

“SHARED SOVEREIGNTY FOR MONITORING BORDERS ALREADY SHARED”

António Vitorino | *President of the Jacques Delors Institute*

Our President, António Vitorino, takes a stand on the main issues of the European Council of the 17-18 December 2015 by answering questions about the refugee crisis, terrorism and Schengen, the completion of the single market, the EMU, and the referendum on the United Kingdom’s membership of the EU.

1. The European Council is due to conduct an overview of the current state and future prospects of its guidelines and decisions on the refugee crisis. What should it address first?

Naturally, the European Council must first make sure that the chief decisions and guidelines which it has adopted over the past few months are actually being implemented. I am referring on the one hand to the creation of centres for sheltering and directing the migrants (the so-called “hot spots”) in Greece and in Italy, with the direct involvement of the European asylum support office and of the Frontex agency, so as to ensure that the influx of asylum-seekers is handled in a manner which is at once effective and humane; and on the other hand, to the relocation of the excess number of 160,000 asylum-seekers in Greece and in Italy, thus the organisation of their transfer to other member states in acceptable conditions; this has only been effected in a very limited manner to date. “Hot spots” and “relocation” are two measures which are emblematic of the [balance between solidarity and responsibility](#) thrashed out in Europe, and until they are fully implemented, the EU’s response to the crisis will remain fragile both from an operational and from a political standpoint.

These European decisions have by no means taken effect in full, and it is going to take time to ensure that they produce results, which means that the European Council is going to have to keep a permanent eye on their progress. In the short term, in any event, it is the member states’ job to mobilise sufficient financial and human resources to tackle the current emergency, and it is also up the European Council to provide a fresh thrust to ensure that each of its members does whatever is required on returning to his or her own country.

On that basis, the European Council will be able to go even further in ensuring both effective monitoring

of our external borders and the offer of a welcome to those asylum-seekers with the right to be granted asylum.

Ensuring the effective monitoring of our external borders means that the European Council has to support the new proposals formulated by the European Commission, in particular with regard to the transformation of Frontex and establishment of a European border and coast guard operating on the basis of full cooperation between the national authorities and the European experts. The proposal to allow this “new Frontex” to decide off its own back to send in European assistance teams seems to me to be a welcome development in that connection, because it symbolises the political challenge to be faced if we are to restore confidence among the member states. The challenge in question is achieving the exercise of shared sovereignty to monitor borders that are already shared. It is particularly urgent that we address that challenge if we wish to avoid the adoption of a different response consisting in barring from the Schengen area those member states held to be incapable of ensuring the effective monitoring of “our” borders on their own.

Going further in terms of asylum policy also means fully implementing the “common principles” adopted throughout the 2000s, so as to achieve more uniform rates of acceptance among the EU’s member states. That must also lead to improvements in the organisation of readmission procedures for people denied the right of asylum, including with the involvement of Frontex, in order to significantly increase the rate of reaccompaniment back to their home countries. And lastly, it must lead to a review of the “Dublin rule”, devising solutions that combine the “first country of entry” criterion for examining applications for asylum with compensation mechanisms based on the relocation system proposed by the Commission, and those

solutions would be applied in every situation, not just in an emergency.

Finally, it goes without saying that the heads of state and government must devote all necessary attention to the external issues of the current refugee crisis: on the one hand, by speeding up the implementation of partnerships with the neighbouring countries that are currently taking in the bulk of the asylum-seekers coming in from Syria – with Turkey heading the list – which need to be persuaded to cooperate more effectively; that way it will be possible to keep a majority of asylum-seekers and refugees in their region of origin, but also to resettle the others in those European countries that wish to take them in, sparing them the risks attendant on a journey in the hands of the human traffickers; and on the other, by working on a diplomatic and political solution to the Syrian crisis, on the basis of a “coalition of the willing” inspired by the one that the French authorities have suggested putting together.

2. The European Council will be addressing the struggle against terrorism, which places the Schengen area squarely back at the heart of the European debate. What are your recommendations in that connection?

The tragic terrorist attacks in Paris on 13 November have, first and foremost, sparked a welcome burst of political solidarity which the European Council must imperatively extend in order to ward off new threats. I am pleased to note that the PNR has now been adopted, because it will lead to a crucial exchange of information for tracking the movements of, and detaining, presumed terrorists, especially when they attempt to return from the Near East. But over and above that long-awaited step, the European Council must dwell on the need to beef up the multi-faceted exchange of information between national police and judiciary authorities both within Europe and with third countries, in particular with the United States of America.

In the face of the terrorist threat, it is up to the heads of state and government to make the decisions required in their own countries to bolster the financial, human and legal resources at the disposal of their police, judiciary and intelligence services, while at the same time ensuring that those services function effectively. In the context of the European Council, it is also their job to reaffirm that our demand for security is met within the framework of the Schengen area, the meat of whose “Code” consists of police and judiciary

cooperation among the national authorities – a cooperation judged so useful that even such non-member states as the United Kingdom have decided to opt into it. **“Schengen” is the precondition for our security.** To defeat terrorism, strength lies in unity while disunity leaves us defenceless.

