

Brussels, 20 December 2007

## Background on Schengen enlargement

***On 14th June 1985, the Governments of Belgium, Germany, France, Luxembourg and the Netherlands signed an agreement at Schengen, a small town in Luxembourg, with a view to enabling "(...) all nationals of the Member States to cross internal borders freely (...)" and to enable the "free circulation of goods and services".***

The five founding countries signed the Convention implementing the Schengen Agreement on 19th June 1990, and were later joined by Italy on 27th November 1990, Spain and Portugal on 25th June 1991, Greece on 6th November 1992, Austria on 28th April 1995 and Denmark, Sweden and Finland on 19th December 1996.

Norway and Iceland also concluded a Co-operation Agreement with the Member States on 19th December 1996 in order to join this Convention.

Subsequently, as of 26th of March 1995, the Schengen acquis was fully applied in Belgium, Germany, France, Luxembourg, Netherlands, Spain and Portugal, in Austria and Italy as of 31st of March 1998 and in Greece as of 26th of March 2000. Finally, as of 25th of March 2001 the Schengen acquis was applicable in full in Norway, Iceland, Sweden, Denmark and Finland.

The Schengen acquis was incorporated into the legal framework of the European Union by means of protocols attached to the Treaty of Amsterdam in 1999. A Council Decision was adopted on 12th May 1999, determining the legal basis for each of the provisions or decisions, which constitute the Schengen acquis, in conformity with the relevant provisions of the Treaty establishing the European Community and the Treaty on European Union.

### **Schengen evaluation of new Members States**

Experts from the Member States carried out the so-called "Schengen evaluation" of the new Member States during the last two years. 58 evaluation missions covering data protection, police co-operation, external border controls at land, sea and air borders, and visa policy were undertaken in 2006. In 2007, 15 re-evaluation visits were carried out, together with a new sea and air border evaluation. Nine Schengen Information System evaluation visits were completed.

Although experts from the Commission also participated in these evaluations, the responsibility for evaluation remains with the Council.

This evaluation consisted in particular of verifying that the accompanying measures allowing for the lifting of internal border control are correctly and efficiently applied by the new Member States. Evaluation visits were carried out in the field of external border control, visa, data protection, police cooperation and the Schengen Information System.

The Schengen evaluation has now been completed and it has become evident that Estonia, the Czech Republic, Lithuania, Hungary, Latvia, Malta, Poland, Slovakia and Slovenia have been proven to correctly apply the Schengen acquis in all fields.

### The procedure

Schengen evaluations of EU Member States that are candidates for the lifting of internal border controls are initiated upon request from each Member State concerned, once it considers that it meets all preconditions. It is the responsibility of the States that are already Schengen members to determine that all the preconditions are met and the Council is responsible for carrying out the evaluations.

The (physical) inspection visits are followed by the request to the evaluated State to reply to a questionnaire comprising questions on all fields of the Schengen acquis. Experts (nominated by the Member States), together with a representative of the Commission and of the Secretariat General of the Council carry out inspection visits in order to verify the practical implementation of the acquis in relation to external border checks and surveillance, visas, Schengen Information System, police cooperation and data protection. Each expert group draws up a report, containing a description of the facts, recommendations and conclusions.

Depending on the outcome of the evaluation, the Council decides unanimously (in this context, unanimity includes the Member States fully implementing the Schengen acquis, plus the Member State applying for full implementation) on the date of the lifting of internal border controls or, alternatively, on the need for additional inspections and verifications before stating a date for the lifting of internal border controls.

Each Member State is evaluated on its own merits.

### The calendar

- 5<sup>th</sup> November 2004 - The conclusions of The Hague European Council requested the Council, the Commission and Member States *“to take all necessary measures to allow the abolition of controls at internal borders as soon as possible, provided all requirements to apply the Schengen acquis have been fulfilled (...)”*

Nine of the States that became members of the EU in 2004 (Hungary, Poland, Slovak Republic, Slovenia, Czech Republic, Estonia, Latvia, Lithuania, Malta) declared to be ready to be evaluated on non-SIS related acquis as of 2006.

- January - October 2006 - Visits on data protection, police cooperation, external borders and visa have started end of January and were finalised.
- December 2006 – Upon completion of the evaluation in all areas of Schengen cooperation, Council conclusions were adopted on the state of preparedness of Member States participating in the evaluation exercise. These Conclusions indicated the weaknesses detected and a list of places to be revisited in 2007 in each country.
- October 2007 - Following these conclusions, the recommended revisits took place in the 2007 and were accomplished in October. The evaluation of application of SIS in the new Member States took place in September and October 2007.
- 8-9 November 2007 - The Justice and Home Affairs Council concluded that all preconditions for the lifting of internal border control with the above mentioned Member States are fulfilled.
- 6 December 2007, the Council adopted a Decision and the date of lifting of internal border controls.
- **21<sup>st</sup> of December 2007 (00.00h): lifting of internal border controls at land borders and sea borders.**

- 30 March 2008 lifting of internal border controls at airports.

