Reflecting on citizens' views: EU in the World and Migration

STUDIO EUROPA MAASTRICHT

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Academic reflections on the citizen recommendations of the Conference on the Future of Europe (CoFoE). European Citizens' Panel on Migration and EU in the world.

Colophon

Special Issue Policy Brief

This policy brief presents the outcomes of a roundtable event organised by Studio Europa Maastricht and European Institute of Public Administation (EIPA) in April 2022. The event was organised in collaboration with the Maastricht Centre for Citizenship, Migration and Development (MACIMIDE) and Centre for European Research in Maastricht (CERiM) of Maastricht University, and United Nations University – MERIT.

In two panel discussions, academics from various disciplines reflected on the recommendations adopted by the European Citizens' Panel in Maastricht, which was held in Maastricht in February 2022 in the framework of the CoFoE. EIPA and Studio Europa Maastricht, as CoFoE host institutions, were closely involved in the organisation of the citizens' panel.

About Studio Europa Maastricht

Studio Europa Maastricht is a centre of expertise for Europe-related debate and research. Founded in 2018 and supported by the partners of the Maastricht, Working on Europe programme: Maastricht University, the Province of Limburg and the City of Maastricht. Together we aim to position Maastricht, the capital of Limburg as a meeting place for citizen dialogue and debate and establish a centre of excellence for research on Europe and European integration.

About European Institute of Public Administration (EIPA)

EIPA was created in 1981 on the occasion of the first European Council held in Maastricht. Its core mission is to provide a mix of deep insights and practical knowledge about EU policies, to all professionals related to EU public affairs, with the key objective of further improving their skills and capabilities for efficient management of the policies. EIPA is supported by the EU member states and the European Commission and serves officials in national and regional public administration in member states, the European Commission and other EU institutions.

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Introduction

Dr. Alvaro Oleart – Postdoctoral researcher at Studio Europa Maastricht

On 9 May 2021, Europe Day, EU leaders launched the long-awaited Conference on the Future of Europe (CoFoE), an attempt by EU institutions to receive input from beyond the usual suspects *by putting 'citizens at the centre'. The Conference is thus an initiative aimed at organising a dialogue between EU institutions and European citizens in order to set both medium- and long-term priorities for the European project, and has four main institutional components. A digital platform in which citizens can put forward their proposals, a set of decentralised events, the European Citizens' Panels and the Conference Plenary. The latter is composed mainly by Members of the European Parliament (MEPs), European Council representatives, the European Commission and MPs from national parliaments; but also by ambassadors from the European and national citizens' panels, as well as members of civil society, social partners and regional authorities*[1]*. The Conference has formally ended on 9 May 2022 with the delivery of a report with a set of recommendations adopted by the CoFoE Plenary*[2]*, and EU institutions promised that they will 'follow up, within their sphere of competences, on the recommendations made'. Thus, in spite of the absence of a binding commitment, the recommendations by the CoFoE are likely to receive some follow-up.*

The most innovative aspect of CoFoE was the organisation of the European citizens' panels; four panels that touched upon different policy areas and in which 200 citizens (per panel) from across the EU Member States deliberated about possible actions the EU could take in the future. Each of the panels had three, three-day sessions; the first sessions took place in Strasbourg at the European Parliament in September and October 2021, the second took place online in November 2021 and the third in a different host city between December 2021 and February 2022. During the first session, citizens deliberated on defining the agenda and prioritising a set of concrete issues within the policy area at stake. During the second session they undertook a thematic deepening of those issues prioritised in the first session, and the third session transitioned towards concrete recommendations. Studio Europa Maastricht and the European Institute of Public Administration (EIPA) were privileged to be the host institutions of the third session of the fourth panel in Maastricht 11-13 February 2022, addressing the topics *EU in the world* and *Migration*.

The rich discussions that took place throughout the sessions concluded in Maastricht with a set of concrete recommendations voted upon by the citizens' panel members. The sessions' topics, *EU in the world* and *Migration*, were of particular relevance considering the recent invasion of Ukraine by the Russian government. Issues related to defence and foreign policy, enlargement, migration and asylum have dramatically increased their salience in public debates across Europe. Out of these, experts from the Maastricht research community have chosen a series of recommendations they find particularly relevant and topical. Each expert first presents and contextualises the recommendation and successively reflects in its potential and eventual challenges in this policy brief.

