

Luxembourg Presidency of the EU

Focus on the Refugee Crisis

The past spring and summer of the European continent have been, without any doubt, marked by two hot topics: “the referendum” – Greek referendum and the conditions for staying in the Eurozone; as well as now the already chronic exodus of refugees from the Middle East and Africa to European countries. While the first one falls under the competence of the “troika”, comprising the European Commission, the European Central Bank and the International Monetary Fund, the matters of migration and asylum policy are shared between the EU member states and the European Parliament – and are thereby one of the top priority issues of the current Luxembourg Presidency of the Council.

The Luxembourg Presidency works within the “presiding trio”, currently consisting of Italy and Latvia, in addition to Luxembourg. The “presiding trio” category was introduced by the Lisbon Treaty, aiming to coordinate and adequately link topics and activities of the presiding states in the 18-month period.¹

The matters of migration and asylum policy are shared between the EU member states and the European Parliament – and are thereby one of the top priority issues of the current Luxembourg Presidency of the Council.

The refugee crisis is, judging by the most recent opinion polls, the topic that currently brings the most concerns to the EU citizens.

Current priorities of the three countries are defined very broadly, and the task of each country is to make them more concrete and in line with the topical issues and needs.² Since we have already argued on the priorities of the [Italian](#) and [Latvian](#) presidency, and since they do not essentially differ from those defined by Luxembourg, this insight will focus on the refugee crisis issue, as one of the topics that dominated the Luxembourg agenda in the past July, i.e. the first month of the 6-month long Luxembourg Presidency, and which, judging by the most recent opinion polls, currently brings the most concerns to the EU citizens.³

Relocation of refugees from Greece and Italy to other EU states

Everyday scenes of tens of thousands of refugees trying to reach the countries of Western Europe through Serbia and Hungary, as well as the failure to remove the

¹ Trio, Treaty of Lisbon: Declaration 9, Declaration on Article 9 C(9) of the Treaty on European Union concerning the European Council decision on the exercise of the Presidency of the Council <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12007L/TXT&from=EN>

² Priorities of the current trio can be seen here: <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2010948%202014%20REV%201>

³ See Standard Eurobarometer Survey 83, First Results, July 2015, p. 14, available at: http://ec.europa.eu/public_opinion/archives/eb/eb83/eb83_first_en.pdf

symptoms of this phenomenon by setting up temporary walls and establishing internal borders within the Schengen area – are the events that forced the Luxembourg Presidency to convene an extraordinary session in order to address this largest refugee crisis in Europe since the Second World War. Ministers of Interior and Justice of the EU member states first (on July 20, 2015) managed to [agree](#) on the temporary relocation of around 32 thousand asylum seekers from Italy and Greece to other EU countries, thus managing to share the responsibility for an increased number of refugees coming from Middle East, African North and Horn of Africa and arriving to the countries at the EU's coast. From the beginning of 2015, it is estimated that around 200,000 refugees entered EU countries illegally, paying for smuggler services due to a lack of other means for fleeing from war and violence in their home countries.

This agreement represents a partial success, compared to the [initial Commission's proposal](#), by which 40 thousand refugees from Greece and Italy were to be urgently relocated to the remaining member states according to a prescribed quota, taking into account country's gross domestic product, population, unemployment rate and the number of asylum seekers. Through this strategy, the asylum systems of Greece and Italy, the countries that have experienced the biggest material and humanitarian consequences due to their geographical position and the rule by which the EU country that an asylum seeker enters first is in charge of resolving the asylum case (see [Dublin III Regulation](#)), would become less burdened. This proposal faced fierce resistance from the countries of Central and Eastern Europe, Baltics, Spain and the United Kingdom.

From the beginning of 2015, it is estimated that around 200,000 refugees entered EU countries illegally, paying for smuggler services due to a lack of other means for fleeing from war and violence in their home countries.

Through the past rhetoric, the denial of responsibility and the absence of any reaction of the intellectual elite to these questions, in the light of economic problems and the ever increasing xenophobia and islamophobia, many European countries have disappointed the public and retreated from the declared values upon which the EU is based.

At the Council meeting, member states refused the proposed obligatory quota-based relocation system, but decided to voluntarily determine the number of refugees they would welcome from Greece and Italy. Hence, Hungary, Austria and the UK decided not to participate in this venture; Slovakia, Poland, Spain, Lithuania, Latvia and many others would accept less refugees than previously envisaged by the quota system; while Germany, France, Belgium, Finland, Sweden and Czech Republic would welcome more than prescribed by the quota system.⁴ October 2015 is intended for the beginning of the relocation, but the Parliament's consent is needed beforehand, which is expected in September at one of the first sessions.

Comparing the total number of refugees fleeing to Europe daily (more than half a million expected in 2015), with the agreed figure of 30 thousand in a two-year period, while also bearing in mind that Turkey alone has so far accepted about two million Syrian refugees – it is clear that currently settled measures are only a small part of the solution that cannot replace the lack of a comprehensive approach to the EU's immigration and demographic policy. The Commission therefore came out with [a new proposal on the transfer of 120,000 refugees](#) in accordance with the quotas, whereby for each accepted person the countries would receive financial compensation. Alternatively, they would have to pay fines if they do not wish to accept the assigned number of people. Not surprisingly, even this proposal faced [resistance](#) by many member states at [Extraordinary Council](#) meeting on September 14, and the end of this agonizing European saga is not in sight.

