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MORE EUROPE TO OVERCOME THE CRISIS MOREEU ECE NEWS - II, 2



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I - Editorial

EU, Turkey and the refugee crisis – dangerous liaisons?

Ana Rita Gil / FDUNL

One year ago the biggest tragedies in the Mediterranean were beginning to happen. Those who thought they only represented a temporary problem couldn't be more wrong. The crisis loped over the summer. The number of entries increased and new routes were established. Hungary built a wall defended with barbed wire and armed guards. Body combats involving migrants and border polices were reported. Migrant families slept, for days, in open air and with no access to food or health care. In May, EU launched the [European Agenda on Migrations](#), which foresaw several mechanisms, aimed at managing the flux of migrants and sharing responsibilities between Member-States. Amongst other measures, the relocation mechanism, intended to distribute certain refugees¹ amongst all Member-States according to specific criteria², was the one in which more hope was deposited. However, since its proposal, the decision faced several challenges. Firstly, there were Member States which, relying on the defense of their national sovereignty, have expressly opposed to the relocation mechanism. Slovakia actually brought an action before the ECJ asking for the annulment of the decision. Besides that, the enforcement of the relocation mechanism faced severe practical difficulties. The hotspots, created to screen the migrants to be relocated, faced many problems. Until April 2016, only few more than 600 Refugees had been relocated. Meanwhile, the number of people arriving to the Greek and Italian shores did not cease to rise – and, thus, due to the overload of people and the impossibility to receive them adequately, the risks of disrespecting Human Rights became a constant reality.

In 18 March 2016, EU and Turkey made a [statement](#) regarding a deal for the management of the migratory crisis. Such agreement is part of the external policy dimension of the EU immigration and asylum law, which shall encompass support to the countries of origin and transit. However, it raises some doubts and concerns that are worth noting. First of all, its overall purpose

¹ Relocation was only applicable to Refugees sharing nationalities with an international protection recognition rate superior to 75%: currently, it is applicable to Syrians, Iraqis and Eritreans. Moreover, relocation decisions are only applicable to Greece and Italy.

² The national quota would be calculated according to several criteria, such as the resident population, the unemployment rate, the gross national product, amongst others.



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seems to be the use of Turkey as a “plug” aimed at stopping the influx of migrants willing to arrive to EU. Thus, instead of working to better manage the relocation – and even resettlement – programs to EU, European leaders preferred to invest in neighboring countries for locking access to Greek borders. This decision gave reason to the criticism of [some authors](#) who claimed that the right to asylum enshrined in Article 18 of the Fundamental Charter of Human Rights was an incomplete one, since it only provides protection to those who manage to arrive to EU by one way or another. By negotiating this agreement, EU created one more barrier to reach the European Eldorado soil.

Besides its general meaning, the agreement sets forth quite dangerous clauses. The first clause determines that new irregular migrants crossing from Turkey into Greek islands as from 20 March 2016 will be returned to Turkey. This corresponds to the main aim of the deal and poses several important questions. We may start by addressing the definition of «irregular migrants», which encompasses the following categories of persons: those who have not applied for asylum, those who were not considered as needing international protection, and those whose application for asylum was declared inadmissible. These cases may lead to automatic decisions and lead to Human Rights’ violations. First of all, in order to work adequately, they should be accompanied with guarantees, such as providing systematically information on the right of migrants (and, in this case, an *onus*) to apply for asylum. Secondly, there are other categories of people who may have a right to enter in the EU territory, even if they do not qualify for international protection. That shall be the case of family reunification, for example. No return decision should be made in these cases. Finally, the latter situation encompasses people that were considered to come from a “safe third country”. In case of people coming from Turkey, they could be deemed as coming from a “safe country” and, thus, would have their application declared inadmissible. However, the qualification of Turkey as a “safe country” raises several doubts. First, at the time of the deal, Turkey did not apply the Geneva Convention to non-European citizens. Syrians were granted a temporary protection mechanism that would not afford them all the rights protected in the mentioned Convention. Secondly, Turkey implemented its first asylum law only in 2013. There are [several reports](#) of [push-back actions at the border](#), inhuman detention conditions and even disrespect of the *non refoulement* principle. In this context, Turkey has been [convicted several times by the ECtHR](#) for breaching rights enshrined in the ECHR in asylum procedures. Besides that, despite all compromises mentioned in the agreement regarding the full respect for the principle of *non refoulement*, there would be no guarantees of an actual respect of such principle. EU certainly could not monitor the fate of all migrants returned to Turkey.

