

# THE EUROPEAN COUNCIL AND EU BOUNDARIES. (IN)FORMAL COMPETENCES, INSTITUTIONAL POSITION AND EXTERNAL ACTIVITIES IN THE CONTEXT OF (DE)BORDERING PROCESSES AT THE TIME OF THE IMMIGRATION CRISES<sup>1</sup>

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## Abstract

*The institutional reform of the European Union, especially as introduced by the Treaty of Lisbon, has led to the strengthening of some of the actors within the political system of this integration grouping. The European Council is one of the winners of these developments, which is visible – among other things – in the fields considered to be of key importance for the European project, for example external activities. This analysis aims at testing the dynamism of the decision-making process of the European council in the context of the immigration crisis of 2015. It tries to approach the issue conceptually, combining the grand theories of the European studies with the theoretical concepts of the still emerging discipline of border studies. This empirical analysis is based on a content analysis of European Council summits' Conclusions. The author claims that the European Council has not only become a key platform for deciding about the most pressing issues within the European Union, but also that its approach to the Union's borders has evolved towards the rebordering of its edges, when structuring the relations with its neighborhood.*

**KEY WORDS:** European Council, external activities, migration, borders, rebordering

## INTRODUCTION

The last two decades have witnessed an almost ever present discussion about the directions of the European Union's reform, with special focus on the balance of power within its institutional order. At the same time, the European Council is one of the most dynamic institutions in it, in terms of both its changing position within the institutional system of the EU as well as its internal mechanisms. These tendencies are especially visible in the context of challenges requiring the Union to act dynamically and overcome difficulties, especially when (some) member states are deeply interested in a specific solution.

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The main aim of this article is to examine the European Council's performance with regard to the external activities, asking about the dynamism of the decision making processes. It includes both formal and informal competences and procedures as well as relative (self) positioning. The issue is empirically examined on the example of structuring the external borders at the time of migration crises. The author claims that the challenges caused by immigration pressure resulted in the rebordering of the European Union. The European Council, fueled by states that were most affected by the wave of immigration, devoted much of its attention to a problem that – especially in 2015 – dominated the work of the EC. The influence of member states resulted in the boundarization of the EU's external limits, but also in intensifying cooperation with neighboring states.

The paper is conceptually based on the grand schools of European integration and combines their ideas with the theoretical considerations of border studies, merging integration and border theories. Its empirical part is materialized in the analysis of legal acts – the European Council's conclusions in the period of 2014-2016. The text starts with a short overview of the changing position of the European Council in the institutional order of the European Union and discusses its external policy competences in the context of the changing international environment. This is followed by an introduction to border studies and a description of the immigration crises. All these elements facilitate the analysis of how the European Council's conclusions reflect the work of this institution, which leads to the final conclusions.

## **1. THE EUROPEAN COUNCIL AND INSTITUTIONAL CHANGE IN THE EUROPEAN UNION**

The Treaty of Lisbon led to several modifications in the institutional order of the European Union. Their nature and consequences are a matter of both ongoing academic debate as well as constant political adjustments. With regard to the former, at least two arguments dominate in the evaluations.

On the one hand, in the years following the implementation of the Treaty, there has been a conviction that both the European Parliament and the European Council were strengthened, and the European Commission and the Council of the European Union weakened (Rewizorski, 2013, p. 40). The European Council in particular improved its position, which is visible not so much in its formal competences but rather in operational practices based on informal schemes. These informal schemes have been developed in the ongoing decision making processes. Moreover, it is sometimes seen as the completion of a lasting tendency to consider the European Council the key institution of the European

Union (Rittelmeyer, 2014, p. 25), holding the role of final arbiter and *policy entrepreneur* (Alexandrova, Carammia and Timmermans, 2014, p. 53). What is additionally stressed in the debate, is that institutional changes in times of crisis are often fueled by agreements of the elites that impose changes onto a system. This is how some of the treaty reforms were initiated and implemented, based on the Franco-German deal supported by some of the smaller states' representatives (Grosse 2013, p. 18).

On the other hand, some researchers argue that this interpretation is not as obvious as it seems at the first glimpse. Especially with regard to the perceptions of various institutions of the European Union. For example, in the circumstances of crisis, the European Commission is often perceived as anonymous and technocratic, the European Council on the other hand as personalized and constructively solving the relevant issues (Rewizorski 2013, p. 40), additionally strengthening its position in the context of member states playing more and more relevant roles in the European Union (Kabat-Rudnicka 2016, 74) which follows from intergovernmentalization logics.

