

THE EUROPEAN PARLIAMENT AS THE “DRIVING FORCE” OF THE COMMON SECURITY AND DEFENCE POLICY

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The outcome of the European elections of 23 to 25 May will have an impact on the direction the European Parliament (EP) will take with the Common Security and Defence Policy (CSDP). During the expiring 7th legislative period from 2009 to 2014, the EP has consolidated its role as “driving force”¹ for the Security and Defence Policy and been successful in advancing the parliamentarisation of the CSDP. It made important contributions in the areas of agenda setting, law-making, budgetary law as well as parliamentary monitoring and political oversight. The Christian Democrat group in Parliament played a central role in all these areas, preparing the ground for a “grand coalition” in matters of security and defence.



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ROLE OF THE EUROPEAN PARLIAMENT WITHIN THE CSDP

In the course of its 7th legislative period from 2009 to 2014, the EP strengthened its role as an oversight and admonitory force within the CSDP, which forms an integral part of the Common Foreign and Security Policy (CFSP), on the basis of the Treaty of Lisbon. The European Parliament exercises five functions in connection with the CSDP: information gathering, political oversight, budgetary control and legislative functions as well as responsibilities with respect to agenda setting. Before any oversight or control

1 | Hans-Gert Pöttering, “European Union Common Foreign, Security and Defence Policies: Contribution of the European Parliament”, in: Karl von Wogau and Guy Verhofstadt (eds.), *The path to European defence*, Antwerp, Maklu, 2004, 73-80, here: 75.

can be exercised, the MEPs need to obtain pertinent information in order to be able to do justice to their oversight and admonitory role.

The MEPs had already acted with respect to their duty to gather information in the autumn of 2009 by questioning the now First Vice President of the European Commission and High Representative of the Union for Foreign Affairs and Security Policy, Baroness Catherine Ashton, at a hearing in Parliament. As an EU commissioner candidate, she was answering questions on the future of the then European Security and Defence Policy (ESDP) and on the demand for a European Security and Defence White Paper tabled by Parliament. At this occasion, it became apparent that the ESDP was not going to be one of the areas she would focus on. During the course of the legislative period, the parliamentarians made use of their right to question Ashton in plenary assembly sessions. She committed herself to giving an account to MEPs with respect to the CFSP and CSDP at least twice a year.



Since 2009 Catherine Ashton is the EU's High Representative of the Union for Foreign Affairs and Security Policy: Ashton, here during a visit to the Polish Foreign Ministry in 2012, committed herself to giving an account to MEPs. | Source: Mariusz Kosiński, Foreign Ministry of Poland, flickr ©©©.

Table 1

Groups in the 7th European Parliament (2009 to 2014)

Group	Abbreviation	Number of seats (percentage)
European People's Party (Christian Democrats)	EPP	274 (35.8)
Progressive Alliance of Socialists & Democrats in the European Parliament (Social Democrats)	S&D	196 (25.6)
Alliance of Liberals and Democrats for Europe (Liberals / centrists)	ALDE	83 (10.8)
Group of the Greens/European Free Alliance (Greens, regional parties)	Greens/EFA	57 (7.4)
European Conservatives and Reformists (Conservatives, EU sceptics)	ECR	57 (7.4)
Confederal Group of the European United Left/Nordic Green Left (Socialists, Communists)	GUE/NGL	35 (4.6)
Europe of Freedom and Democracy (EU sceptics, right-wing populists)	EFD	31 (4.1)
Non-attached		33 (4.3)

During the 7th legislative period, the European Parliament had 766 MEPs.

Source: European Parliament, <http://ergebnisse-wahlen2014.eu/de/election-results-2009.html> (accessed 16 Jun 2014).

The fact that the groups in the EP (see Table 1) occupy different political positions means their stances towards the CSDP differ as well. During the regular discussions, it became clear that the MEPs from the GUE group, the ECR group and the EFD group are fundamentally opposed to the existing CSDP structures and processes. The GUE group imputes that the CSDP entails an indefensible militarisation of the EU. The MEPs from the ECR group expressed doubts as to whether the EU should accept any military remit at all. This is not a case of pacifism, as with the MEPs on the Left, but of a fundamental suspicion that the CSDP is duplicating NATO. The EFD group is also opposed to the EU exercising military responsibilities on principle and demands that these matters be returned to the level of the nation states.

EPP, S&D and ALDE agree on the idea that the civilian-military approach should be consolidated by strengthening capabilities and meeting security challenges with a common response.

