

The Schengen area

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As a result of the United Kingdom's hostility to the abolition of border checks, the Benelux countries, where the free movement of persons already existed, suggested that France and Germany work together towards the gradual abolition of border checks among them. The five countries comprised the 'Schengen Group', named after the small village in Luxembourg where the borders of the Grand Duchy, France and Germany meet. Here, on 14 June 1985, they signed an Agreement on the gradual abolition of checks at their common borders. Since not all countries of the Community of the Twelve wished to take part, the Schengen Group represented a vanguard, the achievements of which would later be extended to other partners.

Indeed, the other countries of the Union successively joined the founding group: Italy on 27 November 1990, Spain and Portugal on 25 June 1991, Greece on 6 November 1992, Austria on 28 April 1995 and Sweden, Finland and Denmark on 19 November 1996. Norway and Iceland, countries outside the Union, but members of the Nordic Passport Union, acceded to the Schengen area as associate members on 19 December 1996. Only the United Kingdom and Ireland do not take part and maintain their own border checks.

The Schengen Agreement provides for the gradual abolition of borders between the States, this being offset by a more effective surveillance of their external borders. It establishes short-term measures — simplifying internal border checks and coordinating the fight against drug trafficking and crime — and long-term measures — the harmonisation of legislative and regulatory provisions relating to drugs and arms trafficking, police cooperation and the harmonisation of visa policies. On 19 June 1990, a Convention implementing the Schengen Agreement was signed. Its aim is to strengthen external border checks, to define the specific procedures for issuing uniform visas, to harmonise procedures regarding the right of asylum, to establish a Schengen Information System and to take measures against drug trafficking.

The implementation of the Schengen Agreement, planned for 1 January 1993, was faced with many difficulties and had to be delayed on a number of occasions. Its date was irrevocably set on 26 March 1995. From then onwards, it is gradually applied to the signatory countries, and provision is made for provisional derogation clauses. Italy and Greece have invoked such clauses because of difficulties encountered in monitoring their maritime borders. Likewise, France invoked them during the 1995 terrorist attacks and continues to do so today, in order to monitor its borders with Belgium and Luxembourg, because of drug trafficking originating in the Netherlands.

The Schengen *acquis* is part of the European Community pillar established in the Treaty of Amsterdam of 2 October 1997, but does not apply to the United Kingdom and Ireland, which countries have secured derogations.