



# EUROPEAN UNION CENTRES OF EXCELLENCE NEWSLETTER

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## EU Energy Security: From Coal to Energy Union

Matúš Mišík, University of Alberta EUCE



In January 2006, the Russian Federation and Ukraine entered into conflict over the price of natural gas and transit fees. This resulted in a decrease of supplies of the commodity to European customers. As the crisis only lasted a few days, all the affected countries were able to make up the shortfall of natural gas from existing stores or in other ways. Although a few European Union (EU) Member States raised concerns about the situation, most of them paid little attention. Therefore, when the European Commission proposed initiatives to prevent similar crises in the future in its Green Paper, not many countries listened. Although some small steps were taken to improve the energy security of the EU and its Member States, a subsequent, much more severe crisis with the same actors occurred three years later. For more than two weeks in January 2009, there was no natural gas flowing from Russia via Ukraine to Europe. This had the biggest impact on Central and Eastern European (CEE) countries. Slovakia and Bulgaria were hit especially hard

and both had to limit gas consumption for industrial consumers. The crisis thus caused a shock to the region; it was the very first time in almost 40 years of Russian energy exports to Europe that there was a full cut-off of gas

**"The main problem during the 2009 crisis was not the lack of gas reserves in Europe – there were enough within the EU at the time – but the inadequate infrastructure that prevented the transit of gas to Central Europe from Western European countries."**

deliveries through Ukraine.

The crisis triggered another round of Commission activities in the energy sector, this time enjoying the support of the Member States. The Commission even admitted that the reaction to the crisis at the EU level was insufficient and proposed a series of measures to improve energy security. The most important of these was Regulation (EU) 994/2010, concerning measures to safeguard the security of gas supplies, later adopted by the Member States. This Regulation focused to a significant degree on the diversification of infrastructure as one of the key measures needed to prevent future crises. The main problem during the 2009 crisis was not the lack of gas supplies in Europe – there were enough within the EU at the time – but the inadequate infrastructure that prevented the transit of gas to Central Europe from Western European

countries. Moreover, as a result of historic legacy, the gas pipelines in CEE were primarily unidirectional. They were built during the Communist period and therefore served not only as a means of transportation of energy commodities to Europe, but also as a means for the Soviet Union to impose political pressure on its satellites. In order to do this, there could be no alternative sources of oil or natural gas for these countries and no other means of transportation. As a result, the infrastructure network in the CEE region lacked both north-south interconnectors and bi-directional pipelines. As one of the main challenges that arose during the 2009 gas crisis, an effective response to the crisis had to include a solution to this particular problem. The EU started to support the development of reverse flows of natural gas, as well as the building of new interconnectors that had to be bi-directional in order to qualify for support from the Community.

Thanks to this support, the energy infrastructure in Central Europe underwent a crucial change and significantly improved the energy security of the region. Of course, the Commission's program did not apply to CEE and natural gas alone; it also supported other types of energy infrastructure and other regions. However, these positive changes in energy infrastructure were not followed by the strengthening of the EU's position towards its energy (Continued on page 2)

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suppliers. While the EU is currently peaked again at the beginning of 2014 otherwise – generally support the fairly secure in terms of natural gas flows and supplies within its borders, it still has effectively no control over supplies from external sources. For example, the Commission has the ability to scrutinize energy deals between Member States and external suppliers, but this can only be done after the conclusion of the contract. Enforcement of any changes in the contract in case of a breach of EU legislation is therefore questionable.

Such a situation is a result of the focus on the development of an internal energy market and the unwillingness of the Member States to cede their competence in external energy to the EU level. There has been only a very limited development in the external energy area in spite of the fact that energy was part of the European integration project from its very beginning. While the European Coal and Steel Community and the European Energy Atomic Community dealt with energy-related issues, energy was not explicitly mentioned in the treaties, and they therefore did not provide a legal basis for the development of cooperation in energy at the EU level. It was only with the entry into force of the Lisbon Treaty in December 2009 that such a basis was created; however, by that time the internal energy market was well under construction. On the other hand, integration in the area of external energy supplies faced severe opposition from Member States. Therefore, the EU had no tools to deal with the two gas crises of 2006 and 2009.

When the conflict between the Russian Federation and Ukraine

resulting in the annexation of Crimea, creation of a common EU position the EU's dependence on Russia towards their external energy supplies came into question suppliers. Thus, while Germany once again. Then-Prime Minister of Poland and current President of the European Council Donald Tusk expressed concern at the cost of the Nord Stream pipeline from Russia to its territory, many other European countries have expressed concerns that this step would not only decrease European energy security, but would also go against the logic of existing sanctions against Russia and harm Ukraine, whose position as a transit country is considered to be one of its last remaining safeguards against a full cut-off of Russian gas supplies.

In spite of the fact that the European Commission and its representatives also expressed their disapproval of Russian energy policy towards the Member States, the Energy Union project introduced by the Commission in February 2015 differed significantly from the original proposal by Tusk, especially when it came to relations with supply countries. The new proposal stressed once again the importance of the internal market dimension of the energy policy. Furthermore, the Energy Union did not establish a single EU energy policy. Instead, it only introduced a blueprint for future integration in the energy area, and it will be up to the Member States to adapt rules that will lead to the development of such a policy. The current situation suggests that the position of Member States on issues connected to external energy policy and relations with third countries will remain fragmented for some time to come. Future crises will likely be necessary in order to bring every Member State on board in this area.”

standing towards its suppliers.