1. See: https://futureu.europa.eu/?locale=en
2. See: https://cor.europa.eu/en/Documents/CoFE_Report_with_annexes_EN.pdf

EU in the world

The COVID-19 pandemic was a strong reminder for Europe that global cooperation is key in tackling global challenges. Together, critical issues such as peace and security, climate change, sustainable development and the global recovery can be addressed.

EU dependencies from gas and oil imports

The citizens' panel recommended reducing dependencies from oil and gas imports both for environmental and geopolitical reasons. Russia's invasion of Ukraine in February 2022 crudely exemplifies the panel's concern about the vulnerability of the EU energy system. At the same time, Russia's aggression has resulted in unprecedented consensus and action by the EU; also in line with the panel's recommendations. Just two weeks after the start of the invasion, the European Commission published a plan to replace two thirds of Russian gas imports into the EU by the end of 2022.

Dr Anna Herranz Surralles
Associate professor
Maastricht University

Recommendation 2

We recommend that the EU reduce dependencies from oil and gas imports. This should be done by actively supporting public transport and energy efficiency projects, a Europe wide high speed rail and freight network, the expansion of clean and renewable energy provision and aternative technologies. The EU should also promote the cultural change from the individual car towards public transport, e-car sharing and biking.

The bulk of this replacement may still come from alternative gas suppliers, some of them with weak democratic and resource governance credentials. However, at least a quarter of Russian gas supplies should be replaced by a faster roll-out of renewable energy (such as solar rooftops and heat pumps for households and new production of wind and solar power plants), as well as a serious commitment to energy efficiency and demand reduction.

While this unprecedented plan received the highest political backing by the member states, the coming winter will be a test for the EU's unity and solidarity. Unity has already been impaired, for example, by Hungary's decision to accept the Kremlin's demand to receive gas payments in roubles, breaking with the EU's common position. Solidarity between member states may also get further eroded when the materials costs of phasing out Russia's gas is felt in European economies and societies, particularly in the most vulnerable EU countries. European citizens will have a crucial role to play by making responsible energy choices and resisting the political instrumentalisation of high fuel prices to sow discontent and climate change scepticism.

Recommendation 12 addresses the need to facilitate the transition to renewable energy sources in developing countries through trade partnerships and diplomatic agreements. Renewable energy diplomacy requires trust, interdependence and long-term vision. The challenge is how to square these principles with the EU's green industrial policy, aimed at fostering the EU's global leadership in the renewable energy sector and reducing its external dependencies in the manufacturing of green technology. This inward-looking focus could become an obstacle for achieving ambitious and mutually-beneficial partnerships with developing countries, which also aspire to become leaders in green technologies.

The EU's Green Deal diplomacy might only succeed if it focuses on sustainable investments that can boost the level of local employment and transfer of know-how in developing countries, rather than just opening markets for the EU renewable energy industry. International trade networks have also been crucial drivers of the fast development and world-wide diffusion of green technologies. Therefore, an excessive focus on achieving strategic autonomy from global value chains of clean technologies for geopolitical reasons could end up delaying the energy transition. European citizens can also play a part in this debate by remaining critical about overly geopolitical narratives about trade and investment, and by keeping pressure on governments to ensure that the issue of climate change does not fall hostage to global power rivalries.

The EU as an international partner

The EU has the ambition to act as a global leader in promoting an ethically responsible trade policy that fosters mutually beneficial trade relations with emerging economies. Such a trade policy would facilitate sharing knowledge and technologies to facilitate the transition to green energy beyond the EU's borders and, possibly, in economic conditions where the resources to pay for the transition are much scarcer. In this sense, the citizens' recommendation to closely examine the use of nuclear power and its role in guaranteeing the EU's strategic autonomy in the energy sector is also very relevant; all the more so given the EU's problematic energy dependence on Russia in the wake of the 2022 war in Ukraine.

