

European Migration Network (EMN)

EMN Conference 2015

30 years of the Schengen Agreement The future of Schengen: challenges and opportunities

7th October 2015, Esch-Belval, Luxembourg

Conclusions and Summary



Prepared by the European Migration Network
National Contact Point for Luxembourg with the support of
the European Commission and the EMN Service Provider (ICFI)

Conclusions of the EMN Conference 2015

Framework for the EMN Conference 2015

Thirty years ago, in 1985, the first Schengen Agreement was signed between individual national governments of EU Member States. Until 1995, the first Schengen Agreements were implemented with seven Member States. Today, the Schengen Area encompasses 26 countries, including almost all EU Member States, as well as non-EU States Iceland, Norway, Switzerland and Liechtenstein. The border-free Schengen Area makes a reality of free movement for 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.

Freedom of movement brings both benefits and risks, and Member States of the Schengen Area have to manage both. Membership in the Schengen Area requires the fulfilment of a list of pre-conditions. These involve, for example, demonstrating capability to take responsibility for controlling the EU external borders on behalf of the other Schengen States, issuing uniform Schengen visas, and cooperating with law enforcement agencies in other Schengen States in order to maintain a high level of security once controls at internal borders are removed.

The current migratory developments and the large arrivals of asylum seekers represent a serious challenge for the EU: in response to the pressure exerted on the common external borders, a few Member States reintroduced temporary border controls, which is an exceptional possibility regulated by the Schengen Borders Code only in cases of a crisis situation, though deemed temporary. The severity of the refugee crisis signals the pressing need to agree on and implement a common and comprehensive response (as presented by the [measures proposed](#) by the European Commission on 9th September 2015) as the Schengen Area cannot function efficiently without ensuring an effective management of the common external borders and promoting solidarity among Member States.

Within this framework, the EMN Conference in Luxembourg aimed to discuss the developments and the perspectives of "Schengen" regarding topics like border management and irregular migration, as well as to explore the current key challenges to preserve and further extend the Schengen area. The Conference also intended to raise the awareness about the Schengen Acquis and to deliver ideas to feed future policy debates at international, EU and national levels.

Main conclusions

Mr. Francesco **Maiani**, Professor at the Faculty of Law, Criminal Justice and Public Administration of the University of Lausanne, Switzerland presented the main conclusions of the EMN conference, based on the presentations and discussions held during the day.

These conclusions included the following:

- ★ The **establishment of Schengen is an important achievement** which should not be underscored; Schengen constitutes a true hall mark of European integration. Whilst initially the conference had been envisaged as a celebration of 30 years of the Schengen Agreement, due to the current circumstances, the presentations and discussions were predominantly focussing on the challenges the Schengen area is currently facing.
- ★ Due to the **current situation, a number of problems concerning the functioning of the Schengen area** have been identified. However, the key messages were that the reintroduction of permanent internal border controls is not viable and would have little incidence on reducing the current migration flows. On the contrary, more integration, more solidarity and more cooperation among the Member States are required.
- ★ A good balance between **policies for legal migration, the fight against irregular migration and international protection** must be kept.

Next Steps

Participants underlined that in light of the current situation, Schengen is at a turning point. Confronted with today's challenges, Schengen now has the opportunity to significantly evolve. As to how this should be done several initial **proposals** were forwarded by the speakers.