Finally, the agreement itself contains some clauses that may configure, *per se*, a violation of Human Rights. On one hand, it mentions that return procedures must be *accelerated*. This may involve a risk of failing to analyze deeply and individually the situation of each migrant. On the other hand, and reminding Australia’s campaign “[No way. You will not make Australia Home](#)”, Turkey is deemed to intercept all non-authorized migrants who are found in Turkish waters. This point may raise an issue of violation of the right to leave any country, protected by International Law (see, for example, Article 12 of the International Covenant on Civil and Political Rights and Article 2, n.2 of the 4th Protocol to the ECHR). By blocking exits from its territory, Turkey will disrespect such rights.

The agreement is also dubious in what regards, more broadly, the global management of the migratory crisis. The return of migrants and the need for personnel will represent an increase



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in costs. In areas deeply deficient of resources, and that have been facing severe difficulties in dealing with relocation mechanism, the creation of this new non-humanitarian source of expenses must be severely criticized. Moreover, EU leaders should have learnt by now that closing some routes will only lead to the creation of alternative ones. The side effects of the Turkish patrolling in Aegean waters are already happening, with a new increase of movements in central Mediterranean Sea, which is considered the most dangerous migratory route and which has already made [hundreds of deaths](#), again, in April 2016. But, most of all, the Turkish deal represented a resignation from the EU in what concerns respecting and granting, itself, a right to asylum to people in need, making it a privilege of those who are lucky enough to arrive, at any cost, to European borders.

II - A European gleam on top news of the period.

-Brexit developments. The Union reaches an agreement with Cameron to facilitate that the UK remains in the EU. <http://www.euronews.com/2016/02/19/eu-leaders-agree-deal-to-keep-britain-in-the-28-nation-bloc-lithuanian/>

-Turkey-EU agreement on Migration and Asylum crisis. <http://www.migrationpolicy.org/news/paradox-eu-turkey-refugee-deal>

-Vestager v. Google: now Android. http://europa.eu/rapid/press-release_IP-16-1492_en.htm

- The referendum in Netherlands, which shows once again the limits of referenda on the EU since the citizens very often don't actually vote on the issue at stake but on other subjects, but also because it leads to a tricky situation where in order to respect democracy in one country, you have not to respect the representative democracy in other countries. <http://openeurope.org.uk/today/blog/what-to-make-of-the-dutch-referendum-on-the-eu-ukraine-association-agreement/>

- The Pope visit in Lesbos, which constituted a humanist move and gave some humanist meaning to the EU even if it does not seem to have more concrete impact on governments. <http://www.dailymail.co.uk/news/article-3543076/Pope-Francis-visits-refugee-camp-Lesbos-plans-TEN-migrants-Rome-leaves.html>

- Panama papers, which show how important it is to combat fraud at a European level. <http://bruegel.org/2016/04/the-implications-of-the-panama-papers/>

III - Our initiatives

Nova Law School:



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-Lisbon EAD (Play, Workshop and Meeting). On the morning of the 9th of May, 500 students gathered at Teatro Tivoli to celebrate the EU through the show "*Europa: que Paixão! – História de um amor atormentado*", adapted to the Portuguese audience by Daniela Martinelli and Francesco Pigozzo. The musical was preceded by a brief opening speech addressed to the students by the Portuguese Secretary of State for European Affairs Margarida Marques. The session ended with a Q & A with Professor Nuno Piçarra, professor of European Union Law at FDUNL, Francisco Pereira Coutinho, professor of European Union Law and International Law at FDUNL, and Martinho Lucas Pires, PhD student at FDUNL.

