

**COMMON FOREIGN AND SECURITY POLICY OF THE EUROPEAN UNION  
AND THE ROLE OF THE EUROPEAN PARLIAMENT IN CFSP FROM A  
SUPRANATIONALIST OUTLOOK**

**By**

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## ABSTRACT

# THE COMMON FOREIGN AND SECURITY POLICY OF THE EUROPEAN UNION AND THE ROLE OF THE EUROPEAN PARLIAMENT IN CFSP FROM A SUPRANATIONALIST OUTLOOK

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**Keywords:** Common Foreign and Security Policy, Neofunctionalism, The European  
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European Union's Common Foreign and Security Policy (CFSP) was initiated formally with the Maastricht Treaty which came into force on 1 November 1993. Indeed, Member States' endeavors to adopt a common foreign policy date back to the establishment years of the European Union. This thesis observes the common foreign and security policy which is an integral part of the European Union's integration beginning from the establishment years of the Union from a neofunctionalist perspective pertaining to supranational paradigm. In this context, although the Member States desired the CFSP to remain as an intergovernmental policy area, it has acquired supranational elements as a result of changes in international system and spillover of the integration to the political sphere. Gradual increase in the power of the European Parliament in the CFSP over time is evidence to this. Especially, after the Lisbon Treaty was signed, parliamentary activity of the European Parliament increased in this field visibly.

## ÖZET

# ULUSLARÜSTÜ BİR BAKIŞ AÇISI İLE AVRUPA BİRLİĞİ ORTAK DIŞ VE GÜVENLİK POLİTİKASI VE AVRUPA PARLAMENTOSU'NUN ODGP'DAKİ ROLÜ

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Parlamentosu

Avrupa Birliği Ortak Dış ve Güvenlik Politikası (ODGP), 1 Kasım 1993'te yürürlüğe giren Maastricht Anlaşması ile resmi olarak başlatılmıştır. Esasında, Avrupa Birliği üye devletlerinin ortak bir dış politika oluşturma çabaları Avrupa Birliği'nin kuruluş yıllarına kadar uzanmaktadır. Bu tez, Avrupa Birliği entegrasyonun çok önemli bir parçası olan Ortak Dış ve Güvenlik Politikasını Birliğin kuruluş yıllarından itibaren uluslararası paradigmaya ait yeni işlevselci bir bakış açısı ile incelemektedir. Bu bağlamda, üye devletler Ortak Dış ve Güvenlik Politikasının hükümetlerarası bir politika alanı olarak kalmasını istenmesine rağmen, uluslararası sistemdeki değişimler ve entegrasyonunun siyasi alana taşması (spill over) sonucu uluslararası unsurlar kazanmıştır. Avrupa Birliği'nin uluslararası kurumlarından biri olan Avrupa Parlamentosu'nun gücünün Ortak Dış ve Güvenlik Politikası alanında zaman içinde artması bunun bir kanıtıdır. Özellikle Lizbon Antlaşması imzalandıktan sonra Avrupa Parlamentosu'nun bu alandaki parlamenter etkinliği görülür bir biçimde artmıştır.

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## INTRODUCTION

*"Europe is an economic giant, a political dwarf, and a military worm."*

The Belgian Foreign Minister, Mark Eyskens

The Belgian Foreign Minister pronounced this quotation just a few days before the Operation Desert Storm in Gulf War in January 1991. When Saddam Hussein did not pull his troops out of Kuwait until January 15 United Nations deadline, the European countries were in capable of responding to Iraq in a coherent manner.<sup>1</sup>

Security and defence matters have always been significant elements of both internal and external politics of the states. On that account, states have established different forms of alliances against threats to their security. In this regard, adopting a common foreign and security policy for the European Union constitutes a vital part of the European integration. However, due to confidential nature of foreign policy matters, building a common foreign and security policy has always been one of the most troubled policy topics in European Union.<sup>2</sup>

From a neo-functionalist point of view, European integration began at technical level which refers to pooling coal and steel production of France and Germany, and then integration spilled over whole economic sector of the European continent. As the European Union ensured its position on world stage as an economic power, it also required EU to be involved in different parts of the world mostly by exporting its political norms and values. Hence, in due course, the EU's endeavors to build its CFSP mounted up gradually. Unfortunately, it took place in a non-democratic fashion since any supranational step in foreign policy making was echoed as loss of sovereignty by Member states. However, the Lisbon Treaty introduced new supranational actors and instruments to CFSP, opening a new window to establish foreign relations of the EU. Besides these novelties, Lisbon Treaty also strengthened the European Parliament's position in conducting CFSP by introducing several mechanisms vis-à-vis other institutions of the Union.

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<sup>1</sup><http://www.nytimes.com/1991/01/25/world/war-in-the-gulf-europe-gulf-fighting-shatters-europeans-fragile-unity.html>

<sup>2</sup>Meltem Müftüleri-Baç (2007). "The European Union and 2<sup>nd</sup> Pillar Integration: The Common Foreign and Security Policy", In *The State of the European Integration*, Yannis A. Stivachtis, (ed.), London: Ashgate Press. p.3

In this context, it is crucial to understand the development of the common foreign and security policy of the EU in order to analyze the challenges to its evolution for becoming supranational machinery within the EU polity. In following section, a theoretical framework will be presented for the thesis.

## Chapter 1. Theoretical Framework of the Thesis

### Introduction

Efforts to theorize European integration has begun as a sub-field under the theories of international relations.<sup>3</sup> Especially, the debates on European integration have been carried out within a framework of supranationalist vs. intergovernmentalist logic. Until 1980s onwards, intellectuals had endeavored to explain how and why the European integration takes place.<sup>4</sup> Early years of the integration process was dominated by neo-functionalism explanations till the end of the 1960s. Later on, intergovernmentalism prevailed over the neo-functionalism, offering a new point of view in approaching to the changing set of relations both within the European Community and in international circles.

Neo-functionalism assumes the European integration as a gradual process transmitting the competencies from national states to institutions above them. In this context, they expect cooperation to start at a lower level and to continue increasingly until reaching the highest level. In respect to this, concept of ‘spill over’ is introduced to literature of European integration as a neo-functionalism premise which will be dealt in detail in following part.

On the other hand, intergovernmentalism focused on the primacy of the nation states and their role in shaping the integration process of the European Community. According to this logic, Intergovernmental bargaining and international treaties are the major instruments in exerting the powers of the states. Among the Community institutions, they value the supremacy of the European Council and the Council of the European Union which are based on rule of national representation.

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<sup>3</sup>Thomas Diez & Richard Whitman (2001). “Analysing European Integration, Reflecting on the English School: *Scenarios for an Encounter*”. ECSA Seventh Biennial International Conference, Wisconsin, Panel: The European Union between International and World Society, p.1

Mark A. Pollack (2000). “ International Relations Theory and European Integration”. *Robert Schuman Centre for Advance Studies*, EUI Working Papers, European University Institute, p.1

Dimitris N. Chrysochoou (2001). *Theorizing European Integration*, SAGE Publications, p.51

<sup>4</sup>Thomas Diez & Antje Wiener (2004). *European Integration Theory*. Oxford University Press, p. 7.

In this chapter, neo-functionalism will be elaborated to draw a theoretical framework for the thesis. Initially, ‘intellectual background’<sup>5</sup> of neo-functionalism will be introduced including the idea of ‘functionalism’ by Mitrany and ‘federalism’ by Spinelli. Then, the concept of spill over by Ernst Haas will be examined with two distinct types of it evolving from ‘functional spill over’ to ‘political spill over’. In the last part of the chapter, it will be looked into how neo-functionalism can also be used in theorizing the common foreign and security policy of the European Union. It also becomes an evident of Haas thesis offering that cooperation at sectorial level will evolve into a political domain in time. Before dealing with neo-functionalism, it is helpful to purport main points of the intergovernmentalism shortly in order to comprehend the key differences between two.

### **1.1. Intergovernmentalism**

In 1965, when France under the rule of Charles De Gaulle rejected to changes to the Common Agricultural Policy<sup>6</sup> by opposing to increasing competencies of the European Commission and use of majority voting<sup>7</sup>, French Ministers boycotted the Council meetings for five months. This paralysis of community relations later is called as ‘empty chair crisis’ and could be solved by ‘Luxembourg Compromise’ which constituted a starting point for the proponents of intergovernmentalism in representing the limitations of supranationalism (or neo-functionalism).

Contrary to neo-functionalism, intergovernmentalism highlights the key role of the nation states in European integration process. One of the intergovernmentalist scholars, Alan Milward states that in the process of European integration, national governments remained as the primary actors even increased their power in the process of European integration because delegation of their sovereignty in some policy areas was in member states’ interest.<sup>8</sup>

Stanley Hoffman was the initiator of the intergovernmentalist theory as a counter argument to neo-functionalism and constructed it mostly on realist premises. Hoffman also places the nation states in the center of his argument and looks integration possible where the nation

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<sup>5</sup> Ian Bache, Stephen George, and Simon Bulmer (2011). *Politics in the European Union*. Third edition, New York: Oxford, p.4

<sup>6</sup> Meltem Müftüleri Baç-Damla Cihangir (2012). “European Integration and Transatlantic Relations” *Transworld*, Working Paper 05

<sup>7</sup> Anthony L. Teasdale (1993). “The Life and Death of the Luxembourg Compromise”. *Journal of Common Market Studies*, Vol. 31, no. 4, pp.567-579

<sup>8</sup> Alan S. Milward (2000). *The European rescue of the nation-state*, 2<sup>nd</sup> Edition, London and New York: Routledge. pp.2-3

states may pursue their national interests. Furthermore, even if the integration takes place, it is highly fragile in such an anarchical international order: “For it shows that the movement can fail not only when there is a surge of nationalism in one important part, but also when there are differences in assessments of the national interest that rule out agreement on the shape and on the world role of the new, supranational whole.”<sup>9</sup>

According to Hoffman, if the integration achieved among the national states at low politics, it is unlikely to continue on high politics since the integration takes place for the sake of domestic forces such as better national economy or issue of accountability to its constituents.<sup>10</sup>

In 1990s, based on the Hoffman’s study, Andrew Moravcsik introduced liberal intergovernmentalism to the literature. He explains the main premises of liberal intergovernmentalism as three essential elements: “the assumption of rational state behavior, a liberal theory of national preference formation, and an intergovernmentalist analysis of interstate negotiation.”<sup>11</sup> He bases his argument on the assumption of state rationality proposing that the states formulate their national preference in accordance with the ‘costs and benefits of economic interdependence’ and act accordingly.

Contrary to Hoffman, Moravcsik acknowledges the role of interest groups in the process of integration through a bargaining between the pressure groups and the national government on the formation of national preferences. He employs two level game of Robert Putnam, constituting an analogy for the relationship between the domestic politics and international affairs of a national state.<sup>12</sup> Starting from this point of view, Moravcsik explains that the European integration is likely to happen when the intergovernmental bargaining resulted in successful mediation of national preferences of member states which are determined in advance in accordance with the domestic pressures. Hence, he casts a very limited role for supranational actors in integration process. For him, supranational actors can only come to question when the member states are “likely to accept pooling and delegation as a means to

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<sup>9</sup> Stanley Hoffman (1966). “Obstinate or Obsolete? The Fate of the Nation-State and the Case of Western Europe”. *Daedalus*, Vol. 95, No. 3, Tradition and Change, p.867

<sup>10</sup> Ibid. pp. 909-910

<sup>11</sup> Andrew Moravcsik (1993). “Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach”. *Journal of Common Market Studies*, Volume 31, No:4, p.480.

<sup>12</sup> Ben Rosamond (2000). *Theories of European Integration*, New York: St. Martin’s Press, p.136

assure that other governments will accept agreed legislation and enforcement to signal their own credibility, or to look in future decisions against domestic opposition.”<sup>13</sup>

## 1.2. Functionalism

David Mitrany was a scholar who witnessed the Second World War and the failure of the League of Nations. That has a strong impact upon his system of ideas making them strongly opposed to nationalism. Although he was not a European integration theorist, his concept of functionalism had become pioneer of the integration theories.

Mitrany argues the necessity of creating ‘a working peace system’ to prevent wars.<sup>14</sup> He further suggests that neither broad international organizations (such United Nations) nor federalist projects brings the ‘working peace system’ since such formations still exist with their ‘national’ constraints hampering them to act together.<sup>15</sup> However, ‘human needs’ transcend the national boundaries and reach individuals, and connect them under a common, natural governor.<sup>16</sup> Relevant to this issue, he states that “The truth is that by its very nature the constitutional approach emphasizes the individual index of power; the functional approach emphasizes the common index of need. There are many such needs which cut across national boundaries, and an effective beginning could be made by providing joint government for them.”<sup>17</sup>

Mitrany proposed the establishment of separate international agencies functioning in order to serve for and have authority over specific needs of human. For this purpose, governments have to leave their authorities regarding these technical areas to the new functional agency. He suggests that such functional agencies may be established first at regional level than it will extend to wider areas of which people are also in need of, eventually leading to creation of a functional worldwide system.

Mitrany exemplifies such systems as railways organized on a continental basis; shipping organized on an intercontinental basis; aviation organized on a universal basis.<sup>18</sup> It is clear

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<sup>13</sup> Andrew Moravcsik (1998). *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*. UCL Press: UK, pp.8-9

<sup>14</sup> David Mitrany (1966). *A working peace system*, Quadrangle Books, p.93

<sup>15</sup> David Mitrany (1948). “The Functional Approach to World Organization, International Affairs”. *Royal Institute of International Affairs 1944*. Vol. 24, No. 3, p.351.

<sup>16</sup> Ibid. p.356

<sup>17</sup> Ibid.

<sup>18</sup> David Mitrany (1966). *A working peace system*. pp.106-107



that Mitrany's proposal to establish functional agencies would also make states further dependent to each other for their day-to-day works and make difficult to break the cooperation ensured among them.

### 1.3. Federalism

Altiero Spinelli was a theorist and politician who fought against fascist Italian nationalism since his early ages. He was the leading figure of 'The European Union of Federalist' group which derived from war-time resistance groups.<sup>19</sup> His ideas evolved from communism to federalism over the sixteen years he spent in jail and confinement.

In 1941, while Spinelli was a still political prisoner on the island Ventotene, he and his colleague Ernesto Rossi drew up Ventotene Manifesto requiring a new kind of polity for the European continent, excluding any kind privileges among the European citizens.<sup>20</sup> In the Manifestation, ensuring the European Unity and reform of society are emphasized as the post-war duties required for a Federal Europe.

In ALDE (Alliance of Liberals and Democrats for Europe) background notes, European Federalism is defined as "a political movement which seeks to pool the exercise of Member States' sovereignty as a basis for the foundation of supranational authorities. Specifically, it is concerned with implementing projects or resolving supranational issues by means of transnational policies."<sup>21</sup> Starting from this point of view, it must be certainly remarked that federalism by Spinelli is designed utterly in a political framework contrary to Mitrany's technocratic functionalism.

"Whereas Mitrany aimed explicitly to depoliticize the process of the transfer of power away from national governments, federalists sought a clear transfer of political authority."<sup>22</sup> As he stated thoroughly the Ventotene Manifestation, "rational organization of the United States of Europe, which can only be based on republican constitution of the federate[s] countries" can only be achieved by leaving old system constituted on the nation states. Furthermore, Spinelli points out the creation of a European armed service replacing national armies of the European

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<sup>19</sup> Retrieved from <http://www.spinelligroup.eu/altiero-spinelli/>

<sup>20</sup> Retrieved from [http://www.altierospinelli.org/manifesto/en/manifesto1944en\\_en.html](http://www.altierospinelli.org/manifesto/en/manifesto1944en_en.html)

<sup>21</sup> Retrieved from [http://www.alde.eu/fileadmin/2010\\_site-docs/documents/background\\_notes/EN/FT\\_ALDE\\_Federalism.pdf](http://www.alde.eu/fileadmin/2010_site-docs/documents/background_notes/EN/FT_ALDE_Federalism.pdf)

<sup>22</sup> Ian Bache, Stephen George, and Simon Bulmer (2011). *Politics in the European Union*. Third edition, New York: Oxford, p.6

countries and the administration of this army will be laid down in the hands of the Federal European state.

The fact that he focused on ‘citizens of Europe’ and ‘democracy’ as the starting points of the reconstruction of Europe after the Second World War shows that ‘federalism’ which Spinelli envisaged offers a top to down integration in Europe beginning from political sphere extending to other fields of life. That is reason why he calls the men and women of Europe to take action and propagandize “a moment for a free and united Europe”.<sup>23</sup>

#### **1.4. Neofunctionalism**

In 1960s, Ernst Haas pioneered the neo-functionalist theory with a soft critique of Mitrany’s functionalism as remaining highly technocratic. He basically tries to find an answer to:

“[...] how and why states cease to be wholly sovereign, how and why they voluntarily mingle, merge and mix with their neighbors so as to lose the factual attributes of sovereignty while acquiring new techniques for resolving conflict between themselves.”<sup>24</sup>

He, along with his followers, Philippe Schmitter and Leon Lindberg, developed the concept of ‘spill over’ based on a differentiation between ‘low politics’ and ‘high politics’. They suggest that the integration of common interests in low politics is much more likely to happen than in high politics and once the integration is succeeded at low politics, it will ‘spill over’ to high political sphere through time. Lindberg defines ‘spill over’ as “In its most general formulation, ‘spillover’ refers to a situation in which a given action, related to a specific goal, creates a situation in which the original goal can be assured only by taking further actions, which in turn create a further condition and a need for more action, and so forth.”<sup>25</sup>

According to Schmitter, some conditions are required to realize spill over: “(1) increased interdependence between member states, (2) a crisis of a certain size, (3) development of a

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<sup>23</sup> Ventotene Manifestation, 1941 Retrieved from

[http://www.altierospinelli.org/manifesto/en/manifesto1944en\\_en.html](http://www.altierospinelli.org/manifesto/en/manifesto1944en_en.html),

<sup>24</sup> E. B. Haas (1970). “The Study of Regional Integration: reflections on the joy and anguish of pre-theorizing”. *International Organization*. 24(4). p.610

<sup>25</sup> L. Lindberg (1963). *The Political Dynamics of European Economic Integration* (Stanford, CA: Stanford University Press; London: Oxford University Press.

powerful regional bureaucracy, (4) development of independent, regional interest organizations capable of acting in the region.”<sup>26</sup>

Scholars advocating the neo-functional theory discussed two kinds of spill over: ‘functional spill over’ and ‘political spill over’.<sup>27</sup> ‘Functional spill over’ refers to a process of sector integration starting with low profile economic and technical sectors and gradually expanding to all sectors of the economy.<sup>28</sup> On the other hand, ‘Political spill over’ refers “the incremental shifting of expectations, the changing of values and the coalescing at the supranational level of national interest groups and political parties in response to sectoral integration.”<sup>29</sup> According to this logic, once one of the sectors in economy is integrated, ‘interest groups’ in this sector and the related sectors will push for further integration in other sectors. Such continuum in incremental integrative relations in economy reaches also political sphere demanding parties (integrating member states) to leave their sovereign rights (at least a part of it) to the supranational authority which would be established to govern the new integrated sector. This new supranational authority is the output of the political spill over which is subsequent to the functional spill over.

Therefore, this new type of ‘functionalism’ proposed by Ernst Haas was not a depoliticized one as Mitrany suggests; on the contrary it aims at the end of the process to establish a supranational political structure above the national governments. In this regard, following quotation shows both Haas’ definition of political integration and his approach how it should be ensured:

“Political integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities to a new centre, whose institutions possess or demand jurisdiction over pre-existing national states. The result is a new political community, superimposed over the pre-existing ones.”<sup>30</sup>

Haas expects the political integration would take place upon the demand of the various interest groups within the society who are motivated by some sort of economic determinism.

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<sup>26</sup>Philippe Schmitter (2005). “Ernst B. Haas and the legacy of neofunctionalism”. *Journal of European Public Policy*. p.258

<sup>27</sup> A.-M. Burley & W. Mattli (1993). “Europe before the Court: A Political Theory of Legal Integration”. *International Organization*, 47 (1). 41-76, p. 55.

<sup>28</sup> E. B. Haas (1958). *The Uniting of Europe*. Stanford University Press. p. 297.

<sup>29</sup> A.-M. Burley & W. Mattli (1993). p. 55.

<sup>30</sup> Ernst B. Haas (1958). *The Uniting for Europe, Social and Economic Forces, 1950-1957*. Stanford University Press.

