

# Achievements of the Hungarian Presidency of the Council in Promoting the Schengen Area as a Strategic Asset for the EU

*Ágnes Töttő\**

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\* Visiting lecturer, Károli Gáspár University of the Reformed Church; Senior Government Chief Counsellor, Ministry of European Union Affairs of Hungary. ORCID ID: <https://orcid.org/0009-0007-4065-7516>.

## ABSTRACT

Schengen not only remains a project designed for the benefit of the people but it has also evolved into a strategic asset of the Union, in three ways. First, as an essential enabler of the Single Market, second, as one of the EU's strongest response to the challenges of a world, and third, as a force for unity. In its Presidency Programme for the second half of 2024, Hungary aimed at facilitating strong European borders and a crisis-resilient system. The aim of this study is to examine to what extent the Hungarian Presidency was able to promote the Schengen area as a strategic asset for the EU, and will also highlight how the Hungarian Presidency helped achieving European goals in strengthening the Schengen area, especially as regards the digitalisation of procedures and the interoperability architecture, the strengthening of Schengen governance, and facilitating the full accession of Romania and Bulgaria to the Schengen area.

*Keywords: Hungarian Presidency, Schengen, interoperability, Schengen governance, Schengen accession*

## I. INTRODUCTION

The Schengen area now covers 29 countries (25 of the 27 member states, as well as Iceland, Liechtenstein, Norway and Switzerland) and 420 million people.<sup>1</sup> In its June 2025 Conclusions the European Council marked the 40th anniversary of the signature of the Schengen Agreement and stressed that the Schengen area is one of Europe's fundamental achievements, which underpins freedom of movement, enhances security, and fosters cross-border life and the Single Market.<sup>2</sup> "Signed on 14 June 1985, the Schengen Agreement marked the beginning of a new era of strategic cooperation and deeper integration centred on the freedom and security of its people. The vision was simple yet profound: to build a Europe where citizens could move across internal borders without facing barriers, thereby fostering economic growth, cultural exchange and social cohesion, all while enhancing collective security."<sup>3</sup>

According to the latest report by the Commission on the State of Schengen,<sup>4</sup> Schengen not only remains a project designed for the benefit of the people but it has also evolved into a strategic asset of the Union, in three ways. First,

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<sup>1</sup> Controls at the internal borders with Cyprus have not yet been lifted, and Ireland is not part of the Schengen area.

<sup>2</sup> European Council conclusions, 26 June 2025.

<sup>3</sup> Commission, 'Communication from the Commission to the European Parliament, the European Economic and Social Committee and the Committee of the Regions, 2025 State of Schengen Report' COM (2025) 185 final, point 1.

<sup>4</sup> *ibid.*

the Commission highlights Schengen's role as an essential enabler of the Single Market, as the Schengen area is a crucial driver of economic growth, competitiveness and Europe's economic sovereignty. Second, Schengen is seen as the EU's strongest response to the challenges of a world where threats are no longer confined to national borders as it provides a set of tools, collective resources and capabilities needed to tackle today's complex, transnational threats to freedom and security. Third, when hostile actors seek to weaken and fragment Europe, Schengen can be a force for unity, bringing Europeans closer together, while contributing to a shared tangible European identity.

Internal border controls and the threats to the Schengen area are a constant reminder that this achievement should not be taken for granted and that its preservation and strengthening requires continued political commitment from all parties. In its Presidency Programme in the second half of 2024,<sup>5</sup> Hungary aimed at facilitating strong European borders and a crisis-resilient system by setting out the following targets: "Europe has a common interest in ensuring strong external borders, therefore, in order to strengthen their resilience, the Hungarian Presidency will build upon the experience of the past five years to launch a reflection process that will highlight the specific challenges faced by different types of borders, the proposed responses, including the role of Frontex, as well as the best practices and innovative solutions of Member States. A key priority of the Hungarian Presidency is to strengthen the resilience of the Schengen Area to crises. Within the framework of the Schengen Cycle, the Hungarian Presidency will be responsible for monitoring the implementation of identified priority areas in order to maintain and streamline strong and robust Schengen governance. The Hungarian Presidency will also aim to facilitate the finalisation of the Schengen enlargement process, in particular by fostering a consensus in the Council on the lifting of border controls at the internal land borders of Romania and Bulgaria. The Hungarian Presidency wishes to ensure compliance with the schedule for the implementation of the new home affairs interoperability architecture, in particular with regard to the introduction of the European Entry Exit System (EES) as a new tool for increasing the internal security of the Schengen Area, and the preparation for the launch of the European Travel Information and Authorization System (ETIAS)."

János Bóka, Hungary's Minister responsible for EU affairs used a kitchen analogy to describe the presidency's work: it is not preparing Hungarian food from Hungarian ingredients, but preparing European food from European ingredients, which can be sprinkled with a pinch of paprika when served.<sup>6</sup> The aim of

<sup>5</sup> "The Hungarian presidency programme" (*Hungarian Presidency, Council of the European Union*) <<https://wayback.archive-it.org/12090/20250412082230/https://hungarian-presidency.consilium.europa.eu/en/programme/programme/>> accessed 1 August 2025.

