ROMANIA AND THE SCHENGEN "ODYSSEY": FROM POLITICAL BLOCKAGES TO THE IMPLEMENTATION OF "SMART BORDERS" AND THE EUROPEAN SECURITY IMPERATIVES

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Abstract. This article is a case study of Romania's integration into the Schengen area (2007–2025) from the perspective of EU documents, the rules of the Schengen acquis and the decision-making mechanism within the JHA Council. The main objective is to explore the dissonance between fulfilling the technical criteria for border security and the political conditionalities imposed by some member states, and then to capture the moment when accession was finally unblocked. To provide a theoretical explanation of the political obstacles encountered by Romania, I draw on the theories of three schools of thought (neofunctionalism, liberal intergovernmentalism and the securitisation theory of the Copenhagen School). The purpose of this article is to show that the successive postponement of accession for 14 years forced Romania to rapidly implement "smart borders", which provided the necessary technological guarantee for changing the perception of Romanian borders in the security context of the twenty-first century, marked by the conflict in Ukraine and new hybrid threats.

Keywords: *Schengen Area; Romania's Accession; Theories of European Integration; JHA Council; Smart Borders; Hybrid Threats*

Introduction

The Schengen Area was created by *the Schengen Agreement* signed in 1985 by five-member states[1] of the European Economic Community (EEC), an intergovernmental cooperation agreement that laid the foundations for the gradual removal of border controls between these states. Subsequently, *the Convention Implementing the Schengen Agreement*, signed in 1990 and entering into force in 1995, provided the legal and operational mechanisms needed to abolish internal border controls between the signatory states and to establish a single external

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[1] Belgium, France, (Federal) Germany, Luxembourg and the Netherlands.

border of the Schengen Area. The Amsterdam Treaty adopted in 1997 (in force since 1999) integrated the Schengen rules into EU law through a *Protocol* attached to the Treaty, turning the Schengen acquis into a central part of EU policies. The principle underlying the existence and functioning of this common European area is the free movement of persons, services, goods and capital.

As it expanded, the Schengen Area has become the largest area of free movement without internal borders in the world, an area of freedom, security and justice that now comprises 29 countries with a population of 450 million inhabitants and covers an area of 4.5 million km².[2] Over 50,000 km² represent the external border of the Schengen Area (of which more than 38,000 km² are maritime borders and approximately 18,000 km² land borders), including hundreds of airports, ports and land border-crossing points.[3]

The elimination of internal border controls between states had as a corollary the strengthening of the external borders of the Schengen Area. This means that member states located at the borders with non-EU states bear the responsibility of organising stricter controls at their external borders in order to ensure a high level of security both for their own citizens and for all other member states. A member of the European Union (EU) since 2007, Romania has the obligation to secure the EU's eastern border, one of the most difficult external borders to manage due to multiple risks (flows of illegal immigration, organised crime networks and other forms of trafficking) and new hybrid threats in the context of the war in Ukraine.

Romania's accession to the EU marked the beginning of a complex process of institutional and legislative synchronisation, with the ultimate goal of integration into all the fundamental structures of the Community bloc. Among these, integration into the Schengen Area has represented the most persistent challenge, as it generated a waiting period of 18 years, marked by a paradox: although the technical security criteria were fulfilled as early as 2011, the political decision was systematically postponed through intergovernmental mechanisms for 14 years. In seeking to identify the factors that made Romania's path to full integration into the Schengen Area so long and difficult, we will find that this extension was the result of a complex process of political-diplomatic and technical negotiations, carried out gradually in two stages.

The main objective of this article is to explore the dissonance between the fulfilment of the technical criteria for securing the external border and the political conditionalities imposed by some member states, and to capture the moment when full accession was unblocked.

This article investigates the hypothesis that the final unblocking of Romania's accession in the period 2024–2025 was not determined by a change in technical

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[2] European Commission, "The Commission welcomes the political agreement on new rules for a more resilient Schengen Area", available at: https://ec.europa.eu/commission/presscorner/detail/pt/ip_24_667, accessed on 15.03.2026.

[3] Consiliul UE, "Spațiul Schengen. Poarta ta către libera circulație în Europa" [Council of the EU, "The Schengen Area. Your gateway to free movement in Europe"], 2022, p. 7, available at: https://www.consilium.europa.eu/media/66507/20230444_pdf_qc0923008ron_002.pdf, accessed on 20.03.2026.

border parameters, but by a change in the attitude of the countries concerned, brought about by the technological guarantee of the implementation of smart borders and by strategic and security imperatives in the context of the conflict in Ukraine.

The research methodology is based on a qualitative and exploratory approach in order to critically analyse the 18-year trajectory of Romania's accession process, which has acquired the dimensions of a veritable bureaucratic and political-diplomatic "Odyssey".

In the first part we conduct a diachronic case study of Romania's path towards integration into the Schengen Area (2007–2025) from the perspective of EU documents, the norms laid down by the Schengen acquis and the decision-making mechanism within the JHA Council, in order to highlight the dissonance between the fulfilment of the technical criteria for border security and the political conditionalities imposed by some member states. We then dedicate a second section to explaining the "Schengen blockage", in which we correlate empirical data with three of the most important theories of European integration: *neofunctionalism*, according to which economic integration has a natural spill-over effect towards common border security; *liberal intergovernmentalism*, which holds that the national interests of member states prevail in the EU-level political decision-making process; and *securitisation theory* in order to understand how migration was politically instrumentalised to delay accession. Another section examines how the implementation of "smart borders" by Romania, through the new systems (EES, ETIAS, SIS II), transforms it from a border state into an essential technological hub for the stability of NATO's eastern flank in the context of the war in Ukraine, thereby highlighting the overcoming of the political reluctance of the states that had voted against accession. The final conclusions emphasise that in the new technological and security paradigm, Romania can act as a pillar of digital and physical security for the entire Schengen Area.

