

**Interparliamentary scrutiny of the
CFSP: avenues for the future**

**Annex 3 : Interviews with Andrew
Duff and Charles Goerens
European Parliament, Brussels,
6 September 2011**

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Andrew Duff MEP kindly agreed to meet me at his office in order to brief me on the European Parliament's position regarding interparliamentary scrutiny of CFSP. He takes the view that there is no other choice than 'to be faithful to the Lisbon Treaty'. 'National parliaments cannot follow or accept the logic of changes made in the Lisbon Treaty. They do not accept the current reality of CFSP and CSDP. They are trying to call back powers of the European Parliament but also of the Commission that were conceded to the EU institutions in the Lisbon Treaty. When Catherine Ashton, Vice-President of the Commission and High Representative of the Union for Foreign Affairs and Security Policy, tries to initiate a policy, these national parliaments really hate that and try to accentuate the division between the TEU (dealing with CFSP and CSDP provisions) and the TFEU (dealing with external action by the Union, in particular common commercial policy, development cooperation and humanitarian aid). The EU institutions ought to be confined to the TFEU and excluded from the TEU. In our view, it completely contradicts the spirit of Lisbon Treaty which abolished the second pillar and promotes a comprehensive approach to external relations'.

Andrew Duff recognises that 'prerogatives of governments are strong in the field of CFSP and CSDP' but this does not mean that the EU institutions are excluded from those areas. 'The European Parliament has budgetary powers, the power to nominate the High Representative and to call in Special Representatives, for example. It also has the right to scrutinise and ratify all international agreements entered into by the EU¹ and to be consulted on the main orientations of CFSP and CSDP.'

1. See Article 218 (6) of TFEU: 'The opinion/consent of the European Parliament is required for all international agreements, including those related mainly to CFSP, with the sole exception of those related exclusively to CFSP'. But the 'Declaration by the High Representative on Political Accountability' foresees the full and immediate information of the European parliament, just like in the Community areas, at all stages of the procedure of negotiation of international agreements, including for agreements concluded in the area of CFSP. Cf. Declaration on Political Accountability by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security policy (VP/HR), Annex to the European Parliament legislative resolution of 8 July 2010 on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service (Annex II, Doc. P7_TA(2010)0280).

Andrew Duff concluded that ‘we all ought to be trying to accommodate the interests of all Member States and EU institutions, but we don’t. National parliaments, driven by the very aggressive position of the British Parliament and the French Senate in particular (with the support of some Scandinavian parliaments), are opposed to a balanced deal. In addition, one has to take into account the great diversity of national parliaments’ powers in the area of foreign affairs. Some EU Member States have a very active foreign policy, while others do not even have one... The powers and culture of national parliaments vary dramatically across the EU. That partly explains why the national parliaments are unable to agree on the matter among themselves. It is a mess! There is no agreement and no prospect of agreement’.

‘The European Parliament is determined to ensure that we are given a sufficiently large delegation. In our terms, that has to be 35 MEPs at least, to get a fair balance across political groups and geographic origins. This is the condition in order to get a pluralistically and geographically balanced EP delegation’, he said.

He added that the current Polish EU Presidency was trying to organise a debate on interparliamentary cooperation in the field of CFSP and CSDP. The President of the European Parliament, Jerzy Buzek, himself of Polish nationality, was very willing to support the Polish EU Presidency’s attempts to reach a political settlement on that issue as quickly as possible. Nevertheless, Andrew Duff, together with Elmar Brok, was of the opinion that there was no pressure to act quickly. On the contrary, it would make sense ‘to allow national parliaments to grow into a greater understanding of the post-Lisbon situation. To achieve that, they needed time and some practical examples from Catherine Ashton and the EEAS of successful foreign policy achievements. Such evidence, ‘that with common efforts we get more successful results, would change the climate’, he said.

