

《研究ノート》

The European Union and the Refugee Crisis: Reconfiguring Its Borders?

Shunsuke Sato

1. Introduction

Confronted with a series of crises, the European Union appears to have lost its momentum for increased integration. The enduring economic and financial crisis in the Eurozone since 2009 has put enormous stress on the solidarity of the EU and its Member States and the so-called refugee crisis that began in 2015 has made this fragile state more visible. On the one hand, the negative reactions of some Eastern European countries regarding the EU's provisional refugee relocation scheme seemed to expose an internal division between the north and the east/south in the Union. On the other hand, as the EU was temporarily incapable of dealing with the pressure on its external borders due to the tide of asylum seekers, northern and western Member States were tempted to re-install their national borders. Thus, the refugee crisis gave rise to the Schengen crisis within the Union as well. As illustrated by the reactions of the Member States, the refugee crisis was and is a crisis of EU territorial solidarity and has brought challenges to the EU's existing border management. In this paper, I would like to analyse how the EU responded to the refugee crisis and how the EU and its Member States have tried to restructure the territoriality and the borders within the Union. By analysing impacts of the refugee crisis on the EU asylum policy, I aim to draw some implications to theoretical discussions on impacts of crisis over

European integration.

To this end, I will first analyse the impacts of the refugee crisis from a longer-term perspective. It is especially important to evaluate the impacts of the crisis in the historical development of the EU's Common European Asylum System (CEAS). Certainly, the refugee crisis exposed some deficiencies in the CEAS but those deficiencies are rooted in long-term policy development. Second, the EU's responses in addressing the crisis and, subsequently, the ongoing reform agendas of the CEAS will be analysed. Last, how and to what extent the crisis induced a transformation of the CEAS and of its governance mode and whether or not it will actually resolve the deficiencies in the EU asylum system will be discussed. These analyses will also bring certain implications on traditional theoretical controversies over the drivers of integration, which will be argued in the last section.

2. Developments of the Common European Asylum System and Its Deficiencies

Since German Chancellor Merkel's declaration on the suspension of the Dublin Regulation for Syrian asylum seekers on 24 August 2015, an extraordinary number of asylum seekers have rushed to the EU. The number of asylum seekers that headed towards Europe was unprecedented and was estimated at more than a million in 2015 alone. Naturally, this wave of asylum seekers put enormous pressure on the EU's internal/external border controls and the asylum system. Thus, one might perceive that when the asylum crisis suddenly appeared, it caused critical problems in the CEAS. However, this would be a simplistic perception. Of course, the migration of an enormous number of people from the Middle East to Europe triggered by the Arab Spring was a primary factor of the crisis within the CEAS. Nevertheless, at the same time, there have long been intrinsic deficiencies within the CEAS. In that sense, the refugee crisis exposed these original deficiencies in the EU's

asylum system. Therefore, one first needs to focus on the roots of the crisis before evaluating the impacts of the crisis. I would like to start by briefly looking at the internal problems attached to the CEAS.

2-1. Intrinsic Deficiencies within the CEAS

After the effectuation of the Amsterdam Treaty in 1999, EU asylum policy experienced a 'communitarization' process, which led to the construction of the CEAS. The foundation of the CEAS consists of a series of European laws such as the Asylum Qualification Directive, the Asylum Procedures Directive, the Reception Conditions Directive, the Dublin Regulation (Dublin II) and the Eurodac Regulation. In the first phase of the CEAS (the period between 1999 and 2005), the above-referenced directives and regulations were incorporated to harmonise the legal frameworks of the Member States on the basis of establishing common minimum standards for asylum.

After the completion of the first phase, the European Commission set forth a period of reflection to evaluate the efficiency of the existing instruments and to determine the direction in which the CEAS should develop. Then, after public consultation, the Commission published the Policy Plan on Asylum (COM (2008) 360 final), noted several shortcomings in the CEAS¹⁾ and proposed strategies to improve them.

a. Incomplete Harmonisation

The first important shortcoming of the CEAS as identified by the Commission was the insufficient harmonisation of national asylum standards. The Commission found that a lack of common practice, different traditions and diverse sources of country of origin information produced divergent

1) Commission of the European Communities (2008) *Policy Plan on Asylum: An Integrated Approach to Protection across the EU*, COM (2008) 360 final.

results across the Union. It considered the differences in the recognition rate of asylum requests from applicants from the same countries of origin to be a critical flaw in the CEAS and called for the establishment of a level playing field for asylum seekers.