Dr Aneta Spendzharova
Assistant professor
Maastricht University

Recommendation 12
We recommend the EU to establishe partnerships with developing countries to support their green energy transition

Recommendation 13
We recommend that the EU introduces an eco-score, labelled on all products for general consumers

Recommendation 14
We recommend that the EU adopts a strategy to be more autonomous in its energy production

Recommendation 17
We recommend that the EU assesses the use of nuclear energy more seriously

The citizens' panel recommendation 12 has highlighted the importance of establishing mutually beneficial partnerships with developing countries. This addresses a long-standing critique of EU trade policy, namely that the benefits from trade are disproportionately concentrated in the EU and the partner countries' political elites, while failing to more broadly reach the partner countries' populations. Moreover, their recommendation stresses that attention should be paid to assisting, both with knowledge and technology transfer, trade partners in the transition towards green energy sources. The recommendation is aligned with current trends in EU trade policy to introduce ethical and environmental provisions in the bilateral trade agreements that the Union signs as a way to conduct values-driven trade policy. At the same time, the devil is in the details – as the saying goes - when it comes to implementing a values-driven trade policy in practice.

The citizens' panel has also proposed 'a mandatory eco-score to be displayed on the front of all products that can be bought by the general consumer'. This is to be computed based on ecological footprint indicators, for example, CO2 emissions from production and transportation, and harmful contents based on a list of hazardous products. While such an eco-score, perhaps using a traffic light warning system, would make the ecological footprint of different products immediately visible, it would compete for space and attention with other labelling requirements, such as dietary health scores on foods and hazards indicated on household items. As known from research on consumer choice and behaviour, consumers may have a tough time making an informed decision when faced with many, possibly contradictory, information signals.

Recommendations 14 and 17 call for a coherent and compelling strategy for EU autonomy in energy production, drawing attention to the fact that a 'European body integrating the existing European energy institutions should coordinate the development of renewable energies depending on the needs, capacity and resources of member states while respecting their sovereignty'. This is a compelling recommendation from a policy design perspective. European agencies and committees are crucial actors regarding policy coordination at the European level and among the member states. The proposed European body could help to craft more complementary national energy strategies among the member states, avoid the duplication of efforts and coordinate with other relevant international actors. Additionally, such a body in the energy domain could play a significant role in promoting more converging national strategies on the use of nuclear power among the member states. The caveat here is that some member states, notably Hungary, have opposed the creation of more autonomous European capacity in the energy field and prefer a national approach instead.

In summary, the EU's latest international efforts to promote a values-driven trade policy and the green transition not only within the Union but also abroad is well reflected in the citizens' panel recommendations. These recommendations are bold in terms of calling for far-reaching supranational action by the EU, as well as urgent and necessary to ensure the EU's credibility internationally and its strategic autonomy from other global powers.

The long and winding road

five intermediary steps to an EU Army

The European citizens' panel recommendations to use the European Union's armed forces for self-defence and not for aggressive military action and only under a respective legal mandate from the United Nations Security Council (UNSC) are realistic and feasible. Article 43 of the Treaty on European Union defines the type of military operations the EU would engage in, and only 'tasks of combat forces in crisis management, including peace-making' may come close to the notion of aggressive military action. However, such an eventuality would be unlikely as all previous EU-led operations have either been sanctioned by a UNSC resolution and/or through formal invitation by a host government.

Dr. Petar Petrov
Assistant professor
Maastricht University

Recommendation 20

We recommend that a future 'Joint Armed Forces of the European Union' shall predominantly be used for self-defence purposes. Within Europe, this would entail a capacity to provide support in times of crises such as in the case of natural catastrophes. Outside European borders this would provide the capacity to be deployed in territories in exceptional circumstances and exclusively under a respective legal mandate from the united nations security council and thus in compliance with international law.

The construction of a Joint Armed Forces of the EU (often labelled an EU Army) is a challenging goal. To reach it, the EU would need to achieve five intermediary goals: common strategic vision, common defence budget, permanent military headquarters, common defence capabilities and a common pool of soldiers. The reality is that none of these have been achieved yet. In March 2022, the member states agreed on the EU Strategic Compass which is the nearest they have come to a strategic military doctrine so far. However, this remains only an ambitious document whose implementation may prove more difficult than its formal adoption.

The EU has never had a common defence budget. The closest is the member states-funded European Peace Facility which aims at ensuring that common funding is available on a permanent basis; to facilitate better planning and rapid deployment of small-to-medium operations, but not to fully sustain them. After Russia invaded Ukraine, Josep Borrell pressed the members of the European Parliament to provide 'the common financial means to adequately face the next crisis or military aggression' in the next EU financial framework (2027-2034). However, a truly common EU defence budget is still in the sphere of political discourse rather than reality.