- 1) **The full implementation of the Schengen acquis** was considered as one of the most important issues to address. On the one hand, security-related elements of the acquis (e.g. fingerprinting, visa shopping, human trafficking and the fight against smuggling) and on the other hand, protection-related and human rights aspects of the acquis (e.g. reception conditions for asylum seekers, effective monitoring of forced returns) have to be balanced. In addition, the subject of transfers of sovereignty or "pooling" of sovereignty was evoked in order to guarantee the viability of the Schengen area.
- 2) **Strengthening the external borders:** concerning the external borders of the Schengen area it was questioned whether there should be a **shared responsibility** (i.e. the creation of a common EU border guard system). This also raised the question of the future enhanced role that FRONTEX might assume.
- 3) **More solidarity and practical cooperation is needed to re-build trust in the Schengen zone.** The participants recognised that the mutual trust between the Member States has to be rebuilt. The EU institutions have already taken several measures to this effect (e.g. the EU Agenda on Migration, and the adoption of the two subsequent legislative packages) but these are only the first steps and it is still unclear to what extent the Member States are willing to address this as a common challenge.
- 4) **Some policies need to be re-considered and critically thought through.** Reference was made in particular to the Dublin Regulation, legal migration channels (i.e. the EU Blue Card, visa policy), the link between smuggling and human trafficking, humanitarian visas, how to deal with secondary movements, the establishment of quotas and cooperation with third countries.

Summary of the 2nd EMN Conference 2015

Welcome speeches

The EMN Conference 2015 “30 years of the Schengen Agreement The future of Schengen: challenges and opportunities” was opened by Mr **Rainer Klump** (President of the University of Luxembourg). The President welcomed all participants at the University of Luxembourg and stated to be very pleased that the conference was dedicated to the Schengen Agreement, which had become such an integral part of everyone’s daily life. He reflected on similarities between the Schengen Agreement and the University, emphasising that for example: the University is located in the same country as where Schengen was signed; its students are very international; the LU EMN NCP (which is part of the University) have a research focus on asylum/migration, and; finally, the University itself is part of a network of universities of the greater region within which a centre on border studies has been established. Finally he wished the participants interesting insights into the topic of 30 years Schengen.



Corinne Cahen, (Minister for Family Affairs and Integration), emphasised the importance of Schengen to Luxembourg and provided a snapshot of the situation: overall, 46% of inhabitants come from abroad and hold approximately 170 different nationalities. There are also more than 160,000 cross border workers, with 70% of work being performed by foreigners. Subsequently, the challenges Schengen is confronted with were cited, covering the “unprecedented flows” of asylum seekers with many travelling on to “preferred” Member States (e.g. Germany, Sweden), which has resulted in the temporary re-introduction of checks at the internal borders (by AT, DE, and SI). Whilst this has created many tensions, it has also

sparked a solidarity movement in Luxembourg. Indeed, the Minister emphasised the need to confront the challenges in a unified way. The importance of integrating asylum seekers and beneficiaries of international protection was underlined. It had been courageous to sign the Schengen Agreement 30 years ago, and now participants should be courageous again to especially show solidarity towards one another.

Plenary Theme: 30 Years of the Schengen Agreement: taking stock of achievements and looking to the future

Charles Elsen, (Hon. Director General at the Council of the EU, former Director General of Justice and Home Affairs at the Council of the EU), spoke about the history of Schengen. Schengen started 30 years ago with an agreement signed in Brücken between Mitterrand and Kohl on the free movement of persons between France and Germany. Subsequently, the Benelux countries joined the agreement which was signed in “Schengen” (30 years ago). Schengen was symbolically chosen as it is the only geographical place where Germany, France and the Benelux borders intersect. The signing of Schengen brought about significant changes, including for example: uniformity of controls at the external borders; common visa; improvement of police cooperation, legal and judicial cooperation. The first phase of Schengen thus focused on implementation, with a Schengen implementing agreement signed in 1990. The second phase of Schengen focused on expansion in which the five Member States played a pioneering role. To date, 26 countries are Schengen members including also non-EU States. The system itself has also over time evolved in an impressive way (e.g. establishment of FRONTEX, EURODAC, SIS II etc.). It now accounts for 8,000 kilometres of external borders, 644 airports, 15 million visas issued every year, and 3 million internal Schengen border crossings every day. The speaker emphasised that despite Schengen being a complex system (no legal oversight), it had so far run smoothly. The current situation, however, exerts unprecedented challenges and whereas the Council, European Parliament, and Commission are in agreement as to how these should be confronted, Member States are in disagreement with solidarity lacking. He pointed out that the lack of solidarity contrasts the “Schengen spirit” of solidarity 30 years ago.