However, the EU could not attain the goal of sufficient harmonisation before the upsurge of the refugee crisis. Toshkov and de Haan (2013) found that, on the one hand, there was a certain convergence trend among European countries but on the other hand, important national differences among the 29 Member States persisted. These differences can be found in the recognition rate of a refugee status or other types of international protection status for applicants from the same country of origin. For instance, they mentioned that, in 2009, 'applicants from Afganistan face 30 per cent positive decisions in Austria but only 3 per cent in the Netherlands' (Toshkov and de Haan 2013, p675). This means that to which country a person applies for asylum makes a crucial difference for his/her future prospects. This persistence of national differences in recognition rates can accelerate other deficiencies within the CEAS, that would result in unequal burden-sharing within the EU.

b. Imbalances in Burden-Sharing among Member States

How member states should share burdens and enhance solidarity is another challenge with which the EU's asylum system has long struggled (Thielemann and Dewan, 2006; Thielemann and Armstrong, 2012). Although the Commission's 'Policy Plan' called for a higher degree of solidarity and responsibility among Member States in 2008²⁾, an imbalance in the number of asylum applications is apparent. According to Eurostat 2015, Germany received almost a third of all applications (202,815 out of 626,715) in 2014 and

2) Ibid

the top five countries (Germany, Sweden, Italy, France and Hungary) received approximately three fourths of all applications.³⁾

When one looks at the number of applications per one million inhabitants, one can see that not only northern countries (Sweden 8432, Denmark 2615 and Germany 2511) but also countries at the eastern Schengen border (Hungary 4331 and Austria 3299) and at the external border of the EU (Malta 3174 and Cyprus 2034) were already under high pressure from asylum seekers in 2014⁴⁾.

The pressure on the border countries has been reinforced by the Dublin Regulation, a core mechanism of the CEAS. The Dublin system allocates responsibility for processing asylum applications to the Member States. The central principle of the Dublin system is that only one country is responsible for each application, typically 'the first country of entry'. If an asylum seeker makes an application in one Member State and if the Member State that received the application is not a responsible state as set forth in the Dublin Regulation, the Member State may transfer the application to the responsible state to avoid so-called 'asylum shopping'. Thus, naturally, 'the first country of entry' rule produces additional, uneven pressure on eastern/southern countries that have external borders close to the regions where many of refugees are coming from (Thielemann and Armstrong, 2012). For instance, in 2013, the top three countries that issued transfer requests were Germany, Sweden and Switzerland, while the top three countries that received transfer requests were Italy, Poland and Hungary (Fratzke, 2015). Therefore, as the Commission admitted, it is clear that 'the Dublin system may de facto result in additional burdens on Member States... that find

3) European Commission (2015) *Asylum in the European Union: Asylum Applications in the EU28*.

4) Ibid.

themselves under particular migratory pressures because of their geographical location,'⁵⁾ typically at the EU's southern or eastern external border⁶⁾.

Such migratory pressures can often be problematic because the reception and absorption capacities of those border countries are not as sufficient as those of northern countries. For example, when Bulgaria received approximately seven thousand asylum applications in 2013, the United Nations High Commissioner for Refugees (UNHCR) demanded that other countries temporarily suspend their transfers based on the Dublin Regulation because of the overload on Bulgaria's reception capacity. In 2013, the UNHCR also pointed out processing delays for asylum applications and inadequate accommodations for asylum applicants in Italy.⁷⁾

The most extreme case was Greece. Amidst continuous economic and financial crises, Greek asylum reception conditions were getting worse and worse. Though the UNHCR and the other international NGOs such as Amnesty International had already reported the shortcomings in the Greek asylum system, including difficulties in submitting asylum applications and extremely low recognition rates, several cases were brought before the European Court of Human Rights (ECtHR) and the Court of Justice of the EU (CJEU) by 2011. In its landmark judgment in the case *M.S.S. v Belgium*

5) Commission of the European Communities (2007) *Green Paper of the Future Common European Asylum System*, Brussels, 6.6.2007, COM (2007) 301 final, p. 10.