### Key findings of the evaluations

After the completion of the evaluation visits in December 2006 based on the evaluation reports for each area of evaluation, a first set of conclusions were made on the state of preparedness of the evaluated countries. Furthermore, in cases where weaknesses were severe or construction works were insufficiently advanced, revisits to these places were requested. A list of places (mainly the airports and border crossing points) for such revisits was prepared for each country.

The revisits conducted in the 2007 showed substantial progress in all revisited areas.

The Member States concerned showed that they are sufficiently prepared to apply both the *nonSIS-related provisions* of the Schengen acquis as well as its *SIS-related provisions* in a satisfactory manner. On this basis, there were no remaining obstacles to taking the Decision referred to in Article 3(2) of the 2003 Act of Accession in December 2007 allowing the lifting of internal border controls at the land and sea borders as of 21 December 2007 and at air borders as of 30 March 2008.

### **The Schengen facility**

Under Article 35 (1) of 2003 Act of Accession, a temporary instrument called the “Schengen Facility” was created to support Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia between 1 May 2004 and the end of 2006 to finance actions at the new EU external borders for the implementation of the Schengen Acquis and external border control (€ 961 million).

The Schengen Facility has been used for actions related mainly to investments in operating equipment and border infrastructure at the EU external border, upgrading of diplomatic and consular representations, preparations for the Schengen Information System (SIS II) and Visa Information System (VIS), operational and language training.

Breakdown of Schengen Facility funding:

In € mln	EE	LV	LT	HU	PL	SI	SK	Total
Total 2004-2006	77,01	79,7	151,6	165,7	313,87	119,8	53,58	961,45

The Schengen Facility will also be applied for implementation of Schengen acquis in Bulgaria and Romania implementation of the Schengen acquis. Ultimately, as of 2007 considerable financial assistance is being provided by the European External Borders Fund (€ 1820 million for 2007-2013).

## Schengen enlargement: Figures

- The length of the external border of the new Schengen Member States.

External land borders:

Member State	External land border with	Length in km
<b>Estonia</b>	Russia	294
<b>Hungary</b>	Croatia	344
	Serbia	174
	Ukraine	136
<b>Latvia</b>	Belarus	167
	Russia	282
<b>Lithuania</b>	Belarus	679
	Russia	272
<b>Poland</b>	Russia	210
	Belarus	418
	Ukraine	535
<b>Slovakia</b>	Ukraine	97
<b>Slovenia</b>	Croatia	670
<b>Total</b>		<b>4278</b>

External maritime borders

Member State	External maritime border in	Length in km
<b>Estonia</b>	Baltic Sea	769
<b>Latvia</b>	Baltic Sea	498
<b>Lithuania</b>	Baltic Sea	120
<b>Malta</b>	Mediterranean Sea	246
<b>Poland</b>	Baltic Sea	440
<b>Slovenia</b>	Adriatic	47
<b>Total</b>		<b>2120</b>

- The total population in the Schengen area: The total population of the 24 Schengen Member States is 404.921.039 (Estimation: Eurostat 2007).
- Period of evaluation: 2 years (2006-2007)
- Number of evaluation missions in 2006: 58 - covering data protection, police co-operation, external border controls at land, sea and air borders
- Number of evaluation missions in 2007: 15 - mainly re-evaluation visits, together with a new sea and air border evaluation.
- 9 Schengen Information System evaluation visits completed in 2007.

## **Q & A: Schengen enlargement – Abolition of internal border control**

*Which "new" Member States will join the Schengen area at the end of this year?*

The Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia.

*Which Member States already belong to the Schengen area?*

Austria, Belgium, Denmark, France, Finland, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, Sweden and the two associated countries Norway and Iceland.

*When will Cyprus, Romania and Bulgaria join the Schengen area?*

These Member States are not in the wave of Member States which are joining the Schengen area at the end of December. These Member States still have to go through the Schengen evaluation before being able to join the Schengen area. The exact timing cannot be predicted at this stage.

*When will the lifting of internal border control take place?*

The date for the lifting of internal border control is 21.12.2007 for land and sea-borders and 30.3.2008 for air borders.

*How was the assessment made to allow for the lifting of internal border control?*

Experts from the Member States carried out the so-called "Schengen evaluation" of the new Member States during the last two years. Although experts from the Commission also participated in these evaluations, the responsibility for evaluation remains with the Council.

This evaluation consisted in particular of verifying that the accompanying measures allowing for the lifting of internal border control are correctly and efficiently applied by the new Member States. Evaluation visits were carried out in the field of external border control, visas, data protection, police cooperation and the Schengen Information System.

