



Library Note

Schengen Agreement: A Short History

The Schengen Agreement concerns the removal of internal border checks between countries which have agreed to comply with the Schengen acquis (or body of law). It also provides for cooperation in police and judicial matters and sets rules for checks at external borders.

It has its roots in an agreement signed in 1985 between Belgium, France, the then Federal Republic of Germany, Luxembourg and the Netherlands. It was first incorporated into the European Union's legal framework by a protocol to the 1997 Treaty of Amsterdam. Today, the Schengen Area consists of 22 EU member states and four non-EU member states.

The United Kingdom is not part of the Schengen Area but it does participate in the Schengen Information System which shares data between member states, and in certain police and judicial cooperation agreements.

This House of Lords Library briefing sets out a short history of the Schengen Agreement and provides a timeline for major events in its development. It also provides further information on recent developments, including the temporary reintroduction of border controls by member states in response to recent increases in refugees and migrants from outside of the Schengen Area and in response to the terror attacks in Paris in November 2015.

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7 March 2016
LLN 2016/013

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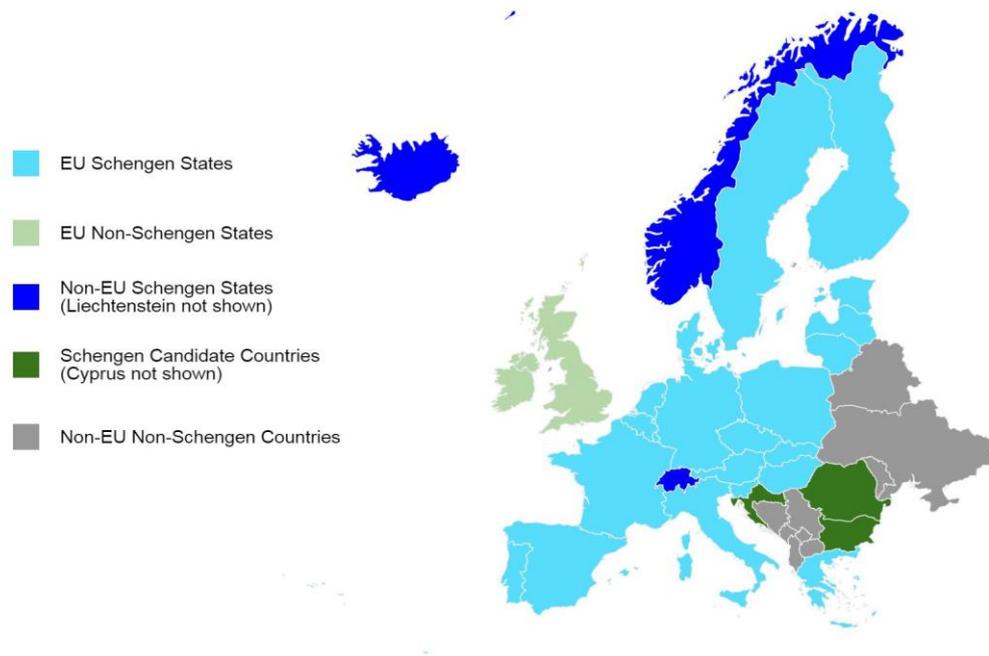
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I. Introduction

The Schengen Area consists of 22 European Union (EU) member states and four non-EU member states which have abolished their internal border checks and have implemented the Schengen acquis (or body of law). A further four EU member states are awaiting entry as Schengen candidate countries.¹ Schengen is governed by a set of rules which:

- Regulate people crossing the EU's external borders, including the issuing of required visas and how checks at these borders should be carried out.
- Harmonise the conditions of entry and visa rules for short stays of up to three months.
- Provide for police cooperation, including on cross-border surveillance and hot pursuit.
- Provide for judicial cooperation for faster extradition systems and for the transfer and enforcement of criminal judgments.
- Establish the Schengen Information System (SIS). SIS is an information system that supports external border control and law enforcement, by enabling data sharing between member states.²

Figure I. The Schengen Area



Although Schengen is closely linked to the EU's principles of freedom of movement it relates only to border checks and related issues of law enforcement. It does not govern the rights of EU citizens to live and work in other member states.³

¹ European Commission, '[Schengen Area](#)', accessed 3 March 2016. These are Croatia, Romania, Bulgaria and Cyprus.

