THE MEMBERSHIP IN THE SCHENGEN AREA AS A STRATEGIC OBJECTIVE FOR THE REPUBLIC OF BULGARIA

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Abstract: *Until the escalation of the Covid-19 pandemic, joining the Schengen area was between the major foreign policy priorities for Bulgaria and Romania. Now, when having more clear view of the way out of the crisis, it is time to reopen that issue. The accession to the Schengen area will be associated with both internal and external political consequences, as well as economic ones. Despite all the benefits and advantages, the Bulgaria and Romania, in their perspective of future members of the Schengen area, have a huge responsibility arising from the forthcoming assumption of functions at the external border to ensure the security not only of Bulgarian and Romanian, but also of all European countries.*

Keywords: Schengen area, Accession, Bulgaria, Romania, Covid-19.

The Schengen system is a special form of intergovernmental cooperation between some of the EU Member States, which has grown over the years and currently includes 22 EU countries (Belgium, the Czech Republic, Denmark, Germany, Estonia, Greece, Spain, France, Italy, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland, Sweden), 4 non-EU countries (Iceland, Liechtenstein, Norway and Switzerland) and 3 European micro-members (Monaco, San Marino and the Vatican) maintaining open borders with other Schengen Member States. During the years, the Schengen area has become a prerequisite for the new EU member states to commit. However, their integration into the system is not an automatic consequence of their accession to the EU, but occurs only after the adoption of the necessary internal legal framework and the establishment of the administrative and technical structures required by the

Union law to ensure the implementation of the Schengen framework. For example, in Annex II to Art. 4, para. 1 of the Treaty of Accession of the Republic of Bulgaria and Romania to the European Union sets out the provisions of the Schengen acquis, which are binding and apply in both countries from 1st of January 2007 [1].

Until the escalation of the Covid-19 pandemic, joining the Schengen area was a major foreign policy priority for Bulgaria and Romania, which was on their foreign agenda on a daily basis. With the Covid-19 appearance and the subsequent imposition of restrictive measures by individual Member States to restrict travel, including the restoration of border controls and the closure of borders between the Schengen countries, many questions have raised about the future functioning of the European Union's fundamental freedoms, namely the free movement of people, goods, services and capitals. The candidatures of Bulgaria and Romania for Schengen were been

displaced by the pandemic's existential health, social and economic issues for the future of humanity. At present, when there are already vaccines, treatment and a clear perspective for overcoming the crisis, it is time to review the priorities from before its onset, among which is the accession of Bulgaria and Romania to the Schengen area.

Here is the place to recall **what the cost of a long-defunct Schengen area would be**, because temporary border controls not only hinder the free movement of people, but also involve significant economic costs. In the Communication from the European Commission to the European Parliament, the European Council and the Council by 2016 [2], long before the Covid-19 pandemic, it is estimated that the overall restoration of border controls in the Schengen area would cost between € 5 billion and € 18 billion per year (or from 0.05% to 0.13% of GDP). This cost will be borne mainly by the certain economic operators and regions, but will inevitably affect the EU economy as a whole. For example:

- for countries as Poland, Netherlands and Germany the additional costs for of road haulage will exceed € 500 million;

- for the companies in Spain and Czech Republic it will amount to EUR 200 million;

- the loss of time due to border controls will cost to 1.7 million cross-border workers between € 1.3 billion and € 5.2 billion;

- at least 13 million tourist nights, worth a total of 1.2 billion euros, could be lost;

- between € 0.6 billion and € 5.8 billion in administrative costs which the governments will have to pay due to the need to increase border control staff.

The **Bulgaria's accession to the Schengen area will be associated with both internal and external political consequences, as well as economic ones**, because along with the undoubted benefits, there will be

challenges that the state and society must be ready to meet:

• Domestic policy consequences

The Schengen agreements primarily concern the movement of people towards and within the Schengen area. Therefore, considering the two parallel processes - emigration from Bulgaria and immigration to the EU (including Bulgaria) - is a key point in considering the domestic political consequences of Schengen accession. With regard to emigration, increasing freedom of travel facilitates the travel and settlement of Bulgarian citizens in other Member States. According to the statistics, between 700,000 and 1,000,000 Bulgarian citizens in working age have left Bulgaria since the early 1990s (7.9% of the population between 1997 and 2007, according to the latest Eurostat data). According to the European Commission, **in the last five years before the Covid-19 pandemic, 2.4% of the labor force in Bulgaria has left the country, which puts it among the countries with the highest percentage of economic immigrants, along with Romania and Lithuania.** [3] This is a natural process that cannot be controlled by prohibitive measures. The only way out is to make the country sufficiently attractive and competitive to the other European countries in terms of payment (salaries), security and quality of life.

