

Do we need more Europe?

Philosophy, Economics and Politics: Current Debates 2019
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Introduction

The EU migrant crisis is an example of an agenda where the European Commission proposes, but the EU countries are unwilling/unable to accept the proposed solution.

EU: mix of exclusive and shared responsibilities. => Limited ability to push its agenda forward in the area of shared responsibilities.

Well known issue, to be discussed at Sibiu Summit: Five scenarios proposed by the Commission President J.C.Juncker

Is there any solution?

Outline

The EU Agenda on Migration and the proposal of a reform of the Dublin System

Five scenarios for the European Union by 2025

EU agenda on migration

Proposed in May 2015 as a response to the migration crisis. quotas included as one of the instruments that shall be applied when needed.

Distribution key:

1. The size of population (40%) => absorption capacity
2. Total GDP (40%) => wealth of a country
3. A number of spontaneous asylum applications and the number of resettled refugees per 1 million inhabitants over the period 2010-2014 (10%) => efforts made by Member States in the recent past
4. Unemployment rate (10%) => ability to integrate refugees.

EU agenda on migration

Quotas proposed as a permanent fix to the Dublin system.

Regulation 2015/0208 establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1485254578131&uri=CELEX:52015PC0450>

(contains all criteria and formulas for calculation of relocation shares)

EU agenda on migration

Quotas effectively approved by the Council Decision (EU) 2015/1601 of 22 September 2015.

Provisional measures in the area of international protection for the benefit of Italy and Greece

https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1443182569923&uri=OJ:JOL_2015_248_R_0014

EU agenda on migration

Quotas are not about asylum!

Asylum decision remains the responsibility of each member states.

Secondary migration treated by the Council Decision, too (Article 40)

"In order to avoid secondary movements of beneficiaries of international protection, Member States should also inform the beneficiaries about the conditions under which they may legally enter and stay in another Member State, and should be able to impose reporting obligations. Pursuant to Directive 2008/115/EC, Member States should require a beneficiary of international protection who is staying irregularly on their territories to go back immediately to the Member State of relocation. In case the person refuses to return voluntarily, return to the Member State of relocation should be enforced."

Implementation

The relocation mechanism started immediately, the first flight of refugees relocated from Italy to Sweden flew in October 2015.

However - just a few weeks after - Sweden requested temporary suspension of obligations due to a large spontaneous inflow of migrants from third countries. Austria followed.

Over the first months, the progress was very limited: Communications from the European Commission to the European Parliament on the Migration Crisis:

March 2016: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1485252989182&uri=CELEX:52016DC0165>

April 2016: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1485252836824&uri=CELEX:52016DC0197>

Implementation

"As the flows continue in 2016, so far however only 937 people have been relocated from Italy and Greece, and only 4,555 have been resettled. The unsatisfactory level of implementation of both schemes is due to a variety of factors, including the lack of political will of Member States to deliver in a full and timely manner on their legal obligations to relocate." (from the March 2016 communication)

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1485252989182&uri=CELEX:52016DC0165>

Definitions:

Relocation = for migrants being in Italy and Greece

Resettlement = for migrants being outside the EU

Implementation

"As the flows continue in 2016, so far however only 937 people have been relocated from Italy and Greece, and only 4,555 have been resettled. The unsatisfactory level of implementation of both schemes is due to a variety of factors, including the lack of political will of Member States to deliver in a full and timely manner on their legal obligations to relocate." (from the March 2016 communication)

=> the EU coordinated but clearly lacked the power to enforce its own decisions, and to make action in order to meet its own targets.

Limited progress until 2017, when more than 2,000 migrants per month started to be relocated.

Implementation

Moreover, some EU Member States did not fulfilled their obligations!

By now, Hungary, Poland and the Czech Republic remain the only Member States that have not changed their position and have continued not pledging and not relocating either from Greece or from Italy, in breach of their legal obligations.

Slovakia continues with its policy of strict preferences, leading to disproportionately high rejection rates.

Austria: very limited, almost formal, effort, but not put under infringement.

Infringement against CZ, HU and PL

Started on 14 June, 2017.

Court of Justice of the EU on 6 September 2017 confirmed the validity of the second Council Decision of relocation and the Commission expected the three Member States to take action.

The Czech Republic, Hungary, and Poland did not take any measure to address the grievances included in the reasoned opinion; those infringement procedures, therefore, remain ongoing.

