

# JOINT POLICY PLAN

## THE EUROPEAN COUNCIL

European Commission - Germany & France - Italy & Greece - Poland & Hungary - Sweden & Finland  
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The European migrant crisis (2013-2016) initiated a period of political and ideological instability across Europe which was reflected in the fact that the European institutions and the national governments were not well-prepared enough to quickly respond in a coordinated way to the pressure coming from the EU's borders. However, significant progress has been made since the crisis reached its peak in 2015 with the 10,000 arrivals per day. Indeed, the European Union faced the challenges arising from this situation by supporting its Member States, the asylum seekers, and at the same time by working in the direction of the origin of the migration crisis.

Notwithstanding the foregoing, the European Council believes that further reinforcement of the European Migration policy is needed in order to be able to anticipate similar migration phenomena in the future and to ensure the unity of the European Union. This is to say, even though the number of migrants has drastically decreased, the EU must be ready in case of a new migratory wave and, therefore, a long-term plan based on sustainable actions, has been agreed on.

### POLICY ACTION 1: STRONGER BORDER CONTROL

#### **Objective**

Ensure and reinforce the protection of external borders which is a requirement for the border-free Schengen zone.

#### **Elaboration**

Increase the number of European border guards in Frontex from the current 900 to 10,000 border guards by 2021. The task of Frontex is to assist national border guards and to facilitate pan European communication and cooperation.

### POLICY ACTION 2: CLEAR DISTINCTION BETWEEN "REFUGEES" AND "ECONOMIC MIGRANTS"

#### **Objective**

A clear distinction between people with valid asylum claims in the European Union and those without valid claim, so called economic migrants, will improve the efficiency of the asylum application system.

#### **Elaboration**

The European Council adopted following definitions:

**Economic migrant:**

A person who leaves their country of origin purely for economic reasons that are not in any way related to the refugee definition, in order to seek material improvements in their livelihood (UN High Commissioner for Refugees 2006).

**Refugee:**

A person who has been forced to leave their home country because of political, religious, personal or other persecution, war, or civil unrest.

### POLICY ACTION 3: LIST OF SAFE COUNTRIES OF ORIGIN

#### **Objective**

Closely related to Policy Action 2, the European Council agreed on a list of safe countries of origin to further ease and accelerate the asylum process. Additionally, readmission to safe countries of origin will be facilitated.

#### **Elaboration**

Safe countries of origin are defined as countries where the European Union assumes that the usual reasons for asylum (specified in Policy Action 2) do not take place. Asylum applications of people from safe countries of origin are therefore usually rejected, unless the applicant can prove that special circumstances apply to them. Additionally, the list of safe countries of origin shall be updated in regular intervals.

### POLICY ACTION 4: EXTERNAL HOTSPOTS

#### **Objective**

To decrease pressure on its border countries (i.e., Italy, Greece, and Spain) the Council decided to pursue the creation of external hotspots. Additionally, it will effectively decrease the illegal crossings through the Mediterranean and thus reduce the tragic deaths on Europe's doorstep. and destroy the basis of business for smugglers.

#### **Elaboration**

External hotspots should be strategically located, i.e. in countries that are politically able to maintain hotspots and are geographically close to states where refugees usually come from or states that are on the way to Europe. Nevertheless, they should not necessarily be in directly neighbouring countries of the EU as this would sustain a pull effect towards Europe and rejected asylum seekers would be more likely to cross the borders illegally when they are already close to the EU.

As soon as the infrastructure of external hotspots is fully working, processing asylum claims would be possible exclusively in the external hot spots. Regarding economic migration, the possibility to apply for an employment or student visa will remain unchanged. People arriving illegally at Europe's shores will be brought under compliance with human rights standards to the external hotspots. Individuals receiving protection status or a work visa in the hotspots will be brought to the EU. An information campaign about the new procedures will be launched soon in the main countries of origin of refugees and migrants in order to achieve the desired purpose.

It is important to stress that these hotspots would need to operate in close cooperation with the host countries and certain forms of compensations are expected. The European Council will choose an appropriate mix of soft power measures (e.g. visa requirements, strengthening of a free-trade cooperation) and monetary compensation.

### POLICY ACTION 5: COMMON EUROPEAN ASYLUM AGENCY

#### **Objective**

A common European Asylum Agency would standardize the asylum process and make it faster, more efficient, transparent, and cohesive. Standardized asylum criteria will also reduce secondary movements.

