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REPORT

on constitutional, legal and institutional implications of a common security and defence policy: possibilities offered by the Lisbon Treaty
(2015/2343(INI))

Committee on Foreign Affairs
Committee on Constitutional Affairs

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(Joint committee meetings – Rule 55 of the Rules of Procedure)

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MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on constitutional, legal and institutional implications of a common security and defence policy: possibilities offered by the Lisbon Treaty (2015/2343(INI))

The European Parliament,

- having regard to the Treaty of Lisbon,
- having regard to Title V of the Treaty on European Union (TEU),
- having regard to Article 36 TEU on the role of the European Parliament in the common foreign, security and defence policies,
- having regard to Articles 42(2), 42(3), 42(6), 42(7), 45 and 46 TEU on the progressive framing of a common defence policy,
- having regard to Protocol (No 1) to the Treaties on the role of National Parliaments in the European Union,
- having regard to Protocol (No 2) to the Treaties on the application of the principles of subsidiarity and proportionality,
- having regard to the European Council conclusions of 20 December 2013, 26 June 2015 and 15 December 2016,
- having regard to the Council conclusions on the Common Security and Defence Policy of 25 November 2013, 18 November 2014, 18 May 2015, 27 June 2016 and 14 November 2016,
- having regard to its resolution of 13 April 2016 on the EU in a changing global environment – a more connected, contested and complex world¹,
- having regard to its resolution of 22 November 2012 on the EU's mutual defence and solidarity clauses: political and operational dimensions²,
- having regard to its resolution of 22 November 2016 on the European Defence Union³,
- having regard to its resolution of 21 January 2016 on the mutual defence clause (Article 42(7) TEU)⁴,
- having regard to its resolution of 23 November 2016 on the implementation of the Common Security and Defence Policy⁵,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament

¹ Texts adopted, P8_TA(2016)0120.

² OJ C 419, 16.12.2015, p. 138.

³ Texts adopted, P8_TA (2016)0435.

⁴ Texts adopted, P8_TA(2016)0019.

⁵ Texts adopted, P8_TA (2016)0440.

and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ('the Financial Regulation'),

- having regard to Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency¹,
- having regard to Council Decision of 22 January 2001 setting up the Political and Security Committee²,
- having regard to the final conclusions of the interparliamentary conferences on the common foreign and security policy (CFSP) and the common security and defence policy (CSDP) of The Hague of 8 April 2016, of Luxembourg of 6 September 2015, of Riga of 6 March 2015, of Rome of 7 November 2014, of Athens of 4 April 2014, of Vilnius of 6 September 2013, of Dublin of 25 March 2013 and of Paphos of 10 September 2012,
- having regard to the document entitled 'Shared Vision, Common Action: A Stronger Europe – A Global Strategy for the European Union's Foreign and Security Policy' presented by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) on 28 June 2016,
- having regard to the North Atlantic Treaty, signed in Washington, D.C. on 4 April 1949,
- having regard to the document entitled 'Implementation Plan on Security and Defence' presented by the VP/HR on 14 November 2016,
- having regard to the progress report of 7 July 2014 by the VP/HR and Head of the European Defence Agency on the implementation of the European Council conclusions of December 2013,
- having regard to the joint declaration of 8 July 2016 by the Presidents of the European Council and the Commission and the Secretary-General of NATO,
- having regard to the result of the UK referendum of 23 June 2016,
- having regard to the results of the Special Eurobarometer of the European Parliament conducted in the 28 Member States of the European Union from 9 to 18 April 2016,
- having regard to the communication of 31 November 2016 from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Defence Action Plan (COM(2016)0950),
- having regard to Rule 52 of its Rules of Procedure,
- having regard to the joint deliberations of the Committee on Foreign Affairs and the

¹ OJ L 266, 13.10.2015, p. 55.

² OJ L 27, 30.1.2001, p. 1.