² *ibid.*

³ European Parliament, '[Fact Sheets on the European Union: Free Movement of Persons](#)', February 2016.

The Schengen Area is named after a village in Luxembourg where the borders of France, Germany and Luxembourg meet. In 1985, Belgium, France, the then Federal Republic of Germany, Luxembourg and the Netherlands signed the ‘Schengen Agreement’ which set the groundwork for the gradual abolition of checks at common internal borders between the participating states. Belgium, Luxembourg and the Netherlands had already signed the Treaty of the Benelux Economic Union in 1958, entering into force in 1960. Benelux:

[...] became the first completely free international labour market; the movement of capital and services was also made free. Postal and transport rates were standardized, and welfare policies were coordinated. In 1970 border controls were abolished.⁴

The original parties to the Schengen Agreement then signed a Convention implementing the principles of the Agreement, which entered into force in March 1995; Spain and Portugal had signed the agreement in 1991 and so internal border controls between them and the original agreement countries were abolished from March 1995. A protocol to the 1997 Treaty of Amsterdam incorporated the Schengen Agreement into EU law. The Treaty entered into force in May 1999.⁵

The United Kingdom (UK) and Ireland have remained outside of the Schengen Area. However, under the 1997 Treaty of Amsterdam both were granted the right to opt in to provisions in the future. Whilst the UK is not a member of the Schengen Area it has chosen to opt in to the SIS “in the context of law enforcement cooperation”.⁶

2. 1985 Agreement and the 1990 Convention

The issue of the free movement of people was a subject of discussion in the then European Economic Community (EEC) prior to the 1985 Schengen Agreement between Belgium, France, the then Federal Republic of Germany, Luxembourg and the Netherlands.⁷ The 1985 Agreement was an agreement between the individual governments of these countries which was independent of any wider EEC discussions or agreements.⁸ This is reflected in an answer to a written parliamentary question in 1989, given by Francis Maude, the then Minister of State at the Foreign and Commonwealth Office. He stated that:

The Schengen Agreement is an arrangement between France and the Federal Republic of Germany, Belgium, Netherlands and Luxembourg to abolish land frontier controls between their countries. Their work is separate from the discussions on free movement of people which are taking place among all member states of the European Community. We will naturally be interested in the experience of the Schengen Partners in reducing frontier controls.⁹

In June 1990, the contracting parties to the 1985 Agreement signed a convention implementing the Agreement, again in the village of Schengen.¹⁰ The original intention had been to abolish all

⁴ Encyclopaedia Britannica, ‘Benelux Economic Union’, accessed 3 March 2016.

⁵ European Commission, [Europe Without Borders: The Schengen Area](#), 2015, p 14.

⁶ European Commission, ‘[Schengen Information System](#)’, accessed 3 March 2016.

⁷ European Commission, ‘[Schengen Area](#)’, accessed 3 March 2016.

⁸ United Nations Treaty Collection, [Agreement Between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at their Common Borders](#), 14 June 1985. Please note that the official text is only available in Dutch, French and German.

