Schengen is celebrated as a major achievement of the EU with the abolition of internal border controls but is simultaneously considered as a source of crisis and controversies with the reintroduction of controls at the internal borders, the balance between solidarity and responsibility in liaison with secondary movements, the monitoring of human rights at external borders, and the increasing recourse to large-scale databases. The conference will analyse from a legal point of view these issues at the core of the current debates on migration and asylum policies.

The conference will also examine the foundations of Schengen that are been largely ignored while they belong to the most complex legal issues: What is exactly the scope of the Schengen acquis defining to which countries it applies among the EU and associated States? What are precisely the conditions that a State must fulfill for the enlargement of the Schengen area? What are legally the elements to take into consideration for establishing a balance between solidarity and responsibility like for instance the Dublin system not part of the Schengen acquis?

The conference will introduce interested participants (policy makers, EU & States officials, NGO representatives, academics, lawyers, judges, border guards, PhD students, researchers, etc) to the state-of-the-art regarding those issues from a theoretical but also practical point of view. The conference is part of the broader "Schengen Project" launched by the Odysseus Network. Its proceedings will be published in a book that will fill the existing gap in the limited literature devoted to Schengen.

TUESDAY 27 MORNING

8h45 Welcome by Pol De Witte, Director General of the Egmont Institute &
Philippe De Bruycker, Professor at the ULB & Odysseus Academic Network Coordinator

9h00 Session 1: Past and future of a village called Schengen

Chair: Philippe De Bruycker, Professor at the ULB & Odysseus Academic Network Coordinator

9:00 Looking Backward by Ass. Prof. Ruben Zaiotti, Jean Monnet Chair in Border control, Dalhousie University (Canada), author of the book Schengen & the evolution of European frontiers (Chicago University Press)

This session will trace the position of the founding members that used Schengen as a framework to define the contours of European policies, and of the Mediterranean Member States as those the most exposed to migration flows that had no possibility to negotiate the Schengen acquis, in particular Italy that despite being a founding member of the European Economic Community, was excluded from the original Schengen members.

9h30: Panel:

- **Testimony of Julian Schutte**, Former Director at the Council of Ministers of the European Union, who closely followed the evolution of Schengen during the last decades.
- **Testimony of Michel-Etienne Tilemans**, Deputy Secretary General of the Benelux Union

10h00 Session 2: Schengen: from governance to government by Jorrit Rijpma, Professor at Leiden University

Notwithstanding its formal inclusion in EU law, Schengen is characterised by institutional specificities considered as remnants of its intergovernmental origins, and of a more structural nature, including its variable geometry and the Mixed Committee through which the Associated States participate to its functioning. There is a discussion about the need for a day-to-day government despite the improvement of the Schengen governance under the last French Presidency. Several areas of the Schengen acquis are also marked by an implementation deficit. While the Commission has been criticised for not fulfilling its role of guardian of the Treaties, there are parallel instruments to ensure compliance with Schengen rules that must be taken into consideration.

Chair: Laura Yli-Vakkuri, Director General, International Affairs, Ministry of the Interior, Finland (tbc)

10h30: Panel

- Tom Snels, Commission Unit B2 on Schengen governance, DG Home Affairs
- Fiona Audefroy, Direction des Affaires européennes, Ministère de l'intérieur, France

10h45: Discussion with the audience

11h00 Coffee break

11h30 Session 3: The scope of the Schengen acquis: slim or large fit? by Fabian Lutz, European Commission / European University Institute (EUI)

The geographical scope of application of EU instruments is defined only by the preamble preceding their legally binding provisions. The decision whether a legal act is or not part of the Schengen acquis is of significant importance both for the Schengen Associated States as well as for Denmark and Ireland. Understanding how the substantive scope of Schengen rules was initially defined by the 1990 Schengen Convention and how it changed and was reduced before and after the Amsterdam Treaty requires a complex analysis of the criteria used to determine the rules that are or not part of the development of the Schengen acquis.

Chair: Jonathan Tomkin, Legal Service, European Commission

12h00: Panel

- Elisa Ravasi, Head of Section Justice and Home Affairs, Swiss Ministry of Foreign Affairs
- Pieter Van Nuffel, Former Director in the Legal Service of the European Commission

12h30 Discussion with the audience

13h00 Lunch break

TUESDAY 27 JUNE AFTERNOON

14h00 Session 4: The Holy Grail: In search of conditions for the enlargement of Schengen by Jonas Borneman, University of Lausanne

Chair: Zuzana Sustr, Council Legal Service, Council of Ministers of the EU

The admission of new Member States in the Schengen Area requires a high degree of mutual trust. A two-step process leading to the lifting of internal border controls is therefore used. The accession process has so far lasted between three years for Austria and more than nine years for Croatia while Romania and Bulgaria are still queuing. This session will describe the legal aspects of that process, in particular the conditions to lift border controls towards Bulgaria and Romania which have proven highly controversial in relation with the difficulties to precisely define the scope of the Schengen acquis.

