

Austria vetoes Romania and Bulgaria entering Schengen

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The EU's Justice and Home Affairs Council backed the entry of Croatia into the Schengen zone on 8 December, but refused to allow Bulgaria and Romania to join. Their candidacies were blocked by Austria (the admission of new members requires unanimity), and in addition the Netherlands expressed its opposition to Bulgaria's accession. The Council's decision came despite the European Parliament's and the European Commission's support for the entry into Schengen of all three countries in October and November respectively. Austria justified its decision in terms of its concerns about the rising tide of illegal migration through the territories of Bulgaria and Romania. Austria, which is surrounded by Schengen countries, blames the state of affairs on a malfunctioning control system at the zone's external borders; it argues that until the zone is properly sealed, it should not expand. The Netherlands opposed Bulgaria's accession citing the country's problems with the rule of law, corruption and organised crime.

The Council's decision provoked a strong outcry from both political elites and the public in Romania, which is more advanced in the reform process than Bulgaria, and which does not lie on major migration routes. Reactions from Bulgaria were more subdued, and politicians there avoided open criticism of Austria and the Netherlands. The postponement of the decision to join Schengen is fuelling political forces in both countries that are sceptical of the EU and claim a lack of solidarity from their Western partners, especially in the face of the growing economic and security challenges for these countries which Russia's invasion of Ukraine triggered.

Agitation in Romania

Romania has been seeking to join the Schengen area since joining the EU, and had expected to gain membership in early 2023. In recent weeks Bucharest has managed to overcome resistance from the Netherlands, which has opposed Romania's accession for many years (as recently as 20 October the Dutch parliament passed a resolution calling on the government to block the expansion of the zone to include Romania and Bulgaria). One of the Dutch arguments was that since joining the EU in 2007 both Bulgaria and Romania are still under the so-called Cooperation and Verification Mechanism (CVM), under which the EC monitors their progress on judicial reform and the fight against corruption. On 22 November, however, the Commission welcomed Romania's efforts in this area and announced the start of the process of excluding this country from the CVM, which contributed to a change in the Dutch position.

In contrast Vienna, which was still in favour of joining Romania to the zone in mid-November, unexpectedly announced it was now vetoing the issue. Bucharest received the

Austrian argument regarding problems with illegal border crossings with astonishment and incomprehension. Vienna argues that around 20,000 of the 75,000 migrants who have recently reached Austria have passed through Romania, but according to Bucharest, the Austrian government has not provided reliable evidence to support these figures. Romania explains that only about 3% of illegal migrants have reached the Schengen area through its territory (as the main route runs through Bulgaria, Serbia and Hungary). President Klaus Iohannis called Vienna's attitude "profoundly unfair, regrettable and unjustified", and a threat to the unity and cohesion of the EU, which the community "particularly needs in the current geopolitical context". Prime Minister Nicolae Ciucă called the decision "humiliating", while the Romanian foreign ministry summoned the Austrian ambassador. A few days later the MFA also summoned its ambassador to Austria, Emil Hurezeana, for consultations. Against this backdrop, on 13 December Marcel Ciolacu, president of the Chamber of Deputies and leader of the co-ruling Social Democratic Party (PSD), suggested that Bucharest might block Austria's efforts to put forward a candidate for the OSCE presidency in 2024; however the next day President Iohannis toned down these announcements.

In reaction to Vienna's decision, there were calls in Romanian media and business circles for a boycott of Austrian companies with a strong presence in the country. Rareș Bogdan, an MEP for the co-ruling Liberal-National Party (PNL), asked state-owned companies (including energy giants such as Romgaz and Hidroelectrica) to close their accounts with banks owned by Austrian capital such as Erste and Raiffeisen (although representatives of the Romanian subsidiaries of these institutions openly criticised Vienna's stance). On 13 December CNAIR, Romania's state-owned public road management company, announced it was closing its accounts with these banks.

