

Niemann, A. and Speyer, J. (2018)

„A Neofunctionalist Perspective on the ‘European Refugee Crisis’: the Case of the European Border and Coast Guard”

In: *Journal of Common Market Studies*, Vol. 56, No. 1, pp. 23-43.

This is a preliminary version of an article whose final and definitive form was published in *Journal of Common Market Studies* © Copyright University Association for Contemporary European Studies and John Wiley & Sons Ltd., *JCMS* is available online at <https://onlinelibrary.wiley.com/journal/14685965>.

A Neofunctionalist Perspective on the ‘European Refugee Crisis’: the Case of the European Border and Coast Guard

Abstract

Initial literature on the European refugee crisis discerned intergovernmental tendencies in its management. Furthermore, neofunctionalism’s alleged inability to account for issues of ‘high politics’ has so far inhibited theory-guided analysis. Somewhat counterintuitively, this paper examines whether neofunctionalism may be able to explain a major case of ‘European refugee crisis’ policy-making, the negotiations on the European Border and Coast Guard regulation. We argue, somewhat counterintuitively, that the theory considerably furthers our respective understanding. The crisis acted as a catalyst exposing the weaknesses of a system that pitted a supranational Schengen against a largely intergovernmental external border regime, notwithstanding a developing Frontex. These dysfunctionalities have been widely fostered by both national and supranational decision-makers shrinking from the significant economic, political and sunk costs of Schengen disintegration, thus ruling out the possibility for spillback. Additionally, further integration was substantially nurtured by supranational agency, ‘socialized’ national civil servants, transnational NGOs and European business associations.

Introduction¹

Analyses of the ‘European refugee crisis’ have so far been rather descriptive and/or normative in nature (Dagi, 2017; Trauner, 2016). By contrast, hardly any (if any) theory-guided analyses of the crisis exist. This constitutes a deplorable gap in the literature as crises particularly lend themselves to a (re-)assessment of theory since the sociopolitical context – and especially critical junctures therein – has tended to substantially impact on theory (development) in EU Studies (Rosamond, 2000: 9). From that perspective – and given the Special Issue’s focus on explaining the management of the ‘European refugee crisis’ – it makes sense to examine the insights that

¹ We are grateful to three anonymous reviewers for their comments on earlier drafts. In addition, we would like to thank our interview partners for their time and willingness to talk us as well as Julia Hartmann and Johannes Rabenschlag for their valuable research assistance.

neofunctionalism, arguably the most prominent theory of European integration, provides for explaining an important aspect of EU refugee crisis management, and to infer relevant aspects of theory-building/-development from this analysis.

A key question of this special issue asks how the measures adopted by the EU since the outbreak of the so-called ‘refugee crisis’ can be explained. Given the rather gloomy initial analyses of the crisis, pointing to insufficient European cooperation on refugee policies (Trauner, 2016), and to a strengthening of intergovernmental logics and institutions likely to “not only slow the pace of integration [but to] reverse the spillover effects achieved so far” (Dagi, 2017: 2; Fabbrini, 2017: 11), neofunctionalism with its emphasis on the dynamics of integration does not appear the most promising choice for such explanation. Moreover, it has been strongly questioned whether neofunctionalist logics can work in an area of ‘high politics’, i.e. close to the heart of national sovereignty, both by its critics (Hoffmann, 1966: 882, 901) and more neutral observers (Gehring, 1996: 228). Against this background, we argue (somewhat counterintuitively) that neofunctionalism, nevertheless, provides insights crucial to understanding important aspects of the EU’s response to the crisis. As a case study we have chosen the regulation on the European Border and Coast Guard (EBCG) that was proposed by the Commission in December 2015 and entered into force in October 2016. We have done so for several reasons. First, the EBCG regulation arguably constitutes the first substantial piece of legislation to result from EU management of the crisis. The Council decisions on provisional measures in the area of international protection for the benefit of Italy, Greece and Hungary – with a (temporary) relocation mechanism at its heart – are part of an ongoing process – with the implementation of the existing temporary scheme and the negotiation of more permanent relocation still pending – that can only be evaluated and explained comprehensively at its end. Therefore, to avoid the ‘moving-target problem’, we decided to focus on the one substantial piece

of legislation that has been decided, while many others are still in the legislative pipeline (Niemann and Zaun, in this issue). Second, the EBCG negotiations seem to be a good case for probing neofunctionalism, being a hard case for integration in a highly security-sensitive area, in which the Member States are expected to be reluctant to transfer sovereignty (Monar, 2006,p.196). Indeed, observers suggested at the launch of the Commission proposal that it is ‘hugely contested and may take years to implement’ (Traynor, 2016) and ‘unlikely to garner broad support among the 28 capitals’ (Nielsen, 2015). Third, a thorough- analysis of the EU’s external border policy from an explicitly neofunctionalist perspective has so far been lacking. Instead, much of the existing literature on external border management investigates whether migration has been securitized in the EU and/or whether Frontex has advanced this securitization (Horii, 2016, Léonard, 2010, Moreno-Lax, in this issue,). Apart from this security studies angle, several studies have focused on Frontex’ institutional characteristics and development as an agency (Ekelund, 2014, Léonard, 2009, Ripoll Servent, in this issue, Wolff and Schout, 2013). Kaunert (2010) has studied the role of the European Commission in the JHA (including EU external border policy) and brought out the strategies that have allowed the Commission to become a supranational policy entrepreneur in this field but does not take into account other actors involved in EU decision-making.

Our central argument is that neofunctionalism can broadly explain the process and outcome of the EBCG regulation. Functional interdependencies between Schengen (the abolition of internal borders), and the (consequent) need for stronger cooperation on external border management were not sufficiently acted upon with a relatively weak Frontex, thus leading to the exposure of dysfunctionalities by the crisis. The latter acted as a catalyst for the establishment of the EBCG, which became the most functionally logical solution as various path-dependent

factors blocked the way towards disintegration. These underlying functional pressures were reinforced by strong supranational agency, moderate support from interest groups, and further facilitated by socialization and learning processes in the Council framework. The idea of an EBCG had already been proposed 15 years earlier and led to insufficient intermediate solutions, that – much in the neofunctionalist spirit of incremental policy-making – were (significantly) upgraded in a piecemeal fashion. We develop our argument using process tracing and triangulation across multiple data sources, including 20 non-attributable semi-structured interviews.

We proceed as follows: the first section specifies the main tenets of neofunctionalism and the concept of spillover. Section 2 describes the content (and degree of integration) of the EBCG regulation and puts it into the wider context of the development of Frontex. Sections 3, 4, and 5 examine the extent to which the concepts of functional, cultivated and political spillover contribute to explaining the outcome. Finally, we draw some conclusions from our analysis.

I. Neofunctionalism and the concept of spillover

The basic neofunctionalist assumptions can be summarized as follows: (1) integration is a process which evolves over time, taking on its own dynamic. (2) Decisions are taken by rational actors, who nevertheless have the capacity to learn from their experiences in co-operative decision-making (Haas, 1958,p.291). (3) Incremental decision-making is given primacy over grand designs. Adjustments take place gradually and are often driven by the (unintended) consequences of previous decisions or made possible through (slow but sure) erosions of earlier integrative attempts/developments (Haas, 2004,p.xxiv; Haas 1964). (4) Interaction in the Community setting is often characterized by positive-sum games and a supranational style of decision-making where

participants seek to attain agreement by means of compromises upgrading common interests (Haas, 1964,p.66).