The "Odyssey" of Romania's Accession to the Schengen Area (2007–2025)

Romania's accession to the Schengen Area is one of the longest and most controversial integration processes in the history of the European Union. For this reason, we will conduct a case study of Romania's accession to the Schengen Area (2007–2025), consisting of a diachronic analysis over the 18-year period, in order to capture both the series of successive postponements of access to the Schengen Area and the moment when partial accession and, finally, full accession were unblocked, a process to which both the implementation of smart borders and the strategic needs triggered by the conflict in Ukraine contributed.

Romania's accession to the European Union on 1 January 2007 was based on an explicit legal commitment: the full assumption of the Schengen acquis. Unlike other member states that negotiated opt-out clauses[4], for Romania integration

[4] Such as Ireland and Denmark.

into the area of free movement was both a right and an obligation assumed by *the Treaty of Accession of Romania and Bulgaria to the European Union*, signed in Luxembourg on 25 April 2005,[5] and not merely a simple political option.

Romania's preparation for accession to the Schengen Area (which depended on meeting the technical security criteria) took place in parallel with the implementation of activities aimed at integration into the European Union (fulfilling the economic and political criteria/the Copenhagen Criteria) and the harmonisation of national legislation with the Community acquis, which also included the Schengen acquis. The Treaty concerning Romania's accession to the EU draws a distinction between two categories of Schengen acquis, laid down in Article 8 of the Schengen Protocol: provisions that are mandatory and applicable upon accession to the EU but not linked to the lifting of internal border controls, and those which, although compulsory upon accession, may be applied only in the post-accession phase, after verification, in accordance with the Schengen evaluation procedures, of the fulfilment of the conditions necessary for the application of Schengen rules and which are linked to the lifting of internal border controls. Therefore, only the provisions in the second category are subject to the Schengen evaluation process, after they have been implemented and applied simultaneously with the lifting of internal border controls.

The functioning mechanism of the Schengen Area is based on the concept of "security through cooperation". Ensuring security through cooperation in the context of eliminating internal borders is conditional upon the fulfilment of a set of objective criteria laid down in the Schengen acquis, and once a state demonstrates that it has met them, admission should be an administrative process.

Romania's path to Schengen accession is also a case study from the perspective of the decision-making mechanism within the JHA Council, since the decision on entry into Schengen requires unanimity, and the use of the veto as a tool of political negotiation by some member states not only led to an extension of the criteria, but also to a decoupling from the technical acquis, going beyond the spirit of the Treaties.

With EU membership in 2007, Romania entered a phase that required the preparation and adoption of the measures necessary to remove internal border controls and strengthen security at the external border it was to manage. The formal decision on the lifting of internal borders had to be preceded by the evaluation process, during which Romania had to demonstrate that it had fulfilled all the conditions necessary to obtain the status of Schengen member state.[6]

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[5] Article 4 of the Accession Treaty lays down the fulfilment of certain technical conditions mandatory from the date of accession to the European Union, in accordance with the Schengen acquis, in "Treaty of Accession of Romania and Bulgaria to the European Union", *Official Journal of the European Union*, L 157/11, 21.6.2005, available at: https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:12005S/TXT, accessed on 2.03.2026.

[6] Stefano Bertozzi, "Schengen: Achievements and Challenges in Managing an Area Encompassing 3.6 million km²", *CEPS Working Document*, No. 284/February, Centre for European Policy Studies, 2008, p. 22, available at: https://www.files.ethz.ch/isn/48401/284_Schengen%20Achievements%20and%20Challenges, accessed on 2.03.2026.

According to the Schengen acquis, Romania had to meet the technical and security criteria in four key areas: *the ability to secure the external border* (land, sea and air), *visa management*, *police and judicial cooperation*, and *protection of personal data*. Thus, Romania had to assume responsibility for the control and efficient management of the external borders on behalf of all Schengen member states; to demonstrate its capacity to issue uniform Schengen visas in order to maintain consistency within the area; to demonstrate its ability to cooperate rapidly on extraditions and cross-border pursuits with other member states and law-enforcement agencies within Police and Judicial Cooperation in order to ensure a high level of security once internal border controls were abolished; and to implement the Schengen Information System (SIS), the tool that facilitates information exchange between member states for maintaining internal security and managing borders.[7]

At the informal JHA Council in Brdo (Slovenia) on 24–25 January 2008, Romania and Bulgaria signed a *Joint Declaration on accession to the Schengen Area*, a document that established the timetable for the evaluation missions. The deadline assumed by the Romanian authorities for effective accession to the Schengen Area was March 2011.

The period 2007–2010 represents the phase in which Romania took procedural, institutional[8], legislative[9] and financial[10] measures to meet the technical criteria necessary for the removal of internal border controls with neighbouring Schengen states (Bulgaria and Hungary) and for securing the external border (with Serbia, Ukraine and the Republic of Moldova).

The Ministry of Interior and Administrative Reform became the national authority responsible for meeting all conditions necessary for Romania's accession to the Schengen Area, supported by other authorities and public institutions[11],

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[7] Nestlers, "What are the advantages of Romania becoming part of Schengen?", available at: https://nestlersgroup.com/romania-and-the-schengen-agreement-advantages/, accessed on 2.03.2026.

[8] In 2006, *the National Schengen Self Evaluation Commission* (CESN) was established as a consultative body to ensure interinstitutional coordination of national policies for effective accession to the Schengen Area; in 2007 the *Schengen Department* was set up within the Ministry of Internal Affairs, responsible for coordinating and monitoring all actions related to accession and for solving technical problems concerning the implementation of measures provided for in the Schengen Agreement. *The Romanian Interministerial Group for Integrated Border Management* was also created to ensure unified, coherent and efficient management of Romania's state border; *the National Signalling Information System* (NSIS), compatible with Schengen Information System (SIS II), which allows competent authorities to access signals concerning persons and goods via an automatic search procedure in databases in order to ensure public order and safety.

[9] In 2008 *the National Strategy on Accession to the Schengen Area for the period 2008–2011* was adopted, setting out the directions of action for accession according to a timetable; then *the Schengen Action Plan* (SAP), revised annually within the Schengen Department, as the tool for implementing the Schengen acquis; and *the National Strategy for Integrated Management of Romania's State Border*, implementing integrated management of the state border through PAS. Subsequently, other documents were adopted containing directions of action for fulfilling specific measures with a view to accession to the Schengen Area, according to a timetable and in line with strategic and specific objectives.