⁹ [HC Hansard, 7 December 1989, col 371W](#).

checks on both individuals and goods at the common borders of contracting parties by 1 January 1990. However,

[...] the political sensitivity and legal complexity of the issues to be settled led to lengthy negotiations; the developments in and with the German Democratic Republic at the end of 1989 caused additional delays.¹¹

At a meeting in Bonn on 22 December 1994, the Executive Committee of the Schengen group of countries agreed to apply the Schengen Convention “irreversibly” from 26 March 1995.¹² A press release explained that the contracting parties to the Schengen Convention were motivated by the desire to minimise barriers to an internal market, stating that:

The preamble to the [Schengen] Convention states that “the Treaty establishing the European Communities, supplemented by the Single European Act, provides that the internal market shall comprise an area without internal frontiers” and the aim pursued by the Contracting Parties (Schengen) coincides with that objective, without prejudice to the measures to be taken to implement the provisions of the Treaty”.¹³

Between the original signing of the Convention in 1990 and its implementation in March 1995, Spain and Portugal signed. Therefore, when the Schengen Convention entered into force it did so in Belgium, France, Germany, Luxembourg, the Netherlands and in Spain and Portugal.

3. Incorporation into EU Law by the Treaty of Amsterdam, 1997

Following the entering into force of Schengen in 1995 a further six countries signed, including the non-EU states of Iceland and Norway.¹⁴ Italy had signed back in 1991 but checks at its internal borders were not abolished until October 1997.¹⁵

The Schengen Area was integrated into the EU’s legal and institutional framework via a protocol to the 1997 Treaty of Amsterdam.¹⁶ The Publications Office of the European Union (POEU) explains that this ensured that the Convention:

[...] comes under parliamentary and judicial scrutiny, and attains the objective of free movement of persons enshrined in the Single European Act of 1986, while ensuring democratic parliamentary control and giving citizens accessible legal remedies when their rights are challenged (Court of Justice and/or national courts, depending on the area of law).¹⁷

¹⁰ United Nations Treaty Collection, [Convention Implementing the Schengen Agreement of 14 June 1985 Between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at their Common Borders \(with Final Act, Procès-verbal and Joint Declaration\)](#), 19 June 1990. Please note that the official text is only available in Dutch, French and German.

¹¹ *ibid.*

¹² Schengen Group Executive Committee, [‘Press Release: Meeting in Bonn on 22 December 1994’](#), accessed 3 March 2016.

¹³ *ibid.*

¹⁴ The others were Austria, Denmark, Finland, and Sweden.

¹⁵ European Commission, [Europe Without Borders: The Schengen Area](#), 2015, p 14.

¹⁶ [Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts](#), 2 October 1997.

¹⁷ EUR-Lex, [‘The Schengen Area and Cooperation’](#), 3 August 2009.

The Council of the EU replaced the Executive Committee which had been established under the Schengen Agreement. It also integrated the existing Schengen Secretariat into the General Secretariat of the Council. The POEU states that:

One of the Council's most important tasks in incorporating the Schengen area was to choose those provisions and measures taken by the signatory states that formed a genuine *acquis*, or body of law, and that could serve as a basis for further cooperation. A list of the elements that make up the *acquis*, setting out the corresponding legal basis for each of them in the Treaties (EC Treaty or the Treaty on the European Union), was adopted by Council Decisions [1999/435/EC](#) and [1999/436/EC](#) of 20 May 1999.¹⁸

The Schengen *acquis* has been developed further since 1999. More recent EU legislation has replaced some articles of the Schengen Convention, for example the Schengen Borders Code which was established in March 2006.¹⁹

4. Position of the UK

Article 4 of a protocol attached to the Treaty of Amsterdam grants the UK (and Ireland) a right to opt in to some or all of the Schengen provisions:

Ireland and the United Kingdom of Great Britain and Northern Ireland, which are not bound by the Schengen *acquis*, may at any time request to take part in some or all of the provisions of this *acquis*. The Council shall decide on the request with the unanimity of its members referred to in Article 1 and of the representative of the Government of the State concerned.²⁰

The UK has exercised this right to opt in to certain elements of the Schengen *acquis*. The POEU explains that:

In March 1999, the United Kingdom asked to cooperate in some aspects of Schengen, namely police and judicial cooperation in criminal matters, the fight against drugs and the SIS. The Council Decision [2000/365/EC](#) approving the request by the United Kingdom was adopted on 29 May 2000.