In this context, he states that “The ‘good Europeans’ are not the main creators of the regional community that is growing up; the process of community formation is dominated by nationally constituted groups with specific interests and aims, willing and able to adjust their aspirations by turning to supranational means when this course appears profitable.”<sup>31</sup> Contrary to the federalists, Haas does not envisage a process of political integration intentionally initiated by the people who already purposed to create a federal system. On the contrary, he recognizes the distinct characteristics of individuals and groups such as their nationalities. However, he prioritized the needs of the individuals as their common interests making them connected on a common ground. Therefore, he introduces a rational point of view for the creation of the supranational authority.

Taking into consideration of the inception of the European Union, it is seen that Robert Schuman and Jean Monnet worked within a neo-functionalist framework to unite Europe. Jean Monnet, the head of the General Planning Commission of France, was the original author of what has become known as Schuman Plan establishing the European Coal and Steel Community (ECSC) which would later on start the Common Market. German supply of coal and French supply of steel were pooled under a single umbrella enabling two countries to control each other’s production. In this way, France and Germany became economically more interdependent to each other in terms of using two strategically important raw materials. This solution also regulated the Franco-German relations in a positive direction by hampering another war in Europe. In 1951, the High Authority of the ECSC was established under the presidency of Jean Monnet as the executive body of the Community. It was a supranational institution which was subjected to the jurisdiction of the European Court of Justice. In 1967, the High Authority was merged into the European Commission.

As Haas theorized, the High Authority of the ECSC emerged as a supranational institution as a product of integration on an economic ground. First the integration started in a single sector, namely coal and steel, and then it extended to whole European economy in the form of European Economic Community. In due course, integration in economic sphere spilled over the political level further transforming itself to the European Union in a geographically enlarged form.

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<sup>31</sup>Ernst B. Haas (1966). *The Uniting for Europe, Social and Economic Forces, 1950-1957*. Stanford University Press, second edition, 1966, xxxiii quoted in Moravcsik (2005). “The European Constitutional Compromise and the neofunctionalist legacy”. *Journal of European Public Policy*. 12:2. p.352

## 1.5. Why Neofunctionalism Fits into Thesis?

Neo-functionalism is the theoretical framework of this thesis because, the neo-functionalist explanation of ‘actor’ and ‘spill over’ properly manifests how the integration and the parliamentary participation have progressed in common foreign and security policy of the European Union, which was initiated as an intergovernmental project at first, and then evolved into a quasi-supranational policy domain.

Neo-functionalism recognizes the role of the whole sub- and supranational actors in the system, where as the intergovernmentalism disregards the ones other than the national states. Smith emphasizes the limitation of looking into only actions of the member states by stating that: “[...] major events such as Intergovernmental Conferences usually only codify existing arrangements; they rarely lead to major innovations.”<sup>32</sup> However, neo-functionalism enables to observe other bodies included in the process such as the European Commission, parliamentary committees of the European Parliament and other interparliamentary groups within the European Parliament and the international organizations, interest groups acting both at European level and at national level and even the public opinion among the European citizens. In other words, it provides a broader perspective to look into the trends of the participation of the European Parliament in common foreign and security policy of the European Union not only from the ‘major events’ led by the member states but also from the ‘socialization processes’ of the officials and the states through the new institutions of the Union. When the Lisbon Treaty introduced the European External Action Service as the leading body of the common foreign and security policy of the Union, it was a historic moment in terms of bringing the CFSP on supranational level. Because EEAS, with its vast staff 60 per cent of which are permanent and all of them are appointed on merit rather than national origin, constituted ‘the Brussels-based machinery’ which controls the role of the EU in the world.<sup>33</sup> Furthermore, EEAS together with the High representative is accountable to the European Parliament since the Parliament approves their budget and appoints the High Representative. Therefore, intergovernmentalist theories fail to recognize the role of EEAS and High representative in external relations of the Union, whereas the neo-functionalism locates them as the credible actors of the European integration process.

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<sup>32</sup> Micheal E. Smith (2004). “Institutions and Foreign Policy Cooperation: the theoretical and empirical terrain”. In *Europe’s Foreign Policy, The Institutionalization of Cooperation*. Cambridge University Press: UK, p.34.

<sup>33</sup> Helene Sjusren (2011). “Not so intergovernmental after all? On democracy and integration in European Foreign and Security Policy”. *Journal of European Public Policy*. 18:8. p.1084.

Neo-functional concept of spillover also explains how the ‘functional and political spill over’ has been taking place in common foreign and security policy by pulling it supranational ground gradually. In terms of economic sector, member states had already integrated their external trade mechanisms with third countries within the framework of the single market. Regarding the security and defence policy, it can be argued that when Cold War ended and crisis arose in Yugoslavia, the need to take a joint action against the uncertainties emerged in international sphere and the threat coming from Eastern Europe pushed member states to integrate their national foreign and defence policies under a common roof. Firstly, member states initiated the integration on military sector. Initially, they used existing defence structures such as Western European Union, later it was incorporated into the European Union structure when the Member States decided to pool their troops and military ammunitions to use effectively in the case of a necessity. What is important in here is that the changes in the international system gave birth of the need to pool the Member States’ military resources. What was missing when Pleven suggested creating a European Army in 1950 was this need because the NATO was enough to meet the European defence requirements. Once such a need emerged after the end of Cold War, Member States took action to cooperate in military sector initiating the functional spill over. In due course, as the European Union emerged as a global player on international scene, particularly as a civilian power, political spill over arose at European institutional level by the virtue of the need to take joint actions and positions in the case of international crisis in different parts of the world. Therefore, the Member States delegated some of their competences to the Council to establish ‘common strategies’, develop ‘common positions’ and ‘joint actions’ on behalf of them. Later on, they allowed supranational institutions of the Union such as the Commission and the Parliament to participate in common foreign and security policy of the Union through several institutional mechanisms which will be dealt in following chapters.

Founded on these factors, throughout the thesis, the role of the European Parliament in common foreign and security policy of the European Union will be observed from a supranationalist outlook, particularly in accordance with the premises of the neo-functionalist theory explained above. Additionally, it is expected to be seen that empirical findings prove that the degree of the involvement of the European Parliament as a supranational actor in common foreign and security policy would increase after the Lisbon Treaty drafted in 2007.

## **Chapter 2. Evolution of the Common Foreign and Security Policy**

In this chapter, evolution of the common foreign and security policy (CFSP) from 1950 to 2007 will be observed. For this purpose, Treaties establishing and functioning the EU; intergovernmental conferences, meetings and their documents; plans, perspectives, reports of the eminent figures of the Europe are the major sources setting light to the stages of this gradual evolution.

Foreign policy has been the hardest area where the Member States harmonize their policies and actions because it is assumed as *domaine réservé* of the nation states. Therefore, CFSP was tried to be kept at intergovernmental level under the control of the Member States. However, growing number of integrated policy areas pushed Member States for adopting a common European foreign policy. In addition, systemic changes such as the end of the Cold War and the 9/11 terrorist attacks on USA brought about the need to pool Member States' resources in order to encounter the new challenges and uncertainties of the international system. From a neo-functionalist perspective, intergovernmental mechanisms leading the EU's CFSP will eventually transform their functions to the supranational bodies in time. In this chapter, it will be examined how the CFSP attained a place for itself in the institutional set-up of the EU in a historical sequence. In the following chapter, how the European Parliament as a supranational actor gained ground on the CFSP will be dealt.

### **2.1. From European Defense Community to European Political Cooperation**

In 1950, René Pleven, who was the Prime Minister of France, proposed the establishment of a unified European army as an integral part of the European Defense Community. In his famous Pleven Plan, he stated that "The associated nations have recognized the need to defend the Atlantic community against any possible aggression, on a line situated as far to the East as possible. They have agreed that all those forces, irrespective of their nationality, should be placed under the command of a single Commander-in-Chief." Proposed European army would not be a mere grouping of national military units, but would be commanded by supranational institutions settled in Strasbourg. Also the European army would be financed from a common budget established jointly by Member states. In that way such a defense formation would not only be a joint project of national governments, it would also be 'the common' defense instrument of the western European.

Whereas some scholars claim that the EDC was only a tool of the US Foreign policy which would be resorted when it is needed,<sup>34</sup> idea of EDC and a unified European army emerged and evolved as an alternative to Atlanticist defense system, namely NATO. During the Cold War years Western Europe took its position on the side of the US, therefore security of Western Europe was already been protected under the umbrella of NATO. However, when Western Germany was also invited to join to NATO, France concerns over domination of USA on the European continent increased so, France declared that a European common defense mechanism should be set up in order for protecting themselves from Soviet threat. Therefore as an alternative to Atlanticist defense system, Plevin suggested creating a Europe-centered security and defense policy which includes France, West Germany, Italy, and Benelux. For that aim, a draft treaty was signed in 1952 for the establishment of the EDC but ironically the draft treaty was rejected by the French parliament in 1954.

Similarly, in 1952 the European Political Community, which aimed to combine the ECSC and the EDC under a common roof, was proposed to set up and a draft treaty was prepared by the ECSC assembly. Nevertheless the idea of the EPC was also slumped with the rejection of the ratification of the EDC treaty by the French Parliament in 1954. There were several reasons behind this rejection. The most apparent two were the Gaullist concerns that the EDC caused loss of France's national sovereignty and possibility of a German re-militarization. Also, absence of the Great Britain and the questions on how to manage the relations between the EDC and NATO prevented most of the French parliamentarians to vote in favor of the EDC Treaty. Consequently, rejection of EDC Treaty by French Parliament geared down the integration of the European Community on foreign policy and retarded the initiation of a common European foreign and security policy decades later.

Subsequent to these two failures, to revitalize the European integration, six European countries came together in Messina conference. Though the Messina conference did not aim at establishing a common European foreign policy, it is important in the sense that paving the way to the establishment of the common market which makes the European countries more and more interdependent to each other.

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<sup>34</sup>M.Türker Ari. "European Defense Community in the US Foreign Policy Context". p.84, retrieved from <http://sam.gov.tr/wp-content/uploads/2012/02/6.-TurkerAri.pdf>



Unfortunately, ideas concerning the creation of a common European defense policy were postponed because of the six governments' wary approaches towards a common foreign policy until the Fouchet Plans come to the scene.

In 1961, Charles de Gaulle proposed the first Fouchet plans drafted by his Foreign Minister Christian Fouchet. Initially, the plan proposed arrangements on formulation of a common foreign and defense policy; in 1962 it was revised in accordance with the French national interests.<sup>35</sup> Since de Gaulle was bothered with increasingly supranational course of affairs of the European Economic Community and the American influence on the security of the European continent, he intended to call the Six to establish closer political cooperation for the foreign relations on an intergovernmental basis. He clearly expresses that Europe needs to be integrated in itself and France would be leading power of it:

“France can survive only in the first rank of nations . . . and nothing in life was more important than working toward this goal. This is what we were aiming for in the vast arena of Europe. . . . My policy aimed at the setting up of a concert of European States, which in developing all sorts of ties between them would increase their independence and solidarity. . . . There was every reason to believe that the process of evolution might lead to their confederation. . . . In practice this led us to put the European Economic Community into effect; to encourage the Six to concert together regularly in political matters; to prevent certain others, in particular Great Britain, from dragging the West into an Atlantic system . . . totally incompatible with a European Europe. . . . [Germany] would have an essential role to play within the Economic Community and, should it ever materialize, in the political concert of the Six. . . . I intended that France should weave a network of preferential ties with Germany.”<sup>36</sup>

The six were incapable of reaching a consensus on the Fouchet Plan due to the concerns on that the plan would prejudice the independent and supranational nature of the Community bodies and the proposed common defense provisions of the Fouchet plan were in conflict with the ones of the NATO.<sup>37</sup> Therefore, the Fouchet Plan failed because of the national aspirations of France aiming to ensure its position in communitarian affairs of Europe.

Member States reiterated their will to cooperate on a common European foreign policy in Hague Summit in December 1969 so in 1970, the “Davignon Report” was drafted at the

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<sup>35</sup> Andrew Moravcsik (2000). “De Gaulle Between Grain and Grandeur: The Political Economy of French EC Policy: 1958-1970.” *Journal of Cold War Studies*. 2.2. p.34

<sup>36</sup> Charles de Gaulle, *Memoires d'espoir*, Vol. 1, pp. 181–182. quoted in Ibid. P.26

<sup>37</sup> CVCE, 11.09.2012, Fouchet Plans, retrieved from [http://www.cvce.eu/content/publication/1997/10/13/c7c2b3f9-cf51-4a8e-874a-d6c3eda5125a/publishable\\_en.pdf](http://www.cvce.eu/content/publication/1997/10/13/c7c2b3f9-cf51-4a8e-874a-d6c3eda5125a/publishable_en.pdf)

Luxembourg Summit. This report offers the alternative mechanism for regular exchange of information and seeks progress in coordination and unification of policies on foreign affairs. In this context, Davignon report, which was a loose version of the Fouchet plan, prepared the ground for the establishment of the “European Political Cooperation”.

Nevertheless, the documents produced at the end of all these efforts to adopt a common European foreign and defense policy were legally non-binding on the Member States until the Single European Act was concluded in 1987 when the EPC was mentioned in a legal document.<sup>38</sup>

EPC was a solely intergovernmental design which envisaged the meeting of the foreign ministers of the member states at least two times a year in order for discussing the major international issues. Bodies of the European Community such as the Commission and the European Parliament were excluded from this context and Security and defense issues were omitted.<sup>39</sup> Establishment of a common foreign security and defense policy were voiced in a series of reports and summits were take place until the conclusion of the SEA. First of them was the first “Foreign Ministers Conference on Political Union” which was held in Munich in 1970. Mr. Walter Scheel, German Foreign Minister, chaired the meeting. In a press release, he said that “a new process has begun (...) for an effective ‘system of cooperation’ to come about a real ‘political will’ on the part of the Governments to align their points of view on concrete problems would be required (...).”<sup>40</sup> In Munich Conference of Foreign Ministers, major international crisis such as the situation in the Middle East were dealt along with the issues concerning cooperation in Europe on security matters i.e. plans for the Conference on Security and Cooperation in Europe (CSCE).<sup>41</sup>

In November 1973, a report which aims at changing the functioning of the EPC was concluded in Copenhagen Summit. Copenhagen Report concluded that a body of “European correspondents” would establish on the purpose of improving the consultation between the

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<sup>38</sup>Elfriede Regelsberger (1997). “Institutional Set up and Functioning of EPC/CFSP”. In *Foreignpolicy of the European Union: from EPC to CFSP and beyond*. Elfriede Regelsberger/Philippe de Schoutheete de Tervarent/Wolfgang Wessels (eds.). London pp. 67-84.

<sup>39</sup>Wolfgang Wessels & Jürgen Mittag (2002). “The Parliamentary Dimension of CFSP/ESDP Options for the European Convention”. *Study submitted for the European Parliament, Final Report*. p.61

<sup>40</sup> Bulletin of European Communities, No. 1-1971, retrieved from <http://aei.pitt.edu/4548/1/4548.pdf>

<sup>41</sup> Ibid.

Member States. As another positive development, the number of the Foreign Ministers' meetings and the sessions of the Political Committee were decided to be increased.

Despite the further efforts to adopt a common foreign policy in Paris Summit of 1974 such as the report published by Leo Tindemans stating that a single European attitude towards the international matters is significant for the good of the Union, the Ten were failed to take a visible position concerning Islamic revolution in Iran and the occupation of Afghanistan by the Soviet Union.<sup>42</sup>

In 1981, London report calls for a more coherent and politically strong EPC on the international and security matters. For that aim, some procedural arrangements were applied such as the creation of the troika system, enhancement of the coordination between the presidencies and the inclusion of the commission to the foreign affairs of the community. Moreover the London report also introduced the "crisis mechanism" which offers a conference of the political committee or of the Council could be gathered within 48 hours upon the request of at least three member states.<sup>43</sup>

In 1983, Solemn Declaration on European Union aimed at more coordination between EPC and EC through using several instruments such as sanctions, trade and development aid.<sup>44</sup> This declaration granted a power to the European parliament via the presentation of a report to the EP of each European Council presidency.

All of these above mentioned developments, meetings, reports, declarations from 1950 to 1987 contributed to the European integration at different levels. However the idea of foreign policy coordination apparently has always been among the consideration but it proceeded very slowly with serious obstacles on the way. Because the Member states were driven mostly by nationalist concerns, they reckoned that once they cooperate on external relations, they will lose an integral part of their sovereign rights.

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<sup>42</sup> Bulletin of the European Communities. Supplement 1/76. Text of Mr. Leo Tindemans' letter to his European Council colleagues sent on 29 December 1975, retrieved from [http://aei.pitt.edu/942/1/political\\_tindemans\\_report.pdf](http://aei.pitt.edu/942/1/political_tindemans_report.pdf)

<sup>43</sup> Bulletin of the European Communities. Supplement 3. Luxembourg Report on European Political Cooperation (London, 13 October 1981) retrieved from [http://www.cvce.eu/content/publication/2002/1/18/869a63a6-4c28-4e42-8c41-efd2415cd7dc/publishable\\_en.pdf](http://www.cvce.eu/content/publication/2002/1/18/869a63a6-4c28-4e42-8c41-efd2415cd7dc/publishable_en.pdf)

<sup>44</sup> Wolfgang Wessels & Jürgen Mittag (2002). p.64

## 2.2. From Single European Act to Maastricht Treaty

An adhoc committee on institutional questions was established before the Intergovernmental Conference of the SEA and suggested to establishment of a 'Permanent Secretariat' in order to enable further cooperation on security and defence matters. Unfortunately, the Member States resisted establishing further cooperation on foreign policy as it was the case during the negotiations of Solemn Declaration.

When the Single European Act concluded in 1987, all prior intergovernmental efforts put in a legal document which is binding on all the Member states. Title 3, Article 30 of the SEA puts the provisions relating to the European cooperation in the sphere of foreign policy. Article 30 consists of twelve provisions emphasizing the importance of convergence of Member States' positions, desirability of the common actions, and the consistency between the external policies of the European Community and the decisions of the European Political Cooperation. SEA bunched together the issues raised during the meetings and summits prior to IGC leading to SEA so it included variety of topics on foreign policy matters ranging from the number of the meetings of the Foreign Affairs Minister and the political committee to the political and economic aspects of security. Also, Article 6 SEA underlined that "Nothing in this Title shall impede closer cooperation in the field of security between certain of the High Contracting Parties within the framework of the Western European Union or the Atlantic Alliances."<sup>45</sup> In this sense, it is guaranteed that any action taken on behalf of the European Community would not prejudice the promises given to the WEU and NATO.

The end of the Cold War signifies a turning point for the European integration because it brings important systemic changes to the European continent. Reunification of Germany and transformation in the Central and Eastern European Countries marked a new course of affairs for the European Community. This was also a chance for deepening and widening the European integration in terms of building a common European foreign policy as Müftüler-Baç states "The breakthrough for the European common foreign policy came at the end of the Cold War with the systemic transformation caused by the demolition of the bipolar balance of power institutions. One could easily argue that the end of Cold War provided the European states with a collective interest: to deal with the emerging uncertainty." The decision of the G24 summit in Paris 1989<sup>46</sup> proposing that the European Commission would coordinate the

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<sup>45</sup> Single European Act, Article 30(6)(c)

<sup>46</sup> Wolfgang Wessels & Jürgen Mittag (2002). p.65.

financial aids for CEEC also proves that the uncertainty coming with the end of the Cold War brought new responsibilities to Europe requiring the Member States to act jointly in their foreign affairs.