On the following day, the Faculty of Law of NOVA University Lisbon hosted a Deliberative Workshop, as one of the initiatives promoted for the European Awareness Day. This workshop was held in the main Audience Room of the Faculty of Law and started at 11:30 am. The workshop was presided by Professor Nuno Piçarra. Finally, the meeting between Institutional Stakeholders was organized on the same day at 3:00pm, in partnership between the Faculty of Law of NOVA University of Lisbon and the Jacques Delors European Information Centre/Directorate-General for European Affairs, Ministry of Foreign Affairs of the Portuguese Government and was held in the Directorate-General for European Affairs at Palácio Cova da Moura, in Lisbon.

Institute of European Studies - University of Warsaw:

- **More EU International Conference** (20-21 June, 2016, Warsaw): *EU Legitimacy in Time of Crisis: How to Overcome the Legitimacy and Democracy Deficit of the EU?* International Conference organised by the Jean Monnet Network "MoreEU: More EU to overcome the crisis" (coordinated by the Scuola Superiore Sant'Anna and involving CEU-San Pablo University in Spain, Warsaw University in Poland, Universidade Nova de Lisboa in Portugal and Notre Europe – Jacques Delors Institute in France) in partnership with the Polish Association of European Studies (PTSE) to be held at the Institute of European Studies, University of Warsaw. More information coming soon: www.eulegitimacyconference.uw.edu.pl.

CEU San Pablo University :

- New edition of Master programmes: A) Master in European Union

The European Union Master's Degree is an official postgraduate program organized by the Institute for European Studies within the University CEU San Pablo. It's official, bilingual and provides specific training in areas that analyze European integration from a multidisciplinary perspective. It is a leading program in Spain with a high level and international faculty and both a professional and research vocation. Optional internships in private and public bodies are available to complete the training and connect students with the labour market. More information: <http://goo.gl/4J0Zqq> ; **B) Master in International Relations**

The International Relations Master's Degree is an official postgraduate programme organized by the Institute for European Studies within the University CEU San Pablo. This programme is pioneer in Spain and leads the ranking in academic research within the domains of International Relations. It's official, interdisciplinary and bilingual.



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More information: <http://goo.gl/vi7NBH>

- International Conference on 'Migration and Asylum: New Challenges and Opportunities for Europe'

The CEU San Pablo University and the University Institute for European Studies organize an International Conference on '**Migration and Asylum. New Challenges and Opportunities for Europe**'. The Conference will focus on the European refugee crisis but with a wide and interdisciplinary perspective. The objective is to establish a dialogue among different disciplines and approaches from economic, social and legal dimensions to social attitudes, moral values, human rights and different policies to deal with this migration crisis.

April 2016. More information: <http://goo.gl/9DFTEs>

- International Conference on 'State aids, taxation and the energy sector: looking for a better coordination and efficiency'

An International Conference will be hosted by CEU San Pablo University on the occasion of the Jean Monnet Project ETSA-CE '**Energy Taxation and State Aid Control: looking for a better coordination and efficiency**'. This Project has been organized by the University Institute for European Studies at CEU San Pablo University, with the support of the Directorate General for Education and Culture of the European Commission. It focuses on the intersection between energy taxation, environmental protection and EU State aid law, pursuing to develop and enrich the current research on environmentally-driven energy taxation with the EU State aid perspective, and analyzing the state of the art on tax incentives. **June 2016.** More information: <http://goo.gl/vWU52i>

-Sport&EU 11th Annual Conference

The *Association for the Study of Sport and the European Union (Sport&EU)* will host its **11th Annual Conference** on 27-28 June 2016 in Madrid. The local organisers will be the Institute for European Studies and the Centre for Competition Policy of CEU San Pablo University. The association would like to seize the occasion of this annual conference to look forward to the most pressing challenges for the study of sport in Europe, both widely defined. We want to focus our 2016 annual gathering towards the future. This should be an occasion to test new ideas, new approaches and to debate what should be done differently so our work contributes even more to the study of Europe and mainstream academic disciplines. **June 2016.** More information: <http://goo.gl/WynV2s>

Jacques Delors Institute – Notre Europe :

What is the EU doing for its citizens ? Event we organised with young students who awarded a Prize for citizen innovation to the Commission Citizen dialogues; great debate about what the EU does for its citizens in the Youth, Mobility and Environment framework, but fails in communicating about it. Synthesis to be published soon. <http://www.delorsinstitute.eu/011-22754-Paris-15-April-2016-What-is-the-EU-doing-for-its-citizens.html>