[10] At this stage, in order to apply the Schengen acquis, Romania benefited from *the Schengen Facility*, a financial instrument provided by the EU, supplemented by *the External Borders Fund*, with total allocations exceeding EUR 1 billion for structural investments in modernising external border infrastructure, implementing radar systems and SIS databases, and training Border Police staff.

[11] Such as: Ministry of Foreign Affairs, Ministry of Justice, Ministry of Transport, National Customs Authority, Special Telecommunications Service, Public Prosecutor's Office, Ministry of Health, National Supervisory Authority for Personal Data Processing.

and acted as the sole counterpart in relations with Schengen member states; its minister represents Romania in the Justice and Home Affairs Council (JHA).

The first political signal regarding the postponement of Romania's accession to the Schengen Area came as early as the summer of 2010, when French officials, against the background of the scandal caused by the repatriation of Roma from Romania, accused Romania of corruption at its borders, alleging that it allowed an illegal flow of migrants. This was followed by the letter of 21 December 2010 addressed to the European Commission and the EU Presidency by the Interior Ministers of France and Germany, in which they invoked issues related to justice reform, border management and asylum policy.[12]

The evaluation process of Romania was technically completed on 28 January 2011. In June 2011, Romania (together with Bulgaria) received a first positive assessment from the European Commission regarding the fulfilment of all the technical criteria for accession, which was politically supported by a majority vote of the European Parliament on 8 June and acknowledged by the European Council of 24–25 June 2011. However, at the JHA Council meeting of 9–10 June 2011, although it officially confirmed the successful completion of Romania's technical evaluation process, the Council postponed the final decision on accession to the following meeting in September 2011.

The year 2011 marks a turning point in Romania's path to the Schengen Area, despite the finding that the provisions of the Schengen acquis had been fully implemented. From this point on, the accession process became a political-diplomatic one, which would trigger further delays and blockages.[13] Member states such as France, Germany, Finland, the Netherlands and Austria invoked, at JHA Council meetings, issues concerning judicial independence, the fight against corruption, illegal migration and porous borders. All these proved to be political pretexts, unrelated to the Schengen criteria, but rather to the Cooperation and Verification Mechanism (CVM).

In September 2011, the Netherlands and Finland invoked significant shortcomings in combating corruption, ensuring judicial independence and fighting organised crime, and called for further improvements before granting full membership.[14] Due to the political opposition of these countries, which voted against accession at the JHA Council of 22 September 2011, the decision on Romania's accession to the Schengen Area was rejected in the absence of unanimity. It appeared that the decision was postponed indefinitely.

The Polish Presidency of the Council of the EU proposed a "two-stage" accession, first with air and sea borders to take place on 31 October 2011, followed

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[12] Ciprian Iftimoaei, "Hannibal ante portas. Amânările aderării României la spațiul Schengen", *Polis. Revistă de Științe Politice* ["Hannibal ante portas. The postponements of Romania's accession to the Schengen area", in *Polis. Journal of Political Science*], Vol. XII, nr. 2(44), 2024, p. 60, available at: http://revistapolis.ro/wp-content/uploads/2024/06/Polis-nr-44-BT-iun2024-1.pdf, accessed on 12.03.2026.

[13] For an extended discussion on the postponements and to find out the position of the Romanian authorities on the objections regarding Schengen entry, see Alina Bârgăoanu, *Examenul Schengen. În căutarea sferei publice europene* [*The Schengen Exam. In search of the European public sphere*], Comunicare.ro Publishing House, Bucharest, 2011, available at: http://elibrary.snspa.ro, accessed on: 12.03.2026.

[14] Stephen Castle, "Europe Denies 2 Nations Entry to Travel Zone", *The New York Times*, 22 September 2011, available at: http://www.nytimes.com/2011/09/23/world/europe/romania-and-bulgaria-are-denied-entry-to-schengen-zone.html, accessed on 10.03.2026.

by a decision on land borders to be taken no later than 31 July 2012. Subsequently, this compromise proposal failed. France and Germany, which had introduced an additional conditionality beyond the strictly technical criteria required for Schengen – results in the fight against corruption – had initially accepted this solution but later expressed their opposition to accession. At the JHA Council of 9 December 2011, the decision on Romania's accession to the Schengen Area again failed to obtain the necessary unanimity.

This was followed by another period (2012–2021) of stagnation due to the extension of political conditionalities. Although the European Commission's reports of 2014 and 2018 contained positive assessments reconfirming Romania's readiness, the Netherlands and Austria maintained their veto in order to successively postpone accession, invoking issues linked to corruption and the rule of law, interpreted as vulnerabilities for the security of the EU's external borders, arguing that a corrupt judiciary might allow the "sale" of Schengen visas or easy passage across borders by bribery. In fact, the same themes were invoked – extra-Schengen criteria. Even in 2019, during Romania's Presidency of the Council of the EU and despite the support of the European Commission, the country's accession did not obtain unanimity in the JHA Council.

Russia's invasion of Ukraine in February 2022 reshaped the geopolitical landscape and changed European security priorities. Romania, which manages the EU's longest external border with a country at war, acquired a strategic value for NATO because it had to ensure the "corridors of solidarity". One might say that although "military mobility" was not a criterion for Schengen membership, it became a strategic priority and a pro-accession argument for Romania after 2022 in the context of the war in Ukraine.

After further additional checks (9–12 October and 15–18 November 2022) to assess the application of the latest Schengen acquis and new deliberations, at the JHA Council meeting of 8 December 2022, although the Netherlands lifted its objections concerning CVM-related issues with respect to Romania, Austria's veto again blocked accession, alleging that Romania was a major transit route for illegal immigration. Romania and Bulgaria, being assessed together, again failed to accede, while Croatia obtained the green light for Schengen entry.[15] Austria claimed that migration flows crossed Romania along the "Balkan route", although data from the EU's official agency (FRONTEX) consistently showed that Romania was not on the main illegal migration route. Frontex data confirmed that the main flows of migrants to the European Union followed land routes directly through Serbia and Hungary or via North Macedonia, with Romania being a secondary route in the wider Western Balkans context.[16] By means of Vienna's veto, migration was politicised to satisfy a domestic electorate concerned about migration pressures.