In answer to a question about the updating of the COSAC rules to comply with the Lisbon Treaty provisions, Andrew Duff, was clear-cut: ‘We do not accept that there is an agreement on COSAC as such taking over the organisation of conferences on CFSP and CSDP mat-

ters.² It must be a new mechanism. We will not play a role in a COSAC arrangement. We could even withdraw from COSAC!’ The European Parliament role within COSAC is ‘anomalous’, he said. ‘The objective is not to set up a new mechanism from scratch but to build on current joint foreign affairs committees’ meetings. The AFET Secretariat would support this new mechanism. To that end, we could add specialists of defence within the staff. There is no need for a new secretariat. National parliaments have national representatives hosted within the European Parliament building and these staff are taking part in AFET’s work as observers. National MPs are welcome to take part in interparliamentary meetings in the framework of AFET activities.

‘This way we could have a properly structured and organised interparliamentary conference mechanism’. To find an agreement between national parliaments and the European Parliament is ‘quite complex’, he said. ‘We will have to exert pressure using our political party connections at national level to resolve that issue’, Mr. Duff concluded.

Charles Goerens MEP who also kindly agreed to meet me is highly critical of ‘sterile debates about numbers’, for in the discussion about the respective sizes of the EP and national parliament delegations one loses sight of the fundamental issue, which is the parliamentary scrutiny of CFSP. Parliamentarians have a vital role to play in providing scrutiny and political impetus. Moreover, it is necessary to take account of the EP’s increasingly powerful role in the EU decision-making processes.

Charles Goerens takes the view that Article 10 of Protocol on the role of national parliaments appended to the Lisbon Treaty provides a ‘legitimising basis’ for the creation of an interparliamentary ‘assembly’ on CFSP/CSDP. The model set up for CFSP could be used to organise conferences in other policy areas, in particular that of Economic and Monetary Union (EMU).

2. Article 1.2 of the updated COSAC Rules published on 4 August 2011 reads as follows: ‘The Treaty of Lisbon empowers COSAC to submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission and to promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy’. At the COSAC meeting in Budapest (29-31 May 2011), during the discussion on the updating of the COSAC Rules, Protocol No.1 to the Lisbon Treaty was not mentioned as such, but the ‘Treaty of Lisbon’ was, so it would seem not to make much of a difference from the legal standpoint even if for the EP it does make a difference from the political point of view. The quarrel was between the national parliaments, which wanted to mention only Article 10 of the Protocol, and the European Parliament, which insisted on mentioning both Articles 9 & 10 (including the necessity of reaching joint agreement).

He advises against sticking too closely to the COSAC model; he says provision must be made for the drafting of reports by national and European parliamentarians on issues of foreign and defence policy, including on medium and long-term strategy. A whole range of subjects could be addressed, such as the ‘Arab spring’, nuclear issues and strategic agreements with the US and China. To provide input for the work of such an assembly it would be necessary to have some kind of ‘executive report’ (like, for example, the annual report of the Council to the EP on the main aspects and fundamental orientations of CFSP or the European Commission’s legislative and work programme – including, *inter alia* the EU’s external action – or the Speech on the State of the Union). The idea would be to analyse those parts of the reports with significance for the CFSP. Such an assembly would provide a means for monitoring the work of the European Council, hence the importance of also involving the President of the European Council, Herman van Rompuy.³ The basic documents would be provided by the European Council on a regular basis and in parallel there would be regular exchanges with leading political personalities at both European and national level. Thus the Council and Commission would be obliged to take a stance on the report and its recommendations submitted jointly by national parliamentarians and MEPs.

In fact Charles Goerens is in favour of ‘parity’ between the national parliaments on the one hand, and the EP on the other, in the new mechanism for the interparliamentary scrutiny of the CFSP/CSDP (i.e. as many MEPs as there are national parliamentarians as opposed to a same-size delegation for all). There has to be a ‘critical mass’ of MEPs within the assembly with its ‘plurality’ of members, said Charles Goerens. Finally, a strong EP presence would encourage leading members of the European executive to regularly come before the assembly.

3. According to Article 15 (6) TEU: ‘The President of the European Council shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy’.

Abbreviations

AFET	Committee on Foreign Affairs
CFSP	Common Foreign and Security Policy
COSAC	Conference of Parliamentary Committees for the Union Affairs of Parliaments of the European Union
CSDP	Common Security and Defence Policy
EEAS	European External Action Service
EP	European Parliament
TEU	Treaty on European Union
TFEU	Treaty on the Functioning of the European Union