Scuola Superiore Sant'Anna:



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May 27th, Scuola superiore Sant'Anna, Pisa. *TTIP: a che punto siamo ? riflessioni intorno al negoziato Usa-UE sul commercio e gli investimenti*. <http://www.santannapisa.it/it/event/ttip-che-punto-siamo-riflessioni-intorno-al-negoziato-usa-ue-sul-commercio-e-gli-investimenti>

May 17th, 2016, Scuola superiore "Sant'Anna", Pisa. *Federalism disputes and the behavior of courts* (<http://stals.sssup.it/files/patricia.pdf>)

May 17th, 2016, Scuola superiore "Sant'Anna", Pisa. *Challenges in Contemporary Federalism: A Round Table* (<http://stals.sssup.it/files/round%20table.pdf>)

May 5th, 2016, Scuola superiore "Sant'Anna", Pisa. *Territory and the constitution* (<http://stals.sssup.it/files/belov.pdf>)

April 15th, 2016, Scuola superiore "Sant'Anna", Pisa. *2nd STALS Doctoral Workshop* (<http://stals.sssup.it/files/STALS%20DOCTORAL%20WORKSHOP%20II.pdf>)

March 18th, 2016, Scuola superiore Sant'Anna, Pisa. Seminar *Critical European Thinking – Economics and Governance : where is Europe Bound for ?* <http://www.santannapisa.it/it/event/critical-european-thinking-economics-and-governance-where-europe-bound>

February 18th, 2016, Scuola superiore Sant'Anna, Pisa Workshop *Beyond Europe: threats, challenges opportunities*, organized with Centre of Studies on Federalism. <http://www.santannapisa.it/it/event/workshop-beyond-europe-threats-challenges-opportunities>

IV - Publications

Books:

Belén Becerril Atienza. *Hacia una política cultural de la Unión Europea*. Thomson Reuters Aranzadi. Madrid, 2015. More information: <http://goo.gl/ooF3NA>

José M^a Beneyto (Director); Jerónimo Maillo González-Orús, Belén Becerril Atienza (Coordinators). *Tratado de Derecho y Políticas de la Unión Europea. Tomo VII: Otras Políticas horizontales y sectoriales*. Thomson Reuters Aranzadi. Madrid, 2016. More information: <http://goo.gl/aafnY7>

José M^a Beneyto – Juan Carlos Pereira (Directors); Marta Hernández (Coordinator). *Historia de la política exterior española en los siglos XX y XXI*. CEU Ediciones. Madrid, 2016. More information: <http://goo.gl/6YkGv5>

Winston S. Churchill (Author); Belén Becerril Atienza (Editor). *Europa Unida. Dieciocho discursos y una carta*. Ediciones Encuentro. Madrid, 2016. More information: <http://goo.gl/J9PMV7>



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Jacek Czaputowicz, Kamil Ławniczak, *Ankieta Teaching, Research And International Policy 2014 w Polsce Raport z badań* [Survey Teaching, Research And International Policy 2014 in Poland. Research Report], Wydział Dziennikarstwa i Nauk Politycznych, Warszawa 2015, <http://www.wydawnictwo.wdinp.uw.edu.pl/zasoby/pliki/ebook/Czaputowicz%2CLawniczak-Ankieta TRIP2014 w Polsce.pdf>.

Jacek Czaputowicz (edited by) *Zastosowanie konstrukttywizmu w studiach europejskich* [Application of Constructivism in European Studies], Wydawnictwa Uniwersytetu Warszawskiego, Warszawa 2016, http://metodologia-ie.uw.edu.pl/documents/10843903/11367021/Zastosowanie_konstrukttywizmu_spistr.pdf.

Wydział Dziennikarstwa, Nauk Politycznych, Paweł Stawarz, Józef Tymanowski i Konstanty Adam Wojtaszczyk (edited by) *Integracja europejska. Główne obszary badawcze* [European Integration. Main Research Areas], Warszawa 2016, <http://www.wydawnictwo.wdinp.uw.edu.pl/zasoby/pliki/abstrakty/1526%20integracja%20europejska%20-%20spis%20treści.pdf>.