In June 2000, Ireland too asked to take part in some aspects of Schengen, roughly corresponding to the aspects covered by the United Kingdom's request. The Council adopted the Decision [2002/192/EC](#) approving Ireland's request on 28 February 2002. The Commission had issued opinions on the two applications, stressing that the partial participation of these two member states should not reduce the consistency of the *acquis* as a whole.

After evaluating the conditions that must precede implementation of the provisions governing police and judicial cooperation, the Council consented with its Decision [2004/926/EC](#) of 22 December 2004 that this part of the Schengen *acquis* could be implemented by the United Kingdom.²¹

¹⁸ *ibid.*

¹⁹ *ibid.*

²⁰ [Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts](#), 2 October 1997, Article 4, p 95.

²¹ EUR-Lex, '[The Schengen Area and Cooperation](#)', 3 August 2009.

The UK also maintains a Common Travel Area with the Channel Islands, the Isle of Man and the Republic of Ireland. Paragraph 15 of the Immigration Rules state that “a person who has been examined for the purpose of immigration control at the point at which he entered the area does not normally require leave to enter any other part of it”.²²

The Treaty of Amsterdam was given legal effect in the UK through the European Communities (Amendment) Act 1998. In opening the debate on the Bill’s second reading in the House of Commons the then Secretary of State for Foreign and Commonwealth Affairs, Robin Cook, argued that:

[...] because Britain is an island, it is sensible for us to retain controls at the point of entry, and that, because of our long historical and cultural ties with other parts of the world, it is important to retain control of our own immigration policy.²³

And that:

[...] the Amsterdam treaty provides a secure legal basis for Britain to retain its frontier controls—a legal basis that is watertight beyond legal challenge to the European Court of Justice; a legal basis that is without time limit as long as Britain chooses to retain it.

Subsequent UK governments have continued to argue on similar lines. For example, in answer to a Freedom of Information (FOI) request, the Coalition Government argued that:

The UK has decided to exercise its right to retain frontier controls at ports and airports because we believe that, for the UK, they are the most effective means of controlling immigration and combating organised and cross-border crime. This is particularly so given our island geography and the high volume of people travelling in and out of the UK and transiting the UK to travel to other parts of the world.²⁴

The European Parliament explains that today:

[...] under the Lisbon Treaty, [Schengen] is subject to parliamentary and judicial scrutiny. As most Schengen rules are now part of the EU acquis, it has no longer been possible for accession countries to ‘opt out’ since the EU enlargement of 1 May 2004 (Article 8 of the Schengen Protocol).²⁵

5. Positions of Denmark, Iceland, Norway, Switzerland and Liechtenstein

Although a member of the Schengen area, Denmark maintains an opt-out on further justice and home affairs measures, including on Schengen. It is, however, bound by certain measures under the common visa policy.²⁶

²² UK Visas and Immigration, ‘[Common Travel Area](#)’, 12 April 2013.

²³ *HC Hansard*, 12 November 1997, col 910.

²⁴ Home Office and Border Force, ‘[FOI Release: Importance of Scanning Passports Within EU and Countries Across the World by Border Force and Schengen Borders Provisions](#)’, 2 July 2014.

²⁵ European Parliament, [Fact Sheets on the European Union: Free Movement of Persons](#), February 2016.

²⁶ *ibid.*

The Nordic countries have been part of a similar arrangement to Schengen for many years. Norway signed the Nordic Passport Convention on 12 July 1957 alongside Denmark, Finland and Sweden (the latter three nations now being EU member states and party to the Schengen *acquis*). Iceland acceded to the Nordic Passport Convention on 24 September 1965.²⁷ The Convention abolished internal border checks between the participant states. The POEU explains that:

Iceland and Norway have been associated with the development of the Schengen Agreements since 19 December 1996. Although they did not have voting rights in the Schengen Executive Committee, they were able to express opinions and formulate proposals. To extend this association, the agreement on Iceland's and Norway's association with the implementation, application and development of the Schengen *acquis*, as based on the Council Decision [1999/439/EC](#) of 17 May 1999, was signed between Iceland, Norway and the EU on 18 May 1999.²⁸

