

Proposal for Spring Congress

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Status: accepted rejected transferred to _____

The Spring Congress may decide:

1 The European Council. A impetus, not an obstacle.

2 Considering that:

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5 Since 2015, when the Members of the European Union experienced an unprecedented
6 increase in arrival of asylum seekers, refugees and migrants, the European Council has
7 become an increasingly central actor in the decision-making process with regard to
8 asylum and migration.

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10 This role was openly expressed at the October 2017 European Council, where it was
11 underlined that "the European Council will seek to reach a consensus during the first half
12 of 2018" with regard to the revision of the Common European Asylum System. At the
13 June 2018 European Council, it was again agreed upon that "A consensus needs to be
14 found on the Dublin Regulation to reform it based on a balance of responsibility and
15 solidarity".

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17 Legally, such approach is not in line with the rules set by the Lisbon Treaty. According to
18 the Treaty, the European Council provides the EU with the necessary impetus for its
19 development and defines the general political directions and priorities thereof. The Treaty
20 does not confer any legislative power to the European Council or the possibility to
21 interfere with the institutional balance and the voting rules set in the Treaty. In this sense,
22 asylum and migration policies are included in the area of freedom, security and justice.
23 Such area is subject to the ordinary legislative procedure, where the European
24 Commission has the power to propose new legislation and where the European
25 Parliament and the Council of Ministers codecide. In this regard, the European Parliament
26 decides with simple majority and the Council of Ministers qualified majority voting.

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28 Politically, consensus voting in a polarized area such as asylum and migration is likely to
29 either reach a weak and unambitious agreement or to block the decision-making process
30 through veto. This was the case in the 18 October European Council, where a vague and
31 unambitious agreement on migration was produced after the Italian government's threat
32 to veto all agreements.

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34 **Believing that:**

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37 The wording and approach entailing that reform within the field of asylum and migration is
38 subject to the unanimity rule within the European Council is problematic for both legal and
39 political reasons.

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41 The Lisbon treaty attributes the European Council the role of an impetus and not of an
42 obstacle for further European integration.

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44 The European Council has an important function as an agenda-setting institution aiming
45 at providing the union with the necessary impetus for its development.

46 **Calls for:**

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49 Migration and asylum policies to henceforth be subject to the ordinary legislative
50 procedure as set in the Lisbon Treaty.

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52 The European Council to stop appropriating competences that are not conferred to it by
53 the Lisbon Treaty.

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55 The Commission, Parliament and Council of Ministers, i.e the institutions invested with
56 the legislative power, shall also address this issue.

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58 The European Council to stop being an obstacle for further European integration and
59 instead be an impetus for further development as prescribed in the Lisbon Treaty.

Attention: This is a preview! The official text is printed in the proposal book for Spring Congress 05. - 07. April 2019.