6) As for the unequal burden derived from the Dublin rule, Fratzke mentions that the Dublin transfer does not impose a huge burden on Member States because Member States often exchange similar numbers of requests. Fratzke, S. (2015) 'Not Adding Up: Fading Promise of Europe's Dublin System', *MPI Europe Report*, March 2015.

7) UNHCR, *UNHCR Recommendations on Important Aspects of Refugee Protection in Italy*, Geneva, UNHCR 2013.

and Greece (No.30696/09), the ECtHR held that Belgium violated an applicant's rights by sending him back to Greece, a place where inadequate reception conditions put him at risk of inhumane and degrading treatment. In the judgment, the court argued that the Belgian government had to verify if the applicant's rights would be guaranteed. The CJEU followed the judgment of the ECtHR in *N.S. v the United Kingdom* and *M.E. v Ireland* (Case C-410/10 and C-493/10). In those rulings, the Court held that a Member State may not transfer an asylum seeker to another Member State when it 'cannot be unaware that systemic deficiencies in the asylum procedures and in the reception conditions of asylum seekers in that Member State amount to substantial grounds for believing that the asylum seeker would face a real risk of being subjected to inhumane and degrading treatment'. These rulings, in the end, brought a result of a temporally suspension of Dublin transfers to Greece. This logic was again confirmed in the ECtHR's ruling in *Tarakhel v Switzerland* (No.29217/12). In this case, Switzerland sent an Afghan couple and their six children back to Italy and the Court held that Swiss authorities should have obtained individual guarantees from the Italian authorities that the applicants would be taken care of considering the ages of the children and that the family would be kept together. From the above-referenced observations, it is evident that the deficiencies in the CEAS were well known to Member States prior to the refugee crisis in 2015.

2-2. Past Efforts to Fix the Deficiencies

In the previous subsection, the intrinsic deficiencies of the CEAS were discussed. These shortcomings were evident well before the refugee crisis. Thus, I would now like to briefly analyse how the EU responded to the CEAS deficiencies. Notably, the Commission attempted to improve the CEAS by commencing so-called 'recast negotiations' to revise the existing EU asylum laws. It should be clarified to what extent the recast negotiations and the

second generation of asylum laws succeeded in overhauling the CEAS.

a. Negotiations for Recast Directives

Recast negotiations were a difficult and lengthy process during the Euro crisis situation. On the one hand, there was an advocacy coalition between the European Commission and the European Parliament (EP). Regarding the asylum policy, it is well known that the EP took a more liberal asylum seeker- and refugee rights-friendly position than that of the Council of Justice and Home Affairs (JHA) Ministers. Due to the coalition of 'pro-migrant' actors that included socialists, liberals, greens and the radical left within the EP, the EP traditionally positioned itself 'in clear opposition to the Council' (Servant and Trauner, 2014: 1148). Guided by co-decision procedures, the goal of the coalition was to develop more harmonised policies and rules among Member States. On the other hand, however, the Council was not eager to revise the first-generation laws. The first-generation asylum laws were adopted in the Council without strong influence from the EP, which implies that these laws largely reflected the Council's original position. Additionally, the first-generation laws had just been implemented. For the Council, there was simply no urgency to revise the rules.

In the negotiations, Member States attempted to use the difficult economic and financial situation as an excuse to maintain the status quo. According to interviews with experts, this tactic was effective enough to draw out a compromise from the Commission (Trauner, 2016: 316). Therefore, evaluations of the recast asylum laws are rather ambivalent. While the asylum laws became more liberal and less restrictive as compared to the first-generation laws, the differences between them are not significant. For instance, as Servant and Trauner (2014) argued, in the negotiations for the first-generation Receptions Directive, the EP opposed the possibility of detaining asylum seekers. However, during the recast negotiations in 2013, a

compromise between the EP and the Council was discussed in terms of detention length and conditions. The question was no longer about whether or not detention should be permitted. These negotiations reflect a broader pattern. Put simply, more liberal changes certainly occurred, but the changes were focused only on the extent of the application, not the essential character of the CEAS.