Matthias Ruete (Director General of Migration & Home Affairs, European Commission) spoke about the functioning of the Schengen system in times of crisis. He emphasised that the European rules on asylum are also part of the overall functioning of the Schengen system, as evidenced by the spill-over effects of the migrant flows on border management (i.e. the re-introduction of internal checks). The

Commission is currently concentrating its efforts to restore the initial system and/or have it reviewed. So, what has the Commission done? It has been working under three leitmotifs: responsibility, solidarity and mutual trust. With regard to responsibility, it may be questioned whether, concerning the external borders, we have to move from national responsibility to shared responsibility. To date, the Schengen system was built on the principle that Member States situated at the external borders also had the responsibility to manage the external borders for the others. Efforts have therefore focused on setting common standards, developing a common training curriculum, and financial solidarity etc. However, to better protect the external borders, President Juncker referred in his "state of the union" to the creation of a common EU border and coast guard - on which the Commission is currently developing ideas. Concerning solidarity, several measures were developed as elaborated in the EU Agenda on Migration and the subsequent packages of legislative proposals. These include the "hotspot" concepts; joint operation Triton and Poseidon; relocation of 160,000 asylum seekers; allocation of additional funds (a total of 9 billion euro for migration issues), and; finally, the possibility of additional funds for integration which is currently being considered. Lastly, as to mutual trust, the Director General stated that the present crisis has all ingredients to drive Member States apart, but it crucially also presents an opportunity to increase cooperation and develop a more joined-up approach. It was clear that initially, trust between Member States had broken down; discussions between Ministers of Interior and Heads of State were extremely difficult. However, over the last few weeks a fragile understanding has emerged that the current crisis constitutes a common challenge - not only from North to South, but also from East to West - and the EU is now working towards the next steps in consolidating further EU integration.



Fabrice Leggeri, (Executive Director of FRONTEX), provided an operational view of the field work. First, he confirmed that FRONTEX also worked under the three leitmotifs as mentioned by Director-General Ruete: responsibility, solidarity and trust. With regard to responsibility, he emphasised that FRONTEX was not responsible for daily border management as this was the

prerogative of Member States. As regards solidarity, the establishment and the work done by FRONTEX can be considered an expression of this. When it comes to trust, FRONTEX can also be seen as an operational tool to build trust between Member States and the EU institutions.

The Executive Director provided an overview of the current crisis in statistical numbers: at the end of September 2015 there had been more than 710,000 irregular border crossings, of which more than half (320,000) had occurred in Greece. In Hungary, 200,000 irregular border crossings occurred and in Croatia 100,000 crossings occurred in the second half of September. It was emphasised that no individual Member State or country in the world can cope with such challenges alone. Solidarity is therefore required to reinforce the capacity of front-line Member States' in registering and screening all migrants. As part of the EU measures to counter the challenges, FRONTEX's budget has significantly increased (from 95 million euro at the beginning of 2015 to expectedly 240 million euro in 2016) including its human resources. FRONTEX is now under pressure to produce results. What has been done so far? Operation Triton (with a budget of 28 million euro) was launched in the Central and Eastern Mediterranean which is hosted by Italy. It has up to 18 patrolling boats, six aerial, and 100 FRONTEX officers to support Italy with border control, registration, screening etc. This operation has actually contributed to the saving of lives. In Greece, FRONTEX deployed the Poseidon sea operation with a budget of 18 million euro in 2015. Moreover, to effectively implement the "hotspot" concepts, FRONTEX launched its biggest call so far and requested the deployment of 775 border guards from Member States.

The mid-to-long term objective of FRONTEX is to reinforce the integrated approach to border control, which is at the heart of the Schengen system. First, there is a need for more and larger operations. Secondly, there is also a need to better cooperate in a more unified manner which is also expressed in the hotspot concept where EU regional task forces consist of all key stakeholders (e.g. FRONTEX, EASO, EUROPOL, EUROJUST etc.). Finally, FRONTEX's mandate may need to be further extended with a view of establishing a European coast and border guard and custom officers.