The neofunctionalist conception of change is succinctly encapsulated in the notion of ‘spillover’. Three inter-related types of spillover have generally been identified: functional, political and cultivated spillover (Tranholm-Mikkelsen, 1991).

Functional spillover

Functional spillover pressures develop due to the interdependence of policy sectors in modern economies. The tensions and contradictions that arise from the integration of one sector *vis-à-vis* other sectors tend to foster additional integrative steps (Haas, 1958,p.297). When EC governance of one policy area has negative implications on another sector, such tensions can often only be resolved when the latter is also integrated, especially when alternative (e.g. disintegrative) solutions are risky/unavailable or blocked by path dependencies (Lindberg, 1963,p.10; cf. Niemann, 2006,p.62; Pierson, 1996,p.143). The subsequent academic debate has identified two aspects that influence when, and the extent to which functional tensions impact on actors. First, functional logics must be regarded as plausible/compelling. They do not determine actors’ behaviour in a mechanical or predictable manner (Niemann, 2006,p.31). Second, integration is affected by states’ distributional conflicts and tendencies towards autonomy and is, therefore, susceptible to dysfunctionalities (Lefkofridi and Schmitter, 2015,p.10). When dysfunctionalities are not balanced or offset through further integrative steps, this may foster shocks or crises, which are likely to generate amplified functional pressures, and tend to prompt the ‘required’ integrational steps (Niemann and Ioannou 2015,p.198).

Political spillover

Political spillover encapsulates the process whereby (national) elites come to perceive that problems of substantial interest cannot be effectively addressed at the domestic level. This should lead to a gradual learning process inducing national elites to promote further integration, thus adding a political stimulus to the process. Haas (1958,chs. 9-10) in particular focused on the pressures exerted by interest groups that (benefiting from European solutions) would support integration, and increasingly organize at the European level to influence the process. Lindberg (1963,chs. I-IV) concentrated on socialization, deliberation and learning of governmental elites. He suggested that the frequent interaction of national civil servants would lead to a certain *esprit de corps*, cooperative norms and problem-solving in the Council framework, which tended to foster consensus formation among governments and facilitate integrative outcomes.

Cultivated spillover

Supranational institutions, seeking to increase their own powers, become agents of integration, from whose progression they are likely to benefit. Once established, they tend to take on a life of their own and are difficult to control by those who created them. Supranational institutions, like the Commission, may foster the integration process, for example, by acting as policy entrepreneurs, through promotional brokerage, lifting agreements beyond the lowest common denominator (e.g. Haas, 1964,p.75ff; Lindberg, 1963,ch. 3), or through positions of centrality and authority in the Community's political system, capable of directing the dynamics of relations with various types of actors (Nye, 1970,p.809; Lindberg and Scheingold, 1970,ch. 3).

II. Frontex and the regulation on the European Border and Coast Guard (EBCG)

The idea of a European Border Guard is not new. It was already proposed by Germany and Italy at the turn of the millennium and embraced by the Commission in an ambitious 2002 communication (Léonard, 2009: 376). The establishment of Schengen in 1986 had prompted a focus on external border control and JHA. The Treaty of Amsterdam (1997), thus, created the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) as a Council forum composed of Member States' senior officials, tasked with issuing strategic guidelines and counselling Coreper. The working group was soon complemented by the national heads of border guards. This so-called SCIFA+ which evolved to the External Borders Practitioner's Common Unit (PCU) coordinated the *ad hoc* centers of border control, approved and monitored joint operations and pilot projects and was increasingly tasked with operational aspects (Léonard, 2009: 375-381; Wolff and Schout, 2013:p.6-7).

On the eve of the “big bang-enlargement” in 2004, however, the Member States' doubts as to the accession states' capabilities to control their external borders prompted the creation of the ‘European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union’, Frontex for short, through regulation (EC) 2007/2004 (Léonard, 2009,p.380; Ekelund, 2014,p.105). The Agency, as stipulated in Art. 2 of the regulation, was to coordinate operational cooperation, to assist Member States in training, technical equipment, and joint return operations, follow up on technical innovation and conduct risk analyses (Slominski and Trauner, in this issue). Three years after its establishment, Frontex was amended by regulation 863/2007, which provided for the creation of Rapid Border Intervention Teams (RABITs), multinational teams of border guards that can be deployed at short

notice to support the technical and operational capacities of a state facing a crisis at its borders (Léonard, 2009,p.372).

Regulation 2016/1624 transforms the ‘European Agency for the Management of Operational Cooperation at the External Borders of the Member States and of the European Union’ into the ‘European Border and Coast Guard Agency’ (EBCG)², charged with monitoring, supervising and implementing Integrated Border Management (IBM). This new Agency has been characterized as the ‘Chief Executive Officer of Member States’ authorities in charge of external border control’ (de Bruycker, 2016,p.561) and hailed as ‘a milestone in the history of European border management’ (Avramopoulos, 2016). The EBCG represents the latest innovation in the gradual integration of border management. It responds to several inadequacies of the former Frontex, has a crucially enlarged mandate and is more independent *vis-à-vis* Member States, and, therefore, goes well beyond Frontex’ level of integration.

The Agency's newly enlarged mandate covers organizational, operational, risk-assessment and support tasks. It carries out regular mandatory vulnerability assessments of Member States’ capabilities in border management (Art.12). Through a liaison officer on the ground (Art.13), the EBCG is entitled to assess Member States’ border guards’ training, equipment and performance. Where deficiencies are detected, the EBCG Management Board may suggest binding measures for remedy. If these are not acted upon, the Agency’s ‘right to intervene’ may be invoked. Following a Commission proposal, the Council may decide by qualified majority to dispatch border guards to a Member State, even against the latter’s will (Art.19). As it encroaches

² According to perambulatory clause no. 11 (p. 2) of the Regulation, the EBCG ‘will continue to be commonly referred to as Frontex’. However, for reasons of analytical clarity and to avoid confusion, we have decided to refer to the European Border and Coast Guard Agency as *EBCG* and not as Frontex throughout the article.

substantially upon Member States' sovereignty, this provision was most contentious during the negotiations.³

The former Frontex, itself underfunded and lacking administrative staff, was entirely dependent on Member States' voluntary and *ad-hoc* contributions to its operations, which regularly resulted in severe shortages. This deficiency is addressed in the new Regulation by creating a standing 1,500-strong rapid reaction pool of border guards (Art.20) and technical equipment (Art.39), to which the Member States have committed explicit contributions that may not be withheld (Frontex, 2016). Moreover, the regulation provides for substantial increases in financial and human resources (European Commission 2016b), as well as for the Agency's entitlement to acquire equipment of its own. Thereby, the Agency gains unprecedented independence from Member States, a vital precondition for executing its manifold tasks.

The mandate also extends to cross-border crime and operations with and within third states (Art.8) and grants the Agency a significant role in the return of illegally staying third country nationals (Art.27-33). Furthermore, the control of maritime borders becomes largely a community affair, as national coast guards that carry out border surveillance become part of the EBCG (Art.3). Additionally, the EBCG is charged with rescuing persons in distress at sea. The European Parliament (EP) is now involved in the appointment of the Agency's executive director (Art.69) and the EBCG is accountable to it, particularly in the field of fundamental rights protection (Art.7). In sum, these competences and provisions open several fields to the Agency and, thus, the EU which had until now been exclusively national, and, therefore, enhance the Agency's authority *vis-à-vis* Member States.

³ Although the original proposal, according to which the right to intervene could have been invoked by an implementing decision of the Commission, was abandoned, this still amounts to a significant advancement toward more integration as dissenting Member States can be outvoted.