The Maastricht Treaty was born in such a fluctuant international atmosphere and brought a new institutional design by creating the pillar structure within a single institutional framework. Although the EPC was replaced with the Common Foreign and Security policy devoting a large section in the Treaty, the CFSP was excluded from the community method by incorporating it into a separate second pillar. Both the systemic changes in international relations and the motivation among the Member States to adopt a common European foreign policy made eminent figures of the Member States to believe in the functionality of the Maastricht Treaty as cited:

“We're not just here to make a single market, but a political union.”<sup>47</sup>

Jacques Delors, EU Commission President, 1993

“The European Union Treaty... within a few years will lead to the creation of what the founding fathers of modern Europe dreamed of after the war, the United States of Europe.”<sup>48</sup>

Helmut Kohl, German Chancellor, 1992

Although the CFSP remained outside the community method by placing it in a separate second pillar, Maastricht Treaty enabled to take the CFSP decisions from a more European perspective instead of leaving them all to the Foreign Ministries of the National governments. The Maastricht Treaty introduced a new ‘Permanent Secretariat’ under the Secretariat of the Council. Besides the role of the Committee of Permanent Representatives in CFSP, new Permanent Secretariat with its permanent staff consisting of officials and diplomats from Member States attached a European element to foreign policy of the Community. Regarding that, Duke states that “The merging of the EPC/CFSP Secretariat with the Council counterpart not only strengthened the meagre secretarial support that had existed hitherto, but provided Professional staff who could ensure continuity between different chairs, master dossiers and provide intimate knowledge of the procedures.”<sup>49</sup>

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<sup>47</sup> Retrieved from <http://www.civitas.org.uk/eufacts/FSTREAT/TR3.htm>

<sup>48</sup> Chris Shore (2000). Building Europe: The Cultural Politics of European Integration. Routledge. p.211

<sup>49</sup> Simon Duke & Sophie Vanhoonacker (2006). “Administrative Governance in the CFSP: Development and Practices”. European Foreign Affairs Review. p.170.

On the other hand, Maastricht Treaty includes an inconsistency in terms of introducing ‘single institutional framework’ and ‘the pillar structure’ at the same time. Therefore, Duke expresses this conflicting situation by saying that “with the advent of the CFSP and the ‘single institutional framework’ the artificial distinction between Community and CFSP matters became even more problematic and the Commission was not only ‘fully associated’ with the CFSP, but began to play a critical role in helping the ensure consistency in the overall external relations of the Union.”<sup>50</sup> Also, Müftüleri-Baç draws attention to the Commission’s key role in CFSP by pointing out that “The most important tools that the EU had for achieving its objectives under the CFSP are the trade agreements, financial aid packages, association agreements and enlargement. It is through these tools that the Commission was mostly involved in the CFSP. [...] The nature of these tools also demonstrates that the greatest strength of the EU lies in its civilian power character, rather than hard power. That is because the EU relies on economic measures and incentives to realize its foreign policy objectives. As a result of the civilian nature of the foreign policy tools, the Commission comes to play an important role under the CFSP.”<sup>51</sup>

Besides, Western European Union is addressed in Maastricht Treaty as a “sub-contracted party” to the issues concerning the defense matters. By this way ‘Petersberg Tasks’ became available for the European Union’s external policies since the Petersberg Declaration was adopted in WEU Ministerial Meeting in Bonn in 1992. Another procedural innovation introduced by the Maastricht is that application of the qualified majority voting for implementation measures. Also the commission was given the right to initiate a specific policy action concertedly with the Council meaning that DG IA, Commissioner created for External Political Affairs and the Committee of Permanent Representatives can directly involve to Policy making process.<sup>52</sup>

Furthermore, common positions (Article J.2) and joint actions (Article J.3) were introduced as new instruments for the CFSP. These novel mechanisms provided an impetus for the European Community to act jointly and more coherently.

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<sup>50</sup> Ibid.

<sup>51</sup> Meltem Müftüleri Baç (2007). p.8

<sup>52</sup> Wolfgang Wessel & Jürgen Mittag (2002). p.67

As first test cases of the ability of member states to act as a one within framework of the CFSP introduced in the Maastricht Treaty, Bosnian War and Yugoslav Crisis marked that such ability has not exist in practice yet.

### **2.3. Amsterdam Treaty**

Amsterdam Treaty did not change the status quo so much in CFSP remained as a separate policy area outside the community method. European Council kept CFSP decision making in its hands maintaining the intergovernmental nature.

Since the CFSP failed in terms its operationality in the Western Balkans crisis, Amsterdam Treaty aimed at bringing some improvements to the CFSP.<sup>53</sup> The new Treaty introduced “common strategies” as a novel instrument in CFSP.<sup>54</sup> In addition to the aforementioned instruments introduced by Maastricht Treaty, namely joint actions and common positions; “common strategies” outline the objectives of the common foreign and security policies whose main principles are decided by the Council and the Member States.<sup>55</sup>

Additionally, Amsterdam Treaty introduced the ‘constructive abstention’ as a new mechanism easing to take a decision in common foreign and security policies.<sup>56</sup> Constructive abstention is similar to a kind of opt-out from a joint action or a common position providing any Member State to abstain from participating a particular common action. Article J.13 of the Amsterdam Treaty states that “When abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration under the present subparagraph.”<sup>57</sup> However, it continues as “In that case, it shall not be obliged to apply the decision, but shall accept that the decision commits the Union.” warning the absent Member States should not be contrarian with the related decision of the Council. ‘Mutual solidarity’ among the members is emphasized expecting an abstaining member to act in its international affairs in accordance with the CFSP decisions taken in the council. Furthermore, if more than one third of the members of the Council abstain in their vote, the council cannot take a decision.

Operational capacity of the CFSP is aimed to be enhanced by the making the Peterberg Tasks available for the European Union’s external policies by amending Article J.3 paragraph 1.

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<sup>53</sup>Wolfgang Wessel & Jürgen Mittag (2002). p.70.

<sup>54</sup> Amsterdam Treaty, ART J.2

<sup>55</sup> Ibid. ART J.3

<sup>56</sup> Ibid. ART J.13

<sup>57</sup> Ibid.

With this amendment, European Council's power to define the principles of and general guidelines for the common foreign and security policy extended to the matters having defence implications.<sup>58</sup> Petersberg Tasks include humanitarian and rescue tasks, peacekeeping tasks and tasks involving combat forces in crisis management, including peacemaking.<sup>59</sup> Another important point brought with the Amsterdam Treaty is that the possibility of the integration of the WEU into the European Community, if the European Council so decides.<sup>60</sup> Although this proposal was rejected by the United Kingdom and Denmark<sup>61</sup>, by giving such a perspective Amsterdam Treaty brought new discussions on military dimension of the Union. Hence, the European Council showed its willingness to establishment of a common European defence policy, if the Member States decides so jointly.

Last but the most important innovation Amsterdam Treaty introduced is the High Representative for the common foreign and security policy<sup>62</sup> in order to assist the Council by preparing and implementing political decisions.<sup>63</sup> High representative was established for the purpose of making the CFSP more visible and coherent through linking the functions of both the Secretary General of the Council and the Presidency concerning the CFSP issues. Therefore as it is stated in the Treaty High Representative is vested with representing the Presidency in international matters if the Presidency decides so.<sup>64</sup>

#### **2.4. European Security and Defence Policy comes to the Scene: From St. Malo to Nice Treaty**

In two years between the St. Malo Summit and the Treaty of Nice, CFSP and the European Security and Defense Policy developed much more rapidly than first forty years of the evolution of the CFSP. In bilateral meetings, numerous European Councils, Foreign Ministers' meetings, great number of documents were concluded concerning the role of the EU as a relevant and coherent actor in international sphere. In this sense, during this two years period of time, Member States frankly showed their intention to transform the EU into a

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<sup>58</sup> Ibid. ART J.3 (1)

<sup>59</sup> Fabrizio Pagani (1998). "A New Gear in the CFSP Machinery: Integration of the Petersberg Tasks in the Treaty on European Union". *European Journal of International Law*. 9(4), p.738.

<sup>60</sup> Ibid. ART J.7

<sup>61</sup> Wolfgang Wessel & Jürgen Mittag (2002). p.72.

<sup>62</sup> Ibid. ART J.8 (3)

<sup>63</sup> Ibid. ART J.16

<sup>64</sup> Ibid. ART J8, J16, 39, Art. 121



visible player which has a military wing. Hence, the documents they created includes mostly the points referring to increase EU's operational capacity which is envisaged in the Petersberg tasks and to set up administrative units which would effectively monitor and control the operations in related fields.

Two factors were decisive in experiencing such quick developments in both the CFSP and the ESDP: the first one is the government change in the United Kingdom in 1997 and the second is the Kosovo Crisis in which the US dominated the field operations.

Tony Blair's accession to the power in Britain eased to find a common ground to take the necessary steps concerning the CFSP of the EU at the EU level. He was not opposed to engage in defense and security issues at the EU level contrary to his conservative predecessor. Britain's long lasting defense preference on the side of Atlanticism and concerns delegating its national sovereignty to a supranational body hindered the development of a tangible CFSP until this change in government in Britain. In 1998, Tony Blair, the Prime Minister of the United Kingdom between 1997 and 2007 stated that "[The European Union] must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in response to international crises."<sup>65</sup>

EU's inability to act jointly and in a timely manner in Kosovo Crisis constituted the second factor fastened the further developments in the CFSP/ESDP. Member States once again faced the fact that United States is the dominant military power in the West and the European Union still is a 'military worm'. Therefore in St.Malo Summit between UK and France, they agreed that "the capacity for autonomous action, backed by credible military forces, the means to decide to us them, and the readiness to do so, in order to respond to international crisis without prejudice to actions by NATO."<sup>66</sup>

Therefore, these two factors were the major forces to transform the CFSP/ESDP evolution process into a faster phase. Franco-British St. Malo Joint Declaration constituted the political ground for the establishment of European military capabilities in 1998. British and French political commitment turned into concrete policy actions with decision taken in the intergovernmental European Council Meetings. At Cologne European Council on 3-4 June

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<sup>65</sup> Leo Michel, NATO, the European Union, and the United States: Why not a virtuous ménage à trois? Retrieved from [http://www.acus.org/files/ISP/michel\\_eucomib.pdf](http://www.acus.org/files/ISP/michel_eucomib.pdf) on 1 January 2012

<sup>66</sup>Joint Declaration of the British-French Summit at St. Malo, 4 December 1998, Source: EU Institute for Security Studies (ISS-EU)

1999, a declaration on “Strengthening the Common European Policy on Security and Defence” is published by the Members of the Union. This declaration also initiated the operative dimension of the ESDP which was politically introduced in the Amsterdam Treaty in the framework of the Western European Union. In this sense, the Cologne European Council Declaration calls that “In pursuit of our Common Foreign and Security Policy objectives and the progressive framing of a common defence policy, we are convinced that the Council should have the ability to take decisions on the full range of conflict prevention and crisis management tasks defined in the Treaty on European Union, the “Petersberg tasks”. To this end, the Union must have the capacity for autonomous action, backed up by credible military forces, the means to decide to use them, and a readiness to do so, in order to respond to international crises without prejudice to actions by NATO. The EU will thereby increase its ability to contribute to international peace and security in accordance with the principles of the UN Charter.”<sup>67</sup> Several institutional questions are addressed in the Council Declaration such as establishment of “regular (or ad hoc) meetings of the General Affairs Council, as appropriate including Defence Ministers; a permanent body in Brussels (Political and Security Committee) consisting of representatives with pol/mil expertise; an EU Military Committee consisting of Military Representatives making recommendations to the Political and Security Committee; a EU Military Staff including a Situation Centre; and providing other resources such as a Satellite Centre, Institute for Security Studies.”<sup>68</sup>

Besides the issues concerning the decision making and the principles of the ESDP included in the declaration, points relating to the implementation and modalities of participation and cooperation are also included in the text. In this context it is suggested that the EU-led operations should be grouped as being “EU-led operations using NATO assets and capabilities or EU-led operations without recourse to NATO assets and capabilities.” Concerning the operations requiring the recourse to NATO assets and capabilities, Berlin decisions of 1996 and the Washington NATO summit decisions of April 1999 are addressed to be taken into consideration during the implementation of the necessary arrangements.<sup>69</sup>

Another development in ESDP was the Headline Goals introduced in Helsinki European Council. Headline Goals aimed at increasing the military capabilities of the EU as it is

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<sup>67</sup>Cologne European Council, 3-4 June 1999, Conclusions of the Presidency, Annex 3-European Council Declaration on Strengthening the Common European Policy on Security And Defence

<sup>68</sup>Ibid.

<sup>69</sup>Ibid.

envisioned in the Petersberg tasks. In Presidency report on Helsinki European Council on “Strengthening the Common European Policy on Security and Defence” Headline Goals are elaborated as “by the year 2003, cooperating together voluntarily, they will be able to deploy rapidly and then sustain forces capable of the full range of Petersberg tasks as set out in the Amsterdam Treaty, including the most demanding, in operations up to corps level (up to 15 brigades or 50,000-60,000 persons). These forces should be militarily self-sustaining with the necessary command, control and intelligence capabilities, logistics, other combat support services and additionally, as appropriate, air and naval elements. Member States should be able to deploy in full at this level within 60 days, and within this to provide smaller rapid response elements available and deployable at very high readiness. They must be able to sustain such a deployment for at least one year. This will require an additional pool of deployable units (and supporting elements) at lower readiness to provide replacements for the initial forces.”<sup>70</sup> So, a “Rapid Reaction Force (RRF)” of the EU was anticipated by this article in the Presidency Report of Helsinki, being a corner stone for the establishment of independent EU missions in different parts of the world. After concluding the Headline Goals, Council decided to set up new institutions for the proper functioning of the envisioned Rapid Reaction Forces. Therefore, a military committee<sup>71</sup>, a military staff<sup>72</sup>, and a standing Political and Security Committee (PSC)<sup>73</sup> would be the new coordination center for the ESDP.

On the 28<sup>th</sup> February 2000, in Sintra, The Defence Ministers of the European Community met informally. Decisions taken in the Helsinki European Council were reassessed and the progress in terms of the implementation of the necessary means for the European Security and Defense Policy. In this meeting ministers reviewed the steps taken during the Portuguese Presidency and the future arrangements planned in the Helsinki summit. So they decided that preconcerted bodies which are the European Military Committee and European Military Major Staff may start to operate in the Council Building (Justus Lipsius), in Brussels.<sup>74</sup>

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<sup>70</sup> Helsinki European Council Declaration, Presidency Report on Strengthening the Common European Policy on Security and Defence

<sup>71</sup> Council Decision 2001/79/CFSP

<sup>72</sup> Council Decision 2001/80/CFSP

<sup>73</sup> Council Decision 2001/78/CFSP

<sup>74</sup> Informal Meeting of the Defense Ministers of the European Community, Information to the Press retrieved from <http://www.bits.de/CESD-PA/18-6e-f.htm>

In Feira European Council in June 2000, civil aspect of the Headline Goals was formulated. Also, modalities of consultation and participation were arranged to allow the non-EU European NATO Members and other countries which are candidates or accession to the EU to contribute to EU military crisis management.<sup>75</sup> Principles and coordination/consultation mechanism on military issues and developing modalities for EU/NATO relations were discussed and decided in Feira European Council. Concrete targets for police were also set in the Annex 4 of the Council conclusions.

Nice European Council, in December 2000, led to the conclusion of the Nice Treaty which includes sum of the documents produced in prior Council meetings, summits and bilateral meetings concerning the ESDP and CFSP. Moreover, the Nice Treaty eliminated the role given to Western European Union by the Amsterdam Treaty and incorporated the bodies of the WEU into the EU's structure. Article 17 of the Nice Treaty authorized the EU to formulate the common foreign and security policy concerning the defense aspects, bypassing the WEU. Also, Nice Summit defined the development of military capabilities and the strengthening of civil crisis management capabilities in the light of the Headline Goals and of the military capability goals established in Helsinki.<sup>76</sup>

Another important breakthrough made in the Nice European Council is to establish the legal basis for the creation of the Political and Security Committee (PSC) with the Article 25 TEU. Thus, the PSC is in charge of the implementation of the CFSP and ESDP.<sup>77</sup> According to the Article 25 TEU, PSC is entitled to "monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative and monitor the implementation of agreed policies and exercise, under the responsibility of the Council, political control and strategic direction of crisis management operations."<sup>78</sup> At Nice European Council, it is also decided that permanent bodies<sup>79</sup> such as Political and Security Committee, Military Committee of the European Union and the Military Staff of the European Union are to start working and their functions are also included in a separate annex to the Nice Presidency Report.

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<sup>75</sup>Presidency Conclusions on the European Council of Feira, June 2000

<sup>76</sup>Presidency Conclusions on the European Council of Nice, 9 December 2000.

<sup>77</sup>Presidency Conclusions on the European Council of Nice, 9 December 2000.

<sup>78</sup>The Nice Treaty, Article 25

<sup>79</sup>Ministers decided to establish these permanent bodies in principle at informal ministerial meeting at Sintra.

Another major development Treaty of Nice introduced is “enhanced cooperation”. Enhanced cooperation existed before the Nice Treaty under the name of ‘closer cooperation’ but it was not applicable to the second pillar. Nice Treaty enabled to use enhanced cooperation in common foreign and security policy. Article 43 TEU reads that enhanced cooperation requires at least 8 countries willing to cooperate closely on a common the conduct of a joint action or the implementation of a common position. Nevertheless, a veto by any national government was still possible in CFSP matters, despite it was had been eliminated from first and third pillar.<sup>80</sup>

Regarding the developments from 1998 to 2000, Member States of the European Union posed enthusiasm to establish military wing of the EU. Hence, the European Security and Defence Policy was adopted as an integral part of the common foreign and security policy of the EU. As a result of the increasing insecurity in Western Balkans because of the political turmoil, all actors of the Union convinced to adopt a military aspect to CFSP. At the eve of the Nice Treaty, High Representative Solana expressed his opinions: “We must make the best use of all the resources at our disposal. Collectively these are substantial: as the world’s largest aid donor we already make an important financial contribution to aid programmes and to humanitarian and reconstruction assistance. We have a global diplomatic network more than twice as big as that of the US State Department. We can use our diplomatic, economic and financial muscle to influence the behaviour of recalcitrant parties and aggressors. But until now we have been unable to add military means to the measures available. This is now changing. Our aim is to integrate our military forces into a global crisis management strategy.” (September 28, 2000)

## **2.5. Lisbon Treaty**

The Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, known as the Lisbon Treaty was concluded at the end of a considerably long period of time from 2001 to 2009 as a consequence of disinclination of the Member States of. Lisbon Treaty brought structural and procedural changes to the CFSP and the ESDP as well as to the other institutions of the EU. The Lisbon Treaty introduced a new separate chapter entitled “Provisions on the Common Security and Defence Policy” which

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<sup>80</sup> Mathias JOPP (2003). “CFSP decision making and procedures for enhanced cooperation” seminar on “*Capacity and Actor Building: Which instruments and institutions does the EU need to enhance its capacity to act with regard to its trade, economic cooperation and foreign security and defense policy?*”, p.5

incorporates all progress concerning the ESDP into the Treaty format. In the new section 2, Article 28 A reads that “The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civilian and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.”

Unanimity remained principle in deciding issues concerning the security and defense matters. However, some degree of flexibility introduced for the budget of the CFSP. Article 28 calls the Council to “adopt a decision establishing the specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of the common foreign and security policy, and in particular for preparatory activities for the tasks referred to in Article 28 A(1) and Article 28 B. It shall act after consulting the European Parliament.” This treaty provision enabled rapid access to Union Budget. On the other hand, there are some tasks referred to in Article 28 A(1) and Article 28 B which are not charged to the Union budget such as “expenditures arising from operations having military or defense implications”. For such tasks, Lisbon treaty introduced the ‘start up funds’ which is composed of the contributions of the Member states in accordance with the gross national product scale. Decisions relating to the start up funds are taken by the Council by a qualified majority, on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy. These decisions shall include “the procedures for setting up and financing the start up fund, in particular the amount allocated to the fund; the procedures administering the start-up fund; the financial control procedures.”

Lisbon Treaty also merged two different posts which are in charge of conducting the foreign affairs of the Union. Commissioner for Foreign Affairs and the High Representative are incorporated under the post of High Representative for Foreign Affairs and Security Policy. New double-hatted High Representative would serve both as a Vice-President of the European Commission and the head of the European External Action Service. In 2007, Valéry Giscard d'Estaing appreciated the creation of new High Representative by expressing that “The creation of a High Representative for foreign policy [...] would be a big change compared with the current situation. It would put an end to the double job which exists between the current function of Mr. Javier Solana, and that carried out within the Commission by Mme Benita Ferrero-Waldner [...]. One and the same person would therefore

deal with problems and respond to the famous telephone calls of Henry Kissinger: I want to speak to Europe.”

Article 13 A paragraph 3 of the Lisbon Treaty sets the provision for the establishment of the European External Action as a unit supporting the High Representative for Foreign Affairs and Security Policy. According to the Article 13 A “This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission.” Establishing the EEAS is important because it is a Brussels-based institution incorporating both the national diplomatic corps and the staff of the EU institutions under a single roof. EEAS, with its vast staff 60 per cent of which are permanent and all of them are appointed on merit rather than national origin, constituted ‘the Brussels-based machinery’ which controls the role of the EU in the world.<sup>81</sup> Therefore, EEAS constituted a major step in “brusselization” of the CFSP transforming its intergovernmental execution in practice.