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[15] Digi24.ro, "Nu intrăm în Schengen. Austria și Olanda au votat împotriva noastră" ["We are not entering Schengen. Austria and the Netherlands voted against us"], 12.12.2022, available at: https://www.digi24.ro/stiri/externe/ue/ministrul-austriac-de-interne-astazi-voi-vota-contra-extinderii-schengen-cu-romania-si-bulgaria-2177591, accessed on 2.03.2026.

[16] FRONTEX, "EU's external borders in 2022: Number of irregular border crossings highest since 2016", 13.01.2023, available at: https://www.frontex.europa.eu/media-centre/news/news-release/eu-s-external-borders-in-2022-number-of-irregular-border-crossings-highest-since-2016-YsAZ29, accessed on 2.03.2026.

Thus, in 2022, concerns about intra-EU mobility of large numbers of asylum seekers imposed additional criteria on Romania's path to Schengen.[17] In reality, Austria invoked the dysfunctionality of the entire Schengen system in the Council, using Romania as a lever to pressure the European Commission into reforming asylum policy. On that occasion, the Council decided to implement pilot projects for asylum policy and border management in order to obtain Austria's approval, as well as staggered/partial accession in two stages for Romania.

A brief technical/objective analysis highlights the following points:

Although the criterion concerning *control of the external borders*, which required equipping them with radar systems, thermal imaging, modern naval and land equipment, had been met by Romania, the Netherlands and Austria maintained that "borders are porous" and alleged acts of corruption at customs points.

With regard to *police and judicial cooperation*, Romania had integrated all EU security data/digital systems, which meant interoperability for European agencies, but fears were voiced that sensitive databases could be accessed by organised crime groups.

Although Romania had aligned its *visa policy* (for short-stay visas) with EU standards, countries linked the fulfilment of this Schengen criterion to the CVM (judicial reform), even though legally they are separate processes.

On *migration management*, Romania had the capacity to process asylum applications in accordance with the Dublin III Regulation and had also implemented digital technology and AI-based monitoring, which led to a reduction in illegal migrant flows, yet Austria claimed that migrants were crossing Romania along the "Balkan route".

Although the extension of the Schengen Area was not initially on the agenda of the JHA Council of 4–5 December 2023, after intense negotiations an extraordinary meeting of the Council was convened on 30 December 2023, where *the Decision on the full application of the Schengen acquis in Romania* was adopted, which meant a partial Schengen accession for Romania. The "Air and Sea Schengen" agreement abolished controls at air borders (airports) and sea borders (ports on the Black Sea) between Romania and Bulgaria, and between them and other Schengen countries starting on 31 March 2024, while land internal borders continued to be controlled.[18]

After this first stage of partial integration into the Schengen Area, between August and December 2024 Romania gradually implemented new digital technologies, the AI Act and the Entry/Exit System (EES), based on risk analysis and biometric databases needed to secure the external border. These provided additional digital guarantees for the external border, demonstrating to European partners the effectiveness of the "digital border".

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[17] The European Parliament's Committee on Civil Liberties, Justice and Home Affairs, "An Assessment of the State of the EU Schengen Area and its External Borders. A Merited Trust Model to Uphold Schengen Legitimacy", May 2023, pp. 98–102, available at: https://www.europarl.europa.eu/thinktank/en/document/IPOL_STU(2023)737109, accessed on 2.03.2026.

[18] "Decizia nr. 2024/210 privind aplicarea integrală a dispozițiilor acquis ului Schengen în Republica Bulgaria și România" ["Decision No. 2024/210 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania"], in *Official Journal of the European Union*, RO Series L, 4.1.2024, available at: https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=OJ:L_202400210, accessed on 2.03.2026.

On 12 December 2024, the JHA Council adopted the *Decision on the lifting of internal land border controls with Bulgaria and Hungary*, completing the process of Romania's integration into the Schengen Area, which had started 18 years earlier. Thus, Romania became a full member of the area of free movement as of 1 January 2025, from which date persons can travel to and from other EU/EEA/CH member states (except Cyprus and Ireland) without being subject to border checks.[19]

Romania's state border is approximately 3,150 kilometres long and covers all types of borders: land, sea and air. As of 1 January 2025, Romania manages 2,070 km of the EU's external borders, of which 1,845 km are land borders and 225 km maritime borders. It is the second-longest external border and accounts for 16% of the length of the EU's external borders (and is also a NATO security border), separating Romanian territory from that of Ukraine, the Republic of Moldova and Serbia, with maritime borders (on the Black Sea), river borders (on the Danube) and the River Prut.[20]

From 1 January 2025, border checks were abolished at 11 road borders-crossing points, 3 rail border-crossing points and 7 port crossing points at the Romanian-Bulgarian border; at the Romanian-Hungarian border for 12 road and 5 rail border-crossing points; and on the internal section of the Danube for 2 port border-crossing points.[21]

The 2025 integration represents a recognition that Europe's security can no longer rely on political blockages, but on a fluid and technologically enabled border infrastructure. This "Odyssey" of Romania's accession to the Schengen Area shows that the delay in Romania's accession was not caused by a lack of preparedness, but by the EU's inability to separate technical evaluation from the national electoral agendas of member states. The analysis of the political blockages highlights the "double standard" Romania faced through the phenomenon by arbitrary extension of the criteria used by veto-wielding states to delay integration for 14 years. The political pretexts used to postpone accession highlight the politicised nature of the accession process and a breach of the principle of legal certainty.

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19 "Decizia nr. 3212/2024 a Consiliului UE privind eliminarea controalelor asupra persoanelor la frontierele terestre cu și în Republica Bulgaria și România începând cu data de 01.01.2025" [Decision No. 3212/2024 of the Council of the EU on the lifting of controls on persons at land borders with and in the Republic of Bulgaria and Romania as of 01.01.2025], *Official Journal of the European Union*, L, 23.12.2024], available at: https://eur-lex.europa.eu/legal-content/RO/ALL/?uri=CELEX:32024D3212, accessed on 2.03.2026.

