The European Union’s Response to the Migration Crisis

A qualitative case study of the policy process
Abstract

The increased number of migrant disasters in the Mediterranean Sea as well as the unprecedented migratory pressures on the Member States within the European Union (EU), lead to an EU declaration of a European migration crisis in 2015. Tensions between the supranational and the national level in the EU arose when attempting to address the crisis, which created concerns regarding a disunited EU. The purpose of this qualitative case study was therefore to understand the tensions between the supranational and the national level in the EU’s policy process of the migration crisis by applying the European integration theories neofunctionalism and intergovernmentalism. As a result, tensions between the supranational and the national level could be identified where the neofunctionalist framework was somewhat more representative than the intergovernmentalist framework. A discussion regarding the possible development of the European integration process according to the neofunctionalist framework was therefore conducted.

Key words: European Union, migration crisis, neofunctionalism, intergovernmentalism, policy analysis
1. Introduction

There are around 60 million displaced people around the world today as a result of conflicts, war and civil war, persecutions and climate change (European Commission, 2015a; UNHCR, 2015). Approximately one million of those people entered the European Union (EU) in 2015 and thousands of people lost their lives in the attempt (BBC, 2016; UNHCR, 2016; Human Right Watch, 2016). The Mediterranean Sea has for many years been a central route into the EU where people have risked their lives in poor vessels and overcrowded boats in attempt to reach a safe haven, and in 2014 and 2015 the number of migrants attempting to reach the EU increased unprecedentedly (Frontex, 2016a).

“It is time to speak frankly about the big issues facing the European Union. Because our European Union is not in a good state. There is not enough Europe in this Union. And there is not enough Union in this Union. We have to change this. And we have to change this now.” (European Commission, 2015b)

The migration crisis was first recognised by an official EU institution on 23 April 2015, when the European Council had a special meeting regarding the number of migrant disasters in the Mediterranean (European Council, 2015a). At first, the migration crisis was a maritime crisis in the Mediterranean that needed to be addressed in order to save lives. However, during the summer of 2015 the number of migrants more than doubled and the growing migration flows began to heavily affect the Eastern European countries. As a result of the Syrian civil war and ISIS/Daesh’s progression in Northern Africa and the Middle East, the migration crisis in the Mediterranean transformed into a European migration and refugee crisis in September 2015 (European Council, 2016a; European Commission, 2015b; Frontex, 2016b). The migration influx became unbearable for several frontline Member States and a number of them were unable to register the newly arrived asylum applicants according to the Dublin Regulation (European Council, 2016a; EUR-Lex, 2013). The Schengen Agreement allows free movement for the citizens of the Schengen countries, however, as the frontline Member States were unable to control the migrants’ movements, several Member States within the external borders felt the necessity to reinstate its national border controls, build fences and increase the border surveillance in order to stem the migratory pressures (Traynor, 2016). Alongside the development of the migration crisis, xenophobia among the Member States has developed and
several of the Member States have a large number of elected right-wing parliamentarians and some of them, right-wing governments (Robins-Early, 2015). As a result of the growing xenophobia within the EU, the migration crisis has become a sovereign-sensitive issue where some Member States have been reluctant to participate in decisions that they believe could jeopardize their national interests. Consequently, tensions between the supranational and the national level of government within the decision-making process of how to respond to the migration crisis have emerged. While some Member States have been eager to develop a joint EU response and emphasised the need for shared responsibility, others have presented their demands in order to participate in a certain decision (European Council, 2016a; Thorpe, 2015). The fragmentation in the decision-making process has raised concerns regarding the consequences of a disunited EU and the consequences of the tensions between the supranational and the national level within the EU (Traynor, 2015). The migration crisis is still ongoing in the time of writing this study as well as the EU’s policy process in attempt to respond to it. Nevertheless, a limited policy analysis will be conducted in order to understand the tensions between the supranational and the national level in the EU’s policy process of the migration crisis in attempt to identify the consequences of the tensions.

Neofunctionalism and intergovernmentalism are the two most influential theories of the European integration process and have been elected to this study as they represent two different aspects of the integration process (Rosamond, 2000, 50, 130, 151). Neofunctionalism believes that the integration process is an unavoidable and positive process that is driven by a higher authority that eventually will lead to an integrated political community (Haas, 1961). Intergovernmentalism, on the other hand, believes that it is the national governments and their interstate bargaining that drives the integration process further (Hoffmann, 1966; Moravcsik, 1993). Despite the fact that the theories represent different approaches to the European integration process, both of them will be used in order to analyse the tensions between the supranational and the national level within the EU and speculate on the future consequences of these tensions.

Purpose

This qualitative case study seeks to understand the tensions between the supranational and the national level in the European Union’s policy process of the migration crisis by applying the European integration theories neofunctionalism and intergovernmentalism.
Research Questions

• How are the tensions between the supranational and the national level in the European Union’s policy process of the migration crisis present according to neofunctionalism and intergovernmentalism?
• Will the migration crisis contribute to a disunited European Union? Why, or why not?

Demarcation

Due to the restricted time to complete this study, a limited policy analysis will be implemented in order to analyse the tensions between the EU institutions’ policy process of the migration crisis between April 2015 and September 2015. The first two packages of the Commission's adopted European Agenda on Migration as well as the EU institutions’ response to the packages will be studied. All proposals in the packages have not been finalized because of its recent adaptation and presentation and therefore, the analysis will be conducted between the policy process’ beginning in April 2015 and the EU institution’s response to the second package in September 2015.

2. Theoretical Outline

Neofunctionalism and intergovernmentalism are the two most influential theories within the field of the European integration process (Rosamond, 2000, 50, 130, 151). The theories differ in many aspects, such as identifying the primary actor, what the force behind the integration process is and so forth, however, they both have normative features. Both theories predict the development of the European integration process, which sometimes can be problematic as for when unprecedented events or developments emerge. Scholars often attempt to compare the two in order to explain the development within the EU, however, as the EU consists of elements from both theories, this study will take both into account in order to understand the tensions between the supranational and the national level of the EU’s policy process of the migration crisis as well as speculate on its development.
Neofunctionalism

The Schuman Declaration on 9 May 1950 was created by the French economic and political advisor Jean Monnet and the French Foreign Minister Robert Schuman and stemmed from a community’s proposition where the Member States would combine their production of coal and steel (“low politics”) in order to create long-lasting peace among the conflicted European countries. The declaration proposed an establishment of a common High Authority to monitor the collaboration and to encourage further integration. The Schuman Declaration became an important contribution to the establishment of the European Coal and Steel Community (ECSC) and to the theoretical framework of neofunctionalism (Foundation Robert Schuman, 2016; Europeiska Unionen, 2015; EUR-Lex, 2010a; Rosamond, 2000, 51-54).

Neofunctionalism was first developed by Ernst B. Haas at the end of the 1950s and the beginning of the 1960s as a response to the establishment of the ECSC and aims to explain the dynamics behind the regional integration process (Tranholm-Mikkelsen, 1991, 2-3; Rosamond, 2000, 50-58).