The regulation as a whole bears witness to a change of mentality: IBM is now being treated as a shared responsibility (Art.5), and the external borders are increasingly perceived as common borders (Avramopoulos, 2016; de Bruycker, 2016,p.561). While under the previous Frontex regulation border management was organized as a flat network with the Member States as largely independent actors, the EBCG is now the main body of a hierarchical model (de Bruycker, 2016,p.562). Nonetheless, critics argue that the Agency falls short of establishing a common European border management, as substantial responsibilities (such as the implementation of border controls) are left to the Member States, and no solidary financing of external border protection is stipulated (de Bruycker, 2016; Carrera and den Hertog, 2016). Furthermore, some clear continuities to the previous Frontex can be detected in the EBCG's institutional structure as an agency as well as in the underlying rationale: border control and migration are approached as technical issues and with the aim of keeping migrants out of the EU (Moreno-Lax, in this issue, Ripoll Servent, in this issue). While certainly not representing a complete solution to the EU's border management and migratory challenges, the EBCG introduces both an increased breadth (more tasks for the Agency) and depth of integration (i.e. shifting competencies to EU institutions).

III. Functional spillover

The following analysis of functional spillover pressures first analyzes functional interdependencies and dissonances between Schengen and external border management. Thereafter, we argue that the crisis can be understood as the result of existing dysfunctionalities,

and also as a catalyst creating additional functional pressures. Finally, we indicate the path dependencies related to Schengen that have paved the way towards spillover.

Functional interdependencies

Functional pressures may arise if/when there is a significant functional interdependence between issue A (Schengen/the abolition of internal frontiers) and issue B (external border control). To what extent does a lack of integration in issue area B create problems for issue area A (thus leading to dysfunctionalities)?

The 1985 Schengen Agreement, whereby participating states abolished intra-state border controls on the movement of persons, created functional pressure for EU cooperation regarding external borders (Monar, 2006,p.193). Common policies for tackling illegal immigration, trafficking in human beings, organized crime, and combating terrorism, thus, became necessary (European Commission, 2001,p.5). The effectiveness of such a common system of external border control has been considered a prerequisite in an area of free movement (European Commission, 2016a,p.2; Rijpma, 2016,p.6).

Over time considerable dysfunctionalities came about: while Schengen developed into an integrated regime with substantial governance by supranational institutions, external border control was largely left to Member States. According to the Schengen Borders Code (SBC), the latter are in charge of guarding their respective stretch of the external border, albeit in the interest of the Schengen area as a whole (Official Journal, 2006,p.1-32; Rijpma, 2016,p.9). However, a unilateral response to border management merely shifts the pressure to other Schengen countries (Thielemann et al., 2010,p.31). Therefore, ‘external security cannot be ensured as long as the

defence of the external borders is left to individual member states', but needs a common European response (Gros, 2015,p.2).

In 2004, the 'Frontex-Regulation' was adopted, both as a means of promoting a more efficient approach to IBM and as a solidarity instrument (Official Journal, 2004,p.1-11). Although its tasks and resources have (somewhat) expanded over the past decade (see section II above), several limitations remained, chiefly due to the Agency's dependence on Member States (Carrera and den Hertog, 2016; Rijpma, 2016). The provisions in the new regulation can be seen as a response to these deficiencies while remaining indebted to Frontex's institutional design (see section II). They are likely to 'render border management more effective and reliable by bringing it to a new level of responsibility and solidarity' as they give 'progressively more and more power over Member States' (De Bruycker, 2016,p.560-561). Member States had to accept what they had previously refused: greater integration with regard to external borders.

The crisis: result of existing dysfunctionalities

We argue that the functionally flawed/incomplete policies adopted in the 1990s and thereafter substantially contributed to the crisis. If dysfunctionalities are not resolved through further integrative steps, this can promote crises that in turn cause further functional pressures, and, thus, increase the propensity for integrative steps (Niemann and Ioannou, 2015; Schimmelfennig, 2016). Before the crisis – and still today – the EU migration/refugee regime has been characterized by partial integration with gaps and deficiencies. Although it was clear to the Schengen countries that the abolition of internal border controls would require (close) cooperation with regard to safeguarding external borders and a common asylum/migration policy, substantial integration has partly been lacking (Genschel and Jachtenfuchs, in this issue, Zaun,

2017, ch. 6) because Member States wanted to preserve their sovereignty in these sensitive areas (de Bruycker, 2016,p.562, Schimmelfennig, 2016,p.5).

Where such integration took place, it created additional dysfunctionalities and thus stress on the system. While the 'Dublin' legislation tackled the issue of 'asylum shopping' by determining the first entry state as the one having to deal with asylum applications, a problem of arbitrariness arose, given Member States' differing standards regarding the qualification and reception of asylum seekers, as well as concerning asylum procedures. Consequently, an approximation of the standards became particularly necessary. After two rounds of EU directives failed to bring about a sufficient degree of approximation/harmonization (Trauner, 2016,p.313), the pressure on the Dublin principle remains, and (significantly) higher standards in some countries motivate refugees to move beyond Southern Mediterranean EU countries of first entry (European Commission, 2016b,p.1). Hence, the combination of Dublin, Schengen and an insufficient Frontex – whereby refugees and migrants entered the Union mainly through Greece and Italy, thereafter taking advantage of the free movement provisions – along with insufficiently harmonized asylum legislation and lacking redistribution mechanisms, substantially contributed to the crisis (Bauböck, in this issue, Zaun, in this issue).

The crisis: a catalyst creating additional functional pressures

As long as the number of migrants/refugees was moderate, the weaknesses of the system remained tolerable. The ECtHR's 2011 and 2014 decisions suspending/conditioning the return of refugees to Greece and Italy under the Dublin legislation for severe defects in these countries' asylum procedures (M.S.S. vs. Belgium and Greece, Tarakhel vs. Switzerland) were symptoms of the functional deficiencies of the EU measures. However, in the face of the enormous increase of

refugees in 2015, the inadequacies became evident (Schimmelfennig, 2016,p.1,5). Refugees have been able to cross the EU's external borders illegally and then continue across the EU without identification, registration or adequate security checks. The enormous scale of secondary movements within the EU, combined with the failure to adequately guard external borders and manage refugee flows, prompted some Member States to invoke provisions allowing for the temporary re-imposition of border controls (European Commission, 2015,p.2, Niemann and Zaun, in this issue). The crisis clearly exposed the gaps and weaknesses in existing external border management and the limitations of Frontex. It became 'increasingly clear that the challenges these movements represent cannot be adequately dealt with by individual Member States acting in an uncoordinated manner' (European Commission, 2015,p.2) and thus it 'comes as no surprise that [this] resulted in a concrete proposal for the establishment of a European Border and Coast Guard' in December 2015 (Rijpma, 2016,p.9).

Path dependency

Mounting dysfunctionalities can be resolved in various ways, particularly through further integration in the new policy area (management of external borders), or disintegration of the original policy area (Schengen). Although some Member States reintroduced border checks and the media speculated about Schengen being 'at risk' (Traynor, 2016; Zalan, 2016), we argue that spillback was no viable option, chiefly because of the importance attached to the original integrative step (Schengen). National and European politicians alike perceived the functional link between Schengen and external border control as compelling and strived to save the former. Consequently, further integration was pursued through the EBCG regulation. We substantiate this

argument by pointing to various path dependencies that have made Schengen ‘sticky’ (Pierson, 1996,p.143): sunk costs, economic cost, as well as symbolic and political importance.