The economic and social benefits of emigration - both for Bulgaria and for the host countries, are indisputable and huge. Nearly 4 billion euros a year (according to official data) support thousands of families in Bulgaria. [4] However, the pace of emigration has a negative impact on the economic and social development of the country. Bulgaria's accession to the EU has made it an external border of the union, with the ensuing obligations to prevent illegal immigration and accompanying security threats from third countries. Entering the Schengen area will multiply the importance of Bulgaria, as entering the territory of the country will mean free access to movement to any point in the

Schengen area. Dealing with the pressure of illegal immigration will be a measure of our country's effective participation in the Schengen agreements.

Bulgaria's geographical location predetermines its role as an external border of the European Union and its task to control human flows, including stopping illegal immigration and organized crime to the EU. A Europol report fears that Bulgaria and Romania's accession to the EU will connect the Balkan and Black Sea regions, creating a new center for organized crime in Europe. From this point of view, Bulgaria is considered to be at risk from several directions. In the first place with the highest risk for Bulgaria as an entrance to the EU is the Eastern Mediterranean route of illegal immigration from Turkey, which is used mainly by citizens of countries in the Middle East, North Africa and Turkey itself. The second is from the Western Balkans to all neighboring countries. The third, which has already registered increased activity to and from the Central and Eastern European route, is mainly from Russia, Ukraine, Moldova and Belarus via Poland, the Czech Republic, Slovakia and Hungary.

When assessing the risk of illegal immigration, in addition to increasing the attractiveness of Bulgaria as part of the EU and as a result of its geographical location, we must take into account the broader context, which is mainly related to the conditions in the country that is a source of immigration. According to FRONTEX, the greatest migratory pressure from Iraq and Afghanistan was in the period 2001-2003, which coincided with the period of greatest instability in these countries [5]. This confirms the conclusion that a package of measures is needed to combat illegal immigration, which should also focus on combating the roots of this phenomenon. The EU as a whole is trying to prevent these phenomena in cooperation with the countries that are the source of migration by offering them compensatory mechanisms - such as helping their border services or

motivating these citizens to return and stay in their countries.

As an external border of the EU, Bulgaria is expected to prevent undesirable phenomena in the Schengen area, such as illegal immigration, human trafficking and the development of organized crime.

The potential contradiction between ensuring more security and respect for civil rights is also a serious challenge, as the Schengen agreements create huge databases of personal information that can be used maliciously. The Schengen Information System contains a huge amount of data related to people and vehicles passing through the Schengen area. Added to this is the new second generation SIS II system, which is an even larger information array, supplemented by biometric data. If similar systems such as Eurodac and the common Visa Information System are added to this, the fears of who and how uses these vast arrays of information increase. In this context, there is a risk of misuse of this data by inappropriate people in Bulgaria, which can be attacked by independent organizations of civil rights and also by non-governmental organizations.

• Foreign policy consequences

The prospects for the development of the visa policy between Bulgaria and its neighbors are a function of the relations in the triangle Bulgaria - neighboring countries - European Union. In practice, this means that at the bilateral level between Bulgaria and its neighbors the regulation of relations can be carried out only within narrow limits and as temporary and limited improvements – ie. Bulgaria can afford to act only within the framework of the common European requirements.

The prospects for EU membership or the existence of special relations between these countries and the Union must be taken into account when considering the progress of visa and similar regimes. Our direct neighbors to the west are seen as potential candidate countries, and facilitated or visa-free travel is part of the package that will accompany membership negotiations.

Turkey is in negotiations, but it is a very specific case and the free movement of people will be one of the last issues to be resolved. The countries of the Black Sea area are considered in the framework of the European Neighborhood Policy and the special EU strategy for the region, the so-called "Black Sea Synergy", which include declarations to facilitate the travel of people.

Until its accession to the EU and as a "price" for its own visa-free regime with EU countries, Bulgaria had to unconditionally meet the requirements, which include the introduction of restrictive measures - visa regime for neighboring countries that do not have a free travel agreement with the EU. The imposition of a visa regime on Macedonia and Serbia has had negative consequences, manifested in a decline in economic and political relations, including at the level of public opinion. In fact, Bulgaria delayed until the last possible moment (early 2007) the introduction of these restrictions for its two closest neighbors, Macedonia and Serbia, in recognition of the multifaceted political and economic negative effects this would have on a bilateral and regional level.