Opposing these views is a “grand coalition” around the EPP group, which prepared the ground for a compromise with the S&D group and the ALDE group on central issues relating to the CSDP. In terms of content, this “grand coalition”² welcomes the current form of the CSDP with its central approach of networked security. These three groups agree on the idea that the civilian-military approach should be consolidated by strengthening capabilities, adopting a Security and Defence White Paper and meeting security challenges with a stronger common response. The group of the Greens also stresses the need for a strong CSDP, although it does not take clear positions on military, research and industry-related issues in the CSDP context.

SECURITY-POLICY ARM OF THE EP: SUBCOMMITTEE ON SECURITY AND DEFENCE

Since 1984, there have been EP subcommittees dealing with matters of security, disarmament and defence. The only period when these were not active was during the legislative period from 1999 to 2004.³ During the expiring legislative period, the work in this policy area has been carried out by the Subcommittee on Security and Defence (SEDE), which assists the standing Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (AFET for short from the French term *Affaires étrangères*). SEDE developed from a subcommittee on security and disarmament.⁴ The work of the latter had been retrospectively rated by its then chairman as a “driving force behind the foreign policy, security and defence debate”, which “consistently provided creative inputs”.⁵ In addition, the MEPs prepared the ground to ensure that Member States would accept the idea of assigning the “European Community/ Union” a role in the areas of security and defence. The EP has been consistent in its support for defence policy at

2 | To date, out of a total number of 766 MEPs, this coalition has included 274 MEPs from the EPP group, 195 from the S&D group and 83 from the ALDE group.

3 | Cf. Richard Corbett, Francis Jacobs and Michael Shackleton, *The European Parliament*, London, Harper, 2007, 147.

4 | SEDE was established in 2004, chaired by then MEP Karl von Wogau (EPP/CDU), who was succeeded by French MEP Arnaud Danjean (EPP/UMP) from 2009 to 2014.

5 | Pöttering, n. 1, 75.

the European level, reflected in the change of name of the subcommittee in 2004.

During the expiring legislative period, there have only been occasional incidents in SEDE where MEPs diverged from the common parliamentary group stance on specific pertinent issues due to national positions. Generally, the scene was dominated by a confrontation between the groups along the political spectrum from Right to Left. One example proving competition between the groups was the contentious vote on defence export control,⁶ when the existing "grand coalition" on fundamental issues was revoked by the Social Democrats. It had already transpired during the preparations for the vote that the S&D and GUE groups and the Greens held joint views that could gain a majority as they had support from some of the Liberals. The groups on the Right and Left did not agree on the extent to which the Member States could be called to account at EU level in the event of failure to conform to the common stance on defence export control and the degree to which the control regime was to be expanded.

One example proving competition between the groups was the contentious vote on defence export control, when the "grand coalition" on fundamental issues was revoked by the Social Democrats.

In agreement with the ECR group, the EPP group took the view that implementation of defence export controls should be left to national parliaments. The other groups, however, wanted to enforce accountability to the EP and to civil society organisations. Ultimately, the EPP group succeeded in stopping the draft at committee level although it looked like it might be defeated in the vote. It gained the necessary majority for the draft to be rejected in the final vote in AFET, which meant it could then not be submitted for a vote in the plenary session. All the members of the EPP group eligible to vote turned out for the vote. Conversely, there were too few S&D MEPs present casting their vote, resulting in the "left-wing" groups being defeated. Some of the Liberals had also sided with the EPP.

6 | Even the draft report created controversy in SEDE. Cf. European Parliament (EP), "Draft report on arms exports: implementation of Council Common Position 2008/944/CFSP (2012/2303(INI)", http://www.europarl.europa.eu/meetdocs/2009_2014/documents/afet/pr/927/927057/927057en.pdf (accessed 22 May 2014).



The European People's Party, led by parliamentary chairman Joseph Daul between 2009 and 2014, took the view that implementation of defence export controls should be left to national parliaments. | Source: Martin Lahousse, EPP, flickr @@@.

SEDE'S PARLIAMENTARY INFORMATION GATHERING AND OVERSIGHT FUNCTIONS

At the level of SEDE, the MEPs gather security and defence-related information through hearings, by questioning representatives of the European executive as well as visiting CSDP operations.⁷ During these sessions, the MEPs exercise their political oversight function by investigating ongoing processes and opening up the CSDP, normally dominated by the executive, to a degree of public inspection. During the legislative period from 2009 to 2014, the exchanges between SEDE and national defence ministers, high-ranking representatives of HR Ashton or Commission representatives, the European Defence Agency (EDA), the European Union Satellite Centre (EUSC) and the European External Action Service (EEAS) were mostly conducted in public sessions.