⁴ Compare the figures of the initial proposal with the reached agreement, available at: http://www.eu2015lu.eu/fr/actualites/articles-actualite/2015/07/conseil-jai-relocalisation/JAI_council_final_200715.pdf

Asylum seekers from the Western Balkan countries have, since the introduction of the visa free regime in the Schengen countries in 2009 and 2010, represented the biggest group of asylum seekers by number so far.

Through the past rhetoric, the denial of responsibility and the absence of any reaction of the intellectual elite to these questions, in the light of economic problems and the ever increasing xenophobia and islamophobia, many European countries have disappointed the public and retreated from the declared values upon which the EU is based. History has so far demonstrated that migrations, especially forced ones, are impossible to stop and prevent. European countries have to reassess their attitudes towards the countries which are the focus of conflicts and the countries of origin of refugees, as well as to comprehend their demographic, economic, and social reality, and accept that the standards which they are used to are impossible to preserve in self-isolation.

Serbia and the rest of the Western Balkans safe countries of origin at the EU level?

During the July meeting, Ministers of Interior and Justice adopted conclusions emphasising the need for member states to coordinate and harmonise their national safe country of origin lists, and thus improve the fairness and efficiency of processing asylum requests.⁵ Not to forget, the safe country of origin concept includes faster processing of asylum requests from those seekers coming from countries considered safe, i.e. they do not experience a systemic risk of persecution for any reason representing the grounds for granting asylum. The reason for this initiative are asylum seekers from the Western Balkan countries, whose citizens have, since the introduction of the visa free regime in the Schengen countries in 2009 and 2010, represented the biggest group of asylum seekers by number so far (bigger

than Syrians, Afghans, Somalis etc.). At the same time, their asylum requests are groundless – the rate of asylum approval ranges from only 0.9% (Macedonia) to 7.8% (Albania).⁶

The EU's [Asylum Procedures Directive 2013/32/EU](#), in force since 21 July 2015, stipulates in Annex I the conditions under which a certain country outside the EU can be considered safe. However, the Directive does not give the authority to the Parliament and the Council to adopt a common country of origin list at the EU level. Before amending the directive that has just entered into force, it is envisaged in the first phase that the European Asylum Support Office (EASO) will, supported by member states, form a preliminary list of safe countries of origin for which there is a consensus among member states. Currently, 22 national legislations are familiar with the safe countries of origin concept, while only 15 of them apply it in practice.

Given that all Western Balkan countries are in the EU association or accession process, with a membership perspective, ministers agreed that this step is necessary for paving the way to membership of these countries and, on the other hand, discouraging “asylum tourism” and paying more attention to the increased number of asylum seekers from war-affected areas that are qualified for obtaining asylum.

It is envisaged that the European Asylum Support Office (EASO) will, supported by member states, form a preliminary list of safe countries of origin for which there is a consensus among member states.

⁵ Conclusions of the Ministers of Justice and Home Affairs of the EU, 20 July, available at: <http://www.eu2015lu.eu/fr/actualites/articles-actualite/2015/07/conseil-jai-relocalisation/index.html>

⁶ Note from the Commissioner EU for migration to the ministers of Justice and Home Affairs, 15 July 2015, available at: <http://data.consilium.europa.eu/doc/document/ST-10962-2015-ADD-1/en/pdf>

The introduction of this concept and the acceleration of the procedures for Western Balkan nationals has led to a drastic reduction in asylum claims in countries such as Belgium, Austria, the Netherlands, and Luxembourg. However, for a country like Germany, which is currently a crucial actor in determining the dynamics of the integration process of the Western Balkans into the EU, the solution has not been found – even with the introduction of [accelerated procedures](#) in September 2014, the number of asylum seekers from this region has not been reduced. From Serbia alone, on average, over 2000-2500 nationals per month apply for asylum in Germany.⁷ Although this issue is not directly related to EU membership negotiations, a consistently high number of our citizens who groundlessly seek asylum has to have a negative impact on the German public opinion and on the mood for Serbia's admission to membership. The adoption of uniform, EU-level rules for a safe country of origin list, in the context of Western Balkan countries, seems like an encouraging initiative. However, bearing in mind the time needed for the new rules to come into force, its ultimate outcome can only be expected in a few years.

Sena Marić is a researcher for Good Governance and Europe&us programme areas at CEP

Even with the introduction of accelerated procedures in September 2014, the number of asylum seekers from this region in Germany, which is currently a crucial actor in determining the dynamics of the integration process of the Western Balkans into the EU—has not been reduced.

⁷ Statistics as of June 2015, available in the Eurostat database <http://ec.europa.eu/eurostat/web/asylum-and-managed-migration/data/database>

About European Policy Centre

www.europeanpolicy.org



www.facebook.com/EuropeanPolicyCentre



@CEPBelgrade



EuropeanPolicyCentre



[linkd.in/1Gj7VKc](https://www.linkedin.com/company/european-policy-centre)

European Policy Centre - CEP - is a non-governmental, non-profit, independent think-tank, based in Belgrade. It was founded by a group of professionals in the areas of EU law, EU affairs, economics and public administration reform, with a shared vision of changing the policy making environment in Serbia for the better – by rendering it more evidence based, more open and inclusive and more substantially EU accession driven. Profound understanding of EU policies and the accession process, the workings of the Serbian administration, as well as strong social capital combine to create a think-tank capable of not only producing high quality research products but also penetrating the decision making arena to create tangible impact.

Today, CEP organises its work into four programme areas: 1) Good Governance, with a strong focus on horizontal policymaking and coordination; 2) Internal Market and Competitiveness; 3) Regional Policy, Networks and Energy; 4) Europe&us. For more information, visit us on www.europeanpolicy.org.