In 9 September 2001, terrorist attacks on USA posed a new challenge to common foreign and security policy of the EU. To this respect, EU took additional steps to encounter “the systemic challenges and transformation of the post-9/11 order”.<sup>82</sup> For this reason, in 2003 European Security Strategy document included the terrorism, proliferation of weapons of mass destruction, organized crime, regional conflicts, and state failures as the key threats to the European Security. While drafting the Lisbon Treaty, these new security risks are also taken into consideration. In order to provide a more secure Europe, further institutional developments are recorded, concerning the common defense matters.

A European Defence Agency is referred in Article 28 A and its tasks are elaborated in Article 28 D as follow “(a) contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States; (b) promote harmonisation of operational needs and adoption of effective, compatible procurement methods; (c) propose multilateral projects to fulfill the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member

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<sup>81</sup> Helene Sjurson (2011). “Not so intergovernmental after all? On democracy and integration in European Foreign and Security Policy”. *Journal of European Public Policy*. 18:8. p.1084.

<sup>82</sup> Meltem Müftüleri Baç (2007). p.11.

States and management of specific cooperation programmes; (d) support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs; (e) contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure.”

The Treaty of Lisbon also introduced a new type of cooperation mechanism which is the ‘permanent structured cooperation’ in Article 28 A(6) and 28(E). It is stated in the Article 28A “Those Member States whose military capabilities fulfill higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework.” How the permanent structured cooperation shall be administered is set in the Article 28 E and a separate protocol on the permanent structured cooperation. But there is a possibility to face problems in implementing the permanent structured cooperation because it may cause splits among the Member States in terms of their capabilities and responsibilities in the Union.

Additionally, Lisbon Treaty introduced two new concepts which are ‘the mutual assistance article’ in Article 28A(7) and ‘a mutual solidarity’ in Article 188R TFEU Title VII. Mutual assistance clause can be interpreted as a mutual defence clause<sup>83</sup> since it calls the Member States to take a stand against the aggressor party. Also related treaty provision adds that “Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.”

While the mutual assistance article concerns a Member State which is the victim of armed aggression on its territory, mutual solidarity clause (Title VII, article 188R TFEU) concerns a Member State which is the object of a terrorist attack and natural or man-made disaster. Hence, the Member States are called for pooling their resources by mobilizing the instruments of the EU in order to “prevent the terrorist threat in the territory of the Member States; protect democratic institutions and the civilian population from any terrorist attack; assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack; and to assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster.”<sup>84</sup>

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<sup>83</sup>Dr Gerrard Quille (2008). “The Lisbon Treaty and Its Implications for CFSP/ESDP”. *Briefing Paper for Parliamentary Sub-committee on Security and Defence*. p.5

<sup>84</sup> Treaty of Lisbon, Title VII, Article 188R TFEU paragraph 1 (a) (b)



## **2.6. Concluding Remarks**

To sum up, establishment of a common foreign and security policy for the Europe was always in the minds of the politicians from the very beginning of the European integration. While some of them advocated it, some rejected because of the sovereignty concerns. Nevertheless, when the changes in international system brought insecurity to the doors of Europe, Member States understood that to act jointly against the modern challenges is not a discretionary policy choice but an urgent need to protect all Europeans. Therefore, member states accelerated the steps to adopt a common foreign and security policy and European security and defence policy as an integral part of it. For this purpose, they put common strategies, decided common positions, published declarations and participated in joint military actions. As the number of the joint actions and the role of Brussels-based institutions increased in time, actors of the CFSP have become more “consensus-seeking”<sup>85</sup> in their interactions. Hence, member states convinced to give more power to supranational actors. Within this context, it is safe to move on observing how the European Parliament’s powers in CFSP extended over time.

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<sup>85</sup> Helene Sjursen (2011). p.1085 quoted from Howorth, J. (2010) ‘The Political and Security Committee: a case study in “supranational intergovernmentalism”’, *Les Cahiers europeens de Sciences Po*, No. 01/2010.

### **Chapter 3. How the Powers of the European Parliament Extended?**

When the 1950 Pleven Plan remained fruitless, it traced a symbolic and decisive moment effecting whole course of philosophy which the EU established upon. It set up a basic rule saying that the cooperation would not start at political level rather it would progress on a technical level. Therefore, distribution of power among the different institutions of the Community was done in accordance with this step. While the Council and the Commission got the lion's share in terms of having competencies in controlling the Community affairs, Common Assembly established as a consultative body. However, in due course, concerns relating to the factors such as accountability, transparency, scrutiny prompted to enhance the European Parliament's powers in various policy areas. Despite the constrained evolution of the CFSP, European Parliament acquired remarkable degree of power in this policy area at early 1970s.

#### **Early Remarks**

Davignon Report in 1970 and the London Report in 1981 were concluded at the end of the meetings of Foreign Ministers of the member states. In order to set out a more coherent approach to international issues and to matters of security, reports set up a framework for the establishment of regular relational network among the European Parliament and the other institutions of the Community on the creation of a common European foreign policy sphere. In general term, these two reports called the President – in office of the Council to inform the Parliament on the main subjects of the political cooperation in foreign policy issues.

In 1970, first Davignon Report puts that “Ministers and the members of the Political Affairs Committee of the European Parliament will hold six monthly meetings to discuss questions which are the subject of consultations in the framework of foreign policy cooperation. These meetings will be informal, to ensure that the parliamentarians and Ministers can express their views freely.”<sup>86</sup> In 1973, number of the meetings (colloquies) increased four in the Second Report on European Political Cooperation in foreign policy matters. Also the Second

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<sup>86</sup>Davignon Report, (27 October, 1970, Luxembourg) Part Two, Paragraph Six: European Parliament, retrieved from [www.cvce.eu](http://www.cvce.eu/content/publication/1999/4/22/4176efc3-c734-41e5-bb90-d34c4d17bbb5/publishable_en.pdf), [http://www.cvce.eu/content/publication/1999/4/22/4176efc3-c734-41e5-bb90-d34c4d17bbb5/publishable\\_en.pdf](http://www.cvce.eu/content/publication/1999/4/22/4176efc3-c734-41e5-bb90-d34c4d17bbb5/publishable_en.pdf), p.4

Davignon Report reiterated that “Once a year, the President-in office of the Council will provide the European Parliament with a progress report on the work in question.”<sup>87</sup>

London Report on European Political Cooperation reaffirmed that the Luxembourg (the second Davignon Report) and the Copenhagen Reports brought the European Parliament to a position to take a visible stance on the political cooperation. It points out that the European Parliament and the Council of Ministers achieved to establish fruitful communication channels such as informal meetings between the ministers and the leaders of the different political groups represented in Parliament and these informal meetings provide a further opportunity for informal exchanges on political cooperation.<sup>88</sup> The report also adds that “Taking account of the need to further strengthen ties with the directly-elected Parliament, the Ten envisage the possibility of more frequent reference to resolutions adopted by Parliament in the deliberations, communiqués and declarations of the Ten, and in ministers' opening statements at colloquies with the Political Affairs Committee of Parliament.”<sup>89</sup> Another important point touched upon in the London Report is the President’s statement including political cooperation subjects discussed at the meeting to the Parliament after a meeting of the European Council.

Until 1970s onwards the European Parliament was perceived as an only consultative body. With the emergence of democratic deficit debates in the European Union, the European Parliament received more attention within the institutional structure of the Union. After the first direct election took place in 1979, the European Parliament become more accountable and legitimate to the European citizens and institutions. Therefore, integration in common foreign and security policy also started to provide a very limited role for the European Parliament at the beginning. In this sense, Davignon Reports and the London Report were among the first steps of inclusion of the EP in CFSP matters, even though it is not fully incorporated into this policy area.

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<sup>87</sup> Ibid. Part Three.

Second Davignon Report, Second Report on European Political Cooperation in foreign policy matters, Part Two, Paragraph Ten, retrieved from [www.cvce.eu](http://www.cvce.eu), [http://www.cvce.eu/content/publication/1999/1/1/8b935ae1-0a38-42d4-a97e-088c63d54b6f/publishable\\_en.pdf](http://www.cvce.eu/content/publication/1999/1/1/8b935ae1-0a38-42d4-a97e-088c63d54b6f/publishable_en.pdf)

<sup>88</sup> Report on European Political Cooperation, (London Report) (13 October 1981) paragraph eleven, retrieved from [www.cvce.eu](http://www.cvce.eu), [http://www.cvce.eu/content/publication/2002/1/18/869a63a6-4c28-4e42-8c41-efd2415cd7dc/publishable\\_en.pdf](http://www.cvce.eu/content/publication/2002/1/18/869a63a6-4c28-4e42-8c41-efd2415cd7dc/publishable_en.pdf) p.5

<sup>89</sup> Ibid.

### 3.1. Single European Act and the Maastricht Treaty

With the institutional reforms adopted in the 1980s, increasingly the European Parliament began to acquire some recognition in terms of its involvement in the foreign policy vision for the European Community. It was the first time that the Single European Act of 1986 brought the name of the European Parliament into a treaty provision concerning the Common Foreign and Security Policy of the EU. Article 30(4) of the SEA reads that “The High Contracting Parties shall ensure that the European Parliament is closely associated with European Political Co-operation. To that end the Presidency shall regularly inform the European Parliament of the foreign policy issues which are being examined within the framework of Political Co-operation and shall ensure that the views of the European Parliament are duly taken into consideration.” This provision burdened the European Council with responsibility to inform the European Parliament on the issues concerning the CFSP. However the phrase ‘duly’ remains notably tacit in the sense of defining the exact duties of the European Council before the European Parliament.

Prior to the Intergovernmental Conference leading to the SEA, a committee established in the European Parliament in order to address the institutional questions.<sup>90</sup> The committee suggested number of proposals to establish better cooperation on security issues and to set-up a permanent secretariat to regulate the relations between the Council and the Parliament on foreign policy matters. Unfortunately, the SEA did not codify the EP’s role in CFSP as comprehensively as the proposal of the committee.<sup>91</sup>

Before the Maastricht Treaty concluded the European Parliament issued a number of resolutions on the EP’s competencies on CFSP matters. In 25<sup>th</sup> October 1991, in its resolution, the EP demanded a veto right in the case of military actions. It was believed that such a veto would enhance the “essential joint interest” of the Union achieving cooperation between the European Council and the European Parliament in monitoring and promoting the CFSP.<sup>92</sup> Furthermore, the EP proposed the inclusion of the Western European Union and its institutions into the structure of the EU which can be achieved with Nice Treaty in 2000, after 17 years later the EP resolution.<sup>93</sup>

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<sup>90</sup> Helen Wallace (1993). “European Governance in Turbulent Times”. *Journal of Common Market Studies*. Volume 31, no.3. p.295.

<sup>91</sup> Wolfgang Wessel & Jürgen Mittag (2002). pp.62-63

<sup>92</sup> Günter Burghardt/Gerd Tebbe: Art. J.7, in: *Handbuch des Europäischen Rechts, Systematische Sammlung mit Erläuterungen*, 371. Lieferung, Mai 1998, pp. 80 ff. quoted in Wolfgang Wessel & Jürgen Mittag (2002). p.67

<sup>93</sup> See the resolution from 20 January 1993. A3-0189/92.

In Maastricht Treaty competences of the Parliament redefined in the Article J.7 based on the Article 30(4) of the SEA: “The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign and security policy. The European Parliament may ask questions of the Councils or make recommendations to it. It shall hold an annual debate on progress in implementing the common foreign and security policy.” This provision offered the Parliament right to be consulted, ask questions and make recommendations to the Council on the CFSP matters. Even though it seems that the EP acquired new competencies on controlling the CFSP, it is a question mark whether it uses them efficiently. Firstly, concerning the consultation competency of the EP, the treaty provision is ambiguously framed. What the ‘main aspects and the basic choices of the common foreign and security policy’ are not elaborated enough on which points the EP would be got involved in controlling the CFSP. According to Dehousse as far as the large-scale orientations are concerned, it is the Council presenting the ‘main aspects and the basic choices of the common foreign and security policy’.<sup>94</sup> Also, this Article does not provide the European Parliament with a prior consultation mechanism.<sup>95</sup> The EP Resolution on the results of intergovernmental conferences leading to the Maastricht Treaty draws the attention to the shortcomings associated with the pillar structure of the EU introduced with the Maastricht and criticizes exclusion of the common foreign and security policy from the first pillar since it hinders implementation of co-decision procedure requiring both the EP and the Council would have equal power in making a legislative act.<sup>96</sup> Dehousse adds that the decision making mechanism remained unchanged as in the SEA.<sup>97</sup> Although the Treaty enables to use qualified majority voting, as long as it is unanimously agreed beforehand in the Council. On the other hand, Corbett, Jacobs and Shackleton claim that the Member States agreed in the Treaty of Maastricht to change the provisions of the EC treaty in order to require Parliament’s assent for all important agreements. These were defined as any agreement

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<sup>94</sup> Franklin Dehousse (1998). “After Amsterdam: A Report on the Common Foreign and Security Policy of the European Union”. *European Journal of International Law*. 9. p. 535.

<sup>95</sup> European Parliament Resolution on the results of intergovernmental conferences, A3-0123/92, 7 April 1992

<sup>96</sup> *Ibid.* p. 2

<sup>97</sup> Dehousse (1998). p.528, and Udo Diedrichs (2004). “The European Parliament in CFSP: More than a marginal player?”. *The international Spectator*. pp.31-46. p.32

having a specific institutional framework ...”<sup>98</sup> Nevertheless, referred international agreements generally fall under the first pillar of the EU which is not the jurisdiction of the CFSP.

According to Thomas Grunert, “In October 1993 the Council decided to reduce the gap between the EP’s demands and the (Maastricht) treaty provisions by a decision on guidelines in the CFSP field. In addition to the existing arrangements, the presidency will attribute the utmost importance to the obligation to inform, in concert with the Commission, and consult Parliament, as provided for in Article J.7 (TEU). The presidency and the Commission will acquit themselves on these tasks as regularly as possible and in a manner compatible with the sensitive nature of certain information and discussions. The presidency will be in constant contact with Parliament in arenas covered by CFSP.” In order to achieve this aim, following instruments: “By attending, in addition to the two colloquia, whenever this is useful or necessary, the meetings of Parliament’s Committee on Foreign Affairs, Security and Defence Policy; by participating, if need be, in Parliament’s debates in plenary session; by continuing the practice of the general-secretariat of the Council attending the start of each meeting of the Committee on Foreign Affairs, security and Defence Policy; by having recourse to the practice of written information.”<sup>99</sup>

The Maastricht Treaty also introduced that “The European Parliament may ask questions of the Council or make recommendations to it.”<sup>100</sup> On the basis of this article, each and every member of the European parliament has the right to pose questions to the Council in the form of the written and oral interpellation. Although the EP’s recommendations are not binding on the Council’s decision, they do generate political pressure on the Council.

Budgetary provisions were concluded in Article J.11 of the Maastricht Treaty proposing that the administrative expenditures of the actions referred under the title shall be charged to the budget of the European Communities. Also, the Council may decide unanimously whether the operational expenditure is charged to the budget of the European Communities or to the member states, where appropriate in accordance with a scale to be decided.<sup>101</sup> If the Council decides the nature of the expenditure is an administrative or operational but requiring financing from EC budget, normal budgetary procedure laid down in the Treaty establishing

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<sup>98</sup>Corbett, Jacobs and Shackleton (Eds.) (2004). *The European Parliament*, 5th ed. (London), p. 203

<sup>99</sup>T.Grunert op. cit. p.115 quoted in Wolfgang Wessel & Jürgen Mittag (2002).

<sup>100</sup> Art 21 of the Maastricht Treaty

<sup>101</sup>ART. J.11 of the Maastricht Treaty

the European Community shall be applicable.<sup>102</sup> Once it is decided that expenditure is charged to the EC budget, approval of the Parliament becomes obligatory to pass the expenditure. Hence the European Parliament finds a way to have the last word on CFSP matters as a means of insisting on its own preferences on certain points of the action at stake. Jörg Monar criticizes this budgetary system “blurring of responsibilities of” the institutions and lacking of a coherent link between political and budgetary responsibility in implementation.”<sup>103</sup>

While the Single European Act provided the European Parliament with only information power, the Maastricht Treaty addressed the key concerns in democratizing the common foreign and security policy of the European Union. Thus, the Maastricht Treaty provided the European Parliament with the budgetary powers in a limited sense along with the right to ask question and right to be consulted. Within this context, it can be argued that Maastricht Treaty laid the foundation of the most of the European Parliament’s competencies on CFSP, which the EP has today.

### **3.2. Amsterdam treaty**

The institutional reforms that followed in later years tried to remedy what the Maastricht Treaty left unaddressed. The Maastricht Treaty created an obscure situation by making the European Parliament a budgetary authority “considering itself to be competent to judge on the use of the expenditures and the freezing of credits while the Council, the diplomatic authority, considers this Community interference in the intergovernmental second pillar to be superfluous.”<sup>104</sup> Therefore, some Member of the Parliaments prepared reports and introduced them before the intergovernmental conference leading to Treaty on European Union took place.<sup>105</sup> In these reports, European parliament demanded a more integrated foreign policy in line with the Community culture. For this purpose, it is proposed that role of the supranational institutions such as the Parliament and the Commission on CFSP should be

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<sup>102</sup>Ibid. paragraph 2.

<sup>103</sup>Jörg Monar (1997). “The finances of the Union’s Intergovernmental pillars. Tortuous experiments with the Community Budget”. *Journal of Common Market Studies*. No. 1. p.77.

<sup>104</sup>Franklin Dehousse (1998). p. 535.

<sup>105</sup>Quoted in Wolfgang Wessel & Jürgen Mittag (2002). Jean-Louis Boulanges and David W. Martin, Assessment of the Reflection Group’s work, EP Political Priorities, 3. May 1995. PE T4-2001/1995. Juan Abel Matutes, Annual report on progress in the field of CFSP (Art. J.7, TEU), 18 May 1995. PE A 4/0083/1995 See report of Raymond Dury und Hanja Maij-Weggen, 13/03/1996. Amendment of the TEU: convening an intergovernmental conference under Article N (TEU), 4. March 1996. PE A4-0068/1996.

enhanced, whole budget of the CFSP should be financed from the Community budget, qualified majority decisions should increase in the second pillar and WEU should be incorporated into the EU.<sup>106</sup>

These demands were partially met in the Treaty of Amsterdam.<sup>107</sup> With respect to the qualified majority voting decisions, Article J.13 lists two situations in which the Council may act by qualified majority: “(1) When adopting joint actions, common positions or taking any other decision on the basis of a common strategy; (2) When adopting any decision implementing a joint action or a common position.”<sup>108</sup> Nevertheless, in Amsterdam Treaty no mechanism introduced in order to prevent the Council to take a decision calling Council to act unanimously. Moreover, the decisions having military and or defense implications were excluded from the jurisdiction of the Article J.13.<sup>109</sup>

Article J.18 of the Amsterdam Treaty introduced new budgetary provisions with minor changes to the Maastricht Treaty. According to the paragraph 2 and 3, all of the administrative expenditures and operational expenditures with the exception of the ones having military or defence implications shall be charged to the budget of the European Communities. As a co-player in approving the budget, European Parliament increased its participation in decision making process of the CFSP with the extension of use of the Community budget in financing CFSP. The increased control of the EP on the Community budget on security emerged as an important gain for democratic control of Community foreign policy.

The Amsterdam Treaty became a significant step in increasing the European Parliament’s participation in CFSP through budgetary affairs. By extending use of Community budget in financing the most of the CFSP actions, it opened a window for the Parliament to participate in CFSP matters. Amsterdam Treaty also extended the use of qualified majority decision in certain actions. Although this change does not directly relate to the competencies of the European Parliament, it is very significant in the sense that democratizing the CFSP decision making. Moreover, it was one of the proposals of the European Parliament offering the

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<sup>106</sup> Resolution embodying Parliament's opinion on the convening of the Intergovernmental Conference: 13 March 1996

<sup>107</sup> Leif Rumrich (2006). “The CFSP within the institutional architecture: the role of the European Parliament”. European Law. p.212.

<sup>108</sup> Amsterdam Treaty Art. J.13(2)

<sup>109</sup> Ibid.



extension of QMV on other aspects of the CFSP so it is also good to see that the proposals of the EP are taken into consideration by the member states and reflected to the Treaties.