To add to the body of knowledge available throughout the EP, SEDE regularly organises committee meetings with other parliamentary institutions, such as the Foreign Affairs, Development and Budgets committees. There have also been joint meetings of SEDE delegations with

7 | Secretariat of the Subcommittee on Security and Defence, *European Parliament Subcommittee on Security and Defence 7th Legislative Period (2009-2014)*, Brussels, 2011, 10.

delegations from other regional organisations or non-EU states. Delegations are dispatched to CSDP operations so MEPs can gain a more detailed insight into the particular deployments and assess their implementation. The visits to areas of deployment are complemented by SEDE hearings, where the MEPs question the EU Special Representatives, the heads of the European Union Military Staff (EUMS), the civilian-military planning unit (Crisis Management and Planning Directorate, CMPD), the Civilian Planning and Conduct Capability (CPCC) as well as the civilian and military commanders of the CSDP missions.

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The scientific services make a further contribution to strengthening the knowledge base within the EP and to informing the public. They conduct studies on behalf of SEDE or engage third-party research institutions to carry out the work. Two recent studies have attracted widespread attention. The first is a study entitled "The impact of the financial crisis on European defence"⁸ by the German foundation Stiftung Wissenschaft und Politik (SWP), which served as the basis for the so-called Lisek Report. The results from this study have been shown to influence the perceptions of the CSDP in the capitals and led to more in-depth studies by the EP and the EDA. The second was a study entitled "Cost of Non-Europe Report: European Common Security and Defence Policy",⁹ which attracted considerable public attention and initiated Europe-wide discussions about the acts and omissions of the Member States in connection with the CSDP.

LEGISLATIVE AND NON-LEGISLATIVE ACTIVITIES WITHIN THE CSDP

The Subcommittee on Security and Defence uses committee work and visits by delegations to become involved in the legislative and non-legislative work of the EP that is relevant to security and defence policy through parliamentary opinions and reports. The areas of EU legislation that SEDE

8 | Christian Mölling and Sophie-Charlotte Brune, "The impact of the financial crisis on European defence, study for the European Parliament", Brussels, 2011.

9 | Blanca Ballester, "Cost of Non-Europe Report European Common Security and Defence Policy", *CoNE 4/2013*, European Parliament, Brussels, 2013.

has been involved with in an advisory capacity during the expiring legislative period have included the future of the Galileo satellite navigation program and of the Copernicus Earth Observation Programme. In addition, the subcommittee succeeded in having a say in shaping the legislation for the next EU Research Framework Programme, Horizon 2020. In all three cases, the EP ensured that civilian-military aspects were included in the European legislative work. This is worth mentioning as SEDE opinions reflecting parliamentary insights in the area of security and defence policy do not automatically have to become incorporated into the legislation by the respective committee in overall charge.



Launch of the first Galileo navigation satellites in 2011: the Subcommittee on Security and Defence of the European Parliament is an advisory body for the legislation concerning the satellite navigation program. | Source: Thilo Kranz, DLR, flickr ©©.

Examples in this area include the legislative work on devising the Single European Sky (SES) and the failed partial EU funding of the integration of military aviation. In 2011, the estimated cost of the technical integration with the future SES was put at seven billion euros.¹⁰ A problem arose in that none of the EU Member States had set aside funds for this purpose in the defence budget or was planning to do so. If Member States do not create the prerequisites in terms of military technology to enable participation in the

10 | Cf. Blanca Ballester, "Cost of Non-Europe Report European Common Security and Defence Policy", *CoNE* 4/2013, European Parliament, Brussels, 2013, 58.

reformed airspace sometime soon, this could potentially result in restrictions to military deployment and supply operations in the future.

A conflict has broken out in this connection between the Council and Parliament. While the Council has agreed to the civilian-military character of the SES, Member States are refusing to acknowledge the consequences the Commission is creating in the course of implementing the legislation in agreement with the EP. As the single airspace is aimed at strengthening civil aviation while creating cost and energy savings, so-called Functional Airspace Blocks for military reasons would be very difficult to enforce in the future. Under European legislation, the air forces do not play a special role where participation in general air traffic is concerned. This is a circumstance that Member States will definitely have to take into account when planning their defence budgets in future.

