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## **THE EU INTERNAL MARKET NEEDS MUCH BETTER GOVERNANCE OF THE SCHENGEN SYSEM**

### **Abstract:**

The paper is dealing with one of the currently most controversial issues in the EU regarding the protection of the external borders of the EU and thus also the EU internal market in the form of the so-called Schengen external border of the Union. On the one hand it is very difficult for the EU new member states to become a part of the Schengen border protection system like it is still the case of Romania or Bulgaria as it requires a lot of effort and investments into the latest smart ICT technology and all various other technical but also organizational and personnel requirements. But on the other hand, right now we have been witnessing a real disastrous situation on the southern and to some extent still also on the eastern flanks of the Schengen border where thousands of illegal immigrants especially from Africa and Asia are daily illegally entering the territory of the EU in spite of all protection provided by the latest smart surveillance and controlling ICT technology. However, by a certain paradox in many cases these illegal immigrants are entering the EU territory on the principles of International law on humanitarian assistance to people in life threatening situation at open seas. But at the same time the Frontex costal guards are not taking any action against the human traffickers who as human smugglers made huge money collected from those illegal immigrants. Thus they are on both sides of these illegal immigration to the EU violating any elementary principles of the other kind of the International laws i.e. on the fight against human trafficking as a part of the international crime. The paper in more details will be dealing with this evident paradox between the utilization of the latest ICT technology vis-a-vis humanitarian aspects of International humanitarian law, but also the International law on the fight against the human trafficking as an act of the international crime. .

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### **Keywords:**

the Schengen area, the Schengen external border of the EU, Smart ICT, SIS – SCHENGEN Information System

**JEL Classification:** F02, F15, F22