

'Europe without frontiers is born — at least on paper' from Le Soir (20 June 1990)


Caption: On 20 June 1990, the day following the signing of the Convention applying the Schengen Agreement by Belgium, France, Germany, Luxembourg and the Netherlands, the Belgian daily newspaper Le Soir describes the practical difficulties that the free movement of persons may come up against.

Source: Le Soir. 08.12.1992, n° 286; 106e année. Bruxelles.

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Europe without frontiers is born — at least on paper

Benelux, France and Germany are to abolish their internal borders by 1992. That should have a locomotive effect on the whole EEC.

Symbolically, the Schengen Agreement was signed on Tuesday at the intersection of the French, Luxembourg and German borders. Under its terms, and subject to ratification of the agreement by the national parliaments, Belgium, the Netherlands, Luxembourg, France and the Federal Republic of Germany undertake to abolish checks at their common borders — a first step, as they see it, towards the frontier-less European Community that the Twelve have committed themselves to establishing by 1 January 1993.

This transformation, which affects all aspects of the free movement of people, will be a tricky business. It will require cooperation between judicial, police and customs administrations that are riddled with national peculiarities and based on widely differing legal systems.

The 12 countries of the European Community are working to this end in accordance with three principles. First, the abolition of internal borders means transferring the checks that used to be carried out there to the external borders of the Community. Second, national policies on international law and public order must be coordinated. Third, efficiency must be reconciled with respect for human rights.

Among the 12 countries involved in this endeavour, the Schengen five can be seen as a pilot group.

In 1985, France and the Federal Republic of Germany decided on the gradual abolition of checks at their common borders. To that end, they joined with Belgium, Luxembourg and the Netherlands, who had acquired considerable experience of such matters with the Benelux. The Additional Schengen Agreement (to give it its proper name) is the outcome of those efforts.

It is the first treaty to consider Germany as an already unified territory, so it cannot enter fully into force until all the procedures for German unification have been completed, i.e. probably not before 1992. The agreement ought to have been concluded six months ago, but the Federal Government insisted on a clause stipulating that the GDR was not a foreign country. It was necessary to await the outcome of the elections of 18 March in the GDR and the development of relations between the latter and the EEC before the Federal Republic's partners could accept that idea.

The Five used the extra time to fine-tune their measures, with particular regard to human rights in what they consider a high-risk area.

In addition to the abolition of border checks (which may be temporarily restored 'should public order or security so require'), the agreement provides for the harmonisation of visa policies (each party has its own list of countries whose nationals require visas but may amend it only with the agreement of the other parties); a code of conduct on asylum rights, whose gaps will be filled in by the European Convention on Asylum Applications signed last week in Dublin; police cooperation (right of pursuit, without questioning or arrest, for 'serious crimes', defined as murder, rape, drug trafficking, etc.); judicial cooperation, including common rules on extradition. Finally, the five countries will possess the SIS, an electronic data transmission system identifying persons wanted by the police in each country. A procedure has been worked out for controlling the use of this data, but such measures are clearly arousing concern and suspicion in human rights circles. That concern has been heightened by the treaty negotiation procedure: the executive has full responsibility for the negotiations, with parliaments exercising their power of scrutiny only at the ratification stage.

The signing of the agreement coincided with Italy's confirmation of its wish to join the Schengen group by the end of the year. The Spanish and Portuguese are, apparently, also interested. And the British, generally suspicious of any development of this kind, have welcomed the happy coincidence between the signing of the Schengen Agreement and the arrest of IRA terrorists on the Belgium-Netherlands border.