Elspeth Guild, (Professor at the School of Law, Queen Mary University of London), provided a more legal perspective of the current situation. In particular, she reviewed to what extent the temporary re-introduction of internal checks were in accordance with the Schengen Borders Code. She recalled that Germany was the first Member State to temporarily re-introduce border controls (along the German-

Austrian land border), as notified in a letter sent to the Council on 13th September. She stated that Germany's explanation for the re-introduction neatly complied with Art. 25 of the Schengen Borders Code, which provides for the legal basis to re-introduce internal checks on grounds of public security. Austria followed suit on 16th September and Slovenia followed suit on 17th September. Whilst there are no indications that Germany extended the internal checks after the first period, Austria and Slovenia did so for a second period of twenty days. She emphasised that the German letter constituted "an example of excellent legality" and served as a model of how to respond to the criteria as laid down in Art. 25. In contrast, the explanations provided by Austria and Slovenia were considered less satisfactory. She concluded, on a positive note, that the temporary re-introduction of the internal checks were in accordance with the Schengen Borders Code and that it constituted a positive sign for the Schengen system to be able to cope with changing circumstances. The temporary re-introduction of internal checks were not so much of a challenge to the Schengen system. More crucially, she referred to the Front National as the "enemies of the Schengen system" who introduced a motion introduced to the European Parliament for the Schengen Agreement to be repealed.

Panel I. Schengen in the 21st century: Borders or No Borders

The full implementation of the Schengen *acquis* is fundamental in order to ensure a proper external border management. The high number of irregular external border crossings is not a failure of Schengen, nor a problem questioning the freedom of circulation within internal borders. The migratory pressure is due to external causes, therefore it is not a reason to limit the freedom of circulation and to justify the reintroduction of internal border controls. Five main actions will help to properly address the current migratory pressure. Firstly, the EU and the Member States should cooperate to enhance the control of external borders with the support of Frontex. Secondly, regaining mutual trust among Member States is possible through the deployment of resources to Frontex which supports those Member States under pressure. Thirdly, ensuring that all migrants are fingerprinted at external borders will help to avoid irregular secondary movement. Moreover, an efficient Dublin system is necessary together with a proper relocation scheme. Finally, the EU return policy should be more effective: the rate of returns of irregular staying third-country nationals must increase in order to pass the message that irregular migrants cannot stay in the EU (**Laurent Muschel**, Director, Migration and Protection, DG Migration and Home Affairs, European Commission).



In France, there are 195 authorised border entry points: restoring surveillance at those crossing points is unrealistic from a logistical point of view and would lead to direct and indirect high costs. While these would be covered by the State, ultimately these would impact on the national

economy and affect workers who every day cross the national borders. Against this background, Schengen can be preserved by reinforcing the resources deployed at EU external borders. For instance, Member States could envisage deploying a fixed annual quota of border guards to Frontex on a mandatory basis. Also, the budget to implement return policy could be increased and some hotspots may be established in key places at external borders. Frontex' mandate should be extended, allowing the agency to operate flights from a single Member State in case of big flows of irregular migrants. Furthermore, strengthening EU relations with countries of origin and transit will facilitate quick and simpler readmission channels. EU *laissez-passer* should be used on a systematic basis when third-country authorities are not able to provide travel documents for return and readmission. Still today, Schengen suffers harmonisation and implementation challenges. For instance, each Member State decides on the type of visas and travel documents needed to enter its territory, the resources required and the residence permits needed to stay and circulate in its territory and travel to other Member States. As a result of these great differences, it is difficult for the national authorities to apply Schengen rules. The proper fight against visa shopping and fraud with residence permits is another important aspect to enhance security in the Schengen area. A key concluding point is that more integration at EU level is necessary because the crisis can only be properly managed at EU level (**Bernard Siffert**, Deputy Director of International Affairs, Cross border and Security, Central Directorate of the Border Police, France).