Non-EU countries that wish to take part in the Schengen *acquis* must come to an agreement with the EU on the issue of the free movement of persons. In the case of Iceland, Norway and Liechtenstein this is provided for by the Agreement on the European Economic Area, and “by the Agreement on the free movement of persons in the case of Switzerland”.²⁹ For non-EU members of the Schengen Area participation involves:

- being included in the area without checks at internal borders;
- applying the provisions of the Schengen *acquis* and of all Schengen-relevant texts adopted pursuant to it;
- being involved in decisions relating to Schengen-relevant texts.³⁰

The POEU explains that in practice:

[...] this involvement takes the form of mixed committees that meet alongside the working parties of the EU Council. They comprise representatives of the member states' governments, the Commission and the governments of third countries. Associated countries therefore participate in discussions on the development of the Schengen *acquis*, but do not take part in voting. Procedures for notifying and accepting future measures or acts have been laid down.³¹

6. Temporary Reintroduction of Border Controls

The Schengen Agreement has risen to greater prominence as a result of increased migration into the EU following the conflict in Syria and the consequent pressures on its borders, particularly in Greece.³² A factsheet published by the European Parliament states that the increased number of refugees and migrants “has prompted several member states to

²⁷ Norden, ‘[The Nordic Passport Convention](#)’, accessed 3 March 2016.

²⁸ EUR-Lex, ‘[The Schengen Area and Cooperation](#)’, 3 August 2009.

²⁹ *ibid.*

³⁰ *ibid.*

³¹ *ibid.*

³² European Commission, [Back to Schengen—A Roadmap](#), 4 March 2016, p 8.

temporarily reintroduce checks at the internal Schengen borders over recent months, as provided for in the Schengen Borders Code”.³³ It also argues that:

A further challenge to the passport-free Schengen area comes in the form of a heightened terrorist threat, with the November 2015 Paris attacks highlighting the ease with which suspected and even indicted terrorists entered and travelled through the Schengen area. The ongoing challenges have served to underline the inextricable link between robust external border management and free movement inside those external borders and persuaded the Commission to come forward with proposals both to enhance security checks on persons entering the Schengen area and to improve external border management.³⁴

The reintroduction of temporary internal border controls is made possible under the Schengen Borders Code, which was established in March 2006.³⁵ The European Commission states that the reintroduction of such controls should be an exception and also be proportionate:

The scope and duration of such a temporary reintroduction of border control at the internal borders is limited in time and should be restricted to the bare minimum needed to respond to the threat in question. Reintroducing border control at the internal border should only ever be used as a measure of last resort.

The reintroduction of border control is a prerogative of the member states. The Commission may issue an opinion with regard to the necessity of the measure and its proportionality but cannot veto such a decision if it is taken by a member state.³⁶

The Commission’s website lists those states which have reintroduced temporary controls. This is reproduced below:

Temporarily reintroduced border controls in the context of “events requiring immediate action”

- Denmark (4 January–4 March 2016) big influx of persons seeking international protection: all borders with particular focus on the sea and land borders with Germany

Temporarily reintroduced border controls in the context of “foreseeable events”:

- Belgium (23 February–23 March 2016) Border between the Province of West-Vlaanderen and France
- Norway (15 January–15 March 2016) all borders with focus on ports with ferry connections to Norway via internal borders

³³ European Parliament, [Fact Sheets on the European Union: Free Movement of Persons](#), February 2016.

³⁴ *ibid.* Please also see the following Fact Sheets: [Management of the External Borders](#), January 2016, and, [Police Cooperation](#), January 2016.

³⁵ EUR-Lex, ‘[Schengen Borders Code](#)’, 14 March 2014.

³⁶ European Commission, ‘[Temporary Reintroduction of Border Control](#)’, last updated 26 February 2016, accessed 3 March 2016.

