

Working Group X

Working document 4

Working group X « Freedom, Security and Justice »

Subject : Note from M. Sören Lekberg, Member of the Swedish Parliament : "A common European asylum and migration policy"

2002-10-24

**Freedom, security and justice; A common European asylum and migration policy;
Contribution from Sören Lekberg to Working Group X**

The starting point for the work in the asylum and migration field is the ambitious commitments made in the Amsterdam Treaty and in the conclusions of the European Council meetings in Vienna, Tampere, Laeken and Seville. The Commission has made an impressive effort in presenting a great number of proposals for legislation due under Articles 62 and 63 of TEC. Some important achievements have also been made. However, it is clear that progress has been too slow and that member states have shown limited willingness to get into real negotiations as well as demonstrated little preparedness to adjust their national legislation. In this way legal acts tend to be watered down and the JHA Council work loses its credibility. The work needs to be intensified and action needs to be taken with a high level of ambition in the entire area of asylum and migration.

Crucial for the progress of harmonisation in the area of asylum and migration is the introduction of qualified majority voting and the establishment of more efficient working methods. It is also important to reconsider the treaty framework in order to enhance efficiency, coherence and continuity. The creation of a broader legal framework in line with the principles of the Tampere Conclusions would make the treaty more flexible and facilitate and promote the development of a common policy. It is also essential to link the principles of asylum and migration to other policy areas and promote such integration in the first section of the EC treaty. One alternative would be to introduce a new article.

The introduction of *qualified majority voting*, which is the normal working method in the first pillar, would contribute to more dynamism in the area of asylum and migration. In the long term it would promote the development of compromises on a higher level of ambition and, honour the European Council commitments. Furthermore, the application of the co-decision procedure would give the European Parliament a more prominent role, which would promote greater transparency as

well as increased democratic support in the development of a common European asylum and migration policy.

Except for the necessity of changes to bring work more in line with the practice of the first pillar there is also a need for substantial changes. The treaty framework in the area of asylum and migration is at the moment inflexible and implies a limitation of measures that can be taken. Disputes on competence and legal basis are not uncommon. Thus, the development of a common asylum and migration policy would prosper from the creation of a *broader legal framework in line with the Tampere European Council Conclusions*. This broader legal framework should state, in general terms, the ambition to create a common asylum and migration policy and avoid detailed precision of actions to be taken.

Issues concerning migration are complex and of a global nature. This implies a need for broad policy-making and co-ordination with other relevant policy areas, e.g. foreign and security policy, development policy, integration policy, labour and industry policy and social policy. This "comprehensive approach" would facilitate the development of a more co-ordinated and efficient EU migration policy. At the moment, the treaty does not stipulate cross-references to other policy areas. Thus, it seems important to include, in the first section of the EC Treaty, *the over-arching principles in the field of migration and asylum*. One alternative would be to introduce a new article.

Lastly, it would be beneficial for the development of a common asylum and migration policy to review the elements of "*flexible integration*" existing in the treaty in order not to blur the legislative work and cause difficulties in the integration of migration policy into other policy areas.