14h30: Panel

- a representative from The Netherlands
- a representative of Romania

15h00 Discussion with the audience

15h30 Coffee break

16h00 Session 5: The road to Schengen through Dublin: Solidarity versus Responsibility by Daniel Thym, Professor at Konstanz University

Recent years have been defined by tensions between countries of first arrival in Southern Europe and the main destination countries further North. While the formers complain about a lack of solidarity, the latter lament the experience of secondary movements. The session will assess the legal rules, empirical realities and political disputes about solidarity and responsibility in light of the historic linkage between the abolition of internal border controls and the harmonisation of asylum jurisdiction in the original Schengen Convention, knowing that the Dublin system is linked to the Schengen acquis but not any longer part of it. It will also discuss contemporary proposals on how to overcome the stalemate.

16h30: Panel

- A representative of Italy
- Javier Conde, Representative of the Spanish Presidency of the EU, Ministry for External Relations, European Union & Cooperation

17h00 Discussion with the audience

End around 17h30

WEDNESDAY 28 MORNING

8h45 Session 6: Guards at internal borders or Policemen inside the territory? by Stefan Salomon, University of Amsterdam

Chair: Corinna Ullrich, Head of Unit Schengen & External Borders, DG Migration & Home Affairs, European Commission

The absence of internal border control is the key feature of Schengen. Temporarily reintroduced border control should only be used in exceptional circumstances. This exception is (ab)used by a number of Member States since the migration crisis of 2015. This session will provide a legal and factual analysis and discuss relevant case law of the CJEU (in particular the recent case NW) in light of the recent Commission pending proposal amending the Schengen Borders Code. It will also sketch possible approaches for addressing security concerns without reintroducing systematic controls at internal borders and discuss to what extent police checks may be used as a less intrusive alternative.

9h15: Panel:

- Henrik Saugmandsgaard Øe, Partner Gorrissen Federspiel Law Firm (Copenhagen), former Advocate General at the Court of Justice of the European Union
- A representative of France

9h30 Discussion with the audience

10h00 Session 7: Externalising Human Rights at the Borders by Iris Goldner Lang, University of Zagreb

Modern border management requires the smooth flow of "bona fide" travellers across borders as well as the possibility to "filter" those that should be left without access. Although the European Commission still refuses EU money to be used to fund walls, there is a tendency to reinforce controls of the external borders through increased patrolling, technology or even the construction of physical barriers. Knowing that the European Commission has proposed that Member States monitor the respect of fundamental rights at national level in the New Pact, how can the EU balance its commitment to fundamental rights and the pressure to control more effectively its external borders?

Chair: Catherine Woolard, Director of ECRE

10h30 Panel:

- Jonas Grimheden, Fundamental Rights Officer of Frontex
- Iva Zaharieva, Justice and Home Affairs Counsellor, Permanent Representation of Bulgaria

10h45: Discussion with the audience

11h00 Coffee break

11h30 Session 8: Intelligence artificial but also interoperable and automated by Niovi Vavoula, Queen Mary University London

In the background of an increasing number of large-scale databases that will soon become interoperable, there is the prospect of further automated processing and the use of artificial intelligence. How can the EU embrace the development of these new technologies and how regulate them in light of the purpose-specification principle, the protection of personal data and the principle of non-discrimination?

Chair: Anna Buchta, HoU Policy and Consultation, European Data Protection Supervisor (EDPS)

12h00 Panel

- A representative of EU-Lisa (tbc)
- Marc Sulon, Commission Unit B.3 Information Systems for Borders, Migration and Security from DG Migration and Home Affairs

12h30 Discussion with the audience

12h45 Conclusions

Chair: Jean-Louis De Brouwer, Director for the EU Program of the Egmont Institute

Olivier Onidi, Schengen Coordinator, Deputy Director General, DG Migration & Home Affairs, European Commission

Future challenges that put into question the survival of Schengen are numerous: the difficulty to control certain sections of the external borders, to apply uniformly the Dublin rules, the existence of secondary movements inside the Schengen area and the reintroduction of internal controls at certain borders between Member States.

13h00 End of the conference

PRACTICAL INFORMATION

- **Register immediately as the number of seats in the room is limited!** Persons without seat will kindly be requested to follow the conference online. A weblink will be sent to each registered person to access the e-platform.
- **Date and Time:** 27 June 8.45 - 17.30
  28 June 8.45 - 13.30
- **Location:** Egmont Institute, Petit Sablon, 8, 1000 Brussels
- **Registration:** online at https://forms.gle/raiW6WdoBcMcwReo8
- **Cost of Participation:** on site: 105 EUR / online: 85 EUR
  to pay on the account of the Odysseus Network
  IBAN: BE49 0015 4052 2371 - BIC: GEBABEBB
  with as reference: 'your name' and 'Schengen conference'
- **Catering:** refreshments and lunch on the first day will be served
- **Public transportation** http://www.stib-mivb.be/
  (nearest bus / tram stops: 27 - 33 - 92 - 93 - 95)
- **Information:** karla.zeravcic98@gmail.com