The integration process within neofunctionalism is identified as a positive and automatic process over time where national elites shift their expectations and possibly loyalties towards the supranational level of government and where the final objective is the establishment of a political community (Haas, 1961, 366; Tranholm-Mikkelsen, 1991, 3-4; Risse-Kappen, 1996, 55; Niemann and Ioannou, 2015, 197; Niemann, 1998, 429-430). The dynamics and the force behind the integration process are the pressures of functional, political and cultivated spillover (Tranholm-Mikkelsen, 1991). Functional spillover refers to integration within one sector not being fully effective unless interdependent sectors become assimilated in the integration process as well. Monnet anticipated this functional spillover effect as he believed that integration of coal and steel ("low politics") would spillover to other economic sectors and then to the entire economy. Neofunctionalists developed this further as they believed that the economic integration would spillover to other political areas as well, such as foreign and security policy ("high politics") (Tranholm-Mikkelsen, 1991, 4-5; Lindberg, 1963, 10-11). In practise, a functional spillover effect can be identified if further measures or more resources are implemented in order to address an issue or successfully integrate a sector (Niemann, Ioannou, 2015, 200). Monnet’s and some of Haas’ anticipated development from the pressures of the functional spillover have taken place as the ECSC developed into the European Union through the Maastricht Treaty in 1992, which opened up for political integration such as a common foreign and security policy (EUR-Lex, 2010b).
Haas believed that the pressures of the political spillover were created by the trade unions, the non-governmental organisations, and the representatives of interest and social groups on a national level (elites). The number of these groups would increase as well as the supranational “umbrella organisations” in the integration process and gradually shift their expectations from the national to the supranational level (Haas, 1968, 291-299; Tranholm-Mikkelsen, 1991, 5-6). Leon N. Lindberg, who was also an influential contributor to the neofunctionalist framework, believed that it was the national civil servants that worked in the working groups or subcommittees on the supranational level, such as the Committee of Permanent Representatives (Coreper), that created the political spillover pressures (Tranholm-Mikkelsen, 1991, 5-6; Rosamond, 2000, 54-55). They created the political spillover pressures, or “engrenage” as Lindberg called it, as they got involved in the EU institutions as well as other national administrations. In other words, it was a “complex system of bureaucratic interpenetration” (Niemann, 1998, 430; Lindberg, 1963, 4-8; Tranholm-Mikkelsen, 1991, 5-6).

Neofunctionalism believes that a mediator with High Authority is essential in negotiations between Member States, as the bargaining otherwise would be characterized by "negotiation of the minimum common denominator" (Haas, 1961, 367-368). In neofunctionalism, a common High Authority is essential as it “upgrades the common interests”, which is beneficial for all parties and make the bargaining process more efficient (Haas, 1961, 367-368). The High Authority, which in practise is the European Commission, constantly seeks to improve its power and authority over the Member States through further integration. The pressure for integration from the common High Authority is called a cultivated spillover (Tranholm-Mikkelsen, 1991, 6-7; Haas, 1961, 367-368; Niemann and Ioannou, 2015, 199-200).

Arne Niemann identified a fourth spillover effect which he called “induced spillover” (Niemann, 1998, 431-434). The pressures of induced spillover urges member states to establish a common position towards external actors and pressures, such as a third country’s wish to join the Community or common external threats that require member states' common response. By creating a common position towards external actors or pressures, the member states would gain a collective bargaining power, which would be beneficial for all parties (Niemann, 1998, 431-434; Schmitter, 1969, 165).
The neofunctionalist framework has been widely criticised, especially since it is a normative theory. During the 1960s, nationalism among the Member States within the Community grew and the integration process slowed down. As a result and as a criticism to the neofunctionalist theory, the framework of intergovernmentalism was developed (Rosamond, 200, 75). One of the intergovernmentalist arguments was the neofunctionalists inability to explain the growing nationalism and the unprecedented “coup” of the French President Charles de Gaulle in the beginning of the 1960s, which eventually lead to Member States’ right to veto in the Council of Ministers (Hoffmann, 1966, 895-899). Nevertheless, the theory became commonly used again during the 1990s and has since then responded to the criticism of the intergovernmentalists (Rosamond, 2000, 75, 101; Tranholm-Mikkelsen, 1991).

Intergovernmentalism
Intergovernmentalism was developed during the 1960s as a response to the neofunctionalist progression within the study of the European integration process. Stanley Hoffmann was the first to develop the theoretical framework of the theory when he criticised Haas’ arguments regarding the power of the supranational institutions and the effect of spillover pressures. Hoffmann believed that nationalism and sovereignty was essential in the European integration process and that the neofunctionalists withheld the Member States’ importance in its theory. The primary actor in the intergovernmentalist theory is therefore the Member State (Hoffmann, 1966; Rosamond, 2000, 75-81). Intergovernmentalism emphasises the importance of national sovereignty in the European integration process and argues that it is the national governments and their interstate bargaining that drives the integration process forward (Rosamond, 2000, 135-136; Risse-Kappen, 1996, 55; Hoffmann, 1966; Moravcsik, 1993). The supranational institutions are provided with power, which is contained and reversible, by the Member States and therefore, intergovernmentalists believe that the ECSC and the European Community (EC) were established after careful calculations by the member states (Hoffmann, 1966, 867; Moravcsik, 1993, 507).

Hoffmann formed the concept of “logic of integration” and “logic of diversity”, where the former refers to the neofunctionalist perspective of the European integration process as a snowball effect and the latter to why the snowball effect does not work. “Logic of diversity” emphasises the difference between the Member States and their different preferences,
especially regarding issues within areas of “high politics”, such as foreign and security policy (Hoffmann, 1966, 895-899). As all Member States’ historical background, geographical location, social structure and political system differs, intergovernmentalists believe that no nation-state should have to compromise in a negotiation regarding a vital issue for its national interests. As Hoffmann (1966, 882) stated: “Russian roulette is fine only as long as the gun is filled with blanks.”

The French President Charles de Gaulle, was an inspiration for Hoffmann and his development of intergovernmentalism as de Gaulle was sceptical to the supranational integration process. In 1963, de Gaulle opposed a British membership in the EC and in 1965 he withdrew the French membership. In order to return as a member to the EC, de Gaulle had demands such as the Member States’ right to a veto on proposals that contradict a Member State’s national interests in a vital issue in the Council of Ministers (Hoffmann, 1966, 895-899; Tranholm-Mikkelsen, 1991, 7). The EC approved de Gaulle’s demands and France became a member of the EC again. This “coup” in the 1960s became an important element and empiricism for the intergovernmentalists (Hoffmann, 1966).

In the 1990s, Andrew Moravcsik developed a new direction of intergovernmentalism which he called ‘liberal intergovernmentalism’. Liberal intergovernmentalism focuses on the state-society relations and believes that the nation-states are rational actors that builds its preferences on liberal values and aims to analyse interstate bargaining. Moravcsik believed that national preferences were created through social groups’ pressures on the national elites, which were then summarized and developed into national preferences in the international arena and supranational negotiations (Moravcsik, 1993, 480-484; Rosamond, 141-145). According to Moravcsik (1993, 483-485), the national elites’ main concern was to uphold their positions and remain in office.

Intergovernmentalism is a “two-level game” where the national governments are the primary actors and the link between the domestic and international level (Rosamond, 2000, 135-136; Putnam, 1988). The politicians seek alliances on a domestic level in order to increase its power on an international level, and vice versa (Rosamond, 2000, 136-141; Risse-Kappen, 1996, 55). The motivation for intergovernmental co-operation with supranational institutions is the effect of negative policy externalities, which means additional costs for third parties. This effect motivates nation-states to collaborate in order to enhance its position
within domestic politics and to create market liberalization in turn to eliminate the additional costs (Moravcsik, 1993, 485-486).