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The Transport Committee, which is in overall charge where the SES is concerned, disregarded the proposal put forward by SEDE on cofounding to support the national air forces in managing the integration. While SEDE adopted the draft of the opinion with a broad majority, this did not feature in the subsequent decision-making of the Transport Committee. This is not an isolated example. SEDE frequently initiates proposals for decisions intended to strengthen the CSDP. But as other committees are in overall charge, such initiatives do not necessarily have to be given consideration. Besides the conflicts between parliamentary groups and nationalities, differences and obstacles at the level of the EP committees represent a third line of conflict.

In addition to their involvement in legislative reports, the MEPs in the SEDE subcommittee draft non-legislative reports to respond to measures and/or reports of other EU institutions or to start political initiatives of their own. The EPP group in the EP used this route to make some political points. They succeeded in strengthening civilian-military cooperation at EU level and the use of civilian-military capabilities by a report on "civilian-military cooperation

and the development of civilian-military capabilities".¹¹ The EU initiative on the sharing of military roles and tasks (Pooling and Sharing) was subjected to criticism in a report on the "impact of the financial crisis on the defence sector in the EU Member States",¹² accompanied by suggestions for improvements. The EP responded to Commission proposals on the future of defence by submitting a report on the "European Defence Technological and Industrial Base",¹³ thereby making a substantial contribution to the European Defence Council in December 2013.¹⁴

At the biannual occasions when the First Vice President of the European Commission and High Representative of the Union for Foreign Affairs and Security Policy, Baroness Catherine Ashton, gives her account to the EP, the parliamentary annual reports on the CFSP and CSDP are debated in plenary session, and the execution of measures relating to foreign affairs and security policy are submitted to a critical examination. AFET produces the annual report on the CFSP, which contains sections on the further development of the CSDP, if appropriate. SEDE committee members draft the annual report on the CSDP, which concentrates on political and strategic questions, the execution of the CSDP missions, institutional processes as well as the debate on strengthening civilian and military capabilities.

The annual reports are generally supported by large majorities consisting of the EPP, S&D and ALDE groups. Firstly, this is due to the fact that the two large groups agree on

11 | EP, "European Parliament resolution of 23 November 2010 on civilian-military cooperation and the development of civilian-military capabilities (2010/2071(INI))", <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0419&language=EN&ring=A7-2010-0308> (accessed 17 Mar 2014).

12 | EP, "European Parliament resolution of 14 December 2011 on the impact of the financial crisis on the defence sector in the EU Member States (2011/2177(INI))", <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0574&language=EN&ring=A7-2011-0428> (accessed 17 Mar 2014).

13 | EP, "European Parliament resolution of 21 November 2013 on the European Defence Technological and Industrial Base (2013/2125(INI))", <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0514&language=EN&ring=A7-2013-0358> (accessed 17 Mar 2014).

14 | Cf. Michael Gahler, "Nach dem Gipfel ist vor dem Gipfel", *Europäische Sicherheit und Technik*, 2014, 2, 10-12.

the fundamental arguments regarding the CSDP. Secondly, responsibility for drafting the annual reports is assigned on a rotation basis, alternating between the group that is in charge of the subcommittee and the next largest group.¹⁵ In the 2013 annual report on the CSDP, the EP commented on political and strategic issues as preparations were being made for the upcoming Defence Summit. In this report, the MEPs called for a European Security and Defence White Paper and for a formal Council of Defence Ministers to be convened.



Parliamentary responsibility in foreign affairs: MEPs, such as those here in Strasbourg, debate the parliamentary CFSP and ESDP annual reports and discuss the implementation of foreign and security policy. | Source: © Kovács Gábor, EU (2014), EP.

These efforts have not come to fruition so far, as these issues were not given any consideration by the heads of state and government at the 2013 defence summit. There is a conflict between the EP and the Council in this connection in that the Member States issue pompous diplomatic declarations, which are then only implemented very slowly or not at all. To date, Member States have refused to disclose the military capabilities of individual countries to each other and to the EP or to state where there are cases of

15 | During the 7th legislative period, the EPP group has provided the committee chairman, French MEP Danjean, who presented the draft every two years. In the intervening years, the Social Democrat group did the drafting.

duplication. A European White Paper would be drafted on the basis of a joint European review of the current situation so that the development of capabilities can be linked to strategic development. However, Member States have so far shown little interest in this as it would mean the bundling of military national sovereignty at the European level.