The same thing happened to the Dublin Regulation. In the negotiations for a revised Dublin Regulation (the so-called Dublin III Regulation), the Commission and the EP claimed to insert an article on the suspension of transfers of asylum seekers in cases where a Member State's asylum system is overburdened, intending to incorporate the rulings of the CJEU and the ECtHR mentioned above. However, the Council did not choose to change the core principle of the Dublin Regulation and instead, added several articles installing adjustment mechanisms such as the 'early warning mechanism' and ad hoc support for countries under particular pressure.

b. Enhancing Solidarity

Other fruits of the recast negotiations can be found in more practical areas such as technical cooperation and financial cooperation. As for financial cooperation, the funds were dramatically increased. Although the EU originally established the European Refugee Fund (ERF) with a budget of 628 million euros for the period 2008 to 2013, the ERF was replaced by the Asylum and Migration Fund (AMF) with a budget of more than three billion euros for the period 2014 to 2020, which will be helpful for Member States under migratory pressure.

As for the latter, technical cooperation, the European Asylum Support Office (EASO) should be mentioned. The EASO was established by Regulation 439/2010 as a centre for asylum expertise at the European level. It aimed to familiarise Member States with the other state systems and to

facilitate cooperation between Member States.

In this section, I reviewed the historical developments of the CEAS prior to the refugee crisis from two different but mutually interconnected angles. On the one hand, I reviewed the intrinsic CEAS deficiencies, especially concerning the unequal burden accelerated by the Dublin system and its principle of 'the country of first entry'. On the other hand, the responses and efforts of the EU to fix the deficiencies was also reviewed. From the analyses above, it has been shown that the efforts of the Commission and the EP made the CEAS slightly more liberal but did not really succeed in transforming the Dublin system and in fixing its shortcomings. How, then, did the refugee crisis impact the EU's asylum system? Apparently, it caused serious dysfunctions in the CEAS but a crisis can also be a catalyst for change. In the next section, I would like to analyse how the crisis caused the dysfunction and how the EU responded to the crisis.

3. The Crisis and the EU's Reaction

The number of asylum seekers coming to Europe has risen dramatically since 2011, and the number of asylum applicants in the EU reached to 626,000 in 2014. In 2015, this trend was accelerated and the number of the asylum seekers in Europe reached more than a million. This trend was especially triggered by the German Chancellor Merkel's declaration to accept Syrian refugees in August 2015. Right after the declaration, a picture of a Syrian child that had drowned in the Aegean Sea roused European public support for the German humanitarian policy toward refugees. Initially the German public showed their 'welcoming culture', and other European countries, such as Austria, kept their borders open. On the other hand, dissonance within Germany and among EU countries was spreading rapidly. Then, how do we analyse the impacts of the refugee crisis?

3-1. The Refugee Crisis and Dissonance within the Union

Faced with an unprecedented number of asylum applications, it became apparent that the Dublin system and its 'country of first entry' rule could no longer work. The EU's first tactic was to suspend the Dublin rule. Germany suddenly declared a suspension of the Dublin rule for Syrian refugees. However, soon it became apparent that the EU could not simply wait and accept all of the asylum seekers coming to Europe. The crisis forced the EU to respond and restore order. There were two reasons why the EU needed to act as quickly as possible.

Firstly, there was strong opposition from eastern countries, primarily from Visegrad countries such as Hungary, Poland and the Czech Republic, against the German-led 'open door policy'. Hungary showed especially strong opposition and even built a fence around its national border. Secondly, after the terror attack in Paris on November 2015, several northern countries such as Germany, Austria, Sweden and Denmark started to re-introduce border controls, which were considered a 'crisis of Schengen' free movement zones. If the EU fails to restore order, this failure can result in a crisis of internal territorial solidarity within the EU and could lead to the end of the symbolic unity of the EU. The EU, therefore, must address to the widening gap between the asylum system on paper and in reality.

