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Sharing Sovereignty in the EU's Area of Freedom, Security and Justice
The Integration Trajectories of Judicial Cooperation and Migration
Policies in the European Union

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English Summary

European integration has turned the EU neither into a state, in which authority is fully centralized in Brussels, nor is the EU a classic international organization, in which member states remain fully sovereign. Instead, European integration is patchy. For some policies, decision-making authority still rests with the member states whereas, for others, policy-making authority was transferred to the EU. Once integrated in the EU, we nevertheless see that policies fall under different decision-making procedures involving supranational actors to different extents and hence leaving decision-making authority with the member states to different extents. Why does the EU's authority vary across policies?

An obvious answer to this question could be that policies are just different. Beyond the EU's daily business, some policies belong to the core powers of nation states, making it unlikely that governments will relinquish (too much) authority to the EU. Similarly, one could argue that some problems call for local or national policies or speedy decisions in the Council instead of the Commission's expertise, the European Parliament's consent or legal interpretation by the European Court of Justice. In a nutshell, policies are different by their very nature and this may explain the patchwork of different decision-making procedures in the EU and sovereignty-sharing arrangements between Brussels and the EU's member states.

Ultimately, we might agree with these idiosyncratic accounts to explain why the EU's authority varies across policies, so why we have different integration trajectories and hence vertical differentiation in the EU. And yet, the EU's Area of Freedom, Security and Justice (AFSJ) provides us with interesting variation nevertheless. Comprising migration, judicial cooperation and internal security policies, the AFSJ was integrated into the EU with the Treaty of Maastricht as a policy area in

its own right. All of the AFSJ policies are related to the core of national sovereignty and all these policies share functional traits or are even functionally interrelated. Nevertheless, integration trajectories of these policies vary, demanding an explanation beyond policy idiosyncrasies. Taking policies belonging to the EU's AFSJ as a sample, this dissertation controls for policy idiosyncrasies and focuses on a political explanation. It theorizes and empirically analyzes why integration proceeded and the EU's authority has become stronger on illegal immigration policy and judicial cooperation on civil law matters, whereas it lags behind for legal immigration policy and judicial cooperation on criminal law matters. Integration levels were uniform when this policy area ("Justice and Home Affairs") provided for intergovernmental decision-making with the Treaty of Maastricht. With further treaty reforms, however, integration trajectories diverged. Decision-making authority for EU institutions varies and vertical differentiation characterizes the EU's AFSJ to date.