20 Iulian Moșneagu, "România, complet în Spațiul Schengen. Fără controale la granița cu Bulgaria și Ungaria. Ce înseamnă pentru business intrarea completă în Schengen?" ["Romania, completely in the Schengen Area. No border controls with Bulgaria and Hungary. What does full entry into Schengen mean for business?"], 31.12.2024, available at: https://www.mediafax.ro/economic/romania-complet-in-spatiul-schengen-fara-controale-la-granita-cu-bulgaria-si-ungaria-ce-inseamna-pentru-business-intrarea-completa-in-schengen-22629775, accessed on 12.03.2026.

21 "Strategia Națională de Management Integrat al Frontierei de Stat a României 2023–2027" ["National Strategy for Integrated Management of the State Border of Romania 2023–2027"], p. 6, available at: https://www.politiadefrontiera.ro/files/docu/1686826248374-snmifs20232027ptpresa.pdf, accessed on 20.03.2026.

This "Odyssey" illustrates how the national political interests of some EU member states prevailed over Community rules, confirming that the intergovernmentalism perspective dominates the European integration process. We thus move on to the next section, in which we discuss the successive postponements of Romania's Schengen accession from a theoretical perspective.

Romania's Accession: Between Functional Logic and Intergovernmental Blockages

Romania's accession to the European Union in 2007 triggered an integration process which, from the neofunctionalism perspective, should have led to a natural spill-over effect towards the extension of the Schengen Area. In Romania's case, however, the 18-year wait for full integration highlighted the limits of this functional logic and the manifestation of liberal intergovernmentalism. In this paradigm, the technical decision was subordinated to the political interests of certain member states which used their veto as an instrument of negotiation and electoral politics, in order to introduce extra-Schengen criteria and thus block Romania's accession for a long period.

Romania's obstacle-strewn path towards full integration into the Schengen Area can be seen as a paradox due to the dissonance between the fulfilment of the technical criteria and the political will of some member states. This paradox shows that accession to Schengen is not only an administrative process, but also a confrontation between two of the most important theories of European integration, namely between the logic under which Community institutions operate and the strategic interests of national states.

We therefore propose to explain Romania's "political blockage" in Schengen accession from a theoretical perspective. We will interpret the empirical data already presented in the previous section through the lens of three schools of thought: *neofunctionalism*, to assess whether the economic spill-over effect holds in the extension of the area of free movement; *liberal intergovernmentalism*, to decode the use of the veto by member states; and *the securitisation theory* of the Copenhagen School, to understand how migration was politically instrumentalised to postpone accession.

Neofunctionalism is one of the most important theories of European integration, developed by Ernst B. Haas, who argues that integration in a specific sector generates functional pressure for integration in other sectors, a process known as spill-over.[22] Thus, integration in the economic field leads inevitably to the need for integration in related areas, such as the free movement characteristic of the Schengen Area in this case. Applied to Romania, neofunctionalism would have implied that EU accession and, automatically, participation in the Single Market – which created a massive flow of goods and capital – should naturally have

[22] Ernst B. Haas, *The Uniting of Europe: Political, Social and Economic Forces*, 1950–1957, Foreword by Desmond Dinan, New Introduction by Ernst B. Haas, Notre Dame, Indiana, University of Notre Dame Press, 1968, p. 297 and pp. 283–298, available at: https://www.europarl.europa.eu/100books/file/EN-H-BW-0038-The-uniting-of-Europe.pdf, accessed on 10.02.2026.

resulted in the removal of internal borders in order to ensure *the four fundamental freedoms*. According to neofunctionalism, this economic success should have spill-over naturally into the political integration process concerning the elimination of borders in order to streamline and speed up transport. In reality, however, this mechanism was interrupted by external political factors, which showed that economic logic is not always sufficient to secure political integration. In other words, functional logic can be suspended when sensitive areas of national sovereignty are at stake, such as border security, control of migration flows[23] and even the need for common security in the face of the war on the EU's eastern external border.

By contrast, *the theory of liberal intergovernmentalism*, promoted by Andrew Moravcsik, holds that nation-states remain the dominant actors and that integration advances only if it serves the economic and political interests of the most powerful member states.[24] Intergovernmentalism therefore places nation-states at the centre of European decision-making, eliminating the neofunctionalism spill-over effect. The 14-year blockage of Romania's accession represents precisely the empirical confirmation of intergovernmentalism theory. Member states such as the Netherlands and Austria used their veto and the unanimity rule applied to decisions within the JHA Council to postpone Romania's accession and respond to domestic political pressures. The veto thus became an instrument of power and bargaining, through which national governments protected their electoral capital in the face of populist and anti-immigration currents, ignoring the legal obligations assumed at Community level, to the detriment of the collective European interest.

From the intergovernmentalism point of view, Romania was not blocked for technical reasons, but because the national interest of certain member states did not coincide, for a long period, with the extension of the Schengen Area's borders.

The third essential theory that can explain the last postponement of Romania's accession is *securitisation theory*, developed by Barry Buzan and Ole Wæver, members of the Copenhagen School. According to them, *securitisation* is the process by which a political actor presents a problem as an existential threat to the survival of the state, thereby justifying extraordinary measures or the suspension of normal rules.[25] Applied to Romania, this theory explains the final postponement of its accession to the Schengen Area, to which another EU member state contributed. In the period 2022–2023, Austria (the political actor) claimed that Romania was the source of illegal migration on the "Balkan route" (migration being the problem representing an existential threat), arguing that Romania's migration control system was dysfunctional because of the high number of asylum seekers at the external border, in order to justify blocking accession to the Schengen Area by a negative veto in the JHA Council (the veto being the extraordinary measure/suspension of normal rules).

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[23] A. Niemann, Z. Lefkofridi, P. C. Schmitter, "Neofunctionalism", in A. Wiener, T. A. Börzel, T. Diez (eds.), *European Integration Theory*, 3rd ed., Oxford, Oxford University Press, 2019, p. 54.