Committee on Constitutional Affairs under Rule 55 of the Rules of Procedure,

- having regard to the report of the Committee on Foreign Affairs and the Committee on Constitutional Affairs and the opinion of the Committee on Budgets (A8-0042/2017),
- A. whereas the European Union is resolved to frame a common defence policy leading to a common defence, which reinforces its unity, strategic autonomy and integration in order to promote peace, security and stability in Europe's neighbourhood and in the world; whereas a common defence requires a unanimous decision by the European Council and the adoption of such decision by the Member States in accordance with their constitutional requirements;
- B. whereas the emergence of new geopolitical and geostrategic circumstances – with the predominance of the Asian region over the Euro-Atlantic one – and of new players, as well as the emergence of genuine new threats and fields of activity, demonstrate that the states cannot face up to new risks alone, and that a joint response is needed;
- C. whereas the cost of non-Europe in security and defence is estimated to be more than EUR 100 billion per year, and whereas the EU's level of efficiency is equivalent to 10-15 % of that of the United States;
- D. whereas a globally deteriorating environment has highlighted the importance of improving cooperation and the exchange of information and best practices among the Member States, as well as the need for a major increase in EU military spending via a source of own-resources set aside for that purpose;
- E. whereas the objective of military and defence integration goes back to the founding fathers, whose chief objective was to establish a legitimate collective defence mechanism and maintain peace on the continent of Europe;
- F. whereas the Treaty on European Union clearly defines in its Articles 21(1) and (2) and 42 the principles and objectives in the area of the CFSP and CSDP, as well as the mechanisms and framework for their achievement; whereas very limited progress has been achieved in the fulfilment of these objectives, despite the many calls and proposals for implementation by Parliament and the Commission;
- G. whereas the development of the CSDP requires above all political will from the Member States, based on shared values and principles, as well as common interests and priorities, as well as the setting-up of institutional cooperation structures; whereas the CSDP should be an effective, structured common policy that generates an added value, and not a mere sum of the national policies of the Member States or their lowest common denominator;
- H. whereas France's activation of Article 42(7) TEU in November 2015 demonstrated the potential of all the Treaty provisions relating to security and defence;
- I. whereas the EU has, according to Article 42(2) TEU and Article 2(4) TFEU, competence to define and implement a common security and defence policy that includes the progressive framing of a common Union defence policy; whereas the Union should use this competence to improve coordination and efficiency, and to

supplement the actions of the Member States, without thereby prejudicing or superseding their competence in defence;

- J. whereas there are European multinational structures which are examples of good practices and cooperation amongst Member States for years, such as Eurocorps; whereas these structures could be a point of departure for moving towards a common Union defence policy;
- K. whereas EU citizens expect more EU action in defence and security; whereas, according to Eurobarometer 85.1 of June 2016, two thirds of EU citizens surveyed would like to see more EU engagement through Member States' commitment in matters of security and defence policy;
- L. whereas there is a need to establish a defence culture that helps ensure that EU citizens have a clear idea of the role that defence plays in our society and the contribution it makes to stability, peacekeeping and boosting international security;
- M. whereas actions must be taken to increase the operability and effectiveness of European security policy so that it can bring about a real improvement in Europe's security;
- N. whereas the European Council should establish the European Defence Union without delay, as advocated by Parliament, as well as the Union's common defence; whereas the Member States should adopt the decision on common defence in accordance with their respective constitutional requirements;
- O. whereas EU defence policy should enhance Europe's ability to reinforce security both within and outside the EU, and should consolidate the partnership with NATO and strengthen transatlantic relations, thereby helping to strengthen NATO as well;
- P. whereas Parliament actively supports the European Defence Union and will continue to make appropriate proposals to that end; whereas the interparliamentary conference on the CFSP and CSDP should become the forum for the implementation of effective and regular interparliamentary cooperation on the CSDP and the progressive framing of a common Union defence policy;
- Q. whereas the VP/HR regularly consults Parliament on the progressive framing of a common Union defence policy, ensures that the views of Parliament are duly taken into consideration in that process, and informs Parliament on the progress made towards the European Defence Union;
- R. whereas the VP/HR, in her statement at the Gymnich informal meeting of EU foreign affairs ministers of 2 September 2016, referred to the 'window of opportunity' for solid progress to be made among Member States in the field of defence;
- S. whereas the Commission ensures the application of the Treaties, and of measures adopted by the institutions pursuant to them, including in the area of CSDP;
- T. whereas the Union's future annual and multiannual programming should include defence policy; whereas the Commission should initiate the work on appropriate interinstitutional agreements, including an EU Defence White Book, for a first

implementation under the next multiannual financial and political framework of the EU;

- U. whereas Parliament represents the European citizens and exercises legislative and budgetary functions as well as political control and consultation functions, and is thus called upon to play a key role in framing the European Defence Union;
- V. whereas an active role of Parliament, and its political support and democratic scrutiny in framing a common Union defence policy and establishing common defence, would affirm and enhance the representative and democratic foundations of the Union;
- W. whereas the EU Global Strategy should serve as a very clear and valuable strategic framework for the future development of the CSDP;
- X. whereas there are limitations when it comes to military training abroad, in terms of both action plans and the military logistics support required;
- Y. whereas training missions cannot therefore be carried out abroad – as in the case of the military training missions in the Central African Republic (EUTM CAR) or Mali (EUTM Mali) – if the governments of the countries concerned do not supply the necessary armaments and equipment to the military units; whereas without training involving arms and equipment, it is impossible to create units that are able to confront the challenges of war and carry out operations;
- Z. whereas European soldiers are currently prohibited from taking part in military operations as observers, which means that they cannot identify any problems that the units that have been trained may have, and that they are therefore unable to resolve any operational problems at a later stage;
- AA. whereas these units – both in Mali and in the Central African Republic – are being set up for combat operations, and whereas after three years without appropriate equipment and training, as is the case for EUTM Mali, they are nowhere near operational;
- AB. whereas without the necessary armaments, training missions will only be carried out abroad if the government of the country concerned provides armaments and hardware to the units that they can then continue to use after their training is complete;

