

# The European Union, Borders and Free Movement

Background paper for the Fortress Europe -project

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## Borders Safeguard and Limit

State borders outline territories of political entities. Without borders, defining different governing and administrative regions is not possible. In Max Weber's classic definition of a state, a state has a monopoly over legitimate means of violence in a certain geographical area. Borders between states may be well-guarded or just lines drawn on a map, but in either case, they are necessary for governing. Guarding Finnish borders began on the 21<sup>st</sup> of March, 1919 and is the responsibility of the Finnish Border Guard. In other countries, guarding the border may also be done by other state security entities like the army or the police.

Guarding borders is an important part of maintaining state security. It aims at curtailing and preventing spreading of cross-border crime and other threats to public order in Finland as well as elsewhere in Europe. At the same time, border guards try to ensure the integrity of the Finnish territory and ensure that cross-border traffic is safe and smooth.

However, borders also hamper the free movement of people, goods, services, and capital. The additional hurdles at borders increase cost, time and red tape. Borders also limit economic activity and make it more difficult for people to relocate.

## EU Citizens have Freedom of Movement in EU Countries

Freedom of movement for workers is a central principle of the European Union and applies to all EU citizens. In accordance with the freedom of movement for workers, EU citizens can live and work or be a jobseeker in another EU country without work or residence permits. Additionally, there can be no discrimination of EU citizens with regards to, for example, working conditions or social benefits. This principle of equal treatment is not equally applied in the different member states as administrative and governing systems differ. In practice, high levels of bureaucracy may also weaken equal treatment.

### Border checks

“Border checks are performed with the aim of maintaining border security. They are checks on persons – including their means of transport and the objects in their possession – and interviews of persons, carried out on those crossing or intending to cross the border. Border checks are performed at border crossing points or, in order to ensure the smooth flow of traffic or for other justifiable reasons, in a public transport vehicle or other location.”

Source: The Finnish border guard<sup>1</sup>

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The European Union tries to support and strengthen its single market through the free movement of employees, goods and capital. A strong single market is estimated to lead to huge savings of up to 985 billion euros annually<sup>2</sup> as well as strengthening the EU's economic growth. The single market was created in the 1980s and relaunched in 2010 with attempts to strengthen it. Although the strengthening of EU's single market would support EU's competitiveness globally, it is not easy to let go of regulation between states as states are worried about capital, good and employee flows to other countries.

Mobility for employees is also enabled by creating equivalence between educational degrees or mutual recognition of degrees without equivalence. Perhaps the best known of these initiatives is the European Credit Transfer and Accumulation System (ECTS). Different directives have supported creating equivalence already from the 1970s but the legal framework is stronger in some fields than in other. In some fields, it may also be impossible to create equivalence due to national difference. If so, the focus is on mechanisms of reciprocal recognition of studies.<sup>2</sup>

In addition to the freedom of movement, the Schengen treaty applies to most European citizens. The Schengen area, created by the treaty and the convention that followed, has joint control of external borders but no regular internal border controls. The Schengen area comprises of 26 European countries: Norway, Iceland,

Switzerland, Liechtenstein and most European Union countries. The Nordic countries, including Finland, began to implement Schengen regulations on the 25<sup>th</sup> of March 2001. Border control checks are made when crossing the border to non-Schengen EU countries like Croatia, Bulgaria or Croatia.

In the beginning of the 2020s, EU's borders will be controlled more tightly through the Entry/Exit-system and the ETIAS system, which will be similar to the ESTA-system that the United States uses. The Entry/Exit system will be used to register border crossings made by third-country nationals as well as their biometric information i.e. facial image and fingerprints. Travellers from visa waiver countries will fill their personal and passport information as well as information regarding their possible criminal background and any previous refusals of entry.

### Is Free Movement too Free or too Regulated?

Between promoting free movement and regulating movement is a difficult to define gray area. What do you think is a good balance between supporting and regulating free movement?

<sup>1</sup> Rajavartiolaitos: Rajatarkastukset.  
[www.raja.fi/tehtavat/rajatarkastukset](http://www.raja.fi/tehtavat/rajatarkastukset)

<sup>2</sup> Euroopan parlamentti: Faktatietoa Euroopan unionista: Sisämarkkinoiden yleiset periaatteet.  
[www.europarl.europa.eu/factsheets/fi/sheet/33/sisamarkkinoiden-yleiset-periaatteet](http://www.europarl.europa.eu/factsheets/fi/sheet/33/sisamarkkinoiden-yleiset-periaatteet)

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