Currently, every Member State concludes framework agreements with their external suppliers on a bilateral basis, and the nature of the relationship changes according to each purchaser and supplier. As a result, Member States that have much better relations with suppliers get better energy deals than others. This has created tensions among the Member States and hinders the creation of a common EU position. Member countries in advantageous situations are keen to keep the state of affairs unchanged, while those states that are facing high prices – financial or

### AUTHOR BIOGRAPHY



**Matúš Mišík** is a Postdoctoral Fellow at the University of Alberta's European Centre of Excellence. He specialises in energy policy and energy security within the European Union and its Member States, predominantly those in Central and Eastern Europe. He is currently analysing the positions of the Member States on the Energy Union project with respect to energy security. Moreover, he examines the role of perceptions within the EU decision-making process and how they affect the mechanism itself. His articles have been published in *Geopolitics* (forthcoming), *Czechoslovak Psychology* (forthcoming), *Comparative European Policy* (2015), *Asia Europe Journal* (2013), and *Slovak Sociological Review* (2008, 2015). Matúš has taken part in study and research stays at the University of Agder in Norway (2006), University of Helsinki in Finland (2009), Aston University in Great Britain (2011), and Vienna University in Austria (2012).

## Rush to the Border: Internal and External Stresses from Migration on the European Union

Andrew Bergel and Michelle Legassicke, Dalhousie University

There is a clear disjunction between written European Union (EU) policy and how it is able to deal with the internal and external stresses that are being placed on it by the contemporary migration crisis. Our paper, presented at the Millennium Conference at the London School of Economics, examines the current migration crisis, emphasizing the disjunction in EU policy and the needs of frontline states and backline states – states where economic migrants, asylum seekers, and refugees often transfer for long-term resettlement. We refer to frontline states as states that act as initial points of entry for various types of migrants, asylum seekers, and refugees. Italy, Greece, Spain, Bulgaria, and to some extent Hungary are deemed to be frontline states, where protocol for processing various types of entry applications is done before individuals are transferred and resettled under the Dublin Treaty Regulations – in this case, the Dublin III round concluded in 2013.

Since 1999, the European Union has attempted to reconcile the varied asylum-seeking systems of its Member States with the stated goal of creating a Common European Asylum System. After nearly a decade and a half, this process has culminated in successive rounds of the so-called Dublin Convention Regulations, most recently revised in 2013 and enacted in January 2014 into what is commonly called Dublin III. One of the primary goals of the Dublin Convention was to establish a hierarchy of criteria for asylum applications within the European Union. Under Chapter III of the most recent Dublin III rendition, a hierarchy was established to determine the EU Member State responsible for asylum applications.

Given the different role of both frontline and backline states, their

needs are quite different. In an ideal situation, frontline states would receive and process irregular migrants – individuals who have entered a country without authorization, stayed beyond their visa allowance, or broken a condition of entry into a country, and therefore do not have formal legal status in transit or host countries – temporarily housing and providing them with resources while their applications are being reviewed. Once approved, migrants then could travel through the Schengen zone to backline states, where they often settle and build their lives.

**"[T]he impact of the migration crisis on both frontline and backline states has caused the system... to be overloaded by the sheer number of irregular migrants arriving in the EU."**

Dublin III attempted to prevent the overloading of the system through a "Take Charge" and "Take Back" procedure. If a Member State is determined to have hierarchy in the processing of an application, it may request that another Member State "take charge" of that application. This request must be submitted within a three-month timeline from when the frontline state received the asylum application. The backline state has two months to decide whether or not they will accept or reject the request, which undeniably places the power for acceptance in the hands of the backline state, which can easily reject requests from overwhelmed frontline states.

Ideally, there would be a steady system of individuals entering the EU from frontline states and moving to backline states at a rate that does not overload either state's systems. However, the impact of the migration crisis on both frontline and backline

states has caused the system set up by both groups of states to be overloaded by the sheer number of irregular migrants arriving in the EU. The numbers can no longer be processed by frontline states in a timely manner, causing a buildup of irregular migrants in camps and detention centers. Backline states are being overloaded with requests to settle increased numbers of irregular migrants, causing them to reduce the number of transfers they accept from frontline states. The response by frontline and backline states to the migration crisis has revealed a need for a greater holistic approach to the migration crisis – one that addresses the needs of frontline and backline states equally.

Current spikes in migration into Europe can be directly attributed to an interrelated basket of complications occurring outside of the EU, such as political upheaval, local and transnational conflict, lack of economic opportunity, and failed states with porous borders within the greater area of North Africa and the Middle East. Thus far, responses to the current calamity have been a combination of ad hoc responses that mostly address symptomatic issues, such as improving the processing of irregular migrants, targeting smuggler financing, addressing long delays, and working on implementing protocols for the resettlement of asylum seekers defined as refugees under the current legal framework. Suffice it to say that these preliminary measures will likely fall short of Brussels's short-, medium-, and long-term comprehensive policy needs in addressing current migratory patterns.

Unfortunately for the European Union, the new Dublin III regulation was baptized in the fire of civil wars and failed states on the EU periphery, *(Continued on page 4)*

## GUEST ARTICLE (*continued from page 3*)

leading to an extreme test of its administrative capability. And while being overly critical of its operationalization might seem unfair, well over half a million migrants of all classifications, in 2015 alone, are now caught in this system and its legal frontline/backline state dichotomy. Until a more holistic and sustainable solution can be found, the current spate of desperate news reports will

continue.

