

## Frontex Regulations and EU borders: News from Ukraine?

**Giulia Maria Gallotta**

University of Bari “Aldo Moro”

Education, Psychology and Communication Studies Dept.

Via Scipione Crisanzio 42

70122 Bari

Italy

To K.who, at the age of 15,  
arrived alone in Italy, risks being  
repatriated because he is an  
illegal stayer and knows quite  
well that he will cross again the  
Mediterranean on the first boat he  
will be able to get on.

*This essay starts from the latest news on migrants trying to reach the EU territory to analyze how the very idea of border is changing in the European Union. In this sense, documents from the European Commission and the two regulations establishing and governing the tasks of the European Border and Coast Guard (Frontex) are considered with the aim of understanding what idea of border they involve. The final confrontation, rather merciless, is with the concept of Europe as borderland by E. Balibar and with the new challenges at Union's border.*

Keywords: European union – migrants– border – Frontex - crossings

Since its emergence in European history and in the history of political thought, the modern State is the institution that embodies/exercises sovereign power within a specific territory. That is, within identified and recognized borders that distinguish those who are subject to the power of a sovereign authority from those who are subject to another one. These borders do not pre-exist the State, but are determined by it. As C. Galli states, «in the Modern age, in short, it is politics that determines space, and not this last that exhibits an intrinsic political measure»<sup>1</sup>(Galli 2001:28).It is T. Hobbes who fully elaborates this idea, when he outlines the concept of a Leviathan-State as an artificial body, which is the result of the free will of individuals, and which delimits the space within which it has a duty to guarantee internal order and peace to allow individual activities to unfold (ib.: 43).

Obviously, this exclusivity of a sovereign power within its given territory has always been more an ideal than an actual reality (Krasner 2001). Even so, the fact remains that in the common sense a border indicates the line that separates those who are subject to a given sovereign from those who are not, a physical and tangible sign of distinctiveness between those who belong to a certain territory and to the community there allocated and those who do not belong to it.

In this sense, the European integration process implies a radical change of perspective. Rules on free movement of workers in the 1957 Treaty of Rome and even more those on the free movement of persons, contained in the Single European Act in 1986 and implemented by the 1990 Treaty of Schengen, then confirmed in the 1991 Maastricht treaty, they have ensured that from its inception the European Community/Union was configured as a space without internal borders. That is an area in which member States have not only abolished their respective borders.

---

<sup>1</sup> My translation.

They have also developed, over time and thanks to proactive actions by EEC/EU institutions, a complex process of legislative harmonization which in turn has led to the creation of a common level playing field where freedom of movement for goods, services, capitals and people were able to fully unfold for the benefit of citizens of the Member States, becoming the foundations on which to slowly build a truly European society. A European society that is therefore born and developed assuming as its foundation the will to neutralize, by making them routine, those processes of negotiation and redefinition of the identities of national citizens with respect to “foreigners” who come to stay, to use G. Simmel’s definition. The same processes of negotiation and redefinition that often generate «collisions among different spaces»<sup>2</sup> (Zanini 1997: 70).

The EU itself does not have pre-determined boundaries. As art. 237 of the treaty of Rome states, «Any European State may apply to become a member of the Community» (Treaty 1957). A formula that has not changed despite the revisions the treaty of Rome underwent. Simply, the meaning of the formula «European State» was gradually detailed. The actually in force Lisbon Treaty provides that every European State that respect EU fundamental values, namely «respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities» (Consolidated Version: art. 2) can apply for membership, thus detailing the criteria by which the European Commission and the Council assess the acceptability of applications. The EU is therefore conceived as an area open to the outside and integrated inside, an «area of freedom, security and justice», as 1997 Treaty of Amsterdam states (Treaty of Amsterdam: art. K.1) Still, it is precisely the open character of the European area that is increasingly being questioned. And I am not referring here to the complicated accession process of Albania and Serbia. In this case, EU reservations in indicating an opening date for accession negotiations can be explained by effective problems in the economic development, institutional solidity and respect for the rights of minorities in the candidate countries.

The most serious attack, and the least perceived as such by public opinion, concerns EU opening towards citizens coming from third countries.