Intergovernmentalism as well as liberal intergovernmentalism assumes that the Member States enter the Community (or Union) voluntarily and that the High Authority and supranational institutions are necessary for the efficiency of interstate bargaining. The supranational institutions provide information ahead of meetings, recommend proposals and lower transaction costs. The High Authority, or in other words the Commission, sets the agenda as it can provide the Member States with the required information before making a decision. The intergovernmentalists also believe that the High Authority should represent the Community (or Union) in external negotiations as it holds the executive power (Moravcsik, 1993, 507-512). Moravcsik explains the EU’s qualified majority voting system as a cost-benefit mechanism as it can be more important to overrule one Member State’s disagreement in a linkage of negotiations towards a common goal in order to lower the transaction costs (Moravcsik, 1993, 508-511).

Intergovernmentalism has also been widely criticised as the theory is unable to explain some developments in the European integration process, such as decisions that go against a Member State's preferences. Furthermore, the theory has been criticised for its lack of ability to explain situations other than the interstate bargaining process (Rosamond, 2000, 153). Despite the criticism, intergovernmentalism and the additional features of liberal intergovernmentalism will be applied in this study in order to analyse and understand the tensions between the supranational and the national level of the EU’s policy process of the migration crisis.

3. Methodology
This section will present the research design, the method of analysis and the chosen material for this study. It will also conduct a critical discussion regarding the choice of the methodology.

Research Design
A qualitative case study will be implemented in order to analyse and understand the tensions between the supranational and the national level of the EU’s policy process of the migration crisis.
Qualitative case studies are beneficial as they allow comprehensive interpretations of complex situations (Flick, 2011, 12, 69; Ormston et al, 2-4). The case in this circumstance is the EU’s crisis management of the migration crisis. In order to operationalize the EU’s crisis management of the migration crisis, a limited policy analysis of the formal policy process will be applied, and the external events in relation to the process will be analysed. The formal policy process refers to the EU meetings of the policy process of the migration crisis. The external events in relation to the policy process refer to the events and the institutions’ or Member States’ actions in relation to the policy process or a development of the crisis that has affected it. This case study will be non-experimental, or in other words, a descriptive study, as it aims to analyse a complex phenomenon that has already happened and where it is not possible to affect the outcome (Merriam, 1988, 7).

Method of Analysis
A limited policy analysis of the EU’s policy process on the migration crisis will be applied in this study, as policy analyses generally seek to simplify complex policy processes or guidelines established by governments or other organisations (Premfors, 1989, 9-10). As the case in this study is the EU’s crisis management of the migration crisis, the formal policy process as well as the external events in relation to the policy process will be analysed.

A policy analysis divides the policy process into different stages in order to get a holistic picture of a complex phenomenon (Premfors, 1989, 10). There are several stages within a policy process, and there are several models in order to identify the stages as well as how to analyse them. In this study, Paul Cairney’s (2012, 32-45) description of the policy cycle will be applied. The policy cycle is a simple model that is widely used within the academic field and allows an in-depth understanding of a complex process (Cairney, 2012, 33-45). By dividing the process into the six stages; agenda setting; policy formulation; legitimation; implementation; evaluation and; policy maintenance, succession or termination, the sequence of the process can be systematically analysed and the strategy of the policymaker identified (Cairney, 2012, 33-45). The policy cycle has been criticized as it can be difficult to distinguish the different stages in a policy process and because it does not have a theory on how policy is made or developed (Cairney, 2012, 41-42). Nevertheless, a simple model for this study is required as two integration theories are chosen in order to analyse the development of the policy process.
This study seeks to analyse the first two stages of the policy cycle, which are agenda setting and policy formulation. Agenda setting aims to identify how the problem is presented and how it is prioritized. A policy problem is of subjective nature and is usually a social or private issue that requires government attention. Therefore, as long as the problem is not classified or defined as an issue, it cannot be regarded as a policy problem that deserves government attention (Premfors, 1989, 48-49; Cairney, 2012, 33). The following stage, policy formulation, attempts to assess how the policymakers approach the problem, how they identify costs and effects of possible measurements and also, how they identify their objectives (Cairney, 2012, 33).

A policy analysis is of descriptive and normative nature as it relies on theories within social sciences in order to describe causes and choose measures for desired consequences (Dunn, 2008, 3). As this study seeks to analyse the first stages of the policy process, that is the EU’s identification of the problem as well as their ambitions to respond to it, the policy analysis will be a retrospective analysis (ex post). A retrospective analysis focuses on the examination of the process rather than the prediction of the future (prospective analysis, ante post) (Dunn, 10-13). However, this study will attempt to speculate on the future consequences of the tensions within the EU through neofunctionalism and intergovernmentalism. It is impossible to know how the development of the European integration process will proceed and what the consequences of the tensions between the supranational and the national level in the EU’s policy process of the migration crisis are, as the crisis is still ongoing. Both theories are normative and attempt to predict the future, therefore, the analysis will discuss possible developments and consequences depending on the study’s results.

Material
The European Commission’s adopted European Agenda on Migration and its first two packages are selected to the formal policy process as it presents the Commission’s agenda setting as well as its ambitions to respond to the migration crisis. The EU institutions’ response to the European Agenda on Migration and its packages are also a part of the formal policy process and will therefore also be analysed. Key EU documents from the formal policy process have been retrieved from official EU websites and EU forums. Secondary data of the formal policy process have also been collected as a compliment in order to trace
disagreements in the meetings that have not been made public. The external events in relation to the process have been identified from secondary sources, such as news articles and peer-review articles. EU documents, news articles and other secondary sources have been selected by using forums like Scopus, Web of Science, Google Scholar, Google, and official EU forums and websites. In order to avoid validity problems, which will be further discussed in the next section, several sources have been selected in order to verify the information.

Criticism of Methodology

In general, qualitative case studies are problematic in regards to “producing valid and reliable knowledge in an ethical manner” (Merriam, 1988, 163). In order to avoid validity problems, which means that the study captures the reality and measures of what it is intended to measure, several sources will be used, especially information from news articles and secondary sources (Merriam, 1988, 169; Esaiasson, et al, 2012, 57-65). Reliability can also be problematic as it refers to the systematic features of the data collection and the possibility to replicate the conclusions (Merriam, 1988, 170; Esaiasson et al, 2012, 57-65). In qualitative studies, this is a challenge as the data collection is based on the researcher’s experience and judgement of what is relevant. This might also question the study’s generalizability (Flick, 2011, 183; Ormston et al, 3). In order to avoid problems with reliability and generalizability, the data collection will be consequent and motivated as well as the interpretation in the analysis (Merriam, 1988, 177). This study will also seek to avoid ethnic problems as the data will be collected and presented in an objective matter and a clear separation between the empiricism and the analysis will be completed (Merriam, 1988, 179).

4. Background

This section will provide the reader with background information on the central EU institutions as well as the Dublin Regulation and the Schengen Agreement. The background information is required in order to comprehend the empirical analysis.
EU Institutions

The European Council
The European Council became an official EU institution in 2009 and consists of the heads of state or government of the EU Member States, the President of the European Commission and the High Representative for Foreign Affairs and Security Policy (HR). The Council holds summit meetings four times a year, unless there is an urgent matter that requires the Council’s immediate attention. The political agenda is generally agreed on by consensus, although in certain occasions unanimity or a qualified majority vote is required. The President of the European Council is elected within the Council and is given a two and a half year mandate, which can be renewed once. The Polish politician, Donald Tusk, was unanimously elected President of the European Council in 2014 (European Union, 2016; European Council, 2015b).

The European Council decides on the political direction of the EU and its priorities. The low priority issues are directed to the Council of the European Union (EU Council/Council of Ministers) directly. Meanwhile, the more complex issues are directed to the Commission, which in turn develops a proposal for the EU Council and the European Parliament (European Union, 2016).