[24] Andrew Moravcsik, *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, Ithaca, Cornell University Press, 1998, pp. 18–24.

[25] Barry Buzan, Ole Wæver, Jaap de Wilde, *Security: A New Framework for Analysis*, Boulder–London, Lynne Rienner Publishers, 1998, p. 21 and pp. 23–26.

This discursive process emanating from Vienna explains how migration was transformed from an administrative problem into an existential threat to national and European security. The impact was that, by "securitising" the Balkan route, the state opposing Romania's accession managed to justify the political blockage as a measure of "self-defence" for the Schengen Area, even though it had been demonstrated that Romania was not the main source of the migration flows invoked.[26] Through this lens, Romania was transformed from a partner state into a potential vulnerability, being left to wait even longer.

One consequence of the refusal to integrate Romania into the Schengen Area for 14 years was the creation of a "second-class citizenship" system. It should also be noted that fragmenting Romania's integration into two stages (differentiated integration) cast doubt on the principle of equality between member states within the Union and forced the Romanian state to modernise its border infrastructure with AI-based technological systems at an accelerated pace.

We have thus shown that economic logic / the spill-over effect did not function in the case of extending the area of free movement because of the use of the political veto as an instrument of power and national interest, which allowed the creation of an intergovernmental blockage. And the transformation of migration into an existential threat through securitisation theory to justify postponement was also a tool of political blockage. Romania's accession case therefore reflects the dissonance between the technical compliance established by the European Commission and the political decisions voted in the JHA Council, transforming a legal obligation assumed under the EU Accession Treaty into a variable of the internal politics of member states.

In conclusion, Romania's "Odyssey" in relation to Schengen confirms intergovernmentalism theory, according to which the national political interests of older member states prevailed over Community rules, blocking Romania's accession process for more than a decade.

"Smart Borders" and New Security Challenges

At EU level, the border concept has gradually evolved from a physical barrier (fences and human personnel) to the "smart border" (digital and algorithmic), a change imposed by the hybrid threats of the twenty-first century, without compromising the fundamental values of the Union.

The European Union has modernised and digitalised the management of its external borders by introducing the "smart borders" system, which replaces manual passport stamping with an automated system (automatic registration of biometric data and digital identity) to provide accurate monitoring and enhanced security in managing traveller flows and cyber-attacks on SIS II databases. The main components of this "smart borders" system is the *Entry/Exit System* (EES) and *the European Travel Information and Authorisation System* (ETIAS).

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[26] See FRONTEX, "Annual Risk Analysis 2022–2023", available at: https://www.frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/risk-analysis/risk-analysis/, accessed on 20.03.2026.

EES is an IT system created in 2017 that has been automated to record biometric data (fingerprints and facial images) of third-country nationals who cross the EU's external borders for a short-term stay (up to 90 days within a 180-day period), thus replacing the traditional passport stamping.[27] Implementation of this system lies with Frontex.[28] The system started operating on 12 October 2025, and participating European countries are required to implement it gradually and progressively at their external borders by 9 April 2026, becoming fully operational from 10 April 2026 at the external border-crossing points of the European countries using the system.[29]

ETIAS is also an IT system that requires a compulsory electronic travel authorisation (a pre-authorisation) for visa-exempt third-country nationals before travelling to the Schengen Area and Cyprus. Scheduled to become operational in 2026, this system will check security, migration or public health risks before travellers arrive and aims to increase internal security and reduce waiting times at borders. The entire ETIAS ecosystem consists of the ETIAS Central Unit, operating 24/7, hosted and operated by Frontex; the ETIAS National Units located in 30 European countries (the 29 Schengen member states and Cyprus); and the large-scale information systems developed and maintained by eu-LISA (European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice).[30]

To support smart borders, it is necessary to ensure interoperability between the databases of the two systems, i.e. the ability of these databases to "communicate" with each other in order to detect multiple identities or security risks. From a security perspective, these smart systems allow rapid identification of persons who exceed their legal period of stay (overstayers) and help combat terrorism through cross-checks in criminal databases, while also reducing waiting times at checkpoints via the use of automated gates (e-gates).

The EU and its member states had already created other operational tools to help police and customs authorities across the Union cooperate in protecting citizens, countering external threats, managing migration and securing external borders, in order to ensure the security of the Schengen Area. The most relevant IT tools are the Schengen Information System (SIS) and the Visa Information System (VIS). SIS I was upgraded in 2013 with additional technological functionalities and renamed SIS II. In November 2018, SIS II was renewed with new alerts,

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[27] "Regulamentul (UE) 2017/2226 al Parlamentului European și al Consiliului din 30 noiembrie 2017"; "Regulamentul (UE) 2025/1534 al Parlamentului European și al Consiliului din 18 iulie 2025 privind punerea în funcțiune treptată a Sistemului de Intrare/Ieșire" ["Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017" and "Regulation (EU) 2025/1534 of the European Parliament and of the Council of 18 July 2025 on the gradual deployment of the Entry/Exit System"], available at: https://eur-lex.europa.eu/eli/reg/2017/2226/oj/eng and https://eur-lex.europa.eu/eli/reg/2025/1534/oj/eng, accessed on 10.03.2026.

[28] The European Agency for the Management of Operational Cooperation at the External Borders, responsible for implementing the EU's smart borders strategy in coordination with member states.

[29] European Union, "Sistemul de intrare/ieșire (EES)" [The Entry/Exit System], available at: https://travel-europe.europa.eu/ro/ees or https://travel-europe.europa.eu/ro/ees/faq#what-progressive-start-EES-mean, accessed on 10.03.2026.

[30] FRONTEX, "ETIAS/EES", available at: https://www.frontex.europa.eu/what-we-do/etias-ees/about-etias/, accessed on 12.03.2026.

updated data and improved functionalities (biometric data, processing of data required for the execution of European arrest warrants and return decisions issued by member states with respect to third-country nationals residing illegally in a Schengen state), becoming operational in 2023.[31]

Operationally, SIS II is the most important cooperation tool for border, immigration, police, customs and judicial authorities in the EU and associated Schengen countries, as well as the most used and largest information-sharing system for security and border management in Europe. Thus, SIS II plays a key role in compensating for the abolition of internal border controls and facilitates the free movement of persons in the Schengen Area.