A first blow was struck in 2004, on the occasion of EU accession by candidate countries from Central and Eastern Europe. It was not enough to have forced them to an antechamber of about ten years, which was anyway necessary for consolidating the candidates processes of economic and political transformation. In the accession treaties, Member States imposed the provision of safeguard clauses that allowed the free movements of citizens of the new entrants within the EU to be suspended for 7 years at the sole discretion of EU Member States themselves. The same occurred on the occasion of the accession of Bulgaria and Romania three years later, albeit for slightly shorter periods.

Warnings of what was to happen and is happening towards migrants? That is, of a creeping intolerance towards foreigners who are perceived as a threat to the continuation of social identities, living and social protection standards, which we associate with the idea of presumably homogeneous nation-States? I do not know. What I do know is that reading the news of these days generates a sense of growing frustration in those who have made migrants the object of their research activity. The EU is welcoming millions of Ukrainian citizens fleeing war in their home country but Afghan, Syrian and Iraqi citizens continue to silently die of cold on the borders of Croatia and Poland or drown in the Mediterranean, according to the route they have chosen to try to enter the EU. Reports on makeshift boats adrift in the Mediterranean follow one another, as the interventions of NGOs and of the Italian Coast Guard to bring them rescue do. Victims do not reach the peak of 2013-2015, when shipwrecks counted over 300 dead off the island of Lampedusa and, therefore, they are not an “attractive” news and are relegated to very short articles in the internal pages of newspapers.

An unexpected war at EU borders and its economic effects on the productive fabric and reception facilities of our societies, Covid 19 progression in terms of number of infections and deaths, this capture a large part of our attention as European citizens. But this does not mean that the problem of migrant arrivals from the European southern borders has disappeared. It has simply lost most of its centrality on the EU agenda. Proof of this is the fact that in the report on the state of the Union for 2021, the issue of migrants is addressed in a thin-half page, after eleven on the management and the challenges of the pandemic and climate change and only to reiterate that it is necessary to take the negotiations among member States on the *New Pact on Asylum and Migration* forward, though they are actually stalled.

---

<sup>2</sup> My translation.

I personally cannot get rid of the feeling that right now, continuing to study EU migration policy is something very similar to trying to get blood out of a stone.

Yet, as a scholar, I cannot help but wonder why European States go on reacting to the continuation of inflows of individuals at the EU southern borders by multiplying closures, just as if they were trapped in a logic of emergence when migrants cannot be considered an emergence any more. All EU Member States have signed the 1951 Convention on Refugees. They are therefore legally obliged to accommodate people who flee their home countries to save themselves from persecutions for racial, religious or political reasons or from situations of civil war. This obligation has been reaffirmed by the 2007 Lisbon treaty, which in art. 78 establishes the will of the EU and its Member States to develop a common policy on migration and asylum in conformity with the principles of the aforementioned Geneva Convention.

Nonetheless, access to EU territory for migrants is increasingly complicated and difficult. For so-called economic migrants it has become almost impossible. Already in 1908, G. Simmel stated that the way in which a foreigner is treated is a rather precise indicator of the degree of openness of a given society and of the solidity of its identity (Simmel 2003). The question, however, does not seem to me to be only that of the perception and accommodation of the foreigner. Numbers and their substantial stability over time are no longer such as to justify an emergency closure approach as a response to the issue of migrants (European Commission 2021.a).

What I think is changing is the very concept of what the EU border is.

2. The creation of an area without internal borders, envisaged by the 1985 treaty of Schengen and regulated by its 1990 implementing convention, moved the problem of border controls from Member States to an EU dimension. But it is only with reg. 2016/1624 that the idea of an integrated border management is articulated in a binding EU act<sup>3</sup>. More precisely, art. 5 states that even if «Member States shall retain primary responsibility for the management of their sections of the external borders», their management is integrated, i.e. it is a shared responsibility between the European Border Control Agency Frontex and the corresponding national authorities and that this is conducted «in the common interest of all Member States» as well as in national interest (EU reg. 2016: art.5). Art. 4 specifies, instead, what are the actions that effectively fall within the integrated border management, i.e. the control of the legality of border crossings, the fight against international crime, the support to people who can benefit of international protection, the participation or the coordination of teams of rescue at sea, risk analysis with regard to the external border and which can affect the correct functioning of the European area without internal borders, support to Member States return operations of migrants illegally staying on their territory (ib.: art. 12).