While Dublin III was meant to streamline procedures between member states, it has proven less than adequate for the task, and new policy adjustments will be needed to cope with a migrant flow that may only increase with new Russian military offenses in Syria, coupled with the continued lack of a cohesive state structure in the Libyan transit

point. A mix of better infrastructure in frontline states, faster and more transparent permanent transfers to backline states, and increased construction of external processing centres in states bordering the EU where applicants can more easily apply for EU asylum, could all play a role in remedying Dublin's current shortcomings.

### AUTHOR BIOGRAPHIES



**Andrew Bergel**'s professional background included portfolio analysis and proprietary buy side global trading in energy and commodity markets. He is currently a PhD Candidate in the Political Science Department at Dalhousie University. He is also an Assistant Professor/Instructor at Dalhousie's College of Sustainability, where he teaches courses on Global Environmental Governance and Resource Conflict. In addition, Andrew regularly lectures each semester at New York University's Center for Global Affairs on international commodity markets and serves as a Research Fellow at the European Union Centre of Excellence at Dalhousie University.

**Michelle Legassicke** is a PhD candidate at Dalhousie University, a Research Fellow at the Roméo Dallaire Child Soldiers Initiative, and a Doctoral Fellow at the Centre for Foreign Policy Studies at Dalhousie University. Her research focus is on politics and conflict within weak and failed states, with a regional focus across the African continent and the Middle East. Her research includes studying how international actors can work with sub-state actors to achieve development and security goals.

## CANADIAN EUROPEAN UNION CENTRES OF EXCELLENCE



### ***EUCE Profiles: News and Innovation***



**EUCE — Centre for European Studies, Carleton University**  
[www.carleton.ca/ces](http://carleton.ca/ces)

The Centre welcomed short-term visiting scholar Dr. Tatjana Muravská to the Carleton EUCE in March 2016. A professor of regional and European integration studies at the University of Latvia, her research and publications have covered social and economic issues in the EU-12, including structural reforms and the implementation of the EU Structural and Cohesion Funds. Dr. Muravská offered a public lecture at Carleton University and participated in a major conference, *Canada and Europe: Converging or Diverging Responses to International and Domestic Challenges?* (March 10-11) hosted by the Canada-Europe Transatlantic Dialogue, a project funded by the Social Sciences and Humanities Research Council of Canada. During her visit with the Centre, she met with graduate students in two EURUS classes.

The flagship Canada-EU Business lecture, co-sponsored with the Sprott School of Business, featured Mr. Glen Hodgson, Senior Vice President and Chief Economist of the Conference Board of Canada. The event brought together more than 50 people, including faculty and students from several university departments, as well as members of the Ottawa business community, to hear about the modern and comprehensive trade agreements with the European Union (CETA) and the recent signing of the Trans-Pacific Partnership (TPP).

Four new policy briefs by Centre associates Joan DeBardeleben, Patrick Leblond, Matthew Paterson, and Elke Winter are now available at <http://carleton.ca/ces/research-and-publications/policy-briefs/>.

The Annual Teachers' Workshop gathered close to 20 high school teachers for one day of presentations on the EU, economic trade agreements, and migration. The workshop was organized by Brent Forbes-Murray, second-year EURUS graduate student and Centre Research Assistant, who provided teachers with resources and materials to incorporate EU knowledge in the classroom. Brent has been actively promoting new EU Learning lessons with the teachers for in-class teaching and provided an overview of these lessons at the workshop.



## EUCE — University of Alberta

[www.eucentre.ualberta.ca/](http://www.eucentre.ualberta.ca/)

On January 20, EUCE Alberta co-hosted a panel discussion on migration together with the Wirth Institute of Austrian and Central European Studies and the Kule Institute for Advanced Studies. The panel, which discussed the impact of the Syrian refugee crisis on Alberta, featured Dr. Agnieszka Weinar, visiting scholar at Carleton University, who presented the EU's policy response. On February 22 and 23, EUCE Alberta held a symposium and a lecture on restorative justice in Europe. The symposium, titled "Recalibrating Victimhood: Restorative Justice, Victims' Rights and Social Transformation in the EU and Canada," examined the impact of the 2001 Council Framework Decision on the standing of victims and the 2012 European Union Victims' Directive on the development of restorative justice in Europe, as well as policy lessons for the EU and Canada. Dr. Theo Gavrielides delivered a public lecture on February 22, titled "Addressing the Paradox of Restorative Justice: The Victims' Directive and the Collapse of Labels 'Victim and Offender'."

In March, EUCE Alberta will welcome Dr. Raj Chari, visiting scholar from Trinity College Dublin, who will be conducting research on the environmental regulation of energy companies.



## EUCE — Dalhousie University

[www.dal.ca/diff/euce.html](http://www.dal.ca/diff/euce.html)

The Centre continues to play an active role in promoting the EU at Dalhousie. Our Associates are busy presenting the results of their research that has been funded over the last two and a half years. We have hosted workshops on migration and CETA, sponsored a talk on retirement for LGBTQ individuals in the EU to staff at a seniors' housing complex in Halifax, supported travel to Brussels for a conference on health systems and EU law and policy, and supported a visiting scholarship to Lund University in Sweden. In addition, we are funding students for the EU Study Tour and at the Graduate Student Conference at the University of Victoria EUCE, both to be held in May 2016.

That same month, the Centre, in conjunction with Dalhousie University, will host the 11th Biennial Conference of the European Community Studies Association—Canada. This will be the first time the conference has been hosted in Atlantic Canada. Titled "The European Union and North America: An Inevitable Partnership?", the conference seeks to bring together an interdisciplinary group of scholars and students from North America, Europe and beyond to discuss the common challenges and actions that currently characterize transatlantic relations and compare experiences in a variety of policy fields, including economics, politics, and law.