Substantial sunk (i.e. irrecoverable) costs have been incurred by Member States in order to adjust their institutions and policies to the Schengen regime (Webber, 2014). The Schengen Agreement was the result of ten years painstaking negotiations on, and implementation of, many legal and technical details before border controls were actually lifted (Gros, 2015). Thereafter, the adaptation of national policies and institutions continued (Guild et al., 2016). Hence, the long ‘Europeanization’ process of implementing Schengen domestically was accompanied by considerable sunk costs for Member States, which contributes to making disintegration of Schengen a rather unattractive option for policy-makers (Interviews 7/10/2016, 10/10/2016).

Second, abandoning Schengen may entail relatively substantial economic costs because it has been a decisive driver behind economic integration in Europe due to the improved circulation of people, goods and services, boosting EU competitiveness and growth (Davis and Gift, 2014). If internal border controls were to be re-introduced, immediate costs are estimated to range between 0.05-0.13 percent (European Commission, 2016a) and 0.47 percent (Felbermeyer et al., 2016) of GDP annually. Going beyond immediate direct costs, the EU economy might lose between €235 billion (increase of import prices of 1 percent) and a total of €1.43 trillion (increase of 3 percent), an amount that almost equals Italy’s GDP in 2015 (auf dem Brinke, 2016). The efficiency of the Single Market would be undermined ‘with unprecedented impact on intra-community trade, investment and mobility’, which may also threaten the stability of the euro area (European Commission, 2016a,p.4; Böhmer et al., 2016,p.11-12).

Third, perhaps the most important path-dependent factor is the symbolic and political importance of Schengen. Schengen is commonly regarded as a ‘European success story’ (auf dem Brinke, 2016,p.3), or a ‘historic achievement [...] that remains emblematic of the European

values which tore down walls and united a continent' (European Commission, 2015). The free movement of people is an integral part of Schengen and the Single Market which has often been regarded as the most substantial step in European integration (Davis and Gift 2014,p.1). In addition, the free movement of people constitutes one of the, if not *the*, most concrete achievement(s) for EU citizens and is very popular with them.⁴ This is especially important since the legitimacy of the European integration project is increasingly contested. Furthermore, the end of Schengen would most likely lower the EU's soft power and thus also impact on its external policy (auf dem Brinke, 2016,p.7-8).

The political discourse, then, clearly reflects the importance that politicians attach to the survival of Schengen. Commission president Juncker hailed it as 'a masterpiece of European integration' without which the Euro would no longer make sense (Juncker, 2015; authors' translation). German Chancellor Merkel went as far as to say 'Europe must defend the Schengen Agreement or risk falling back into separate nationalism. The very future of Europe is at stake' (Eriksson, 2016). Italian Prime Minister Renzi accused those who jeopardise Schengen by setting up internal border controls of wanting to destroy the EU (Piller, 2016). How widespread the concern over keeping Schengen is can be seen by the discursive support from less-likely circles. The Prime Ministers from the Visegrad countries, for instance, not particularly known for their 'Europhility', suggested that proposals to limit Schengen or the free movement of people are 'not acceptable', as they would 'endanger the major achievements of European integration' (cited in Guild et al., 2015,p.13).

Going beyond this, politicians from nearly all national governments and EU institutions linked the safeguarding of Schengen to increased cooperation/protection of the EU's external

⁴ It is regarded as the most positive outcome of 70 years of EU integration according to 55 percent of Eurobarometer (2016,p.33) respondents.

borders, while often referring explicitly to the EBCG. French Prime Minister Valls suggested: ‘If Europe can't protect its own borders, it's the very idea of Europe that could be thrown into doubt. [...] That's why you need border guards, border controls on the external borders of the European Union’ (Daily Mail, 2016). Slovak Prime Minister Fico suggested that ‘with a European Border and Coast Guard we are creating a new reality at our external borders. [...] It will help us to get back to Schengen’ (European Commission, 2016c). Dutch Prime Minister Rutte made the comparison with the Roman Empire: ‘Big empires go down if the external borders are not well-protected’ (Traynor, 2016). This discourse by politicians is also important to the functional spillover argument overall, because (as described in section one) decision-makers also have to consider functional logics as plausible/urgent in order to act upon them (Niemann, 2006).

IV. Cultivated spillover

The negotiations on the EBCG would not have resulted in such a relatively progressive outcome without the assertive role played by supranational institutions. The subsequent analysis focuses on the Commission, the Presidency, and the EP.

The European Commission

The Commission has played a noteworthy role in several respects with regard to the EBCG regulation. It constituted a cohesive, well-organized actor that had prioritized the issue, acted swiftly while displaying good timing, partly depoliticized the debate, displayed considerable competence, utilized its good relationship with the Presidency, and acted as a promotional broker between the Council and EP in the trilogue. Thus, it exhibited aspects that have been identified as vital for a supranational policy entrepreneur in the area of JHA (cf. Kaunert, 2010).

During the planning and negotiation of the EBCG regulation the Commission constituted a cohesive, well-organized actor, which is often the basis for assertive action (Nugent, 1995). The division of labour between the General Secretariat, DG Migration and Home Affairs, and the Legal Service has been described as ‘clear’ and ‘synchronized’, also by outsiders (Interviews 05/10/2016, 07/10/2016). The flow of information and expertise between these actors was described as ‘swift’ and ‘smooth’, enabling a well-coordinated and substantial Commission stance both at the negotiation table and behind the scenes (Interviews 7/10/2016, 02/11/2016). Additionally, the EBCG initiative was prioritized by the Juncker Commission and there was substantial political impetus driving it forward in the Commission (Juncker, 2015; Vasilopoulou, 2015).

Thus, the Commission was able to act swiftly and proactively on the EBCG issue during the crisis and launched the proposal at the ‘right’ moment. A revision of the Frontex regulation was not foreseen to be tabled before spring/summer 2016, but with the refugee crisis and the growing dysfunctionalities, a window of opportunity opened. As one official suggested, ‘a year earlier this sort of ambitious proposal would not have passed so successfully’ (Interview 06/10/2016). The Commission drafted the proposal in ‘record time’ (mainly) between September and December 2015, thus performing a ‘Herculean task’ by focusing its resources (Rijpma, 2016,p.32; Interview 06/10/2016). In view of the time pressure, the Commission consulted Member States to a lesser degree than usual. Nonetheless, its proposal has been described as ‘well thought out’, ‘comprehensive’ and ‘well-drafted’, as well as ‘ambitious’ by various observers outside the Commission (Interviews 5/10/2016, 10/10/2016).

The Commission successfully depoliticized some issues, i.e. masked them as technical or functional requirements. In the Council framework, many Member States had substantial concerns regarding national sovereignty at the outset, especially on the right to intervene. Aware

of this, the Commission sought to set a different tone by constantly emphasizing the above-mentioned dysfunctionalities, the need to protect external borders effectively, and the deficiencies of Frontex in dealing with the challenges (European Commission, 2015,p.2-8). As for the deficiencies of Frontex, the Commission was able to point to the shortcomings identified in an externally commissioned report released in July 2015 (Rambøll, 2015), to indicate why a more ambitious EBCG was needed (European Commission, 2015,p.5-7). Eventually, the Commission managed to ‘stir the debate away from sovereignty issues’ and ‘reframed the negotiations more along how problems could be solved’ (Interviews 07/10/2016, 10/10/2016).