All these articles are substantially taken up in the new EU reg. 2019/1896, which enhances Frontex by equipping it in a stable way with its own human and technical resources, by refining its institutional structure and most of all by broadening the scope of actions that fall within the notion of integrated border management. These now include coordination by the Agency of national return operations of illegal migrants and their autonomous organizations by Frontex itself, support to border identification operations conducted by Member States and the creation of a single EU database for the exchange of information with relevant authorities (Rijpma 2020).

We can find already here a first, albeit implicit definition of what the European border is. Just like the EU is a political system built on integration among its Member States and based on the transfer of portions of their national sovereignty to common institutions, its borders are purely national borders. But their management is part of a broader framework made of common European criteria and interests. In this sense, there is no transfer of national sovereignty to the EU in this area, which is one of the most sensitive among the royal powers of the modern State. There is only the acceptance of a coordinated management which should be based on shared criteria.

What kind of border this is, can be derived from the type of actions that fall within the integrated border management. It is here that the progressive closure of the European area appears with greater clarity.

---

<sup>3</sup>Indeed, the concept of integrated border management was already detailed in the conclusions of Justice and Home Affairs Council of December 2006. Here it was articulated in the following dimensions: external borders control, fight against transnational crime, cooperation both between national border guards and between Member States and EU institutions, in a framework of external borders control that provided for the involvement of third countries and neighboring ones (Consiglio 2006; Rijpma 2020; Campesi 2018).

2016 EU regulation was not exactly a model of opening. While providing that the EU instrument of integrated border management, Frontex agency, could carry out tasks to support Member States in their border patrol and return and rescue at sea actions, EU regulation put emphasis on the systematic analysis of risks at the EU border that could lead to threats to the EU internal area without borders, which the Agency is in charge of. In this way, EU border was presented as a hard to cross one in the absence of regular visas or permits, especially by virtue of a work of identifying critical border points and their supervision by national forces at which EU ones could be added if a massive inflow of migrants occurred<sup>4</sup>.

In this scenario, the main action the EU could develop through Frontex was to assess the weaknesses and criticalities in border management and entry controls by Member States to indicate tools to remedy them. The provision of rules that allowed Frontex to solicit a decision by the Council of Ministers for the suspension of free movement towards the State which, subjected to a strong migratory pressure at its borders, did not comply with the indications formulated by Frontex itself, made its monitoring powers both a tool through which to bridge the operational differences between different national border guards, when these affected the proper surveillance of the common borders, and a precise and sharp means of orienting national policies on the same matter (Reg. 2016: art. 19; Monar 2006).

It should be noted that this concern for the surveillance and strengthening of EU borders was in fact already overcome when regulation was adopted in 2016. The *European agenda on Migration*, launched by the European Commission in response to the dramatic shipwreck in the sea of Lampedusa in which about 700 people had lost their lives, had shown what the real core of the so-called migrant crisis was. The strategy, outlined in the *Agenda*, envisaged the creation of hotspots on EU territory, i.e. closed reception centers where to proceed with the identification of migrants, an initial assessment of their requests for international protection and their relocation, pending decisions on their right to remain in the EU or not (European Commission 2015). Although this amounted to the institutionalization of practices of *de facto* detention of migrants on EU territory (Campesi 2018), EU *Agenda* was nonetheless concerned with migrants who were inside the EU and with respect to whom Frontex could only help in the procedures of identification and return. The same applies to 2011-2013 directives which regulate the procedures for the filing, examination and the criteria for the recognition of international protection status. The extreme detail of their provisions on filing times, methods of appeal in the event of rejection decisions and on the articulation of the various steps in the examination procedures were all intended to reduce non-homogeneity of national decisions in favor of a truly European harmonization (Hailbronner Thym 2016). Most of all, they concerned the possibility for people already in the EU to legally remain there.

The substantial failure of the project to relocate migrants among Member States, the long time for both their registration and the examination of their requests for international protection, which actually encouraged their secondary movements, new arrivals which followed one another congesting the reception facilities of first arrivals States, namely Greece and Italy for the Mediterranean routes, Hungary and Croatia for the Balkans one, have prompted national governments to set themselves a new objective, which seems also to be shared by the European Commission. Starting with the *New Pact on Migration and Asylum* it is no longer a question of stiffening procedural meshes for the recognition of international protection status or improving the return system. The crucial point is to prevent the access of migrants on EU territory.

