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**PECSA International Conference**  
**“Connecting the European Union of Shared Aims, Freedoms,  
Values and Responsibilities”**

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# **EU Regulatory Competition in Asylum Law**

**Dr. Denard Veshi**

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# Overview

## ❖ EU Regulatory Competition in Asylum Law:

- The Tiebout theory
- Race to the top
- Reduction of transaction costs
- Protection of Human Rights



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# Tiebout theory

- ❖ ‘Allocative efficiency’
  - ❑ Heterogeneous voters’ preferences
  - ❑ Evolutionary efficiency
    - Darwinian evolution
    - Comparative law and economics scholars
  - ❑ Generation of a learning process
    - Disciplinary effect of agents



# Race to the top

- ❖ Magnitude of cross-border effects
- ❖ Restrictive asylum policies
  - (Eventual) Prisoner dilemma situation
- ❖ Increase of populism



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# Reduction of transaction costs

## ❖ Diversity of laws

- ❑ Different languages

- ❑ Absence of empirical evidence



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# Protection of Human Rights

- ❖ ‘Europe with a Human Face’
- ❖ Amsterdam Treaty of 1999
  - Article 73k
- ❖ Lisbon Treaty of 2009
  - Article 78



# Cooperation in Asylum Law

- ❖ Fixed-standard regime & Minimum standard regime
- ❖ Minimum standards (State Discretion)
  - ❑ Flexibility
  - ❑ Increasing total welfare



# Conclusions

- ❖ Tiebout argument (total decentralization)
  - ❑ Large number of suppliers of legal rules
  - ❑ No information deficiencies
  - ❑ No externalities
- ❖ EU's competence in refugee law (total centralization)
  - ❑ Reduction of transaction costs
  - ❑ Equalisation of protection of refugee rights
- ❖ EU minimum standard harmonisation
  - ❑ Principle of subsidiarity





*Dziękuję*

# Contact information

**Dr. Denard Veshi**

[denardveshi@unyt.edu.al](mailto:denardveshi@unyt.edu.al)

+355 67-5544335

Faculty of Law and Humanities

University of New York Tirana

Kodra e Diellit

Tirana, Albania



UNIVERSITY OF  
NEW YORK  
TIRANA