EU External Relations and Migration Policy

*The Historical Development of the External Dimensions*

1 Introduction

In its evolutionary history, the EU has experienced an incremental widening and deepening in that it developed from the European Economic Community of six countries into a supranational European Union of 28 Member States. The enlargement processes and the gradual expansion of competences have shaped the EU’s existence, and laid the foundation for developing a European dimension of numerous policy domains, including foreign and migration policy. Chapter 2 unfolds the key developments of the EU’s external relations on the one hand, and the EU’s migration policy on the other from a historical perspective, subdivided into pertinent stages. This detailed breakdown provides the reader with the understanding of how the two policy fields have influenced each other over time in a meaningful way, and how the external dimension of the EU’s migration policy has gradually emerged. In addition, Chapter 2 explains how the status of non-Member States’ nationals has developed in the historical context starting from the EEC framework – this information allows the reader to comprehend the circumstances and motives which have caused the differential treatment of third-country nationals within the EU’s external relations’ regime.

Today, the EU is a well-established global actor; in addition to being a strong economic power, it is actively engaged in world politics. However, the EU’s involvement has predominantly been considered as political and diplomatic in nature rather than coercive due to its shortcoming of military capacity. Some authors refer to the EU as a soft power considering that it has exerted significant influence in shaping global policies. At the same time, it is emphasised that it has been increasingly difficult for the EU to adopt common

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1 In fact, it has been pointed out that there is hardly any policy area on the international plane today that does not have an EU dimension, see F. Hoffmeister, “The Contribution of EU Practice to International Law,” in: M. Cremona (ed.), *Developments in EU External Relations Law* (Oxford University Press, Oxford 2008), p. 37.

positions on politically sensitive and security-related matters. The EU has set up a wide range of networks and cooperation schemes to establish its contractual relations with third countries and other organisations. The EU’s external relations have commonly been described as a complex field owing to the intricate division of competences between the EU and its Member States. Prior to the entry into force of the Treaty of Lisbon, it was stressed that: firstly, a coherent and effective foreign policy at the EU level is hampered by varying decision and law-making processes; secondly, the law that has shaped the EU’s external relations is mainly based on case law and comprises procedural and substantive rules; thirdly, delicate and important issues with regard to legality, liability, the influence of external action on internal law, as well as questions concerning the management of external relations have arisen. Within the Commission’s setting no less than four Directorates-General have previously dealt with external relations, namely Development, Trade, Enlargement and External Relations. Thus, the EU’s external relations’ regime has evolved over time, first under the Community, then under the EU, and today the Treaty of Lisbon regime has endowed the Union with new rules and actors connecting the organisation with its partners in a globalised world.

Just like the EU’s external relations, EU migration policy has progressively developed over time. For a long time, migration issues in the European sphere have only been a component of association and cooperation agreements which the EU has concluded with third countries. First, it was Member States’ nationals that were in the spotlight of European law-making with a view to facilitating and ensuring the free movement of labour as one of the four fundamental freedoms of the EEC. As time passed, these internal developments relevant for nationals of the Member States triggered policy action with regard to third-country nationals. At the beginning of the 1970s the Council called for an action programme for migrant workers with the objective of achieving equality of treatment for Community and non-Community workers, and their family members in respect of living and working conditions, wages and economic rights. The Commission complied with this request and published such an action programme aiming to launch a “global approach to the problem of migration.”

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