The Schengen Borders Code, adopted in 2006 (which ensures the proper functioning and security of the Schengen Area by facilitating the free movement of persons while maintaining effective controls at the external borders) and amended several times, underwent a major reform completed in May 2024. This update was necessary to strengthen the Schengen Area's resilience to serious threats, such as illegal immigration, public health emergencies, instrumentalization of migrants and terrorist threats, and to integrate smart borders. It constitutes the necessary legislation for the full functioning of the EES and ETIAS systems without infringing the right to free movement.[32]

Another instrument is *the Artificial Intelligence Act* (AI Act), adopted in June 2024 and in force since August 2024, which lays down regulations on managing the risks associated with AI while maintaining innovation in the EU. The AI Act adds a layer of protection of fundamental rights to the technical control rules of the Schengen Borders Code. It restricts AI-based video surveillance and prohibits social scoring, thus preventing discrimination based on race, religion or gender.[33]

The link between the AI Act and "smart borders" lies in the classification of AI systems used at borders. Unlike conventional technical regulations, the AI Act uses a risk-based approach with four categories (unacceptable, high, limited and minimal), and the higher the risk generated by an AI system to fundamental rights, the stricter the rules. This means that technologies used by Frontex or national border police (for assessing security risks or verifying the authenticity of documents) must be transparent and traceable, supervised by humans (no 100% automated decisions) and tested to avoid bias (discrimination based on race or origin).

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[31] European Commission/Migration and Home Affairs, "Schengen Information System", available at: https://home-affairs.ec.europa.eu/policies/schengen/schengen-information-system_en, accessed on 30.03.2026.

[32] "Regulamentul (UE) 2024/1717 al Parlamentului European și al Consiliului din 13 iunie 2024 de modificare a Regulamentului (UE) 2016/399 cu privire la Codul Uniunii privind regimul de trecere a frontierelor de către persoane" [Regulation (EU) 2024/1717 of the European Parliament and of the Council of 13 June 2024 amending Regulation (EU) 2016/399 on the Union Code on the rules governing the movement of persons across borders], available at: https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=OJ:L_202401717, accessed on 20.03.2026.

[33] "Regulamentul (UE) 2024/1689 al Parlamentului European și al Consiliului din 13 iunie 2024 de stabilire a unor norme armonizate privind inteligența artificială și de modificare a Regulamentelor anterioare" ["Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending previous Regulations"], available at: https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=CELEX:32024R1689, accessed on 20.03.2026.

Over the long course of Schengen accession, Romania had to keep pace with technological advances in border security. In the context of successive postponements of accession, Romania was forced to develop advanced resilience by integrating state-of-the-art surveillance technologies and artificial intelligence, which can also be seen as a guarantee for changing the perception of Romanian borders among those European states that had opposed accession.

Romania has implemented all the functionalities offered by SIS I and II, using AI algorithms to correlate alerts at European level. The Romanian Border Police has also successfully implemented EES and ETIAS, which use AI to correlate biometric data (fingerprints and facial images) from different databases; these systems have been operational since 12 October 2025 and were subsequently deployed at all border-crossing points. By implementing these systems, Romania has demonstrated that it can monitor in real time any overstays and identify multiple identities, thereby eliminating the argument of porous borders previously invoked by the Netherlands.

Romania has adopted the standards laid down in the European Regulation on Artificial Intelligence (AI Act), fully applicable from August 2026 (respecting ethical limits, human supervision and the prohibition of emotion detection for any algorithmic decision). Being responsible for one of the EU's longest external borders (over 2,000 km), Romania must balance critical security at the border with Ukraine and Serbia against the new restrictions on digital rights and modernise the border-crossing points with "high-risk" AI by equipping the main border checkpoints with systems for automatic number-plate recognition and facial recognition for verifying biometric documents. In the context of the conflict at the border, Romania uses state-of-the-art drones and AI-equipped motion sensors at the border with Ukraine to detect illegal crossings in mountainous or river areas.[34] The impact of implementing smart border systems on the operational capacity of the Romanian Border Police provides increased resilience for the eastern flank after accession.

If in 2011 trust between member states was of a political nature and relatively fragile, in 2025 implementing cutting-edge technological systems have "solved" the political fears of Western states, becoming the ultimate argument that overcame the political reluctance and blockages that had persisted for 14 years.

Romania's "Odyssey" ended, coincidentally or not, when technology offered European partners the guarantee that Romania's external border is not just a line on the map, but a secure digital ecosystem capable of responding to the hybrid threats of the twenty-first century. Extending the area of free movement eastwards is no longer merely an act of political fairness, but a strategic imperative for resilience in the face of hybrid threats and migration pressures in the context of the conflict in Ukraine.

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[34] "Poliția de Frontieră Română utilizează drone pentru supravegherea frontierei și combaterea infracționalității transfrontaliere" ["The Romanian Border Police uses drones for border surveillance and combating cross-border crime"], 30.11.2025, available at: https://www.politiadefrontiera.ro/, accessed on 20.03.2026.

The Impact of Romania's Integration into The Schengen Area

Beyond the main benefit – the freedom of movement for Romanian and European citizens without being subject to border checks –, Romania's integration into the Schengen Area has produced multiple positive consequences in the economic, security and social cohesion fields.

The advantages of eliminating border controls for Romania are primarily economic and commercial, as they facilitate and accelerate the circulation of goods and services and offer access to new opportunities within the European single market. The lifting of land borders means lower transport costs for Romanian businesses and the removal of long waiting times at the borders with Hungary and Bulgaria (which frequently exceeded 12–24 hours for lorries at border-crossing points such as Nădlac II or Giurgiu–Ruse), resulting in savings in logistics costs and increased competitiveness for Romanian products on the European market.[35]

Another positive aspect of membership of this area is the attraction of foreign direct investment (FDI) in the manufacturing sector and in distribution centres, which stimulates additional economic growth for Romania.[36] In addition, the removal of border controls boosts the country's tourism sector and brings other commercial benefits essential for social cohesion.