In their extensive research, Marcello Carammia, Sebastiaan Princen and Arco Timmermans take a look at the position of the European Council in the European Union's policy in 1975-2011. Trying to determine how its role has evolved over time and how it works today, they employ two ideal-typical modes of agenda formation: selective targeting (concentration on a limited number of "hot topics") and routine monitoring (dealing with a wider range of issues with less attention repeatedly over time). They come to the conclusion, that "the substantive content of the European Council agenda shows little change over time [...] however, in terms of agenda formation dynamics, [there had been] a marked shift toward routine monitoring of issues." This, in their opinion, proves that the European Council is not only playing a more and more important role, but moving towards the actual government of the European Union (Carammia, Princen and Timmermans, 2016, pp. 809, 822).

Jonas Tallberg empirically tested three sources of bargaining power in the European Council: state, institutional and individual sources of power. His investigation suggests "[...] that bargaining power in this forum cannot be reduced to either a matter of formal equality or a question of great power dominance. Rather, the relative power of national executives is a product of the structural capabilities of the Member States they represent, their access to institutional resources in the European Council and their own personal qualities as negotiators" (Tallberg, 2008, pp. 702-703). In practice, institutional and individual sources are of primary importance. Nevertheless, State sources of power seem to be crucial, moreover the "formal equality of the Member States,

as expressed in the principle of unanimity, is largely a procedural fiction that helps to legitimize the outcomes of European Council bargaining. Paradoxically, the eastern enlargement of the EU appears to have strengthened these qualities of the European Council, by increasingly moving negotiations away from the plenary meetings of the summits and into informal and minilateral sessions dominated by the large Member States” (Tallberg, 2008, 703).

Concluding, the institutional reforms of the European Union have resulted in a power shift, privileging the European Council. Additionally, the research proves that there is a shift in decision-making procedures, where state sources of power strengthen the position of the big member states and the informal level of negotiation contributes to the same outcome. It is therefore interesting to examine what this mechanism looks like in the case of the external relations of the European Union and how it translates into the main empirical subject of this text, namely border relations in the context of immigration pressure.

## **2. EXTERNAL ACTIVITIES OF THE EUROPEAN UNION AND THE EUROPEAN COUNCIL**

Contextualizing the role played by the European Council with regard to external activities, it seems to be crucial to the state that it tends to strengthen its position in this field, which is a part of a wider process. As Petya Alexandrova, Marcello Carammia and Arco Timmermans conclude in their research on the European Council’s agenda in 1975-2011, “with the expansion of the EU’s policy remit, the agenda [of the European Council] grew in size and scope” (Alexandrova, Carammia and Timmermans, 2014, p. 67). This refers especially to the external activities of the European Union as part of external governance (Ruszkowski, 2010, p. 12).

The competences of the European Council with regard to external actions are determined by treaties, and following the Treaty of Lisbon, it “shall [not only] provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof”, but additionally “[d]ecisions of the European Council on the strategic interests and objectives of the Union shall relate to the common foreign and security policy and to other areas of the external action of the Union. Such decisions may concern the relations of the Union with a specific country or region or may be thematic in approach” (Treaty of Lisbon). The position of the European Council with regard to external actions, however, shall be understood in the wider context of European Union foreign policy development as well as of current tendencies in the international environment and international relations.

The external policies of the European Union – especially those related to high politics – are often estimated as underdeveloped in comparison to the economic policies. Additionally, where the Union has gained a position, it was mainly of a civilian power, being understood as a political entity employing economic, political and normative tools instead of military power in external relations. At the same time, weaknesses in the common foreign and security policy have been revealed several times in the recent years, proving that not only institutional and procedural aspects are relevant to efficiency. It is first of all the political level, where common interests are defined – based on the compromise-oriented approach – and these are translated into common aims. One can easily identify numerous cases where they were missing, starting with the Iraq war in 2003, through the recognition of Kosovo in 2008, the Georgian war the same year, the Arab Spring in 2011, and ending up with the Ukrainian crisis (Milczarek and Zajączkowski, 2015b, pp. 17-19).