BUDGETARY CONTROL AND MULTI-LEVEL OVERSIGHT OF THE CFSP AND CSDP

As part of the budgetary control of the CSDP, the EP regularly takes part in joint consultation meetings with the Council, the European External Action Service (EEAS) and the European Commission. Five times a year, a small EP delegation joins these meetings (behind closed doors), consisting of the heads of AFET, SEDE and the Budgets Committee. These meetings serve to exchange information about CSDP operations and to examine the way the budgetary plan for the CFSP is being implemented.¹⁶ However, in the past this opportunity was hardly used to question the implementation of the civilian CSDP components in the CFSP budget and institutional processes.

In the inter-parliamentary conference for multi-level scrutiny of the CFSP and the CSDP, national parliamentarians and MEPs met to jointly consult about the future of the CSDP.

Following the dissolution of the parliamentary WEU Assembly (European Assembly for Security and Defence/Assembly of the Western European Union), a new inter-parliamentary conference was created in 2012 for multi-level scrutiny of the CFSP and the CSDP. During the sessions to date, which have taken place in Warsaw, Dublin and Vilnius, national parliamentarians and MEPs met to jointly examine the CSDP missions and consult about the future of the CSDP. When the conference was initially set up, a dispute arose between the national and European levels with respect to how many MEPs were to attend to represent the interests of the EP. The EP asserted its position on this point, which was that it should not be treated like an additional national parliamentary delegation in terms of numbers; its contingent now comprises 16 MEPs, while the national delegations comprise six MPs each.

16 | Cf. n. 7, 11.

The establishment of the inter-parliamentarian oversight body is to be seen as a positive sign. The added value it provides lies in the fact that the EP monitors the missions, the Commission and the EDA on a continuous basis. In the outcome document of the inter-parliamentary conference in Vilnius in September 2013, the EP delegation further formulated joint parliamentary demands to be addressed to the European Defence Council in the face of opposition from some national MPs.¹⁷ In terms of content, the majority of the opinions and assessments of the EP with respect to the CSDP won through.

Interestingly, a further dividing line became apparent during this dispute, with the European level and the nation state level on opposite sides. The EP had the upper hand where the drafting of the document contents was concerned, as its positions, rather than those of the national parliaments, had the support of the broad majority of the EP delegation. No doubt, the next few sessions will help to deepen the trust between the parliamentarians from the two levels further. This would strengthen the role of the European Parliament in overseeing the CSDP for the long term.

INVOLVEMENT OF THE EP IN SHAPING LEGISLATION RELATING TO THE CSDP

Before the Treaty of Lisbon came into force in the autumn of 2009, the legislative powers of the Parliament in Strasbourg and Brussels relating to the CSDP extended to the EU Single Market. During the 7th legislative period, the MEPs have monitored the implementation and compliance of the so-called Defence Package, which the Council and Parliament adopted jointly in the summer of 2009. This package consists of two elements: the directive to simplify transfers of defence-related products

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17 | Cf. Lietuvos Respublikos Seimas, "Conclusions. Inter-parliamentary conference for the common foreign and security policy and the common security and defence policy, 4-6 September 2013", <http://europarl.europa.eu/webnp/webdav/site/myjahiasite/shared/ICMs/2013/AFET-SEDE%205%20November/CFSP-CSDP%20IPC%20Conclusions,%20Sep%202013,%20Vilnius.pdf> (accessed 22 May 2014).

within the EU¹⁸ and the directive on the award of contracts relating to defence-related products and services.¹⁹

In both these areas, the European Commission had found it necessary in 2007 to use its right of initiative because intergovernmental regulations had not produced the desired result or there were in fact no regulations in place. Although Member States had set up an intergovernmental regime for defence procurement and developed a code of conduct within the EDA in 2006, this did not translate into any significant change in their national reflexes in connection with procurement projects because the code was not legally binding. As some Member States had strong reservations with respect to the application of Single Market rules to the defence market, they made no effort to establish legally binding intergovernmental regulations via the EDA. The Commission reacted to both these failures with the Defence Package initiative, the aim of which was to apply the Single Market principles to the defence market.

The Council and the EP are on opposing sides on this issue, as the Member States insist on retaining their historically developed national awarding practices. In addition, the Commission has called for equal conditions to be established among Member States for defence-related business deals and for a substantial strengthening of the European Defence Technological and Industrial Base. Parliament supports these calls. However, due to national reservations, Member States are making hardly any progress in establishing a European defence base. MEPs questioned the Commissioners for Enterprise and Industry, Michel Barnier and Antonio Tajani. They gained insight

Due to national reservations, member States are making hardly any progress in establishing a European defence base.