### 3.3. Nice Treaty

One of the most important novelties introduced by the Nice Treaty is the initiation of the European Security and Defence Policy formally as a result of incorporation of the WEU organs into the EU. This is already seen in the Maastricht Treaty but the Nice Treaty took a more concrete step into operationalizing the concrete steps to be taken to realize this larger goal. Therefore, a number of permanent military bodies such as Political Security Committee (PSC), Military Committee (MC), Military Staff (MS), and Rapid Reaction Forces (RRF) emerged as a part of the CFSP. But the only institution incorporated into the treaty context was the Political Security Committee. These new institutions other than the PSC remained outside the jurisdiction and oversight of the formal and informal powers of the EP because they were excluded from the treaty.<sup>110</sup> Consequently, ESDP, one of the vital components of the CFSP, remained out of reach of the Parliament. Wagner proposes that “While the EP has established itself as an actor in foreign and security policy, ESDP has remained aloof from the EP’s involvement. Article 21 of the Treaty of Nice obliges the presidency to consult the EP ‘on the main aspects and the basic choices of the common foreign and security policy’ [...] It does not even mention ESDP explicitly.”<sup>111</sup> Also in 2005, a group of MEPs led by Elmar Brok “recommended that joint costs for military operations in the framework of the European Security and Defence Policy should come from the Community budget, doing away with the current Member States’ subsidiary budgets. This should also be the case for any future ESDP operations in the fight against terrorism.”<sup>112</sup> There were also MEPs against to establishment of ESDP i.e. in 2003 Geoffrey van Orden stated that “[ESDP] wastes already meagre continental European defence budgets on EU structures that mirror proven NATO institutions.”

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110 Giovanna Bono (2006). “Challenges of Democratic oversight of EU security Policies”. *European Security Volume*. Vol. 15, Issue 4, 2006, p.11.

111 Wolfgang Wagner (2005). “The Democratic Legitimacy of the European Security and Defence Policy”. *Institute for European Union Security Studies*. no.57, occasional paper, pp.1-35, p.22,

112 Press Release, MEPs criticize lack of information from Council on foreign policy, External relations - 30-11-2005

“Enhanced cooperation” was another mechanism introduced in the treaty of Nice and created a loophole for the member states to flee their joint action from budgetary supervision of the European Parliament. Article 44a of the Nice treaty reads that “Expenditure resulting from implementation of enhanced cooperation, other than administrative costs entailed for the institutions, shall be borne by the participating Member States, unless all members of the Council, acting unanimously after consulting the European Parliament, decide otherwise.” Operational expenditures which do not have military aspect and defence implications are to be charged to the budget of the European Community but if these operational expenditures are done under category of enhanced cooperation, member states can charge these expenditures to their own budget to flee from parliamentary supervision over spending. In European Parliament’s resolution on the Nice Treaty and the future of the European Union, Parliament stated its discomfort with making use of enhanced cooperation in order to practice intergovernmental method under the second pillar and the use of veto by a Member State.<sup>113</sup> On the other hand, while the Parliament appreciated the enhanced cooperation because it blocks a national veto in itself, it criticizes that common strategies and defence policy are excluded from the scope of it.<sup>114</sup>

Unfortunately, prior powers of the EP, i.e. information, consultation, recommendation and ask questions remained untouched in the Nice Treaty as it was the case in the treaty of Amsterdam. Since the endeavors to increase parliament’s role in CFSP making failed in turning into real treaty provision at the end of the intergovernmental conferences, European Union institutions were obliged to conclude inter-institutional agreements in order to maintain more effective and less complex institutional affairs in conducting the CFSP. These inter-institutional agreements will be dealt in the fourth chapter.

Considering the subsequent treaty amendments and the accession of the ten new member states to the European Union, debates on a new Constitutional Treaty for Europe flawed among the member states. The new constitutional Treaty is expected to improve democracy, transparency and efficiency in European Union while bringing an international visibility to the Union. The Treaty for the Establishment of a Constitution in Europe referred as the Constitutional Treaty was signed on 29 October 2004, and the ratification process had started. Although the Constitutional Treaty did not aim to create ‘a super European state’ above the member states, this remained as the major concern of the member states. Consequently, the

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<sup>113</sup>European Parliament resolution on the Treaty of Nice and the future of the European Union (2001/2022(INI), 31 May 2001, [A5-0168/2001](#) paragraph 34

<sup>114</sup> Ibid. (paragraph 32 and 35)

Constitutional Treaty was rejected in both French and Dutch Referendums in 2005. Until 2007 when Germany took over the rotating presidency, ‘a period reflection’ was experienced. During the German Presidency a new impetus has given to the works for a new Treaty and in December 2007 new treaty was signed in Lisbon. This time, Irish electorates rejected the Lisbon Treaty in 2008 but it reversed in 2009 referendum as a result of annexing additional protocols to the Lisbon Treaty. Hence, the Lisbon Treaty entered into force with a few amendments to its first draft as German Chancellor Angela Merkel stated “the fundamentals of the Constitution have been maintained in large part.” Now, we can move on the Lisbon Treaty and its implications for the European Parliament relating to common foreign and security policy.

### **3.4. Lisbon Treaty**

In 2007, Intergovernmental conference in Lisbon opened for negotiating on a European Reform Treaty where the European Parliament’s representatives (Elmar Brok, Enrique Barón Crespo and Andrew Duff) also attended to the discussions. In 20 February 2008, the EP approved the Treaty based on the analysis of the Lisbon Treaty’s impacts by the EP’s rapporteurs Richard Corbett and Inigo Mendez de Vigo. In his speech Corbett expressed that the Lisbon Treaty will make the EU more democratic: “[...] EU legislation must pass a double democratic check: acceptability to elected governments in the Council of ministers and acceptability to the directly elected MEPs in the European Parliament – the only case of an international structure with such a degree of accountability.”<sup>115</sup> In his opinion on Lisbon Treaty, Andrew Duff stated that “with respect to the external action of the Union, the Treaty of Lisbon makes major structural alterations in comparison with the Treaty establishing a Constitution for Europe (2004) by separating Title V of the Treaty on European Union – containing general provisions on the Union’s external action, specific provisions on common foreign and security policy (CFSP) and provisions concerning common security and defence policy (ESDP) – from Part Five of the Treaty on the Functioning of the European Union – containing general provisions on the Union’s external action, common commercial policy, cooperation with third countries and humanitarian aid, restrictive measures, international agreements, relations with international organisations and third countries and EU delegations,

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<sup>115</sup> Richard Corbett (2009). on his Blog, Non-debate with Declan Ganley accessible from <http://www.richardcorbett.org.uk/blog/2009/04/non-debate-with-declan-ganley.html>

and the solidarity clause.”<sup>116</sup> As a result, the members of the European Parliament showed great eagerness to conclude the Lisbon Treaty in order to make the EU more democratic, transparent and efficient.

When the Lisbon Treaty entered into effect in 2009 upon the ratifications in the national parliaments of the EU members, it brought about a number of novelties to the EU, specifically concerning the role of the EP. Although one of the declarations attached to the Lisbon Treaty ‘Declaration concerning the common foreign and security policy’ states that “the provisions covering the Common Foreign and Security Policy do not give new powers to the Commission to initiate decisions nor do they increase the role of the European Parliament”, reforms the new Treaty brought effected the role of the Parliament in CFSP visibly.<sup>117</sup> On the other hand, commenting on the Lisbon Treaty in his statement to the European Parliament, Jerzy Buzek, one of the former presidents of the European Parliament stated, “The Lisbon Treaty enables Europe to take its responsibilities in the world more seriously. [...] Our European Parliament committees and permanent delegations will take responsibility for a Common EU Energy Policy both internally and externally based on sustainability and solidarity. [...] I am proud to say that we now have a set of democratic and efficient rules capable for providing answers for almost 500 million people, in 27 Member States.”<sup>118</sup>

A High Representative of the Union Foreign Affairs and Security Policy created as a post combining three functions; the a Vice-President of the Commission, the President of the Foreign Affairs Council and Council’s representative for the CFSP. The European Parliament’s consent is required to appointment whole commission. Therefore as being a vice president of the Commission, High Representative is responsible to the EP getting its vote of consent to the entire Commission. Article 17 (7) TEU states that “Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he does not obtain the required

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<sup>116</sup> Andrew Nicholas Duff, Opinion on Committee on Foreign Affairs, (22.1.2008) for the Committee on Constitutional Affairs on the Treaty of Lisbon (2007/2286(INI))

<sup>117</sup>European Parliament Resolution of 20 February 2008 on the Treaty of Lisbon (2007/2286(INI)),Paragraph(e)

<sup>118</sup> Jerzy Buzek, Statement by EP President on the Lisbon Treaty, 1 December 2009, [http://www.europarl.europa.eu/pdf/lisbon\\_treaty/statement\\_ep\\_president\\_EN.pdf](http://www.europarl.europa.eu/pdf/lisbon_treaty/statement_ep_president_EN.pdf)

majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.” Besides the Article 17 TEU, Article 201 of the TFEU elaborates the use of motion of censure by the parliament; ‘If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the component members of the European Parliament, the members of the Commission shall resign as a body and the High Representative of the Union for Foreign Affairs and Security Policy shall resign from duties that he or she carries out in the Commission...’. As the Treaty provisions put forward, the European Parliament has now considerable influence over the new post of High Representative. Moreover, high representative’s responsibility to the Parliament increased with the Article 21 TEU assigning her to “consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and the common security and defence policy and inform how those policies evolve and ensure that the views of the European Parliament are duly taken into consideration”. Another progress on the parliamentary scrutiny over the CFSP matters was the increase in the number of the debates held by the high representative in the parliament from one to two in a year (Article 21 (b) TEU). Thus, the EP provided a more effective channel to be informed on CFSP via High Representative who is the head of the newly established European External Action Service.

European External Action Service was established on the basis of the Article 27(3) TEU which authorizes the Council to take the decision after consulting the European Parliament and after obtaining the consent of the Commission.

The budget of newly created European External Action Service is financed from the budget of the High Representative (as being a Vice-President of the Commission) and approval of its budget is bound with the procedures of the Community budget. Therefore, this provided a new scrutiny area to the European Parliament by being a player in the financial procedure of the EEAS and having a say in the appointment of its staff and conducting its missions.

In 20 October 2009, European Parliament approved a report prepared by Rapporteur MEP Elmar Brok on the institutional aspects of setting up the European External Action Service. In this report, European Parliament clearly stated its expectation from the EEAS and the other related institutions to be taken into consideration within the framework of the treaty provisions: “Taking into account the fact that the European Parliament will be consulted on the setting-up of the EEAS, and given the budgetary consequences, believes that an early and substantive dialogue with Parliament is essential for the effective start-up of the EEAS and to

ensure that it receives the necessary financial resources.”<sup>119</sup> By this way, the European parliament enhanced its position in accordance to the pre-Lisbon period in terms of acquiring more interinstitutional bargaining power via the establishment of the EEAS.<sup>120</sup> Especially budgetary control of the EEAS by the Parliament assured parliaments role more than ever.<sup>121</sup>

Nevertheless article 41 (3) TEU brought a negative influence on the budgetary powers of the EP by introducing “Rapid Access to appropriations in the Union budget for urgent financing of initiatives” which refers especially to the civil and/or military operations and missions (Art 41 (3) TEU). These funds are named after “start-up fund” consisting of Member States’ contributions. The European parliament which normally fully participates in the budgetary procedure, shall only be consulted.<sup>122</sup>

The European Council is formally introduced in the Lisbon Treaty with its new post “the president of the European Council” in Article 9(A) and (B). Apart from the six-month rotating presidency of the Council of the European Union, the new president of the European Council will be elected by qualified majority voting and for a term of two and a half year. In Article 9 (B) paragraph 6, duties are defined of the president of the European Council one of which “(d) shall present a report to the European Parliament after each of the meetings of the European Council.” Hence, the one more information instrument was added to the European Parliament domain with the biannual report of the European Council’s President.

Besides these improvements, abolition of the pillar structure of the EU<sup>123</sup> provided a new opportunity for the European Parliament to establish more cooperative inter-institutional relations in common foreign and security matters. Side-effects of the intergovernmental

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<sup>119</sup> In Report of Elmar Brok on the institutional aspects of setting up the European External Action Service, Opinion of the Committee on Foreign Affairs for the Committee on Constitutional Affairs on the Institutional aspects of setting up the European External Action Service, (2009/2133(INI)), (19.10.2009) Rapporteur: Annemie Neyts-Uyttebroeck, paragraph 5.

<sup>120</sup> Antonio Missirolli (2010). “Implementing the Lisbon Treaty: External Policy Dimension”. *European Political and administrative studies*. Bruges Political Research Papers no.14. p.22

<sup>121</sup> Nanar Hadeshian (2010). “European Union’s External Relations: More consistency?”. *Yearbook of Polish European Studies*. p.121

<sup>122</sup> Wessels Wolfgang & Bopp Franziska (2007). “The Institutional Architecture of CFSP after the Lisbon Treaty-Constitutional break-through or challenges ahead?”. *Challenge Paper Aeries, Liberty&Security*. p.15.

<sup>123</sup> European Parliament resolution of 11 July 2007 on the convening of the Intergovernmental Conference (IGC): the European Parliament’s opinion (Article 48 of the EU Treaty) (11222/2007 – C6-0206/2007 – [2007/0808\(CNS\)](#)) paragraph 8.

nature of the external policies can be healed through collaboration of the different institutions of the EU in actual and day to day practices of related bodies.

The Lisbon Treaty increased the number of policy areas in which the "ordinary legislative procedure" i.e the codecision where the Parliament becomes a co-legislator along with the Council which decided, with a qualified majority. This procedure has been extended to some forty fields, the most important of which relate to justice and home affairs. Unfortunately, foreign policy, defence, operational police cooperation areas remained outside of these reforms still requiring unanimity in the Council.<sup>124</sup> Still other forty areas which the co-decision procedure extended have important external effects in directly, therefore making the European Parliament an equal partner in effecting the EU's relations.

One of these policy areas which the Lisbon Treaty increased power of the European Parliament is the trade policy. The European Parliament is now a co-legislator with the Council on trade matters. The powers of the EP can be classified under three headings: (1) all basic EU trade legislation, (2) all trade agreements, (3) status of trade negotiations.<sup>125</sup> EU legislation on trade matters such as anti-dumping, trade preferences has to pass through the European Parliament in ordinary legislative procedure before being adopted or amended by the Council. Secondly, to conclude an international trade agreement, European Parliament's consent is required. It is not enough the Council to sign the agreement, but the parliament must give its consent in order to enter the agreement in force formally. Then, Council has to adopt a second decision on the conclusion of the agreement formally. And, during the negotiations the Commission must inform Council and Parliament about the process. While the Commission informs the Council through the Trade Policy Committee composed of Member State representatives, it informs the European Parliament through Committee on International Trade (INTA).<sup>126</sup> Therefore, European Parliament has a powerful hand in shaping the common foreign and security policy through its competencies in international trade matters. Because the trade agreements with third countries are one of the most influential stick to enforce certain measures on the parties in question. Additionally, the Commission and the Council take the European Parliament's position seriously in

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<sup>124</sup> General secretariat of the Council of the European Union, Information Note, Treaty of Lisbon, December 2009, p.3.

<sup>125</sup> European Commission, Trade Department, Policy Making, What did the Lisbon Treaty change? Fact Sheet 14 June 2011

<sup>126</sup> European Commission, Trade Department, Policy Making, How International Trade Agreements are signed? Fact Sheet 14 June 2011

international matters. For example, commenting on the EU-Central America Association Agreement, the EU High Representative Catherine Ashton stated, "I welcome the European Parliament's consent to the EU-Central America Association Agreement. Based on common principles and objectives, such as democracy, human rights, and inclusive and sustainable development, the European Union and its Central American partners have reached a comprehensive agreement, which includes three complementary pillars, political dialogue, cooperation, and trade. Through it, we will achieve a stronger political dialogue and more effective cooperation on a wide range of issues at the regional level. These important instruments will give us the opportunity to better work together towards the development of a closer relationship and a deeper regional integration. In this sense, we hope to see our commitment to shared principles and objectives emerge stronger. I look forward to a swift ratification process and entry into force."<sup>127</sup>

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<sup>127</sup> European Commission, Press Release, Bilateral Trade Relations by Region, 11 December 2012, European Commission welcomes European Parliament's support for closer ties with Central America and new trade deals with Peru and Colombia



### **3.5. Concluding Remarks**

This chapter analyzed the institutional changes in the common foreign and security policy of the European Union, specifically those adopted since 1986 with Treaty revisions. Within this institutional structure, the European Parliament was first designed as a consultative assembly but then it turned out to be source of legitimacy for the policies of the Union. As the common foreign and security policy of the EU was moved to more supranational ground, role of the European Parliament in shaping it increased in time. It was first given the right to be informed with SEA. Later Maastricht Treaty expanded its competencies to the right to be consulted, ask questions and make recommendations. Amsterdam Treaty introduced some budgetary competencies which are later expanded by the Nice Treaty. Although the Nice Treaty introduced number of novelties in external relations of the EU, it did not increase the role of the EP in common foreign and security policy. Because what the Nice Treaty brought about the European security and defense policy as having military implications were designed as an intergovernmental sphere, excluding the participation of the Union bodies such as the European Parliament as much as possible. However, the Lisbon Treaty expanded the EP's role in CFSP significantly by introducing the European External Action Service and the High Representative for the foreign affairs of the Union as the head of the EEAS and one of the Vice-Presidents of the Commission. Since the European Parliament was the authority to elect, approve or disapprove the President of the Commission and the whole College, this provides the EP with exerting influence over the CFSP by deciding who the High Representative will be. Moreover, EP expanded the use of its budgetary powers through the EEAS' budget and the other expenditures which are charged to the Union budget. At last but not least, the Lisbon Treaty provided the European Parliament with significant competencies in trade policy by making it the co-legislator with the Council. Therefore, a new window of opportunity has opened for the EP to influence the CFSP through international trade agreements.

As a last word, in due course, the European Parliament acquired significantly more power in shaping the EU's foreign policy institutionally, procedurally, budgetary as well as lending elements of accountability, transparency and legitimacy. In the next chapter, the focus will be the classification of the current powers of the European Parliament in EU's CFSP.

## **Chapter 4. Classification of the European Parliament's Powers in the CFSP**

The power of the European Parliament is a trustworthy yardstick for the progress of European integration.<sup>128</sup> Since the focus of integration is concentrated on technical issues, as a political body European parliament remained as a second class institution within the European Union structures. Furthermore, regarding the common foreign and security policy, European Parliament's power is more strained leaving this policy area mostly under the jurisdiction of national governments. Indeed, even the national parliaments also do not have so much say in foreign policy issues since the nature of the foreign policy is generally perceived as confidential and to be conducted by the executives. Despite all, regarding the common foreign security policy, the European Parliament has powers which can be classified as legislative powers, budgetary powers, supervisory powers and information powers. In this chapter, European Parliament's competencies will be examined in the sense whether the EP can exercise these powers fully or not.

### **4.1. Legislative Powers**

The European Parliament, together with the Council, is the main legislative body of the European Union. The Commission is a quasi legislator as even though it initiates legislation, its main responsibility is execution and implementation. The role of the European Parliament has expanded gradually over time.<sup>129</sup> In beginning, the EP was limited by only 'consultation procedure'. Under this procedure, the EP only gives non-binding opinions on legislative act to the Commission and the Commission is free to decide whether it will take the Parliament's opinion into consideration or not. In 1986, Single European Act introduced the 'assent procedure' and 'cooperation procedure' giving more power to the EP. Assent procedure requires the European Council to obtain the assent of the European Parliament. However, the EP cannot make amendments on the legislative act in question, it may or may not give its assent. This procedure was applied to vital issues such as international agreements, enlargement decisions, structural and cohesion funds decisions etc. 'Cooperation procedure' takes place in two readings. After the first reading of the European Commission's proposal, the European Parliament issues an opinion including its amendments to the proposal. Hereupon the Council adopts its common position. The Parliament may approve, amend or

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<sup>128</sup>Leif Rumrich (2006). p.211.

<sup>129</sup> Kristin Archick (2012). "The European Parliament". *Congressional Research Service*, CRS Report for Congress. p.2.

reject the common position in the second reading. What significant is that the Council act unanimously when adopting the bill that has been amended or rejected by the EP. Nevertheless, the final decision is still up to the Council and this procedure was applied to limited number of policy areas.