It is widely claimed in the literature that there is a lack of the political will to create a truly common policy in the field of external actions in the European Union. Member states are hesitant to transfer sovereignty to community level. Also, institutional analysis reveals hybridity and intergovernmentality to be the dominant features of foreign policy. Following the Lisbon Treaty, unanimity is the key principle. Hybridity is especially visible in the current positioning of the High Representative of the Union for Foreign Affairs and Security Policy within the institutional system of the European Union. S/he is involved in two different sub-systems within the Union: intergovernmental, co-acting with the Council of the European Union (Häge, 2008) and the European Council and supranational, with the European Commission (Zajączkowski, 2014, pp. 11-13). At the same time, however, the High Representative and the President of the European Council have competences requiring co-acting when creating external policies.

The above-described tendencies should additionally be placed in the context of the contemporary international environment the European Union operates in that is characterized by a high level of instability (Milczarek and Zajączkowski, 2015a, p. 9). It has revised the already dominating paradigms of the European Union's external democratization mission. The economic and political recovery of Russia under Vladimir Putin's leadership has resulted in growing tensions in the eastern part of the continent, materializing, among others, in the Georgian war in 2008 and Ukrainian crisis in 2014. In the south-eastern outskirts of the European Union, the eternal candidate, Turkey, has started to reposition itself by applying neo-Ottoman legacies to current international strategies. All that has stopped the territorial dynamism of the Union by not only eliminating the realistic prospects for further enlargements, but even diminishing the efficiency

of the European Union's efforts to influence and stabilize its environment. Finally, the Arab Spring created a challenge, due to the dramatic changes in the region assisted by the migration wave. This external dynamism created a pressure to increase the efficiency of the joint European reaction, which, again, contributed to a situation where some of the institutions become more visible.

### **3. BORDERS AND MIGRATION CRISIS**

As the further investigation is to be contextualized within border-related developments and the migration crisis, both concepts will be shortly debated beneath, revealing mutual interrelations and contextualizing the political debate as conducted by the European Council.

#### **3.1 Bordering, debordering and rebordering in Europe**

The history of Europe is the history of the borders of European states (Kałuski, 2015). Due to the fact that border stability is considered one of the key elements of inter-European stability and prosperity, borders still matter. Growing instability in and around Europe is automatically reflected in border relations. As indicated by the Schengen Agreement, "internal borders may be crossed at any point without any checks on persons being carried out" (The Schengen acquis, Article 2. Point 1). Yet at the same time, the agreement indicates that "where public policy or national security so require a Contracting Party may, after consulting the other Contracting Parties, decide that for a limited period national border checks appropriate to the situation shall be carried out at internal borders" (The Schengen acquis, Article 2(22)).

Control over borders consequently remains one of the tools of executing sovereignty and reintroducing security, especially in emergency situations, despite the fact that the process of European integration has significantly changed the nature of classically understood nation-states, including both the concept and practice of territoriality and sovereignty. This resulted in the changing nature of state borders with regard to their understanding and structuring. For many years, a neo-functionally driven integration project has concentrated on eliminating barriers, especially when forming the common market, where borders are considered obstacles to the free flow of people, goods, services and capital. The elimination of border controls within the EU was coupled with strengthening its external borders. To understand these processes, a short reflection on the nature of borders seems necessary.

Classical border studies see borders, on the one hand, “as ends or barriers, on the other [hand] as passages, filters or gateways between systems contiguous to each other” (O’Dowd and Wilson, 2002, p. 17). But regardless of their forms and constructions that have changed over centuries (Jones, 2010), they can be structured in one of two forms: frontier or boundary.

Frontiers dominated in the pre-Westphalian political territorial order of Europe. They represent a space between states where the influences of at least two centers overlap. This often results in a mixture of cultures, languages, religions, etc., but also in the competition of neighboring states over this space (O’Dowd and Wilson, 2002, p. 17). More often, however, frontiers constituted zones of contact and interactions between adjacent structures (Evans and Newnham, 1998, p. 185). At the same time, frontiers were considered sometimes as “no man’s land” (Alkan, 2002, p. 34), unstable spaces of anarchy and instability (Germond, 2010, p. 39), or melting pots (Walters, 2004, pp. 687–688; Browning and Joenniemi, 2008, p. 529). The human dimension of frontiers seems to be similarly relevant. Liam O’Dowd and Thomas Wilson describe frontiers as encompassing “the economic, social and political landscape of a borderland’s people” (O’Dowd and Wilson, 2002, p. 8), where identities are distinct from the ones dominating in neighboring states. Frontiers are the entrances to the “territory proper”, being “a part which was ahead of the hinterland” (Kristof, 1959, pp. 269–270).