## EUCE — Université de Montréal / McGill University

[www.centreurope-montreal.ca/](http://www.centreurope-montreal.ca/)

During the fall semester, the EUCE Montréal organized a workshop on the state of democracy in the EU, a one-day conference on low-carbon societies (in preparation for the COP21), and its annual Carrefour Europe for the Québec business community. In addition, four talks were held as part of its speaker series.

Now entering the last year of its current grant period, the EUCE will continue its speaker series by welcoming Professors Timothy Hellwig, Christina Schneider, Julia Gray, and Zeynep Somer-Topcu over the course of the semester.

We will also have the pleasure of welcoming Professor Marina Popescu as a visiting scholar for two weeks, during which time she will actively take part in our academic program. Finally, to celebrate the 40<sup>th</sup> anniversary of the EU Delegation to Canada, the EUCE will help to organize a student simulation of the Council of the EU, in which more than 100 undergraduate students will take part.



## EUCE — University of Victoria

[www.uvic.ca/interdisciplinary/europe/euce](http://www.uvic.ca/interdisciplinary/europe/euce)

The European Union Centre of Excellence at the University of Victoria kicked off the new year by bringing a wide variety of EU topics to the Victoria community. Dr. Lucas Herrenbrueck (SFU) and Dr. Thomas Lemieux (UBC) presented in conjunction with the Department of Economics Seminar Series on January 15 and January 22 respectively. Dr. Jen Bagelman (UVic) and Harsha Walia (No One Is Illegal) spoke to a packed house on January 22 at the downtown Legacy Art Gallery as part of the *Spring 2016 Series: The Refugee Crisis and the Sanctuary City*. Details and a video of the presentation can be found at [www.thecitytalks.ca/lectures.php](http://www.thecitytalks.ca/lectures.php). Dr. Alison Mountz (Wilfrid Laurier University and visiting scholar at Harvard University) presented *Cities of Refuge* in that same series on February 25, again to a full house. On February 6, the EUCE co-sponsored the film *Francophobia* with the French Department for the Victoria International Film Festival. On February 18, Mr. Karsten Mecklenburg of the EU Delegation joined provincial and municipal officials and UVic experts for a workshop titled "CETA: Challenges and Opportunities for British Columbia."

The UVic EUCE is now planning its annual Graduate Student Conference on May 25-27, 2016. Information can be found at [www.uvic.ca/interdisciplinary/europe/euce/conferences/state-of-eu/index.php](http://www.uvic.ca/interdisciplinary/europe/euce/conferences/state-of-eu/index.php).

## SPOTLIGHT ON: ***EUCE Faculty and Graduate Student Research***



### EUCE — University of Alberta



**David M. Winerother** is Austrian Visiting Professor at the University of Alberta. He obtained his doctorate from the University of Innsbruck, where he was Assistant Professor of Comparative Politics. Other affiliations include the Hungarian Academy of Sciences and Central European University (both in Budapest, Hungary). David has published extensively both in academic and popular venues. He has appeared on screen, on the air, and in leading print media in various Central European countries. Specializing in European politics, he is currently exploring the determinants of emerging presidential-style party leadership in parliamentary democracies (with Attila Bartha) and the hybrid (illiberal) regime state in Hungary (with Nicole Lugosi). In addition, 2016 will see the second edition of his book on the Austrian democracy in comparative perspective (in German; co-edited with Lüdger Helms).



### EUCE — Centre for European Studies, Carleton University



**Jennifer Spence**, a PhD candidate in the Department of Public Policy and Administration at Carleton University, is specializing in Institutions and Environmental Governance. Her current research interests include mechanisms for policy transfer and the governance structures that support policy decision-making – with a particular focus on environmental governance in the circumpolar region, the role of the Arctic Council in circumpolar policy development and decision-making, and the relationship between domestic decision-making systems and international fora. Given the EU's growing interest and active involvement in the Arctic, Jennifer's research pays careful attention to understanding how the EU develops its Arctic policies and identifies its priorities for the region. Jennifer's most recent research and work with Professor Frances Abele on the Arctic led to her travel to Finland to attend the 2015 Calotte Academy's annual symposium and international forum to give a presentation entitled "Mapping the Evolving Governance Space of the Arctic: Exploring Political Contestation in a Region of 'Peace and Cooperation'." The forum provided her with the opportunity to have policy-oriented and interdisciplinary discussions with senior researchers, experts from the EU, and other northern stakeholders. In 2015, she was the recipient of the Sandra Bach Memorial Award from the School of Public Policy and Administration, which recognizes the contributions of outstanding graduate students.



### EUCE — Dalhousie University



**Jennifer Smith**, a Masters student in Political Science at Dalhousie University, shared the EUCE Graduate Scholarship for 2015. Her thesis examines the role of civil society in cementing democratic reform in Ukraine. Civic activism in the dramatic events of the Orange Revolution and EuroMaidan has been extensively researched, participation during post-mobilization windows of reform much less so. Many observers have suggested that activist groups in Ukraine display new maturity, influence, and cross-regional support since EuroMaidan. Others have warned that, despite support from external actors like the European Union, these groups still struggle to be representative of the country as a whole and to gain a foothold in the reform process. She hopes to characterize this new reach and identify the conditions and strategies that may help civic activists in the post-Maidan era to overcome the marginalization or co-optation that followed most of the Colour Revolutions. Of particular interest is the way these groups leverage their relationships with European institutions to exert pressure from multiple sources on legislators. Understanding the successes of (and risks to) Ukrainian civic activism can also shed light on the best ways for external actors like Canada and the EU to support the development of sustainable civil society. She is grateful to the Social Sciences and Humanities Research Council and the Dalhousie EUCE for supporting her studies.