Constitutional and legal framework

1. Recalls that the CSDP, as provided for in the Treaty on European Union (TEU), includes the progressive framing of a common Union defence policy that will lead to a future common defence when the European Council, acting unanimously, so decides and when Member States adopt such decision in accordance with their respective constitutional requirements; calls on the Member States to commit as a matter of priority to the provisions of the Treaty on the CSDP, and to increase their efforts in ensuring tangible progress in the achievement of the objectives as defined in those provisions;
2. Notes that the reform and innovation that the Lisbon Treaty brings to the CSDP constitute a sufficient and coherent framework and should set the path for a truly common policy, based on shared resources and capabilities as well as on coordinated

planning at Union level; stresses that the progress of the CSDP within the current institutional and legal framework is dependent more on the political will of Member States than on legal considerations; highlights that Article 43 TEU covers the whole spectrum of crisis management tasks, the use of which in a rapid and decisive way is the EU's level of ambition;

3. Calls, therefore, on the VP/HR, the Council and the Member States to ensure, as provided for in the TEU, consistency between the different areas of external action, to address these areas through a global and comprehensive approach and to use all the possibilities provided for in the Treaty – especially the mechanisms contained in Articles 42(6) and 46 TEU, in Protocol (No 10) on permanent structured cooperation established by Article 42 of the Treaty on European Union and, during an operational phase, in Article 44 TEU on the implementation of a CSDP task by a group of Member States – to achieve a faster, more efficient and more flexible deployment of missions and operations; underlines that rules for cooperation within permanent structured cooperation (PESCO) should be clearly defined;
4. Notes that where the TEU provides that the Council act by a qualified majority to adopt decisions under the CSDP, in particular those under Articles 45(2) and 46(2) TEU, all expenditure to which the implementation of such decisions gives rise should be financed with new additional resources to the EU budget and be charged to that budget; considers that, to that end, there is a need for additional funding or co-funding from Member States;
5. Considers, therefore, that the European Defence Agency (EDA) and PESCO should be treated as Union institutions *sui generis*, as is the case with the European External Action Service (EEAS); considers that this requires amending the Financial Regulation in order to include EDA and PESCO in Article 2(b) thereof, with a specific section in the Union budget; recalls that Parliament should, jointly with the Council, exercise legislative and budgetary functions, as well as functions of political control and consultation as laid down in the Treaties;
6. Is convinced that Article 41(1) TEU applies to the administrative expenditure of EDA and PESCO;
7. Notes that Article 41(2) TEU applies to the operating expenditure of EDA and PESCO; recalls that operating expenditure arising from military missions as referred to in Article 42(1) TEU, operating expenditure arising from defence operations of a Member State where it is the victim of an armed aggression on its territory, and operating expenditure arising from defence operations of Member States where they fulfil their obligation of aid and assistance under Article 42(7) TEU, should be funded collectively, but not charged to the Union budget; welcomes the activation of Article 42 (7) on the mutual defence clause;
8. Considers, therefore, that for EDA and PESCO the funding of their administrative and operating expenditures from the Union budget is the only option under the Treaties, notwithstanding that both institutions may administer funds directly provided by Member States;
9. Calls on the Member States to provide the necessary additional financial means needed

in order to finance the administrative and operational costs of EDA and PESCO from the Union budget;

10. Urges the Council to revise Council Decision (CFSP) 2015/1835 defining the statute, seat and operational rules of the European Defence Agency to those ends;
11. Believes that deepening defence cooperation among Member States at the EU level should go hand in hand with the strengthening of parliamentary oversight and control by both the European Parliament and national parliaments;
12. Underlines, in this context, Parliament's role as budgetary authority; is resolved to exercise effective parliamentary scrutiny and budgetary control over EDA and PESCO as provided for by the treaties;
13. Urges the Council to act in accordance with Article 41(3) TEU and without delay to adopt a decision establishing the start-up fund for the urgent financing of the initial phases of military operations for the tasks referred to in Articles 42(1) and 43 TEU;
14. Urges the Council, in accordance with Article 42(2) TEU, to take concrete steps towards the harmonisation and standardisation of the European armed forces in order to facilitate the cooperation of armed forces personnel under the umbrella of a new European Defence Union as a step in the progressive framing of a common Union defence policy;

The European added value of the CSDP

15. Emphasises that achieving the objectives of the CSDP to strengthen the Union's operational capacity to act externally for peacekeeping, conflict prevention and strengthening international security, as provided for in the TEU, is more than ever necessary in a fast deteriorating security environment; strongly believes that the security and defence threats faced by the EU, and directed at its citizens and territory, are common and cannot be addressed by a Member State alone; is convinced that the Union's security and defence will be stronger if the Union and its Member States decide to stay united and to work together; takes the view that the EU needs to develop an effective system for European burden-sharing for its own security and defence, which is not yet the case; calls on the Member States to show full political engagement and to cooperate to this end;
16. Emphasises that security and defence constitute an area where European added value is evident, in terms of efficiency, by giving Member States increased and more cost-effective capacity, through greater coherence, coordination and interoperability in security and defence, and in terms of contributing to consolidating solidarity, cohesion and strategic autonomy, as well as the resilience of the Union; draws attention to estimates that each euro invested in defence generates a return of 1.6 euros, in particular through skilled employment, research and technology, and exports;
17. Stresses that the use of all possibilities provided for in the Treaties would improve competitiveness and the functioning of the defence industry in the single market, further stimulate defence cooperation through positive incentives, and target projects that Member States are not able to undertake, reducing unnecessary duplication and

promoting a more efficient use of public money;