The EU Strategic Compass has recommended that by 2025 the Military Planning and Conduct Capability (MPCC) becomes a permanent military HQ in Brussels for both non-executive military missions and executive operations. However, the MPCC is not fully staffed yet, and even when it finally reaches full capacity, it will need time to prove its functionality. Furthermore, there is currently no indication that the MPCC will be equipped to deal with a Russia-deterrence style operation any time soon.

Regarding common defence capabilities, although the EU has created an impressive institutional infrastructure; for example, regular Capability Development Plans, the Coordinated Annual Review on Defence, the European Defence Fund and Permanent Structured Cooperation in defence (PESCO), the actual capabilities are still a distant goal. Currently, among the 60 collaborative PESCO projects, only two have been finalised while most others are lagging behind with no actual offering of capabilities in sight.

Finally, the EU Strategic Compass also aims at developing an EU rapid deployment capacity of 5000 troops consisting of 'substantially modified EU battle groups' and of pre-identified member states' military forces. However, as the history of the battle groups has shown, the actual deployment of the newly proposed force is not a forgone conclusion. Furthermore, there has been opposition from some member states; the Baltics, and some central and eastern members are sceptical on both the financing of such a force and its complementarity with NATO.

Decision-making and EU foreign policy

The citizens' panel recommended that decisions in the field of foreign policy should no longer be decided by unanimity, which gives each of the 27 member states a veto right, but by qualified majority. This is in order to enable the Union to react quickly to major international crises, for example, by imposing sanctions on countries that violate international law or human rights. So far, the unanimity rule has often prevented the EU from being a geopolitical player, since third countries can target – often through economic pressure – the EU member state they consider the weakest link, in order to prevent unanimity.

Wolfgang Koeth
Senior lecturer EIPA

Recommendation 21
We recommend that all issues decided by way of unanimity are changed to be decided by way of qualified majority.

Recommendation 22
We recommend that the EU strengthen its ability to sanction member states, governments, entities, groups or organisations as well as individuals that do not comply with its fundamental principles, agreements and law.

In 2020, one member state which accounted for 0,2% of the EU population was able to block sanctions on Belarus for several weeks for reasons that were actually unrelated to Belarus. Likewise, the EU has often been unable to condemn human rights violations in countries like China or Egypt because of vetoes by one single member state.

In his 2017 State of the Union address, former Commission President Juncker argued that 'in order to have more weight in the world, we must be able to take foreign policy decisions quicker', proposing that member states 'look at which foreign policy decisions could be moved from unanimity to qualified majority voting'. These calls have been reiterated by Commission President von der Leyen after she took office in 2019. The European Parliament is also largely in favour of such measures.

The proposed changes are theoretically feasible; however, some politically motivated obstacles can be expected. Technically, changing the decision-making requirement from unanimity to qualified majority would be possible even without a treaty change, since the Treaty on European Union already foresees such an option (art. 31.3). However, for this to happen, all member states would have to agree on this unanimously. Although some of the larger member states (France, Germany, Italy) are in favour, there is less enthusiasm in some smaller member states which fear they will lose influence in the EU. While, for unanimity, every state has the same weight, qualified majority would confer more weight on bigger member states. Others are afraid of populist backlashes if national leaders are seen to be giving up what is often perceived as a sovereign right.

Even if unanimity would be replaced by qualified majority votes, not all problems would be solved. The question then would be how to compel EU members to implement foreign policy decisions they do not support. On the other hand, the repeated Russian aggressions towards Ukraine have shown that, facing a major crisis, the EU has been able to overcome its divisions and not only speak with one voice, but also to act as one. The political climate within the EU is now much more in favour of empowering the EU's ability to act than before the war in Ukraine. The challenges to European security raised by an autocratic and nationalistic regime might finally prompt the member states to take the next logical step and dispose of the unanimity requirement. In doing so they can remove one of the self-inflicted obstacles that prevents the Union from fully assuming its role as a geopolitical actor.

Migration

To address migration, a modern European Union migration and assylum system is needed, including border management, cooperation with partner countries and fighting migrant smuggling. Additionally, it means protecting those who are fleeing violence and integrating newcomers into our society.