## SPOTLIGHT ON: ***EUCE Faculty and Graduate Student Research***



### **EUCE/CEUE — Université de Montréal / McGill University**



**Marina Popescu** is a political scientist who tries to understand the effects of information on people's opinions, preferences, and behaviour, and to find ways in which social science knowledge can gain more applied relevance. She holds a PhD in Political Science from the University of Essex, United Kingdom (2008), where she completed a British Academy Postdoctoral Fellowship in 2009-2012. Currently, she is Assistant Professor in Political Communication at the Central European University in Budapest and she has previously taught at Eötvös Loránd University Budapest and at the School of Public Policy, University College London. She is co-author of the book *Embodying Democracy: Electoral System Design in Post-Communist Europe* (2002). She is the principal investigator of the Less Hate More Speech project, an experimental and comparative study in the ability of media and political elites to nurture civil, tolerant, pro-democratic citizens, funded primarily through the EEA-Norway Grants Financial Mechanism 2009-2014, and of the CNCS-NRC research project Rethinking Representation 2013-2016: Campaign Personalization and Legislative Behaviour. She is also the president of the Median Research Centre in Bucharest, Romania – a not-for-profit non-partisan think tank that developed the information and discussion portal *openpolitics.ro*, which includes the parliamentary monitoring application *Parlement Transparent* and the vote advice application *TestVot*.



**University  
of Victoria**

### **EUCE — University of Victoria**



**Ivan F. Dumka** is a postdoctoral fellow with the Department of Political Science at the University of Victoria. His work builds upon Varieties of Capitalism literature that has found that national wage-bargaining systems have played a central role in the economic crisis. Specifically, it looks at the effects of Economic and Monetary Union upon national wage-bargaining practices in countries with highly-coordinated wage-setting systems. He has published in the *Review of European and Russian Affairs* (2013), and with the Canada-Europe Transatlantic Dialogue (2012; 2013). He is a past recipient of a SSHRC doctoral award and was a visiting researcher at the University of Bremen's Centre for European Studies (2013-14), as well as an intern at the European Social Observatory in Brussels (2012; 2013) and the Canada-Europe Transatlantic Dialogue (2012-13). Ivan is currently working with Amy Verdun on a paper examining the effects of the Dutch wage-bargaining system on its experience of the economic crisis and is preparing his dissertation project for publication. He also has a paper under review with *Transfer*. In his next project, Ivan intends to examine wage-setting practices in the EU's new Member States in order to assess the likely impact of euro adoption by these countries, both for the countries in question and for the broader Eurozone.

## **TRADUCTIONS FRANÇAISES**



### **La sécurité énergétique de l'UE : du charbon vers une union énergétique**



Matúš Mišík, Centre d'excellence sur l'Union européenne, Université de l'Alberta

En janvier 2006, la Fédération de Russie et naturel et les frais de transit, ce qui a entraîné duré que quelques jours et tous les pays l'Ukraine sont entrées en conflit en raison d'un une diminution de l'approvisionnement en gaz touchés ont pu compenser la diminution en désaccord en ce qui concerne le prix du gaz naturel pour les clients européens. La crise n'a

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## TRADUCTIONS FRANÇAISES

s'approvisionnant dans leurs réserves existantes ou en utilisant d'autres méthodes. Bien que quelques-uns des pays de l'UE ont exprimé leurs préoccupations par rapport à la situation, la plupart des membres n'ont porté pratiquement aucune attention à la situation. Par conséquent, peu de pays ont exprimé leur intérêt lorsque la Commission européenne a proposé des initiatives afin de prévenir de futures crises similaires dans son livre vert. Bien que quelques petits changements furent adoptés afin d'améliorer la sécurité énergétique de l'UE et de ses pays membres, une crise beaucoup plus sévère impliquant les mêmes acteurs s'est déclenchée trois ans plus tard. En janvier 2009, il n'y eut aucun gaz naturel en provenance de la Russie via l'Ukraine pendant une période de deux semaines, une situation dont l'impact fut le plus grand dans les pays de l'Europe centrale et orientale (ECO). La Slovaquie et la Bulgarie ont été particulièrement touchées, les deux pays devant limiter la consommation de gaz pour les clients industriels. La crise causa un choc dans la région : il s'agissait de la première cessation complète des livraisons de gaz de la Russie en presque 40 ans d'approvisionnement énergétique via l'Ukraine.