18. Stresses that the reinforcement of the CSDP in line with the Treaties will not impinge on national sovereignty, as this policy is driven by the Member States; is convinced that there is no greater respect for sovereignty than defending the territorial integrity of the European Union through a common defence policy;
19. Stresses that the launching of CSDP missions on the basis of Article 44 TEU contributes to the achievement of a European Defence Union; calls on the EU to make use of the full potential of Article 44 in order to continue and step up such missions, with a view to paving the way for an operational security and defence policy;
20. Considers it essential to increase national defence expenditure to 2 % of EU GDP; stresses that this would mean extra expenditure of nearly EUR 100 billion on defence by the end of the coming decade; considers that this boost should be used to launch more strategic cooperative programmes within and through the Union, by better structuring the demand and supply sides, and by making both sides more efficient and more effective; considers that this increase will contribute to European-level support to the European defence industry and to the creation of jobs, in particular in small and medium enterprises; is of the opinion that a substantial part of that expenditure should be channelled to research and development, as well as to strategic cooperative programmes, focusing on new dual-use and defence technologies, which are not only crucial to the achievement of those goals, but may also bring extra added value to the European Union; notes that reinforced accountability, transparency and scrutiny as regards the use of European public funds should be ensured regarding this extra expenditure;
21. Is convinced that the Union's investment in defence should ensure that all Member States can participate in a balanced, coherent and synchronised improvement of their military capabilities; considers that this constitutes a strategic opportunity for the Union to improve its security and defence;

Institutional framework

Defence Ministers Council

22. Highlights the continued need for the establishment of a Council format of Defence Ministers under the presidency of the High Representative of the Union for Foreign Affairs and Security Policy, in order to coordinate the implementation of the CSDP and make it more efficient;

Defence Steering Board

23. Considers that the Steering Board of the EDA, made up of the representatives of Member States' defence ministries, is a body that is suitable to exercise the advisory and supervisory functions required to implement Articles 42, 45 and 46 TEU;
24. Considers that Article 4(4) of Council Decision (CFSP) 2015/1835 defining the statute, seat and operational rules of the European Defence Agency provides a necessary and powerful basis for the EDA steering board to act as the Union's third permanent

representatives' committee, the Defence Steering Board; considers that this committee should also exercise the advisory and supervisory functions required to implement permanent structured cooperation once it is established;

25. Is convinced that the mandate of the Political and Security Committee (PSC) referred to in Article 38 TEU needs to be interpreted narrowly; considers that, under the treaties, its mandate only covers the situation and missions outside the Union as well as certain aspects of the implementation of the solidarity clause; considers in particular that its developed working arrangements are not adapted to the further implementation of that part of the CSDP which is defined by Article 42(2) TEU;
26. Urges the Council to revise Council Decision 2001/78/CFSP setting up the Political and Security Committee, as well as Council Decision (CFSP) 2015/1835 defining the statute, seat and operational rules of the European Defence Agency to those ends;

European Defence Agency

27. Recalls the objectives of the EDA of supporting Member States in developing their defence capabilities and reinforcing their industrial and technological defence base; emphasises the underused potential of the EDA in supporting the development of the CSDP and in achieving those objectives, which require full use of the Agency's capacities; calls for a reflection on the Agency's future role and tasks; calls on the Member States to define and commit to a common level of ambition within a reformed EDA; calls for the reinforcement of the EDA's political backing, funding and resources, as well as of its coordination with the actions of the Commission, the Member States and other actors, especially in the areas of capability development, defence procurement, research and the promotion of interoperability among Member States' armed forces; considers that the Agency may co-fund pre-commercial procurement and public procurement of innovative solutions together with Member States' authorities and private market operators;
28. Notes the EDA's decision to review the Capability Development Plan (CDP) in line with the EU Global Strategy, and looks forward to a future CDP which reflects EU and Member States' priorities and needs in a more relevant way;
29. Calls on the Member States to develop a common European armaments and capabilities policy (EACP) within the EDA as foreseen by Article 42(3) TEU, and calls on the Commission and the EDA to put forward proposals on this matter; calls on the VP/HR to inform Parliament of the results achieved by the existing working relationship between the EDA and the Commission, and of both with the European Space Agency (ESA) and the Organisation for Joint Armament Cooperation (OCCAR); calls on the Member States to duly implement Common Position 944/2008/CFSP on Arms Exports, and to establish a common arms export policy ensuring that arms exports will be subject to common, EU-wide criteria governing the exports of weapons, ammunition, defence equipment and technologies to third countries;

Permanent structured cooperation (PESCO)