18 | Cf. EP and the Council of the European Union (CoE), "Directive 2009/43/EC of the European Parliament and of the Council of 6 May 2009 simplifying terms and conditions of transfers of defence-related products within the Community", <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:146:0001:0036:EN:PDF> (accessed 22 May 2014).

19 | Cf. EP and CoE, "Directive 2009/81/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of procedures for the award of certain works contracts, supply contracts and service contracts by contracting authorities or entities in the fields of defence and security, and amending Directives 2004/17/EC and 2004/18/EC", <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:216:0076:01:EN:HTML> (accessed 17 Mar 2014).

informed the political demands that the EP addressed to the European Defence Council in December 2013.

THE EUROPEAN PARLIAMENT PLACES IDEAS OF ITS OWN ON THE AGENDA

During the expiring legislative period, the EP has been involved in placing innovative ideas on the security and defence policy agenda.

The EP issued a response to the publication of the parliamentary report on the European Defence Technological and Industrial Base (EDTIB) in November 2013, criticising the way the EDTIB was being dealt with. At the same time, the EP put forward two ideas on supranational standardisation and certification. The EP is also providing impulses with respect to civilian-military research under the EU Research Framework Programmed Horizon 2020.

The EP issued a critical response to the publication of the parliamentary report on the European Defence Technological and Industrial Base in November.

MEP Gahler concentrated on the need to strengthen the EDTIB in his report. He worked from the idea that jointly adopted CSDP missions require an independent industrial base that was capable of sustainably supporting the successful execution of operations and missions. The report expressed the MEPs' dissatisfaction with the implementation of the intergovernmental initiatives in this area and with the strong inertial forces at work in the ministries of defence in the narrow interpretation of the rules of the Defence Package. They pointed out that previous multi-lateral initiatives to strengthen the defence market had so far failed due to the egotism of the Member States. This position has majority support from the three large groups of the EPP, S&D and Liberals. While the Member States have paid lip service to this goal in the Council in the past, they have made scant practical progress in its implementation.

All Member States are aware of shrinking defence budgets, the fragmentation of the European defence market and the erosion of the defence base. Although joint insights gained by the Member States and the Commission in their efforts to address these challenges have been reflected in various strategies, this has so far only resulted in a small number of intergovernmental agreements, which are not having much of an impact because of the lack of legal enforceability. And while Parliament and the Council

devised the Defence Package in 2009 and thereby placed the supranational actor, namely the Commission, center stage, these measures are also very slow in having any effect.

Article 346 allows Member States to disregard the Single Market principle for defence contracts relating to sensitive areas of national security.

Under the Treaty of Lisbon, it is up to the Commission to monitor whether the Member States put defence contracts out to Europe-wide tender. However, the pertinent Article 346 allows Member States to disregard the Single Market principle for defence contracts relating to sensitive areas of national security. Unlike under the precursor to this article, the national ministries of defence must now justify to the Commission why a specific tender would affect the country's national security. It is not yet clear how and to what extent the Commission will interpret this article.

On 4 March 2014, Commissioner Michel Barnier confirmed in Brussels that the Commission would not object to a pragmatic course of action in this area. Has it given in to the Council on this point and therefore to the urging by the Member States to adopt a broad interpretation? In any case, his statement contradicts the instruction by the EP to demand a narrow interpretation of the pertinent article. This represents an essential conflict of objectives between the EP and the Council as the interpretation of this article will crucially affect the success of the common defence base.

With their demand for standardisation and certification in the area of defence to be organised at a supranational level, MEPs are taking a clear stand. The benefit of European standards is obvious: they will strengthen European competitiveness, because whoever has the standard will rule the market. This is the view backed by the "grand coalition" of the EPP, S&D and ALDE groups. The ECR group is opposed, citing duplication of the standardisation agreements within NATO. One can counter this with the question: Where were European standards when German in-flight refuelling aircraft could not be used in the French airborne operation over Mali in early 2012? There was a compatibility problem with the refuelling filler necks in spite of Franco-German cooperation within and outside NATO. If the EU is successful in establishing a standard, one can

assume that other regional groupings and third-party states will not be able to ignore that standard, seeing that 28 states back it. One positive example of the Commission setting standards exists in the area of software-controlled radio equipment, which could well encourage its global proliferation.