In this sense, Frontex regulation of 2019 is the intermediate step between the previous framework and that outlined in the *New Pact*. Based on the experience in this field, the actions that Frontex can carry out at the common borders are qualified as falling within its «executive powers» (EU reg. 2019), i.e. the agency itself and its teams can act independently from those of the host State and manage on its own both the identification procedures at the borders and the organization of return operations of irregular migrants. Frontex can do so within the EU territory and within non-EU Member States with which specific agreements have been stipulated. Above all, Frontex regulation develops the norms on the exchange of information between Member States and on risk analysis.

---

<sup>4</sup>It is appropriate to specify that, on the basis of Frontex reg.2016, the Agency did not have its own operational teams and resources and had then to ask Member States to provide the staff to be sent in border support actions.

Although this continues to be conducted on an annual basis, the latter is now part of a broader strategic analysis, formulated by the European Commission and simply communicated to the Council and the European Parliament (therefore without a genuine democratic review), within which Frontex is responsible for the concrete planning of national measures to implement the strategy itself and of the definition of measures that Member States have to adopt to overcome weaknesses in their border management or to deal with possible exceptional situations at the common borders (EU reg. 2019: art. 8-9). Failure to comply with measures indicated by Frontex may lead to the adoption of recommendations by its executive director and, in the event of failure to comply with them, to the proposal of measures to suspend the free movement of persons against the non-complying State (Reg. 2019: art.42). As for the exchange of information, Frontex still collect biometric data, data on border crossings and on the filing of applications for international protection by migrants and conveying them to the EU dedicated platforms. But to date, these data are merged into a single EU database that also collect data relating to transnational crime and resident overstayers, thus configuring the creation of a huge network of data on migrants, which has two specific functions: on one hand, it aims to block migrant access as well as any secondary movement and the repetition of applications for international protection. On the other hand, it is the basis from which Frontex can establish a European situational picture that allows it to predict changes in migration routes and possible crisis situations, monitor secondary movements and exactly identify critical points in EU borders (ib.: art. 25-26). With respect to this scenario, clarifications on the compliance of the processing of migrants' data with EU rules on privacy and on respect of their rights make me sincerely smile. All the more so as complaints about the complicity or substantial acquiescence of Frontex staff towards national guards not respecting the most elementary rights of migrants multiply (Paoletti Pastore 2010; Karamanidou Kasperek 2020).

It is with respect to this scenario that the *New Pact on Migration and Asylum* of September 2020 closes the circle. By providing for the creation of a new screening procedure to be conducted at EU borders, on the basis of which an initial assessment of the admissibility of applications for protection with the relative permission to access specific and restricted areas of the EU territory takes place at EU borders (European Commission 2020), the manifest aim is not that of accommodating people in evident distress and therefore to examine the possibility they are entitled to forms of international protection. Rather, it is a question of keeping as many of them as possible outside the EU territory, regardless of the fact that this could amount to the violation of the principle of *non-refoulement* and to the creation of areas close to EU borders where every form of protection for migrants is in fact suspended.

This course of substantial closure towards migrants is confirmed even in these dramatic days of war. On a European Commission proposal, the Council has agreed to apply the 2001 Temporary Protection Directive to refugees fleeing the conflict in Ukraine<sup>5</sup>. This means that Ukrainian refugees are provided with one-year permits, renewable only once, which recognize their identity and their vulnerability condition and which allow them to move within the EU territory, to have access to education, job and housing under the same conditions as citizens of the host States. In other words, EU recognizes to Ukrainian refugees the opportunity and tools to try and make their lives.

However, in a recent article, H.Giusto draws attention to the fact 3 millions Ukrainians that have entered the EU are matched by Syrians and Afghans that Poland continues to brutally push back at its border (Giusto 2022) and wonders if we are not witnessing subtle forms of a European racism. From my point of view, recourse to the 2001 temporary protection directive for the reception of Ukrainian refugees helps to clarify some of the reasons for our generosity. We welcome them because they flee from a war at our doorstep and which we see almost on live on our TV news every evening and because they are refugees that is people we know will come back to their country as soon as they have the chance. A welcome on the wave of emotion but selective. And in time.

I hope someone can define EU migration policy with a word other than closure, selective closure. I cannot.

3. In a 2009 essay, philosopher E. Balibar launched the successful definition of Europe as a borderland, i.e. as a land of open and overlapping regions, where citizens and languages mix and interact, making foreigners «at the same time stigmatized and indiscernible from 'ourselves'» (Balibar 2009: 210).