Responsibility and solidarity across the EU

The citizens' panel recommends strong EU support for border or frontline member states that face the greatest migratory pressures. Prior to the Russian invasion of Ukraine, these have been Italy, Greece, Spain, Malta and Cyprus – the points of first arrival for the vast majority of migrants and asylum seekers reaching the EU. These countries require adequate resources not only for border surveillance and control, but also for the reception and processing of new arrivals.

Lalaine Siruno
MA, MSc – PhD fellow
UNU-MERIT

Recommendation 35

We recommend strong EU financial, logistical and operational support for the management of the first reception which would lead to a possible integration or repatriation of irregular migrants. Beneficiaries of such support shall be the EU border states who carry the burden of the migration influx.

Upon arrival, migrants will encounter the first reception services of the country of entry including the provision of physical and/or psychological first aid, the distribution of basic needs such as food and hygiene kits and the provision of legal counselling and information on asylum procedures. The journey from first reception to asylum application and then finally to settlement, relocation or return is overall a lengthy and resource-intensive process, and member states dealing with a large influx of migrants have been facing heavy pressure to provide adequate and standard services.

The so-called migration crisis of 2015-2016 prompted the adoption of flexibility mechanisms and the increase of the EU budget for asylum, migration and integration from €8.4 to €14.2 billion. The same approach has been taken in the 2021-2027 Multiannual Financial Framework with the EU allotting a higher overall budget of €22.7 billion, of which €9.9 billion is for migration and €12.8 billion for border management. However, the EU budget plays only a complementary role and these amounts do not cover the total national expenditures incurred by frontline member states. In 2016, for example, Italy spent €1.7 billion on migrant reception, and the EU covered only €46.8 million or 2,7% of its total expenditures. It is therefore imperative for the EU to reorient its fiscal priorities and recognise that more resources are required not only to secure its borders, but also to ensure that all migrants are treated as human beings with rights and dignity.

While it is in principle possible to boost EU support for migration and border management, the distribution, access and utilisation of such funds are important issues that need to be addressed. The allocation of EU resources should be more equitable and more attentive to national contexts, capacities and resources to meet migration-related challenges. The member states should have the capability to effectively implement programmes and to make effective use of EU resources.

Ultimately, additional EU resources will not suffice. The EU has already invested considerably for externalisation, security and border surveillance. The bigger challenge is the implementation of the EU's New Pact on Migration and Asylum, which recognises the burden faced by frontline member states. Capacity building and harmonising national and local policies with that of the EU should be made imperative. The proposals for different solidarity pools or mechanisms to ensure that all member states share the responsibility for migration should also be a policy priority. The EU's borders are not impenetrable, and only with all member states doing their part can migration be just and well-managed and governed.

Development as the road to reduced migration?

The European citizens' panel recommends that the European Union should participate actively in the economic development of countries from where there is a high outflux of migrants, as they believe that this will reduce migration to the EU. This way of thinking is in line with many policy-makers who believe that the more a country develops the less people will have the need to migrate.

Dr Karlijn Haagsman
Assistant professor
Maastricht University

Recommendation 27

We recommend that the EU should participate actively in the economic development of countries outside the EU and from where there is a high outflux of migrants.

For politicians who want to reduce migration, EU development aid is seen as the solution. Recommendation 27 is therefore very much in line with the way most policy makers think in the EU. Yet, while development certainly plays a part in migration, there are some fallacies in this way of thinking. Therefore, the proposed recommendation will not have the effect that the panel intends for it to have.

First and foremost, data shows that economic development actually leads to an increase of emigration rather than a decrease. The poorest of the poor do not migrate as migration requires a considerable amount of resources, and the further one migrates the higher the costs. The most obvious example of this is means of transport, but not only that. Acquiring the documents needed to travel or money needed to sustain oneself while looking for a job and finding housing, among other things, is not insignificant. These are only the necessary economic resources, but one also needs resources such as social networks, knowledge and skills. These resources all come with more development. Therefore, economic development actually gives people the resources to migrate, and at first, will lead to more emigration. In addition, people gain more access to education and the media which increases the aspiration to migrate, as knowledge about destination countries and certain lifestyles grow. Only when countries become high-income countries, does emigration tend to decrease.