<sup>6</sup> Speech of János Bóka, Minister of EU Affairs at National University of Public Service on

this study is to examine, on the one hand, to what extent the Hungarian Presidency was able to promote the Schengen area as a strategic asset for the EU. On the other hand, the study will also highlight how the Hungarian Presidency's paprika flavour helped achieving European goals in strengthening the Schengen area. The study therefore presents the responsibility and results of Hungary's Presidency of the Council in strengthening the Schengen area in the second half of 2024 from the perspective of the three strategic roles identified by the Commission, and covers the relevant tasks and achievements of the Hungarian Presidency regarding Schengen.

## II. CHENGGEN AS THE ESSENTIAL ENABLER OF THE SINGLE MARKET

"First, as an essential enabler of the Single Market,<sup>7</sup> the Schengen area is a crucial driver of economic growth, competitiveness and Europe's economic sovereignty. In an increasingly volatile global landscape with the re-emergence of geopolitical tensions and geoeconomic competition, the European economy requires a barrier-free environment to flourish and less exposure to external dependencies. The Schengen area strengthens our collective resilience by supporting the free movement of goods, services and people. It plays a critical role in maintaining and strengthening supply chains across Europe and consolidating the Single Market, as underscored in the Letta report."<sup>8</sup>

Schengen is one of the EU's main achievements, as acknowledged by 72% of Europeans and 81% of EU companies. According to the 2024 Eurobarometer survey on Schengen,<sup>10</sup> a large majority of Europeans and businesses agree that Schengen is good for business in EU countries and that it has more advantages for their country. The survey shows an important increase in citizens' awareness of the Schengen area compared to the last Eurobarometer survey in 2018. Over a third of the EU citizens (35%) say that their experience with border checks when leaving or entering the Schengen area was smooth and efficient.

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<sup>3</sup> May 2024. MTI, 'Az EU-elnökség nagymértékben öregbítheti Magyarország hírnevét' (*Magyarország Kormánya*, 3 May 2024) <<https://kormany.hu/hirek/az-eu-elnokseg-nagymertekben-oregbitheti-magyarorszag-hirnevet>> accessed 1 August 2025.

<sup>7</sup> See also Gabriel Felbermayr, Jasmin Katrin Gröschl, Thomas Steinwachs, 'The Trade Effects of Border Controls: Evidence from the European Schengen Agreement' (2018) 56 *Journal of Common Market Studies* 335.

<sup>8</sup> Enrico Letta, 'Much more Than a Market - Speed, Security, Solidarity - Empowering the Single Market to deliver a sustainable future and prosperity for all EU Citizens', April 2024. <<https://www.consilium.europa.eu/media/ny3j24sm/much-more-than-a-market-report-by-enrico-letta.pdf>> accessed 29 November 2025.

<sup>9</sup> COM (2025) 185 final, point 1.

<sup>10</sup> 'Businesses' attitudes towards the Schengen area' (*European Union*) <<https://europa.eu/eurobarometer/surveys/detail/3177>> accessed 1 August 2025.

### *1. The New Reform on the Digitalisation of Procedures and the Interoperability Architecture*

Over the past years, the quality control mechanisms, such as Schengen evaluations and vulnerability assessments have highlighted inconsistencies and vulnerabilities in the quality of border checks at the EU external borders. Several Member States face challenges related to the resources allocated for managing external borders, which limit their ability to ensure an effective implementation of border management and to respond to emerging challenges at the external borders. The consolidation of the digitalisation of procedures and systems as well as the implementation of the overall interoperability architecture should further enhance security and facilitate smoother travel to and outside the Schengen area. The entry into operation of new IT systems and ensuring their interoperability ushers in a new era for external border security and a significant further step towards the completion of the most advanced border management system in the world.

The Justice and Home Affairs Council endorsed the revised roadmap for interoperability architecture in October 2023.<sup>11</sup> According to the revised timeline, the Entry/Exit System (EES),<sup>12</sup> together with the shared Biometric Matching Service (sBMS) as the first component of interoperability, was to go live in Autumn 2024 as the first wave, followed by the European Travel Information and Authorisation System (ETIAS), the European Search Portal (ESP), the Common Identity Repository (CIR) and the Central Repository for Reporting and Statistics (CRRS) as the second wave, in spring 2025.

The EES established as an element of border management in the Schengen area is a central database that records the entry, exit and refusal of entry of third-country nationals crossing the external borders of the 29 Schengen Member States for a short stay.<sup>13</sup> As the EES's entry into operation is a significant and

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<sup>11</sup> 'Justice and Home Affairs Council, 19-20 October 2023' (European Council) <<https://www.consilium.europa.eu/en/meetings/jha/2023/10/19-20/>> accessed 1 August 2025.

<sup>12</sup> Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 [2017] OJ L327/20.