The European Commission
The European Commission is the executive power within the EU and consists of 28 Commissioners, one Commissioner from each Member State. The Luxembourgish politician, Jean-Claude Juncker, is the President of the Commission and has a significant role as he is responsible for the policy agenda, the organisation, the allocation of portfolios to the Commissioners, and for representing the Commission and the EU in several occasions. The President assigns each Commissioner a specific policy area during the mandate period of five years. However, all Commissioners are responsible for all decisions by the Commission as they are taken collectively, or in other words, that they are taken according to the "principle of collective responsibility" (European Commission 2015c; European Commission, 2015d;
European Commission, 2016a). The Commission is one of the legislative powers within the EU and is responsible to initiate proposals for the EU Council and the European Parliament. The Commission is also responsible for promoting the EU's general interests (European Commission, 2015d; European Commission, 2016b).

The Council of the European Union
The Council of the European Union (EU Council or Council of Ministers) is basically the sole legislative power within the EU. The national ministers meet in 10 configurations and negotiate and adopt EU legislation in “codecision” with the Parliament. “Codecision” means that the two institutions decide on an issue together, however, in some cases the Parliament's position on the subject is only a consultation. Nevertheless, the EU Council is always required to await the Parliament's stand before adopting legislation, even when it is only a consultation (Council of the European Union, 2015a; Council of the European Union, 2015b; Council of the European Union, 2015c). The Presidency of the EU Council rotates on a six month basis between the Member States and the Member State holding the presidency, chairs the Council meetings. The EU Council has three voting procedures: simple majority, qualified majority and unanimity (the voting procedure depends on the configuration and subject). The qualified majority vote is the most frequently used within the decision-making process within the EU Council and an estimated 80 per cent of the decisions are voted on by a qualified majority vote (Council of the European Union, 2015a).

In the EU Council, the Member States represent their national interests in negotiations in attempt to coordinate national policies as well as common stands on foreign and security policies. The EU Council also decides on the EU budget together with the Parliament and provides the Commission with the mandate to represent the EU in international contexts. Ahead of the EU Council meetings, the working groups and the Permanent Representatives Committee (Coreper) examines proposals from the Commission and attempts to reach an agreement before reaching the EU Council’s table (Council of the European Union, 2015b; Council of the European Union, 2015c).

The European Parliament
The European Parliament is a co-legislator with the EU Council and consists of 751 Members of the European Parliament (MEPs), which are proportionally elected from the 28 Member
States (European Parliament, 2016a). The Parliament’s main tasks are to supervise the EU institutions, make sure that the rule of law follows and to decide on the EU budget (European Parliament, 2016b). A plenary session for four days is held every month and a part-session is held six times a year where debates and votes usually take place. In order to vote, one third of the MEPs are required to be present and an absolute majority of the votes needed to be counted (European Parliament, 2016c).

The MEPs are elected on a five year basis, and the President on a two and a half year basis. The President is the one that represents the Parliament in different contexts as well as presents the Parliament’s position ahead of the EU Council meetings. In the Maastricht Treaty, followed by the Lisbon Treaty, the Parliament’s power was increased and is now therefore allowed to ask the Commission to initiate proposals (European Parliament, 2016a; European Parliament, 2016d; EUR-Lex, 2010b).

The Dublin Regulation

The Dublin Regulation originates from the intergovernmental treaty the Dublin Convention from the 1990s and consists of several rules regarding the asylum process within the EU (EUR-Lex, 2013; Trauner, 2016, 313). The main objective of the regulation is to ensure that only one Member State processes an asylum application. The principle of "first-country-of-entry" states that the first Member State a third country national or a stateless person enters is solely responsible for its asylum application, with respect to family links. The regulation was adopted into EU law in 2003 and was last updated in July 2013 with improvements within several articles, such as the asylum seekers’ right to information and personal interviews (EUR-Lex, 2013). The 28 EU Member States and Iceland, Norway, Liechtenstein and Switzerland are part of the Dublin Countries in which the Dublin Regulation applies (Citizens information, 2016). If the asylum applicants decide to move to another Member State, they can be sent back to the first country of entry (Reuters, 2015).

Schengen Agreement

The Schengen Agreement was founded in 1985 as an intergovernmental agreement between France, Germany, Belgium, Luxembourg and the Netherlands. It was not until the Treaty of Amsterdam in 1997 that the Schengen Agreement became a part of the legal framework of the EU (EUR-Lex, 2009). The Schengen Agreement allows free movement for people within the
Schengen area and consists of 26 countries, 22 Member States of the EU and 4 of EFTA. In order to provide free movement for its citizens, all internal borders have been abolished and one external border has been implemented (Schengen Visa Info, 2016). In regards to the abolished internal border controls, common rules and procedures of visa and asylum applications have been established. The United Kingdom (UK), Ireland and Denmark have special arrangements and are therefore not allowed to participate in certain changes of the agreement (EUR-Lex, 2009). Member States are allowed to reinstate its national borders in case there is a “public policy or national security” situation after consulting the other Member States (General Secretariat of the Council, 2001 33, 165; EUR-Lex, 2006, Chapter 2).

4. Empirical Analysis

In this section, an empirical analysis will be conducted in order to analyse the tensions between the supranational and the national level in the EU’s policy process of the migration crisis by applying the European integration theories neofunctionalism and intergovernmentalism. Firstly, the events leading up to the Commission’s adopted European Agenda on Migration will be presented in order to understand why it was developed and what its ambitions were. Then, a summary of the agenda will be presented as well as a reflection of its content. In order to ensure a thorough presentation and analysis of the tensions between the supranational and the national level in the EU’s policy process of the migration crisis, the packages and the external events will be presented and analysed individually.

Events Leading Up to the European Agenda on Migration

Ahead of the presidential election of the Commission on 15 July 2014, Jean-Claude Juncker presented his Political Guidelines for the upcoming mandate period 2014-2019. The Political Guidelines focused on ten policy areas in which Juncker believed that the EU could make a difference. One of the policy areas was “towards a new policy on migration”, where Juncker emphasised the need to implement the common asylum system as well as exploring an implementation of a European Asylum Support Office, create legal passages into the EU through a “Blue Card” system and prevent irregular migration (Juncker, 2014; European Parliament, 2014, 1, 10-11). Juncker became the elected President and has promoted common responsibility among the Member States and common solutions throughout the policy process of the migration crisis. Juncker’s Political Guidelines were the first to officially acknowledge
the flaws within the EU’s asylum system in regards to the different asylum processes among the Member States (European Commission, 2015a).

On 23 April 2015 the European Council called for a special meeting in attempt to address the increasing number of migrant disasters in the Mediterranean and the augmenting irregular migration. The special meeting followed the largest migration disaster in the Mediterranean on 19 April 2015 where around 850 migrants died in attempt to reach the Italian island Lampedusa (European Council, 2015a; Albahari, 2015, 1; BBC, 2015). The European Council wished to increase Frontex’s presence at sea and triple their financial aid in order to save lives, fight human smugglers and criminal networks. They also wanted to address the root causes of “illegal migration”, increase the collaboration with countries of origin and transit, and prevent irregular migration to the EU (European Council, 2015a). Following this special meeting, the Parliament released a resolution where they too emphasised the need to address and respond to the maritime migration crisis. The resolution contained similar conclusions as the European Council, and emphasised the importance of solidarity and shared responsibility among the Member States (European Parliament, 2016e). On 13 May 2015, the Commission presented its adopted European Agenda on Migration (European Commission, 2015e).