30. Encourages the Member States to establish and join PESCO within the Union framework as soon as possible, with a view to sustaining and improving their military

capabilities through doctrine and leadership development, personnel development and training, defence material and infrastructure development, and interoperability and certification; underlines the importance and necessity of participation in permanent and efficient structured cooperation by all Member States willing to advance their defence integration to the highest level of ambition; believes that a permanent 'European Integrated Force' (EIF) should be set-up as a multinational force, as referred to in Article 1 of Protocol (No 10) on PESCO, and be made available to the Union for the implementation of the CSDP, as foreseen in Article 42(3) TEU; calls on VP/HR to put forward proposals for the operationalisation of PESCO in the first half of 2017;

31. Considers that the Union should make provision, in agreement with the Member States concerned, for participation in capability programmes undertaken by them; considers that the Union's financial contribution to such programmes should not exceed the contributions made by the participating Member States;
32. Takes the view that the EU Battlegroup system should be brought under PESCO, alongside the creation of a permanent civilian and military headquarter, with an equally important Military Planning and Conduct Capability (MPCC) and Civilian Planning and Conduct Capability (CPCC), which would strengthen strategic and operational planning across the entire planning cycle, enhance civil-military cooperation and improve the EU's ability to react speedily to crises; considers that other European multinational structures, such as the European Air Transport Command, Eurocorps and the Organisation for Joint Armament Cooperation (OCCAR), as well as all bilateral and multilateral forms of military cooperation among PESCO participating countries, should also be brought under PESCO; considers that the EU's privileges and immunities should apply to those multinational structures being part of PESCO;
33. Considers that during the stand-up, standby and stand-down phases the Union should cover all EU Battlegroup costs;
34. Calls on the VP/HR and the Council to implement UN Security Council Resolution 1325 fully and to appoint a Special Representative for Women and Conflict;

The European Parliament

35. Stresses that Parliament should play a prominent role in the scrutiny and supervision of the implementation and in the evaluation of the CSDP, in line with Article 14(1) TEU; considers that the interparliamentary conference on CFSP and CSDP should also serve as a platform for interparliamentary consultation and scrutiny of the CSDP; insists that Parliament must be consulted in an effective way on major decisions in the area of the CSDP, in particular as regards military and civilian missions outside the EU, and strategic defence operations;
36. Calls in this regard on the VP/HR to give full effect to Article 36 TEU, by ensuring that the views of Parliament are duly taken into consideration in the framework of the consultation of Parliament on the main aspects and basic choices of the CSDP as part of the CFSP; calls for more information to be provided to Parliament on a more regular basis, with a view to strengthening the available parliamentary and political control mechanisms;

37. Urges Parliament to turn its Subcommittee on Security and Defence into a fully-fledged parliamentary committee, enabling it to have a prominent role in the implementation of the common security and defence policy, and, in particular, a role in the scrutiny of legal acts related to the defence market, as well as in procedures such as the Coordinated Annual Review on Defence;
38. Calls for reinforced cooperation between the European Parliament and national parliaments, as a crucial element for developing concrete results in the area of the CSDP and for its legitimation; notes that such cooperation should not undermine the implementation of the CSDP and the achievement of its objectives as a Union policy;
39. Considers that Parliament should continue boosting specific initiatives and addressing recommendations to the Council, the VP/HR and the Commission on common security and defence issues, beyond its role in the budgetary procedures;

EU-NATO relationship

40. Calls for a closer relationship between the CSDP and NATO, which offers a political opportunity for collaboration and complementarity at every level, without prejudice to Article 42(7), second subparagraph, TEU; recalls the need to rebalance and enlarge the strategic partnership between the EU and NATO, with the aim of ensuring compatibility, developing joint capabilities and avoiding duplication of actions and structures, thus reducing spending and making it more effective; calls on the VP/HR to engage immediately with transatlantic partners with a view to clarifying their position on the different topics addressed by the Global Strategy.
41. Calls on the VP/HR and the Secretary-General of NATO to provide a detailed analysis of the legal and political consequences of the possible triggering by the United Kingdom of Article 50 TEU for the development of the EU/NATO partnership;
42. Underlines that the 'Berlin plus' arrangements should be reformulated in depth with a view to adapting them to the current strategic context and to tackling the deficiencies found, such as by enhancing tactical and operational mechanisms in scenarios where both the EU and NATO are present, and enabling NATO to make use of the EU's instruments;

Political recommendations

43. Supports the proposal for a Coordinated Annual Review on Defence, in the context of which Member States would coordinate their defence spending and capability plans, in an open process involving both the European Parliament and the national parliaments;
44. Calls on the Council and the VP/HR to elaborate an EU white book on security and defence that includes an appropriate definition of the threats and dangers to European security faced by the EU and its Member States, as a first step towards establishing the capacities that European defence requires, and a roadmap with clear phases and a calendar for progressive steps to be taken towards the establishment of a European Defence Union and a more effective common defence policy; believes that such a white book should be the result of contributions from the various EU institutions and be as comprehensive as possible, and should integrate the different measures foreseen by the

Union;

