

Joint Oireachtas Committee on EU Affairs
Wednesday 4 November 2020
Barry Andrews MEP

Issues Facing the EU

Introduction

Chairman, honourable members, I am very grateful for the opportunity to address the Committee on EU Affairs. As a former Vice-Chair of this Committee, I recognise that it has a crucial role to play in stimulating debate and discussion on Ireland's role in the EU. I believe that ensuring close links between Ireland's representatives at home and in the European Parliament is very important, and I look forward to working closely with the Committee in this regard over the coming years. Previously, there was an EU Scrutiny Sub-Committee. I would argue that post-Brexit, the Oireachtas needs to reflect on whether it has the tools to properly x-ray the implications of current and future legislative proposals under discussion in Brussels.

The focus of today's discussion is on the challenges facing the EU. As Europe braces itself against a second wave of COVID-19, it can be easy to overlook the other challenges facing the Union at present. While the elephant in the room is of course Brexit, the Committee has highlighted the issues of migration, the rule of law and the Future of Europe as areas of particular interest. I hope to shed some light on the latest developments in these areas during the course of my presentation.

Migration

As the former CEO of the Irish NGO GOAL, and a member of the European Parliament's Development Committee, this subject is particularly close to my heart. I understand that the Committee is interested in migration in the broadest sense. In public discussion, there is often a confusion between those seeking international protection and undocumented population movement. Also, when discussing migration, we are thinking only of immigration and not emigration.

While the visibility given to the migration issue in the media has subsided since the peak of the so-called migration crisis in 2015, the issue remains politically toxic.

COVID-19 has accelerated trends towards a less open and a less free world. This also means much greater hostility to safe and legal routes for migration, despite a dramatic fall in migratory flows since 2015.

Research in the US shows that approximately two-thirds of economic growth since 2011 is directly attributable to migration. Research in the UK suggests that, if immigration had been frozen in 1990 so that the number remained constant, the economy would be 9% smaller. However, it is also recognised that these benefits are not spread evenly. All across the EU there is an inverse relationship between the number of migrants and anti-migrant voting patterns. It is important to understand and recognise that people are not voting for right wing populist parties in places where there are large numbers of migrants, but in areas that have not experienced the benefits of open and globalised migrant-fuelled economies.

The other side of the coin of 'irregular population movement' is asylum. The highest number of refugees are in countries nearest to the country from which they have fled - mainly in Central Africa and the Middle East. The arrival of refugees and asylum seekers to the EU in 2015 exposed a number of deficiencies in the EU's asylum policy framework, many of which have yet to be resolved. The EU's approach to managing asylum applications has focused on short-term ad hoc measures, such as the EU-Turkey agreement. In addition, the Dublin Regulation placed the primary responsibility for processing asylum applications on the first country of entry. This left many frontline states such as Greece and Italy overwhelmed.

Attempts to agree a more equitable distribution of asylum seekers based on mandatory relocation quotas across all Member States were blocked by some Central and Eastern European countries. This political stalemate over refugees had tragic consequences as was highlighted by the recent outbreak of a fire at the Moria refugee camp in Lesbos. When I visited Moria this time last year, there were 14,000 people crammed into a camp designed for 3,000 people. Many of them were women, elderly people and children from Syria and Iraq, fleeing a well-founded fear of persecution in their country of origin. They faced an agonising wait to hear the outcome of their asylum procedure in squalid conditions.

The European Commission under President von der Leyen, has tried to make much needed progress on this issue through the publication of a new '*Pact on Migration and Asylum*', which was presented on 23 September 2020. The pact marks a departure from the concept of mandatory relocation quotas towards a more flexible model of solidarity that would allow Member States to contribute either by accepting asylum seekers from front line states, or by providing operational support and assisting with returns and relocation. Other proposals include a new fast track asylum procedure, with pre-screening checks carried out on all arrivals (identity, health, security checks). Additional measures are also foreseen to strengthen cooperation with countries of origin and transit, to improve the policing of the EU's external borders and to create a new independent monitoring system for fundamental rights.

While the Commission's proposals are a welcome attempt to agree a long-term framework for refugee management, concerns have been raised about key elements of the pact. Notably, the fact that the heaviest burden will remain on front line countries in terms of processing arrivals, which could lead to the further development of refugee camps and detention centres. The pact has also been criticised for failing to implement a mandatory solidarity mechanism that would spread the burden equally across all Member States.

From my perspective, the pact is a useful starting point for further discussions, but there is still much work to be done to ensure a humane and workable system for managing migration and asylum in the EU. Negotiators from both the Parliament and the Council will consider the proposals carefully. There is a real ambition to reach political agreement as soon as possible, ideally by the end of the year.