- Sweden (10 January–9 March 2016) all borders, with special focus on Southern and Western harbours and Öresund Bridge between Denmark and Sweden
- Austria (16 November 2015–16 March 2016), all borders but with special focus on the Slovenian-Austrian land border; the border can be crossed only at the authorised border crossing points
- Germany (14 November–13 May 2016), all borders, with special focus on the German-Austrian land border.
- France (13 November–27 March 2016) the emergency state as introduced on the French territory further to the terrorist attacks in Paris.³⁷

The Commission has also published a list which includes previous temporary reintroductions of border checks.³⁸

In a written ministerial statement, the Secretary of State for the Home Department, Theresa May, stated that:

An informal meeting of the Justice and Home Affairs Council was held on 25–26 January [...] During lunch, the Council discussed the migration crisis, with particular focus on Schengen and external border issues, and specifically whether member states could maintain internal border controls under Article 26 of the Schengen Border Code during the current migration crisis. The next step will be for the Commission to produce an evaluation report on the performance of Greek controls at the external border.³⁹

On 26 January 2016, the College of Commissioners issued a press release stating that they had taken note and discussed a draft Schengen Evaluation Report on Greece.⁴⁰ The press release goes on to state that:

The draft Schengen evaluation report for Greece, drawn up jointly by member states experts and Commission representatives, will now be sent to the Schengen Evaluation Committee which will give its opinion. The report will then be adopted by the Commission by means of an implementing act.⁴¹

On 4 March 2016, the European Commission published a communication to the European Parliament, the European Council and the Council, entitled [Back to Schengen—A Roadmap](#). In the communication, the Commission argued that three actions were needed to return the Schengen Area back to “normality”. These were:

First, steps must be taken to remedy the serious deficiencies that were identified in the management of the external border by Greece. Member states, EU Agencies and the Commission should all assist Greece in this regard.

³⁷ European Commission, ‘[Temporary Reintroduction of Border Control](#)’, last updated 26 February 2016, accessed 3 March 2016.

³⁸ European Commission, [Member States’ Notifications of the Temporary Reintroduction of Border Control at Internal Borders Pursuant to Article 23 et seq of the Schengen Borders Code](#), accessed 3 March 2016.

³⁹ House of Commons, written statement: Justice and Home Affairs Post-Council Statement, 2 February 2016, [HCWS504](#).

⁴⁰ European Commission, ‘[Commission Discusses Draft Schengen Evaluation Report on Greece](#)’, 27 January 2016.

⁴¹ *ibid.*

Second, the wave-through approach must end. Member states must take their responsibilities and comply with EU law, both in terms of granting access to the asylum procedure for persons requesting asylum and in terms of refusing entry at the border to persons who do not satisfy the entry conditions; under EU law, asylum seekers have no right to choose the Member State granting them protection.

Third, the current patchwork of unilateral decisions on the reintroduction of border controls needs to be replaced with a coordinated approach to temporary border controls, with the aim to subsequently lift all internal border controls as quickly as possible and with a clear target date of December 2016. The Schengen Borders Code expressly provides for such a coordinated approach.⁴²

The communication also warned of potential economic costs to the EU of not following the Commission's roadmap. A press release accompanying the report stated that the Commission had:

[...] estimated that a full re-establishment of border controls within the Schengen area would generate immediate direct costs of between €5 and €18 billion annually (or 0.05 percent–0.13 percent of GDP). These costs would be concentrated on certain actors and regions but would inevitably impact the EU economy as a whole.⁴³

Page 12 of the communication provides a full timeline to accompany the Commission's roadmap. This timeline has been reproduced in the Appendix to this briefing for the convenience of the reader.

