

[*Is Schengen about to become undone?*]

CECILIA MALMSTRÖM

18 The Importance of Safeguarding Schengen

Written especially for “Nowa Europa”, this article authored by Cecilia Malmström who is currently serving as European Commissioner for Home Affairs can be interpreted as the European Commission’s stance on the future of Schengen. Therein, Ms. Malmström identifies the greatest challenges which must be addressed so as to enable the passport-free zone to function. Paramount among them is the porousness of the external border which results in mass illegal immigration. The influx of migrants serves as a key motive for Schengen member states to reintroduce internal border checks. Ms. Malmström then describes Commission proposals intended to counteract the erosion of the Schengen system and enable it to better respond to crises.

ARTUR GRUSZCZAK

25 The Troublesome Success of Schengen

The author begins with a look back at the history of the Schengen Area, however he does not merely discuss institutional development in the EU but instead demonstrates that Schengen is the result of ever-closer economic, political and social ties between the Schengen member states. He also describes how Schengen operates in practice and identifies the three main problems impeding its efficient functioning, i.e. the scope of the Schengen *acquis* and how it is interpreted by the member states; the manner in which member states go about pursuing their national interests; and the effectiveness of the instruments and methods of international control over the area. In closing, the author touches upon current debate on the future of Schengen and emphasizes the significance of the zone’s hybrid construction which involves both community and intergovernmental mechanisms.





SERGIO CARRERA, ELSPETH GUILD,
MASSIMO MERLINO, JOANNA PARKIN

53 A Race against Solidarity The Schengen Regime and the Franco-Italian Affair

In April 2011, France reintroduced internal border checks with Italy to prevent mobility by North African immigrants who hold temporary residence permits issued by Italy and who had entered the EU from Tunisia as a result of revolutions and war in the southern Mediterranean region. This has caused a diplomatic row between the two countries, as well as reactions by other EU member states and at the EU levels. This paper examines the compatibility of the Italian and French measures with EU border legislation and legal principles as well as the foundations of the Schengen regime. It argues that the Franco-Italian affair illustrates a 'race to the bottom' on European principles of solidarity, loyal cooperation and fundamental rights. The affair ultimately reveals the very limits and unfinished elements of the EU's immigration and border policies. Finally, the paper puts forward policy recommendations to the parties involved.

YVES PASCOU AU

87 The Schengen evaluation mechanism and the legal basis problem: breaking the deadlock

One of the immediate effects of the Arab Spring was the launch of intense discussions about 'Schengen governance'. While the package of proposals presented by the European Commission has opened a new debate regarding the possibility of reintroducing internal border checks, it has revived an 'old' proposal to make evaluating the implementation of Schengen rules more efficient. But discussions on the latter are blocked due to a problem related to the legal basis, which has a significant impact on the European Parliament's (EP) participation – or lack of participation – in the process.

HUGO BRADY

98 Saving Schengen: how to protect passport-free travel in Europe?

Immigration is becoming an ever more frequent topic of political debates in the Schengen Area member states. In many of them parties exploiting widespread anti-immigrant sentiment and voices questioning the rationale behind the lack of border controls between the Schengen member states are becoming increasingly vocal. It is against this backdrop that the authors present the greatest dilemmas whose resolution will be of fundamental importance to the future of Schengen, i.e. the issue of Greece's membership in the area in the context of the country's failure to fulfill its obligations, and the final decision on Bulgaria and Romania's entry into the Schengen zone. These two issues are intrinsically linked, as Greece's porous frontier with Turkey coupled with the abolition of border controls between the former and Bulgaria and Romania could cause an increased influx of illegal migrants into Western Europe. The authors recommend concluding a new treaty with Turkey on migration as a partial solution to the existing problems.

PIOTR RAKOWSKI

120 The Schengen Project: the beginning of the end or the end of difficult beginnings?

The author performs a comprehensive analysis of how the Schengen area functions. He focuses on the debate on the future of Schengen sparked by the French-Italian proposal to establish a new "mechanism for reintroducing temporary internal border controls". In chronological order he lists the key proposals and ideas put forward during the Polish and Danish EU Presidencies. In closing, he attempts to predict the future of the Schengen Project.





[*Essay on Europe*]

ANGELIKA SIEHR

142 **Discovery of Spatial Dimension in European Politics. New Forms of Territorial Governance in the European Union.**

Angelika Siehr focuses on the concept of territoriality and space which is not commonly associated with the European Union. She juxtaposes the process of European integration with the concept of spatial development which leads to the growth of network structures. In her analysis she touches upon such issues as the concepts of European spatial development or the relationship between the idea of space and the term “network”. She conducts a study of network structures and investigates the reasons why they form, while at the same time evaluating the threats and opportunities related to the development of such structures in the context of EU territorial governance.

[Reviews]

TOMASZ F. KRAWCZYK

186 Germany's Constitutional Axis

JOSEF ISENSEE, PAUL KIRCHHOF, red., *Handbuch des Staatsrechts*, t. IX, Heidelberg: C. F. Müller, 2011.

MARCIN SOBALA

188 Conceptualizing Relations in Europe

TOMASZ GRZEGORZ GROSSE, *W objęciach europeizacji. Wybrane przykłady z Europy Środkowej i Wschodniej*, Warszawa: Instytut Studiów Politycznych PAN, 2012.

MICHAŁ Z. DEUGOSZ

191 Europe According to Gnesotto

NICOLE GNESOTTO, *Przyszłość Europy Strategicznej*, Warszawa: Polski Instytut Stosunków Międzynarodowych, 2012.

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