## **Elaboration**

The Member States agreed to shift the responsibility for the asylum application process from national to the European level. The European Asylum Support Office will be transformed into a European Asylum Agency and will carry out the entire asylum procedure including the final decision-making. National asylum agencies will no longer be necessary, and their means and personnel will be transferred to the European Asylum Agency, which will operate the external hotspots as elaborated in Policy Action 4.

The prerequisite is a common European asylum process which will standardize the asylum procedure and the criteria under which asylum permits are granted in Europe. The criteria will be negotiated within the European Council in a follow up meeting, to ensure they are sufficiently strict so that migration into the EU is not further facilitated while at the same time it respects and follows humanitarian standards.

## **POLICY ACTION 6: TRADEABLE REFUGEE QUOTAS**

### **Objective**

To establish a system of a fair burden sharing without forcing Member States to host refugees, and, at the same time, distribute the people eligible for asylum according to their preferences.

### **Elaboration**

The European Council agreed to distribute the refugees that received asylum status in the external hotspots through tradable quotas (Fernández-Huertas Moraga and Rapoport 2015). Quotas will be assigned to each country according to a scheme that takes into account the Member States' capacity to absorb and integrate refugees. Among other things, this includes the population size, the number of already hosted refugees and applications in process, GDP per capita and unemployment rates. The quotas will be updated regularly according to the original criteria in a 6-months cycle. The quotas do not present a fixed number of refugees but a share of the total number of refugees who receive asylum status in the external hotspots.

Member States can specify their refugee preferences and asylees can indicate their preferred host countries. A matching function then will try to reconcile these two criteria in the best possible way.

In case a Member State is unable or unwilling to take their quotas or trade them, there will be monthly fines imposed until the problem is resolved.

Economic migrants are not falling under the quota system and the decision making about it is left to the national level.

*Note: Ukrainians who have refugee status will be included in the quota calculation scheme as there is a war in Ukraine. Furthermore, it will be considered an unsafe state.*

## **POLICY ACTION 7: THE END OF THE DUBLIN SYSTEM**

### **Objective**

Member States have reached an agreement to replace the Dublin regulation - which has demonstrated its inefficiency and shortcomings in light of the recent migration crisis - with new policies as presented in Policy Action 4, 5, and 6.

### **Elaboration**

The Dublin regulation will be abolished. Thereafter, the responsibility of dealing with illegal migration to the EU would fall on the European Union as a whole, and more specifically on the

European Asylum Agency. First entry states will be replaced by external hotspots states in Policy Action 4.

## FINANCIAL ASPECT

### **Objective**

The implementation of the new policies will require financing. The objective is to fund them without excessively increasing the EU budget, and profit from the generated European value added.

### **Elaboration**

The required finances shall be generated by three measures:

1. Transfer of means and personnel from the no-longer-needed national asylum agencies to the Common European Agency. A common agency will have efficiency advantages over a multitude of national agencies and will therefore produce a high value added. The freed means will be used to benefit the Common European Asylum Agency.
2. An end to all national rebates. With Brexit the European Council agreed on ending all national rebates. The generated additional revenue will be used to finance the migration policy measures presented in this paper. The countries affected are mainly Austria, Denmark, and with a smaller rebate, Germany.
3. If there should be a need for further financial resources the European Council agreed to raise the contribution of the Member States. However, this is a measure of last resort and should remain within reasonable boundaries.

Cohesion and Common Agriculture funds shall not be affected. The current proportion of cohesion funds and CAP stays the same. Therefore, it increases proportionally with an increase in contributions to the EU budget.

## POLICY ACTION 8: THE RULE OF LAW

### **Objective**

In this joint position paper, all member states and the European Commission have committed themselves to the fundamental importance of the Rule of Law. The changes agreed on here will improve the effectiveness of the control of compliance with the rule of law and simultaneously make the Article 7 of TEU procedure less political by shifting power from the Member States and the European Commission to the independent European Court of Justice.

### **Elaboration**

Article 7 of TEU is to be strengthened by removing the need for unanimity in the decision of the European Council on the penalties resulting from it and by reducing the requirement to a two-thirds majority. As the second condition for penalties, the European Court of Justice must confirm the decision of the European Council, otherwise it will have no effect.

The Member states have agreed to alter the European Treaties to implement this change.

## RATIFIED BY:

European Commission

Germany & France

Italy & Greece

Poland & Hungary

Sweden & Finland

## PUBLICATION BIBLIOGRAPHY

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