Where certification is concerned, the EP advocates the mutual recognition of military certification processes, which have been conducted purely on a national basis to date, in the short term and their Europeanisation in the long term. Member States are in agreement with this approach in principle, but they have also prevented the Europeanisation of military certification in the past. When one is dealing with 28 military certification processes, there is unnecessary duplication that wastes time and money. It is estimated products cost up to 20 per cent more for end customers because of duplicated certification.²⁰ Where existing military capabilities are concerned, it does make sense to begin with mutual recognition. This might have prevented the NH-90 helicopter from having to be certified again in Germany although France was already using the same type to support the troops deployed in Afghanistan. In the case of new types of technology, such as that involved in drones, care must be taken to ensure that European certification processes are taken into consideration from the planning stage onwards. In the same way as civilian drones will need to be certified by the European Aviation Safety Agency in future, we need a European aviation licencing agency for military drones. The EP had some success with its demands insofar as the conclusions of the 2013 Defence Summit picked up on both issues – certification and standardisation.

EP ESTABLISHES CIVILIAN-MILITARY RESEARCH AND PLACES EUROPEAN DEFENCE RESEARCH ON THE AGENDA

Although the implementation of the CSDP is subject to an executive prerogative and the Member States have been assigned the central role in the execution of the operations, “with the entry into force of the Lisbon Treaty the

20 | Cf. Kangaroo Group, “Kangaroo Group Discussion Paper for the December Defence Summit”, http://www.kangaroorgroup.eu/DB_beelden/DP_Dec_Sum.pdf (accessed 22 May 2014).

EU's industrial, space and research policies extend to the defence remit".²¹ Although the Member States have defined this legal basis contractually, they have not derived any consequences from it when drafting the Multiannual Financial Framework for 2014-2020. It was on this legal basis that the involvement of the MEPs in security and defence-related matters developed as part of the so-called codecision procedure, and this involvement needs to be developed further during the coming legislative period.

Prior to the 2013 Defence Summit, the parliamentarians expressed support for the CSDP operations in two ways. Firstly, by exercising their role as co-legislators on matters

Back in 2007, the EU defence ministers had jointly promised to raise expenditure for defence research and technology to two per cent of the entire defence spending.

of civilian-military research, and secondly, with the development and launch of the idea of European defence research. The majority of the MEPs had previously come to realise that there was no chance the objectives set

by the governments themselves would be achieved without further joint European efforts. Back in 2007, the EU defence ministers had jointly promised to raise expenditure for defence research and technology to two per cent of the entire defence spending and to increase European cooperation in this area to 20 per cent.²² However, the figures currently available for 2012 show a different picture and indicate that this had been pure lip service. After expenditure in this area had increased slightly in 2011, it decreased again the following year to 1.93 billion euros (1.02 per cent of total spending). These are the lowest values since 2006 in both relative and absolute terms. Furthermore, expenditure for cooperation projects and programs in the area of defence research and technology decreased by almost 15 per cent from 2011 to 2012.²³ This notwithstanding, the current figures from the EDA do not give any clear indication of whether the 20 per cent target for cooperation research projects has been achieved; instead, there is talk of insufficient data being available,

21 | N. 13.

22 | Cf. European Defence Agency (EDA), "Research and Technology Strategy", <http://eda.europa.eu/Aboutus/Whatwedo/eda-strategies/ResearchandTechnology> (accessed 22 May 2014).

23 | Cf. EDA, *Defence data 2012*, Brussels, 2013, <http://eda.europa.eu/docs/default-source/eda-publications/defence-data-booklet-2012-web> (accessed 22 May 2014).

making it difficult to assess the indicator on the basis of the 2012 figures. Once again, there is a conflict of objectives between the Council and the EP on this matter. The MEPs are in favour of these budgetary targets. But how Member States and the Council can be induced to adhere to self-defined agreements is another matter.

In the SEDE subcommittee, the “Ehler Report” prepared the ground for establishing civilian-military research and development in support of CSDP operations. The relevant institutional infrastructure is the EU Research Framework Programme Horizon 2020, which is embedded in the Multiannual Financial Framework for 2014 to 2020. The envisaged networked security and defence research will deepen the security research that had already been conducted from 2007 to 2013 under Framework Programme VII with a budget of 1.4 billion euros. One new aspect is that explicit reference is made to the desire for civilian-military research outcomes linked to international security. This compromise was supported by a majority of the three largest groups, namely the EPP, the S&D and the Liberals. The strongest opposition to this political idea came from the Greens, as they were not interested in using EU funds to finance tasks they deemed to fall under the remit of the Member States. The Greens also protested against the EU strengthening the financially strong “large” defence corporations even further in future.