<sup>13</sup> It is the first system to collect biometric data, such as facial images and fingerprints, of third-country nationals crossing the external borders. The primary purpose of recording these data in the EES is to provide Schengen Member States with real-time access to the personal data of third-country nationals, their travel history and information on whether they have complied with the authorised duration of their short stay in the Schengen area. As a result, the EES will significantly reduce the likelihood of identity fraud and overstays, ultimately strengthening the

complex exercise, it is crucial that all stakeholders understand the vital role they have in ensuring that all the necessary preparatory work had been undertaken and that all resources would be in place for the date on which the system will go live. Several prerequisites have to be met: eu-LISA must confirm the technical readiness of all Member States and the carriers; all mandatory tests of the central systems have to be finalised, and Member States must be in what is known as the ‘end-to-end’ test phase; Member States must notify the Commission about their legal, operational and technical readiness to go live with the EES; once the above two criteria are met, the Commission can then confirm the date of entry into operation of the EES.

## *2. Developments during the Hungarian Presidency*

Since October 2023 the JHA Council has regularly monitored its implementation to ensure the necessary political support and to provide reassurance on the progress made. While the Hungarian Presidency was ready to continue this monitoring exercise before and after the EES’s entry into operation, however, three Member States – Germany, France and the Netherlands – did not send a positive signal set out in Article 66(1) of the EES Regulation by the given deadline, and therefore the preconditions were not met for the planned launch on 10 November 2024. This delay also affects the overall implementation schedule of the interoperability programme, with significant political, reputational, financial and operational consequences. The Council therefore invited eu-LISA to assess, together with the Member States and the Commission, the impact of the delay in the EES on the overall interoperability roadmap.

The Council also invited the Commission to assess as soon as possible the conditions necessary for the operation of the system and to propose possible options for the phased deployment of the EES to the relevant management bodies. Stakeholders involved in the operations of the EES have made clear their preference that the introduction of new processes at the external borders should be preceded by a period of adjustment for national authorities and travellers to give a greater degree of certainty. However, the EES Regulation only allows for a full start of operations, requiring all Member States to start using the EES fully and simultaneously for all travellers who are subject to registration in the EES at all their external border crossing points. Yet, as the objectives of the EES can be achieved more effectively and with greater certainty if a degree of flexibility is introduced at the start of the system’s operations, a new legislative act enabling a progressive start of operations for a limited period of time is considered necessary. This Regulation proposed on 4 December 2024<sup>14</sup> derogates from the EES

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security of the Schengen area.

<sup>14</sup> Commission, ‘Proposal for a Regulation of the European Parliament and of the Council on a temporary derogation from certain provisions of Regulation (EU) 2017/2226 and Regulation

Regulation to the extent necessary to enable a progressive start of operations. The proposed Regulation also offers a flexible approach that accommodates the diverse needs of Member States: it enables those who wish to implement it gradually to do so, while enabling others to start operations fully from day one. This proposal also introduces measures that enable Member States to effectively manage exceptional circumstances, such as technical problems or periods of peak travel.<sup>15</sup>

As the new proposal was presented close to the end of the Hungarian Presidency, it could only initiate the start of negotiations in the relevant Council Working Party, while an interinstitutional agreement on the final compromise text between the Council and the European Parliament was reached at the second political trilogue on 19 May 2025. According to the roadmap, which the Council endorsed in March 2025, this phased approach should start in October 2025. The European Travel Information and Authorisation Information System (ETIAS) will become operational approximately six months later. While emphasising that it is crucial to continue investing the necessary efforts both when it comes to implementation but also in the preparations for a timely and smooth go-live, starting with EES, particular attention should be given to raising awareness about the new procedures and training, ensuring that all relevant stakeholders and travellers are well-informed. Coordinated communication is therefore a key element of the EES's going live, including key messages for possible crisis communication.

### III. SCHENGEN AS THE EU'S STRONGEST RESPONSE TO THE CHALLENGES OF THE WORLD

“Second, Schengen is the EU’s strongest response to the challenges of a world where threats are no longer confined to national borders. It enables us to harness our collective expertise and resources, forging a security framework that is far stronger and more effective than the sum of individual national systems. Schengen provides a set of tools, collective resources and capabilities needed to tackle today’s complex, transnational threats to freedom and security. These threats, whether from organised criminal networks or hostile state or non-state actors, cannot be effectively addressed by individual nations. In today’s geopolitical and security landscape, Schengen is no longer merely a benefit, it is a necessity.”

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(EU) 2016/399 as regards a progressive start of operations of the Entry/Exit System’ COM (2024) 567 final.

<sup>15</sup> To mitigate such risks, Member States can suspend the use of the system, fully or partially, for a short period of time during the period of the progressive start of operations. This mechanism will also be retained for a limited period after the full start of operations.