The visa regime between Bulgaria and its neighbors largely impedes political, economic, trade and human contacts and should be optimally facilitated or, where possible, abolished. With regard to Macedonia and Serbia, the policy of the Bulgarian state for granting Bulgarian citizenship to persons in those countries who declare and prove Bulgarian origin must also be taken into account. Although this policy is seen as a logical, kind of compensation for historical processes - especially the imposition of borders on the Balkans and the artificial division of peoples, it is not perceived unequivocally. In the Republic of Macedonia, she has often been the target of anti-Bulgarian attacks in the media, with accusations of depriving Macedonian citizens of their identities. From the Bulgarian point of view, this policy also contains controversial points, as

many people with anti-Bulgarian positions take a passport for purely opportunistic purposes. For most Macedonian citizens, the Bulgarian passport is needed to find a job in other EU countries, without having anything else in common with the Republic of Bulgaria. The process of obtaining Bulgarian citizenship is often associated with allegations of corrupt practices.

With regard to the Republic of Turkey, there is an asymmetric regime between the two countries, in which Bulgarian citizens travel visa-free and Turkish visas are required. Bulgaria in this case is treated privilegedly, as many European countries have a reciprocal measure imposed by the Turkish side, ie. their citizens need a visa for our southern neighbor. In difference from the citizens of other countries of the Western Balkans, which would receive comparatively easier facilitations to travel, the case of Turkish citizens is a little bit more complex as this country, with large and according to the Western European standards poor population, is considered a source of migratory pressure. The problems with the integration of Muslim communities in Europe further worsens the political and societal attitudes toward immigration from Turkey.

The countries of the Black Sea zone, after the accession of Bulgaria and Romania, became immediate neighbors of the European Union. For Europe, this region is important for several reasons. It is a major transit route for energy imports, for example, stopping gas for Ukraine in any dispute in Russia means stopping gas for Europe's economy and ordinary consumers. In terms of security, the region has serious problems with "frozen" conflicts, unstable statehood and organized crime. Between these countries (eg Moldova and Ukraine) and EU countries (Romania, Poland) have specific, historically determined close relations, which makes them a priority for a group of EU countries lobbying for closer ties. Large groups of citizens of these countries are already forming significant immigrant communities (mostly illegal) in

Europe. Within the EU, the countries of the region are covered by the European Neighborhood Policy and the new Black Sea Synergy Strategy (2007), which contain a strong political will for facilitate traveling [6].

Relations between Russia and the EU are regulated by the EU-Moscow strategic partnership with the so-called "Four spaces" of cooperation, one of which concerns the movement of people. For Bulgaria, the Black Sea region is of an additional importance, as Moldova and Ukraine have two of the largest Bulgarian communities abroad, which means that they are subject to the priority state policy, including granting citizenship.

In the medium term, Bulgaria's entry as a full member of the Schengen area will give even greater freedom of movement in the region, whereby citizens of neighboring countries will be able to benefit from uniform Schengen visas. Most likely, in parallel, neighboring countries with EU candidate status may be granted the right to visa-free travel during this period - similar to what Bulgaria had between 2000 and 2007.

As the restrictive elements of the Schengen Agreement are designed to protect European citizens from unwanted immigration and organized crime from third countries (the Balkans and the Black Sea area are considered both a major source and transit area for illegal immigrants and criminal threats east-west), the most logical and effective way to facilitate or eliminate the visa regime is to stimulate reforms in the countries to eliminate the causes of EU concerns (in the field of security, uncontrolled immigration, organized crime, etc.) [7]. For the countries of the Western Balkans, the best way to abolish the visa regime in this case is to increase the status of these countries vis-à-vis the EU. In the first place, they have to be assisted in implementing the reforms for EU membership, in general and in particular, provided with technical and expert advice to meet the requirements for visa-free travel. In cases where it is not possible to

abolish the visa regime, visa facilitation procedures have to be introduced through a wider range of consulates, increased staff, innovative systems such as e-visas, and an efficient system for submitting and receiving documents, facilitated visa services for a number of categories of citizens – business people, cultural figures, scientists, etc.