Second, it is a solely economic view of migration that portrays the migrant as an actor without agency, fully driven by economic concerns, pushed out by economic downturn and drawn to economic prosperity. However, this push-pull depiction of migration is too simple. Only a small minority of people have migrated, only 3-4%. If the reason for migration was that simple, more people would be migrants. Migration is dependent on many factors and people migrate for many different reasons such as specific jobs, love, adventure, education and conflict; or due to a combination of factors.

Finally, and most importantly, if development aid is intended to halt migration it is not being used for its original purpose which is to help people in precarious conditions. The low-income countries most in need of development aid are not the countries with the highest out-migration; those are mainly middle-income countries. In short, this recommendation is not feasible as it would lead to more emigration not less. Additionally, development aid given to countries with high migration to the EU will target the wrong countries, and not the low-income countries most in need of help.

Limiting labour migration through a common European labour framework

The citizens' panel recommendation to create a common European labour framework with the aim to limit labour migration is both a good idea and yet somewhat misguided. Freedom of movement is a fundamental principle of the European Union (EU); however, this key component of European integration has become a topic of controversy across member states for a number of reasons, some real and some imagined.

Dr Clare Fenwick
Postdoctoral researcher
Studio Europa Maastricht

Recommendation 28

We recommend having a common European labour framework, harmonising working conditions throughout the Union. By creating basic common standards on labour, migration from citizens that seek better working conditions could be prevented

As one of four necessary pillars of the single market, labour mobility aims to achieve a better allocation of labour resources, improve productivity and increase economic growth. While this might happen at the aggregate EU level, there are significant imbalances at the national level as the advantages (e.g., reductions in structural unemployment and growth) and disadvantages (e.g., labour exploitation and brain drain) are not equally shared across member states and ultimately, economic and social imbalances between regions are reinforced.

The further harmonisation of basic labour standards across the EU is something that may help to improve the basic functioning of the single market and strengthen European integration. However, the idea that it would reduce labour migration is highly unlikely, as people move across borders for vast array of reasons, not just for better working conditions. Article 153 of the Treaty on the Functioning of the European Union provides some basic standards for working and employment conditions, as do directives such as the Working Time Directive, the Posting of Workers Directive and the Directive on Transparent and Predictable Working Conditions. For the future, the European Commission has proposed a directive on adequate minimum wages in order to ensure a basic minimum wage throughout the EU and to promote collective bargaining for setting wages. The European Parliament has adopted a resolution on democracy at work that calls for a framework directive to streamline applicable legislation on worker's rights, their access to information and other related legislation. The EU has considerable legislation on worker's rights that has already been incorporated into national laws, and it would make sense to bring these together under one common framework. However, this legislation is not always enforced and some of the issues associated with labour mobility would be solved by better enforcement of existing rules by member states and their national authorities (e.g., labour inspectorates and courts).

A key issue relevant to the citizens' recommendation is the division of responsibility between member states and the EU. As labour law falls within the competence of member states, there may be a reluctance to address the issue at the European level. Particularly as the recommendation assumes that member states have shared goals and objectives, when in reality they can and do have conflicting agendas. Moreover, business and employer's lobbyists have repeatedly called for labour law reform to be pursued exclusively within a national context, which is a considerable barrier to seeing this recommendation come to fruition. On the other hand, the European Trade Union Confederation (ETUC) and a number of social partners and NGOs have called for the development of an EU-wide legal framework to outline certain EU minimum standards and strengthen existing labour law, which is in line with the citizens' recommendation.

To conclude, the reasons for labour migration are multifaceted and complex and not driven by just the single goal of seeking better working conditions. While a common European labour framework would be useful for setting minimum standards and harmonising rules across the EU, it will not fix inequalities across the Union that play into the various push-pull factors in migration. As a result, any attempt to create a common European labour framework should go hand-in-hand with the European Pillar of Social Rights in order to reduce inequality and promote jobs, growth and competitiveness in a social Europe.

Reform of the Dublin System

A realistic solution, or wishful thinking?

Talha Gunay
Research assistant at faculty of law, Maastricht University

The European citizens' panel recommended replacing the Dublin system to ensure a balanced and proportionate distribution of asylum seekers in the EU. An important purpose of the Common European Asylum System (CEAS) is to prevent the secondary movement of asylum seekers. As the main component of the CEAS, the Dublin system provides rules on the examination of application for international protection by a single and clearly determined EU member state. Yet, the Russian invasion of Ukraine resulted in a stream of migrants. This stream has shown that the solution to ensure solidarity seems to be more than solely working towards the proportionate distribution of asylum seekers.