The reform of the Dublin system

Why:

- Too much burden on countries with external border of the EU.
- But abolishing the system would imply an allowance for asylum seekers to have their application proceeded by the EU Member State of their choice - which is not in line with solidarity and fair sharing of responsibility.

The European Commission proposed permanent changes in the Dublin system and in the asylum policy several times.

The proposal of April 2016:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1485252836824&uri=CELEX:52016DC0197>

Dublin system reform: Principles and options.

I. Member States of the first point of entry identify, register, and fingerprint all migrants, and return those not in need of protection. Enhanced EU funding as an expression of solidarity.

II.

a) Supplementing the present system with a corrective fairness mechanism, i.e., quotas in case of emergency. In normal times, the responsibility remains at the Member State of the first application of irregular entry.

b) Allocation of asylum seekers no longer linked with the Member State of the first application or irregular entry. Instead, responsibility would be primarily allocated on the basis of a distribution key reflecting the relative size, wealth and absorption capacities of the Member States. => **Fundamental change to the current system.**

Dublin system reform: Principles and options.

III. **Transfer of responsibility for the processing of asylum claims from the national to the EU level.** Establishing the EU-level first instance decision-making Agency deciding about asylum applications, with national branches in each Member State, and EU-level appeal structure. The new agency shall emerge from the EU's Asylum Agency (EASO)

IV Common EU asylum system.

V. Preventing secondary movements within the EU: Proportionate sanctions should be attached to failure by an applicant to remain in the Member State responsible. The other Member States would have an obligation to send asylum seekers who have absconded back to the responsible Member State.

Dublin system reform: Principles and options.

The core principle of the reform: Explicit executive power for the EU.

Not surprisingly: The Council hasn't adopted any alternative version of the proposal so far...

<https://www.consilium.europa.eu/en/policies/ceas-reform/>

<https://www.politico.eu/article/europe-migration-eu-leaders-fail-again-to-agree-policy/>

...but has proposed more funding and at least moderate changes in common migration policy in the next MFF:

https://ec.europa.eu/commission/sites/beta-political/files/budget-may2018-fair-migration-policy_en.pdf

As with the European Agenda on Migration, the EU does not have enough executive powers to face the challenges of the present.

Limits of existing EU policies

The long-term dilemma between **federalism** (centered around the European Parliament) and **intergovernmentalism** (the European Council!) + the **technocratic nature** of the European Commission, and, to some extent, of the Council (=Council of Ministers); which is the main legacy of Jean Monnet.

Visible in many areas: Migration crisis, EMU crisis, evident frauds and misuses of EU funding in several EU countries...

Clear limits in “capacity to deliver solutions”, that are related to the very core of the structure of the EU governance that is mixing the exclusive and shared responsibilities.

Recall the EMU crisis!

Apparent and well known flaws of the EMU:

- No lender of last resort
 - Limited credibility of no-bailout clause
 - Vicious circle between vulnerability of banks and sovereigns (steps towards banking union might help)
 - No risk sharing, no “federal” budget for transfers.
- + The SGP reforms of 2010-2012 caused deterioration of legitimacy

The Commission was granted by an effective power to decide about taxation in Member States - the European Semester implies the budget has to be approved by the Commission => the problem of no taxation without representation arise; clear illustration - Italy.

Do we need more Europe?

Extension of the executive powers of the Commission could be a response.

However, the EU countries are unable to reach an agreement.

The **White Paper on the Future of Europe: Reflections and scenarios for the EU27 by 2025**: A perspective of the European Commission of the possibilities. March 2017, to be discussed at the upcoming Sibiu summit of the European Council (May 9, 2019)



As we mark the 60th anniversary of the Treaties of Rome, it is time for a united Europe of 27 to shape a vision for its future.

