

'Schengen on the Moselle goes down in EC history' from the Luxemburger Wort (20 June 1990)

Caption: On 20 June 1990, the daily newspaper Luxemburger Wort welcomes the measures to abolish controls on persons at internal borders included in the Additional Protocol to the Schengen Agreement of 14 June 1985 which was signed on 19 June 1990, in Schengen, by the representatives of Belgium, France, the Federal Republic of Germany (FRG), Luxembourg and the Netherlands.

Source: Luxemburger Wort. Für Wahrheit und Recht. 20.06.1990, n° 141; 143e année. Luxembourg: Imprimerie Saint-Paul. "Moselortschaft Schengen geht in die EG-Geschichte ein", auteur:Joseph Lorent , p. 3-4.

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Last updated: 06/07/2016

Schengen on the Moselle goes down in EC history

Additional Protocol to the Schengen Agreement of 1985 signed yesterday on the Moselle at the point where three countries meet / Complete abolition of controls on persons and reduction of inspections of goods traffic after ratification by the national parliaments / Following German unification, the agreement also extends to the present territory of the GDR

j-lo — The Protocol to the Schengen Agreement was signed yesterday afternoon in Schengen, on board the ‘MS Princesse Marie-Astrid’, which was put into service at Easter 1985. The Netherlands currently holds the (rotating) Presidency of the Benelux Economic Union. The subject of this agreement, which was originally sealed at the same place on 14 June 1985 between the Federal Republic of Germany, the French Republic, the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg, is the gradual abolition of controls at the common borders.

The name of this agreement has since passed into international usage as the Schengen Agreement, and it was concluded between five Member States of the EC, based on an initiative, originally intended to be bilateral, taken by the German Federal Chancellor Helmut Kohl and the French President François Mitterrand. Its declared objective is to achieve total abolition of the controls on persons and facilitate transport and goods traffic at the common internal borders. On the basis of the governmental agreement concluded in 1985, border controls on internal traffic have been gradually relaxed. However, in order to ensure that security did not suffer as a result of the ending of border controls, compensatory measures especially in the areas of internal security and visa policy, were already provided for at that time. These are now agreed as binding in international law, although they still require ratification by the national parliaments. Yesterday, the general opinion was that the Schengen Agreement constitutes an important step towards the introduction of free movement of persons and, therefore, towards the creation of a People’s Europe.

Italy is also showing an interest

The ‘MS Princesse Marie-Astrid’ proved to be almost too small to accommodate the many VIPs and members of the press corps who wanted to be present at the historic signing of the treaty that has ensured that the idyllic village on the Moselle occupies a place as a well-known concept in the history of the European Community.

In addition to the government representatives and the embassy officials of the five signatory states, the EC Commission was represented by the Luxembourgish Commissioner, Jean Dondelinger, which was of significance because the Brussels authorities had not, to date, necessarily regarded this kind of agreement between Member States with very much favour. It was also of significance, however, that the Italian Ambassador, Antonio Napolitano, was present. The Republic of Italy was keen to use this gesture to demonstrate that it considered the Schengen Agreement to be very valuable and that it would possibly be acceding to the agreement as the sixth partner. Other guests of honour noted here included the Minister for Economic Affairs, Robert Goebbels, who played a leading part in the creation of the agreement when he was a Junior Minister in the Foreign Ministry, the SPD Member of the European Parliament, Dieter Rogalla, who is well-known as an advocate of an EC without internal borders and controls on persons, District Commissioner Jean-Pierre Sinner from Grevenmacher, Mayor Fernand Weber and aldermen Jean Krier and Ernest Legill from the Remerschen Town Council, Schengen being a part of the Remerschen municipality.