The Commissioner responsible for research, Máire Geoghegan-Quinn, used to oppose any funding of research and development relating to military applications on principle because of the lack of ethical justification. Among the Member States, France is the strongest proponent of European defence research. This also applies to the French EPP MEPs. Parliamentarians from countries such as Finland, Austria and Sweden, on the other hand, tend to oppose defence-related research and development on ethical grounds. But they represent a minority view in the EP, where the majority view is that the CSDP forms part of the contractually regulated EU policies and that each EU policy should stand on a solid ethical basis.²⁴ There is also the question of a potential case of negligence if Member

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States were to approve the deployment of soldiers on dangerous CSDP missions. The two EU legislators – Parliament and Council – would act in a negligent manner if the CSDP did not have a sound ethical footing. This type of argumentation might potentially deprive personnel deployed on civilian-military missions of the best and most modern equipment funded by EU means.

It took several non-legislative reports in the SEDE subcommittee during the 7th legislative period to obtain approval for EU funded research and development in support of CSDP operations. In the 2010 and 2011 CSDP annual reports, Parliament merely agreed to permit civilian-military research. The breakthrough for EU defence research was achieved by a non-legislative parliamentary report prepared by the Polish MEP Lisek. According to this report, this objective was to be included in the next EU Research Framework Programme “to stimulate European collaborative research and help bring together dispersed national funds”.²⁵ The group of the Greens in particular opposed this compromise. Their MEPs argued that EU-funded defence research was illegal as it was not covered by the EU treaties. There is no justification to sustain this interpretation as the Treaty of Lisbon does contain provisions on EU research in support of all contractually defined policies.

On this basis, the Commission included a recommendation to the European Defence Summit in its communication of July 2013 to the effect that a preparatory action on defence research should be established in addition to the Horizon 2020 program. This Commission instrument serves to establish an action outside the Multiannual Financial Framework, which is then continued with more extensive funding in the subsequent Financial Framework. At the Commission’s suggestion and with the approval of Parliament, the European Council welcomed a preparatory action on defence research at its Defence Summit in December.

OUTLOOK FOR THE NEWLY ELECTED PARLIAMENT

During the expiring legislative period, the MEPs have been successful in strengthening their role in the framework of EU institutions. They did so in their collaboration in shaping the CSDP, in providing public oversight of the CSDP missions and exercising budgetary control over the civilian CSDP missions. In addition, the MEPs exercised their admonitory role by calling for new provisions of the Treaty of Lisbon and for existing decisions by governments to be implemented. Through their intensive collaboration in the CSDP, the MEPs in Strasbourg and Brussels made significant headway regarding EU funding for the research and development of civilian-military capabilities as well as the planned EU defence research.

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One can assume that the MEPs who were either re-elected or newly elected in May will continue the constructive work in SEDE in order to gradually parliamentarise the CSDP further at the European level. The parliamentary involvement will probably focus on calling upon governments to implement all the security and defence-related options in the Treaty of Lisbon.²⁶ The topmost demand is that governments should be assertive in driving forward the contractually defined gradual establishment of a common defence policy (Article 42(2) TEU). Bearing in mind its role as co-legislator, the EP will work towards establishing the envisaged European policy in the area of capabilities and armaments (Article 42(3) TEU) at a fast pace. During the 8th legislative period, SEDE will be tasked with ensuring coherence between the external CSDP and the internal policies. Within the EU, this will entail coordination with the capabilities and armaments policy as well as with the policies relating to industry, aerospace and research.

The “grand coalition” of fundamental agreement on security and defence issues is expected to persist over the next five years. However, it will probably meet with a “strengthened front” of national opposition to the CSDP. Within the

26 | Cf. Arnauld Danjean, Michael Gahler and Krzysztof Lisek, “Towards a stronger Union defence policy”, 3 Sep 2013, http://michael-gahler.de/fileadmin/media/presse/pdf/130903_position_paper.pdf (accessed 22 May 2014).

“grand coalition” in the EP, national views will probably be of little relevance, as has been the case in the past. In interaction with various committees, the MEPs forming the SEDE subcommittee will have to continue to actively seek majorities to defend their positions on security policy. That is the only way to ensure that the European Parliament can enhance its role as the “driving force” of the CSDP. The next opportunity to question the candidate for the role of High Representative responsible for the security and defence policy (as well as Vice President) will be when the candidates for commissioner posts will appear at a hearing in the autumn of 2014. In the course of this, the parliamentarians may succeed in wresting some political concessions and greater authority for shaping the CSDP from the Commission.

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