The importance of the Schengen *acquis* and its role of easing free circulation within the Member States was emphasised also by the following speaker, Harke Heida (Deputy Director-General on Migration, Ministry of Security and Justice, The Netherlands). Beyond the aspect of freedom of circulation, Schengen

also provides rules to ensure security in the internal zone. However, the Schengen system often faces big challenges such as: migrant smuggling, high external pressure and secondary movements. Every Member State therefore has the responsibility to safeguard and protect the external borders. The increasing phenomenon of illegal border crossing can be tackled through an effective strategy which includes improving external checks, identifying risk situations and paying special attention to high risk entrance points. Such a strategy should at the same time ensure facilitated access for EU/EEA citizens. On the other hand, facilitation of internal mobility means investing in low transportation costs and high speed movement within the Schengen area. Investments of the private sector could be useful to increase internal circulation. There are several ways to ensure smart and efficient border control: one is by strengthening existing technology at borders crossings (e.g., in the Netherlands 'E-Gates' are used to facilitate passengers' traffic). Another way is the adoption of the smart border package at EU level, in line with the ambition of an effective internal border management. The need to increase and improve reception systems in the Netherlands as well as in other Member States, to face the high flow of asylum seekers, should also not be forgotten.

In 1985, the choice of Schengen was very rational and still today, after 30 years, there are different possibilities to keep the discussion in favour to Schengen on a rational level. To this end, it is important to strike a balance between the different issues at stake in order to preserve Schengen and address Member States' concerns. Accordingly, the costs and benefits of keeping open or closed borders should be carefully examined. Schengen is based on solidarity and mutual trust among participating States, however these aspects are sometimes perceived as missing. Borders or no borders is a challenging debate leading to another aspect, which is the ratio between legal and irregular migration. The current high flow of irregular migration reflects to some extent the limited opportunities for legal migration in Europe. Therefore, increasing legal channels of migration and creating more opportunities would likely reduce irregular migration and avoid, amongst others, the 'overuse' of international protection statuses for legal stay. (**Catherine Wihtol de Wenden**, Senior Research Fellow, CNRS, Sciences Po, France).

Panel II. Schengen in the 21st century: Rebuilding Trust



Affairs, European Commission) stressed that trust amongst Member States could be reinforced by merging common efforts and by continuing to cooperate and work together. Regarding issues such as irregular migration and human smuggling, the Director explained that back in May and recently in September 2015, the European Commission adopted several measures to tackle these concerns. For example, the 2015-2020 Action Plan against migrant Smuggling focuses on four main priorities : 1) Enhanced police and judicial cooperation; 2) Improved gathering and sharing of information; 3) enhanced prevention of smuggling and assistance to vulnerable migrants and; 4) Stronger cooperation with third countries. In order to accomplish these priorities, the following measures are currently being undertaken: the identification of suspicious vessels transporting migrants; financial investigation units have been established to tackle money laundering and the confiscation of assets and; Member States' authorities are also implementing close cooperation with internet companies, as these are commonly used by smuggling networks. In addition, National Contact Points are currently being established within the Member States and by the end of 2015 migration liaison officers will be deployed in key countries (i.e. transit countries and countries of origin) to increase the information exchange between Member States and to build stronger cooperation with third-countries. Mobile units for criminal investigation will be also established and the European Commission also aims to update the current legal framework on migrant smuggling.

Regarding return issues, the Return Directive was highlighted as the legal instrument that Member States should be correctly implementing to ensure that return activities are effectively carried out. For this purpose, cooperation with third-countries was also underlined as essential. The comprehensive package of proposals on Return, recently launched by the European Commission, also aims to finance reintegration packages and programmes. Finally, an amendment to the Schengen Information System (SIS) is also foreseen to include return decisions in SIS II.