The Commission’s considerable expertise was another asset in the negotiations. By gradually expanding its resources, with now over 300 staff working for DG Migration and Home Affairs, the Commission developed substantial know-how on migration issues over the years (Nilsson and Siegel, 2010; cf. Kaunert, 2010,p.134-135), including the issue of EBCG.⁵ Consequently, the Commission was able to ‘bring considerable substantive and legal expertise to the table’ and managed to ‘provide much technical detail’ to explain functional necessities, for instance as to why and under which circumstances rapid border interventions may need to take place. This often helped ‘fostering national delegations’ understanding’ and ‘alleviating some of their concerns’ (Interviews 10/10/2016, 31/10/2016). In addition, the Commission benefited from its overview of Member States’ internal developments and legal systems. In the case of the EBCG, this played out particularly on issues such as the technical equipment pool where it was helpful that the Commission had a good overview of the situation across countries for specifying how equipment best be shared between the Agency and Member States. Through its broader perspective, it was able to compare and contrast, and, thus, suggest provisions that were acceptable to delegations (Interview 05/10/2016).

⁵ The Commission had been dealing with the issue since the early 2000s (European Commission, 2001).

The Commission also benefited from its excellent relationship with the Presidency, an aspect considered conducive to furthering integration (Bürgin, 2013). At the political level, First Vice-President Timmermans coordinates the work of the Commissioner for Migration/Home Affairs. Given his high profile in Dutch politics, he proved a real asset in liaising with the Dutch Presidency at the ministerial level and above. At the bureaucratic level, the relevant Commission Head of Unit and his counterpart in the Dutch Interior Ministry – who chaired meetings of the Working Party and the JHA Counsellors – had maintained good working relations for many years (Interview 27/10/2016). Consequently, the Commission was closely involved in the agenda-setting and negotiation process led by the Presidency. Moreover, as the Commission did not manage to air its proposal that widely before its launch due to time pressures, it was especially important that the Presidency granted the Commission much time to explain the proposal in the various Council fora (Interview 31/10/2016).

Finally, the Commission acted as a promotional broker between the Council and the EP in the trilogue, pushing Parliament and Council towards (more) ambitious outcomes, or using its interlocutor position to tip the balance towards its preferred solution. In the EBCG trilogue the Commission was able to do so on several issues, such as search operations in order to save refugees. While Member States (considering it a national competence) did not want the Agency to assume such tasks, the EP sought a clear mandate for these operations, also given its rights concerns. The Commission was able to put forward a compromise close to its original position that included search and rescue for the Agency, while somewhat delimiting its scope. This kept the general idea of search and rescue in the regulation and went significantly beyond what the Council had originally wanted, thus ‘arriving at a rather ambitious outcome’ (Interview 31/10/2016).

The Presidency

The Dutch Presidency, during whose term all the crucial aspects of the EBCG regulation were negotiated, added to the integrative outcome in several respects: (1) significant credibility as an impartial/honest broker; (2) effective facilitation; (3) good networking and cooperation with other delegations; (4) significant proactivity and leadership; (5) adequate use of bargaining leverage and more coercive/robust mediation instruments.

First, the Dutch Presidency enjoyed substantial credibility among all delegations. On the EBCG dossier, it was regarded as ‘impartial’ and a ‘truly honest broker’ (Interview 07/10/2016) – characteristics vital for effective Presidency mediation (Wallace and Edwards, 1976). They earned this reputation through a conscious effort to tone down their own preferences in the ‘interest of advancing EU solutions’, trying to ‘spearhead the direction where we had to move’ (Interview 24/10/2016). For instance, the Dutch government committed a greater number of border guards than necessary given the country’s size (Interview 31/10/2016). Second, the Dutch Presidency organized the work in the Council framework effectively. It increased the frequency and duration of meetings of the Council Working Party on Frontiers. The two-day meetings were praised by participants for allowing for in-depth discussions, talking in the margins of meetings and consulting capitals in-between (Interview 06/10/2016). In addition, the Netherlands Presidency decided to involve the JHA Councillors at the lower level of the Council framework. This move has been regarded as ‘conducive to progressive compromise’ (Interview 07/10/2016) as it ‘empowered those groups in the Council framework that tend to be more willing to accept far-reaching outcomes’ (Interview 05/10/2016; cf. section on political spillover).

Third, the Dutch Presidency liaised, networked and cooperated substantially with other delegations. Besides the excellent cooperation with the Commission (see above), it used bi-lateral

meetings with each delegation half-way through its Presidency to break the deadlock on some issues, such as contributions to the rapid reaction pool (Interview 06/10/2016). In these meetings, the Presidency was able to find out what the rationale was behind some issues and how delegations' concerns could be alleviated (Interview 27/10/2016).

Fourth, the Presidency proved to be rather proactive and displayed a substantial degree of leadership in driving the regulation forward. The Luxembourg Presidency in the second half of 2015, together with the Commission and several other delegations advocating a swift adoption of the EBCG regulation, pushed the December European Council towards pleading that 'the Council should [...] adopt its position [...] on EBCG] under the Netherlands' Presidency' (European Council, 2015,p.2). Naturally, the Dutch were keen to complete the negotiations under their Presidency, considering the EBCG regulation 'an opportunity to score a success for the Presidency' (interview 6/10/2016). Its strategy therefore was to 'constantly remind delegations that their heads of government had requested quick agreement in the Council by June at the latest' (interview 27/10/2016; Dutch Presidency, 2016).

In addition, the Dutch Presidency was resourceful/creative in finding (ambitious) compromise solutions, for instance with regard to the sovereignty concerns of several Member States. Most substantially, the compromise stipulates that the decision on intervention is not taken by a Commission implementing act under comitology as originally proposed, but through a Council decision under qualified majority voting. This can still be regarded as ambitious because a Member State in question would need to muster a blocking minority on an issue that (adversely) affects other Member States. In addition, such a decision-mode may be advantageous as it 'would not put the Commission in the awkward position of technocratic-bureaucratic dictation, but would exert peer pressure from Member States, which might be more effective' (Interview 05/10/2016). Furthermore, as for the rapid reaction pool, the Presidency made skilful

use of peer pressure to facilitate the progress on reaching the goal of 1500. For example, certain delegations were told that states of comparable size and economic parameters had made a higher contribution. Eventually, both Luxembourg and Lithuania substantially increased their contributions when they learned that Iceland and Estonia had committed more border guards (Interview 27/10/2016).

Finally, the Dutch Presidency was also willing to use more coercive/robust bargaining measures, such as ‘tit-for-tat’. For instance, it took advantage of Poland’s eagerness to keep the Agency’s seat in Warsaw and postponed a final decision (that set the odds in favour of the status-quo) in order to assure Polish support for the controversial right to intervene. ‘Poland did not make any trouble on sovereignty issues, as they could not be sure until rather late, if they got things their way on the seat agreement’ (Interview 9/11/2016).

The European Parliament

The EP injected further integrative impetus into the negotiations. It had supported the idea of an EBCG from the outset and had already backed such a step several years prior (EP, 2011). The EP successfully pushed for further integration concerning (a) reinforcing the provisions on fundamental rights; (b) the deployment of liaison officers to *all* Member States, while granting them more tasks (which allows for more effective vulnerability assessments); (c) strengthening the provisions on the Agency’s equipment for operations; (d) enhancing its influence on the appointment of the Agency’s director.

The EP was successful on these issues, which reflected its core preferences for several reasons. First, the EP’s rapporteur, Artis Pabriks, proved to be a proactive, competent and well-respected representative. He maintained very good relations with the Commission, the

Presidency, and other relevant delegations. As a former minister of defence, he was recognized as ‘someone to be reckoned with’ by national representatives. In the negotiations, he managed to ‘strike the right note’ with the Commission and the Council by pursuing EP preferences in an ambitious but realistic manner, thus not overplaying the EP’s hand, which could have been counterproductive (Interview 08/11/2016). This way, he was trusted also by the Council (Presidency) throughout the negotiations (Interview 07/10/2016). Second, while the Council had difficulties with some of the EP’s demands, Parliament was supported by the Commission on these points. In the trilogue, this seems to have tilted the balance in the direction of more integrative outcomes, such as the greater influence of the EP concerning the appointment of the Agency’s director (Interview 31/10/2016).