La crise a déclenché une nouvelle ronde d'activités de la Commission dans le secteur de l'énergie, cette fois-ci avec le support des pays membres. La Commission a même admis que la réaction à la crise au niveau de l'UE avait été insuffisante, ce qui l'amena à proposer une série de mesures afin d'améliorer la sécurité énergétique. La mesure la plus importante fut le règlement sur la sécurité de l'approvisionnement en gaz naturel (no 994/2010), qui fut adopté par les pays membres. Le règlement ciblait surtout la question de la diversification de l'approvisionnement en tant que mesure clé afin de prévenir de futures crises. Le problème principal durant la crise n'était pas le manque de gaz en Europe, puisqu'il y en avait assez au sein de l'UE, mais plutôt une insuffisance en infrastructure, ce qui empêcha le transit du gaz de l'Europe de l'Ouest vers l'Europe centrale. De plus, les pipelines en ECO étaient unidirectionnels, pour des raisons historiques. Ayant été construits durant la période communiste, ils servaient non seulement au transport des produits énergétiques vers l'Europe, mais aussi comme moyen pour l'Union soviétique d'imposer des pressions politiques sur ses

satellites. Pour ces raisons, il ne devait y avoir aucune autre source d'approvisionnement en énergie (ce qui était le cas non seulement pour le gaz naturel, mais aussi pour le pétrole) pour ces pays et aucun autre moyen de transporter les produits énergétiques. Par conséquent, il n'y avait aucune interconnexion sur un axe nord-sud et aucun pipeline bidirectionnel en ECO. Puisque cela avait été l'un des principaux enjeux lors de la crise gazière de 2009, la réponse à la crise incluait aussi une solution partielle à ce problème. L'UE commença à supporter le développement de flux inverses de gaz naturel ainsi que la construction de nouvelles interconnexions qui se devaient d'être bidirectionnelles afin de bénéficier du soutien de la Communauté.

**“Le problème principal durant la crise n'était pas le manque de gaz en Europe, puisqu'il y en avait assez au sein de l'UE, mais plutôt une insuffisance en infrastructure, ce qui empêcha le transit du gaz de l'Europe de l'Ouest vers l'Europe centrale.”**

Grâce à ce soutien, l'infrastructure énergétique en Europe bénéficia d'une transformation cruciale qui améliora de manière significative la sécurité énergétique dans la région. Évidemment, le programme de la Commission ne s'appliquait pas seulement à l'ECO et au gaz naturel. Le programme supportait aussi d'autres types d'infrastructure énergétique (électricité et gaz) ainsi que d'autres régions. Toutefois, ces changements positifs dans l'infrastructure énergétique ne furent pas suivis d'un renforcement de la position de l'UE vis-à-vis ses fournisseurs en énergie. Il en résulte une situation où l'UE est présentement assez en sécurité en ce qui concerne l'approvisionnement et les flux en gaz naturel à l'intérieur de ses frontières, mais n'a essentiellement aucun contrôle sur l'approvisionnement provenant de sources externes. La Commission a la capacité d'examiner les accords énergétiques entre les pays membres et les fournisseurs externes, mais cela ne peut être fait qu'après la conclusion d'un contrat, ce qui rend très douteuse l'application de changements dans un contrat qui serait en violation de la législation de l'UE.

Une telle situation est le résultat de l'accent qui fut mis sur le développement du marché énergétique interne et des réticences des pays membres à transférer leurs compétences

concernant l'énergie extérieure au niveau de l'UE. Il n'y a eu qu'un développement très limité dans le domaine de l'énergie extérieure malgré le fait que le secteur de l'énergie fait partie de l'intégration européenne depuis le tout début. La Communauté européenne du charbon et de l'acier s'occupait d'enjeux reliés à l'énergie, tout comme la Communauté européenne de l'énergie atomique (mieux connue sous le nom d'Euratom). Toutefois, l'énergie n'était pas mentionnée explicitement dans les traités, ce qui ne créait pas de fondement légal pour le développement d'une coopération énergétique au niveau de l'UE. Cela changea avec le traité de Lisbonne qui entra en vigueur en décembre 2009 et qui créa un fondement légal dans le domaine de l'énergie. Cependant, le processus de construction du marché énergétique interne était déjà bien entamé à cette époque. De plus, l'intégration dans le domaine de l'énergie externe faisait face à une sérieuse opposition de la part de nombreux pays membres, ce qui fit en sorte que l'UE n'avait aucun outil pour réagir aux deux crises gazières mentionnées précédemment.

Lorsque le conflit entre la Fédération de Russie et l'Ukraine culmina à nouveau au début de l'année 2014 et entraîna l'annexion de la Crimée, la dépendance de l'UE vis-à-vis l'approvisionnement énergétique en provenance de la Russie fut de nouveau mise en question. Le premier ministre polonais de l'époque et président actuel du Conseil européen, Donald Tusk, exprima ses inquiétudes envers le coût de la dépendance énergétique européenne envers le gaz russe et proposa la création d'une union énergétique, qui serait essentiellement une politique énergétique de l'UE avec une dimension interne et externe ayant pour but d'améliorer la position de la communauté vis-à-vis son plus important fournisseur en énergie. La proposition suggérait que l'UE devrait utiliser sa situation en tant qu'acheteur d'énormes quantités d'énergie venant de pays tiers, ce qui permettrait d'utiliser son pouvoir économique afin d'améliorer sa position envers ses fournisseurs. Présentement, chaque pays membre conclut une entente-cadre avec ses fournisseurs externes de son propre chef. Par conséquent, la nature des relations mutuelles change selon le pays membre et le fournisseur. Il en résulte une situation où les membres ayant de meilleures relations avec leurs fournisseurs peuvent (Suite sur la page 9)

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conclure des accords énergétiques plus avantageux, ce qui a créé une tension entre les pays membres et entrave la création de positions communes au niveau de l'UE. Les pays membres qui se retrouvent dans une position avantageuse sont désireux de prévenir un changement de la situation, alors que les états qui se retrouvent face à des prix plus élevés et d'autres types de « coûts » (souvent politiques) supportent la création d'une position commune de l'UE envers ses fournisseurs énergétiques externes. Pendant que l'Allemagne soutient le développement de nouvelles lignes du pipeline « Nord Stream » venant de la Russie vers son territoire, plusieurs autres pays européens ont exprimé leurs inquiétudes envers ce qu'ils voient comme un geste qui causerait non seulement une diminution de la sécurité énergétique européenne, mais qui serait aussi en contradiction avec la logique des sanctions

envers la Russie et qui causerait préjudice à l'Ukraine, dont la position de pays de transit est considérée comme étant l'une des dernières protections contre une cessation complète de l'approvisionnement en gaz en provenance de la Russie.