Recommendation 33

We recommend replacing the Dublin System with a legally-binding treaty to ensure just, balanced and proportionate distribution of asylum seekers in the EU on the basis of solidarity and justice.

Following the Russian invasion of Ukraine on 24 February 2022, the Temporary Protection Directive was triggered for the first time since its adoption. Following the Commission's proposal on 2 March 2022, the Council Implementing Decision 2022/382 which introduced temporary protection for the mass influx of persons fleeing Ukraine due to the war was unanimously adopted on 4 March 2022 and entered into force on the same day. The Council Decision provides a free choice for those fleeing the war, which means eligible persons can choose in which member state they wish to seek temporary protection. This is possible mainly because of the existing visa-free policy. Additionally, according to the Council Decision, the member states have agreed to allow intra-EU mobility and secondary movements for the beneficiaries throughout their temporary protection period. However, this has not been the case for applicants of international protection in the past. They have been subject to strict rules preventing secondary movement and can only make an application generally in the first member state of arrival as per the Dublin system. This contradiction signifies the existence of unequal solidarity among the member states.

In revising the Dublin system, the idea to adopt the 2016 CEAS reform in its entirety (i.e., all regulations pass or none) causes disruptions. It is widely known that the Visegrád states (Poland, Hungary, Czech Republic and Slovakia) will not agree to mandatory relocation as the panel's recommendation suggests. This demonstrates the different European perspectives on solidarity. There are currently two opposing views on solidarity mechanisms, namely those advocating for solidarity in the form of mandatory relocations of asylum seekers from the EU border states to other member states, and those opposing any form of solidarity premised on mandatory relocations.

While, members states including Cyprus, Greece, Italy, Malta and Spain hold that a 'mandatory system providing for a fair and rapid distribution of asylum seekers' is necessary for any reform of the CEAS, the four eastern Visegrád states as well as Austria and Denmark argue that intra-EU solidarity should be organised in a flexible manner, enabling them to decide on specific forms of solidarity contributions. Overall, a major obstacle in the reform of the Dublin system is the diverging opinions of the member states on the CEAS reform.

Conclusion

Dr. Sabina Lange – Senior lecturer at EIPA & Dr. Miriam Urlings – Project Manager Research Studio Europa Maastricht

This policy brief discusses 12 of 40 recommendations, developed in the CoFoE Citizens' Panel on 'EU in the World' and 'Migration'. The recommendations span widely across the two designated fields and sometimes link to other policy areas. This policy brief links the recommendations to some common challenges that decision-makers will be facing when 'following up on them', as promised.

The added value of the recommendations, and the work of the Panels in general, has been under scrutiny of practitioners and scholars alike. While several aspects of the process and the composition of the Citizens' Panels allows for questioning of the Panels' contribution to democracy at the EU level, the recommendations present a valuable contribution to the debate on the future of European integration. Firstly, they demonstrate that informed and engaged citizens extract the most pressing problems to them, sometimes link them in innovative ways, and agree on a compromise direction for their solutions in a relatively short time.

Secondly, the recommendations have shown to be innovative in ways that subjects have been linked - for example in media, education, skills and migration. Thirdly, most recommendations are very ambitious. However, their implementation is is rather a question of political will than of complex structural changes.

With the Russian invasion of Ukraine shortly after the last session of the Panel on 'EU in the world and Migration', the recommendations were immediately subject to the test of time and 'events'. Tragically, the invasion is still ongoing months later, but the intensity of 'events', ie the schocking brutality of war happening on European continent, allows us to draw two conclusions on the CoFoE recommendations. First, several recommendations on 'EU in the world' were perceived very ambitious at the time of its design, but have become more in tune with the politics with the ongoing presence of the war and its consequences. This shift in interpretation of the recommendations is especially visible in the start of this policy brief, discussing recommendation 2, 12, 14 and 20. Second, not all policy areas were equally affected by crises and the war. While Europe in the world recommendations seem largely in tune with developments in the EU foreign policy following the Russian invasion of Ukraine, the developments regarding migration policy haven't yet shown the same direction towards strengthening the common policy and approach at the EU level.