3-2. The EU's Response to the Crisis Situation

The European Commission proposed a series of policies under the name 'European Agenda on Migration' in May and September 2015, and on 23 September 2015, the European Council agreed to measures that would address the crisis. We can categorise these very comprehensive sets of policies into three types. The first pillar is intended to reinforce the Union's internal solidarity. To this end, as the primary mechanism, the Commission

proposed an emergency relocation mechanism for 160,000 migrants from the three border countries exposed to the highest migratory pressures, namely, Italy, Greece and Hungary. This policy is to be applied only to the migrants who came from countries of origin with very high recognition rates, such as Syria, Eritrea and Iraq.

The second policy group includes the establishment of 'hot spots' in Italy and Greece to provide Member States with necessary operational supports in processing asylum applications, plans to ensure a more efficient return policy, and a proposal for an EU list of 'safe countries of origin' aimed at reinforcing and reconstructing the external territorial borders of the EU.

The third policy group is primarily related to diplomatic meetings and negotiations with external countries such as the west Balkan countries, Turkey and other countries around Syria to mitigate the migration influx coming through these countries.

The EU's reaction to the crisis seemed to be quick and comprehensive but there were two limitations. Firstly, there was strong opposition to the internal relocation mechanism. Although northern countries, especially Germany, supported the Commission's relocation plan, Eastern European countries, notably Hungary, rejected this relocation regime. As the Commission originally proposed a compulsory mechanism of relocation on the basis of a set of criteria such as a country's population and GDP, Hungary and other Eastern European countries rejected the compulsory element. As a result, the compulsory element was dropped in the Council negotiations, and the mechanism was made a voluntary scheme in which countries were expected to participate spontaneously. Even though the nature of the mechanism became voluntary, opposition to the scheme from eastern countries remains strong. Hungary even held a national referendum on the relocation of asylum seekers on 2 October 2016, though the results were mixed. On the one hand, it seems that the referendum resulted in a strong

emotional rejection by Hungarian nationals of the relocation scheme (asylum quota) at the EU level with nearly 98% voting 'No'. On the other hand, the referendum is legally invalid due to the low turnout (40.4% below the 50% legal threshold). However, a Hungarian government spokesperson claimed the outcome was binding both 'politically and legally'.⁸⁾ Additionally, quite recently, on 10 October, Hungarian Prime Minister Viktor Orban proposed constitutional changes aimed at banning the mass relocation of migrants.⁹⁾ As of 8 December 2016, only 8,162 asylum seekers out of a planned 160,000 had been relocated based on this mechanism¹⁰⁾.

Secondly, the policy that effectively lowered the asylum influx in the end was a rather external, diplomatic measure for the EU. The measure shut down the west Balkan route at the end of February and the EU-Turkey Agreement in mid-March 2016 permitted the EU to send back irregular migrants coming through Turkey. The EU-Turkey Agreement and its associated measures for returning such migrants resulted in a dramatic reduction of the migration flow from Turkey to Greece. The agreement permitted the EU to return all new irregular migrants from Greece to Turkey, but on the basis of a 'one for one' resettlement scheme, meaning that the EU must accept one Syrian asylum seeker from Turkey for resettlement in the EU for each irregular migrant that is sent back to Turkey. The EU succeeded in setting up this regime with Turkey in exchange for the promise of visa liberalisation policy for Turkish citizens and the reinvigoration of Turkey's application for accession to the EU. This regime played both a practically and symbolically important role in mitigating the migration flows from the Middle East to Europe.

8) BBC, 'Hungary PM claims EU migrant quota referendum victory', 3 October 2016.

9) Euractive, 'Hungarian constitution to ban relocation of migrants', 11 October 2016.

10) European Commission (2016) *Eighth Report on Relocation and Resettlement*, Brussels, 8. 12. 2016, COM (2016) 791 final.

Therefore, if we define the 'refugee crisis' as an uncontrollable migration flow, for now, the 'crisis' in this sense seems to be thwarted thanks to the agreement. Given the end of the crisis, it seems that the EU can start on the path toward normalcy by reinforcing Greek reception capacity and border surveillance in order to restore the Schengen zone.