7. Related Further Information

- European Parliamentary Research Service Blog, '[The Schengen Area \(What Think Tanks are Thinking\)](#)', 16 February 2016
- European Parliamentary Research Service Blog, '[The Schengen Area And The EU's Visa Policy](#)', 16 January 2016
- House of Commons Library, '["Ever Closer Union" in the EU Treaties and Court of Justice Case Law](#)', 16 November 2015
- Home Office and Ministry of Justice, '[Justice and Home Affairs Opt-in and Schengen Opt-out Protocols](#)', 7 October 2015
- European Parliamentary Research Service Blog, '[Revising Schengen Governance Rules](#)', 9 June 2013
- Foreign and Commonwealth Office, '[EU Law and the Balance of Competences: A Short Guide and Glossary](#)', 21 March 2013

⁴² European Commission, [Back to Schengen—A Roadmap](#), 4 March 2016, p 2.

⁴³ European Commission, '[Back to Schengen: Commission Proposes Roadmap for Restoring Fully Functioning Schengen System](#)', 4 March 2016.

8. Timeline

- Jun-85 An agreement is signed in Schengen between Belgium, France, the then Federal Republic of Germany, Luxembourg and the Netherlands on the gradual abolition of checks at common borders (the Schengen Agreement)
- Jun-90 The Schengen Convention implementing the Agreement between Belgium, France, Germany, Luxembourg and the Netherlands is signed (the Schengen Convention)
- Nov-90 Italy signs up to Schengen
- Jun-91 Spain and Portugal sign up to Schengen
- Nov-92 Greece signs up to Schengen
- Mar-95 The Convention implementing the Schengen Agreement enters into force in seven EU States: Belgium, France, Germany, Luxembourg, the Netherlands, Portugal and Spain
- Apr-95 Austria signs up to Schengen
- Dec-96 Denmark, Finland, Sweden, Iceland and Norway sign up to Schengen
- Oct-97 Internal border controls abolished with Italy
- Oct-97 The Treaty of Amsterdam is signed
- Dec-97 Internal border controls abolished with Austria
- May-99 Treaty of Amsterdam enters force, incorporating the Schengen acquis into EU law.
- Jan-00 Internal border controls abolished with Greece
- Mar-01 Internal border controls abolished with Denmark, Finland, Sweden, Iceland and Norway
- Oct-04 Switzerland signs up to Schengen
- Dec-07 Following EU enlargement in 2004 internal land and sea border controls are abolished with the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovakia and Slovenia
- Feb-08 Liechtenstein signs up to Schengen

Mar-08	Abolition of internal border controls at airports with the Czech Republic, Estonia, Hungary, Lithuania, Latvia, Malta, Poland, Slovakia and Slovenia
Dec-08	Internal land border controls abolished with Switzerland
Mar-09	Internal land border controls at airports abolished with Switzerland
Dec-11	Abolition of border controls with Liechtenstein ⁴⁴

9. Glossary

Acquis	Also known as the ‘acquis communautaire’. Acquis refers to the combined law of the EU, as expressed through the Treaties, Regulations, Directives, Decisions, Delegated Acts, Implementing Acts, and the case law of the Court of Justice. New member states must sign up to the EU acquis currently in force when they join the EU. ⁴⁵
Benelux Union	An intergovernmental cooperation agreement between Belgium, the Netherlands and Luxembourg. ⁴⁶
Common Travel Area	Paragraph 15 of the Immigration Rules states that the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland collectively form a common travel area. A person who has been examined for the purpose of immigration control at the point at which he entered the area does not normally require leave to enter any other part of it. ⁴⁷
European Economic Area	The EEA includes EU countries and also Iceland, Liechtenstein and Norway. It allows them to be part of the EU’s single market.
European Economic Community	The European Economic Community (EEC) was established by the Treaty of Rome in 1957. It was the predecessor organisation to the EU and created a common market for its members.
EU Treaties	The European Economic Community (EEC) was established by the Treaty of Rome in 1957. This Treaty has since been amended and supplemented by a series of Treaties, the latest of which is the Treaty of Lisbon. The Treaty of Lisbon, which entered into force on 1 December 2009, re-organised the two Treaties on which the

⁴⁴ European Commission, [Europe Without Borders: The Schengen Area](#), 2015, p 14; BBC News, [‘Schengen: Controversial EU Free Movement Deal Explained’](#), 25 January 2016.