• **Economical consequences**

The benefit of Bulgaria's accession to the EU, including the facilitated travel to all direct neighbors, is registered with an increased number of trips and exchanges. Facilitated travel leads to a new type of integration at the subregional level between two countries, e.g. Western and Southwestern Bulgaria and Northern Greece, southern Romania and northern Bulgaria. Bulgaria's accession to the Schengen area will facilitate the crossing of national land borders with other Member States. **Upon Romania's accession jointly with Bulgaria, this will have a beneficial effect on crossing the borders with Romania and Greece.**

The accession of Bulgaria and Romania to Schengen will create additional conditions for the development of a common economic space in the region. This implies the integration of value added chains, ie. deepening the interconnectedness of enterprises in the region. This is related to the tendency for disappearance of national representatives within the global corporations operating in the region, as the integration depends on the ability and readiness of the specialized staff to move quickly and conveniently within the territory for which they are responsible. Preparations for Schengen accession directly improve the country's business environment. The implementation of European requirements for the Union's external borders also reduces barriers to trade with third countries - this is done through the introduction of a "single slip" system, "one stop control" (joint border control by the two countries), speeding up the crossing and improving the border

checkpoint as well as the quality of service, etc. From the Bulgarian business point of view, the trend is largely positive. The easing of border controls (and its expected abolition upon entry into Schengen) affects two neighboring countries with higher nominal average household incomes, which means an overall increase in solvent demand with an increase in the number of visitors for "purchases" in Bulgaria - which affects both volumes and prices in retail outlets. The business will have opportunities to attract more customers from neighboring countries or to grow directly. Consumers will benefit both from access to alternative shopping opportunities, use of services, and from optimal prices in the face of increased competition in a wide regional market. In the longer term, the effects on the business environment will be increased competition on a regional scale, reduced monopolies and reduced cartelization [8].

Despite all the benefits and advantages, **the Bulgaria and Romania, in their perspective of future members of the Schengen area, have a huge responsibility arising from the forthcoming assumption of functions at the external border to ensure the security not only of Bulgarian and Romanian, but also of all European countries.** The challenges facing Bulgaria and Romania, respectively, in order to meet the expectations of other Member States are related to the fight against terrorism, organized crime, controlling the influx of immigrants, providing asylum to refugees and combating illegal trafficking.

Conclusion

The Schengen area is undoubtedly one of the EU's greatest and most valuable achievements, for the benefit of citizens who are free to move within it. For Bulgaria, joining the Schengen, like Eurozone membership, is a key priority, which enjoys broad public support, in our natural path to further full integration into the EU. Apart from the benefits for the

ordinary Bulgarian citizen, it would also have much deeper positives for our country, providing it with international political prestige, leading to greater security and growth of foreign investments.

The long-term negotiations for the entry of Bulgaria and Romania into the Schengen area have shown that its accession is far from being linked only to the fulfillment of the technical criteria that we have fulfilled long ago. It is a political card that is constantly being played out by current members to achieve their national intra-community goals towards Bulgaria and Romania, with which we are going in a package on the way to our Schengen membership. Despite the known discouraging effect of this fact, this is undoubtedly the right path for the two countries, taking into account the objective truth that Bulgaria, Romania and the Schengen area need each other.

Schengen is undoubtedly one of the EU's most recognizable achievements for the new candidate countries from the Western Balkans. In November 2019, the regional initiative "Mini-Schengen" was agreed in Ohrid to remove obstacles to the free movement of goods, services, capitals and people between Serbia, Albania and Northern Macedonia, on their way to EU membership. Of course, a number of meetings are forthcoming to clarify the specific program for creating such an area and seeking EU support. But we see that the integration policy changes its algorithm and if until now it was first the political act of EU membership and then came Schengen, Eurozone, etc., in the countries of the Western Balkans it is sought first the practical integration, striving to meet the needs of citizens and businesses for free movement and subsequently comes the goal of the political act of EU accession. This is undoubtedly a response to France's opposition in October 2019 to start negotiations with Northern Macedonia and Albania for EU accession. But given the specifics of the Balkan mentality and local historical features, it may be far more

workable than the model with Bulgaria and Romania, where, in search of rapid political and territorial enlargement of the Union, the two countries were admitted in 2007, and accession to the Schengen area 14 years later remains unclear. In any case, Bulgaria should support and facilitate the integration

processes between the countries of the Western Balkans on their way to the EU. Such a leading role of us, coordinated with the EU, in the processes in the region, would undoubtedly lead to the need for our more recent accession to Schengen.

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