Emilio De Capitani (European Parliament) provided a brief overview of the work undertaken by the European Parliament, particularly on the EU Charter of Fundamental Rights by the Civil Liberties, Justice and Home Affairs Committee (the LIBE Committee). A retrospective on the development of EU policy was also provided, emphasising that back in 1999, when the Amsterdam Treaty entered into force, the policy was based on the interoperability and synchronisation between the European Union and the Member States' national policies. Subsequently, a series of measures were proposed, such as the Visa Information System (VIS), the Schengen Information System (SIS). During that period cooperation between the Member States proved to be working. Between 1999 and 2009 the European Parliament was merely concentrating on the issues it had competence in, for example internal security (back then the third pillar). Since the 2001 events in the United States, the idea of developing a European Security Strategy has been further enhanced. In this context, the Schengen functionality should and will be therefore evaluated with the assistance of the European Commission. Overall, security was described as a sensitive matter, nevertheless, the freedom of movement was stressed as very important feature and achievement of the European Union.

In Luxembourg Forced Return Monitoring (FReM) is implemented by the Luxembourg Red Cross on the basis of the Return Directive (2008/115/EC), which introduced important safeguards for third-country nationals with an order to leave. **Marc Crochet** (Deputy Director General of the Luxembourg Red Cross) presented Luxembourg's monitoring system for return. In Luxembourg, independent observers during forced returns operations have been in place even before the adoption of the Return Directive, in fact a Grand Ducal Decree also established a code of conduct for forced return operations. In this context, the Luxembourg Red Cross is the body that acts as an impartial, neutral and independent observer; before, during and after the forced return operations. The observer, who is proposed by the Red Cross but appointed by the Ministry of Foreign and European Affairs, is admitted on all charter flights and is present from the departure airport to the destination airport. It was stressed that the observer of the return operation could not have been previously assisting third-country nationals, before the forced removal decision. The forced return operation costs are covered by the government and an ad-hoc agreement has to be signed, between the Ministry and the observer, for each return mission. Subsequently a standard report is drafted by the Red Cross and delivered to the relevant Minister. Mr Crochet emphasised that the presence of the Red Cross during return operations should not be accounted as the actual enforcement/endorsement of the return decisions. Between 2007 and 2015, a total of 38 missions had been carried out and 361 third-country nationals have been returned. The main advantages of FReM were also described, these being: the existence of a legal and conventional framework with clear guarantees; access to returnees prior to the operation (e.g. in the retention centre); access to all *charter* flights and; a good level of training for police officers (and as of April 2015 Red Cross observers are able to participate in this training). On the other hand, remaining concerns were also emphasised, such as the fact that observers only have access to *charter* flights, but not to *regular* flights. In addition, the involvement of the observer during the escort briefing and monitoring in the detention centre is not regulated by a legal framework but done on an ad-hoc basis; also, the role of the Luxembourgish observer in Frontex coordinated operations is currently limited to national setup only.

Concerning the current pressure on the EU borders due to the unprecedented migration influx, **Eugenio Ambrosi** (Director of the Regional Office for the EEA, the EU and NATO in Brussels, International Organization for Migration (IOM)) considered this to indicate that the mechanism and the policies currently in place to manage migration and asylum were presenting gaps. The pressure has created tensions rather than solutions, which in Mr Ambrosi's view could be one of the reasons why the trust between the EU Member States had been affected. In order to build back the trust in the Schengen area and between the Member States, two main principles are to be reinforced: 1) Responsibility and 2) Solidarity. Such principles have to be enhanced at the same time and at the same level.

In the context of smuggling, Mr Ambrosi considered that trafficking in human beings should be also included in that matter, as although these are different in legal terms, in practice these activities are carried out simultaneously. It was further stressed that in most of smuggling cases, people are actual victims of abuse, thus when countering the smuggling and trafficking phenomena, the protection of rights of vulnerable victims should also be taken into account. Furthermore, while smuggling and trafficking were described as global phenomena, in the Mediterranean context, actions and measures were needed specifically at the EU level. Mr Ambrosi further underlined that the fight against smuggling also needed to focus on the reasons and/or motives for smuggling, given that as long as there would be a demand for (illegal) labour, the phenomenon would continue.