---

<sup>5</sup>2001 directive was adopted to regulate the influx and reception conditions for refugees fleeing the wars in the former Yugoslavia. The delay with respect to the events on the ground with which it was adopted, has meant that to date it has never been applied.

Despite its academic fortune, this seems to me a definition of Europe that is not really suited to its current evolution. It is above all the note of optimistic hope that it contains that appears to me to be decidedly out of context

No matter how hard we try to analyze the question of EU migration policies under different perspectives, results seem desolately always to go in the same direction, most of all if we refer to migrants from EU southern borders. As far as borders are concerned, already in 2015 Carrera and Den Hertog analyzed rules on Frontex functioning as a result of multiple and complex negotiations between civil and military authorities, on the one hand, and Member States and the European Commission, on the other, on who had what competence in the field of external border control (Carrera Den Hertog 2015).

More recently, Delheix and Duez stressed Member States willingness to accept a coordinated management of their external borders as a means of creating a sort of grey area of shared competences where they can have greater room of maneuver than those traced by international conventions (Delheix e Duez 2019).

The results do not change. What emerges is a gradual and growing closure of EU borders as a result of a negotiation process with an exquisitely technical appearance, in a sort of homage to the functional method of integration on which the EU was built. Already in 2016, T. Börzel had analyzed this as an attempt by the EU to manage an emergency through its depoliticization, that is by its removal from national political arenas of discussion to favor the identification of effective and shared solutions at EU level, perhaps even by increasing the powers of European institutions (Börzel 2016).

Beyond the evaluations on the effectiveness of this strategy in the field of migration policies, which the scholar herself has doubts about, the point is that we are faced with technical standards that say a lot about the type of society the EU wants to be. Although the *New Pact on Migration and Asylum* declares that it intend to «provide certainty, clarity and decent conditions for the men, women and children arriving in the EU» (European Commission 2020: 1), in fact what continues to be pursued is a strategy of inexorable closure of EU borders, at least as migrants from EU southern and far eastern neighborhood are concerned. It seems that only the most shameless requests by Member States, such as those made in last October European Council to use the financial resources from EU Structural Funds to build protective fences at their borders, have been stopped by a sharp no by European Commission President<sup>6</sup>. But silence on what is still happening to non-Ukrainian migrants on the Polish border screams.

We can agree with the European Commission and the Council when they labeled as a hybrid attack the exploitation by the Lukashenko regime of unaware migrants who were attracted to Belarus with the promise of being able to enter the EU and were then trapped on the border with Poland and Lithuania, in autumn 2021. We can and should appreciate the unreserved openness to refugees fleeing Ukraine. The problem is silence on the creation by some member States government of areas off-limits to the press and to EU and humanitarian NGOs personnel, within which migrants are rejected sometimes with an extensive use of violence (Albinati d'Aloja 2021).

Quite the opposite, therefore, of the Roman limes, that is those areas at the extreme borders of the Roman Empire where, given the impossibility of protecting them with military troops, the establishment of Roman citizens was encouraged, to favor the development of contacts with populations outside the Empire, creating mixes and conflicts.

For the EU, the main problem today seems to be the selective closure of its borders. This emerges both from the European Commission paper of November 2021, where while recognizing the need to provide help to people stranded on the Polish-Belarusian border, emphasis was on the strengthening of border controls and return procedures (European Commission 2021.a) and by European Council conclusions of November 2021, in which the main concern was to «ensure effective returns [and] effective control of its external border» (European Council 2021: 6-7).

---

<sup>6</sup>It is necessary, however, to underline that on the occasion of an official journey to Poland to discuss with the Polish government of the “crisis” of migrants pushed from Belarus to the Polish borders and by Polish border guards inexorably rejected, President of the European Council Michel opened to a possible EU support (Nicastro 2021).

On the other hand, an «effective management of EU's external borders», that is the strengthening of tools for their patrolling, of computer networks for sharing data on their more or less legal crossings and of return of migrants policies, is considered as an indispensable element to «promoting mutual trust and safeguarding the effective exercise of fundamental freedoms within the Union» (European Commission 2021:4). That is, the European Commission affirms its willingness to sacrifice the right of individuals to seek a better chance of life for themselves elsewhere for the sake of the right of EU citizens to free movement within the EU. And this has not changed, despite the generous reception of refugees from Ukraine, which is considered as limited in time.