European Agenda on Migration
The European Agenda on Migration was presented on 13 May 2015 by the Commission and followed Juncker’s Political Guidelines. The agenda consisted of an immediate, medium-term and long-term strategy in order to create a comprehensive response to the migration crisis (European Commission, 2015e, 2). The immediate incentives were to increase the support to Frontex in order to expand its presence at sea and save lives as well as to increase the collaboration with countries of origin and transit to prevent irregular migration and identify illegal migratory routes where human smugglers and criminal organisations operate (European Commission, 2015e, 3-6). Another immediate measure was the support to frontline Member States through a temporary relocation scheme on a voluntary basis where “persons in clear need of international protection” would be distributed from Member States under massive migratory pressures at the external borders to other Member States within the Union. The relocation scheme was based on Article 78(3) Treaty on the Functioning of the European Union (TFEU), which allows temporary measures if a large amount of third country nationals or stateless persons would enter a Member State (European Commission, 2015e, 4; EUR-Lex,
2012). Also, a resettlement scheme was proposed as a legal passage into the EU where persons in clear need of international protection from countries outside the EU would be resettled in an EU Member State after being identified as a qualified person for the mechanism by the United Nations High Commissioner of Refugees (UNHCR) (European Commission, 2015e, 4-5). In order to assist frontline Member States with the high migratory pressures, the Commission proposed to establish hotspots, where “European Asylum Support Office, Frontex and Europol will work on the ground with frontline Member States to swiftly identify, register and fingerprint incoming migrants” (European Commission, 2015e, 6). €60 million was allocated into an emergency fund to finance the hotspot operation. The main long-term measures were a permanent relocation scheme which could be triggered by the Commission in case of a massive influx of migrants to a frontline Member State, develop an effective return policy, make the EU an attractive place for highly skilled migrants and create legal passages in to the EU through a Blue Card scheme (European Commission, 2015e, 6-18).

The Commission’s European Agenda on Migration identified the migration crisis as a maritime problem that needed to be addressed. It presented a number of new measures, such as the temporary relocation scheme in order to assist the frontline Member States with its migratory pressures as well as the hotspot approach (European Commission, 2015e; EUR-Lex, 2012). These measures could be interpreted as neofunctionalist pressures of functional spillover as further measures were introduced in attempt to address the crisis. However, as this was the presentation of the adopted agenda and as it did not contain concrete proposals, the measures could only be viewed as indications of future pressures of functional spillover.

The adopted agenda was followed by three packages with concrete measures in 2015 (European Council, 2016a). The first and the second package will be further analysed as the first package recognises the maritime migration crisis in the Mediterranean and the augmenting migratory pressures in the Member States as well as laying out concrete measures to tackle the crisis. The second package recognises a new turn in the migration crisis as the number of migrants increased unprecedentedly during the summer of 2015 and officially declared a “European refugee crisis” on 9 September in 2015 (European Council, 2016a; European Commission, 2015a; European Commission, 2015f). The third package in December 2015 will not be analysed because of the limited time to complete this study.
First Package of the European Agenda on Migration

The Commission presented its first package of concrete measures on how to respond to the migration crisis on 27 May 2015. In the package, a voluntary emergency relocation scheme was proposed in order to distribute 40,000 people located in the frontline Member States Italy and Greece to other Member States as a result of the heavy migratory pressures (European Commission, 2015a). The relocation scheme would follow a distribution key and stretch over a two year period and the receiving Member States would be provided with financial support of €6,000 per relocated person (European Commission, 2015a). In order to increase the number of legal passages into the EU, a resettlement recommendation of 20,000 people from a third country outside the EU, identified as of being in “clear need of international protection” by the UNHCR, was proposed (European Commission, 2015a). This would also stretch over a two year period and follow a distribution key. The resettlement scheme was also on a voluntary basis and would provide the participants with financial support. €50 million was proposed to finance this mechanism in 2015-2016 (European Commission, 2015a). The voluntary schemes could be considered as an intergovernmentalist approach as it allows the Member States to participate on their own terms or not at all. Therefore, the Member States could be viewed as the primary actors. The financial support for receiving Member States could be interpreted as a neofunctionalist element as it encourages deeper collaboration and shared responsibility between the Member States as well as further integration as of the new relocation mechanism. The uneven distribution of migrants and asylum seekers is a result of the Dublin Regulation’s principle of “first-country-of-entry” and therefore, the relocation scheme could be understood to be the result of a functional spillover from the Dublin Regulation.

Guidelines for the hotspot approach mentioned in the section of the European Agenda on Migration was proposed in the first package in order to assist the frontline Member States with the registration of newly arrived asylum applicants and assist them with the asylum process (European Commission, 2015a). In order to increase Frontex presence at sea within the EU and in third countries, a number of additional assets to the agency were proposed, such as increased resources on land, in air and at sea for the agency’s Joint operation Triton. Further cooperation with countries of origin and transit, as well as countries hosting refugees was proposed to tackle the original motives that forced people to escape (European Commission, 2015a). The hotspot approach could be interpreted as an intergovernmentalist approach as the High Authority assists the Member States on their terms. It could also be
interpreted as a neofunctionalist approach as it promotes the EU’s general interests of securing the external border controls. The hotspot approach, and the increased number of resources to Frontex, would secure the external borders as it would control and stem the migration flows to other Member States within the Union. The proposal of further cooperation with countries of origin and transit would require a common EU position in order to negotiate. This could be seen as a part of the intergovernmentalist two-level game as a common intergovernmental position would enhance the Member States’ bargaining power in the international negotiation, which would increase their domestic powers. It could also be identified as an induced spillover pressure, where the Member States would gain a collective bargaining power.

As regards to long-term measures, the development and implementation of the Blue Card Directive was proposed where a public consultation to stakeholders would take place, such as to employers, governments and non-government organisations. The Blue Card Directive’s main objective was to attract highly skilled people and facilitate their move to the EU (European Commission, 2015a). After the Commission’s presentation of the first package of the European Agenda on Migration on 27 May 2015, the Migration, Home Affairs and Citizenship Commissioner, Dimitris Avramopoulos, proudly stated: "Today, the Commission has shown that it can act quickly and resolutely to better manage migration.” (European Commission, 2015a).

On 20 July 2015 the Justice and Home Affairs (JHA) Council agreed on a general approach by consensus, which is an agreed legislative proposal that is to be sent to the Parliament in order to speed up the legislative procedure. The general approach consisted of an agreement to establish a temporary relocation scheme from Italy and Greece where 40,000 persons in need of international protection would be distributed to other Member States over a two year period on a voluntary basis, if Italy and Greece could guarantee to register the newly arrived migrants and refugees. A resettlement scheme where 22,504 persons in obvious need of international protection from countries outside the EU was agreed on as well (Council of the European Union, 2015c; Council of the European Union, 2015d; Council of the European Union, 2015e; Council of the European Union, 2015f). However, in the minutes of the Council meeting, Austria raised a concern regarding its inability to receive more migrants and refugees because of the massive migratory pressures in the country. Nevertheless, as the general approach was agreed on by consensus, Austria supported the proposal despite its
concerns (Council of the European Union, 2015g). The Parliament welcomed the proposal from the Commission and the JHA Council and emphasised the need for solidarity and shared responsibility among the Member States in order to respond to and handle the crisis in their resolution (European Parliament, 2016e).