However, at the same time, it should be mentioned that there is also strong opposition to the EU-Turkey Agreement. There are several reasons for this. Firstly, many international nongovernmental organisations (NGOs) criticised the EU because of the very poor quality of the Turkish reception facilities for asylum seekers. The EU, as a normative power, talked much about human rights to its neighbouring countries. However, if the EU continues to shut out asylum seekers and impose them on Turkey without sufficient guarantees for the protection of human rights, it could undermine the EU's normative legitimacy. Secondly, the fragile nature of the EU-Turkey Agreement should also be mentioned. The EU must basically comply with the agreement to avoid a re-influx of asylum seekers from the Middle East. The agreement is a crucial tool to walk on the road to normalcy. However, the nature of the agreement also provides Turkey with a strong diplomatic instrument. With the threat of abandoning the agreement, Turkey can attempt to press the EU for visa liberalisation or financial support and the attitude of Turkey seems to make EU-Turkey relations unstable. That means that the EU needs to fix the intrinsic deficiencies of the CEAS and to make it sustainable in the longer-term perspective.

3-3. Reforming the CEAS to Maintain Solidarity: But in Which Way?

As shown above, the crisis pushed the EU to act quickly to restore the territorial order of the EU, but at the same time, the crisis exposed the original deficiencies of the CEAS and drove the EU to reform the CEAS and the Dublin Regulation. In this section, I would like to discuss how the crisis

changed the CEAS and whether or not it will also change the rationale of the Dublin regime.

In April 2016, the Commission proposed an all-encompassing reform agenda for the CEAS, including reforms to the Dublin system and the Eurodac system (the asylum applicant fingerprint database), the replacement of the EU asylum directives with regulations (in contrast to a directive, a regulation is a directly applicable measure that does not require transposition to national law), etc. Notably, the reform of the Dublin proposal could potentially bring about the fundamental transformation of the Dublin system. In the proposal, the Commission referred to the existing challenges to the Dublin rule, namely, the high pressure on small border countries such as Italy and Greece and the uneven implementation of the EU rules across Member States, which resulted in the secondary movement of asylum seekers, mostly to Germany. Then, the Commission suggested two options for the future of the CEAS. The first was the preservation of the existing Dublin Regulation but reinforced with a new structural mechanism for the emergency relocation and redistribution of asylum seekers. The second option was a more drastic transformation of the Dublin Regulation, namely, installing a new responsibility allocation mechanism, which was an EU-wide allocation mechanism based on country size, wealth and absorption capacity. In this case, the principle of the first country of entry would be abandoned. The Commission, with this proposal, expressed its view on the future of the CEAS, stating that in the longer term, it is desirable to transfer the responsibility for processing asylum applications from the national to the EU level.

Until now, it seems that the Member States were not eager to transform the Dublin Regulation completely. Considering the strong opposition from Hungary, Member States seemed to favour the first, more realistic option in terms of the Dublin Regulation. In addition, they preferred to upgrade

existing agencies such as the Frontex and the EASO by providing them with more competences as full EU agencies. For instance, the Frontex was an intergovernmental cooperation mechanism that did not have its own resources and staff, and therefore, relied on the cooperation of Member States. However, Member States agreed to upgrade their cooperation and launched a new organisation called the 'European Border and Coast Guard' in September 2016. This 'more Europeanised' organisation now has double the staff and its own equipment and can deploy staffs at a moment's notice, thus reinforcing the external borders of the EU. Therefore, for the moment, a fundamental 'supranationalization' of the EU asylum system is unlikely to occur. The Dublin Regulation reception scheme, with 28 different national asylum systems rather than one EU-wide asylum system, will remain. Nevertheless, some institutional reinforcements such as the upgraded cooperation in the area of external border control and the plan to replace some of the directives with regulations, which would effectively harmonise the national rules and customs concerning asylum reception and refugee protection, can be observed. In confronting the refugee crisis, a type of 'paradoxical integration' seems to appear. In a sense, Member States have been forced to deepen cooperation with each other in the asylum policy arena in order to address the emerging problem but without fundamental transformation of the rational of the CEAS.