In 1992, the Maastricht Treaty introduced the 'co-decision procedure', significantly enhancing the role of the EP in legislative process of the EU. In this procedure, the Parliament and the Council are in equal footing. In first, second or third readings, the Parliament and the Council seek to reach an agreement on proposed legislation. If they cannot bring a successful conclusion, a conciliation committee handles the proposal to find out a compromise. Conciliation committee consists of equal number of representatives from the Parliament and the Council. This committee produces a joint text and it voted in the Parliament by absolute majority and in the Council by qualified majority (usually) to adopt it. The co-decision procedure is the fittest form of legislative procedure for democratic norms. Use of co-decision procedure in EU's legislation increased over time by the subsequent Treaty amendments.

Treaty of Lisbon aimed at simplifying the decision making of the EU in order to make it more effective and more intelligible. Furthermore, democratic standards of the EU were reformed by enhancing the democratic equality, representative and participatory democracy and transparency. Therefore, article 289 of the Treaty on the Functioning of the EU refers two types of legislative procedures: "ordinary legislative procedure" and "special legislative procedure". Ordinary legislative procedure is same as the former co-decision procedure. It is the most proper legislative procedure for a parliamentary democracy since it requires the qualified majority voting as the voting rule, eliminating the possibility of blocking the Union's proper functioning with a national veto. Most importantly, it brings the European Parliament on an equal basis with the Council of the EU by making it a co-legislator. Also, Treaty of Lisbon extended the ordinary legislative procedures to new areas making the EU's legislation more legitimate. Unfortunately, common foreign and security policy is not one of these policy areas.

On the other hand, use of qualified majority voting was also extended in the Lisbon treaty in a decision making system in which the Council of the EU and the European Council are the sole legislators but the European parliament is not included in this domain. Although the unanimity remained as rule in taking common foreign and security decisions, Article 31(2)

TEU introduced four exceptions to this principle by stating that the Council shall adopt by a qualified majority:

- “when adopting a decision defining a Union action or position on the basis of a decision of the European Council relating to the Union's strategic interests and objectives, as referred to in Article 22(1),
- when adopting a decision defining a Union action or position, on a proposal which the High Representative of the Union for Foreign Affairs and Security Policy has presented following a specific request from the European Council, made on its own initiative or that of the High Representative,
- when adopting any decision implementing a decision defining a Union action or position,
- when appointing a special representative in accordance with Article 33.”

Nevertheless, According to the Article 31(4) TEU for the decision having military and defence implications, qualified majority voting shall not be applied. Because the member states do not want to give up control over their own security and defense policies.

Article 36 of the TEU opens a way for the EP to give a non-binding opinion to the Council on main aspects of the CFSP: “The High Representative of the Union for Foreign Affairs and Security Policy shall regularly consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and the common security and defence policy and inform it of how those policies evolve. He shall ensure that the views of the European Parliament are duly taken into consideration.” Although no additional formula is offered to control whether the consideration of the EP is taken by the Council in what level, this treaty provision is an important step for the inclusion of the EP into the security policy of the EU whereas previously the High representative did not need to inform the EP at all.

As it is mentioned previously, the European Parliament has a significant role in concluding international agreements since it requires the approval of the EP. Thus, the EP acquired an effective way to affect the foreign Policy of the EU. The European Commission must consult the European Parliament before and during the negotiations for international agreements. In order to enter into force, a majority of the MEPs must ratify the international agreements. This increased the significance of parliamentary committee procedures, party groups, policy experts, and especially the rapporteurs.

Therefore, it is not wrong to say that the legislative power of the European Parliament in common foreign and security policy does not exist in legal term but the EP does have power

to influence the CFSP decisions indirectly such as the budgetary power and its role in concluding international agreements. That is because of the very nature of decision making in the EU that is supranational and intergovernmental at the same time, as foreign and security policy is desired to remain largely intergovernmental by the member states, the EP's role as a full-fledge co-legislator is almost non-existent in this area.

#### **4.2. Budgetary Powers**

As budgetary issues were always a source of contention in the EU, the EP's budgetary powers evolved over time. On 21 April 1970, when the Council decided to create the Union's own resources to cover all expenditures of the EU, the European Parliament came to a turning point in terms of attaining vital competences in budgetary affairs of the EU.<sup>130</sup> Today, the European Parliament shall jointly with the Council exercise legislative and budgetary functions. (Article 14 TEU) Although the legislative functions of the EP were precluded in common foreign and security policy area, it still exercises its budgetary functions in CFSP matters. It is useful to first look at how the EP takes part in budgetary process.

Article 223 to 234 and 314 TFEU put how the budget of the EU is formed and the European Parliament participates. Each institution of the EU with the exception of the Central Bank delivers their estimated expenditure for the following financial year to the Commission. The Commission consolidated these estimated expenditures into a draft budget and submits it to the European Parliament and the Council until 1 September of the year preceding that in which the budget is to be implemented. After the Council adopts its position on the draft budget, forwards it to the European Parliament with the full reasons which led it to adopt in this way until 1 October of the preceding year. Within forty two days, if the European Parliament (a) approves the position of the Council, or (b) does not take a decision, the budget is to be adopted. If the EP amends the draft budget by a majority of its members, the amended budget is to be forwarded to the Commission and to the Council. If the Council does not adopt all the amendments the EP made within ten days, a Conciliation Committee convenes. The Conciliation Committee consists of equal numbers of the EP members and the members of the Council or their representatives and is tasked with reaching an agreement on a joint text on the basis of the positions of the EP and the Council by a qualified majority voting within the twenty one days. Within the period of fourteen days the European

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<sup>130</sup> Europa summaries of the EU legislation, Own resource mechanism, retrieved from [http://europa.eu/legislation\\_summaries/budget/134011\\_en.htm](http://europa.eu/legislation_summaries/budget/134011_en.htm)

Parliament and the Council are expected to approve or the reject the joint text or they may fail to take a decision. If both of them approve or one of the institutions approves the joint text while the other fails to take a decision, the budget is deemed to be adopted in accordance with the joint text. A new draft budget is to be submitted to Commission if both of the institutions reject or one of the institutions rejects the joint texts while the other fails to take a decision, or if the European Parliament rejects the joint text whereas the Council approves. According to the Article 314 TFEU (1-10) if the European Parliament approves the joint text whilst the Council rejects it, the European Parliament may decide to confirm all or some of the amendments made by the Council or rejects the amendments and adopt the budget definitely with the position agreed in the Conciliation Committee on the budget heading which is the subject of the amendment.

Contrary to the other weak powers of the EP in CFSP, financing of the CFSP enables significant parliamentary participation.<sup>131</sup> The expenditures which are charged to the Union budget have to be subject to the budgetary procedure defined above in which the European Parliament has the last word. According to Article 41 of the TEU, administrative expenditures of the CFSP shall be charged to the Union budget. Also second paragraph of the same article reads that the operational expenditures also shall be charged to the union budget but with the exception of expenditures arising from operations having military or defence implications. Indeed, paragraph 3 opens a window to finance also some parts of common security and defence operations by a council decision establishing specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of common foreign and security policy. After consulting the European Parliament, it is particularly stated that such arrangement can be done for preparatory activities for the tasks referred in Article 42 (1) (peace-keeping, conflict prevention and strengthening international security) and Article 43 (joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation). For the operations which cannot be charged to the Union budget under the article 42 and 43(1), ‘start-up funds’ will be created by the contributions of the Member States in accordance with their gross national product.

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<sup>131</sup>Zerrin Savaşan (2009). “The role of European Parliament in CFSP/CSDP”. *Sinan Strengthening and integrating academic networks*. Working Paper-6. p.18.

The new post of High Representative introduced in the Lisbon Treaty is also bound to the European parliament financially, since it is a double hatted position as being also a vice president of the Commission whose budget is approved by the parliament. Therefore, expenditures of the High representative are under the control of the EP directly. Likewise, another new institution introduced by the treaty of Lisbon is the European External Action service's expenditures are subjected to the EP's approval. Actions of the EEAS are closely related with the EP because without proper financing, it cannot perform its functions. For example, in 2010, during the budgetary discussions, EU Budget Commissioner Janusz Lewandowski voiced the concerns relating to whether the EEAS would get the fund in need of by stating that "The commission is very concerned about the potential failure. Our message is very clear: We need to agree."<sup>132</sup> This show how the EP has a bargaining power on the CFSP matters via the budgetary affairs of the EEAS, since its staff appointments, funding of projects and all other actions are planned in accordance with its financial potential. Eminent actors of the EP also involve closely to the issue, i.e. president of the European parliament Jerzy Buzek expressed his position by saying that "So that by the beginning of 2011 all EU projects and policies will be fully operational. A non-decision will be very costly."<sup>133</sup> Thus, the members of the European Parliament have an opportunity to reflect their ideas on issues in question or criticize the policies implemented. For instance, UK Conservative Party MEP Timothy Kirkhope, Justice and Home Affairs spokesman of his party approach to issue more positively offering a solution and warning about the negative consequences in the case of a non-solution by stating that "On balance it is better to just get the budget sorted. This delay affects important matters, including the EEAS, farm payments and various EU grants."<sup>134</sup> On the other hand another MEP from UK Independence Party Marta Andreasen criticized Union budgetary policy decision stating that "The EU makes spending promises based on money they would like rather than money they have. The EEAS is a classic case in point".<sup>135</sup> Thus, through its ability to control and supervise budgetary matters, the EP acquired some element of involvement in the EU's foreign and security policies.

Ongoing debates on the Multi-annual Financial Framework 2014-2020 between the European Parliament and the member states is also another remarkable example presenting the power

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<sup>132</sup> Martin Banks (2010). EU Budget rows puts funding for EEAS 'under threat' retrieved from <http://www.theparliament.com/latest-news/article/newsarticle/eu-budget-row-puts-funding-for-eeas-under-threat/#.UOCig-QyzTd>

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

of the in influencing the external policies of the EU in the sense that if the EP accepts commission's proposal to allocate €70 billion to the EU external activities, number of new elements will be introduced to the EU's external affairs, such as a single integrated pre-accession instrument, a new type of European Neighborhood Instrument and a new pan-African Instrument.<sup>136</sup>

Also the expenditures of the EEAS are not stable; it is increasing day by day as well getting bigger shares each year in accordance with the years before. This grow in the EEAS budget receives serious criticism from the member states. Also the High Representative Catherine Ashton struggles with the Member states' resistance both to the EU's existence at abroad and to the EU's external policies in action. In 2011, Arab Spring requires the EEAS to take more actions in the regions in question. In order to keep up with the rapidly changing international environment, EEAS had to open new offices in different part of the world, such as the one in Benghazi which was activated in 2011. Therefore, new initiatives, investments and staff recruitments necessitate more financial resources which are charged to the Union budget. A fierce criticism supervened from British junior minister David Lidington made a statement to the press stating that "Ashton's proposal to boost EEAS spending by almost €30 million to €490 million next year will not fly. I think that they have got to get real as far as the budget is concerned. This 5.8 percent that they're asking for is somewhat ludicrous."<sup>137</sup> He also noted that EU ambassadors located in 136 foreign delegations should not attempt to speak for member states relying on their new powers under the Lisbon Treaty and he added "There is pressure from parts of the EU machine to push competence. We push back. If it's overambitious, it actually can achieve a lot less."<sup>138</sup> Lady Ashton replied the attacks coming from the UK on EU foreign relations seeking too much money and too much power for the EEAS, stating that the extra projects in order to increase the EU presence in post-revolutionary Egypt and Tunisia need extra money.<sup>139</sup> Despite the severe criticism coming from the number of the EU member states, European External Action Service has been trying to ensure its presence within the institutional set up of the Union by widening itself into the various regions of the world. This new dynamism also provides an opportunity for the

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<sup>136</sup> European Union External Action, New Funding Instruments for EU External Action, 04.08.2011

<sup>137</sup> Andrew RETMANN, UK attacks Ashton over 'ludicrous' budget proposal, 24.15.2011, retrieved from <http://euobserver.com/institutional/32384>

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.



European Parliament to procure its power in the common foreign and security policy through its budgetary competencies in which the EEAS also is under.

Besides the abovementioned treaty provisions, over the years, the European Parliament has developed “a practice of intensive inter-institutional contacts and interactions resulting in a growing capacity to obtain information on current issues of CFSP” through concluding inter-institutional agreements with the Council and the Commission.<sup>140</sup> On 17 May 2006, an Inter-institutional Agreement was signed between the European Parliament, the Council and the Commission on the budgetary discipline and sound financial management aimed “to implement budgetary discipline and to improve the functioning of the annual budgetary procedure and cooperation between the institutions on budgetary matters as well as to ensure sound financial management.”<sup>141</sup> This agreement has become binding on all of the institutions of the Union covers the financial framework for 2007-2013. Part G (Article 42 and 43) of this Inter-institutional Agreement is devoted to the financing of the common foreign and security policy and the budgetary cooperation among the parliament, council and the commission in this area. In article 42 of IIA, an agreement on the amount of the operating expenditure which is charged to the Community budget and on the distribution of this amount between the articles of the CFSP<sup>142</sup> is aimed to be concluded among the EU institutions (the parliament, the council and the commission). If they cannot reach an agreement, the budget is deemed to be adopted in the amount of the previous year’s budget or the amount proposed in the preliminary draft budget, depending upon whichever is lower.

In the second paragraph of the Article 42 of the Inter-institutional Agreement, it is stated that if the amount of CFSP budget chapter during the financial year remains insufficient to cover the necessary expenses, the European Parliament and the Council will seek a solution as a matter of urgency, on a proposal from the Commission. This statement represents that even in

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<sup>140</sup>Diedrichs (2004). p.45.

<sup>141</sup>17 May 2006 Inter-institutional Agreement between the European Parliament, the Council and the Commission on the budgetary discipline and sound financial management,(2006/C 139/01) (OJ C 139, 14.6.2006, p. 1)

<sup>142</sup> Ibid. Paragraph 4, within the CFSP budget chapter, the articles into which the CFSP actions are to be entered could along the following lines: -crisis management operations, conflict prevention, resolution and stabilisation, monitoring and implementation of peace and security processes, -non-proliferation and disarmament, -emergency measures, - preparatory and follow-up measures, European Union Special Representatives.

the case of urgency; it is not possible to take an action concerning the budget without getting the approval of the EP.

In Article 43(1) of the Inter-institutional Agreement, the Council Presidency is called to consult the European Parliament prior to annual report of the Council on the main aspects and the basic choices of the CFSP, including the financial implications for the general budget of the European Union. Furthermore, the Council Presidency is assigned to keep the European Parliament informed by holding joint consultation meetings at least five times a year. The increased communications between these two institutions increase the EP's involvement on foreign and security policy, a realm traditionally reserved for member states. Also, whenever the Council adopts a decision in the field of the CFSP entailing expenditure, the Council will immediately, and in any event no later than five working days following the final decision, send the European Parliament an estimate of the costs envisaged ('financial statement'), in particular those regarding time-frame, staff employed, use of premises and other infrastructure, transport facilities, training requirements and security arrangements.

As a result, one can argue that the European Parliament has the capacity to influence the common foreign and security policy making effectively through participating to the budgetary process of the EU as an equal partner with the Council. The treaty provisions lead to initiation of this process and the further institutional arrangements enhanced the EP's position vis-à-vis other institutions. Therefore, EP's role in the budgetary process which includes financing the most of the CFSP projects enabled to have more democratic and accountable foreign policy of the Union.

### **4.3. Supervisory Powers**

The European Parliament exercises its supervisory powers over the European Commission and the Council on the basis of the Rules of Procedure of the EP. In general term, supervisory powers of the EP includes "monitoring the management of EU policies, conducting investigations, inquiries, and public hearings, and submitting oral or written questions to the Commission and the Council."<sup>143</sup> Since the CFSP decisions are not under the jurisdiction of

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<sup>143</sup>Zerrin Savaşan (2009). p.21.

the ECJ, parliamentary supervision of the CFSP enables a degree of political scrutiny over this policy area through a number of instruments.

The European Parliament has a very limited role in monitoring the actions taken within the framework of common foreign and security policy since this policy area is perceived as in the domain reserve of the member states. For this reason CFSP actions kept away from the supervision of the supranational institutions of the Union such as the European Parliament. However, the European Parliament has a few scrutiny powers arising from its role in appointment of the president of the commission and other commissioners. In addition to that Article 232 of the TFEU authorized the parliament to create its own rules of procedure which forms another basis for its scrutiny power of the parliament. The EP's rules of procedure provide EP to set up certain committees to deal with the issues under their specialization. AFET is the one concerning the Foreign Affairs.

The vote of approval of the EP is required for newly nominated Commission president and the whole college to take the office. Article 17 (7) TEU clarifies how the President of the Commission and his College of Commissioners come into office:

“Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure. The Council, by common accord with the President-elect, shall adopt the list of the other persons whom it proposes for appointment as members of the Commission. [...] The President, the High Representative of the Union for Foreign Affairs and Security Policy and the other members of the Commission shall be subject as a body to a vote of consent by the European Parliament. On the basis of this consent the Commission shall be appointed by the European Council, acting by a qualified majority.”

As it is seen in Article 17 (7), the commission and the college cannot become functional unless they are elected in the Parliament by a majority of its members. Since the high representative of the EU for foreign affairs which is a double-hatted position serving as one of the vice-presidents of the Commission is also in need of getting the majority votes of the MEPs. These are significant steps expanding the role of the European Parliament as a control

and supervision mechanism. It brings to the European Parliament a wide space to maneuver in terms of shaping the common foreign and security policy through its control power over the personality who will run the CFSP. However, it does not mean that the European parliament exercise its control limitless over the president of the commission and the college. The EP can accept, reject or dismiss the entire commission, not a single Commissioner. This deters EP to reject or dismiss the whole commission if it is dissatisfied with only some members of the Commission. In this sense, as it is mentioned in Article 17 (7), prior consultation of the Council to the Parliament concerning the President of the Commission and the members of the College matters the Parliament and the Council to meet on a common ground.

In addition to this, the European Parliament may vote on ‘a motion of censure’ of the commission. (Article 234 TFEU) Since the European Commission, as a body, is responsible to the European Parliament, the commission has to win the confidence of the Parliament. If the EP carries such a motion, the members of the Commission have to resign as a body together with the High Representative of the Union for Foreign Affairs and Security Policy.

Hence, On the basis of Article 17 (7-8) TEU and the Article 234 TFEU the European Parliament has a remarkable level of parliamentary control over the institution which is ‘fully associated’ with the work carried out in CFSP.<sup>144</sup>

Apart from the supervisory powers of the EP which are stemmed from the Treaty provisions of the TEU and TFEU, rules of procedure of the EP provides the parliament the opportunity to scrutinize the CFSP works indirectly. The rules of procedure of the EP regulate the internal arrangement of the European Parliament in order to make it work efficiently. Plenary, a large spectrum of committees, political groups, informal inter-groups, inter-parliamentary delegations carry out the daily works of the EP. Parliamentary committees function as elementary particles of an atom serving to make it move. “Committee on Foreign Affairs” (AFET) is responsible for conducting the union’s affairs relating to common foreign and security and the European security and defence policy. AFET is also assisted by a subcommittee on security and defence (SEDE). Within this scope, AFET manages the “relations with other EU institutions and bodies, the United Nations and other international organisations and interparliamentary assemblies for matters falling under its responsibility.” Besides, AFET aims at “strengthening of political relations with third

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<sup>144</sup>Diedrichs (2004). p.34.

countries, particularly those in the immediate vicinity of the Union, by means of major cooperation and assistance programmes or international agreements such as association and partnership agreements.” Parliamentary affairs relating to enlargement, as being an integral component of the EU, are also conducted by the AFET by “opening, monitoring and concluding of negotiations concerning the accession of European States to the Union.”<sup>145</sup> AFET carries these duties through joint parliamentary committees and parliamentary cooperation committees. There eight joint parliamentary committees and five parliamentary cooperation committees under the umbrella of the European Parliament. For example, joint parliamentary committee between Turkey and the European Union is one of them. This JPC serves as a model parliament consisting of equal number of member of the EP and the members of the TGNA. Members of the both parliament meet at least twice in each year on general meeting format and bureau meetings are organized prior to these meetings. Seventy general meetings of Turkey – European Union Joint Parliamentary Committee have taken place until now. In each and every month, some of the MPs visit the MPs in other parliament. During these meetings and visits, members of the European Parliament monitor whether Turkey recorded progress on the issues concerning her accession to the EU. These issues generally consist of political matters which are known as the Copenhagen criteria. Although the decisions, conclusions, reports and resolutions which are produced during these meetings are not binding on the parties, they creates significant political pressure on the candidate country in the direction of adjusting its legislation in accordance with the *acquis communautaire* of the Union. In this sense, direct involvement of the MEPs to the relations with third countries enables them to possess a high degree of informal supervisory power upon the common foreign security policy of the Union. Also, a subcommittee on human rights assists the AFET issues concerning human rights such as protection of minorities and the promotion of democratic values in third countries. Interparliamentary delegations, ad hoc delegations and election observation missions carry out the work under the responsibility of this subcommittee. For this purpose, members from other committees and bodies with responsibilities in this field can be invited to attend the meetings.<sup>146</sup>

Hence, the role of parliament in the appointment of the president of the commission and the entire college ensures ‘formal’ supervisory power of the EP on common foreign and security

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<sup>145</sup> Rules of Procedure of the European Parliament, 7<sup>th</sup> Parliamentary Term, December 2012, Annex VII, Powers and responsibilities of standing committees, p.136,

<sup>146</sup> Ibid.

policy whereas the Committee on Foreign Affairs (AFET) along with its sub-divisions enabled the EP to exercise additional ‘informal’ supervisory powers despite the fact they are not binding on the parties but produce significant political pressure on the sides.