Some scholars say that the EU is externalizing its border controls through the involvement of neighboring States in the controls of departures from their territory (Frelick Kysel Podluk 2016), others refer to a deterritorialization of EU borders in relation to the possibility, envisaged in the *New Pact on Migration* to implement border screening procedures in areas near but outside the EU soil (Campesi 2021). Rather, it seems to me that EU border is increasingly and selectively identifying with people. It is no longer a question of where they arrive or how, migrants from EU southern or far eastern neighborhood are rejected or put in the most suitable conditions to facilitate their refoulement without any attention to the validity of the requests for protection they make. They identify with the border exactly in this, that wherever they are found, even within the EU and as long as they are not awaiting a decision on their applications for protection, even if they are refugees fleeing from war, they are physically brought back on the outside. And even if they are allowed access, they cannot circulate freely in the EU but in fact remain blocked in closed structures or confined areas, pending the outcome of their respective applications for international protection.

Some have pointed out that, from the European Commission point of view, this hard closure could be a returning on a EU scale of strategies that in the past Nation-States made use of to accelerate and consolidate the process of creation of national societies (Delheix Duez 2019).

Beyond the question of the plausibility of such an attempt on a EU scale and in times of extreme porosity of every border, history teaches that walls are destined to collapse. Especially in the face of the tide of people who, according to recent ISPI surveys, could be ready to leave the African continent to seek a better life in Europe (Mezran Sanguini 2021). Also, walls are dangerous. Placing the first break means delineating a path that can hardly be reversed.

We are an ageing continent. We need migrants to plump up our bloodless societies. It is no coincidence that the new EU blue card directive, with which the EU tries to attract skilled migrants to its territory, tries to improve conditions for residence and family reunification.

The feeling I cannot get rid of, anyway, is one of frustration. By now, even appeals for solidarity among Member States and for the compliance of international conventions they have subscribed, appear to me to be rhetorical and useless. National governments try to pander fears and doubts that circulate in society and are exploited and artfully reworked for purposes of electoral consensus. In this sense, it is EU citizens' capability to be in solidarity with other human beings in distress, no matter the color of their skin, that is called into question. Covid 19 pandemic should have taught us that no one saves himself/herself alone. We should also remember this with regard to migrants.

## Bibliografia

- Albinati, E., d'Aloja, F. (2021). Border game, vite sospese sulla rotta balcanica. Sei pentito di essere partito? 'Sì. Ora non ho più sogni'. 7 settimanale del Corriere della Sera. 31.12
- Balibar, E. (2009). Europe as Borderland. *Environment and Planning D: Society and Space*, 27, 190-215
- Börzel, T. (2016). From EU Governance of Crisis to Crisis of EU Governance: Regulatory Failure, redistributive Conflicts and Eurosceptic Publics. *JCMS*, 54, 8-31
- Bruycker, P. and Tsourdi, L. eds. *Research Handbook on EU Asylum and Migration Law*. Cheltenham: Edward Elgar. Forthcoming
- Campesi, G. (2018). Frontex and the production of the Euro-Mediterranean borderlands (2006-2016). In C.Gualtieri (ed.), *Migration and the Contemporary Mediterranean*. (39-65). Berna: Peter Lang Publishing.
- Campesi, G. (2018). Crisis, migration and the consolidation of the EU border control regime. *Int. J. Migration and Border Studies*, 4:3, 196-221