Together with the Peace of Westphalia, the category of the boundary began to dominate in the political-territorial landscape of Europe, precisely marking territorial limits, often in a linear form (Evans and Newnham, 1998, p. 185; Germond, 2010, p. 39), precisely demarcating state sovereignty (O’Dowd and Wilson, 2002, p. 8) and separating exclusive power structures (Walters, 2004, p. 687–688; Browning and Joenniemi, 2008, p. 529). Boundary setting also requires internal unification and standardization, with the center effectively controlling both the border and the entire territory (Kristof 1959, pp. 269–270). Boundaries are not gates to a territory, they are the limits of a territory, ends of control and barriers to external actors.

Extensive academic literature has been devoted in the last two decades to debordering processes (Popescu, 2012). The erosion and disappearance of state borders was initiated by the European integration process and followed the neo-functional logics of eliminating barriers, especially those limiting trade between member states of the European Communities (O’Dowd and Wilson 2002, p. 10). The spillover logics (Lindberg, 1966) led to the extension of this trend of the movement of people and, finally, to the elimination of border controls, together with the Schengen agreement coming into force.



The collapse of the Soviet bloc and the end of the cold war created the concept of the end of the history of conflict and global domination of western values (Fukuyama, 1989). This translated quickly into the myth of a “borderless world”, and locally into a “Europe without borders” (O’Dowd and Wilson, 2002, p. 16). This idea was embodied in the Schengen agreement. On the other hand, debordering, manifested in the elimination of border controls on the internal borders of the European Union, resulted in a hardening of the checks on the external ones. Internal debordering resulted in the external (re)bordering. Additionally, it left the question of how the member states would behave in case of unexpected challenges of border-related issues, questioning national territoriality, sovereignty, and control. This argument is associated with the fact that borders – whether in the form of frontiers or boundaries – are not static. The regime changes, resulting in debordering but also re-bordering, which does not always follow the neo-functional logics of linearly understood spill-over (Haas, 1964). The question of border control raises the question of the role of the state in the European project, and brings a more supranational perspective to this field (Moravcsik, 1993). Additionally, this national reaction is not only about the border regime, but additionally about borders themselves and their structuring. The boundarization process of modern Europe resulted in the appearance of the modern nation state on the map of the continent (Alkan, 2002, p. 40). But European integration processes resulted in the renaissance of frontiers. The de-boundarization tendency brought (re-)frontierization in many locations. This process has been supplemented by decentralization and regionalization, resulting in states’ position weakening in terms of controlling their borders. The immigration crisis which peaked in the summer of 2015 challenged all these processes. Suddenly many of the member states decided to act in favor of regaining control over border-related processes, fueled by security constraints, which revealed the spread of a new intergovernmentalism in the border policy area (Coman, 2017). Some countries reintroduced controls on internal Schengen borders or strengthened checks on their parts of external borders (Kraler, Hendow and Pastore, 2016, p. 145). This would confirm the argument of Ladis Kristof, that states are “boundary seeking” and “frontier tolerating” (Kristof, 1959, p. 280). At the same time, they started to support further limitation of migration and the borderization of the external border of the European Union.

### **3.2 Migration crisis and migration as an external problem of Europe**

The unexpected crises related to the growing wave of immigration challenged the European Union in the summer of 2015, although it had already been visible a



year before. Despite the fact that the continent has been under strong immigration pressure from the south and the east for at least the last three decades, the nature of the problem over the last three years was different due to its scale, international context and internal European constraints.

The size of the refugee wave was significantly bigger than the previous human flows entering the European Union. The Arab Spring, a series of rebellions and protests seeking the political and economic change in the region of North Africa and Middle East, started in Tunisia and spread through the region. The refugees who fled merged with the previously existing flows, both from Africa (North and sub-Saharan) and the Middle East (especially Iraq and Afghanistan). This resulted in millions of refugees who entered the European Union necessitating the reaction of both the EU as a whole and its member states (Geddes and Scholten, 2016). The legacy of anti-immigration reactions is much longer, though, and has been visible in many member states of the European Union, especially after 2010. This hardening of immigration policy was visible in Nicola Sarkozy's policy in France, Silvio Berlusconi's agreements with Gadaffi in Italy or the widespread debate on Thilo Sarrazin's book "Germany abolishes itself" in Germany, all of them revealing a new environment in Europe (Brzozowski, 2011, p. 51), where a wide debate on limiting immigration entered mainstream political debate.