On the other hand, the issue of parliamentary supervision of the EU mission abroad having military and defence implications remains almost out of the European Parliament’s reach. A sub-committee on security and defence under the jurisdiction of the AFET serves for the parliamentary aspect of the defense related matters. It provides a forum for the exchange of views, presentation of MEP’s reports on the matters relating to defence. Nevertheless, as it has been the case for even at national level, parliamentary oversight of the defense policies and actions are mostly hindered by executives. Despite the fact that the members of the European Parliament brought up to issue to agenda on several reports<sup>147</sup> and working groups<sup>148</sup>, defence matters remains as a difficult field for democratic control due to its confidential nature conflicting with the principles of transparency and accountability.<sup>149</sup>

Although some scholar suggests that the EP has limited supervisory powers in scrutinizing the CFSP,<sup>150</sup> it should be underlined that the supervisory powers of the EP significantly increased through appointment procedure of the President of the Commission and the entire College of the Commissioners. Moreover, internal arrangement of the Parliament also provides the EP with important supervision opportunities through working of the Committee on Foreign Affairs (AFET) along with its sub-divisions.

#### **4.4. Information Powers**

As the European Union’s presence increased all over the world with its vast staff in delegations and the military and civilian missions on various regions require more reliable and regular flow of information. Democratic accountability and transparency become matter

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<sup>147</sup>For example one of the latest report is presented by PPE MEP Rapporteur Arnaud Danjean about the implementation of the Common Security and Defence Policy (AFET/7/09958 2012/2138(INI)-PE494.671v02-00) For further research on the Parliamentary report visit <http://www.europarl.europa.eu/RegistreWeb/search/simple.htm?language=EN>

<sup>148</sup>Final Report of Working Group VII on External Action, CONV 459/02, 16 December 2003. Quoted in Stelios Stavridis (2003). “The CFSP/ESDP, Parliamentary Accountability and the ‘future of Europe’ Convention Debate”. p.5.

<sup>149</sup>Armin Laschet (2002). Member of the European Parliament , Achen, Germany, “Parliamentarisation of the European Union Security and Defence Policy”. *Geneva Centre for the Democratic Control of Armed Forces (DCAF)*. Working Paper Series No. 82. p.1-2

<sup>150</sup>Stelios Stavridis (2003). p.3

of concern in terms of parliamentary access to information on common foreign and security policy. Hence the treaties of the European Union and Inter-institutional agreements granted the European parliament to access to certain kind of information as a source power to the EP.

The two and a half year term-president of the European Council introduced by the Lisbon treaty (Article 15(4) TEU) is entitled for the external representation of the Union on issues concerning its common foreign and security policy (Article 15(6) TEU) and he is also liable to present a report to the European Parliament after each of the meetings of the European Council (Article 15(6(d)) TEU). Composition of the issues represented in the report of the president of the European council varies in accordance with the issues at stake at that time. However, common foreign and security matters always take place during discussions in European council meetings and also reflected in the report of the president of the European council to the European parliament. Depending on the international atmosphere and the agenda of the European Union, concentration of the CFSP matters during the discussions and in the reports may change time to time. For example, in September 2010 European Council conclusion document is only about the EU's external policies with the exception of half page long information about the task force on economic governance.<sup>151</sup> This document put that “the European Council discussed how to give new momentum to the Union's external relations, taking full advantage of the opportunities provided by the Lisbon Treaty. It agreed on the need for Europe to promote its interests and values more assertively and in a spirit of reciprocity and mutual benefit.”<sup>152</sup> With these statements, the European Council, as a purely intergovernmental body, recognizes the benefits of a common European foreign and security policy and reports it to the parliament along with its concrete measures to enhance the effectiveness of the Union external policy. Whereas the 2010 September European Council meeting allocates almost all chapters on common foreign and security policy, latest 13-14 December 2012 European Council refers the points touched in the conclusions of December 2008 and September 2010 European Councils; and addresses the situation in Syria as a matter of priority.<sup>153</sup>

The High Representative, who holds a triple hatted position being vice president of the commission, leading the European external action service and also chairing the Foreign Affairs Council, is a more “regular visitor to European Parliament where he/she “regularly

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<sup>151</sup>European Council, 16 September 2010 Conclusions, EUCO 21/1/10

<sup>152</sup>Ibid.

<sup>153</sup>European Council, 13-14 December 2012 Conclusions, EUCO 205/12

consults” the European parliament on the main aspects and basic choices of CFSP and CSDP “...and inform it of how those policies evolve”.<sup>154</sup> Article 21 of Treaty on European Union also puts that “Special representatives may be involved in briefing the European Parliament.” High Representative holds debates on progress in implementing the common foreign and security policy including the common security and defence policy at least twice a year. Apart from these debates which are in plenary format, high representative and the special representatives come before the European parliament’s other respective bodies such as AFET (Committee on Foreign Affairs), SEDE (Sub-committee on Security and Defence), DROI (sub-committee on Human Rights), DEVE (Committee on Development), AFCO (Committee on Constitutional Affairs) and ad hoc Special Committees. During these discussions, the European Parliament asks questions of the Council or makes recommendations to it and to the High Representative. This ensures fruitful discussion forum and exchange of information in which the European Parliament can get at the first hand.

One of the main information sources of the European Parliament is the annual report prepared by the Council on the main aspects and the basic choices of the common foreign and security policy. The council is liable to prepare this report on basis of the Inter-institutional Agreement of 17 May 2006 and the Article 21 of the TEU. Prior to the presentation of this report, Presidency of the Council shall consult to the European Parliament on matters concerning the CFSP within the time framework scheduled in Article 21 TEU. After the annual report published by the Council, it is passed on to the Committee on Foreign Affairs (AFET) of the Parliament. AFET prepares a report on the annual report of the Council. After a debate on this AFET report in the Plenary, a resolution is adopted. In addition to the resolution, the President of the Council and the High Representative [Commissioner on External Relations] usually make statements on the report, underlining important points in the report and certain issues in CFSP.<sup>155</sup>

Another field where the European Parliament possesses the right of information is enhanced cooperation.<sup>156</sup> Enhanced cooperation can be established on the basis of Article 20 of TEU among the member states of the Union ‘as a last resort’. Article 86(1) of the TFEU lays down the procedure of enhanced cooperation: “... if at least nine Member States wish to

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<sup>154</sup>Gerrard Quille (2008). p.5.

<sup>155</sup> Diedrich (2004). pp.34-35.

<sup>156</sup> Diedrich (2004). p.33.



establish enhanced cooperation on the basis of the draft regulation concerned, they shall notify the European Parliament, the Council and the Commission accordingly.” Also in a separate chapter of the treaty on functioning of the European Union, title 3 is devoted the rules of the implementation of enhanced cooperation. Article 328 and 329 puts that the European Parliament has to be informed regularly regarding the developments in enhanced cooperation either by the Commission or the High representative depending on the situation. If the member states wish to establish enhanced cooperation between themselves within the framework of the common foreign and security policy, they need to forward it to the Council, the High Representative of the Union for Foreign Affairs and Security Policy, the Commission and to the European Parliament. High Representative and the Commission separately give opinion on whether the enhanced cooperation proposed is consistent with the Union’s common foreign and security policy and consistent with other Union policies.<sup>157</sup> As it can be seen from the treaty provision, the European Parliament has no power other information concerning the enhanced cooperation. While the Council and the High Representative are entitled to ‘fully inform’ the European Parliament on the implementation and developments of the enhanced cooperation, there is no binding commitment for the Council to take the Parliament’s position into account or to follow its views.<sup>158</sup>

European Parliament’s access to information on European Security and defence policy is much more limited than the common foreign and security policy due to the sensitive nature of military matters. Since member states perceives the military and civilian forces as their own sovereign issues even if they see benefit in cooperating in certain cases, they created separate mechanism under which they can act together without the scrutiny of the supranational bodies such as the European Parliament. Nevertheless, since the EU initiated its first military mission in 2003 (operation Concordia in the FYROM), number of the military and civilian ESDP missions abroad increased steadily. European Union has been engaging not only in Europe but also in other parts of the world such as Caucasus, Middle East, Southeast Asia and sub-Saharan Africa.<sup>159</sup>“The increasing importance and number of ESDP missions has provoked strong debate regarding the complex nature of EU crisis management decision-

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<sup>157</sup>Article 329 (2) TFEU

<sup>158</sup>Diedrich (2004). p.33.

<sup>159</sup>Hans Born, Suzana Anghel, Alex Dowling, Teodora Fuior (2008). “Parliamentary oversight of the ESDP missions”. *Geneva Centre for the Democratic Control of Armed Forces (DCAF)*. Working Paper Series No. 28. p.1.

making and resulting implications for parliamentary accountability.”<sup>160</sup> Since what the European Parliament expected to get from the ESDP structures in terms of information and regular consultation is far from what the ESDP structures provided to the European Parliament, relations between the Parliament and the Council were tensed until the conclusion of the Inter-Institutional Agreement (IIA) in 2006<sup>161</sup> decreasing “the gap between the demand and supply of information to the Parliament.”<sup>162</sup> Nevertheless another Inter-institutional Agreement of 20 November 2002<sup>163</sup> made a categorization of the information concerning security and defence matters by classifying them as “TRÈS SECRET/TOP SECRET, SECRET or CONFIDENTIEL, whatever its origin, medium or state of completion, held by the Council in the field of security and defence policy and the handling of documents so classified.”<sup>164</sup> As a result of this IIA, some of the Members of the European Parliament may access ‘sensitive information’ classified by the Council according to the procedure laid down in the agreement. In the context of the agreement, Presidency of the Council or the Secretary-General/High Representative may convey information on developments in European security and defence policy, including sensitive information, to the President of the European Parliament or the Chairman of the European Parliament's Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy committee upon the request of them.<sup>165</sup> Nevertheless, TOP SECRET information is excluded from this scope and it is put that these documents and information is prohibited to publish or forwarded to any other address.<sup>166</sup>

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<sup>160</sup>Ibid.

<sup>161</sup>‘Inter-institutional Agreement between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management’, Official Journal C 139/01, 14 June 2006.

<sup>162</sup>Giovanni Grevi (2009). “European Parliament, European Security and defence Policy, the first ten years (1999-2009)”. Edited by Giovanni Grevi, Damien Helly, Daniel Keohane. *European union institute for security studies*. p.51

<sup>163</sup>‘Inter-institutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy’, Official Journal C 298/1, 30 November 2002. The Chair of the AFET also chairs a special committee of five who can request and receive oral briefings by the Presidency or the SG/HR on sensitive issues and can consult secret documents within the premises of the Council, in so far as this is necessary for the exercise of the EP’s attributions concerning ESDP.

<sup>164</sup>Ibid. Scope, 1.1

<sup>165</sup>Arrangements for access to and handling of sensitive information, point 3., retrieved from <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2002:298:0001:0003:EN:PDF>

<sup>166</sup> Point 3.3

As a conclusion, the European Parliament has remarkable information power on common foreign and security issues thanks to the new posts (such as High Representative of the Union for Foreign Affairs, Permanent President of the Council) and new institutions introduced with the Lisbon Treaty. Even though the EP criticizes the Council from time to time not being informed the EP on a regular base and detailed enough, in due course European Parliament's views and consideration on CFSP appreciated by the council and reflected in the document produced by them. A member of the European Parliament states that "As far as the European Parliament's right to be informed and consulted is concerned, which is one of the most classical parliamentary rights, I can say, as a former member of a national parliament, that Mr. Solana and Mr. Patten account to the European Parliament and/ or the Foreign Affairs Committee much more often and more detailed than many of the national foreign or defence ministers actually do."<sup>167</sup> In this sense, it can be argued that the EP exercises its political influence through using its informative powers which are granted by both treaty provisions and several Inter-institutional Agreements.

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<sup>167</sup>Laschet (2002). p.4.

#### **4.5. Concluding Remarks**

In this chapter, European Parliament's competencies are examined classifying them as legislative powers, budgetary powers, supervisory powers and information powers. It is observed that although the Treaties do not give legislative power to the European Parliament in CFSP matters, the EP poses the power to influence the CFSP decisions indirectly such as its budgetary power and its role in concluding international agreements. On the other hand, budgetary powers of the EP enabled it to influence the CFSP, since the TFEU makes the EP co-legislator with the Council in adopting the EU's budget. Hence, any expenditure of the CFSP which is charged to Union budget has to be approved by the Parliament. This makes the EP a key player in CFSP matter in question. Also, EP has supervisory powers on EU's CFSP through appointment procedure of the President of the Commission and the College of Commissioners in which the High Representative for the foreign affairs of the European Union is the Vice-President of the Commission. In addition to this, Parliamentary Committee on Foreign Affairs (AFET) and its sub-committees closely scrutinize the CFSP and ESDP matters preparing reports, giving opinions, issuing motion for resolutions. Lastly, information powers that the EP acquired firstly in Single European Act are important in the sense that creating communication channels between the High Representative, President of the Council and Members of the European Parliament. Since the High Representative and the President of the Council have to inform the European Parliament on a regular basis in the forms of parliamentary debates, question time, written or oral questions and regular annual reports on CFSP and ESDP, this creates enormous political influence over the Commission and the Council to take the EP's position on CFSP matters into consideration.

Therefore, the powers of the EP has diversified and become more functional in influencing the CFSP matters. This has secured to have a more legitimate European foreign and security policies which are also more accountable to the European citizens.

## **Chapter 5. Empirical Trends in Parliamentary Activities of the European Parliament Regarding the Common Foreign and Security and European Security and Defense Policy**

This chapter presents an empirical analysis of the extent to which the European Parliament has become an actor in the EU's foreign and security policies. To do so, the chapter analyses all the instruments that the Parliament has at its disposal ranging from debates to questions. Accordingly, the chapter looks at the changes in the number of the specific parliamentary activities of the EP such as the number of the plenary debates, opinions, written and oral questions, amendments to documents on CFPS/ESDP, resolutions, decisions, working documents, and general texts adopted for information on CFSP and ESDP matters.

### **Operationalization of Parliamentary Instruments in CFSP/ESDP Matters in the pre- and post-Lisbon Period**

In 2007, Lisbon Treaty introduced number of novelties. These novelties included the implicit promise of more institutional strength and more cooperation at the European level on the European Union's Common Foreign and Security Policy. As being perceived one of the most sovereign policy domains of the Member States, foreign policy matters is the most sensitive heading discussed during the Lisbon Treaty negotiations. For instance, John Major, former Prime Minister of the United Kingdom stated in his speech , “[...]for each of us, there will be areas of foreign policy where national action is more appropriate. Hong Kong is an obvious example for the United Kingdom.”<sup>168</sup> Therefore, it received “almost fifty percent of the amendments to the Treaty on European Union (TEU), which are contained in the Reform Treaty, pertain to this field.”<sup>169</sup> Despite the severe oppositions coming from some of the member states, Lisbon Treaty accomplished to include new provisions on the CFSP and ESDP. New instruments, positions and institutions introduced by the Lisbon Treaty affected the European Parliament's involvement in CFSP in a positive manner by increasing its visibility in this field. In order to comprehend the effect of the Lisbon Treaty on the European

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<sup>168</sup> John Major (1994). speech at the William and Mary Lecture, given in Leiden at the University on 7th September, <http://www.johnmajor.co.uk/page1124.html>

<sup>169</sup> Dr. Nicole Alecu de Flers (2008). “The Provisions on CFSP and CSDP in the Lisbon Reform Treaty: Stumbling Blocks or Milestones?”. Paper prepared for presentation at the conference “The Lisbon Reform Treaty: Internal and External Implications”, The Hebrew University of Jerusalem, 13-14 July 2008 Panel: ESDP-CFSP – General Themes, p.1

Parliament's activities on CFSP and ESDP, it is significant to look at some empirical findings on output of its parliamentary activities.

The presence of the European Union in all over the world has been increased especially with the recognition of the Union's legal personality in the Lisbon Treaty enabling the EU to conclude international agreements and participate in international organizations, reinforcing its visibility and effectiveness in multilateral forums and bilateral relations. Today, EU has 138 delegations in third countries and 8 delegations<sup>170</sup> in international organizations representing the EU abroad and operating in close coordination with Member States' embassies.<sup>171</sup> Adopting such a dynamic profile in external relations, the European Union needs to act in a more coherence and continuity at international level as it is stated in preamble of the Treaty on European Union "desiring to enhance further the democratic and efficient functioning of the institutions so as to enable them better to carry out, within a single institutional framework, the tasks entrusted to them."

However, the treaty fails to define clearly how the institutional affairs are managed on CFSP and ESDP which are perceived as intergovernmental policies. While it gives some sort of soft competencies to the European Parliament in CFSP decision making, such as consultation and information, the EP amplified its participation in processes of the CFSP through informal arrangements such as long-established forms of co-operation and internal arrangements.<sup>172</sup>

The Lisbon treaty carries these informal forms of cooperation on a more formal ground by assigning the High Representative, Special representatives and the permanent president of the Council of Europe to appear before the European Parliament regularly, inform and consult on particular CFSP issues. Within the EP, Committee on Foreign Affairs (AFET) is the main body functioning as a forum for democratic scrutiny of the CFSP. Two sub-committees of the AFET, which are the Sub-committee on Security and Defence (SEDE) and the Sub-

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<sup>170</sup>-Vienna: UN-OSCE-IAEA

-Addis Ababa: African Union

-Paris: OSCE-UNESCO

-Strasbourg: COE

-Rome: FAO

-Geneva: UN/GEN

-Geneva: WTO

-New York: UN/NY

<sup>171</sup> Calculations based on the information on European Union external action service website, retrieved from

[http://ec.europa.eu/external\\_relations/repedel/edelhrm/index.cfm?fuseaction=crepedel.europa&lang=EN](http://ec.europa.eu/external_relations/repedel/edelhrm/index.cfm?fuseaction=crepedel.europa&lang=EN)

<sup>172</sup> Wolfgang Wessel & Jürgen Mittag (2002). p.87.

committee on Human Rights (DROI), organise hearings and discussions on the issues under their responsibilities. As a consequence of these debates, reports and resolutions are adopted. Thus these adopted text and the debates constitute a source for contributing common foreign and security policy of the Union on certain subjects.

Along with the AFET, Committee on Budget, Committee on Development, Committee on International Trade, Committee on Industry, Research and Energy, and Committee on Constitutional Affairs works on the CFSP and ESDP matters pertaining to their scope. Other parliamentary committees may also involve in these workings in case of a specific expertise is needed. Moreover, temporary special committees may be established, whose aims and scope are determined by a decision taken by the European Parliament in a plenary session.

The core parliamentary business is conducted in meetings of these parliamentary committees where the members of the parliaments discuss, exchange views and take votes on draft legislative documents and amendments, and often hold discussions with experts. Topics which are planned to rise in these meetings are included in the agendas which are published at least once a month. Therefore, agendas give useful traces showing which topics take place during the discussions in committee meetings. For example, 5 December 2011 draft agenda meeting of Sub-committee on Security and Defence includes a debate on “Weimar Triangle Plus”<sup>173</sup> and CSDP among the representatives from Council, Commission and European External Action Service and the PSC Ambassadors of France (Jean-Louis Falconi), Germany (Johannes Haindl), Poland (Beata Pełka-Krawiec), Italy (Luca Giansanti) and Spain (Carlos Fernández-Arias). Moreover, in another session exchange of views took place on the development of military capabilities among the Executive Director of the European Defence Agency (Claude-France Arnould) and the General Commander of NATO Allied Command Transformation (Stéphane Abrial). Besides these, the same agenda includes a presentation by Fabio Della Piazza, Chair of COARM, on the 13th Annual Report according to Article 8(2) of Council common position 2008/944/CFSP defining common rules governing control of exports of military technology and equipment.