- Campesi G. (2021). The EU Pact on Migration and Asylum and the Dangerous Multiplication of ‘Anomalous Zones’ for Migration Management. In S. Carrera, § A. Geddes (eds.), *The EU Pact on Migration and Asylum in the Light of the United Nations Global Compact on Refugees* (pp 195-204). San Domenico di Fiesole: EUI
- Carrera, S., den Hertog, L. (2015). Whose Mare? Rule of law challenges in the field of European border surveillance in the Mediterranean. *CEPS Paper in Liberty and Security in Europe*, 79.
- Consiglio dell’Unione europea. (2006). Comunicato stampa, 2768 sessione del Consiglio Giustizia e affari interni. Bruxelles: Press office
- Consolidated Version of the Treaty on European Union. OJEU C326, 26.10.2021
- Delheix, M., Duez, D. (2019). The new European border and coast guard agency: pooling sovereignty or giving it up?. *Journal of European Integration*, 41:7, 921-936
- European Commission. (2015). Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions. A European Agenda on Migration, COM(2015) 240 final, Bruxelles, 13.5.2015
- European Commission. (2020). Communication from the Commission to the European Parliament, the Council, the Social and Economic Committee and the Committee of the Regions on a New Pact on Migration and Asylum, COM (2020) 609 final, Bruxelles, 23.9.2020
- European Commission. (2021). Communication from the Commission to the European Parliament, the Council. A strategy towards a fully functioning and resilient Schengen area. COM (2021) 277 Final, Brussels, 2.6.2021
- European Commission. (2021.a). Communication from the Commission to the European Parliament, the Council, the European Social and Economic Committee and the Committee of the Regions on the report on Migration and Asylum, COM(2021) 590 final, Brussels, 29.9.2021
- Frelik, B., Kysel, I.M., Podluk, J. (2016). The Impact of Externalization of Migration Controls on the Rights of Asylum Seekers and Other Migrants. *Journal on Migration and Human Security*, 4.4, 190-220.
- Galli, C. (2001). *Spazi politici. L’età moderna e l’età globale*. Bologna: Il Mulino.
- Giusto, H. (2022). «Solidarity without borders?». *The progressive Post* [Online] Available: <https://email.feps-europe.eu> (March 14, 2022)
- Hailbronner, K., Thym, D. (2016). “Asylum”. In Id. (eds.), *EU Immigration and Asylum Law : A Commentary*(pp 1024-1053). München : C.H. Beck.
- Karamanidou, L., Kasperek, B. (2020). What is Frontex doing about illegal pushbacks in Evros?[Online] Available: <http://respondmigration.com>
- Krasner, S.D. (2001). Sovereignty. , 122, 20-29
- Mezran, K. e Sanguini, A. (2021). *North Africa 2030: What the Future Holds for the Region?*.Milano: ISPI – Atlantic Council
- Monar, J. (2006). The Project of a European Border Guard: Origins, Models and Prospects in the Context of the EU’S Integrated External Border Management. In M. Caparini § O. Marenin (eds.), *Borders and Security Governance. Managing Borders in a Globalised World*(pp 174-189).Geneva: Geneva Centre for the Democratic Control of Armed Forces..
- Nicastro, A.(2021). “E Michel apre alla costruzione del muro con i fondi Ue”. *Corriere della sera*, 11 novembre.21
- Paoletti, E., Pastore, F. 2010. Sharing the dirty job on the southern front? Italian-Lybian relations on migration and their impact on the European Union. *IMI Working Papers*
- Regolamento (UE) 2016/1624 del Parlamento europeo e del Consiglio del 14 settembre 2016 relativo alla guardia di frontiera e costiera europea che modifica il regolamento (UE) 2016/399 del Parlamento europeo e del Consiglio e che abroga il regolamento (CE) n. 863/2007 del Parlamento europeo e del Consiglio, il regolamento (CE) n. 2007/2004 del Consiglio e la decisione 2005/267/CE del Consiglio. *GUUE L 251 del 16.9.2016*
- Rijpma, J.J., Fink, M. (2021). The Management of the European Union’s External Borders. In P. De Bruycker § L. Tsourdi (eds.), *Research Handbook on EU Asylum and Migration Law*. Cheltenham: Edward Elgar. Forthcoming
- Simmel, G. (2003). Lo straniero. In P. Alferj § E. Rutigliano (a cura di). *Ventura e sventura della modernità*(pp 468-474).Torino: Bollati Boringhieri.



Treaty establishing the European Economic Community [Online]Available:

[http://www.cvce.eu/obj/treaty\\_establishing\\_the\\_european\\_economic\\_community\\_rome\\_25\\_march\\_1957-en-cca6ba28-0bf3-4ce6-8a76-6b0b3252696e.html](http://www.cvce.eu/obj/treaty_establishing_the_european_economic_community_rome_25_march_1957-en-cca6ba28-0bf3-4ce6-8a76-6b0b3252696e.html)

Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts. 1997. OJEC C 340, 10.11.97

Consolidated versions of the treaty on European Union and the Treaty on the Functioning of the European Union. GUUE C 115, 9.5.2008

Zanini, P. (1997). *Significati del confine. I limiti naturali, storici, mentali*. Milano: Bruno Mondadori