Voluntary return activities are implemented within some Member States by the IOM and in this context, Mr Ambrosi emphasised both the importance of improving voluntary return, as an essential part of the Return Directive, as well as improving cooperation with third countries. Nevertheless, it was also emphasised that cooperation with third countries has to be implemented carefully and without exercising excessive pressure.

Concluding Panel

Schengen is a synonym of the common development of border police cooperation, open borders as well as the harmonisation of visas. **Minister Jean Asselborn**, (Minister of Foreign and European Affairs, Minister for Immigration and Asylum, Luxembourg) stressed that Schengen was one of the main and most renowned success features in the construction of the European Union. However, he added that Schengen, together with Europe, was currently facing a migration challenge which had not been faced since World War II. The drastic increase in the number of irregular border crossings has resulted in the reintroduction of temporary border controls, but even if the introduction of such measures is provided for in the Schengen Code, the conditions for their activation have to be respected and carefully followed. A good balance between the fight against irregular migration, policies for legal migration and recognition of international protection must be therefore kept. Europol, Frontex and EASO have the means to face these challenges and they should be adequately operative. Judicial and police cooperation at EU level will also be a key factor to ensure security, justice and freedom which are not mutually exclusive. Today, there is a need for Europe to make all the necessary efforts to answer the solidarity call, based on shared responsibility. Minister Asselborn finally underlined that it is nevertheless important for people not to associate migration with terrorism.



Minister Vesna Györkös Žnidar (Minister of Interior, Slovenia) agreed with Minister Asselborn that Europe was currently facing the biggest migration crisis since World War II. She considered 'unity' to be one of the core values of the EU and Schengen one of the main expressions of such unity. As to Slovenia's decision to temporarily reintroduce the internal borders, the Minister explained that this measure was undertaken because the system did not prove to be as flexible as expected, thus, creative and decisive measures were necessary to face the current challenges. The current number of migrants exceeds the capacity of all EU countries and in this regard the Minister considered that EU

agencies should provide as much support as possible to Member States. Furthermore, a compensatory measure may need to be designed to prevent and address secondary movements. Cross-border cooperation with third countries should also be improved at the EU level. Finally, the Minister highlighted that Schengen's benefits would always outweigh its costs.

Free movement is one of the greatest achievements of the European Union and it is irreversible, **EU Commissioner for Home Affairs, Migration and Citizenship Dimitris Avramopoulos** underlined during his concluding remarks. He explained that it took Europe two devastating world wars to rebuild trust, grant free movement and, overall, get to what the European Union is today. Schengen has therefore become an economic reality for millions of people and a very tangible example of what the European Union is today. Given the unprecedented migration crisis, some Member States have reintroduced temporary border controls; however the Commissioner underlined that these measures did not mark the end of Schengen, but there was indeed a need to prevent and avoid the lack of unity and solidarity between Member States. There is a need for Member States to ensure the effective control of the external borders and to exchange information based on mutual trust. In this regard, the Commissioner also informed the audience that the Commission will launch a Border Package by the end of 2015 and he briefly described the Commission's current work on the Smart Border Package.

Concerning return, it was further noted that some Member States were not effective in returning irregular migrants and that this situation was not sustainable. Overall, it was highlighted that those third-country nationals without the right to stay in Europe should be returned. In this context, the Commissioner described the Commission's recent Communication on an EU Action Plan on return, as well as the

European Agenda on Migration. He concluded that free movement in Europe should be ensured properly managing and securing the external borders.