The challenge of radical Islamist terrorism is so daunting that it is necessary to mobilise all the available European resources to address it. But we will not do that by allocating those resources in a sterile manner to monitoring borders within the Schengen area, wasting time pointlessly monitoring the hundreds of millions of Europeans who cross them every month. **You do not arrest a terrorist at a border**, as we saw once again with the flight of Salah Abdeslam, who was checked to no avail at the border between France and Belgium by officers who did not have the right information on him. Terrorists must be combated at source, flushed out wherever they lurk, and they are not going to be hanging around on borders, especially if we consider that many of the terrorists are often nationals.

It is crucial for there to be a very strong European political will to imbue the police authorities in general, and the intelligence services in particular, with a more cooperative ethos; this, because it is dangerous to live in an area with freedom of movement in which the only thing not flowing freely between one country and the next is strategic information and intelligence. We are talking here about the very heart of national sovereignty, whose exercise needs to be shared at the European level in order to make it more effective.

And lastly, I would add that the struggle against the terrorist threat must be conducted whilst safeguarding the balance between security and freedom. The people of Europe must not forgo the major principles on which their rule-of-law state is based, because that would mean losing a part of their identity.

3. The European Council will be discussing completion of every aspect of the single market. What do you consider to be the priority issues here?

Even though the bulk of the story in this connection is played out at the national level in terms of growth and employment, the single market remains Europe’s main contribution to the matter because it allows businesses and workers to benefit from better opportunities.

The main goals needing to be attained are well known: a capital market union which will facilitate investment in Europe in the same way as the European strategic investment fund does; a single digital market so as to have truly European on-line services and to free up Europe’s growth potential; an “energy union”, which also entails a deepening of the single gas and electricity markets; and finally, a single market for the service industry.

But looking beyond individual technical issues, it seems to me that the heads of state and government will contribute to the success of the initiatives as a whole if they succeed in setting them within the framework of a comprehensive political vision – as Jacques Delors proved so successful in doing –, on the one hand by underscoring the way in which these sectoral initiatives form an inseparable “global package” that will benefit all of the member states, and on the other by accompanying “competition that stimulates” with parallel actions in terms of cooperation and of solidarity.

4. The EU’s leaders will also be taking a fresh look at plans to reform the Economic and Monetary Union. What are the short-term issues involved, in your view?

One of the aspects that needs to be addressed in the short term is the reform of the European Semester, which needs to improve the coordination of its macro-economic and social goals. The introduction of a “social scoreboard” has proven to be an insufficient tool to promote upward convergence at this stage. The “Joint employment and social report” mentioned in the Five Presidents’ Report must be implemented in order to prevent the structural reforms from having a negative social impact.

The creation of independent competitiveness authorities in all of the countries in the EMU may also be a positive innovation if the European Council takes care to ensure that these authorities are structured in such a way as to promote social dialogue at the national level and to place the emphasis on non-cost competitiveness. If these authorities are to facilitate the convergence that the EMU needs, they have to adopt an approach that is not based solely on cost-related competitiveness and they have to combat internal salary devaluation and the downward harmonising of minimal social standards, the so-called “race to the bottom”.

And lastly, in order to strengthen the euro area, it is high time that we take concrete measures to complete the Banking Union, in particular by gradually introducing the European Deposit Insurance Scheme. Some progress has already been made in that direction and I hope that the European Council will be able to drum up the political consensus required to finish the job.

5. The European Council is likely to discuss the preliminary negotiations on the referendum regarding the United Kingdom’s membership of the EU. What do you expect to come of it?

It is very useful that David Cameron has managed to clarify [the nature of his demands](#) so that negotiations can effectively swing into gear, even though it is not certain that the European Council will be able to devote a great deal of time to examining them on account of the other more pressing challenges that it needs to address.

It seems to me that the debate this weekend would be useful if it were to reaffirm the heads of state and governments’ good will with regard to Britain’s demands, while at the same time pointing to the red lines that cannot be crossed.

It would be useful if they were to indicate that it is already possible to envisage pragmatic and reasonable arrangements on the political issues, on “ever closer union” and on the national parliaments’ monitoring role; that the effect of EU decisions and schemes is to stimulate the competitiveness of the European countries as a whole, in particular via a deepening of the single market; and that the necessary deepening of the EMU can be undertaken without prejudice to the United Kingdom, the corollary of that being that the United Kingdom must not be in a position to hamper it; but also if they were to point out that any arrangements regarding freedom of movement will only be possible if they are in full accord with the principle of non-discrimination among European citizens.

The conditions regulating the exercise of freedom of movement in Europe (thus not of “immigration”) is, as expected, the issue in connection with which it is going to be hardest to meet Britain’s demands: first and foremost, if those demands’ formulation and substance continue to run counter to the spirit and the letter of the Community treaties; but also because the specific problems that the British authorities encounter on account of their country’s strong attraction for

other EU citizens are due basically to domestic causes. It is thus up to the British authorities to adapt their social welfare system; it is up to them to ask themselves questions regarding the payment of salaries so low that they need to be accompanied by "tax credits" which de facto benefit European workers who do not yet pay income tax.

This will for compromise seems to me be necessary if we are to achieve an honourable agreement, even though the referendum is probably not going to be played out chiefly over the text of the compromise won by David Cameron but over a broader political context, at both the national and the European levels, as the result of the recent referendum in Denmark has just reminded us.

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