decisions need to be taken rapidly. European Union needs to reclaim the throne of expertise, innovation and efficiency. A set of proposed solutions for putting back together the Schengen's Agreement public opinion follow:

A) The suggested solution is to first expropriate member state self-government policy over border control processes from the Member States and in its place institutionalize the same legal and operational values all over Europe. Thereby institutionalization and the associated reliability are endorsed as a substitute for the absence of trust in the bordering Member States' security organizations. For this instance, controls at the external border have become more and more self-governing from the corresponding Member States, both through stronger codification in supranational law, and by the creation of operational capacities at the EU level via the formation of FRONTEX. However being far from a fully developed border guard force, the agency managed to obtain both capabilities and resources from the Member States, to deploy them according to its own aptitude based view on the border, and to promote its own understanding of border guarding through the application of EU-wide training measures. FRONTEX may act as a collective effort from all Member States to centralize and efficiently allocate assets around the external borders due to its specialized competencies and flexibility.

B) Institutional capacities of the border are backed up by strategies which seek to establish control procedures already prior to arrival at the border, mainly by incorporating countries of transit and origin in the prevention of undesired migration. One must realize that



border and state formation originate since the beginning of human nature; it is a necessary precondition for a community in order to define the unique characteristics and distinct functions of a community.

C) A tangible action plan which would reinforce and enhance deficiencies identified in the application of the Schengen *Acquis* relating to the management of the external border. The European Commission on 12.04.2016 at Strasbourg²⁰ drafted a roadmap which is mostly targeted towards the speed up of a European Union border and coast guard service; this was proposed again back by the commission back in December²¹. The below roadmap lists the following:

By November 2016 the aforementioned European Border and Coast Guard should be made fully operational and available, which will restore the full functionality of the Schengen Agreement.

By December 2016 any extraordinary measures safeguard measures at the internal borders should be waived.

Deadline by March 12 for Greece to draft an action plan under the recommendations made by the council.

Deadline by March 16 for the commission to issue proposal regarding the Dublin Agreement, this will reform will and under the European Law will force refugees to apply for asylum in the country through which they have initially entered European Union.

Deadline by March 22 Frontex, the border agency to deploy additional support and raise awareness for all European border guard agencies, also support and supply with tangible and intangible assets frontline member countries.

Deadline by May 12 for experts to examine the effectiveness of Greek land, sea and air borders also for Greece to report on progress regarding the implementation processes of the council's recommendations.

²⁰ European Commission Strasbourg, 12.4.2016, COM(2016) 220 final available at http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160412/communication_assessment_greece_action_plan_en.pdf

²¹ European Commission – Press Released dated 15/12/2015 and available at http://europa.eu/rapid/press-release_IP-15-6327_en.htm



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