Closing remarks

The Conference conclusions were presented by **Mr Francesco Maiani** (Professor at the Faculty of Law, Criminal Justice and Public Administration, University of Lausanne, Switzerland). The full text of the conclusions of Mr Francesco Maiani will be available on the Odysseus Network Blog by following this link: <http://eumigrationlawblog.eu/>

Annex 1: Conference Programme and Audience:

7 th October 2015	
08.30 – 09.00	Registration
9.00 – 9.45	Welcome speeches Rainer Klump, President of the University of Luxembourg, Luxembourg Corinne Cahen, Minister for Family Affairs and Integration, Luxembourg
09.45 – 11.00	Plenary Theme. 30 Years of the Schengen Agreement: taking stock of achievements and looking to the future Chair: Francesco Maiani, Faculty of Law, Criminal Justice and Public Administration, University of Lausanne, Switzerland Speakers: <ul style="list-style-type: none"> ★ Charles Elsen, Hon. Director General at the Council of the EU, former Director General of Justice and Home Affairs at the Council of the EU, Luxembourg ★ Matthias Ruete, Director General, DG Migration & Home Affairs, European Commission ★ Fabrice Leggeri, Executive Director, FRONTEX ★ Elspeth Guild, School of Law, Queen Mary University of London, United Kingdom Questions/discussion
11.00 – 11.15	Coffee break
11.15 – 12.45	Panel I. Schengen in the 21st century: <u>Borders or No Borders</u> Chair: Jörg Gerkrath, Faculty of Law, Economics and Finance, University of Luxembourg, Luxembourg Main questions/issues <ul style="list-style-type: none"> ▪ What to do and not to do within the Schengen area ▪ Costs and benefits: can Schengen be measured? ▪ New threats: Foreign fighters (militant fundamentalists) ▪ Fundamental rights ▪ Smart borders Discussants: <ul style="list-style-type: none"> ★ Laurent Muschel, Director, Migration and Protection, European Commission ★ Bernard Siffert, Deputy Director of International Affairs, Cross border and Security, Central Directorate of the Border Police, France ★ Harke Heida, Deputy Director-General on Migration, Ministry of Security and Justice, The Netherlands ★ Catherine Wihtol de Wenden, Senior Research Fellow, CNRS, Sciences Po, France Questions/discussion
12.45- 14.00	Lunch break

14.00 – 15.45	<p>Panel II. Schengen in the 21st century: <u>Rebuilding Trust</u></p> <p>Chair: Yves Pascouau, Director of Migration and Mobility Policies, European Policy Centre</p> <p>Main questions/issues</p> <ul style="list-style-type: none"> ▪ Human smuggling ▪ How to tackle the abuse of the visa and legal migration system? ▪ An effective return policy. Enforcement of return decisions, EU wide entry bans, and preventing irregular migration <p>Discussants:</p> <ul style="list-style-type: none"> ★ Laurent Muschel, Director, Migration and Protection, European Commission ★ Emilio De Capitani, Former Head of Unit of the Secretariat of the European Parliament ★ Marc Crochet, Deputy Secretary General, Red Cross, Luxembourg ★ Eugenio Ambrosi, Director of the Regional Office for the EEA, the EU and NATO in Brussels, International Organization for Migration <p>Questions/discussions</p>
15.45-16.15	Coffee break
16.15 – 16.30	<p>Panel conclusions</p> <p>Francesco Maiani, Faculty of Law, Criminal Justice and Public Administration, University of Lausanne, Switzerland</p>
16.30 – 17.30	<p>Concluding Panel</p> <p>Moderator: Rainer Klump, President of the University of Luxembourg, Luxembourg</p> <ul style="list-style-type: none"> ★ Jean Asselborn, Minister of Foreign and European Affairs, Minister for Immigration and Asylum, Luxembourg ★ Vesna Györkös Žnidar, Minister of Interior, Slovenia ★ Dimitris Avramopoulos, EU Commissioner for Migration, Home Affairs and Citizenship
17:30	Press conference with the EU Member States Ministers and the EU Commissioner

Audiences and follow up

Some 180 participants attended the Conference, including representatives from the European Commission, 26 EMN National Contact Points, the business community, international and regional organisations, national and international academics and researchers, civil society and representatives from Government departments in third countries.

More information and presentations from the event may be found on the [website](#) of the EMN NCP for Luxembourg and on the EMN Internal Exchange System (IES).