Eulalia Rubio, David Rinaldi, Thomas Pellerin-Carlin and Enrico Letta, *Investment in Europe: Making the best of the Juncker Plan*, Notre Europe, Paris, 2016 <http://www.delorsinstitute.eu/011-22725-Investment-in-Europe-Making-the-best-of-the-Juncker-Plan.html>

Tommaso Visone, *L'Europa oltre l'Europa. Metamorfosi di un'idea nella crisi degli anni Trenta (1929-1939)*, ETS, Pisa, 2015 <http://www.edizioniets.com/scheda.asp?n=9788846744432>

Working Papers and Essays :

Yves Bertoncini, Alain Dauvergne and António Vitorino, *The EU-UK Agreement: much ado about (almost) nothing?*, "Notre Europe", 25th February 2016 <http://www.delorsinstitute.eu/011-22518-The-EU-UK-Agreement-much-ado-about-almost-nothing.html>

Iñaki Bilbao and Pasquale Pistone. *The role of tax incentives on the energy sector under the Climate Change's challenges*. Instituto Universitario de Estudios Europeos – CEU Ediciones. Madrid 2015. Download: <http://goo.gl/JsyPiF>

Justo Corti and Jerónimo Maillo (eds.). *Solidarity in Hard Times. Solidarity and the European Social Model in times of economic crisis*. Perspectives on Federalism. VOL. 7, ISSUE 3, 2015. Download: <http://goo.gl/Ge7Tjk>

Jacques Delors, Pascal Lamy, António Vitorino, Eneko Landaburu, Etienne Davignon, Nicole Gnesotto, Elisabeth Guigou, Philippe De Schoutheete, Elvire Fabry, Nicole Koenig and Thomas Pellerin-Carlin, *EU security: a matter of political urgency*, "Notre Europe", 1th March 2016 <http://www.delorsinstitute.eu/011-22529-EU-security-a-matter-of-political-urgency.html>



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Joachim English. *Energy taxation and key legal concepts in the EU State aid context: looking for a common understanding. Energy Tax Incentives and the GBER regime*. Instituto Universitario de Estudios Europeos – CEU Ediciones. Madrid 2015. Download: <http://goo.gl/EnmqQ1>

Giuseppe Martinico, *Interjudicial dialogue and interparliamentary dialogue, in the Constitution of the Union*, in N. Lupo- C. Fasone (eds) *Interparliamentary cooperation in the composite European Constitution*, Hart Publishing, 2016, 39-53.

Giuseppe Martinico, *National Courts and Judicial Disobedience to the ECHR. A Comparative Overview*, in O.M. Arnardóttir-A.Buyse, *Shifting Centres of Gravity in Human Rights Protection: Rethinking Relations between the ECHR, EU, and National Legal Orders*, Routledge, Abingdon, 2016, 59-78.

Giuseppe Martinico, *A Multi-Speed EU? An Institutional and Legal Assessment*, IAI- CSF Working Paper Series, 2015, available at: <http://www.iai.it/sites/default/files/iaiw1548.pdf>

Blanca Sánchez Goyenechea. *La influencia de los factores culturales en la internacionalización de la empresa: El caso de España y Alemania*. Instituto Universitario de Estudios Europeos – CEU Ediciones. Madrid 2016. Download: <http://goo.gl/hocdvB>

Matia João Rodrigues, *Is there an alternative to the European Economic Policy ? The European Parliament Response, “Notre Europe”*, 4th March 2016 <http://www.delorsinstitute.eu/011-22565-Is-there-an-alternative-to-the-European-economic-policy-The-European-Parliament-response.html>

Marta Villar Ezcurra and Pernille Wegener Jessen. *Energy taxation and key legal concepts in the EU State aid context: looking for a common understanding*. Instituto Universitario de Estudios Europeos – CEU Ediciones. Madrid 2015. Download: <http://goo.gl/XXscFy>

Tommaso Visone, *Cosmopolitanism and Europe. An original encounter in the Thirties (1929-1939)*, in Marianna Papastephanou (edited by), *Cosmopolitanism: Educational, Philosophical and Historical Perspectives*, Springer, Dordrecht, Heidelberg, London, New York 2016.