



Is there a future for the EU's area of freedom, security and justice? A plan to build back trust

by Camino Mortera-Martinez, 26 January 2022

The 9/11 attacks were a wake-up call for the West: no country could fight crime and terrorism alone. Domestically, the EU built a borderless legal area where Europeans could freely move, safe in the assumption that criminals would be promptly apprehended, put on trial and extradited. This is known as the EU's area of freedom, security and justice (AFSJ). However, a series of crises over the last decade have exposed the area's multiple shortcomings. In the [last paper of a series on the future of EU justice and home affairs](#), Camino Mortera-Martínez, senior research fellow at the Centre for European Reform (CER), argues that the EU can no longer pretend that all is well with the Union's common borderless area; and suggests EU leaders should draw inspiration from the way Europe dealt with the twin eurozone and financial crisis to solve the EU's migration, rule of law and security problems. She builds on ideas that have been discussed at meetings of the Amato group, a reflection group of experts on justice and home affairs policies, run by the CER, chaired by former Italian Prime Minister Giuliano Amato and supported by the Open Society European Policy Institute (OSEPI) since 2014.

Camino looks back at the past two decades and shows how the EU has chosen to take a piecemeal approach to solve the many issues plaguing the AFSJ, whether these are related to migration, the COVID-19 pandemic, terrorist attacks or the independence of the judiciary. But there is a reason why all of the AFSJ's crises seem to be happening at the same time, or in very close succession: they are connected. It is naive to think that sizeable migration flows will not affect the way that Europeans think about security; and it is plain wrong to believe that migration, border and security issues will not spill over into other parts of EU policy-making, such as the recovery fund and the rule of law. All these crises have eroded trust between the EU member-states, and waning trust is Europe's most pressing problem.

The author argues that dealing with these crises as isolated incidents is no longer a sustainable strategy, and highlights the EU's co-ordinated response to the eurozone crisis and the COVID-19 pandemic as examples to follow. Camino argues that a review mechanism, similar to the European Semester, which would include some elements of the EU's new recovery fund (a 'European Justice Semester'), could help rebuild trust between member-states and prevent further backsliding. Camino suggests a detailed seven-step plan to put the idea of a European Justice Semester into practice. She concludes that, to work, a European Justice Semester cannot be a purely procedural plan, driven solely by the EU institutions. Such an ambitious plan would need the highest political backing every step of the way, and this will not be easy. The one lesson Europe has learnt from the SGP problems is that no-one can resolve an ambitious political challenge, like the euro, with a non-political solution.

“For the most part, the AFSJ remains stuck at the beginning of the century, when all EU countries seemed to be happy to increase police and judicial co-operation and did not contemplate border closures or democratic backsliding. This, in turn, has increasingly made the AFSJ unable to deal with a succession of crises, each of which has made EU countries less trusting of each other. EU leaders must understand that if countries do not accept that being part of Schengen brings both rights and obligations, the project may fail – or, at the very least, become smaller.”

Note for editors:

For further information on the new research and to request an interview with Camino Mortera-Martinez @[CaminoMortera](#)

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