### *1. Schengen Governance*

Schengen governance is a framework that guides and oversees the functioning of the Schengen area at policy level. This includes a policy assessment of the current Schengen situation, the identification of challenges and best practices, and priority areas for action. Its main objective is for EU Member States and institutions to respond jointly, in a coordinated and strategic manner, to common challenges in the Schengen area, with particular regard to border protection and security issues. In order to ensure the functioning of a stable and strong Schengen governance system, it is essential to properly prepare and apply Schengen instruments and evaluation processes. A well-functioning, predictable framework ensures that strategic deficiencies that threaten the stability and resilience of the Schengen area are identified in a timely and accurate manner and then addressed with the necessary measures. Comprehensive cooperation ensures that the Schengen area functions effectively, maintaining the benefits of free movement while providing solutions to external threats.

Schengen Governance<sup>16</sup> is built upon, on the one hand, the annual Schengen Cycle, with the Schengen Council at its heart,<sup>17</sup> and the Schengen Evaluation and Monitoring Mechanism, on the other hand, coordinated by the European Commission.<sup>18</sup> In 2022, the Commission established the annual Schengen Cycle, to improve strategic and operational coordination on Schengen matters. It ensures

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<sup>16</sup> ‘Schengen Governance’ (European Commission, 13 June 2025) <[https://home-affairs.ec.europa.eu/policies/schengen/schengen-area/schengen-governance\\_en](https://home-affairs.ec.europa.eu/policies/schengen/schengen-area/schengen-governance_en)> accessed 1 August 2025.

<sup>17</sup> The Schengen Council, practically convened on the morning session of Home Affairs Council meeting, plays a key role in overseeing the functioning and political governance of the Schengen area. It brings together Ministers of Home Affairs from all Schengen countries to coordinate policies, address key challenges, and ensure the proper implementation of the Schengen rules. The Schengen Council also helps ensure a coordinated response to current and future challenges. Since 2022, the Schengen Members meet regularly to discuss their shared responsibilities and challenges, as well as to coordinate joint measures to common challenges affecting the Schengen area. To guide the Schengen Council’s political discussions, the European Commission presents the Schengen Barometer+, which offers an overview of the key factors impacting the stability of Schengen. The Commission regularly presents the Barometers during the March and the October Schengen Council meetings.

<sup>18</sup> By conducting regular on-site evaluations, the Schengen evaluation and monitoring mechanism helps identify areas for improvement. The Schengen Scoreboard is a key tool of the Schengen cycle, visualising the level of implementation of recommendations resulting from Schengen evaluations. It aims at increasing the political visibility of the results from the Schengen evaluations, improving overall transparency. The Schengen Scoreboard helps Member States to identify areas in which they need to concentrate their efforts to boost implementation of the Schengen rules and supports policy coordination in and follow-up by the Schengen Council. In 2023, the Commission, together with Schengen countries, established a common and objective methodology for the Schengen Scoreboard. This tool is delivered annually to the Ministers of Home Affairs.

the smooth functioning and continuous improvement of Schengen by providing a structured framework for assessing how Schengen countries implement and comply with common rules. This allows to maintain high standards of security, and effective border management, ensuring that the benefits of Schengen – free movement, safety, and cooperation – are safeguarded for all. In 2022, during the French Presidency, the political governance of the Schengen Area was strengthened with the introduction of the Schengen Council.<sup>19</sup> The Schengen Cycle includes several tools which allow the Schengen Council to swiftly identify key challenges and set priority actions at both national and European levels. These tools guarantee regular ‘health-checks’ on the state of Schengen, identify risks impacting the Schengen area and ensure the effective implementation of the agreed rules.

Each year, at the beginning of a new Schengen Cycle, the Council identifies a limited number of priority regions for the Schengen Area. In doing so, the Ministers identify areas that need special attention in light of the current challenges to the stability of the Schengen Area. This is traditionally done in June based on the ‘State of Schengen Report’, which provides a picture of the health status for the Schengen Area.<sup>20</sup> The Belgian Presidency worked on a methodology for defining and monitoring Schengen Priorities based on the 2024 State of Schengen report of the Commission.<sup>21</sup> Compared to previous years, at the June 2024 JHA, ministers identified a small number (three) of focused priority areas and concrete actions within them for the next 12 months. The priorities, put forward by the Belgian Presidency and agreed by the Member States, aim to strengthen external border management, further enhance the effectiveness of returns, and enhance internal security.

During the Hungarian Presidency the implementation of the three identified priorities of the Schengen Council cycle remained in the focus of discussion. During the October 2024 JHA ministerial meeting<sup>22</sup> ministers focused on increasing the resilience of the EU’s external borders and in particular on enhanc-

<sup>19</sup> ‘Press kit. Results of the French Presidency of the Council of the European Union’ (*French Presidency of the Council of the European Union*) <[https://franceintheus.org/IMG/pdf/press\\_kit\\_Fr\\_presidency.pdf](https://franceintheus.org/IMG/pdf/press_kit_Fr_presidency.pdf)> accessed 1 August 2025. p. 14.

<sup>20</sup> The State of Schengen, published annually by the European Commission, marks the start of the Schengen Cycle and provides an overview of important Schengen-related developments as it assesses how Schengen countries are implementing key policies, highlights challenges, and identifies areas for improvement. In 2024 the Commission added to this report a proposal to set the priorities for the next Schengen Cycle.