Taking a more general picture, the influx of non-European immigrants to the states of Western Europe can be divided into two periods. Until the oil crises in 1973, the economies of many of the European states were booming, which resulted in their possessing active policies of attracting labor migrants. The depression resulting from the 1973 breakdown created a new situation, where they tried to stop or slow down this process. The brief liberalization of the systems was forced by the collapse of communist systems in the Central and Eastern part of the continent and the human flows resulting from this fact. At the same time, non-European immigration pressure increased (Brzozowski, 2011, pp. 53-56).

The existing external migration pressure forced member states to coordinate and integrate their efforts to control and limit the phenomenon. Coordination of the national immigration systems of member states was pushed forward together with the Schengen agreement in 1985. This field was incorporated into the *acquis communautaire* and the Amsterdam Treaty, and previously supplemented with the provisions of the Single European Act. Further work resulted in the Dublin Convention in 1990 and its implementation seven years later, that was to coordinate the standards of asylum procedures. The Maastricht Treaty equipped the Council of the European Union with, among other things, the competences to determine which state citizens are supposed to have visas for when entering

the European Union. The Amsterdam Treaty moved this policy to the first pillar. This shift revealed the relevance of the problem of immigration on the one hand, and on the other it raised the hopes of member states to create more effective and better coordinated mechanisms of preventing it (Brzozowski, 2011, pp. 58-61). However, surprisingly to many member states, the communitarization of this matter did not correspond to the original intentions of member states. European institutions decided not only to prevent and control migration at source, but also aimed at the liberalization of the migration policy (Brzozowski, 2011, p. 62).

Member states reacted by taking further initiatives aimed at the elimination of immigration, using the European Union's mechanisms to this end. Sometimes these were more restrictive than national mechanisms. What is interesting, however, is that the European Council has become one of the key institutions in this respect. For example, the Tampere Program accepted during the 1999 summit designed four priorities for the European Commission with regard to migration policy. They focused on deepening the cooperation with the immigrants' states of origin, creation of a common asylum policy, developing "fair treatment" procedures for the citizens of third states and, finally, designing procedures for the management of migration flows. The latter aimed at increasing control over the external borders of the European Union. This step especially revealed the differences in the approaches taken by the European Council and by the European Commission. The states were stressing the need for control and protection, while the Commission took the opposite direction developing cooperation and implementing dialog with partner states to avoid building new walls (Brzozowski, 2011, p. 62).

Similarly, the following summits of the European Council often referred to the issue of immigration. The 2004 summit in Hague stressed both combating the illegal inflow of people but also stressed that legal migration was relevant to the economic development of the European Union. In Tampere, in 2006, France clashed with Spain over the immigration amnesty in the latter that France believed would impact on other member states. Member states were called to consult those sorts of decisions with the rest of the Union (Brzozowski, 2011, p. 63).

Summarizing the above, the immigration pressure from the southern neighborhood of Europe resulted in a reaction from both the European Union and its member states. The institutionalization of European migration policy was accompanied by more and more attention paid to external relations, and partnership building with the states of immigrants' origin and transfer states. At the same time, the reaction at the European level was unsatisfactory for some member states, so they started to use the European Council to influence the situation in their preferred way.

#### 4. THE EUROPEAN COUNCIL AND THE (DE)BORDERING PROCESS

The next part of this investigation will examine the issue of external borders and their structuring in the context of the migration crisis. The author decided to review the period of 2014-2016 to identify the role of both issues in the meetings of the European Council and how it reacted to the challenges, proposing specific narratives on both the external borders of the European Union and the international environment behind them, as well as border-related solutions. This research was implemented using the tool of analyzing the conclusions produced by the European Councils.

In 2014, the issue of migration and borders was discussed at two of the meetings as reflected in their respective conclusions.

During the summit in March 2014, relatively little attention was paid to the issue, underlining only “the importance to address migration and mobility, including irregular migration and the fight against smuggling of migrants and trafficking of human beings, in a spirit of shared responsibility between countries of transit, origin and destination” (EC, 2014a).