All EU institutions were willing to make an effort to find common solutions and share the responsibility in the first package of the European Agenda on Migration. Despite the fact that there were some tensions between the Member States in the Council regarding the relocation and the resettlement scheme, the decisions were agreed on by consensus. On 14 September, the relocation mechanism of 40,000 persons was formally adopted (Council of the European Union, 2015h; EUR-Lex, 2015a). The first package’s agenda setting and policy formulation stage could be seen as an intergovernmentalist progression as the Member States wanted to increase their cooperation in order to address a common issue. It could also be seen as a neofunctionalist progression as further measures were introduced in order to respond to a common issue (functional spillover). Nevertheless, no clear tensions could be identified in the analysis of the first package of the European Agenda on Migration as all proposals appeared to indicate either a neofunctionalist or an intergovernmentalist approach in attempt to address the crisis.

External Events in Relation to the Policy Process
After the presentation of the Commission’s adopted European Agenda on Migration on 13 May 2015 and its first package of concrete measures on 27 May 2015, the number of migrants coming to the EU more than doubled (European Commission, 2015g, 2). The migratory pressures intensified in the frontline Member States Italy and Greece as well as in the Eastern European countries. Consequently, the discourse within the policy process of the migration crisis shifted from an emphasis to save lives, to an emphasis of assisting the frontline Member States with the extreme migratory pressures (European Council, 2016a). On 25 and 26 June 2015, the European Council had another meeting where the heads of state or government decided to focus on addressing the migratory issues according to three key dimensions: “relocation/resettlement, return/readmission/reintegration and cooperation with countries of origin and transit” (European Council, 2015c, 1). The European Council normally holds four summit meetings a year to decide on the political direction and the priorities of the EU. However, in 2015 the European Council met ten times in order to address the migration crisis (European Council, 2016a; European Union, 2016). This could be interpreted as the Member
States’ attempt to find a common solution in order to respond to the migration crisis and the intergovernmental crisis that emerged during the summer.

The unprecedented increase of migrants and asylum seekers contributed to several frontline Member States’ inability to register all arriving migrants according to the Dublin Regulation (European Council, 2016a). Because of the weak external border controls and the inability to uphold the Dublin Regulation’s principle of “first-country-of-entry”, the migratory pressures spread to the Eastern European countries as well as to the northern part of the EU. Hungary became one of the Member States with the heaviest migratory flows and responded to it with 860 new border police officers and razor-wired fences on its borders to Serbia. The Commission approved Hungary’s fences as the Member State was considered to be a new frontline Member State (European Council, 2016a; Samuels and Birnbaum, 2015; European Commission, 2015d; European Commission, 2015e; Council on Foreign Relations, 2016; Szakacs, 2015; BBC, 2016). Several Member States followed Hungary’s lead after the summer and reinstated its national border controls, erected fences and increased their surveillance at its borders. Aside from the increased national border controls, France and Denmark had terrorist shootings in their countries in the beginning of the year by people who entered the EU irregularly through Greece and therefore, they treated the crisis as a security issue. The Eastern European countries expressed their concerns of having Muslim refugees allocated to them through the relocation and the resettlement scheme ahead of the presentation of its distribution key in September, which one could interpret as an attempt to securitize the migrants (Council on Foreign Relations, 2016; Rettman, 2015). Furthermore, Germany openly rejected the Dublin Regulation in regards to the Syrian refugees’ right to seek asylum in the country despite the fact that they might have been registered in another Member State (Holehouse, 2015). At the end of the summer, the Vienna train station had turned into a central refugee camp and the German Vice Chancellor Sigmar Gabriel declared that Germany’s “reception capabilities” had reached its limits as a result of the quick increase in migrant influx (Samuels and Birnbaum, 2015). The Vice President of the European Commission, Frans Timmerman, stated: “To say ‘Let’s shut all the borders and keep everybody out’ is unrealistic, populistic and simply impossible,” and “To say, ‘Let’s open all the borders and let everybody in’ is equally unrealistic because it would seriously harm the European social model” (Samuels and Birnbaum, 2015). The EU was clearly facing a dilemma.
During the summer of 2015, tensions between the supranational and the national level within the EU could be identified. The Member States’ dismissal of the EU rules could be interpreted as an intergovernmentalist element as the theory believes that the Member States provide the supranational institutions with its powers as well as having the ability to reverse it. The Member States’ actions could be understood as their will to reverse some of the supranational institutions’ powers and rules as well as showing that the rules apply to them on their terms. Therefore, the external events in relation to the policy process indicate that the Member States are the primary actors and follows the intergovernmentalist predictions. However, if the Commission were to begin with infringement procedures, neofunctionalist elements would be reflected and imply that the supranational institutions could be the primary actors.

The Commission’s second package of the European Agenda on Migration was presented on 9 September 2015 and followed Juncker’s State of the Union speech, in which he recognised the challenges that the EU was facing and where he declared that Europe was facing a refugee crisis (European Commission, 2015b). Juncker recognised the massive migratory pressures on the frontline Member States Greece, Hungary and Italy and also reminded the EU of its history of being refugees as a result of oppression, dictatorship, war and other religious and political persecution. Juncker mentioned the Second World War that forced 60 million people on refuge within Europe and the wealth within the EU today and its capability to help other refugees: “We Europeans should know and should never forget why giving refuge and complying with the fundamental right to asylum is so important.” (European Commission, 2015b).

Second Package of the European Agenda on Migration
The second package of the European Agenda on Migration consisted of a comprehensive package of measures in order to address the unprecedented increase of migrants during the summer. The agenda also acknowledged some Member States’ reluctance to participate in decisions as well as some Member States’ dismissal of EU rules (European Commission, 2015f). The package included an additional 120,000 people in obvious need of international protection to the emergency relocation scheme, where migrants and refugees from the frontline Member States Greece, Hungary and Italy would be distributed to the other Member States within the Union (European Commission, 2015f). €780 million from the EU budget was proposed for this mechanism in order to support the participating Member States where “a 50 % pre-financing rate” would be implemented to ensure the capability of a swift
reception (European Commission, 2015f). The emergency relocation scheme would follow a 
mandatory distribution key that would take into account the Member States’ GDP, 
unemployment rate, number of past asylum applications and so forth. A permanent relocation 
mechanism was also proposed in order to assist Member States under future migratory 
pressures, which could be triggered by the Commission based on the pressure from the 
previous six months. Both relocation schemes contained a “temporary solidarity clause”, 
which allowed Member States to abstain their share of relocated asylum applicants (European 
Commission, 2015f). The accepted reasons for an abstention would be “justified and objective 
reasons such as a natural disaster” and would oblige the Member State to pay a financial 
contribution of 0.002 % of the Member States’ GDP to the EU budget (European 
Commission, 2015f).

As a result of the increased migratory pressures on the frontline Member States and the 
uneven distribution of people of the voluntary mechanisms from the first package, one can 
interpret that some of the Member States less willing to participate in the voluntary scheme 
would be required to surrender some of their sovereignty for the greater good of the EU in the 
ew mandatory scheme. The mandatory relocation scheme and the new permanent relocation 
scheme, which could be triggered by the Commission, could be understood as a supranational 
development of the policy process. The supranational indications are the pressures of 
functional and cultivated spillover. The functional spillover refers to the additional measures 
that were proposed in attempt to relocate people and the cultivated spillover refers to the 
Commission’s attempt to increase its powers over the Member States though a permanent 
relocation scheme. The “temporary solidarity clause” could be seen as an 
tergovernmental attempt to retain some of the Member States’ powers over their 
reception of refugees. However, as a financial penalty would be provided for a Member State 
that calls upon such a temporary solidarity clause, the supranational elements are represented 
more than the intergovernmental elements in the proposals.

