

CONFERENCE 'SCHENGEN: QUO VADIS?'

JUNE 27-28, 2023

SCHENGEN: QUO VADIS?

CONFERENCE 2023
EGMONT PALACE, BRUSSELS

SCHEN
Schen

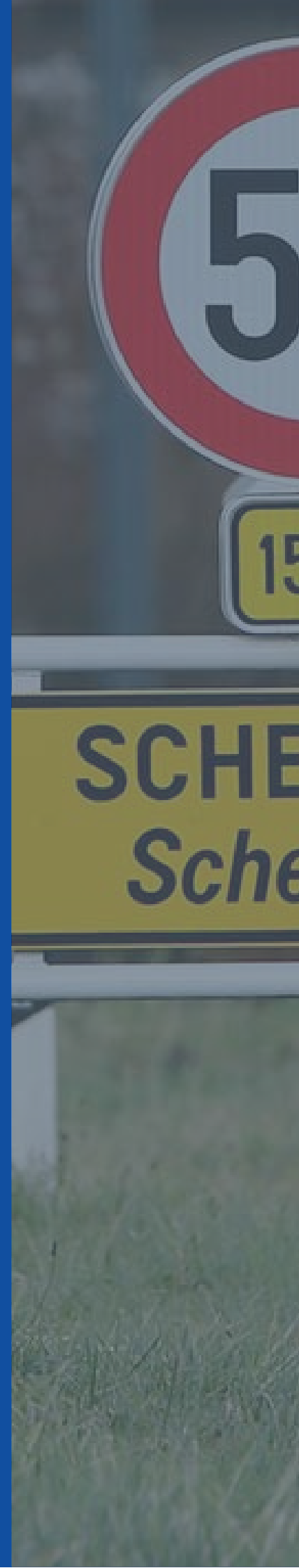
THE ODYSSEUS ACADEMIC NETWORK FOR LEGAL STUDIES ON MIGRATION & ASYLUM IN EUROPE

IN COLLABORATION WITH THE
EGMONT INSTITUTE FOR
INTERNATIONAL RELATIONS
AND THE FINANCIAL SUPPORT OF THE
EUROPA INSTITUTE OF LEIDEN
UNIVERSITY

PROGRAM

Tuesday, 27 June

8:45-9:00	Welcome by Pol De Witte, Director General of the Egmont Institute
9:00-10:00	Session 1: Past and future of a vilage called Schengen
10:00-11:00	Session 2: Schengen - from governance to government
11:00-11:30	Coffee break
11:30-12:30	Session 3: The scope of the Schengen acquisition - slim or large fit?
13:00-14:00	Lunch break
14:00-15:30	Session 4: The Holy Grail - In search of conditions for the enlargement of Schengen
15:30-16:00	Coffee break
16:00-17:30	Session 5: The road to Schengen through Dublin - Solidarity versus Responsibility



SESSION 1: PAST AND FUTURE OF A VILLAGE CALLED SCHENGEN

9:00

Tuesday, 27 June

*Chair: Philippe De BRUYCKER, professor at ULB & Odysseus Academic Network
Coordinator*

LOOKING BACKWARDS

*by Ass. Prof. Ruben Zaiotti, Jean Monnet Chair in Border control, Dalhousie University
(Canada)*

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.

9:30

Tuesday, 27 June

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

SESSION 2

10:00

Tuesday, 27 June

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.

10:30

Tuesday, 27 June

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

PANEL

- **Tom Snels**, Head of Unit B2 on the Schengen governance, DG Migration & Home Affairs, European Commission
- **Fiona Audefroy**, Conseillère à la Direction des Affaires européennes et internationales, Ministère de l'intérieur, France (ONLINE)
- **Maïlys Ramonatxo**, Head of Unit, Directorate General Justice and Home Affairs, General Secretariat of the Council of Ministers

10:45 Discussion with the audience

SESSION 3

11:30

Tuesday, 27 June

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.

12:00

Tuesday, 27 June

Chair: Jonathan Tomkin, Legal Service, European Commission

PANEL

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

12:30 Discussion with the audience

SESSION 4

14:00

Tuesday, 27 June

THE HOLY GRAIL: IN SEARCH OF CONDITIONS FOR THE ENLARGEMENT OF SCHENGEN

by Jonas Borneman, University of Lausanne

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.