<sup>21</sup> Commission, ‘Communication from the Commission to the European Parliament, the European Economic and Social Committee and the Committee of the Regions, State of Schengen report 2024’ COM (2024) 173 final.

<sup>22</sup> ‘Justice and Home Affairs Council (Home affairs), 10 October 2024’ (*European Council*) <<https://www.consilium.europa.eu/en/meetings/jha/2024/10/10/>> accessed 1 August 2025.

ing the quality of border controls and improving cooperation with third countries. Many delegations raised the importance of providing adequate resources for external border protection and ensuring thorough use of EU information systems, and also underlined the role of Frontex in supporting member states and third countries it has signed agreements with. In December 2024 the ministerial discussion focused on increasing overall security through digitalisation.<sup>23</sup>

Since 2022, the regular meetings of the Schengen Council and the reinforced tools of the Schengen cycle have paved the way to increased common ownership, to a higher-level implementation of the Schengen rules and to boost mutual trust. The work to enhance the preparedness and resilience of the Schengen area to effectively manage common challenges is however not yet completed. The Belgian Presidency was striving to consolidate the process and Schengen governance, thus establishing the Schengen Senior Officials Meeting (Schengen SOM)<sup>24</sup> that was also held during the Hungarian Presidency for the second time.

## *2. Proposal of Establishing the Schengen Summit*

The Schengen area without internal border controls is the most tangible achievement of the EU, yet, what we see today is that the Schengen area has never been more fragmented due to mass irregular migration and increased security threats. When the economic crisis raged in 2008, the response of the leaders of the Eurozone was a dedicated summit, where decisions are made on concerted action by the leaders of the zone, at the highest political level. The appropriate level of political coordination proved to be so essential in solving the crisis, that meetings were later institutionalized with an international agreement as the Euro Summit.

Today, the Schengen zone is in a similar crisis, and it seems logical to create the Schengen Summit at the level of heads of state and government, so Hungarian Prime Minister Viktor Orbán proposed introducing a system of Schengen summits.<sup>25</sup> Schimmelfennig also draw a parallel between the euro crisis and the crisis

<sup>23</sup> Justice and Home Affairs Council (Home Affairs), 12 December 2024' (*European Council*) <<https://www.consilium.europa.eu/en/meetings/jha/2024/12/12/>> accessed 1 August 2025.

<sup>24</sup> On 18 and 19 April 2024, the Belgian Council presidency organised the first-ever meeting between senior officials responsible for policy regarding the Schengen Area – the largest area of free movement in the world – in Antwerp. Three themes were addressed: the Schengen Declaration, the priorities of the Schengen Cycle 2024-2025 and the future of Schengen. See 'Senior officials responsible for Schengen met in Antwerp' (*Belgian presidency Council of the European Union*, 24 April 2024) <<https://wayback.archive-it.org/12710/20241018234056/><https://belgian-presidency.consilium.europa.eu/en/news/senior-officials-responsible-for-schengen-meet-in-antwerp/>> accessed 1 August 2025.

<sup>25</sup> 'Press Statement by Prime Minister Viktor Orbán at an International Press Conference' (*Cabinet Office of the Prime Minister*, 8 October 2024) <<https://miniszterelnok.hu/en/press-state>>

of the Schengen area. He found that both crises had structurally similar causes and beginnings as exogenous shocks exposed the functional shortcomings of both integration projects and produced sharp distributional conflict among governments, as well as an unprecedented politicization of European integration in member state societies. Yet they have resulted in significantly different outcomes: whereas the euro crisis has brought about a major deepening of integration, the Schengen crisis has not.<sup>26</sup>

According to the Hungarian proposal, Member States must take over political control, since the protection of our borders and the security of the Schengen area cannot be treated as a purely legal and technical issue. Political commitment also requires political ownership on behalf of the Schengen states. In line with the Hungarian proposal, the summit would focus on the most substantial issues of the Schengen area to provide political guidance for ensuring its smooth functioning and promoting coordination between the states of the Schengen area in all relevant policy areas. Such decisions should be adopted at the Schengen Summits, and the EU institutions should be bound by these decisions in terms of implementation.

These regular, dedicated summits would also ensure that the countries of the Schengen area increasingly consider the impact on the Schengen area in other political decisions. Although the Schengen *acquis* is a compact legal framework, we can observe some synergies: if the asylum system fails, the Schengen area also starts to crack. Therefore, Hungary is of the viewpoint that we must be able to incorporate the interests of the Schengen area, and especially of our border protection, into decisions in other policy areas.

#### IV. SCHENGEN AS A FORCE FOR UNITY

“Third, when hostile actors seek to weaken and fragment Europe, Schengen is a force for unity, bringing Europeans closer together. Schengen fosters unity and contributes to a shared tangible European identity. It is a deeply embedded political defence against attempts to sow division and distrust among Europeans.”