V. Political spillover

Governmental elites: socialization and learning

As for political spillover in terms of governmental elites (Lindberg, 1963), there are several indications that such processes were at play. Several aspects were conducive to socialization, deliberation and learning. First, meetings of the Working Party on Frontiers, the JHA Counsellors and SCIFA were held at substantial frequency with ample opportunity for informal discussion. During two-day meetings of the Working Party, delegations were able to talk (bi-laterally or in small groups) in the margins, or over lunch/dinner. In addition, SCIFA had an informal meeting in mid-February that allowed for more informal discussion and learning about each other’s positions (Dutch Presidency, 2016). Second, the regular involvement of the JHA Counsellors was conducive to integrative problem-solving beyond the lowest common denominator. The JHA Counsellors have been referred to as a ‘favourable venue for reaching compromise’ (Nilsson and

Siegel, 2010,p.64), given the informality of the setting, frequency of interaction and mutual socialization, being based at the Permanent Representations with close links to the ‘janus-faced’ Permanent Representatives (Lewis, 1998), and thus having a high propensity for ‘going native’ (Interview 09/11/2016). Finally, national positions were still rather fluid when negotiations started because little time had passed since the Commission proposal that had barely been aired with Member governments beforehand (Interview 07/10/2016).

Several indications seem to substantiate the neofunctionalist argument that socialization facilitates consensus and integrative outcomes with regard to the EBCG negotiations in the Council framework. (A) Participants have reported that socialization processes and reasoned discussions helped to get access to one’s peers’ motives, which is often the first step to solving a problem. As one national representative suggested, ‘through private talks with my counterpart I could finally comprehend why his delegation still had problems with the vulnerability assessment. I found out that still his objections were neither principled nor fundamental.’ As a result, ‘we could bring them on board by working out clearer provisions how vulnerability assessments would take place’ (Interview 27/10/2016). (B) Because there was so much time available for discussion and because national positions were not yet fixed, a reasoned debate on the merits of the immanent problems could develop. In such exchange, good arguments mattered. This is one reason why the Commission managed to get a very substantial part of its proposal through the Council negotiations. ‘The rationale put forward by the Commission was convincing: given the free movement of persons in the EU, aggravated by the crisis and an insufficient Frontex, an ambitious approach to external border management was required’ (Interview 07/10/2016). After repeated discussions, it became clear to national representatives, also of the more sceptical delegations, ‘that we needed to give up some sovereignty in order to tackle this situation’ (Interview 05/10/2016). This sometimes necessitated national representatives in

Council fora to ‘negotiate back to the capital about something that I had become convinced of during discussions in Brussels’ (Interview 06/10/2016). Even though instructions are made in capitals, ‘they still take it seriously when I talk about the negotiating realities in the Working Party and about an emerging consensus of which we would not be part unless we change our position’ (Interview 10/10/2016). Finally, even though the impact of socialization processes cannot be measured clearly, participants were convinced that this ‘lubricated the whole machinery’ and ‘helped us making progress towards what ended up to be a rather ambitious outcome’ (Interviews 06/10/2016, 05/10/2016, 9/11/2016).

Non-governmental elites

Neofunctionalists hypothesize that non-governmental elites add an integrative stimulus to the European project (Haas, 1958,ch.9+10). Two types of interest groups can be singled out as potentially relevant in this case: pro-migrant NGOs and business interest groups. As for the former, our analysis suggests that some neofunctionalist assumptions are confirmed. First, NGO interest representation on the EBCG generally took place through Brussels-based umbrella organizations and/or in a co-ordinated fashion transnationally (see below). Second, given that migration is an inherently transnational issue, these organizations have generally emphasized the need for further integration (CCME, 2003; ECRE, 2012,p.9). Moreover, despite some criticism, the general thrust of the Commission’s EBCG proposal was welcomed as ‘a step [...] that could help ensuring a more harmonized application of EU law and sharing the responsibility of guarding the external EU borders and protecting the Schengen area’ (Caritas Europe et al., 2016, p.2; ICJ et al., 2016). The focus of their advocacy effort lies on protecting the individual migrant. NGOs, alongside the EP, have been credited for ensuring the explicit references to fundamental

rights protection in the regulation (Gatto and Carmona, 2016; Interview 07/10/2016). Nonetheless, overall the influence of NGOs on the regulation was limited. As the legislative process went unusually fast, it was difficult for NGOs to have their voice heard at an early stage, which is vital for successful interest group advocacy (Peterson, 1995,p.75-76). Their proposals came when the negotiations were already substantially advanced and thus did not have a significant impact (Interview 10/10/2016).

Business interest groups also mostly formed transnational alliances and mobilized their European umbrella organizations to voice their concerns (see below). They also advocated ‘bold European solutions’ by unanimously warning that the unravelling of Schengen would ‘seriously disrupt value chains and ultimately destroy jobs and reduce wealth’ (BusinessEurope, 2016,p. 2; BDA, BDI, MEDEF, 2016,p. 2). Especially the transportation and tourist sectors pointed to the considerable increase of costs (Zalan, 2016; ETC, 2016,p.9). European business interest groups also strengthened the functional spillover discourse between Schengen and external border control, and clearly spoke out in favour of a reinforced Agency, the right to intervene and an expanded mandate (BDA, BDI, MEDEF, 2016,p.2; BusinessEurope, 2016,p.1-2). In contrast to NGOs, business associations’ statements were issued much earlier. While it is hard to measure their precise impact on the negotiations, it has been suggested that ‘their concerns about Schengen were certainly noticed by politicians’ (Interview 06/10/2016), thus contributing to the stickiness of Schengen, and that their support for the EBCG ‘was another factor pushing in this direction, without being decisive’ (Interview 27/10/2016). Overall, it seems that non-governmental actors exercised moderate additional integrative pressure.

Conclusion

The above analysis suggests that neofunctionalism substantially contributes to our understanding

of the process and outcome of the negotiations of the EBCG regulation. An EBCG had already been proposed one and a half decades prior and led to insufficient interim solutions which – in line with neofunctionalist notions of piecemeal decision-making – were (significantly) upgraded in an incremental manner. The concept of functional spillover provides the broad structural rationale for further integration. The refugee and asylum crisis itself can be understood as the result of existing dysfunctionalities, mainly between a supranational Schengen, and a weak external border regime in the hands of the Member States. This half-way-house solution worked sufficiently well as long as the system was not put under stress. This changed with the high number of refugees arriving in the EU in 2015. The crisis, thus, constituted a catalyst that exposed the weaknesses of the system that had been constructed in the 1990s and not been sufficiently advanced and europeanized since. Frontex, for example, was not provided with sufficient resources, mandate and authority. The path towards a more supranational integrative solution with a stronger Agency was reinforced by the stickiness of Schengen, given sunk costs, as well as high economic and political costs. The functional logic was articulated and furthered by decision-makers, both at the national and supranational level. The structural path pointing towards further integration was in no small part fostered by supranational agency, and further complemented by ‘socialized’ civil servants, transnational pro-migrant interest groups and European business associations.