Other areas in which proposals were made were the return policy and cooperation with third 
countries. A list of “safe countries of origin” where countries considered safe by the Member 
States and fulfil the criteria of the Asylum Procedures Directive 2013/32 would be created in 
order to simplify the asylum procedure (European Commission, 2015f; Directive 2013/32/EU 
of the European Parliament and of the Council). Also, a common Return Handbook and a EU 
Action Plan on Return was issued in attempt to enhance the return policy of people whose
asylum applications had been rejected. Further measures to address the original motives that forced people to migrate were proposed where €3.9 billion would be given to neighbouring countries of conflicted areas as they hosted a large amount of migrants and refugees, such as Lebanon, Jordan and Turkey. €1.8 billion were allocated to a trust fund for Africa to improve “socio-economic opportunities and management policies” in attempt to create stability in regions like Lake Chad and the northern part of Africa (European Commission, 2015f). All of these measures would require a common EU position towards a third party. It could therefore be seen as both a neofunctionalist and an intergovernmentalist approach in attempt to address the problem.

Due to some Member States’ reluctance to participate in decisions as well as Member States’ dismissal of common EU rules, the Commission’s second package declared its intentions of increasing infringement procedures on Member States that did not follow the EU rules. The Commission also stated that it intended to establish hotspots in the frontline Member States in order to assist them with the registration of asylum applicants and to apply the common EU asylum rules (European Commission, 2015f). This could be interpreted as the Commission’s attempt to increase its powers over the Member States (cultivated spillover).

"We have an agreement in the Council by a very large majority, a majority going beyond that required by the Treaties. Today's decision reminds us that the European Union is founded on solidarity between member states, but also on solidarity with people in need of protection." (Council of the European Union, 2015i)

On 22 September 2015 the JHA Council adopted a decision on an exceptional relocation scheme where 120,000 people in clear need of international protection from the frontline Member States Italy and Greece would be distributed among the other Member States over a two year period according to a distribution key. The JHA Council intended to agree on the decision by consensus, however, as all Member States did not agree, the decision was adopted by a qualified majority vote (Council of the European Union, 2015i). The participating Member States would receive a financial support of €6,000 per received relocated person. The United Kingdom and Denmark did not participate in the decision as they have a special arrangement in the Schengen Agreement, but Ireland intended to participate in the relocation scheme (EUR-Lex, 2009; European Council, 2015i). The Commission proposed to relocate people from Italy, Greece and Hungary, however, the EU Council excluded Hungary as the
Member State refused to participate in the relocation mechanism. Hungary was left out as the right-wing Hungarian Prime Minister Viktor Orbán rejected the idea of Hungary being a frontline Member State. As a frontline Member State, Hungary would have been obliged to set up a hotspot and a refugee camp while registering asylum applicants (Trauner, 2016, 320; EUR-Lex, 2015b). Hungary’s rejection of being a frontline Member State resulted in Hungary being required to receive relocated persons instead of having persons relocated from them to other Member States (Council of the European Union, 2015j). The emergency relocation scheme would follow a distribution key from the Commission and if a Member State would be unable to receive relocated persons because of “a similar emergency situation”, it could notify the Council and the Commission, which in turn would allow “a temporary suspension of the relocation of up to 30 % of applicants allocated to the Member State…” (Council of the European Union, 2015k, 9, 12). Ahead of the meeting Prime Minister Orbán stated his concerns that the speed of the migratory influx would destroy Europe as well as the poor external border control (Thorpe, 2015). Hungary did not support the relocation scheme of 120,000 persons, however, Prime Minister Orbán said that Hungary would accept the voluntary quota if the other EU leaders would agree on some of his and Hungary’s demands and ideas, such as the strategy of fence building in order to stem the migration flow. The Hungarian razor wire fences were not successful and therefore did not convince other EU leaders (Thorpe, 2015). Other Eastern European countries were also overruled by the qualified majority vote of the relocation scheme of an additional 120,000 persons. However, as the decision was adopted by a qualified majority vote, which is an accepted voting system according to the Treaties, Member States were not allowed to reject the decision (Banulescu-Bogdan and Fratzke, 2015; Council of the European Union, 2015i). As the intergovernmentalist role model Charles de Gaulle presented his and France’s demands in order to return as a EC Member State after a disagreement, Hungary presented its demands and ideas in order to accept a voluntary quota of the temporary relocation scheme. As the qualified majority vote is an accepted voting procedure according to the Treaties, Hungary as well as the other opposing Member States were required to follow the Council Decision. This can be interpreted that the French “coup” that Hoffmann (1966) often referred to in his theoretical outlines was not feasible in 2015.

The second package of the European Agenda on Migration consisted of proposals with a more aggressive approach in the attempt to create a common response to the European migration crisis. The proposal of a temporary relocation scheme changed from relocating 40,000
persons to a total of 160,000 persons, and from being a voluntary mechanism to a mandatory with a “temporary solidarity clause”. In the second package, the Commission declared its intentions of increasing the infringement procedures towards the Member States that did not follow the EU rules. This change of approach clearly reflects the neofunctionalist framework as the Commission promotes further measures in order to respond to the crisis (functional spillover) as well as it declaring its power over the Member States through infringement procedures (cultivated spillover). The EU Council approved the “temporary solidarity clause”, however, they changed the penalty to a “temporary suspension of the relocation of up to 30 % of applicants allocated to the Member State…” (Council of the European Union, 2015k, 9, 12). The temporary relocation scheme was controversial among the Member States, which lead to an adopted Council Decision of a qualified majority vote instead of the usual consensus. The intergovernmentalist elements are absent in this circumstance as Hungary, Poland, Rumania and the Czech Republic were overruled in the decision-making process. According to Moravcsik (1993, 508-511), qualified majority vote, and thereby overruling a Member State, can be appropriate when there is a linkage of negotiations towards a common goal in order to lower the transaction costs. However, asylum and migration policies can be considered “high politics” within the intergovernmentalist framework and as Hoffmann (1966, 882) stated: “Russian roulette is fine only as long as the gun is filled with blanks”. The Member States’ rejection of the proposal had a large number of right-wing parliamentarians or right-wing governments and one can therefore understand that this proposal was vital for their national interests. The Council Decision, therefore, reflects the neofunctionalist framework as a decision that was more important for the collective response to the migration crisis than a number of Member States’ consent, despite the fact that it considered a “high politics” issue.

After the JHA meeting on 22 September, the JHA President Jean Asselborn said: “Some say that Europe is divided because a consensus decision was not reached. But, we are faced with an emergency situation! The EU stands accused of not reaching its decisions quickly enough” and explained that a decision was essential as: “Europe would otherwise have been more divided and its credibility damaged” (Grand Duchy of Luxembourg, 2015). The Parliament supported the Commission’s proposals as well (European Parliament, 2016f).

Asselborn’s statement can be viewed as a neofunctionalist inspired statement as he emphasised the need to reach a common ground quickly, and that a qualified majority vote
therefore was necessary. Asselborn also mentioned that the EU’s credibility would be damaged if a decision was not reached as well as an augmenting division created between the Member States. These accusations can be interpreted as external pressures as Asselborn mentioned that the EU’s credibility was jeopardised if a Council Decision was not reached quickly enough. This is what Niemann (1998, 431-434) identified as the fourth spillover pressure, “induced spillover”.