Rather, the reactions to the influx of refugees from Ukraine, while largely very positive, have shown limitations of a crisis to forge unified responses that go beyond the immediate crisis management. When the EU institutions will be negotiating the way to follow up on the citizen's recommendations, a central theme in those negotiations will be how to strike a fine balancing act between the lessons learnt from the current situation and the multiple crises from the last decade on one hand and the political reality and citizens wishes on the other. The advantage that EU policy-makers have after the CoFoE is that they have a better understanding of citizens' perspectives.

About the authors

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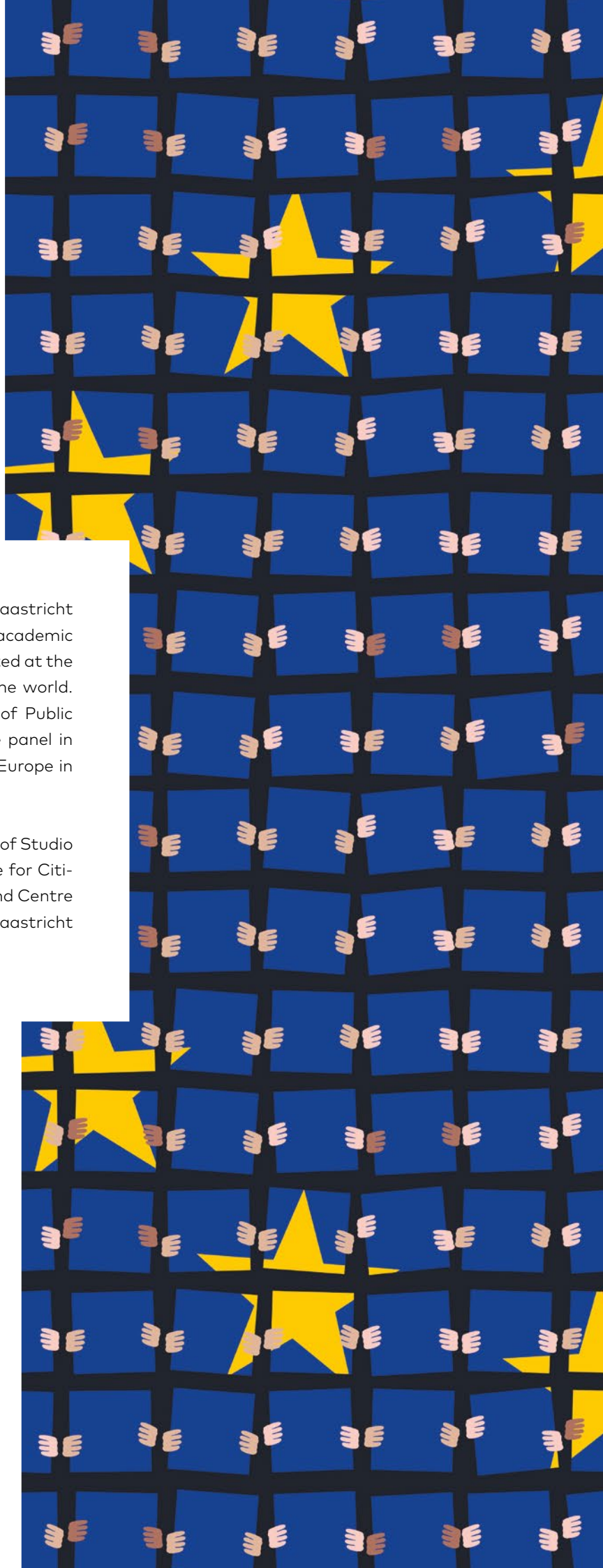

This is a special edition of the Studio Europa Maastricht policy briefs collection. This policy brief presents academic reflections on a selection of recommendations adopted at the European Citizens' Panel on migration and EU in the world. Studio Europa Maastricht and European Institute of Public Administation (EIPA), in February 2022, hosted the panel in the framework of the Conference on the Future of Europe in Maastricht.

The policy brief features contributions by researchers of Studio Europa Maastricht and EIPA, the Maastricht Centre for Citizenship, Migration and Development (MACIMIDE) and Centre for European Research in Maastricht (CERiM) of Maastricht University, and United Nations University – MERIT.

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