In environmental terms, eliminating the kilometres-long queues of lorries idling at the land borders with Hungary and Bulgaria has led to a massive reduction in CO2 emissions and aligns Romania with the sustainable objectives laid down in *the EU's Green Deal*.

Beyond the figures, the removal of land border barriers brings equality of status, ending the perception of "second-class citizenship". The elimination of humiliating queues at land border-crossing points has strengthened citizens' confidence in the European project and in the principle of equality among member states. Romanian citizens now enjoy the same dignity in freedom of movement as citizens of the founding states, which leads to a significant decline in anti-European and populist discourse.

From a security perspective, Romania assumes responsibility for protecting the segment of the EU's external border that it directly manages. It must be ready to take the necessary security measures even amidst challenges, in order to support regional and European security, and thus the safety of its own citizens and of those transiting the country. As a state at the EU's external border, Romania must effectively address future risks arising from the removal of checks and be prepared to face situations in which temporary border controls will have to be reintroduced in response to security threats or migration pressures.[37]

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[35] I. Moșneagu, *loc. cit.*

[36] Nestlers, *loc. cit.*

[37] Nina Cullen, "A New Chapter for Schengen", European Studies Review, Platform for young voices and ideas on a contemporary Europe, 19.12.2024, available at: https://europeanstudiesreview.com/2024/12/19/a-new-chapter-for-schengen/, accessed on 20.03.2026.

Moreover, in the context of the war in Ukraine and hybrid security threats, the Schengen Area has acquired a critical (military) security dimension, referred to in academic circles as "Military Schengen".[38] Romania plays an essential role in ensuring the rapid movement (without bureaucratic stops at borders) of troops and heavy equipment of allies from bases in Western Europe (Germany or Poland) to the Eastern Flank, which is crucial for strategic deterrence.

Thus, Romania's full integration into the Schengen Area does not only offer travel facilities, but represents an essential tool of economic and security resilience for the entire European Union in the face of the complex challenges of the twenty-first century.

Final Conclusions

This integration "Odyssey" has turned Romania into a case study both because of the political blockages maintained by the unanimity voting mechanism within the JHA Council and from the perspective of differentiated integration. Romania's integration process into the Schengen Area has been more than a simple process of administrative and technical alignment; it has also been a stress test for the decision-making architecture of the European Union.

The theoretical analysis helped us to assess that, from the neofunctionalism perspective, Romania's successful economic integration did not generate that natural spill-over effect towards common border security in the pre-accession period to the Schengen Area. Reality has shown the prevalence of liberal intergovernmentalism, according to which the decision-making process based on unanimity within the JHA Council allowed some member states to use the veto as a tool of domestic politics, thereby temporarily suspending the rights and obligations of another member state. Furthermore, the securitisation of migration and cross-border crime, redefined as existential threats in order to justify postponement, transformed a technical evaluation – declared positive by the European Commission as early as 2011 – into an arbitrary political negotiation, artificially prolonging the "second-class citizenship" status of Romanian citizens.

The political blockage experienced by Romania during the pre-accession period generated a "legitimacy crisis" for the unanimity rule in the JHA Council, undermining confidence in the principle of *pacta sunt servanda* (agreements must be kept) at Community level and in the principle of equality between member states enshrined in the EU Treaties. This "externalisation" of national political problems onto a partner state (Romania) raises ethical and legal questions about the limits of sovereignty within a union based on solidarity, risking fragmentation of European cohesion precisely at times of geopolitical crisis. Romania's case has shown that the obligation assumed by a candidate state must be matched by a good-faith obligation on the part of member states in order for integration to be possible.

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[38] Digi24.ro, "UE face un pas important spre "Schengenul militar". Ce înseamnă pentru cetățeni și pentru apărarea Europei" ["The EU takes an important step towards 'Military Schengen'. What it means for citizens and for Europe's defense"], 19.11.2025, la: https://www.digi24.ro/stiri/externe/ue/ue-face-un-pas-important-spre-schengenul-militar-ce-inseamna-pentru-cetateni-si-pentru-apararea-europei-3510443, accessed on 20.03.2026.

If the Schengen Area is to survive the challenges of the 21st century, the EU must move towards more flexible voting mechanisms (qualified majority), preventing fundamental rights from becoming bargaining chips in the domestic politics of some member states. Such a shift would protect states that meet their obligations (as in Romania's case) from being blocked by the national political agendas of other member states and would restore the balance between state sovereignty and the collective (legal) obligation to comply with signed treaties.

The successive postponements of accession forced Romania to modernise its border infrastructure at an accelerated pace by integrating state-of-the-art surveillance technologies in full accordance with the new EU AI Act, overcoming the political reluctance of the states that had voted against accession and transforming the perception of Romanian borders. Romania joins the Schengen Area not only as a beneficiary of free movement, but as a critical provider of technologized security, demonstrating that a well-managed external border through technology is the best guarantee of Europe's internal freedom. In the new twenty-first-century security paradigm, technological cooperation and data sharing (SIS II, EES) become the pillars that guarantee freedom of movement without compromising the Union's collective security.

Our analysis has confirmed the hypothesis that the unblocking of Romania's accession was the result of a change in the geopolitical paradigm, in which regional security imperatives (hybrid threats and NATO's need for military mobility in the context of the war in Ukraine) were supported by technological and digital guarantees through the implementation of "smart borders". The completion of Romania's integration as of 1 January 2025 marks the end of an "Odyssey" that redefines European security through the lens of technology and strategic/geopolitical necessity, as well as the end of a period of "differentiated integration", removing the stigma of second-class citizenship. Romania has evolved from the status of a politically conditioned candidate state to that of a strategic provider of digital and physical security for the entire Schengen area, capable of responding to the hybrid threats of the 21st century.

In conclusion, one year after integration, Romania is not only a member of the Schengen Area but a strategic pillar of digital and physical security.

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