45. Welcomes the European Defence Action Plan put forward by the Commission in November 2016; calls in this regard on the Commission and the Member States to clarify thoroughly the governance, financing and objectives of the possible European Defence Fund, notably the capability and research ‘windows’; considers that the effective implementation of that plan requires strong support and political commitment from the Member States and the EU institutions; regrets in this regard that the Commission, the EDA and the Member States have not yet delivered on all the tasks resulting from the European Council meetings on defence of 2013 and 2015;
46. Points out that the various initiatives put forward by the Commission will need to take account of the specific features of the defence sector (rules for participation, intellectual property rights, governance, and tie-in with operational requirements); will keep a very close eye on this during the negotiations for the period 2021-2027, in particular as regards implementation of the prospective European defence research programme;
47. Considers that the adoption of a EU White Book on Security and Defence should build on the Global Strategy’s Implementation Plan on Security and Defence, in order to drive the progressive framing of a common Union defence policy; stresses that this document should not only reflect the current military capabilities of Member States, but also analyse the type of cooperation necessary and the means to achieve it, the kind of operations that the EU may conduct, and the required capabilities and funds, while also contributing to coordination and cooperation between NATO and the EU;
48. Calls for the immediate reform of the Athena mechanism in view of enlarging its potential for cost sharing and common funding, as well as of ensuring a fair sharing of operational costs, so that Member States will be encouraged to contribute with forces, not being restricted by their financial capabilities; considers that such reform should ensure that all common costs referred to in Annexes I to IV to Council Decision (CFSP) 2015/528 of 27 March 2015 are always borne by Athena; considers that the reformed Athena mechanism should be used also to fund the expenditure for the operations of the ‘European Integrated Force’ (once established within PESCO), including the EU Battlegroups;
49. Requires that European military training missions abroad achieve their task of training local national military units capable of addressing conditions of war and security threats (rebellions and terrorism); considers that, as a result, they should have the weapons and equipment necessary both for their training and their ability to operate in the field, and that the European military in charge of their training should be able to accompany them as observers without intervening in the operations, in order to be able to evaluate the effectiveness of the training and, consequently, to be able to make the adjustments and undertake the retraining necessary;
50. Underlines the need for deeper discussions on the future relation between the Union and the United Kingdom in CSDP matters, and in particular in the field of military capabilities, should the UK decide to trigger Article 50 TEU; considers that new command arrangements need to be found with regard to the Northwood Operational Headquarters for Operation Atalanta;

51. Calls on the Council and the VP/HR to ensure coordination at all levels of interaction: civilian and military, EEAS/ Commission, and EU/ Member States; welcomes the internal/external security nexus established by the Global Strategy, and calls on the VP/HR and the Commission to ensure coherence and ensure that the internal and external aspects of security are duly coordinated, including at administrative level;
52. Underlines that the EU must step up its efforts to strengthen global governance, which will result in an improved strategic and security situation; calls on the Member States to promote the reform of the UN in order to enhance its legitimacy, transparency, accountability processes and effectiveness; takes the view that the UN Security Council must be reformed, especially as regards its composition and voting procedures, in order to boost its capacity to act decisively to address global security challenges, moving beyond its purely military focus;
53. Stresses that the human factor is one of our most valuable assets when working towards a common defence; considers that more investment in CSDP training and education is needed, including the pursuance of an integrated system based on national military centres, as both training and education are a powerful instrument to advance in this field;
54. Considers that the views expressed by the European Parliament through this resolution constitute recommendations to the Council and to the VP/HR as referred to in Article 36 TEU; considers that these recommendations should be duly taken into consideration by the VP/HR in any proposals for development of the CSDP, and by the Council when adopting such proposals, as a good practice of mutual sincere cooperation among the Union institutions;
55. Underlines that Article 21 of the Treaty on European Union explicitly states that the ‘Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law’;

Possible evolutions of and adjustments to the current institutional set-up of the European Union

56. Calls on the members of a future convention:
 - to consider the recommendations and orientations of this report, of Parliament’s reports on the implementation of the Common Security and Defence Policy and on the European Defence Union;
 - to include, based on those reports’ recommendations and orientations, provisions in a future Union treaty that
 - establish the European Armed Forces, capable of deploying combat forces for high intensity conflicts, stabilisation forces which secure cease-fires or peace

agreements and evacuation tasks medical services including mobile field hospitals as well as forces for military logistics and military engineering;

- establish, within the common Union defence policy, precise and binding guidelines for the activation and implementation of the mutual aid and assistance clause;
 - ensure compulsory information sharing at European level among national intelligence bodies within adequate cooperation structures;
 - establish a standing ‘defence matters’ working group of members of the Commission, to be chaired by the VP/HR; associate Parliament with the permanent representatives in this group; further involve the Commission in defence, through well-focused research, planning and implementation; allow the VP/HR to mainstream climate change into all EU external action and in particular into the CSDP;
- to consider the financial and budgetary policy assessment of Member States’ defence spending of a future European Semester on Defence, that is to take into account how much each Member State spends in this area, with a view to relating the importance of the individual spending to the security of Europe as a whole; believes that, in the long term, the EU should explore the possibilities of, and aim at, a common budget;
57. Instructs its President to forward this resolution to the European Council, the Council, the Commission, and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the Secretary-General of the United Nations, the Secretary-General of the North Atlantic Treaty Organisation, the EU agencies in the space, security and defence fields, and the national parliaments.

