

The Schengen agreements and the establishment of a borderless European area

The four freedoms of movement (people, goods, capital and services), enshrined in the 1957 Treaty of Rome as part of the internal market, are central to the European project. The principle of the free movement of people, a basic human right, took on a new dimension on 14 June 1985, when five Member States of the European Community – Luxembourg, Belgium, the Netherlands, France and Germany – concluded the Schengen Agreement, paving the way for European citizenship and leading to a single area of security and justice. Forty years on, it is worth taking a closer look at this important milestone.

The history of the Schengen agreements¹

When the leaders at the Fontainebleau Summit (25-26 June 1984) confirmed their ambition to “bring about in the near future, and in any case before the middle of 1985 [...] the abolition of all police and customs formalities for people crossing intra-Community frontiers”, no one expected that it would happen so quickly. But the Schengen Agreement was not actually the result of Community-wide efforts; it was brought about by a process of intergovernmental cooperation, in which Luxembourg played a key part. In July 1984, France and Germany signed a bilateral economic agreement in Saarbrücken to ease controls at the French-German border so that trade in goods (by road) would not be burdened by delays and additional costs as a result of lengthy queues at the border. Prime Minister Jacques Santer proposed that Luxembourg, Belgium and the Netherlands should join the initiative. The three countries were forerunners in this area, since they had already transferred checks on people to their external borders when the Benelux Economic Union came into force on 1 November 1960. Benelux responded favourably, submitting a memorandum to France and Germany in December 1984 suggesting that they work together towards the gradual abolition of checks at their borders to allow travel between the five countries and proposing that they hold an intergovernmental conference on the subject. The memorandum formed the basis of the agreement signed on 14 June 1985 on the boat *Princesse Marie-Astrid*, on the river Moselle, at a ceremony hosted by Robert Goebbels, Junior Minister for Foreign Affairs and signatory of the agreement for Luxembourg. At the time, Luxembourg held the Benelux Presidency, and the choice of Schengen was a symbolic one: the agreement was signed at the place known as *Dräi-Länner-Eck*, where Luxembourg meets France and Germany.

The Schengen Agreement was in two parts, the first of which had the immediate effect of facilitating cross-border movement while strengthening cooperation between the partner states through a series of commitments on the exchange of information and the harmonisation of some legal mechanisms. The Schengen Information System (SIS) was set up to safeguard Member States’ security in the absence of internal border checks. The second part proposed giving individuals full freedom of movement by the total abolition of internal checks, “[...] if possible by 1 January 1990”.

On 19 June 1990, the same partners signed the Schengen Convention, which supplemented the Schengen Agreement and laid down the conditions for its application. But the implementation of the agreements was delayed until March 1995, for two main reasons. The first was the geopolitical upheavals that occurred at the end of 1989 – the fall of the Berlin

Wall and German reunification, the collapse of the USSR, the opening up of former communist countries in Central and Eastern Europe –, which raised new security issues (illegal immigration, trafficking of all kinds, criminality, terrorism, etc.). The second was the impact of these problems on order and internal security in the Schengen countries.

The Schengen *acquis* and the Schengen Area

On 2 October 1997, a Protocol annexed to the Treaty of Amsterdam enshrined the decision to transfer the Schengen *acquis* – the principles and legislation governing the Schengen Area – to Community level, making the area of freedom, security and justice part of the legal and institutional framework of the European Union. The United Kingdom and Ireland were given an opt-out clause and remained on the fringes of the plan for the total abolition of internal borders, but the main aim had been achieved: the free movement of EU citizens was now sealed and guaranteed by the European treaties. The EU Council of 20 May 1999 laid down the legal rules that countries acceding to the EU would have to implement in their national legislation with regard to the harmonisation of controls at external borders and police and judicial cooperation. The Schengen Area, extended with the successive enlargements of the EU, now includes 29 countries – 25 of the 27 EU Member States and the four members of the European Free Trade Association (Iceland, Switzerland, Norway and Liechtenstein) – and covers a vast zone of free movement spread over 4.5 million square kilometres, within which Europeans make more than 1.25 billion journeys each year. Croatia fully joined the Schengen Area on 1 January 2023, followed by Romania and Bulgaria on 1 January 2025. Ireland is not part of the Schengen Area, and the accession of Cyprus is dependent on the resolution of the dispute over the partition of the island. The Frontex agency was set up in 2004 to help countries in the EU and the Schengen Area secure their external borders.

Crises and the temptation to reintroduce border controls

In the event of a serious threat to public order or internal security, the Schengen countries can temporarily reintroduce controls at their national borders, for renewable periods of 30 days, up to a maximum of six months. In 2013, following the Arab Spring, which caused millions of migrants to journey to Europe, France and Italy obtained measures to strengthen the Schengen Area, including the possibility for any member to extend the total period to 24 months in the event of “serious deficiencies in the carrying out of external border control”.

Several countries, including Germany (during the football World Cup in 2006), Austria (for Euro 2008), Poland (for Euro 2012), France (for COP 21 and following the terrorist attacks in November 2015) and many others because of the migrant crisis, have temporarily reintroduced controls at their national borders. The COVID-19 crisis caused the EU to close its external borders in March 2020, and several countries (including Spain, Italy, Belgium, Austria, Hungary, Czechia, Poland, Lithuania and Germany) used their prerogatives to close their national borders. This was not the case for Luxembourg, which kept its borders open as an expression of its attachment to the European project (as highlighted by Luxembourg Foreign Minister Jean Asselborn) and also to allow the continued entry of the cross-border workforce on which the country’s economy depends.

An unfinished project

History has shown that the right to free movement in a Europe without internal borders, obtained as a result of the Schengen agreements, is one of two vital components of a European identity – the other being the euro, of which Luxembourgier Pierre Werner was the architect. Both elements are closely linked to Luxembourg.

“The elimination of the EU’s internal borders is a sign of recognition that all the citizens in the states concerned belong to a single area, and that they have a shared identity.”²

The Schengen Area has been able to develop successfully as long as the pressure on the system has remained “acceptable”. Notwithstanding the introduction of a number of adaptations, the Schengen countries have applied shared rules and operational mechanisms while maintaining control over their external borders. Although concerns were voiced in response to the enlargement of the European Union, the possibility of social dumping from Eastern European countries and the global economic crisis (2008-2018), the migrant crisis was what ultimately revealed the persistence of an essentially national approach to migratory questions and the way in which they should be addressed. The COVID-19 crisis provided further evidence of this trend. Identifying these obstacles is vital so that pragmatic solutions can be found without jeopardising the founding principle. If the Member States fail to anticipate and take action together, all they can do is react to circumstances as they arise – and they tend to do so unilaterally, at the expense of solidarity and a European response.

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¹The term “Schengen agreements” refers to both the Agreement of 14 June 1985 on the gradual abolition of checks at common borders and the Convention implementing the Schengen Agreement, signed on 19 June 1990.

² Bronislaw Geremek, address given in Schengen on 18 December 2007 (translated from the original French)