



# Justice & Home Affairs

*'Schengen'*

*Area of freedom, security  
and justice*

AFSI

**Assigned readings for this session:**

- **Vermeulen & De Bondt (2014), pp. 15-25, 28-47**
- **Mortera-Martinez (2016), 1-12**

Schengen  
Implement  
Convention

Schengen Implement  
Convention

Schengen

Justice  
Cooperation in  
criminal matters

External Border  
Control



1.

*Schengen  
and justice  
and home  
affairs*

2.

*Legal  
Frame-  
work  
of JHA*

3.

*EU  
Asylum  
policy*

4.

*External  
Border  
Control*

5.

*Police  
Coope-  
ration*

6.

*Justice  
Coope-  
ration*

7.

*Interna-  
tional  
terror-  
ism*

8.

*Reintro-  
duction  
of  
internal  
borders  
& Brexit*

# Grading and assignments

- **position paper on assigned topic & in-class presentation (42%)**
  - *topic of the paper answers the question as presented for each class*
  - *paper serves as position taking for (in-class) debate*
  - *Presentation will be held after each lecture*
  - *Presentation is around 15 minutes (followed by a debate)*
- **Written exam (42%)**
  - *consist of 4 open questions based upon assigned readings – students will choose from 6 questions, 2 questions can be dropped*
- **Participation in classes (16%)**
  - *active participation during ‘travel debates’*



# 'Schengen'

Origins

Schengen 'acquis'

'Flanking' policies

Integration into EU

Variable geometry

- Flanking measures
- 'Area of Freedom, Security and Justice' (AFSJ)

'Schengen Integration' Protocol to Amsterdam Treaty



Origins and 'acquis'

- Schengen Agreement
- Schengen Implementation Convention (SIC)

Variable geometry

- 'Non-EU –Schengen' and
- 'Non-Schengen EU'

# Origins: 'Schengen'

- **'Schengen' is abolition of border controls on the movement of persons within the EU**
  - *prompted by the creation of internal market*
  - *the 1984 (Franco-German) Saarbrücken Agreement*
  - *the 1985 Schengen Agreement*
  - *the 1990 Schengen Implementation Convention (SIC)*
- **initially as a separate system outside EU law (until 1999): the 'Schengen acquis'**
- **Schengen as the 'core' of justice and home affairs**

# Schengen 'acquis'

- **The Schengen 'core' and its 'flanking' policies**
  - *a 'border-free area' and, as a corollary:*
    - *external border control*
    - *common visa and asylum policies*
    - *policy and judicial cooperation*
- **Integration of 'Schengen acquis' (1997)**
  - *the 'acquis': the 'package' of all decisions, conventions, etc.*
  - *'Integration' Protocol to Amsterdam Treaty*
  - *actual integration: done in piecemeal steps*
- **'Area of Freedom, Security and Justice' (AFSJ)**
  - *divided across two different EU pillars in 1997*
  - *reunited in 2011 (Lisbon Treaty)*

# ***‘Variable geometry’ in JHA***

- ***‘Schengen’ and AFSJ have become a tailor-made process to suit the different tastes of member states***
- ***‘Non-EU Schengen’ member states***
  - *Schengen cooperation agreements with Norway, Iceland (1996)*
  - *Switzerland and Liechtenstein in 2009*
  - *COMIX (no voting rights, only recommendations)*
- ***‘Non-Schengen’ EU member states***
  - *Opt-out arrangements for UK, Ireland*
  - *Denmark: opt-in position*
  - *Bulgaria, Romania, Cyprus (though formally member) are not part of the Schengen free-travel area*
  - *Croatia has become full member since March 2021*

**Leading statement for in-class debate of  
tomorrow:**

***Member states should (continue to) be  
able to participate in the JHA field through  
'opt-in' and 'opt-out' arrangements***



**END**

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