*What is the impact of the Schengen enlargement for citizens?*

At the internal borders:

All persons who enter the Schengen area legally are allowed to cross internal borders with, and between, the new Schengen Member States without border checks. Internal borders are land borders between the Member States, airports for flight connections between the Schengen States and seaports for regular ferry connections between the Schengen States.

It should be noted that the abolition of internal border checks does not affect the exercise of police powers even within internal border zones.

In the Schengen area:

Third country nationals submitted to the visa obligation (Regulation EC/539/2001 amended by Regulation EC/453/2003 and EC/1932/2006) can travel with one Schengen visa within the whole Schengen area and no longer need to apply for a national visa for the new Member States.

Third country nationals who are in possession of a valid residence permit (see [Official Journal of the European Union C 247 of 13.10.2006](#) and [Official Journal C 153 of 6.7.2007](#)) issued by a Schengen Member State can travel on the basis of that valid residence permit and do not need to apply for a visa.

*Can a person travel within the Schengen area without carrying a passport or other travel documents?*

Member States can request persons to hold or carry [documents](#) while on their territory. Such obligations will be published within the coming weeks in the Official Journal.

The abolition of internal border checks does not affect the exercise of security checks on persons carried out at ports and airports.

*What are the entry conditions for third country nationals?*

Being in possession of

- a valid passport or travel document
- a valid Schengen visa, if required, - a residence permit issued by a Schengen Member State has an equivalent effect to a Schengen visa
- having sufficient means for the intended stay
- not be designated for the purpose of refusing entry
- not be considered as a threat to public policy, internal security, public health or international relations.

As far as these entry conditions are concerned, there are no changes involved for third country nationals when they cross the external border of one of the new Schengen Member States, except that they will be also be checked against the Schengen Information System, and not only against national systems. Indeed, the new Member States have been applying the Schengen rules on checks at external borders from the date of accession.

EU citizens are allowed to enter the territory of EU Member States on presentation of a valid passport or ID card unless the person constitutes a genuine, present and sufficiently serious threat to public policy or public security.

*Is a visa issued by a new Member State before the lifting of internal border control still valid?*

This national short-stay visa remains valid even after 21 December 2007; however, it will be **valid only** for entry to the territory of the Member State which issued that visa. (A Schengen visa is needed in order to be able to travel to, and within, the other Schengen States.) However, during a transitional period, until 21 June 2008 such a national short-stay visa issued by one of the Member States joining the Schengen area will allow transit through the territory of the other Member States joining the Schengen area, except for transits through the territory of Estonia and Lithuania.

*Fees*

The price of a short stay visa is € 60. In individual cases, the price may be reduced or waived in accordance with national law when this measure serves to promote cultural interests, in the field of foreign policy, development policy or other area of vital public interest.

No fees can be charged for third country nationals who are family members of an EU citizen or of a national of the EEA Agreement, who exercises his/her right of free movement.

In addition, fees are waived for children under six years, school pupils, post-graduate students and accompanying teachers who undertake trips for the purpose of study or educational training and for researchers carrying out scientific research as defined in Recommendation 2005/761/EC.

The European Union has concluded visa facilitation agreements with the Ukraine, Moldova, Bosnia-Herzegovina, Serbia, Montenegro, the Former Yugoslav Republic of Macedonia and Albania (which are supposed to enter into force on 1.1.2008) and one with Russia (which has already entered into force).

For citizens of these countries, the fee is only € 35. Certain categories of citizens of these countries are exempted from the visa fee.

### *Where to apply for a Schengen visa?*

The application should be lodged at the diplomatic representation of the Member State of the sole or main destination. If the main destination cannot be established, the application should be lodged at the diplomatic representation of the Member State of first entry.

*Cyprus is not included in the current Schengen enlargement. Why is this so? If Cyprus failed to meet the required criteria what measures are taken to overcome this obstacle? When will Cyprus join the Schengen zone?*

Lifting of internal border control can only take place pursuant to a Council decision after verification in accordance with the applicable Schengen evaluation that the necessary preconditions are fulfilled. The evaluation process leading to such decision can only commence when a Member State concerned declares its readiness for such evaluation in all areas of Schengen cooperation [police cooperation, external borders, data protection, Schengen Information System, visa]. Cyprus confirmed its readiness for the evaluation process for police cooperation and data protection (as of 1st of May 2006) and these areas of Schengen cooperation were evaluated in 2006. Cyprus has also informed the Council that it would only be prepared to determine the dates of its readiness in other areas of Schengen cooperation once the Schengen Information System II is ready at the end of 2008.

