Section II

Historical Evolution of EU Migration Law
Chapter 2

The Involvement of the EU in Migration Regulation: From Amsterdam and Tampere to Lisbon and Stockholm

1. Introduction

This second Chapter aims to provide the reader with a comprehensive but brief historical framework, in order to understand how the EU became involved in migration regulation. This analysis attempts to illustrate the difficulties encountered in establishing a common immigration policy, due to the different interests and priorities of the actors involved.

The Chapter begins by briefly sketching the reasons that made the engagement of the EU in migration issues inevitable. Following this overview of the motivations, the Chapter will divide the historical analysis into four different periods. The first one covers the years 1957–1999. During that period, there was little activity by the Community on migration issues and everything was dealt with by the Member States acting independently or at an intergovernmental level. That changed in 1999 with the entry into force of the Treaty of Amsterdam and the adoption of a five-year programme for Justice and Home Affairs: the Tampere Programme. Both developments brought a new impetus to the area and there was important legislative activity during the five years of the Tampere Programme, including the adoption of the Long-term Residence Directive in 2003. The years 1999–2004 constitute the second period of analysis. By the end of 2004, the Hague Programme, which replaced the Tampere Programme, was adopted, introducing new priorities and a legislative timetable for the period 2005–2009. Finally, the Chapter will conclude by highlighting the innovations enshrined in the Treaty of Lisbon and the Stockholm Programme, which replaced the Hague Programme, and which marked the beginning of a new period for the years 2010–2014.

In order to pursue this analysis, both policy and legislative developments will be considered, as policy developments have sometimes set the direction of European legislation subsequently adopted. They are also useful for understanding the positions of the different actors.