COMMON FOREIGN AND SECURİTY POLICY (CFSP)

- Secondary role of political cooperation on foreign and security policy in the European Community as compared to economic integration
- 1970’s: European Political Cooperation (EPC); outside the EC framework; intergovernmental nature; 1974: creation of the European Council
- Single European Act (1986): formal recognition of intergovernmental cooperation in foreign affairs; system of mutual information and consultation; Commission and EP: only right to information and consultation by the Presidency
HISTORICAL EVOLUTION OF THE CFSP

- International crisis: Gulf War (1990) and dissolution of former Jugoslavia (1991)
- Lack of coordination of EC member States and different political positions (UK, France, Germany)
- Recognition of insufficiency of the European Political Cooperation
- Treaty on the European Union: new institutional structure and legal instruments
- II pillar on CFSP: single institutional framework, specific acts, creation of a common security and defence policy (CSDP)
CFSP IN THE TEU – II PILLAR

• II pillar: strong intergovernmental character
• Objectives (art. 2 TEU): assertion of the EU identity on the international scene in the area of peace, security and defence, development of democracy, the rule of law and protection of human rights and fundamental freedoms
• Problems: lack of European political unity and insufficient military capabilities
INSTITUTIONAL STRUCTURE OF THE CFSP

• Single institutional framework for the EU (art. 3 TEU), but different balance of power among the institutions
• European Council: general principles and guidelines, common strategies (art. 13, ToA)
• Council: common positions and joint strategies (arts 14 and 15); High Representative of the CFSP (secretary-general of the Council, art. 26 TEU), Political and Security Committee (art. 25, ToN)
• Commission: limited power of initiative (art. 22 TEU: shared with Member States); “full association” with the work of CFSP (art. 18 TEU): ambiguity; task of coordinating CFSP and EC action
• European Parliament: substantial lack of power: power to make recommendations and request information, consultation on main aspects of CFSP (art. 21 TEU); control on operating expenditure placed on the EC budget (exception: defense operations)
• European Court of Justice: competence only in defining the borders among the pillar, but not on acts of the II pillar (arts 46 and 47 TEU)
INSTRUMENTS OF THE CFSP

- Common strategies (art. 13 TEU): European Council; unanimity
- Joint actions (art. 14 TEU): Council; operational action on a specific situation; unanimity or QMV (art. 23 TEU)
- Common positions (art. 15 TEU): Council; approach of the EU on a geographical or thematic matter; unanimity or QMV (art. 23 TEU)
- Nice Treaty: introduction of enhanced cooperation also for CFSP (art. 27a-e TEU)
- Constructive abstention: counted as unanimity unless abstention represents more than 1/3 of the votes: no decision (art. 23 TEU)
- QMV: possible only if States do not object on the basis of “important and stated reasons of national policy”: decision by unanimity by the European Council (art. 23 TEU)
COMMON DEFENSE AND SECURITY POLICY

- 1950’s Pleven plan; 1952: European Defense Community (EDC) Treaty: failure (lack of ratification by France); 1954 Western European Union (WEU): intergovernmental model, subordination to NATO
- Maastricht Treaty: reference to common defense and security policy; compromise between Atlanticists and Federalists
- Art. 2 TEU: progressive framing of a common defense policy (i.e. coordination of national policies) which might lead to a common defense (i.e. a European army)
- Possibility of integrating WEU into the EU; never used in practice
- Failure of CDSP in the crisis of Rwanda and ethnic cleansing in Bosnia-Herzegovina in 1994 and 1995: military intervention of the U.S. under NATO-UN umbrella
- Structural deficiencies: rotation of the EU Presidency, lack of a unit for prevention and management of conflicts, vote by unanimity, lack of adequate military capabilities
COMMON DEFENSE AND SECURITY POLICY - II

- Insufficiency of EU intervention during the Kosovo crisis in 1999; military intervention of the US under NATO umbrella
- Petersberg tasks: definition of the types of EU military missions: humanitarian and rescue tasks, peace keeping, crisis management including peace making (art. 17 TEU)
- Cologne and Helsinki summits (1999): improvement of EU military capabilities (intelligence, strategic transport, command and control) and coordination with NATO (subsidiarity principle); creation of a EU Rapid Reaction Force (RRF): 50,000-60,000 soldiers for at least one year for Petersberg tasks
- Continuing discrepancies among national foreign policies, but increasing pressure for joint response to international security threats (post-2001); tensions between the EU, US and NATO
- Lisbon Treaty: general provisions on the Union’s external action (art. 21 TEU); role of the High Representative of the Union for Foreign Affairs and security Policy (art. 18 TEU); decisions by the European Council (art. 22 TEU); maintenance of specific rules and procedures for the CFSP (art. 24 TEU); new definition of acts (art. 25 TEU): general guidelines and decisions; strengthening of ECDP (art. 42 TEU); establishment of a European Defence Agency (art. 45 TEU); permanent structured cooperation (art. 46 TEU)