Grabbe highlights that a unity involving Central and Eastern European countries is not just a necessity of the aspiring countries, instead the overall security of Europe depends on preventing the isolation of countries left at the edges of an enlarged area.<sup>27</sup> After Croatia joined the Schengen area in 2023, the Hungari-

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ment-by-prime-minister-viktor-orban-at-an-international-press-conference/> accessed 1 August 2025.

<sup>26</sup> Frank Schimmelfennig, ‘European Integration (Theory) in Times of Crisis. A Comparison of the Euro and Schengen Crises’ (2018) 25 Journal of European Public Policy 969.

<sup>27</sup> Heather Grabbe, ‘The Sharp Edges of Europe: Extending Schengen Eastwards’ (2000) 76

an Presidency found it extremely important to mobilize its assets for Romania's and Bulgaria's Schengen accession.

### *1. The Path of Romania and Bulgaria to the Accession*

The Act concerning the conditions of accession of the Republic of Bulgaria and Romania sets out that the provisions of the Schengen acquis shall apply to those States only if the Council so decides after having examined, in accordance with the applicable Schengen evaluation procedures, whether the Member States concerned fulfil the conditions necessary for the application of all parts of the acquis concerned.<sup>28</sup> Since their accession to the EU, Bulgaria and Romania have applied parts of the Schengen legal framework (the Schengen acquis), including those relating to external border controls, police cooperation and the use of the Schengen Information System. For the remaining parts of the Schengen acquis, which include the lifting of controls at internal borders and related measures, the Council decides unanimously on their application after it has been verified, in accordance with the applicable Schengen evaluation procedures, that they fulfil the necessary conditions.

On 9 June 2011, during the first Hungarian Presidency of the Council, the ministers acknowledged in two separate Council Conclusions that the evaluation process of Romania and Bulgaria's readiness to fully implement the Schengen acquis had been completed, and the European Parliament also gave its positive opinion on 8 June 2011. However, no Council Decision on the accession of Romania and Bulgaria to the Schengen area followed this, as apart from fulfilling technical conditions, a political decision taken by unanimity is also necessary for the Schengen enlargement. Yet, in December 2010 the Franco-German ministerial letter (to which by the time other Member States had joined as well) made it clear for the Hungarian Presidency that those Member States found Schengen enlargement premature.<sup>29</sup> “Opponents have argued that the two eastern European countries are in too much of a hurry to join, and that they are not ready to enter the Schengen area because of the risk to border security (linked to illegal migration, smuggling) as well as corruption concerns that have arisen.”<sup>30</sup>

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International Affairs 519.

<sup>28</sup> Act concerning the conditions of accession of the Republic of Bulgaria and Romania and the adjustments to the Treaties on which the European Union is founded [2005] OJ L157/203. art. 4(2).

<sup>29</sup> ‘Six Months in the Service of a Stronger Europe Overview of the Hungarian Presidency of the Council of the European Union January – June 2011’ <[https://2010-2014.kormany.hu/download/f/d5/50000/HUPRES\\_EREDMENYEK\\_EN.pdf](https://2010-2014.kormany.hu/download/f/d5/50000/HUPRES_EREDMENYEK_EN.pdf)> accessed 1 August 2025.

<sup>30</sup> Ágnes Vass, ‘A distinct Hungarian achievement: the Schengen accession of Romania and Bulgaria’, (*HIIA*, 23 December 2024) <<https://hia.hu/wp-content/uploads/2024/12/1223-the-Schengen-accession-of-Romania-and-Bulgaria.pdf>> accessed 1 August 2025. pp. 1-2.

Ripma explains that the situation, in which several Member States find themselves in ‘Schengen purgatory’, has a number of undesirable consequences. “It leads to a de facto duplication of the external borders and external border controls, creating uncertainty as to the applicable legal regime, given that internal and external borders have been defined as mutually exclusive. Schengen candidate countries have been increasingly participating in Schengen developing measures, most notably the interoperability regulations. They also guard their external borders in line with the Schengen Borders Code, and with the support of Frontex, yet they do not benefit from the advantages of borderless travel.”<sup>31</sup> Furthermore, the fact that Romania and Bulgaria were still outside the visa-free travel area burdened the businesses and populations of the two countries socially and economically. Citizens of Bulgaria and Romania were discriminated against, as they face delays, bureaucratic difficulties and additional costs when travelling or doing business abroad, compared to their counterparts in the Schengen area.<sup>32</sup> Romania believed the country lost €10 billion a year as a result. For the same reason Bulgaria, three times smaller in terms of population, believed its economy lost €1 billion in 2023.<sup>33</sup> „If the fulfilment of the conditions does not entail the reward of efforts, i.e. full membership, the political elite and population of the country might become disillusioned with the integration process and turn into Euroscepticism.”<sup>34</sup>

Romania and Bulgaria issued a joint declaration at the Coreper meeting of 2 March 2022<sup>35</sup> in which they acknowledged that the Schengen *acquis* had developed over the last years. Therefore, with a view to strengthening mutual trust on which the area without internal border controls is built on, they were willing to invite, on a voluntary basis and under commonly agreed conditions, a team under the coordination of the Commission, to ensure the application of the latest developments of the Schengen *acquis* since the evaluation, focusing on exter-

<sup>31</sup> Jorrit J. Ripma, ‘Let’s not forget about Schengen’ (*EU Immigration and Asylum Law and Policy*, 12 March 2021) <<https://eumigrationlawblog.eu/lets-not-forget-about-schengen/>> accessed 1 August 2025.