MINORITY OPINION

on constitutional, legal and institutional implications of a common security and defence policy: possibilities offered by the Lisbon Treaty (2015/2343(INI))

Committee on Foreign Affairs and Committee on Constitutional Affairs Rapporteurs: Esteban González Pons, Michael Gahler

Minority Report tabled by GUE/NGL MEPs Sabine Lösing, Javier Couso Permuy, Takis Hadjigeorgiou, Sofia Sakorafa, Miguel Urban

The report expresses the need for additional funding from Member States for defence to the EU budget and defence and military expenditure to be charged to that budget; calls for an European armaments and capabilities policy (EACP). The report pushes for the implementation and operationalization of Permanent Structured Cooperation (PESCO), an EU White Book on Security and Defence, stronger EU-NATO cooperation and demands enhanced civil-military cooperation.

We object to the report since it:

- demands from Member States increased investment in defence expenditure - NATO capacity goal (min. 2% of GDP for defence spending, which means ca. 100 billion EUR more till 2020)
- welcomes the activation of the defence clause 42 (7) TEU which goes beyond NATO's article 5
- demands the extension of ATHENA mechanism beyond parliamentary control, advocates EU- funded PESCO in combination with the EU Battlegroup system and additionally the set-up of a permanent "European Integrated Force";
- welcomes defence research, the EU Defence Fund and the European Defence Action Plan which benefits the profits of EU defence and security industries and the Military Industrial Complex;
- lacks any strong demand for a meaningful parliamentary oversight over CSDP;

We demand:

- radical (including nuclear) disarmament on EU and global levels;
- no military funding from EU-budget and strict interpretation of article 41(2) TEU
- dissolution of NATO

26.1.2017

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Foreign Affairs and the Committee on Constitutional Affairs

on the constitutional, legal and institutional implications of a common security and defence policy: possibilities offered by the Lisbon Treaty
(2015/2343(INI))

Rapporteur: Jean Arthuis

SUGGESTIONS

The Committee on Budgets calls on the Committee on Foreign Affairs and the Committee on Constitutional Affairs, as the committees responsible, to incorporate the following suggestions into their motion for a resolution:

1. Notes that recent political developments and the numerous threats affecting Member States both within the EU and NATO further highlight the utmost urgency of shaping a genuine European Security and Defence Union and of strengthening the strategic autonomy of the European Union;
2. Considers that pooling financial resources is a key factor in incentivising the EU and its Member States to act proportionally to the current challenges in the area of security and defence; points out that the EU's failure to make full use of the possibilities offered by the Lisbon Treaty means that its action is hindered by complex and unattractive cost-sharing mechanisms; strongly believes that, in the light of the EU's current security environment, it is of utmost importance that the instruments provided for by the Treaty of Lisbon be finally implemented, in particular as regards cooperation and coordination among Member States, including on financial and budgetary aspects;
3. Recalls that the 'cost of non-Europe' in security and defence and the potential efficiency gains have been estimated at a range between EUR 26 billion and EUR 130 billion annually, although any attempt at putting such a price tag is notoriously difficult; stresses the importance of better spending on defence through more cooperation, common planning and procurement, in order to avoid duplication, fragmentation and lack of operability; considers that the European arms industry can meet the full range of defence needs without relying on imports from outside Europe;
4. Strongly believes that the use of Union funds through the EU budget would be a strong

expression of cohesion and solidarity and would allow for better and more transparent control of funding; is convinced that this makes an increase in the EU budget necessary, which could be achieved by additional own resources or a higher gross national income (GNI) own resource;

5. Urges that the following concrete steps be taken in the short term:
 - Substantial revision and broadening of the Athena mechanism to ensure more collective funding of the EU missions;
 - Setting-up of the permanent structured cooperation (PESCO) and the start-up fund provided for in Article 41(3) TEU, which would help launch military common security and defence policy (CSDP) operations much faster;
 - Exploring options for the optimal financing of the budget of the European Defence Agency (EDA);
 - Full implementation of the preparatory action on CSDP research, recognising that it is a new political initiative with a significant impact on the EU budget, which by its very nature should continue to be endowed with fresh resources; strongly encourages the creation of a specific consultation forum of all relevant stakeholders in order to best align the supply and demand sides for the preparation of the proposed defence research programme under the next multiannual financial framework (MFF);
6. Believes that, in the long term, the EU should explore the possibilities of, and aim at, a common budget, including the command structure, joint operations and equipment, as well as a proper EU programme for CSDP research, taking into account the specificities of the defence sector; looks forward to the presentation of the Commission's proposal for a European Defence Fund;
7. Strongly encourages the Commission, the European Defence Agency and the Member States to actively participate in the implementation process of the European Defence Action Plan; invites the Commission to clarify in the first quarter of 2017 the legal structure and budget sourcing of the European Defence Fund.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	25.1.2017
Result of final vote	+: 25 -: 4 0: 1
Members present for the final vote	Nedzhmi Ali, Jean Arthuis, Reimer Böge, Lefteris Christoforou, Gérard Deprez, Manuel dos Santos, José Manuel Fernandes, Eider Gardiazabal Rubial, Jens Geier, Esteban González Pons, Ingeborg Gräßle, Iris Hoffmann, Monika Hohlmeier, Zbigniew Kuźmiuk, Victor Negrescu, Jan Olbrycht, Paul Rübig, Petri Sarvamaa, Patricija Šulin, Eleftherios Synadinos, Indrek Tarand, Isabelle Thomas, Inese Vaidere, Daniele Viotti, Tiemo Wölken
Substitutes present for the final vote	Jean-Paul Denanot, Andrey Novakov, Marco Valli
Substitutes under Rule 200(2) present for the final vote	Paul Brannen, Ulrike Lunacek

RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

Date adopted	9.2.2017
Result of final vote	+: 48 -: 21 0: 1
Members present for the final vote	Louis Aliot, Petras Auštrevičius, Amjad Bashir, Goffredo Maria Bettini, Mario Borghesio, Elmar Brok, Klaus Buchner, James Carver, Javier Couso Permuy, Andi Cristea, Pascal Durand, Georgios Epitideios, Knut Fleckenstein, Anna Elżbieta Fotyga, Eugen Freund, Michael Gahler, Esteban González Pons, Iveta Grigule, Diane James, Manolis Kefalogiannis, Tunne Kelam, Janusz Korwin-Mikke, Andrey Kovatchev, Eduard Kukan, Ilhan Kyuchyuk, Ryszard Antoni Legutko, Barbara Lochbihler, Sabine Lösing, Ulrike Lunacek, Andrejs Mamikins, David McAllister, Francisco José Millán Mon, Maite Pagazaurtundúa Ruiz, Pier Antonio Panzeri, Demetris Papadakis, Ioan Mircea Pașcu, Alojz Peterle, Tonino Picula, Cristian Dan Preda, Jozo Radoš, Jacek Saryusz-Wolski, György Schöpflin, Pedro Silva Pereira, Jaromír Štětina, Dubravka Šuica, Charles Tannock, Claudia Țapardel, Geoffrey Van Orden
Substitutes present for the final vote	Max Andersson, Laima Liucija Andrikienė, Brando Benifei, Doru-Claudian Frunzuliță, Elisabetta Gardini, Neena Gill CBE, María Teresa Giménez Barbat, Charles Goerens, Enrique Guerrero Salom, Antonio López-Istúriz White, Gilles Pargneaux, José Ignacio Salafranca Sánchez-Neyra, Marietje Schaake, Jean-Luc Schaffhauser, Igor Šoltes, Renate Sommer, Ernest Urtasun, Paavo Väyrynen, Janusz Zemke, Željana Zovko
Substitutes under Rule 200(2) present for the final vote	Dieter-Lebrecht Koch, Ramón Luis Valcárcel Siso

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

48	+
ALDE	Petras Auštrevičius, María Teresa Giménez Barbat, Charles Goerens, Iveta Grigule, Ilhan Kyuchyuk, Maite Pagazaurtundúa Ruiz, Jozo Radoš, Marietje Schaake
PPE	Laima Liucija Andrikienė, Elmar Brok, Michael Gahler, Elisabetta Gardini, Esteban González Pons, Manolis Kefalogiannis, Tunne Kelam, Dieter-Lebrecht Koch, Andrey Kovatchev, Eduard Kukan, Antonio López-Istúriz White, David McAllister, Francisco José Millán Mon, Alojz Peterle, Cristian Dan Preda, José Ignacio Salafranca Sánchez-Neyra, Jacek Saryusz-Wolski, György Schöpflin, Renate Sommer, Jaromír Štětina, Dubravka Šuica, Ramón Luis Valcárcel Siso, Željana Zovko
S&D	Brando Benifei, Goffredo Maria Bettini, Andi Cristea, Knut Fleckenstein, Eugen Freund, Doru-Claudian Frunzuliță, Neena Gill, Enrique Guerrero Salom, Andrejs Mamikins, Pier Antonio Panzeri, Demetris Papadakis, Gilles Pargneaux, Ioan Mircea Pașcu, Tonino Picula, Pedro Silva Pereira, Janusz Zemke, Claudia Țapardel

21	-
ALDE	Paavo Väyrynen
ECR	Amjad Bashir, Anna Elżbieta Fotyga, Ryszard Antoni Legutko, Geoffrey Van Orden
EFDD	James Carver
ENF	Louis Aliot, Mario Borghesio, Jean-Luc Schaffhauser
GUE/NGL	Javier Couso Permuy, Sabine Lösing
NI	Georgios Epitideios, Diane James, Janusz Korwin-Mikke
VERTS/ALE	Max Andersson, Klaus Buchner, Pascal Durand, Barbara Lochbihler, Ulrike Lunacek, Ernest Urtasun, Igor Šoltes

1	0
ECR	Charles Tannock

Key to symbols:

+ : in favour

- : against

0 : abstention