The summit in June 2014 paid more attention to the issue. It declared that “faced with challenges such as instability in many parts of the world as well as global and European demographic trends, the Union needs an efficient and well-managed migration, asylum and borders policy, guided by the Treaty principles of solidarity and fair sharing of responsibility, in accordance with Article 80 TFEU and its effective implementation. A comprehensive approach is required, optimizing the benefits of legal migration and offering protection to those in need while tackling irregular migration resolutely and managing the EU’s external borders efficiently” (EC, 2014b).

This set of arguments, stressing the need for solidarity and good management in dealing with the issue, is finally supplemented with security, saying at the same time that “given their cross border dimensions, phenomena like terrorism and organised crime call for stronger EU cooperation” (EC, 2014b). Finally, borders are listed as one of the instruments; the European Council suggested that “coherent policy measures need to be taken with respect to asylum, immigration, borders, and police and judicial cooperation [...]” (EC, 2014b). And further on: “A comprehensive approach is required, optimising the benefits of legal migration and offering protection to those in need while tackling irregular migration resolutely and managing the EU’s external borders efficiently” (EC, 2014b). The European Council saw the connection between opening internal borders and protecting external ones: “The Schengen area, [...] require[s] efficient management of the EU’s common external borders to

ensure strong protection”, and enumerates several instruments to achieve this (EC, 2014b).

The external borders are not only to be protected, but the European Union’s external policy has to go further to overcome the problem: “A sustainable solution can only be found by intensifying cooperation with countries of origin and transit, including through assistance to strengthen their migration and border management capacity. Migration policies must become a much stronger integral part of the Union’s external and development policies” (EC, 2014b).

The meetings of the European Council in 2015 were dominated by the issue of massive migration. During the March 2015 summit, the EC stressed the necessity of stepping up previously agreed actions, especially in the context of “continuing loss of migrants’ lives at sea, greatly increased by organised people smugglers and human traffickers” (EC, 2015a). It declared to welcome “the Commission’s initiative to submit in May a European Agenda for Migration built around the objectives of an effective asylum policy, well-managed regular migration, the fight against and the prevention of illegal migration and securing the external borders” (EC, 2015a).

The June 2015 summit, taking place exactly in the middle of the biggest migration wave, was primarily dedicated to the migration problem. It declared, among other things, that “concrete measures have been taken to prevent further loss of life at sea, to find new ways of confronting smugglers and to intensify cooperation with countries of origin and transit, while respecting the right to seek asylum” (EC, 2015b). At the same time, however, it claimed that “wider efforts, including the reinforcement of the management of the Union’s external borders, are required to better contain the growing flows of illegal migration” (EC, 2015b). Inter-European solidarity was again stressed, as reflected in the relocation mechanism proposed, assisted by the support for “frontline Member States.” At the same time, “all tools shall be mobilised to promote readmission of irregular migrants to countries of origin and transit” and it is “crucial to reinforce our overall cooperation with countries of origin and transit, both on stemming the flows of irregular migrants and on tackling the root causes of migration so as to reduce the incentives for illegal migration and to combat the smuggling networks” (EC, 2015b). It seems to be relevant to note that the emphasis moved from cooperation and security to overcoming the problem.

The next summit in October 2015 was, similarly, mainly about the migration crisis. Three elements were considered to be the most important: “cooperating with third countries to stem the flows, strengthening the protection of the EU’s external borders (building on the Schengen acquis), and responding to the influx of refugees in Europe and ensuring returns” (EC, 2015c). A visible

stress was put on readmission and combating criminal networks, with clearly determined geographical dimensions: Turkey, the Western Balkans and African states. Postulates for better external border management and better use of FRONTEX's potential were supplemented by the "development of a European Border and Coast Guard System, including as regards the deployment of Rapid Border Intervention Teams in cases where Schengen evaluations or risk analysis demonstrate the need for robust and prompt action, in cooperation with the Member State concerned" (EC, 2015c).

During the December Council, migration and borders played a huge role again. The European Council stressed the strategy it had developed but warned that its "implementation is insufficient and has to be speeded up. For the integrity of Schengen to be safeguarded it is indispensable to regain control over the external borders." It suggests several measures, including further tightening of the border and the proposal of 'European Border and Coast Guard' (EC, 2015d).