Our study has contributed to theory-building or theory-refinement in two aspects: (1) while functional spillover arguments are often put forward by means of merely showing the correlation between the functional pressure and the corresponding outcome (e.g. Lindberg, 1963; Tranholm-Mikkelsen, 1991), this study has gone into significantly more detail, retracing the various elements in the causal chain (functional interdependencies leading to dysfunctionalities, which result in spillover, e.g. through the support of path-dependencies). This arguably

constitutes a step forward in terms of conceptualising integrative processes, especially for scholars working in the supranational/neofunctionalist tradition, given the centrality of the functional spillover logic. (2) We have highlighted the importance of the *perception* of functional spillover pressures. Given several instances in the history of European integration where relatively convincing functional rationales did not materialise into political support, and vice versa (cf. Huysmans, 2000), it has been emphasised (and subsequently shown) that political actors must regard functional logics as plausible or compelling in order for them to unfold their potential. This extension of the concept allows us to better specify how and when functional dynamics influence the policy process.

The fact that no wholly supranational EBCG emerged cannot be sufficiently explained through mainstream neofunctionalist theory: neofunctionalism in the way it developed until the 1970s mainly concentrates on the dynamics of integration, and, thus, struggles to explain its limits since it lacks an account of pressures that may counter the integration process (yet see Niemann, 2006). This limitation may become even more visible when looking at another issue of EU refugee crisis management, the redistribution of refugees. Here, strong domestic constraints cemented diverse/differing national positions, thus making a (progressive) agreement impossible. However, neofunctionalists could point to the weaker dynamics of integration, such as lesser supranational entrepreneurship and a less socialised negotiation, accounting for this outcome.

The apparent utility of neofunctionalism, the tentativeness of parts of the preceding analysis, and the seeming potential for further refinement of neofunctionalist theory, suggest that there is considerable scope for further research emanating from this article.

References

Avramopoulos, D. (2016) Remarks by Commissioner Avramopoulos at the launch of the European Border and Coast Guard Agency. <http://europa.eu/rapid/press-release_SPEECH-16-3334_en.pdf>.

BDA, BDI, MEDEF (2016) Joint statement by French and German industrial and employers' confederations. France-Germany: Act together to strengthen Europe. 15/03/2016. <[http://www.arbeitgeber.de/www/arbeitgeber.nsf/res/PI01516_EN.pdf/\\$file/PI01516_EN.pdf](http://www.arbeitgeber.de/www/arbeitgeber.nsf/res/PI01516_EN.pdf/$file/PI01516_EN.pdf)>.

Böhmer, M. et al. (2016) 'Abkehr vom Schengen-Abkommen'. GED study.

de Bruycker, P. (2016) 'The European Border and Coast Guard'. *European Papers*, Vol.1, No.2, pp.559-569.

Auf dem Brinke, A. (2016) 'The Economic Costs Of Non-Schengen'. Bertelsmann Foundation, Policy Paper, No.162.

Bürgin, A. (2013) 'Salience, path dependency and the coalition between the European Commission and the Danish Council Presidency'. *European Integration online Papers*, No.17.

BusinessEurope (2016) Message to the European Council meeting on 18-19 February 2016: Now is a time for European solutions. <https://www.businesseurope.eu/sites/buseur/files/media/public_letters/dirgen/2016-02-12_ema-d.tusk_-_message_to_the_european_council_1819_february_2016.pdf>.

Caritas Europe et al. (2016) Comments on the European Commission's Proposal for a European Border and Coast Guard. <https://www.ekd.de/download/2016-04-19_European_Border_and_Coast_Guard.pdf>.

Carrera, S. and den Hertog, L. (2016) 'A European Border and Coast Guard: What's in a name?' CEPS Paper in Liberty and Security in Europe, No.88.

CCME (2003) Preliminary observations by NGOs active in the migration, refugee protection and the development field on the European Commission's Communication on 'Integrating Migration Issues in the European Union's Relations with Third Countries'. <http://www.ccme.be/fileadmin/filer/ccme/20_Areas_of_Work/25_Migration_and_develop>

[ment/2003-04-11_Migration_Development-NGOs_on_EC_Integrating_Migration_in_the_EU_Relations_with_TCN_.pdf](#)».

Dagi, D. (2017). 'Refugee Crisis in Europe'. *International Journal of Social Sciences*, Vol.6, No. 1, pp. 1-8.

Daily Mail (2016) European Union in 'grave danger' from migrant influx. 22/01/2016. «<http://www.dailymail.co.uk/wires/pa/article-3411624/European-Union-grave-danger-migrant-influx--French-PM-Manuel-Valls.html>».

Davis, D. and Gift, T. (2014) 'The Positive Effects of the Schengen Agreement on European Trade'. *The World Economy*, Vol.37, No.11, pp.1541-1557.

Dutch Presidency (2016) Discussion paper on the European Border and Coast Guard: Informal SCIFA, Amsterdam 15-16 Feb 2016, «<http://statewatch.org/news/2016/apr/eu-council-ebca-informal-scifa-discussion-paper-02-16.pdf>».

Ekelund, H. (2014) 'The Establishment of FRONTEX'. *Journal of European Integration*, Vol.36, No.2, pp.99-116.

Eriksson, A. (2016) Merkel, Renzi agree basics of Africa plan. EUobserver, 06/052016. «<https://euobserver.com/migration/133354>».

Eurobarometer (2016) Public opinion in the European Union. Standard Eurobarometer 85, Spring 2016.

European Commission (2001) Communication on a Common Policy on Illegal Immigration, COM(2001) 672. «<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52001DC0672&from=en>».

European Commission (2015) Communication from the Commission to the European Parliament and Council: A European Border and Coast Guard and effective management of Europe's external borders, COM(2015) 673 final. «http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/securing-eu-borders/legal-documents/docs/communication_-_a_european_border_and_coast_guard_and_effective_management_of_europes_external_borders_en.pdf».

- European Commission (2016a) Back to Schengen – A Roadmap. COM(2016) 120 final. «http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/borders-and-visas/schengen/docs/communication-back-to-schengen-roadmap_en.pdf».
- European Commission (2016b) Commission acts on infringement proceedings, Press release, 10/02/2016. «http://europa.eu/rapid/press-release_IP-16-270_en.pdf».
- European Commission (2016c) Securing Europe's external borders. Press release, 06/10/2016. «http://europa.eu/rapid/press-release_IP-16-3281_en.htm».
- European Council (2015) European Council meeting (17-18 December 2015): Conclusions. EUCO 28/15. «http://www.consilium.europa.eu/en/meetings/european-council/2015/12/201512-EUCO-conclusions_pdf/».
- European Council on Refugees and Exiles (ECRE) (2012) Comments to the Commission Communication on the Global Approach to Migration COM(2011) 743 final. «http://www.ecre.org/wp-content/uploads/2016/07/ECRE-Comments-to-the-Commission-Communication-on-the-Global-Approach-to-Migration-and-Mobility-COM-2011-743-final_2012.pdf».
- European Parliament (EP) (2011) Report on the proposal for a regulation [...] amending Council Regulation (EC) No 2007/2004 establishing [...] Frontex, A7-0278/2011. «<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2011-0278+0+DOC+PDF+V0//EN>».
- European Travel Commission (ETC) (2016) European Tourism in 2016. Quarterly Report Q1/2016. «[http://www.etc-corporate.org/reports/european-tourism-2016-trends-and-prospects-\(q1-2016\)?page=download-report&report_id=88](http://www.etc-corporate.org/reports/european-tourism-2016-trends-and-prospects-(q1-2016)?page=download-report&report_id=88)».
- Fabbrini, S. (2017) 'Intergovernmentalism in the European Union.'. *JEPP*, Vol.24, No.4, pp.580-597.
- Felbermayr, *et al.* (2016): 'Handelseffekte von Grenzkontrollen'. Ifo-Forschungsbericht 73.
- Frontex (2016) European Border and Coast Guard Agency launches today. Press release, 6/10/2016. «<http://frontex.europa.eu/news/european-border-and-coast-guard-agency-launches-today-CHIYAp>».