**“[L]es positions des pays membres concernant les enjeux de politique énergétique extérieure... resteront fragmentées... de futures crises seront probablement nécessaires afin d'obtenir un consensus de la part des pays membres”**

En dépit du fait que la Commission européenne et ses représentants ont exprimé leur désaccord envers la politique énergétique de la Russie vis-à-vis les pays membres, le projet d'union énergétique présenté par la Commission en février 2015 était considérablement différent de la proposition

originale de Tusk, surtout en ce qui concerne les relations avec les pays fournisseurs. De plus, la proposition mettait de nouveau l'emphase sur l'importance de la dimension interne du marché énergétique. Toutefois, l'UE n'a pas mis en place une politique énergétique commune, mais a seulement présenté un plan visant une future intégration dans le domaine de l'énergie qui laisse aux pays membres la responsabilité d'adopter des règles qui vont mener au développement d'une politique commune. La situation actuelle laisse croire que les positions des pays membres concernant les enjeux de politique énergétique extérieure ainsi que les relations avec des pays tiers resteront fragmentées pendant un certain temps et que de futures crises seront probablement nécessaires afin d'obtenir un consensus de la part des pays membres dans le domaine énergétique.

### BIOGRAPHIE DE L'AUTEUR

**Matúš Mišík** est un stagiaire postdoctoral au Centre d'excellence sur l'Union européenne de l'Université de l'Alberta. Il se spécialise dans la politique énergétique et la sécurité énergétique au sein de l'Union européenne ainsi que ses pays membres, surtout ceux situés en Europe centrale et orientale. Il analyse présentement les positions des pays membres en ce qui concerne le projet d'union énergétique, en mettant l'emphase sur la dimension de la sécurité énergétique. De plus, il examine le rôle que jouent les perceptions dans le cadre du processus de décision au sein de l'UE, afin d'examiner leurs effets sur le mécanisme lui-même ainsi que les différents pays membres. Ses articles ont été publiés dans *Geopolitics* (à venir), *Czechoslovak Psychology* (à venir), *Comparative European Policy* (2015), *Asia Europe Journal* (2013) ainsi que *Slovak Sociological Review* (2008, 2015). Matúš a effectué des séjours de recherche à l'Université d'Agder en Norvège (2006), à l'Université d'Helsinki en Finlande (2009), à l'Université Aston en Grande-Bretagne (2011) et à l'Université de Vienne en Autriche (2012).

## Ruée vers la frontière : tensions internes et externes provenant de la migration vers l'Union européenne

Andrew Bergel et Michelle Legassick, l'Université Dalhousie

Il y a une rupture claire entre les politiques officielles de l'Union européenne (UE) telles qu'elles sont écrites et sa capacité à contrôler les tensions internes et externes qui sont apparues suite à la crise migratoire contemporaine. Notre article, qui fut présenté à la *Millennium Conference à la London School of Economics*, examine la présente crise migratoire, en mettant l'emphase sur la fracture entre les politiques de l'UE et les besoins des pays qui sont en « première ligne » ainsi que ceux qui sont à l'intérieur des frontières. Ces pays de l'intérieur sont bien souvent ceux vers lesquels les migrants économiques, les demandeurs d'asiles et les réfugiés sont transférés pour une relocation à long terme. Nous faisons référence aux pays de première ligne comme étant ceux qui agissent comme point d'entrée initial pour de nombreux types de

migrants, de demandeurs d'asiles et de réfugiés. L'Italie, la Grèce, l'Espagne, la Bulgarie et la Hongrie dans une certaine mesure sont considérés comme des pays de première ligne, où le protocole concernant le traitement des différents types de demandes d'entrée est complété avant que les individus ne soient transférés et relocalisés selon les termes des règlements du traité de Dublin (dans ce cas-ci, de la troisième ronde qui eut lieu en 2013).

Depuis 1999, le but avoué de l'UE a été de transformer les différents systèmes nationaux de demande d'asile en un Système commun européen de demande d'asile. Le résultat fut un processus de presque 15 ans durant lequel de multiples rondes de négociations eurent lieu, un processus qui est communément appelé « règlements de la convention de Dublin ». Ces

règlements furent révisés en 2013 et furent adoptés en janvier 2014 dans le cadre de ce qui est communément appelé « Dublin III ». L'un des principaux objectifs de la convention de Dublin était d'établir une hiérarchie de critères concernant les demandes d'asile au sein de l'UE. Le chapitre III de la version la plus récente de Dublin III a établi la hiérarchie suivante afin de déterminer le pays membre de l'UE responsable des demandes d'asile.

En raison des différents rôles joués par les pays de première ligne et les pays de l'intérieur, il est évident que leurs besoins sont aussi différents. Dans une situation idéale, les pays de première ligne s'occuperaient de l'accueil et du traitement des migrants irréguliers : ceux étant entré au pays sans autorisation, ceux ayant dépassé la période accordée par leur

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visa, ou ceux n'ayant pas respecté l'une des conditions d'entrée dans un pays, n'ayant donc pas de statut légal officiel dans les pays de transit ou les pays hôtes. Les pays de première ligne fourniraient à ces migrants irréguliers un logement temporaire ainsi que des ressources pendant la révision de leurs demandes d'asile. Une fois leur demande approuvée, les migrants pourraient voyager à travers la zone Schengen jusqu'aux pays de l'intérieur, où ils peuvent s'établir et rebâtir leurs vies.