5. Results
When analysing the Commission’s proposals in the first and second packages of the adopted European Agenda on Migration and the external events in relation to the policy process, one could interpret the Commission’s actions to be highly representative of what neofunctionalism presents as the tasks and behaviour of the High Authority, such as upgrading the common interests, encouraging further integration and attempting to increase its powers over the Member States (cultivated spillover) (Haas, 1961, 367-368; Niemann and Ioannou, 2015, 199-200; Tranholm-Mikkelsen, 1991, 6). According to the theory of intergovernmentalism, the High Authority is responsible for making the policy processes more efficient and providing the Member States with information ahead of Council decisions as well as lowering the transaction costs (Moravcsik, 1993, 507-512). The Commission’s proposals are more reflective of the neofunctionalist framework as it promotes further integration and attempts to enhance its powers over the Member States in addition to the intergovernmentalist interpretation of the High Authority. The Commission attempts to enhance its powers over the Member States as it proposes measures like a permanent relocation scheme, which could be triggered by them, as well as declares their intentions to increase the infringement procedures. During the summer months, the migration flows more than doubled (European Commission, 2015g, 2), and as a result the tensions between the supranational and the national level differ extensively between the first package in May and the second package in September.

The dynamics behind the integration process have been a mixture of interstate bargaining and external pressures, and the primary actor has varied during the process. In the beginning of the policy process, all Member States agreed on the required measures as the decisions were reached by consensus, therefore, no clear tensions could be identified. During the summer of 2015, the tensions between the supranational and the national level could be identified as several Member States began to challenge the EU rules. These tensions became more intense
as the autumn began and the second package of the European Agenda on Migration was presented. Despite the disagreements between numerous Member States, decisions could be reached as a qualified majority vote was applied. As a result of the qualified majority vote on such a sovereignty-sensitive issue within a “high-politics” area, the neofunctionalist framework has been more applicable in order to describe the integration process in relation to the migration crisis and its policy process.

Through intergovernmentalist lenses the policy process of the migration crisis has been a result of intergovernmental bargaining, and its focus has been on delivering quick results. However, the overruling of the four Eastern European countries in the JHA Council meeting on 22 September 2015 on such a sovereign-sensitive issue is somewhat contradictory to the intergovernmentalist framework. In line with the intergovernmentalist role model Charles de Gaulle and his “coup” in the 1960s, the Hungarian Prime Minister Viktor Orbán presented his demands in order for Hungary to accept the voluntary relocation scheme of a total 160,000 persons in clear need of international protection. However, as Hungary’s “coup” was unsuccessful and Hungary was overruled in the Council Decision, the intergovernmentalist framework has been contradictory once again. There have been many elements in the policy process and the external events in relation to the policy process that have been in accordance with the intergovernmentalist framework, such as the Member States’ reluctance to follow EU rules. However, the neofunctionalist elements and predictions have been more present.

Through neofunctionalist lenses, the policy process of the migration crisis has been a result of several spillover effects as the majority of the Member States have been willing to increase the measures as well as their responsibilities in order to address the crisis. The Commission has, in accordance with the neofunctionalist High Authority, promoted further integration (cultivated spillover). Interdependent areas have been assimilated into the EU integration process such as the relocation scheme, European Asylum System Office and so forth (functional spillover), and the EU has been working on a common position towards countries of origin and transit in order to tackle the original motives for illegal migration (induced spillover). Some Member States’ reluctance to follow EU rules can be interpreted as contradictory to the neofunctionalist theory of the automatic integration process. However, it can perhaps be explained as a failure to integrate a comprehensive crisis package ahead of the migration crisis’ breakout in 2015. Nevertheless, measures to address the migration crisis have been developed during the first and the second packages, and most Member States’
motivations have been strengthened to respond to the migration crisis together in order to avoid challenging the EU rules.

The primary actor has varied from being the Member States during the beginning of the policy process in April 2015 to the supranational institutions in September 2015. One could interpret this development by saying that the integration process will follow the neofunctionalist predictions and contribute to further integration by assimilating interdependent areas in the policy process and that the Commission will increase its powers over the Member States. The most important evolution is that the EU remains united and that common solutions are reached and respected.

7. Conclusions
The purpose of this qualitative case study of the migration crisis was to understand the tensions between the supranational and the national level in the EU’s policy process of the migration crisis by applying the European integration theories neofunctionalism and intergovernmentalism. The ambitions were to be able to identify the consequences of the recognised tensions as well as a possible direction of the development of the European integration process. As the policy process is still ongoing, a limited policy analysis where the first two stages of the policy cycle, agenda setting and policy formulation, was applied. The first two packages of the European Commission’s adopted European Agenda on Migration were analysed as well as the EU institutions’ response to it and the external events in relation to the policy process.

The first research question in this study was: How are the tensions between the supranational and the national level in the European Union’s policy process of the migration crisis present according to neofunctionalism and intergovernmentalism? In the beginning of the policy process, the tensions between the supranational and the national level of government could not be clearly identified, as all EU institutions and Member States supported the Commission’s first package of the European Agenda on Migration. However, as the migration crisis progressed, the tensions between the two levels increased. During the summer of 2015, the number of migrants more than doubled and the migratory pressures spread to the Eastern European countries as well as to the Northern European countries. Several Member States challenged the EU rules, such as the Dublin Regulation and the Schengen Agreement, in order to address the unprecedented migratory pressures. During the summer of 2015, the
intergovernmentalist elements were highly present as one could interpret the Member States’ actions to be an attempt of reversing some of the supranational institutions’ powers and rules.

On 9 September 2015, following the European Commission’s President Jean-Claude Juncker’s State of the Union speech, the second package of the European Agenda on Migration was presented. The second package recognised the development of the crisis and officially declared a European migration and refugee crisis. Therefore, it consisted of a more comprehensive package with more detailed measures in order to respond to the crisis. Regarding the disproportionate migratory pressures and the growing xenophobia among the Member States, increased tensions between the supranational and the national level arose. A number of Member States were reluctant to participate in decisions and were thereby overruled by a qualified majority vote. As the qualified majority vote overruled a number of Member States in a sovereignty-sensitive issue that could be classified as a “high politics” issue, the supranational institutions could be identified as the primary actors.

The second research question in this study was: Will the migration crisis contribute to a disunited European Union? Why, or why not? The tensions mentioned above could be interpreted as indicating a disunited EU. However, most Member States have been willing to increase the measures in order to avoid challenging the EU rules and jointly respond to the crisis, which indicates a strong representation of the neofunctionalist framework. As a number of Member States were overruled in a Council Decision regarding an emergency relocation scheme, which can be considered a sovereignty-sensitive issue, tensions in the decision-making process can be identified. Nevertheless, a qualified majority vote, which was applied in the Council Decision, is an acceptable voting system according to the Treaties and is therefore a legitimate voting system despite the fact that it might lead to a decision that is not supported by all parties. As of the strong representation of the neofunctionalist framework, one could speculate that the EU’s policy process of the migration crisis will contribute to a stronger supranational EU, where more interdependent areas will be assimilated in the process and the Commission’s power will increase.

One might ask if the results of this study could be generalised to other cases of the EU’s crisis management. In this case, the results indicates a development towards a stronger supranational cooperation in order to address the unprecedented crisis, as quick common responses and actions were more important than some Member States’ national interests. As
the EU is constantly assimilating further sectors into the European integration process, it would be likely that future crises would contribute to a stronger supranational cooperation as well. In order to confirm this, future studies where a comparison of previous EU crises, such as the Economic and Monetary Union (EMU) crisis, and the migration crisis would be highly interesting. Furthermore, as the migration crisis is ongoing in the time of writing this study, the results might only be generalizable on the agenda setting stage and the policy formulation stage. In order to verify the study’s predictions on the migration crisis’ effect on the European integration process, a complete policy analysis in the future would be intriguing. The selected theories for this study would be applicable in the future study of the migration crisis’ policy process as well as the first research question.
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