- Gatto, A. and Carmona, J. (2016) European Border and Coast Guard System, European Parliamentary Research Service, PE 589.845.
- Gehring, T. (1996) 'Integrating integration theory'. *Global Society*, Vol.10, No.3, pp.225-253.
- Gros, D. (2015) 'Can Schengen survive?' *CEPS Commentary* 14/12/2015.
- Guild, E., et al. (2015) 'What is happening to the Schengen borders?', *CEPS Paper in Liberty and Security*, No.86.
- Guild, E., et al. (2016) Internal border controls in the Schengen area. Study for the LIBE Committee, PE 571356.
- Haas, E. (1958) *The Uniting of Europe*, London: Stevens.
- Haas, E. (1964) 'Technocracy, pluralism and the new Europe'. In Graubard, S. (ed.) *A New Europe?*, Boston, MA: Beacon Press, pp.62–88.
- Haas, E. (2004) 'Introduction: institutionalism or constructivism?', in E. Haas, *The Uniting of Europe*, 3rd edition, Notre Dame, IN: University of Notre Dame Press, pp.xiii–lvi.
- Hoffmann, S. (1966) 'Obstinate or obsolete: the fate of the nation state and the core of Western Europe'. *Daedalus*, Vol.95, No.3, pp.862–915.
- Horii, S. (2016) 'The effect of Frontex's risk analysis on the European border controls'. *European Politics and Society* Vol.17, No.2, pp. 242-258.
- Huysmans, J. (2000). 'The European Union and the securitization of migration'. *JCMS*, Vol.38, No.5, pp.751-777.
- ICJ, ECRE, Amnesty International (2016) Joint briefing on the European Border and Coast Guard Regulation. http://www.ecre.org/wp-content/uploads/2016/07/ECRE-Amnesty-ICJ-Joint-Briefing-on-the-European-Border-and-Coast-Guard-Regulation_April-2016.pdf».
- Juncker, J.-C. (2015) Discours du Président Juncker à la Session Plénière du Parlement européen sur les attentats de Paris. 25/11/2015. http://europa.eu/rapid/press-release_SPEECH-15-6168_fr.pdf».
- Kaunert, C. (2010) *European internal security*. Manchester: Manchester University Press.
- Lefkofridi, Z. and Schmitter, P.C. (2015) 'Transcending or Descending? European Integration in Times of Crisis'. *European Political Science Review* Vol.7, No.1, pp.3-22.

- Léonard, S. (2009) 'The Creation of FRONTEX and the Politics of Institutionalisation in the European Union External Borders Policy', *Journal of Contemporary European Research* Vol.5, No.3, pp.371-388.
- Léonard, S. (2010) 'EU Border Security and Migration into the European Union', *European Security*, Vol.19, No.2, pp.231-254.
- Lewis, J. (1998). 'Is the "Hard Bargaining" Image of the Council Misleading?', *JCMS* Vol.36, No.4, pp.479-504.
- Lindberg, L. (1963) *The Political Dynamics of European Integration*, Stanford, CA: Stanford University Press.
- Lindberg, L. and Scheingold, S. (1970) *Europe's would-be Polity*, Englewood Cliffs. NJ: Prentice Hall.
- Monar, J. (2006) 'The Project of a European Border Guard', in: Caparini, M. and Marenin, O. (eds.) *Borders and Security Governance*, Münster: LIT, pp.193-208.
- Niemann, A. (2006) *Explaining Decisions in the European Union*, Cambridge: Cambridge University Press.
- Niemann, A. and Ioannou, D. (2015) 'European economic integration in times of crisis: a case of neofunctionalism?' *JEPP*, Vol.22, No.2, pp.196-218.
- Nielsen, N. (2015) 'Leaders impose June deadline for EU border force'. *EU Observer* 18/12/2015. <<https://euobserver.com/migration/131586>>.
- Nilsson, H. and Siegel, J. (2010) 'The Council in the Area of Freedom, Security and Justice', in Monar, J. (ed.) *The Institutional Dimension of the European Union's Area of Freedom, Security and Justice*. Brussels: P.I.E. Peter Lang, pp.53-82.
- Nugent, N. (1995) 'The leadership capacity of the European Commission'. *JEPP*, Vol.2, pp.603-23.
- Nye, J. (1970) 'Comparing common markets: a revised neo-functionalist model'. *International Organization*, Vol.24, No.4, pp.796-835.
- Official Journal (2004) Vol.47, 25/11/2004. <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2004:349:TOC>>.

- Official Journal (2006) Vol.39, 13/04/2006. «<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2006:105:TOC>».
- Peterson, J. (1995) 'Explaining Decisions in the European Union'. *JEPP*, Vol.2,pp.69-96.
- Pierson, P. (1996) 'The path to European integration: a historical institutionalist analysis', *Comparative Political Studies* Vol.29,No.2,pp.123-163.
- Rambøll (2015) External Evaluation of the Agency under Art. 33 of the Frontex Regulation. Final Report. «http://frontex.europa.eu/assets/Publications/General/Final_Report_on_External_Evaluation_of_Frontex.pdf».
- Rijpma, J. (2016) 'The proposal for a European Border and Coast Guard'. Directorate General for Internal Policies, Study for the LIBE Committee, PE 556.934.
- Rosamond, B. (2000). *Theories of European integration*. New York: St. Martin's Press.
- Schimmelfennig, F. (2016) 'Europäische Integration in der Euro- und Flüchtlingskrise'. Unpublished Manuscript.
- Thielemann, *et al.* (2010) 'What system of burden-sharing between Member States for the reception of asylum seekers?'. Directorate General for Internal Policies, Study for the LIBE Committee, PE 419.620.
- Tranholm-Mikkelsen, J. (1991) 'Neo-functionalism: obstinate or obsolete?'. *Millenium*, Vol. 29,No.1,pp.1-22.
- Trauner, F. 2016 'Asylum policy: the EU's 'crises' and the looming policy regime failure' *Journal of European Integration* Vol.38, No3,pp.311-325.
- Traynor, I. (2016) Is the Schengen dream of Europe without borders becoming a thing of the past?. The Guardian, 05/01/2016. «<https://www.theguardian.com/world/2016/jan/05/is-the-schengen-dream-of-europe-without-borders-becoming-a-thing-of-the-past>».
- Vasilopoulou, S. (2015) 'Juncker gets political in State of the European Union address', The Conversation: Eurovisions, 10/9/2015, «<http://theconversation.com/juncker-gets-political-in-state-of-the-european-union-address-47288>»

Wallace, H. and Edwards, G. (1976) 'European Community: The Evolving Role of the Presidency of the Council'. *International Affairs* Vol.52, No.4, pp.535-550.

Webber, D. (2014) 'How likely is it that the European Union will disintegrate?'. *EJIR* Vol.20, No.2, pp.341-365.

Wolff, S. and Schout, A. (2013) 'Frontex as Agency' *Perspectives on European Politics and Society*, Vol.14, No.3, pp.305-324.

Zalan, E. (2016) Losing Schengen would hurt EU businesses. EUobserver, 21/06/2016. <<https://euobserver.com/business/133253>>.

Zaun, N. (2017) *EU Asylum Policies*. Cham: Springer International Publishing.