<sup>32</sup> Resolution on the accession to the Schengen area. European Parliament, 2023/2668(RSP).

<sup>33</sup> Georgi Gotev, ‘Hungarian presidency secures full Schengen membership for Bulgaria, Romania’ (*Euractiv*, 22 November 2024) <<https://www.euractiv.com/section/politics/news/hungarian-presidency-secures-full-schengen-membership-for-bulgaria-romania/>> accessed 1 August 2025.

<sup>34</sup> Fruzsina Sigér, ‘Enlargement Lesson from the Schengen Zone, What can the Western Balkan Countries Learn?’ (2023) 26 *Európai Tükör* 141.

<sup>35</sup> Joint Declaration by the Republic of Bulgaria and Romania on the Draft Council Regulation on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen *acquis* and repealing Regulation (EU) No 1053/2013. Summary Record Permanent Representatives Committee 28 February, 2 and 4 March 2022. 7304/22, CRS CRP 10. <<https://data.consilium.europa.eu/doc/document/ST-7304-2022-INIT/en/pdf>> accessed 1 August 2025.

nal border management and police cooperation. The overall conclusions of the fact-finding mission in October 2022 stated that the field team did not identify any problems with the application of the latest developments in the Schengen acquis. Nevertheless, while a decision on the full application of the Schengen acquis in Croatia was adopted in the December 2022 JHA ministerial meeting, no consensus could be reached on the decision on the full membership of Bulgaria and Romania, as Austria and the Netherlands still had concerns. While the Netherlands criticised the rule of law situation in Bulgaria, Austria took a negative position regarding both Member States, citing that it was not worth further expanding a non-functioning Schengen area in the current migration situation.

## *2. The Final Steps towards the Schengen Accession*

While in December 2023 the outgoing Dutch government came to the conclusion that Bulgaria met the conditions set for Schengen accession and could therefore agree to a decision leading to Bulgaria's full accession to Schengen,<sup>36</sup> Austria was still hesitant to give its consent, while also floating the idea of what it called 'Air Schengen', saying it was willing to ease rules for air traffic for Bulgaria and Romania if Brussels strengthens its external borders.<sup>37</sup> Austrian Interior Minister Gerhard Karner visited Bulgarian-Turkish border in early 2023 and asked for a threefold increase of Frontex officers and technical upgrades along the Bulgarian-Turkish and Romanian-Serbian borders, coupled with an injection of EU funds to pay for border protection infrastructure, and the Austrian minister also demanded greater surveillance at Schengen's internal borders.

On 30 December 2023 the Council adopted a decision<sup>38</sup> to apply, from 31 March 2024, the remaining parts of the Schengen acquis and to abolish checks on persons at internal air and sea borders. The Decision established that from 31 March 2024, there would no longer be checks on persons at EU internal air and maritime borders between Bulgaria and Romania and the other countries in the Schengen area. Nevertheless, a further decision was required by the Council to establish a date for the lifting of checks at internal land borders. Neither its network, nor the political timing were advantageous for the Belgian presidency, so the Hungarian Presidency had to prepare and take appropriate strategic steps

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<sup>36</sup> 'Dutch government drops objection to Bulgaria joining Schengen' (*Euractiv*, 16 December 2023) <<https://www.euractiv.com/section/politics/news/dutch-government-drops-objection-to-bulgaria-joining-schengen/>> accessed 1 August 2025.

<sup>37</sup> Jorge Liboreiro, 'Brussels welcomes Austria's proposal of Air Schengen for Romania and Bulgaria' (*Euronews*, 11 December 2023) <<https://www.euronews.com/my-europe/2023/12/11/brussels-welcomes-austrias-proposal-of-air-schengen-for-romania-and-bulgaria>> accessed 1 August 2025.

<sup>38</sup> Council Decision (EU) 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania [2024] OJ L2024/210.

to pave the way to a consensus on full Schengen membership of Romania and Bulgaria.

On 22 November 2024 interior ministers of Austria, Romania, Bulgaria and Hungary, as well as EU Commissioner for Home Affairs Commissioner Ylva Johansson met in Budapest, where they agreed on a new border protection package, and backed Bulgaria and Romania to become full members of the Schengen area from 2025. The participating countries also agreed to send a joint contingent of 100 border guards (Austria 15, Bulgaria 25, Hungary 20, Romania 40) to the Bulgarian-Turkish border. The ministers also agreed that at least for six months they would continue conducting internal border controls<sup>39</sup> between Hungary and Romania and Romania and Bulgaria to prevent any serious threat to public policy or internal security. Finally, during the last JHA ministerial meeting during the Hungarian Presidency the Council adopted a decision to lift checks on persons at the internal land borders with and between Bulgaria and Romania from 1 January 2025.<sup>40</sup> Sándor Pintér, Hungarian Minister for Home Affairs said that the „decision to lift checks on persons at the internal land borders with Bulgaria and Romania marks a milestone for the Schengen area.”<sup>41</sup>

