

THE EXTERNAL DIMENSION OF THE EU'S AREA OF FREEDOM, SECURITY AND JUSTICE AFTER THE LISBON TREATY

Snezana Nikodinovska-Stefanovska

Faculty of Security-Skopje, Republic of Macedonia

snikodinovska@gmail.com

Abstract

The European Union's "area of freedom, security and justice" (AFSJ) has developed into a much more dynamic and substantial European policymaking domain than its modest origins might have suggested.

Cooperation in the field of Member States' justice and home affairs (JHA) originates in the 1970s when outside the EU framework a range of relatively informal and secretive working groups at ministerial level was set up, the most prominent being TREVI. This cooperation was brought within the EU constitutional structure by the inclusion of competences in JHA by the Maastricht Treaty. Since the Treaty of Amsterdam, the EU's objectives include not only the establishment of an internal market, but also of an AFSJ, covering competences in JHA.

What was still referred to as mere "cooperation" in the fields of JHA at the time of the Maastricht Treaty has turned into a major political project of the EU which the Lisbon Treaty has placed even before the Internal Market and Economic and Monetary Union in the list of fundamental treaty objectives.

The main rationale of the AFSJ as a political project is clearly an internal one. While the objective is to offer citizens the fundamental public goods of "freedom, security and justice" in an internal area, this objective can never be achieved by purely internal EU measures because of the essentially transnational nature of the primary challenges of asylum, migration and crime. These cross not only borders inside the EU but also the EU's external borders, so that external action in relations with third-countries is not an option but a necessity.

This paper will analyze and comment the development of the AFSJ external dimension in the light of the Treaty of Lisbon which introduces substantial institutional and procedural changes. Also the role of the EU institutions and of the special agencies in the post-Lisbon institutional framework of the external AFSJ dimension will be analyzed. The special agencies created in the context of the AFSJ – Europol, Eurojust, Frontex, the European Police College (CEPOL) and the European Asylum Support Office (EASO) – have an important potential in transforming law enforcement in the EU and the role of the EU in this regard.

Keywords: *JHA, AFSJ, Europol, Eurojust, Frontex.*