4. Conclusive Reflections: The Refugee Crisis and European Integration

In this paper, I attempted to analyse how the crisis influenced the European asylum system and how the EU responded to the crisis. As shown above, the crisis triggered the encompassing reform proposal of the CEAS by the Commission although it has not been very clear yet how the Member States will respond. Given the strong opposition from several eastern

Member States, the radical transformation (or supranationalization) of the Dublin system is not likely to occur. However, at the same time, it should be mentioned that deeper cooperation in the external border control has already took shape since it is easier for the Member States to agree on the tightening the external borders than on the restructuring internal borders among national asylum systems. In this last section, I would like to draw some implications from the refugee crisis to the relationship between 'crisis' and 'European Integration' in more general term.

Recently, many scholars has attempted to theorize crisis and its impact on the EU (Laffan, 2016; Ioannou et al., 2015; Tosun et al., 2014; Falkner, 2016). As most of such attempts primarily focused on the impacts of economic and financial crisis since 2008, it would be fruitful to analyse the impacts of the refugee crisis in comparative perspective with insights acquired from those previous researches¹¹⁾. In these previous researches, there emerge several common understandings about the impacts of economic and financial crisis. Firstly, the Eurozone crisis was rather an opportunity than an obstacle of integration, at least in terms of institutional, or functional integration. In fact, high pressures created by the Eurozone crisis resulted in the concrete advancement of integration including the setting up of the European Stability Mechanism, the construction of the Banking Union and the reinforcement of the fiscal governance despite high fears of disintegration. As the newly installed fiscal governance mechanism, for instance, the reinforcement of the

11) Only very recent articles such as Falkner (2016) and Laffan (2016) bring other crises such as the conflict in Ukraine and the refugee crisis in the attempt of the theory building. Notably, the Special Issue of the Journal of European Integration vol. 38 (3) edited by Falkner explicitly compared changes triggered by the crisis in broad policy areas including Justice and Home Affairs. The article written by Trauner (2016) in this Special issue is the precious research that deal with impacts of the refugee crisis in its very early stage.

Stability and Growth Pact's fiscal surveillance that is now embedded in the economic coordination cycle so-called 'European Semester' and the intergovernmental 'Fiscal Compact' requiring the state to enshrine binding budget rule in national law, preferably in the national constitution etc. can be mentioned. As is discussed in the previous section, this deepening of integration is comparable to the policy development of the CEAS.

Secondly, these literatures on crisis seem to agree that crisis changes power relations of existing institutions. For instance, several studies conclude that under the pressure of the Eurozone crisis, the role of the European Council came to the fore as the central leader and agenda setter (Tosun et al., 2014; Schwarzer, 2012; Wallace et al., 2015; Fabbrini and Puetter, 2016). As a result, the Commission lost its traditional role as the agenda setter, and shifts its role to policy manager (Laffan, 2016). Therefore, one prominent stream in interpretation of the effect of the crisis focuses on the strengthened role of intergovernmentalism in European integration (Fabbrini and Puetter, 2016; Bickerton et al., 2014a; 2014b). This stream of researches identifies 'integration without supranationalization' or 'new intergovernmentalism' in European integration at the Post-Maastricht era and emphasizes that intergovernmental forums have become the main catalysts of further policy integration. Fabbrini and Puetter (2016) argue that in policy areas close to core state power such as economic governance, foreign and security policy, crucial sub-fields of justice and home affairs and social and employment matters, integration is achieved without fundamental supranationalization.

From the analyses of the refugee crisis and of the reform attempt of the CEAS triggered by the crisis, this argument of integration without supranationalization seems to be mostly valid as well. Certainly, on the one hand, we can find a slight supranationalization of EU agencies and a possible replacement of directives with regulations that will reinforce the existing external borders and will promote further internal harmonization. On the

other hand, however, the crisis did not transform the core rationale of the Dublin system despite the ambitious suggestions of the European Commission, therefore essentially leaving systemic deficiencies in the CEAS remain unresolved. Constructing a consensus on possible solutions among diverse Member States will be a difficult, but an urgent task to achieve a sustainable European asylum policy.

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