

The Schengen Area and the EU's visa policy



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Travelling in Europe's border-free Schengen area without a visa is one of the most concrete results for citizens, especially for young and mobile citizens. It is important for connecting people but it also requires trust that Member States properly secure their external borders and implement required measures.

The border-free [Schengen Area](#) guarantees free movement to more than 400 million EU citizens, as well as to many non-EU nationals, businessmen, tourists or other persons legally present on the EU territory.

Most EU Member States and four non-EU countries – Iceland, Liechtenstein, Norway, and Switzerland – participate in the Schengen area. Only Ireland and the United Kingdom maintain opt-outs and have not signed the Schengen agreement. Four other EU states – Bulgaria, Croatia, Cyprus and Romania – are Schengen candidate countries and wish to join the Schengen area.

With the launch of Schengen cooperation, Member States have agreed to abolish internal border controls within the Schengen area. This requires trust that Member States properly secure their external borders and implement required measures.

The [Schengen Borders Code](#) (Schengen *acquis*) provides EU States with a single set of common rules that govern external border checks on persons, entry requirements and duration of stays in the Schengen Area.

Temporary reintroduction of internal border control

In an area without internal border control, it is necessary to have a common response to situations seriously affecting public policy or internal security. Therefore, the EU has adopted [Regulation \(EU\) No 1051/2013](#) providing for the temporary reintroduction of internal border control in exceptional circumstances.

The reintroduction of internal border control might be exceptionally necessary in cases of serious threats to public policy or to internal security, in particular following terrorist incidents or threats, or because of threats posed by organised crime.

Schengen evaluation and monitoring mechanism

After a long period of inter-institutional negotiations, the Council adopted in 2013 a new Schengen evaluation and monitoring mechanism ([Council Regulation \(EU\) No 1053/2013](#)). Evaluations may cover all aspects of the Schengen *acquis*, including the effective and efficient application by the Member States of accompanying measures in the areas of external borders, visa policy, the Schengen Information System, data protection, police cooperation, judicial cooperation in criminal matters, as well as the absence of border control at internal borders.

The European Commission submits bi-annual reports on the functioning of the Schengen area. The [sixth report](#) covers the period 1 May - 31 October 2014.

Visa agreements

The efficient functioning of the border-free Schengen Area is realized through a common [visa policy](#) which facilitates the entry of legal visitors into the EU, while strengthening internal security.

The EU has a common list of countries whose citizens must have a visa when crossing the external borders and a list of countries whose citizens are exempt from that requirement. These lists are set out in [Regulation No 539/2001](#) and its successive amendments.

In fact, the EU decides on visa exemptions based on a case-by-case assessment of a variety of criteria relating, *inter alia*, to illegal immigration, public policy and security, the economic benefits, in particular in terms of tourism and foreign trade, and the Union's external relations with the relevant third countries including, in particular, human rights and fundamental freedoms considerations, as well as the implications of regional coherence and reciprocity.

The European Union may conclude visa facilitation agreements with non-EU countries, in order that both the EU and non-EU citizens benefit from facilitated procedures for issuing visas.

The European Parliament, for its part, adopted a resolution on 27 February 2014 on the [future of EU visa policy](#), in which it "calls for the conclusion of further visa facilitation agreements, where appropriate, and for the monitoring and improvement of those already in existence".

The European Commission ["Schengen, Borders & Visas" webpage](#) provides specific information about visa-facilitation agreements and visa-dialogues between the EU and individual non-EU countries.

Visa suspension and reciprocity mechanism

In order to ensure that visa-free travel with non-EU countries is not abused, the EU adopted in 2013 a [new EU regulation \(1289/2013\)](#) introducing a "visa suspension mechanism". This mechanism allows, under strict conditions, for the temporary reintroduction of visa requirements for citizens of non-EU countries when there is an emergency situation caused by abuse of the visa-free regime.

The same regulation provide for a reciprocity mechanism for cases where a third country on the "positive list" (its nationals being exempt from the EU visa requirement) maintains or introduces a visa requirement for the citizens of one or more Member States.

The revised reciprocity mechanism aims for more solidarity among the Member States in the implementation of the common visa policy and provides for a quicker and more efficient reaction in case a third country on the positive list introduces or maintains a visa requirement for one or more Member States.

The European Commission published in October 2014 a [report assessing the situation of non-reciprocity with certain third countries in the area of visa policy](#). According to this report, the Commission received notifications of non-reciprocity situations from five Member States: Bulgaria, Croatia, Cyprus, Poland and Romania. These notifications related to five third countries: Australia, Brunei Darussalam, Canada, Japan and the US.

Any questions on this issue or another EP-related concern? Please use our [web form](#). You write, we answer.

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