14:30

Tuesday, 27 June

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

PANEL

- **George Luke**, Head of Department, Austrian Ministry of Interior
- **Iva Zaharieva**, Justice and Home Affairs Counsellor, Permanent Representation of Bulgaria

15:00 Discussion with the audience

SESSION 5

16:00

Tuesday, 27 June

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 former 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.

16:30

Tuesday, 27 June

Chair: Lilian Tsourdi, Ass. Prof. & Dutch Research Council Grantee at Maastricht University

PANEL

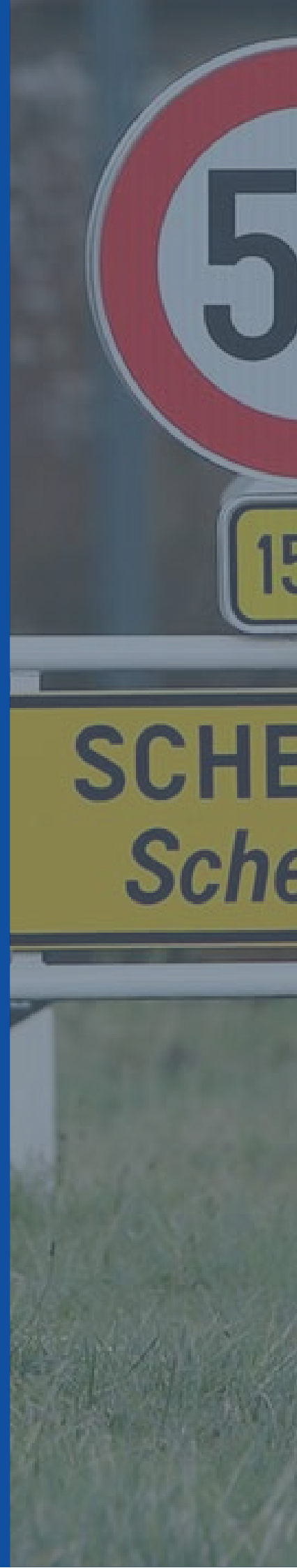
- **Javier Conde**, Representative of the Spanish Presidency of the EU, Ministry for External Relations, European Union & Cooperation
- **Grigorios Delavekouras**, Ambassador, Head of Justice and Home Affairs Unit at the Permanent Representation of Greece to the EU

17:00 Discussion with the audience

PROGRAM

Wednesday, 28 June

8:45-10:00	Session 6: Guards at internal borders or Policemen inside the territory
10:00-11:00	Session 7: Externalising Human Rights at the Borders
11:00-11:30	Coffee break
11:30-12:45	Session 8: Intelligence artificial but also interoperable and automated
12:45-13:00	Conclusions



SESSION 6

8:45

Wednesday, 28 June

GUARDS AT INTERNAL BORDERS OR POLICEMEN INSIDE THE TERRITORY?

by Stefan Salomon, University of Amsterdam

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.

9:15

Wednesday, 28 June

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

PANEL

- **Henrik Saugmandsgaard Øe**, Partner Gorrissen Federspiel Law Firm (Copenhagen), former Advocate General at the Court of Justice of the European Union
- **Pierre Regnault de la Mothe**, Chef du service Justice et Affaires Intérieures, Représentation Permanente de la France auprès de l'UE

9:30 Discussion with the audience

SESSION 7

10:00

Wednesday, 28 June

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?

10:30

Wednesday, 28 June

Chair: Catherine Woolard, Director of ECRE

PANEL

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

10:45 Discussion with the audience

SESSION 8

11:30

Wednesday, 28 June

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?

12:00

Wednesday, 28 June

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

PANEL

- **Luca Tagliaretti**, Deputy Executive Director of the EU Agency for the management of large-IT systems in the Area of Freedom, Security and Justice (EU-LISA) (ONLINE)
- **Marc Sutton**, Head of Unit B.3 Digital Schengen from DG Migration and Home Affairs, European Commission