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<sup>173</sup>Weimar Triangle Plus is a trilateral security cooperation group established between Poland, France and Germany. Lang and Schwarzer claim that this cooperation may provide the European Union needed military capacities such as leadership, consensus building, and strategic guidance. See Kai-Olaf LANG and Daniela Schwarzer, Consolidating the Weimar Triangle, Stiftung Wissenschaft und Politik, German Institute for International and Security Affairs, October 2011, Berlin, pp.1-8 See also Marcel Dickow / Hilmar Linnenkamp / Jean-Pierre Maulny / Marcin Terlikowski, Weimar Defence Cooperation –Projects to Respond to the European Imperative, The Polish Institute for International Affairs, Berlin, November 2011, FG 03 WP 06, pp.1-11

**Table 1. Involvement of CFSP matters in Committee Agendas**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
AFET <sup>174</sup>	11	15
SEDE <sup>175</sup>	1	4
DROI <sup>176</sup>	1	-
FINP <sup>177</sup>	1	-
BUDG <sup>178</sup>	1	5
TOTAL	15	24

**Table 2. Involvement of ESDP matters in Committee Agendas**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
SEDE	14	18
DROI	2	2
ITRE <sup>179</sup>	-	1
TOTAL	16	21

When the numbers of the committee agendas including CFSP and ESDP items are compared, it is seen that more CFSP/ESDP items are included in agendas of post-Lisbon period vis-à-vis pre-Lisbon period. This shows that after the conclusion of the Lisbon Treaty the European parliament have had more chance to engage with CFSP issues incorporating them into the parliamentary instruments.

### 5.1. Opinions

Opinions are one of the parliamentary instruments, reflecting the perspective of a parliamentary committee on a certain document. In the Rules of Procedure of the European Parliament, Rule 49 puts how a committee may give its opinion at on another committee's request or on its own initiative. The committee has to give its opinion within a time limit laid down in the rules of procedures and what important is that the responsible committee cannot reach its final conclusion before this time limit expired. Opinions include either suggestions or amendment on the document in question, depending on whether it has a legislative nature or not. In the case of documents of a legislative nature, opinion shall consist of amendments to text referred with short justifications. If it does not have a legislative nature the rapporteur

<sup>174</sup> Committee on Foreign Affairs

<sup>175</sup> Sub-Committee on Security and Defence

<sup>176</sup> Sub-committee on Human Rights

<sup>177</sup> Temporary Committee on Policy Challenges and Budgetary Means of the Enlarged Union 2007-2013

<sup>178</sup> Committee on Budget

<sup>179</sup> Committee on Industry, External Trade, Research and Energy



of the opinion includes suggestions in the opinion document. After the opinion submitted to the committee responsible, these suggestions or amendments are put to the vote. If the opinion decided to be adopted, it shall be annexed to the report of the committee responsible. For instance, European Commission released an “Energy Roadmap 2050” and forwarded it to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions for information as a communication document.<sup>180</sup> When the Parliament received this document put it into process as being a non-legislative act and subjected to the own-initiative procedure.<sup>181</sup> The parliament authorized the Committee for Industry, Research and Energy as the committee responsible and the Committee on Foreign Affairs (AFET) as the committee for opinion along with other three committees.<sup>182</sup> Upon the opinion request from the committee responsible, AFET appointed a Rapporteur<sup>183</sup> in order to draw up a report indicating the points of the Commission document ‘Energy Roadmap 2050’, in which the Parliament weighs importance and suggests or demands some changes on them.<sup>184</sup> It is the moment for AFET to exert influence over the common foreign and security policy through making suggestions or demanding amendments on the Commission’s Roadmap from a parliamentarian point of view. Hence, it is important for the AFET to express its opinion on a CFSP/ESDP matter in the sense that offering a democratic and transparent prudence to a technical Commission roadmap. After the Rapporteur drafted the opinion on the document, it is put the vote in committee. If it gets the majority in the AFET, it is forwarded to the committee responsible. Committee responsible drafts a report and annexes the opinion to it to be sent to the related department of the Commission.

When the number of the opinions and the draft opinions concerning the CFSP and ESDP issues are compared, it is seen that after 2007 there is a drastic increase in number of the opinions and draft opinions concerning the CFSP while the ones concerning the ESDP remains same (Table 3 and Table 4). This shows that the Lisbon Treaty facilitated the European Parliament to be more active in common foreign and security policy by granting

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<sup>180</sup> The document can be accessible from European Commission’s website:

[http://ec.europa.eu/energy/energy2020/roadmap/index\\_en.htm](http://ec.europa.eu/energy/energy2020/roadmap/index_en.htm)

<sup>181</sup> European Parliament, Rules of Procedure, Annex XVIII: Procedure for granting authorisation to draw up own-initiative reports, legal basis TFEU 225, Rules of Procedure: Rule 42 and Rule 48

<sup>182</sup> For further information regarding the procedures in the European Parliament please visit: [http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2012/2103\(INI\)&l=en#tab-0](http://www.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2012/2103(INI)&l=en#tab-0)

<sup>183</sup> Rapporteur: Jacek Saryusz-Wolski

<sup>184</sup> Opinion of the Committee on Foreign Affairs (AFET), 2012/2103(INI), 14.11.2012

more powers to it through making Council and the Commission obligatory to consult and inform the Parliament on certain CFSP issues.

**Table 3. Number of the Opinions regarding the CFSP and ESDP**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
CFSP	20	51+1*
ESDP	11	11
TOTAL	31	63

\*1 Opinion in letter form to the Council proposal for a Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban

**Table 4. Number of the Draft Opinions regarding the CFSP and ESDP**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
CFSP	19	45
ESDP	9	9
TOTAL	28	54

## 5.2. Questions

Parliamentary questions are a direct form of parliamentary supervision over other EU institutions and bodies. They are directed by Members of the European Parliament to other European Union Institutions and bodies. Chapter three of the Rules of Procedures of the European Parliament is devoted to the explanation of the Parliamentary questions. Three types of parliamentary questions are defined in Chapter three: (1) Questions for oral answer asked during plenary sittings, and included in the debates,<sup>185</sup> (2) Questions for Question Time asked during the period spared for questions during plenary sittings<sup>186</sup> and (3) Written questions requested with a written answer.<sup>187</sup> Questions are addressed to the president of the European Parliament and the Conference of Presidents decides whether the question will be put in plenary session/question time or not.<sup>188</sup>

<sup>185</sup> Rule 115 of the Rules of Procedures of the European Parliament

<sup>186</sup> Rule 116 of the Rules of Procedures of the European Parliament

<sup>187</sup> Rule 117 of the Rules of Procedures of the European Parliament

<sup>188</sup> Rules of Procedure, Rule 115(1), Rule 116(3), Rule 117(2)

Moreover the rule 116 (5) explicitly cites that specific question hours can be held with the “Vice President of the Commission / High Representative of the Union for Foreign Affairs” in accordance with guidelines established by the Conference of Presidents. The fact that the current High representative Catherine Ashton appeared before the European Parliament about 100 times<sup>189</sup> for the debates and to answer the questions of the members of the European Parliament proves how this rule is a very well-functioning one in terms of bringing the number one player of the CFSP before parliament and render an account of actions taken under the umbrella of CFSP.

A wide scope of questions are addressed to the Union’s institutions and bodies ranging from the restrictive measures applying on third countries to the attitudes of the High Representative on particular subjects during her meetings in different parts of the world.<sup>190</sup> Scope of the questions also varies in accordance with the international phenomena of the time, for instance, a remarkable degree of question in 2012 is about the EU’s sanctions on Syria and their implementation. 125 questions in 2012 and 89 questions in 2011 regarding turmoil in Syria were addressed to the Council.<sup>191</sup>

**Table 5. Questions with Answers concerning on CFSP/ESDP**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
CFSP	121	337
ESDP	20	61

**Table 6. Priority Written Questions on CFSP/ESDP**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
CFSP	7	16
ESDP	2	3

**Table 7. Written Questions on CFSP/ESDP**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
CFSP	44	101
ESDP	5	19

<sup>189</sup> Videos can be accessible from: <http://www.europarl.europa.eu/ep-live/en/plenary/search-by-speaker/results?speakerId=94301&start=60>

<sup>190</sup> ALDE MEP Johannes Cornelis van Baalen E-008589/2012 Question for written answer to the Commission (Vice-President/High Representative) 27 September 2012

<sup>191</sup> Based on information on European Parliament website register of documents. Accessible from <http://www.europarl.europa.eu/RegistreWeb/search/simple.htm?language=EN&fulltext=syria&reference=&relName=&auteurSearch=&codeTypeDocuSearch=QECR&datepickerStart=&datepickerEnd=>

**Table 8. Oral Questions on CFSP/ESDP**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
CFSP	5	2
ESDP	7	3

When all types of the questions, except the oral questions, are concerned, it is seen that number of the questions regarding the CFSP and ESDP has increased sharply after 2007. It is a positive result of the Lisbon Treaty requiring the Vice President / High Representative, Special Representatives of the Union abroad and the permanent President of the Council of the European Union to appear before the European Parliament on a regular basis to answer the questions of the Members of the European Parliament and inform them on main aspects and basic choices in CFSP.

### **5.3. Resolutions**

Motions for resolutions<sup>192</sup> are outputs of the Parliamentary activities of the European Parliament, in which Chapter 5 of the Rules of Procedures of the EP constitutes the legal basis of them. Any Member of the European parliament can table a motion for resolution on a matter falling within the sphere of activity of the European Union.<sup>193</sup> There are three possible ways to issue a motion for resolution: (1) upon a statement by the Council, the Commission or the European Council<sup>194</sup>, (2) oral questions to the Council and the Commission<sup>195</sup>, and (3) in the case of winding up debates on cases of breaches of human rights, democracy and the rule of law.<sup>196</sup> Joint Motions for Resolutions are the form a resolution which aims to replace the other motions for resolution given by other parliamentary groups on the same subject. A typical motion for resolution includes three parts consisting legal provisions, a concrete and detailed explanation of the act in question and the recommendations and remarks by the authors of the motion for resolution. In order to adopt a motion for resolution, a majority vote of the Members of the European Parliament is required in the final voting in the plenary.

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<sup>192</sup> Rules of Procedure of the European Parliament, Rule 120

<sup>193</sup> Ibid.

<sup>194</sup> Rules of Procedure of the EP, Rule 110(2)

<sup>195</sup> Ibid., Rule 115(5)

<sup>196</sup> Ibid., Rule 122(2)

Since the European Parliament is accepted as a representative of the democracy and the rule of law<sup>197</sup> internationally, resolutions of the EP are effective parliamentary instruments in the sense that creating a political pressure upon its addressee. Hence, the European Parliament resolutions are capable of having repercussions among the international actors influencing their political preferences. Especially if a mutual interest between the parties is ensured through foreign policy tools of the EU such as Neighborhood policy or Stabilization and Accession Process, resolutions of the EP may exert more influence over the country in question. For example, European Parliament resolution of 13 December 2012 on situation in Ukraine criticizes the arrest and trial of the opposition leaders just before the parliamentary elections, urges Ukraine to comply with democratic norms and the rule of the law which are the core values of the European Union and calls Ukraine to establish closer cooperation with the institution of the EU.<sup>198</sup> As a response to the EP Resolution Foreign Ministry of Ukraine made a statement revealing that they welcome the clear message of the European Parliament on the need for the EU to provide active support Ukraine in its reform efforts and it emphasizes that the Visa Facilitation Agreement signed in July 2012 will certainly be a powerful incentive and the best tool for the successful promotion of Ukraine on this way.<sup>199</sup> Foreign Ministry of Ukraine also adds that "Our further effective interaction with the European Union will play a key role in the context of further comprehensive reform implementation in Ukraine, particularly in the sphere of the supremacy of law. Therefore, we confirm our readiness for further cooperation with the mission of the EP's envoys Aleksander Kwasniewski and Pat Cox."<sup>200</sup> This case shows that the EP Resolutions enables a high degree of influence on its addressee affecting its policy actions in direction of the EU's desires.

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<sup>197</sup>Erik Oddvar Eriksen, John Erik Fossum (2002). "Democracy through Strong Publics in the European Union?" *Journal of Common Market Studies*. Vol. 40. Pp. 401- 424.

<sup>198</sup>European Parliament resolution of 13 December 2012 on situation in Ukraine, P7\_TA(2012)0507

<sup>199</sup>For Um: Ukraine's Foreign Ministry satisfied with European Parliament resolution, 14 December 2012, accessible from: <http://en.for-ua.com/news/2012/12/14/112857.html>

<sup>200</sup>Foreign Ministry: EP's resolution on Ukraine confirms EU's readiness to intensify cooperation with Kyiv, 14 December 2012, by Interfax, accessible from: <http://www.kyivpost.com/content/ukraine/foreign-ministry-eps-resolution-on-ukraine-confirms-eus-readiness-to-intensify-cooperation-with-kyiv-317653.html>

**Table 9. Involvement of CFSP and ESDP in Motions for Resolutions**

MOTIONS FOR RESOLUTIONS FOR DECISION	31.12.2001-15.06.2007	15.06.2007-31.12.2012
CFSP	200	285
ESDP	73	95

**Table 10. Involvement of CFSP and ESDP in Joint Motions for Resolutions**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
CFSP	58	63
ESDP	13	21
TOTAL	71	84

Observations on the number of the European Parliament Resolutions show that a smooth increase took place after the Lisbon Treaty was drawn in 2007 (Table 9 and Table 10). Such increase signals that the European Parliament has become more engaged in international relations after the Lisbon Treaty due to the fact that the new treaty enables European Parliament to become a more effective institution within the EU and a more visible player in international relations.

Another important yardstick showing incremental influence of the EP on CFSP matters is Council referrals to the European Parliament Resolutions in the Council documents which are main sources of the CFSP. In this context, it is important for the parliament that its position regarding the CFSP is taken into consideration<sup>201</sup> by the Council which is the executor of the foreign policy. Empirical findings (Table 12 and Table 13) prove such tendency in Council's approach to the European Parliament's documents. Based on the information on the Council's register of documents, three main headings (or subject matters) (PESC, COSDP, CSDP/PSDC) on CFSP are chosen to compare the number of referrals to the European Parliament's resolutions before and after the Lisbon Treaty drafted. A modest rise in number of referrals is observed in the post-Lisbon period. On the other hand, number of the referrals to the Parliament's resolutions in the annual reports of the Council on the main aspects and basic choices of CFSP sharply increased in the post-Lisbon era as well.

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<sup>201</sup> Article 36 TEU.

**Table 11. Involvement of the European Parliament’s Resolutions regarding the CFSP matters within the Documents of the Council regarding CFSP matters**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
PESC	198	276
COSDP	67	75
CSDP/PSDC	-	1 <sup>202</sup>
PESC+COSDP	45	66
TOTAL <sup>203</sup>	220	257

**Table 12. Involvement of the European Parliament’s Resolutions regarding the CFSP matters within the Annual Report of the Council on the main aspects and basic choices of CFSP**

	2003	2004	2005	2006	2007	2008	2009	2010	2011
Number of the Referrals to the EP’s Resolutions or Other Activities	2	6	6	8	25	91	65	56	73

Besides the effective use of parliamentary tools in CFSP matters especially after the conclusion of the Lisbon Treaty, it can be said that the attractiveness of CFSP had also increased before the eyes of the Members of the European Parliament. Such claim can be put forward in view of increasing patterns of parliamentary works regarding common foreign and security policy for instance the growing number of debates taken place in plenary. (Table 12)

<sup>202</sup> It is categorized with the COSDP in the document therefore it is not added to total amount to avoid the duplication.

<sup>203</sup> In order to avoid duplication in total amount, it calculated as the sum of the documents related to only PESC, plus only COSDP plus PESC and COSDP together. ( (198+67)-45=220) ; (276+75)-66=285 )

**Table 12. Involvement of CFSP/ESDP matters in Plenary**

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
CFSP	8	21	39	67	63	75	79	68	82	73	74
ESDP	4	6	4	5	7	6	11	6	6	2	6
TOTAL					224*						407*

\*Total calculations include the total number of debates taken in the parliament on the issues concerning the CFSP and ESDP matters and are made by excluding the number of activities in year 2007 both from 2002-2006 period and 2008-2012 period.

Also the increases in the numbers of amendments given by the MEPs to the draft opinions and draft reports on CFSP and ESDP (Table 13); and the increases in the number of adopted texts (Table 14) and the documents for information (Table 15) after the signature of the Lisbon Treaty prove that newly offered dynamic role for the EP in foreign relations of the Union attracts the attention of the MEPs strikingly.

**Table 13. Amendments given to draft opinions and draft reports regarding CFSP/ESDP**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
Amendments to draft opinions on CFSP	15	38
Amendments to draft opinions on ESDP	9	16
Amendments to draft reports on CFSP	20	62
Amendments to draft opinions ESDP	15	28

**Table 14. Adopted Text (Finalised edition) regarding CFSP/ESDP**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
CFSP	74	86
ESDP	20	37

**Table 15. Documents for Information on CFSP/ESDP matters**

	31.12.2001-15.06.2007	15.06.2007-31.12.2012
CFSP	4	14
ESDP	1	5



#### **5.4. Concluding Remarks**

All things considered, it can be concluded that the European Parliament has become more capable of operationalizing the traditional parliamentary tools in CFSP/ESDP issues thanks to the reforms introduced by the Lisbon Treaty. Either individual Member of the Parliaments or the political groups have become more active in terms of participating CFSP/ESDP making by drafting reports, issuing resolutions, offering suggestions and amendments on the Council and the Commission documents more than pre-Lisbon period. This provides a way to make CFSP/ESDP in a more democratic fashion by including parliamentary participation into the processes. Therefore the works carried out both in the committees (particularly in AFET) and Plenary have become more of an issue for the Council and the Commission pushing them to incorporate the European Parliament as a partner into CFSP and ESDP making.

## CONCLUSION

“We live in a modern world in which nation states are interdependent. In that modern world foreign policy is not divorced from domestic policy but a central part of any political programme.”<sup>204</sup>

Robin Finlayson Cook, British Labor Party Politician Secretary of State for Foreign and Commonwealth Affairs, 1997

European nation states are more interdependent to each other than any other nation states of the modern world are. Because they tied up so much knots to each other that it is now too risky to untie even one of them. Whereas almost whole domestic policies of the nation states of Europe integrated, it is inevitable foreign policies' turn to come. When it was the foreign policies' turn to be integrated in the European Union, the member states resisted heavily. Because delegating a part of their sovereignty in security and defense matter means them to shatter their national interest. Therefore, the member states endeavored to keep discussion on foreign policy matters as possible as far from the European level. When it was not possible, they preferred to deal with issues through intergovernmental mechanisms such as the Council because they do not want to lose national control over their foreign and security policy. Nevertheless, drastic changes in international system and increasing interdependency among European states required them to act together in a coherent manner. As attempts to establish a common European foreign policy had been perceived as discretionary policy choices till the early 1990s, new challenges emerged with the end of Cold War showed that a common response to external threats is a requirement.

One of the findings of the thesis is that when the foreign policy problems began to be addressed at the European level, supranational institutions of the Union have had a voice gradually in this policy area despite heavy criticism coming from intergovernmental flanks. As the member states and the European citizens benefited from having common foreign policy, cooperation and integration spilled over whole sector including defense matters.

European Parliament, as one of the supranational bodies of the EU, is the sample of this thesis, proving that CFSP has been acquiring more and more supranational elements through involvement of the EP in it. Another important finding is that the powers of the European Parliament increased significantly in EU's common foreign and security policy after the

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<sup>204</sup> Kevin Theakston (2004). *British Foreign Secretaries Since 1974*. Routledge: London and New York. p.253

Lisbon Treaty was signed. Therefore, the slight increase in the number of the parliamentary activities involving the CFSP and ESDP matters after the Lisbon Treaty supports the argument offering the Lisbon Treaty increased the role of the European Parliament in EU's CFSP. This serves as an example for Haas' spill over concept which is on the phase of political spill over.

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