⁴⁵ Foreign and Commonwealth Office, [‘EU law and the Balance of Competences: A Short Guide and Glossary’](#), 21 March 2013

⁴⁶ Benelux Union, [‘Benelux’](#), accessed 3 March 2016.

⁴⁷ UK Visas and Immigration, [‘Common Travel Area’](#), 12 April 2013.

	European Union is founded: the Treaty on the European Union (TEU) and the European Community Treaty, which was re-named the Treaty on the Functioning of the European Union (TFEU). ⁴⁸
Nordic Passport Control Agreement	Convention between Denmark, Finland, Norway and Sweden concerning the waiver of passport control at the internal borders between these states. ⁴⁹
Schengen Agreement, 1985	The Agreement signed by Belgium, France, the then Federal Republic of Germany, Luxembourg and the Netherlands in 1985 on the gradual abolition of checks at their shared internal borders.
Schengen Convention, 1990	The Convention which implemented the Agreement signed by Belgium, France, the then Federal Republic of Germany, Luxembourg and the Netherlands in 1985 on the gradual abolition of checks at their shared internal borders.
Schengen Information System	The Schengen Information System (SIS) is an information system that supports external border control and law enforcement cooperation in the Schengen States. It is also operated by the UK.
Treaty of Amsterdam, 1997	The Treaty of Amsterdam, amongst its provisions, integrated the Schengen Agreement into EU law.

⁴⁸ Foreign and Commonwealth Office, [‘EU Law and the Balance of Competences: A Short Guide and Glossary’](#), 21 March 2013

⁴⁹ Norden, [‘The Nordic Passport Convention’](#), accessed 3 March 2016.

Appendix—European Commission, *Back to Schengen—A Roadmap*

“Roadmap back to a fully functioning Schengen Area” as reproduced from the European Commission’s communication to the European Parliament, the European Council and the Council, [Back to Schengen—A Roadmap](#), 4 March 2016, pp 11–12.

- 4 March 2016 (and monthly thereafter): Greece reports on its progress in implementing the actions identified in the Recommendation on resuming Dublin transfers.
- 12 March 2016 at the latest: Greece provides its action plan to implement the recommendations made by the Council, together with a needs assessment.
- 16 March 2016: Commission Communication on the reform of the Dublin Regulation based on the objective of solidarity and fair burden-sharing between Member States.
- 16 March 2016: the Commission presents its First Report on Relocation and Resettlement.
- 22 March 2016 at the latest: Frontex launches additional calls for contributions to further deploy European Border Guard teams to support Greece.
- 1 April 2016 at the latest: Member States respond to the Frontex call by providing human resources and technical equipment.
- 12 April 2016 at the latest: the Commission presents its assessment of the adequacy of the action plan prepared by Greece.
- 16 April 2016: the Commission presents its Second Report on Relocation and Resettlement.
- 11–17 April 2016: a Schengen evaluation by Commission and Member State experts of air, land and sea borders of Greece will take place.
- 12 May 2016 at the latest: Greece reports on the implementation of the Council recommendations.
- 12 May 2016: if the serious deficiencies in external border control were to persist, the Commission will present a proposal under Article 26(2) of the Schengen Borders Code.
- 13 May 2016: if the serious deficiencies in external border control were to persist, the Council should adopt a recommendation under Article 26(2) of the Schengen Borders Code for a coherent Union approach to temporary internal border controls.
- 16 May 2016: the Commission presents its Third Report on Relocation and Resettlement.
- June 2016 at the latest: the co-legislators reach political agreement on the European Border and Coast Guard and adopt the legal act.

- June 2016: Commission presents its assessment of the possibility of resuming Dublin transfers to Greece.
- August 2016 at the latest: the European Border and Coast Guard is operational.
- September 2016 at the latest: the European Border and Coast Guard has delivered the first vulnerability tests so that any necessary preventive measures can be taken.
- December 2016: if the overall situation allows, the target date for bringing to an end the exceptional safeguard measures taken.

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