Foreword

My research has focused on EU Justice and Home Affairs (JHA) for almost twenty years. During the early years, just after 9/11, I focused significantly on the European response to the terrible terror attacks on the United States and Europe. While my early work had focused on the European Commission, and, perhaps, subsequently also on the Council Secretariat, I started to work more and more on the then “new” phenomenon of agencification in the Area of Freedom, Security and Justice (AFSJ) of the European Union (EU). I was very fortunate to hold a Marie Curie Senior Research Fellowship at the European University Institute in Florence (2010–2012), where I worked very significantly on the emerging agencies in the EU JHA. Over the years, I have worked with many agencies in the European internal security field, from Europol, to Eurojust, to Frontex. I have been an invited expert for the Counter-Terrorism Committee of the European Parliament and the EU Institute for Security Studies, and have devoted a lot of attention to the development of EU JHA agencies. Based in South Wales in the United Kingdom as Professor of Policing and Security, I have since established an international research center devoted to policing and security, dealing with internal security agencies at the European, national and regional level.

It is therefore a great honor and privilege to be asked to introduce this wonderful book by Dr David Fernández-Rojo. I had the fortune to get to know him several years ago, very friendly, very polite, and with a lot of legal competence and dynamism that had impressed me very much from the beginning. I am now extremely impressed with his book, covering a very interesting topic which was and continues to be both theoretically and policy relevant. It is very rare to find a young scholar with such a deep knowledge of EU JHA agencies. It is even rarer to find a young researcher to also have the required knowledge of the EU JHA more generally, which, by most academics’ accounts, is one of the most complicated of all EU policy fields.

In his book, David focuses on critically analyzing the evolution of the operational tasks granted to three European agencies, Frontex, EASO and Europol. In particular, he examines the expansion of their activities on the ground and contrasts them with the evolution of their legal mandate, in order to determine whether a gap existed between the legal and practical dimensions of the work of Frontex, EASO and Europol. Hence, David comparatively analyzed the
evolution of the operational tasks of the three most representative operational decentralized EU agencies. He focused primarily on the subject of migration, notably on the EU “refugee crisis”. While *agencification* of the AFSJ is still at an early stage, it may well be further expanded in the future. During the crisis, the hotspot approach became the central crisis management instrument for Member States. The book will provide us with good analytical tools to assess whether they will continue to become significant within the EU’s AFSJ. As a potential outlook, a parallel legal framework for the hotspots could be adopted, as examined in the book. The book further raises important questions in terms of the legitimacy and constitutionality of the aforementioned emerging trend, which have clear implications on fundamental rights in the EU. The book, thus, makes a strong case for further research as to how to enhance the effectiveness of the complaint mechanism against these agencies.

David’s book demonstrates an excellent grasp of the relevant scholarship and provides a very nuanced and sophisticated analysis of all the key issues pertaining to the research question – one that had been largely neglected in the relevant academic literature. He also provides an excellent framework for analysis, which is clearly articulated, explained and put in its context within the literature of the work. He had wonderful engagement with the main authors to the debate, their contributions and the insights taken from them. The selected methodologies are appropriate, and the book has generated genuinely new empirical knowledge.

In conclusion, the book is a very serious piece of legal scholarship on EU JHA agencies. It develops broader questions of significant interest to political science, European studies and international relations scholars. It raises elementary questions of sovereignty, legitimacy, and human rights alongside insights into transactional benefits of mutual cooperation amongst EU Member States. The “refugee crisis” in the EU in 2015 demonstrated the importance of European collaboration significantly in its absence. At the same time, subsequent events have further pressed the case for a cooperative Europe where Member States help one another in times of serious crisis. At no point in history could this be clearer than now – during the COVID-19 pandemic, which has provided the EU with the greatest public health crisis since the so-called Spanish flu at the beginning of the 20th century and the most serious economic crisis since the Great Depression. Now, more than ever, European cooperation is needed. Despite the questions that this book raises, it provides a strong case for a strong EU in the face of calamity.

Prof. Dr Christian Kaunert
Chair of Policing and Security
Jean Monnet Chair in EU Counter-Terrorism