OLD BLOGS

JUL 4, 2024

Schengen ain't what it used to be



Map of the Schengen Area, covering 29 countries throughout Europe.

My wife and I were on the train back from a one-week bike trip in Germany and Czechia, and were crossing back into Denmark. As the train pulled into Padborg, multiple border officers boarded the train, systematically checking IDs - passports, residence cards, and so on.

The unusual thing is that there *is* nothing unusual about this. Both Germany and Denmark are part of the <u>Schengen Area</u>, within which border controls have officially been abolished. And yet, since we moved to Denmark 3 years ago, every time we've returned to Denmark through Padborg, we've been met by border control.

Back in 2021, when we had just moved here, we crossed into Sweden from Denmark on the Öresundståg for a day trip - and were greeted in Hyllie by a full detachment of border control officers, complete with police dogs in tow, who made a thorough search of the train and its many toilets. This might sound like an extra security measure in response to a known threat. Far from it; this is official policy in Sweden, to the extent that regional government websites warn commuters that they must have identification.

3 years later, it finally occurred to us to wonder: why? Why is it that border checks have become routine within Schengen, an area created specifically for the purpose of eliminating internal border checks? Was it always this way - and if not, what changed?

In this article, we'll explore this question with the aid of some publicly available (and poorly formatted) data: the complete list of temporary border reintroductions since 2006.

nothing more permanent than a temporary solution

The Schengen Borders Code (SBC) provides Member States with the capability of temporarily reintroducing border control at the internal borders in the event of a serious threat to public policy or internal security.

The reintroduction of border control at the internal borders **must be applied as a** last resort measure, in exceptional situations, and must respect the principle of proportionality.

- <u>Temporary Reintroduction of Border Control</u>, European Commission

The answer lies in an escape hatch built into Schengen. In the face of credible serious threats, member nations of the area can re-establish internal border controls. This is intended to be a **temporary** measure, lasting no longer than needed: up to 30 days or the duration of the event (whichever is shorter), and renewable in 30 day increments up to a duration of 6 months.

When member nations do this, they are required to notify the EU, and it becomes a matter of public record.

As of June 2024, there were 440 recorded border control reintroductions, with the earliest such entry from Oct 21, 2006. In the beginning, member nations did indeed use this escape hatch in the intended manner: to establish extra security around specific high-profile, high-risk events.

| 4 | France | 12–16/02/2007 | Conference of Heads of States of Africa and France in Cannes (13-16/2/2007). |
|---|---------|----------------------------|--|
| | | | FR-IT border (detailed information provided in the notification) |
| 3 | Finland | 13–29/11/ 2006 | EUROMED meeting in Tampere. |
| | | | Controls mainly at Helsinki-Vantaa, Turku and Tampere-Pirkkala airports and the ports of Helsinki, Hanko and Turku, FI-SE and FI-NO land borders |
| 2 | Finland | 9-21/10/2006 | Informal meeting of Heads of States and Government in Lahti. |
| | | | Controls mainly at Helsinki-Vantaa, Turku and Tampere-Pirkkala airports and the ports of Helsinki, Hanko and Turku, FI-SE and FI-NO land borders |
| 1 | France | 21/10/2006, 08h — 20:00 | Youth Days of radical young Basques in Saint-Pée-sur-Nivelle and demonstration organised in Bayonne by the support committee of Philippe Bidart. |
| | | | FR-ES land border (border crossing point on the highway A63 in Biriatou, St Jacques bridge, Béhobie bridge, Hendaye station) |

Screenshot showing the first four temporary border reintroductions filed in 2006-2007: two by France, two by Finland, all four limited to the known duration of specific events.

Compare this with more recent entries. The three shown below each last 2-6 months, and refer to a laundry list of open-ended threats: terrorism, human smuggling, and migration. Only one refers to specific events - the Olympic and Paralympic Games, which between them last no more than 4 weeks of the requested 6 months.

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|-----|---------|----------------------------|--|
| 428 | France | 01/05/2024 - 31/10/2024 | The Olympic and Paralympic Games organised in France during the summer 2024, which substantially increase the risk to national security, an intensified terrorist threat, the Moscow attack of 22 March 2024 claimed by the Islamic State, constant migratory pressure at the Schengen external borders, significant increase in irregular crossings especially from Türkiye and North Africa, pressure on the reception system; internal borders. |
| 427 | Austria | 03/04/2024 - 02/06/2024 | High migratory pressure and increase in apprehensions in the Western Balkans, extensive secondary migration, pressure on the asylum reception system, threat of human smuggling; border with Slovakia. |
| 426 | Germany | 16/03/2024 - 15/06/2024 | High level of migrant smuggling activity, the impact on security and migration in the Schengen area due to the security situation in the Middle East; land borders with Poland, Czechia and Switzerland. |
| | | | |

Screenshot showing three more recent temporary border reintroductions filed in 2024 by France, Austria, and Germany. All three last for months, and only one refers to specific events - and even that one requests a much longer time frame.