The blocking of Romania's accession to Schengen will help to reinforce the long-dormant but growing Eurosceptic sentiment in the country in recent years, and will also boost the popularity of national and conservative parties such as the Alliance for the Union of Romanians (AUR), which is currently polling at around 12%. While the arguments about problems with the rule of law have long been received by the public with some understanding, Austria's reservations about the alleged mass transit of migrants through Romania are widely treated as unfounded. Refusing access to Schengen will deepen the feeling among Romanians of being a 'second-class' member of the community (according to polls, 70-80% of Romanian people have this impression), will strengthen AUR's position, and will also push the main parties (above all the ruling PNL and PSD) to take a more assertive, critical stance towards the EU.

Disappointed and conciliatory Bulgaria

Bulgaria received the EU decision with disappointment, but the reactions of the Bulgarian political class to the blocking of the country's entry into the Schengen area have been more subdued than in Romania. Accession hopes were much lower owing to Dutch opposition, the upholding of the CVM, and high-profile incidents involving migrants, smugglers and border guards on the Bulgarian-Turkish border. President Rumen Radev and the interim government in power since August this year have assessed the Council's decision negatively, and described it as politically motivated. However, they have avoided direct criticism of the Netherlands and Austria, presumably in the hope they will change their attitudes over the coming months. Both Bulgaria's president and prime minister are focused

on the goal of joining Schengen later in 2023. They have promised to improve border protection and tackle illegal migration more effectively. Radev has announced that resistance from opponents of accession will be overcome by parliament's passage of laws on anti-corruption and justice reform, including the activity of the prosecutor general (to be addressed by parliament in January 2023).

Reactions from the Bulgarian media and public have been similarly moderate, expressing seeming reconciliation to yet another postponement of joining Schengen. In addition, public debate is currently centred around the protracted stalemate over the appointment of a new government following the October elections. A small demonstration in favour of joining the zone was organised in front of the parliament in Sofia by the centrist Democratic Bulgaria party. According to a recent survey, 46% of citizens consider the issue of Schengen membership important, while 15% view it as unimportant.

Bulgaria is also less advanced in its implementation of reforms. Although the European Commission ceased to publish periodic reports on its progress under the CVM in 2019, it has not decided to exclude it definitively from the mechanism. The leaky border with Turkey also remains a significant problem. According to the Bulgarian interior ministry, double the number of attempts to cross it illegally (85,000 against 41,000) were recorded during the summer months of 2022 compared to the whole of 2021. Smuggling groups and human traffickers are still very active at this border. Serious criminal incidents also occur there, such as the murder of a Bulgarian border police officer in November this year, who died after being shot by members of a criminal group involved in robbing migrants (the shots were fired from the Turkish side of the border).

However, postponing Bulgaria's accession will strengthen anti-EU and pro-Russian sentiment, including support for the nationalist Revival party, which has been present in parliament since 2021. Blocking entry to Schengen undermines the legitimacy of the pro-European course which most of the mainstream parties have adopted (GERB, We Continue the Change, Democratic Bulgaria, and to some extent the Bulgarian Socialist Party and Bulgarian Rise). So far, they have stated that joining the zone and introducing the euro are their main political goals. Bulgaria has already moved relatively far down this path: it was admitted to the ERM-II corridor in 2020, the lev's exchange rate has been pegged to the euro, and the adoption of the single currency is planned for 2024.

Conclusions

The support from EU countries for Croatia's entry into the Schengen area (1 January), while at the same time not consenting to Romania and Bulgaria joining, is creating disillusionment at the process of European integration in these two countries. It also deepens the feeling that they remain 'second-class members', especially as they – like Croatia, a country with less seniority in the EU – have now met all the formal requirements for membership. Misunderstanding of and frustration with the decision is particularly prevalent in Romania, which is more advanced in its judicial reforms, and where accession hopes had been boosted in recent weeks by the conclusion of the CVM procedure and the Netherlands' abandonment of its long-standing veto on the issue.

From a broader perspective, the bitterness felt by Romania and Bulgaria has been heightened by the fact that these countries, located on the eastern flank of the EU and NATO, are bearing significant costs from the Ukraine-Russia war. If the resistance of the

sceptical member states is not overcome in the coming months, there could be a weakening of reform efforts (especially in Romania) and a strengthening of anti-Western and pro-Russian voices (especially in Bulgaria).