#### V. CONCLUDING REMARKS

Amid institutional challenges and global crises, Hungary’s EU presidency has delivered transformative achievements, including the expansion of the Schengen Area. Hungary has consistently advocated for the expansion of the Schengen area. The broadening of the Schengen zone, much like the enlargement of the European Union, is envisioned to fortify the involved parties, fostering increased integration and interconnectedness to address shared challenges more effectively. “Romania and Bulgaria’s full membership is not only about border control; it carries significant national and geopolitical importance,” Minister Bóka said.<sup>42</sup> “Millions of people across Europe work far from their place of residence, in other member states, so free movement is one of the most important expectations of those living there, which must be fully implemented everywhere.”<sup>43</sup>

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<sup>39</sup> In accordance with Article 25a (4) and (5) of the Schengen Borders Code.

<sup>40</sup> Justice and Home Affairs Council (Home Affairs), 12 December 2024’ (European Council) <<https://www.consilium.europa.eu/en/meetings/jha/2024/12/12/>> accessed 1 August 2025.

<sup>41</sup> *ibid.*

<sup>42</sup> Zoltán Kovács, ‘Hungary’s EU presidency achieved historical successes’ (*About Hungary*, 14 January 2025) <<https://abouthungary.hu/blog/hungarys-eu-presidency-achieved-historical-successes>> accessed 1 August 2025.

<sup>43</sup> Balázs Molnár, Deputy State Secretary for European Policy on 20 January 2025. See Bíró Réka, ‘Kulisszatitkok a Magyar EU-elnökség sikerei mögött’ (*Magyar Nemzet*, 20 January 2025) <<https://magyarnemzet.hu/kulfold/2025/01/kulisszatitkok-a-magyar-eu-elnokseg-sikerei-mogott>> accessed 1 August 2025.

Yet, there is still a lot to work on. In line with the 4-party Declaration signed in Budapest, on February 3, 2025, Minister of the Interior Dr. Sándor Pintér, together with his Romanian and Bulgarian counterparts, and the Director General of Public Security of the Austrian Federal Ministry of the Interior, launched a 100-person police contingent in Kapitan Andreevo, Bulgaria, aimed at strengthening the surveillance of the Bulgarian-Turkish land borders.<sup>44</sup>

A larger Schengen area without border controls would make the EU stronger, however, the phased introduction of the EES is a stopgap measure that has to be implemented due to the insufficient level of preparedness of the three Member States. The required legislation itself meant a further delay in terms of the launch of the system, but it also entailed the rescheduling of other components of the interoperability programme and induced unplanned developments. Apart from the task of making the practical management of borders firm and smooth at the same time, a discussion on the future legal and strategic framework of Schengen and its governance is inevitable. The Hungarian proposal of establishing a Schengen summit is still on the table and should be seriously considered given the various threats and challenges Schengen countries need to face.

And even if Hungary succeeded in closing the latest accession round to the Schengen area, there are new tasks ahead as the President of the Republic of Cyprus, Nikos Christodoulides, has announced that Cyprus aims to join the Schengen area by the end of 2025.<sup>45</sup> Cyprus has been participating in the Schengen Evaluation and Monitoring Mechanism since July 2023, and the Schengen Information System is already operational in Cyprus, but full compliance will require further checks, which are expected to take place in the course of 2025. Its full accession could bring significant economic benefits, especially in the areas of tourism, foreign investment and the shipping sector, as the difficulties arising from heavy administrative procedures would be eliminated. Yet, in the event of accession, the Green Line<sup>46</sup> would become the EU's external border, which could lead to tighter controls at the existing crossing points, but could also further increase tensions between Greeks and Turks living on the island. In order to join the Schengen area, the European Union would have to renegotiate

<sup>44</sup> 'Rendőri kontingens a bolgár-török hatásszakaszon' (*Magyarország Kormánya*, 04 February 2025) <<https://kormany.hu/hirek/rendori-kontingens-a-bolgar-torok-hatarszakaszon>> accessed 1 August 2025.

<sup>45</sup> 'Cyprus Committed to Schengen Entry by 2026' (ETIAS, 21 May 2025) <<https://etias.com/articles/cyprus-committed-to-schengen-entry-by-2026>> accessed 1 August 2025.

<sup>46</sup> The Green Line is a buffer zone between the Greek-led Republic of Cyprus and the Turkish-occupied Turkish Republic of Northern Cyprus (TRNC), which is monitored by UN peacekeepers. The south-eastern part of the island is subject to EU rules, while the northern part is not officially subject to EU regulations. The government of the Republic of Cyprus previously announced on 4 October 2024 that it would remove the fence along the Green Line and strengthen the police presence through the use of surveillance cameras.

the Green Line regulations, which currently set the conditions for crossing the border.