The Schengen Borders Code explicitly mentions migration as a dubious reason for reintroducing border controls:

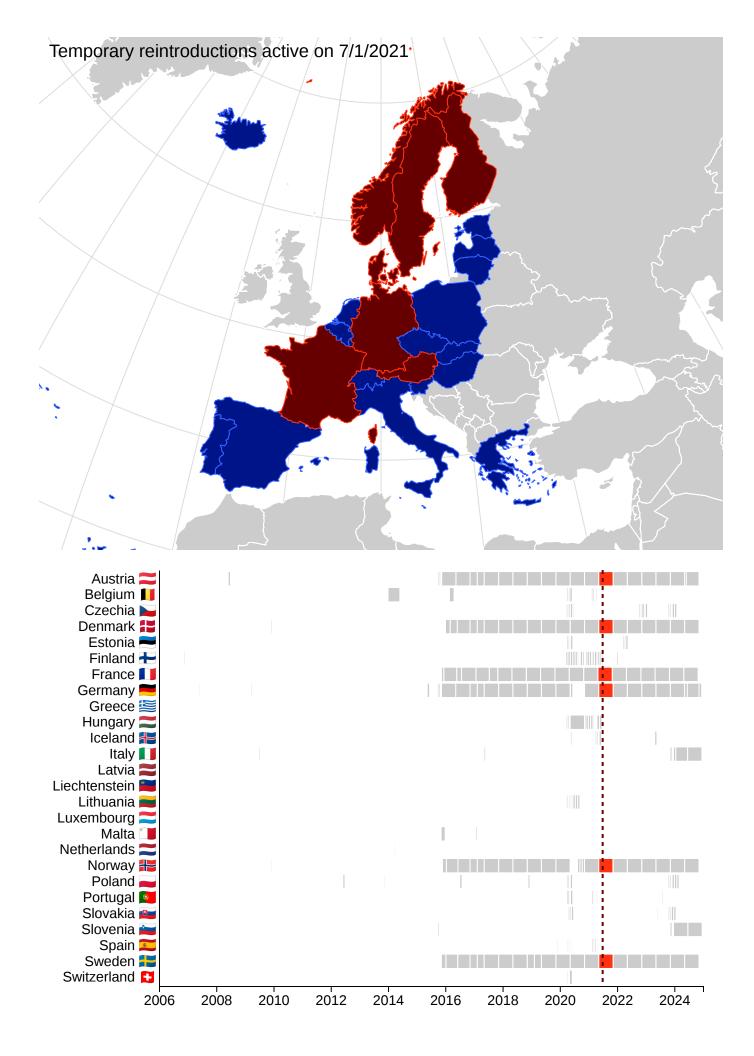
Migration and the crossing of external borders by a large number of third-country nationals should not, per se, be considered to be a threat to public policy or internal security.

- <u>Schengen Borders Code</u>, sec. 26

Nevertheless, of the 440 requested reintroductions, over 70 refer to migrants, migration, or refugees in their stated reason.

Still, if we only look at a few descriptions in isolation, it can be hard to see the scope of European policy shifts around Schengen over the last few years.





Hover / tap on countries in the map to see any active requested border reintroductions as of the active date, which is set to July 1, 2021 by default. Click / tap on the timeline at bottom to change the active date.

The visualisation shows a clear difference between those earlier, targeted border controls and the new normal of rotating 6-month requests. If the requests are to be taken at face value, Austria, Denmark, France, Germany, Norway, and Sweden have been in an exceptional situation continuously (or nearly so) since late 2015. In November 2016, Decision (EU) 2016/1989 legitimised this approach as a proportionate response to the Syrian refugee crisis.

More recently, the Russian invasion of Ukraine, terrorism, and renewed tensions in the Middle East have been cited as reasons to keep border controls in place - but "migratory pressure" is still commonly invoked as well.

Of course, you can see other forces at work in the data - for instance, from early 2020 to mid-2021, several more countries reintroduced border controls in an effort to contain the COVID pandemic.

In a sense, this is exactly why public datasets can be so *fascinating*: looked at in the right way, a dry procedural PDF becomes a lens into the geopolitics of an entire continent over nearly two decades.

where to from here?

It seems obvious that these measures are anything but temporary. For many Europeans, the Schengen of free movement across borders no longer exists - it has been replaced by a patchwork of passport checks, police dogs, and pointed questions.

And yet: countries like Denmark are <u>safer</u> and <u>more prosperous</u> than ever before. Danes are <u>just as happy as they were back in 2015</u>, before strict borders became the new normal. Global conflict is <u>nothing new</u>, though perhaps it feels closer than before.

As an American, this dissonance feels disturbingly familiar. We are, after all, living in a global <u>resurgence of the far right</u>. Many fall into its trap of fear-driven rhetoric; many more sit and bemoan the lack of positive visions for our future. Where are the visionaries that brought us the Works Progress Administration? Or the social housing of Vienna? Or the humane urban design of Copenhagen?

Or, for that matter, Schengen itself - a bold step towards a world without borders?

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