*Jean-Claude Juncker,
President of the European Commission, 1 March 2017*



Five Scenarios



Carrying On

The EU27 focuses on delivering its positive reform agenda



Nothing but the Single Market

The EU27 is gradually re-centred on the single market



Those Who Want More Do More

The EU27 allows willing Member States to do more together in specific areas



Doing Less More Efficiently

The EU27 focuses on delivering more and faster in selected policy areas, while doing less elsewhere



Doing Much More Together

Member States decide to do much more together across all policy areas

Five scenarios for the future of Europe by 2025



1) Carrying on

- + Delivering concrete results
- + Preserving EU-27's unity
- Testing EU-27's unity
- Closing the gap between promise and delivery slowly



2) Nothing but the Single Market

- + Simplifying decision-making
- Growing gap between expectations and delivery
- Restricting citizens' rights



3) Those who want more do more

- + Preserving EU-27's unity & allowing Member States to do more
- + Closing the expectation gap in countries which want to do more
- Questioning decision-making's transparency and accountability
- Varying EU citizens' rights

Five scenarios for the future of Europe by 2025



4) Doing less more efficiently

- + Acting only in fields with added value
- + Acting faster
- Arguing about priority areas



5) Doing much more together

- + Taking decisions faster
- + Giving citizens more rights
- Alienating parts of society

The five scenarios.

Do you miss any scenario?

The five scenarios

Further complication: Legal issues. Many scenarios would require overhaul of the EU treaties.

+ enforcement in all but the fifth scenario.

Annex: More on the Five scenarios



Scenario

1

Carrying on



The EU27 focuses on delivering its positive reform agenda.



The positive agenda of action continues to deliver concrete results



The unity of the 27 may still be tested in the event of major disputes



The gap between promise and delivery will only progressively be closed if there is collective resolve to deliver jointly



Scenario 1: Carrying on



By 2025 this could mean:



Europeans can drive automated and connected cars (with Internet access) but encounter problems when crossing borders as some legal and technical obstacles persist.



Europeans mostly travel across borders without having to stop for checks. Reinforced security controls mean having to arrive at airports and train stations well in advance.



Scenario

2

Nothing but the Single Market



The EU27 cannot agree to do more in many policy areas beyond key aspects of the single market



Decision-making may be simpler to understand



It becomes harder to address issues of concern to more than one Member State and therefore the gap between expectations and delivery widens on common challenges



Citizens' rights guaranteed under EU law may become restricted over time



Scenario 2: Nothing but the Single Market



By 2025 this could mean:



Crossing borders becomes difficult due to regular checks.



Finding a job abroad is harder and the transfer of pension rights to another country not guaranteed.



Those falling ill abroad face expensive medical bills.



Europeans are reluctant to use connected cars due to the absence of EU-wide rules and technical standards.



Scenario

3

Those Who Want More Do More



The EU27 allows willing Member States to do more together in specific areas



The unity of the EU at 27 is preserved while progress is made possible for those who want more



The gap between expectation and delivery closes in countries who want and choose to do more



Questions arise about the transparency and accountability of the different layers of decision-making



Citizens' rights guaranteed under EU law vary depending on where people live



Scenario 3: Those Who Want More Do More



By 2025 this could mean:



15 Member States set up a police and magistrates corps to tackle cross-border criminal activities. Security information is immediately exchanged as national databases are fully interconnected.



Connected cars are used widely in 12 Member States which have agreed to harmonise their liability rules and technical standards.



Scenario

4

Doing Less More Efficiently



The EU27 focuses on delivering more and faster in selected policy areas not acting in where it is perceived not to have an added value



European citizens feel that the EU is only acting where it has real added value



A clearer focus of resources and attention on a number of selected domains helps the EU27 to act faster



The EU at first has difficulty in agreeing which areas it should prioritise and where it should do less



Scenario 4: Doing Less More Efficiently



By 2025 this could mean:



A European Telecoms Authority will have the power to free up frequencies for cross-border communication services used e.g. by connected cars. It also protects the rights of mobile and Internet users across the EU.



A new European Counter-Terrorism Agency helps deter and prevent serious attacks through a systematic tracking and flagging of suspects.



Scenario

5

Doing Much More Together



Member States decide to do much more together across all policy areas



There is far greater and quicker decision-making at EU level



Citizens have more rights under EU law



Parts of society which feel that the EU lacks legitimacy or has taken too much power away from national authorities risk being alienated



Scenario 5: Doing Much More Together



By 2025 ts could mean:



Citizens travelling abroad receive consular protection and assistance from EU embassies, which in some parts of the world have replaced national ones. Non-EU citizens wishing to travel to Europe can process visa applications through the same network.



Connected cars drive seamlessly across Europe as clear EU-wide rules exist. Drivers rely on an EU agency to enforce the rules.