‘Great progress’

Immediately after the signing of the treaty, the government representatives entered their names in the Golden Visitors Book of the ‘MS Princesse Marie-Astrid’, after which the Netherlands State Secretary Piet Dankert — who is, incidentally, a former President of the European Parliament — delivered a statement in his capacity as the current Chairman of the Benelux Economic Union, which is responsible for the Secretariat. In practice, it has been shown that the abolition of the internal borders is, after all, a little more

complicated than had initially been expected, when it had been assumed that this agreement would have come into effect long before the completion of the common European internal market scheduled for 1 January 1993. However, Mr Dankert said that Schengen must not be seen from the perspective that it would last only one year. In the first place, this agreement could be seen as a model, as a kind of experiment for the free movement of persons within the Community of the Twelve, and secondly, it is very difficult to imagine that the internal borders in the EC would be abolished from as early as 1993.

In this regard, Schengen constitutes a great step forward, and we may be pleased with it. The interest shown by Italy points to the conclusion that the previous Community of the Six could be restored if it accedes to the agreement. But the Schengen Protocol is also a historic agreement, because it already includes the future unified Germany.

GDR becomes an EC external border

It is well known that the signing of the Additional Protocol scheduled for 15 December 1989 in the Schengen Castle Chapel was cancelled at short notice because the Federal Republic of Germany had withdrawn as a result of the upheavals in the GDR and the associated legal problems concerning its borders. In this regard, the agreement signed yesterday is based on a declaration by the Federal Republic of Germany in the form of a protocol to the treaty, which itself consists of a total of 142 articles. According to this declaration, the GDR is not regarded as a foreign country vis-à-vis the Federal Republic of Germany. Since the agreement is concluded in the expectation of the unification of the two German states, the parties thereto affirm that, after such unification, the binding effect of the Schengen Agreement in international law will also extend to the present territory of the GDR. After the resumption in March of this year of the suspended negotiations on the Schengen Additional Protocol, the Government of the GDR was informed about the substance of the agreement and the state of current discussions. It did not raise any objections and expressly agreed to the 'extension declaration' laid down in the protocol to the treaty.

With regard to the transfer of the controls from the inter-German border to the external border of the GDR, a provision is included in the Final Act that the agreement should not come into effect until the conditions for its application exist and the controls at the external border can actually be implemented.

As the agreement has to be ratified by the parties thereto, and as this process will require approximately one year, it is assumed that the unification process between the two German states will already be concluded by the time that the agreement comes into force. In the interim, the border controls are already to be gradually put in place at the external borders of the GDR, up to the level envisaged in the Schengen Agreement, in order to compensate, above all, for the abolition of the internal German border. Harmonisation of visa policies between the Federal Republic and the GDR is also to be initiated before the Schengen Agreement comes into force.

The only controls will now be at the external borders

The abolition of controls on persons at the common borders of the parties to the Treaty under the Schengen Agreement is to be accompanied by the transfer of the controls to what are known as the external borders of the five signatory states and the harmonisation of these controls. For the purposes of the agreement, the internal borders are taken to mean the common national borders of the parties to the treaty, their airports for internal flights and their seaports for regular ferry links exclusively from and to the territory of the parties to the treaty, without any intermediate stop in ports lying outside the territory.

To compensate for the future abolition of the controls on persons at these internal borders, provision has been made for more intensive cooperation between the authorities responsible for internal security in the five signatory states, and in order to support this, a joint, supranational data-based information system with its headquarters in Strasbourg and named the SIS (Schengen Information System) will be established. The terms of the agreement include arrangements covering the following areas: police cooperation, harmonisation of visa policies, joint efforts to combat trafficking in drugs, binding data protection rules for computerised and conventional data exchange, arrangements for the implementation of asylum procedures

on the basis of the respective national legislation, harmonisation of legislation on weapons, improvement of mutual assistance as regards law enforcement in criminal matters and cross-border hot pursuit of offenders.

Yesterday afternoon in Schengen, on the margins of the treaty-signing ceremony, which was accompanied by strict security precautions, there was a mini-demonstration organised by SOS-Racisme of Luxembourg, a 'Comité de soutien aux prisonniers politiques de l'Europe de l'Ouest' (?), Green List Ecological Initiative (GLEI), Radical Socialist Party (RSP) and Green Alternative Party (GAP).