The February 2016 European Council still paid attention to the migration issues, however BREXIT was the key issue. It stressed that "the objective must be to rapidly stem the flows, protect our external borders, reduce illegal migration and safeguard the integrity of the Schengen area." Moreover it welcomed "NATO's decision to assist in the conduct of reconnaissance, monitoring and surveillance of illegal crossings in the Aegean Sea and calls on all members of NATO to support this measure actively. The EU, in particular FRONTEX, should closely cooperate with NATO" (EC, 2016a), revealing a new dimension in border protection. This approach was continued at the March 2016 summit, with a declaration that "priority will continue to be given to regaining control of our external borders" (EC, 2016b), and with calls to assist border members, as well as stressing the role of cooperation with neighbors.

The June 2016 European Council again started its conclusions with the migration issue, and the key argument that the "relevant security procedures must be fully applied to ensure full control over external borders" (EC, 2016c). The October 2016 European Council declared that the "debate [on migration] focused in particular on the external dimension" and that "the entry into force of the European Border and Coast Guard Regulation on 6 October and national efforts are important steps in strengthening control of our external borders and getting 'back to Schengen' by adjusting the temporary internal border controls to reflect the current needs" (EC, 2016d). The external dimension dominated also during the December 2016 European Council (EC, 2016e).

## CONCLUSIONS

After the reforms introduced by the Treaty of Lisbon, there was also a set of challenges, including the financial, economic crises and migration crises, that contributed significantly to the reconfiguration of the political system of the European Union. The latest developments in particular proved that, despite the fact that the institutional system remained unchanged, the competences seem to be subject to change. The strengthening of supranational institutions is constantly visible, alongside the strengthening of those institutions that represent member states and their interests. This has at least two consequences. One is the growing position of the big member states that are able to exert a stronger influence on the final shape of decisions and their execution within the European Union. Another involves a visible shift towards executive power (Kabat-Rudnicka, 2016, pp. 72-73). The European Council is one of the beneficiaries of the above-described processes.

The process of European integration has changed the meaning of borders, replacing physical lines that were to separate states with the phenomena that various actors (especially states, European institutions, transnational companies, etc.) construct (Wagner, 2015, p. 1371). This has been accompanied by the frontierization of the internal borders and gradual boundarization of the external ones in the European Union. The recent migration crises have strongly contributed to this process, and the European Council again played one of the most crucial roles there. As David Baker points out, the recent approach to migration from the south is based on two principles: securing the border and externalizing migration management (to border member states and neighboring states). This policy lacks significant successes, though. The European Union's leaders focus in their negotiations on reducing "the pressure of migratory management experienced by its southern members, and to sway irregular migration in general" (Baker, 2016, p. 117). At the same time, despite the ongoing process of never-ending reforms, intergovernmental elements are still very strong in the system of the European Union (Volodin, 2011). The investigated processes seem to further strengthen their role and position.

The three years of the debate within the European Council, as examined in this paper, reveal several interesting tendencies. First, the European Council was focusing on the most challenging issues affecting the European Union, and the migration crisis was definitely among them. This situated the EC in the eyes of public opinion among the most dynamic and decisive European institutions, flexibly and immediately reacting to problems. Second, it has been aware of its weaknesses, asking – and even pressing – other actors for deeper involvement

and more effective action. Most frequently it urged the states to take action. Third, there has been a visible shift in the European Council's approach to the issue of illegal migration and border protection. Initially, the postulates concentrated on solidarity, the creation of relevant mechanisms and human rights. Then, step by step, border protection became visible, linking this issue with both protection capabilities and external policies efficiency in preventing and limiting migration. The connection between internal debordering and external rebordering is stressed. Finally, power means have dominated the debate, including the formation of the EU's own forces, as well as cooperation with NATO.

This debate well illustrated the role of the European Council in creating the external edges of the European Union. Following the position of most of the member states, and reflecting the attitudes of many Europeans, it accelerated the process of (re)bordering of the external borders of the Union, additionally changing its character into a boundary that is more and more precisely marked, watched and protected. That has to effectively isolate and mark exclusive sovereignty. At the same time, this should maintain deborderization inside the European Union, with frontierized space. The institutionalization of the external border control as well as the Union's cooperation with external actors pushes for further integration.

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