Another crucial element under discussion at present is the concept of so-called migration conditionality. This is the idea that in order for third countries to receive EU development aid, they would be required to cooperate with the EU on managing migration (for example by accepting returns). This principle is strongly opposed by many in the European Parliament, including myself. This debate is ongoing as part of discussions on the EU's long term budget - the Multiannual Financial

Framework or MFF, and the EU's new external action instrument - the Neighbourhood, Development and International Cooperation Instrument or NDICI.

Finally, responses to climate migration have become part of the policy discussion in this area.

Ireland has an opt-out in the area of Freedom, Security and Justice. But we should be prepared to play our part in protecting the most vulnerable and respecting our obligations as a signatory to the Geneva Convention on Refugees and an EU Member State. I will also be examining Ireland's opt-outs in this area in the coming months.

Rule of law

As mentioned above, the world is becoming less free and less open and this phenomenon is also present within the EU.

The subject of the rule of law within the EU has garnered much attention recently, as issues have come to light regarding the independence of the judiciary and respect towards minorities in Poland; corruption in Bulgaria; and media pluralism and freedom of expression in Hungary.

Respect for the rule of law is enshrined in Article 2 of the Treaty of the European Union as one of the common values of all Member States. While there is widespread recognition about the need to make the EU's rule of law toolbox more effective and prevent violations of the rule of law and fundamental values, views differ as to how this should be done in practice.

Last month, the Commission published its first set of Annual Rule of Law Reports. These assessed the state of the rule of law across the EU as a whole, and more specifically in each of the 27 Member States. The purpose of these reports is preventative - to identify problems as early as possible and share best practice. They will feed into a broader European Rule of Law Mechanism, which provides for annual dialogue between the EU institutions and the national parliaments, civil society, and other stakeholders of Member States.

The more difficult questions relate to penalties for non-compliance. Article 7 infringement proceedings are currently ongoing in relation to both Poland and Hungary. This is a last resort sanctions procedure, which can see voting rights suspended for EU Member States found to be in breach of Article 2 of the Treaty. However, this process lacks any real teeth, because of opposition in the Council, where all Member States are required to approve the introduction of sanctions by unanimity.

Another important option that is currently on the table is the idea of linking receipt of EU budgetary funds to respect for the rule of law as part of the next EU budget, which will begin next year. This is a key demand of the European Parliament and of my political group, Renew Europe, but it is viewed with real scepticism by some Member States in the Council. Renew Europe will continue to campaign in particular to protect the rights of minorities. The disgraceful treatment of LGBT communities in Poland is a particular focus at present. The idea of budgetary conditionality also has broad support among EU citizens - in a recent EU-wide survey (conducted October 2020), 77% of Europeans insisted

that the EU should only provide funds to Member States if the national government implements the rule of law and democratic principles.

The fourth round of talks on the EU budget for 2021-27 has just taken place, and there are reports that progress is being made on a budgetary conditionality mechanism. This would be a major victory for the European Parliament.

The Future

Finally, turning to the future, preparations are continuing for a major Conference on the Future of Europe, with the intention of giving EU citizens the opportunity to shape the future of the European project. This includes for example, whether the EU should expand its health competences and work towards a health union.

The European Parliament has been one of the biggest advocates of this Europe-wide consultation. The conference was due to get underway this year, but COVID-related delays and the inability of the Council to reach agreement on key elements of the conference has led to it being put on hold for the time being. A three-way agreement between Parliament, Council and Commission is necessary before the conference can get underway.

A key issue for the Conference on the Future of Europe will be whether Treaty change will be required. I believe that the Lisbon Treaty contains many unused and under-used provisions, which could advance the issues referred to above, especially given the hostility of the European Council to alterations to the Treaties.

However, I do not believe that this is necessarily the right time for a discussion on the kind of Europe that our citizens would like to see while we are experiencing a second wave of indefinite duration. If it is to be a truly citizen-driven exercise, it will require regular town hall meetings and face-to-face meetings across the EU. I also think that our citizens would be bewildered to be asked questions about 'transnational lists' and the 'spitzenkandidat process' while the pandemic is ongoing.

Conclusion

While the focus today has been on challenges, I would like to end on a note of optimism. The COVID-19 pandemic has forged a sense of unity between our European partners and a renewed sense of enthusiasm about joint solutions to shared problems. Ireland should continue to play an active role in contributing to these solutions and ensuring that our membership of the EU continues to serve the best interests of Irish citizens.