*Was the introduction of **visas for Russian citizens** a step towards implementation of the Schengen acquis? Is it obligatory for the "new" MSs, e.g. Cyprus, to start introducing Schengen acquis?*

Implementation of Schengen acquis in Cyprus and other new Member States, is a two step approach: part of the Schengen provisions i.e. Category I (including those on external borders and the visa lists and uniform format for visa) apply from the day of accession onwards; implementation of the second part i.e. Category II of Schengen provisions will start on a date to be determined by the Council after having verified the pre-conditions (this part is linked with all provisions related to the right the lifting of internal border controls, including the issuance of the Schengen visas). Consequently, Cyprus as of the day of accession to the EU (i.e. 1st of May 2004) is obliged to implement a visa regime with Russian Federation as Russia is included in the list of countries whose nationals are required to be in the possession of visa when entering EU Member State (i.e. Regulation 539/2001 was included in the Category I of the Schengen acquis). These visas issued by Cyprus are national visas - allowing only to travel to Cyprus. Cyprus will start implementing the Category II of the Schengen acquis once the evaluation process in Cyprus is complete and Council takes a decision on lifting of internal border between Cyprus and other Schengen members.

*What are the consequences of the Schengen enlargement for Kaliningrad?:*

With regard to border controls and as far as the entry conditions for third country nationals are concerned, there are no changes involved for third country nationals when they cross the external border of one of the new Schengen Member States, except that they will be also be checked against the Schengen Information System (SIS), and not only against national systems. The new Member States have been applying the Schengen rules on checks at external borders from the date of accession.

Concerning the visa issues, as from 21 December 2007 Lithuania will issue Schengen visas which will be valid for travelling in the whole Schengen area. Their validity will not be limited anymore to the Lithuanian territory. A national short-stay visa, e.g. issued by Lithuania, remains valid even after 21 December 2007; however, it will be valid only for stay in the territory of the Member State which issued that visa, e.g. Lithuania. An additional Schengen visa is needed in order to be able to travel to, and within, the other Schengen States.

The visa fee will remain €35 as the EC-Russian Federation Visa Facilitation Agreement entered already into force on 1 June 2007.

### *What about the local border traffic ?:*

On 20 December 2006, the European Parliament and the Council adopted Regulation 1931/2006/EC laying down rules on local border traffic at the external borders of the Member States. Member States are allowed to conclude bilateral agreements with neighbouring countries in which they may address specific needs with their respective neighbours, as these needs vary due to the different local, geographical, social and economic situations. The border area for the purpose of local border traffic is limited to those residents who live up to 30 km from the border. In exceptional situations this could be extended to 50 km. Therefore, it cannot be applied to the whole region of Kaliningrad. The persons holding a local border traffic permit are exempt from the visa requirement; and this permit may be issued free of charge.

### *How will town/border region benefit concretely from the lifting of border controls?*

Citizens of the MS will have the possibility to go to another MS without being submitted to border checks. The final objective of the free movement of persons as laid down in the EU Treaty will be achieved. It will be easier for families, relatives and friends living at both sides of the border to visit each other. Eternal queues at (highly frequented) border crossing points will not exist any longer. Border regions will move together as it is easier to travel from one region to the other. An increase of tourism is expected, with a positive impact on infrastructure (like e.g. swimming pools, skating, services or commercial centres). Travelling will be faster and easier in particular also for third country nationals, who can travel on the basis of one Schengen visa and do not need separate national visas.

### *Could Schengen enlargement have a negative impact on the security?*

Lifting of border controls at the land border is accompanied by closer cooperation between the law enforcement agencies in the border area. The Police in the border regions have already reached a good level of cooperation since the enlargement of the European Union in May 2004. This high level of police cooperation - as well as a high level of external border control - was evaluated positively during the evaluation missions in 2006-2007. There should not be security deficit, just the contrary; security will be enhanced, for example the police forces on both sides of the border will access the same Schengen Information System.

### *What are the key extra features contained in SIS II?*

- Central storage of European Arrest Warrant data
- Biometrics (storage of photographs and fingerprints for verification of the identity and, at a later stage, use of fingerprints as primary identifiers)
- misused identities can be stored centrally to avoid the negative consequences of misidentification for the innocent party
- Links between alerts if there is a clear operational need (e.g. suspected offender of a robbery and a stolen vehicle used)
- New data categories can be entered (stolen or lost boats, aeroplanes, industrial equipment, outboard motors and containers)
- Reinforcement of individual rights
- Increased transparency: reporting obligations of the Management Authority (in the transitional phase: of the Commission) to the Parliament and the Council

More information available at:

[http://ec.europa.eu/justice\\_home/faq/freetravel/faq\\_freetravel\\_en.htm](http://ec.europa.eu/justice_home/faq/freetravel/faq_freetravel_en.htm)

The Map.