10:45 Discussion with the audience

CONCLUSIONS

12:45

Wednesday, 28 June

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

HENRIK NIELSEN, DIRECTOR SCHENGEN, BORDERS AND VISAS, DG MIGRATION & HOME AFFAIRS, EUROPEAN COMMISSION

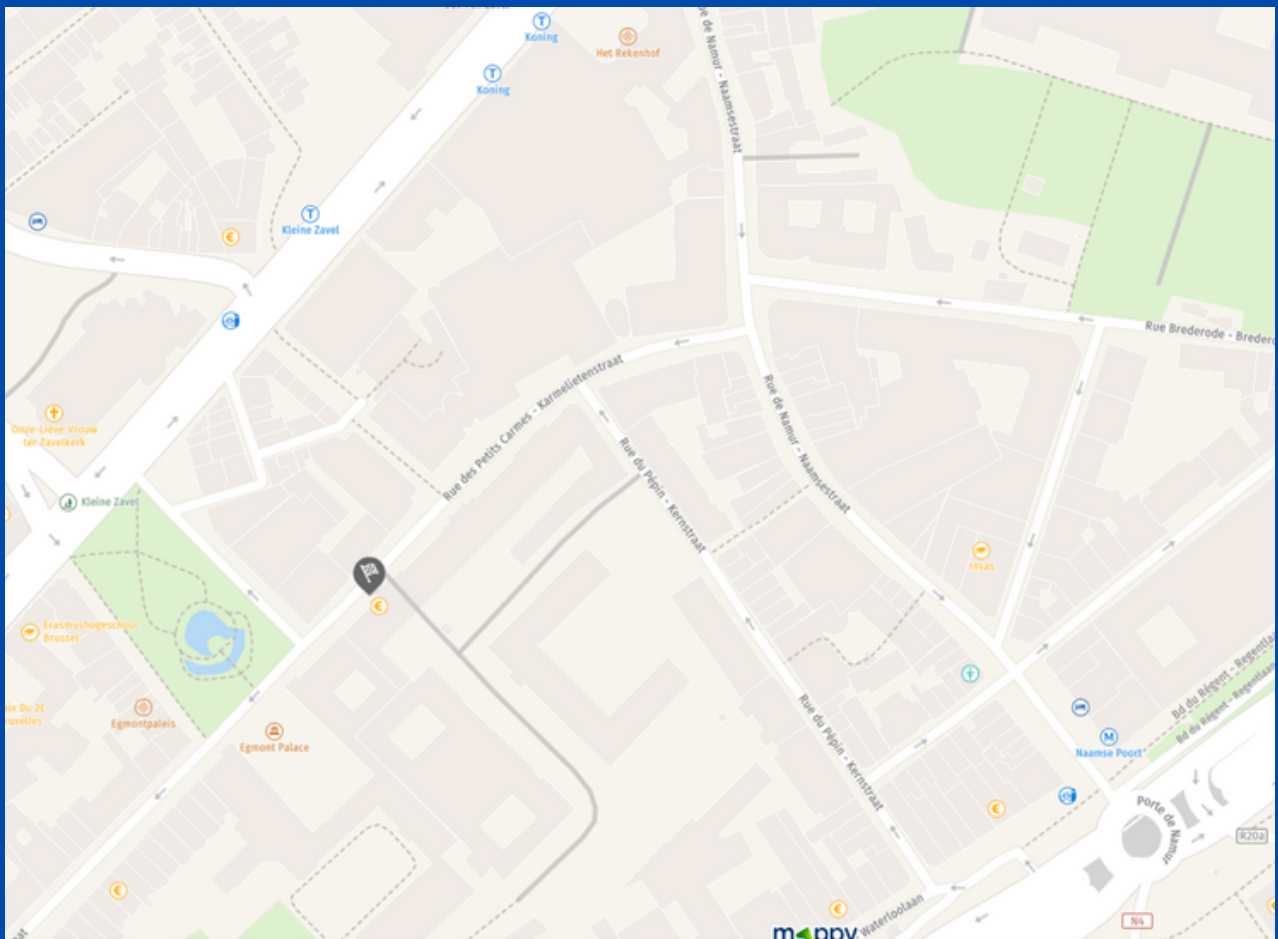
Future challenges that put into question the survival of Schengen are numerous: the difficulty to control certain sections of the external borders, to apply uniformly the Dublin rules, the existence of secondary movements inside the Schengen area and the reintroduction of internal controls at certain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

PRACTICAL INFORMATION:

Date and Time: 27 June 8:30-17:30

28 June 8:30-13:00

Location: Egmont Palace and Institute - entrance through rue des Petits Carmes, 1000 Brussels at number 24 and once inside follow the signs towards number 24 B.



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