Dublin III a tenté de prévenir la surcharge du système à travers une procédure de « prise en charge » et de « retour ». S'il est déterminé qu'un pays membre est plus haut dans la hiérarchie pour le traitement d'une demande d'asile, le pays membre pourrait demander qu'un autre pays membre « prennent en charge » la demande d'asile. Une telle requête doit être soumise moins de trois mois après la réception de la demande d'asile. Par la suite, le pays de l'intérieur a deux mois afin de décider s'il accepte ou s'il rejette la requête, ce qui accorde indubitablement le pouvoir d'acceptation aux pays de l'intérieur, qui peuvent aisément rejeter les requêtes des pays de première ligne.

Dans une situation idéale, il y aurait un flot constant d'individus entrant dans l'UE à partir de l'un des pays de première ligne pour ensuite être transférés à un pays de l'intérieur à un rythme qui ne surchargerait pas les systèmes des deux pays. Il est toutefois évident que l'impact de la crise migratoire sur les pays de première ligne et les pays de l'intérieur a entraîné une surcharge du système en raison du nombre trop élevé de migrants irréguliers arrivant au sein de l'UE. Les demandes ne peuvent plus être traitées adéquatement par les pays de première ligne

dans un délai raisonnable, causant une accumulation de migrants irréguliers dans les camps et les centres de détention. Les pays de l'intérieur sont inondés de requêtes visant la relocalisation d'un nombre toujours croissant de migrants irréguliers, ce qui les amène à réduire le nombre de transferts acceptés en provenance des pays de première ligne. La réponse à la crise migratoire de la part des pays de première ligne et des pays de l'intérieur a révélé la nécessité d'une approche plus holistique à la crise migratoire qui saurait répondre à la fois aux besoins des pays de première ligne et des pays de l'intérieur.

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**“[L']impact de la crise migratoire sur les pays de première ligne et les pays de l'intérieur a entraîné une surcharge du système en raison du nombre trop élevé de migrants irréguliers arrivant au sein de l'UE.”**

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Les pics de migration vers l'Europe peuvent être directement liés à une multitude de complications étant reliée les unes aux autres et se déroulant à l'extérieur de l'UE : bouleversements politiques, conflits locaux et transnationaux, absence d'opportunités économiques et États faillis avec frontières poreuses en Afrique du Nord et au Moyen-Orient. Jusqu'à maintenant, les réponses à cette calamité ont été un mélange de réponses ad hoc visant surtout les problèmes symptomatiques : amélioration du processus de traitement des migrants irréguliers, ciblage du financement des trafiquants, tentatives pour réduire la durée des délais de traitement ou encore la création de protocoles pour la relocalisation des demandeurs d'asile définis comment étant des réfugiés dans le cadre juridique actuel. Il suffit de dire que ces mesures préliminaires ne pourront remplacer

les changements nécessaires dans les politiques à court, moyen et long terme qui doivent être développées par Bruxelles afin de répondre aux schémas actuels de migration.

Malheureusement pour l'UE, le nouveau règlement de Dublin III aura subi son baptême du feu dans une situation de guerres civiles et d'États faillis dans la périphérie de l'UE, ce qui a mené à un test extrême de ses capacités administratives. Bien qu'il puisse sembler injuste de critiquer son implémentation, plus d'un demi-million de migrants (uniquement en 2015) de toutes catégories sont coincés dans ce système et sa dichotomie légale entre pays de première ligne et pays de l'intérieur. Jusqu'à ce qu'une solution plus holistique et durable soit trouvée, la vague actuelle de bulletins de nouvelles tous plus désespérés les uns que les autres ne fera que continuer.

Bien que Dublin III avait pour but de simplifier les procédures entre pays membres, le nouveau règlement s'est avéré être plutôt inadéquat pour cette tâche. De nouveaux ajustements dans les politiques seront nécessaires pour faire face à un flot de migrants qui ne fera que s'accroître en raison de nouvelles offensives militaires russes en Syrie en plus de l'absence continue d'une structure étatique unifiée dans le point de transit de Libye. Il n'y a aucun doute qu'une meilleure infrastructure dans les pays de première ligne, des transferts permanents plus rapides et plus transparents vers les pays de l'intérieur ainsi qu'une construction accrue de centres de traitement externes dans les pays voisins de l'UE où les demandeurs d'asile pourraient effectuer leurs demandes plus facilement seraient tous des moyens de remédier aux lacunes actuelles de Dublin III.

### BIOGRAPHIES DES AUTEURS

**Andrew Bergel** a travaillé dans les domaines de l'analyse de portfolio et du commerce international pendant plus de cinq ans, au sein des marchés de l'énergie et des commodités à New York. Il est présentement candidat au doctorat au département de science politique à la *Dalhousie University*. Il est aussi professeur assistant et instructeur au sein du *College of Sustainability* de Dalhousie, où il donne des cours sur la gouvernance environnementale mondiale et les conflits reliés aux ressources. De plus, Andrew donne régulièrement des cours à chaque semestre au *Center for Global Affairs* de la *New York University*, dans le domaine du marché international des commodités. Il est chercheur associé au Centre d'excellence sur l'Union européenne de la *Dalhousie University*.

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Printed on recycled paper