Committee on Foreign Affairs
Subcommittee on Security and Defence

Providing parliamentary accountability over EU’s Common Security and Defence Policy
CONTENTS

Mot de bienvenue
de M. Arnaud Danjean ................. 3

Welcoming words
by Mr. Arnaud Danjean ................. 3

EU’s Common Security
and Defence Policy (CSDP) ............. 4

Role of the European Parliament
on CSDP matters ............................... 7

Parliamentary scrutiny
of CSDP at EU level ......................... 10

Scrutinising CSDP missions
and operations ................................. 13

Relations with EU national
parliaments in the CSDP area .......... 16

The financial crisis, CSDP
and budgetary issues ....................... 19

Annex: Members of the
Subcommittee on Security
and Defence .................................... 21
Mot de bienvenue

«Depuis ses origines en 1999, la politique de sécurité et de défense commune (PSDC) a permis à l’Union européenne de faire la preuve de sa capacité à agir efficacement et utilement dans le monde. Plus d’une vingtaine de missions civiles et militaires a été accomplie par l’Union, contribuant à la stabilité et au maintien de la paix dans les Balkans, dans le Caucase du Sud, en Afrique, au Moyen-Orient et en Asie.

Mais pour qu’une politique européenne soit pleinement légitime, c'est-à-dire comprise, acceptée et même demandée par les citoyens des États Membres, il est nécessaire que le Parlement européen soit associé aux décisions.

Pour moi, le rôle de la sous-commission «sécurité et défense» est précisément d’examiner les développements de la PSDC sur le plan institutionnel, capacitainet opérationnel et de s’assurer que les questions de sécurité et de défense ne demeurent pas confinées à des débats d’experts, mais qu’elles répondent aussi aux préoccupations exprimées par les citoyens européens.»

Welcoming words

«Since it was first set up in 1999, the Common Security and Defence Policy (CSDP) has enabled the European Union to show that it can act effectively and usefully in the world. More than 20 civilian and military missions have been carried out by the EU, contributing to stability and maintaining peace in the Balkans, the South Caucasus, Africa, the Middle East and Asia.

But for a European policy to be fully legitimate, that is to say, understood, accepted and, indeed, called for by the citizens of the Member States, the European Parliament must be associated with its decisions.

In my view, the role of the Sub-Committee on Security and Defence is precisely to examine developments in the CSDP in terms of institutions, capabilities and operations and to ensure that security and defence issues do not remain the exclusive preserve of experts, but also respond to the concerns expressed by the citizens of Europe.»
The Common Security and Defence Policy is part of the Common Foreign and Security Policy (CFSP) established by the Treaty on the European Union.

In the context of the CFSP, the Union pursues 8 main objectives:

1. to safeguard its values, fundamental interests, security, independence and integrity;

2. to consolidate and support democracy, the rule of law, human rights and the principles of international law;

3. to preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter;

4. to foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;

5. to encourage the integration of all countries into the world economy;

6. to preserve and improve the quality of the environment and the sustainable management of global natural resources;

7. to assist populations, countries and regions confronting natural or man-made disasters; and

8. to promote an international system based on stronger multilateral cooperation and good global governance.

In order to achieve these objectives, the Union is also developing a Common Security and Defence Policy (CSDP), covering all questions relating to its security, including the progressive framing of a common Union defence policy which could lead to a common defence when the European Council so decides unanimously. CSDP allows the European Union to develop civilian and military capabilities for international crisis management, thus helping
to maintain peace and international security.

The Treaty of Lisbon has introduced a series of new provisions concerning the CSDP:

- a clause on mutual assistance in the event of an armed aggression on the territory of a Member State,
- a solidarity clause in the event of a terrorist attack or a natural or man-made disaster,
- the role of the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy (as the principal coordinator of EU civilian and military instruments), coupled with the establishment of a European External Action Service (EEAS) incorporating, in a comprehensive manner, conflict prevention, civil/military crisis management and peace-building units,
- an extension of the tasks to be carried under the CSDP (see below),
- permanent structured cooperation for those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions, as well as enhanced cooperation,
- the establishment of a start-up fund for preparatory activities in the lead-up to operations, and
- the confirmation of the role of the European Defence Agency (EDA) in developing the EU’s defence capabilities, in strengthening the Union’s defence industrial base and in defining a European capabilities and armaments policy.

The tasks to be carried out under CSDP are joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by
supporting third countries in combating terrorism in their territories.

**Decisions** relating to CSDP, including those initiating a mission, are adopted by the Council acting unanimously. In order to allow a certain degree of flexibility to the general rule of unanimity in the decision-making process, the Lisbon Treaty maintains the constructive abstention procedure introduced by the Amsterdam Treaty, by which a Member State can choose not to apply a particular decision even though it agrees that it commits the Union as a whole.

The **European Security Strategy** (ESS), endorsed by the European Council in December 2003 and complemented in December 2008, is the political guideline for CFSP and CSDP, stressing the importance of effective multilateralism in dealing with crises and challenges in the world.

The EU launched its first CSDP crisis management operation in January 2003 and - as of January 2012 - has launched a total of 24 civilian missions and military operations, 13 of which are ongoing.

**EU-NATO relations**

EU access to NATO planning and capabilities for CSDP operations is rooted in the so-called EU-NATO ‘**Berlin-Plus’ agreement** of 2003. The EU-NATO ‘Berlin-Plus’ agreement is represented by a series of institutional arrangements between the EU and NATO that enable them to exchange information securely and to establish the manner in which NATO makes its assets available. It has been used for two EU operations: Concordia (2003) in the former Yugoslav Republic of Macedonia, and EUFOR Althea (since 2004) in Bosnia and Herzegovina.

The European Parliament is of the view that EU-NATO cooperation should be further enhanced. In its 7th legislative term, SEDE has visited the NATO Headquarters in Brussels, the Allied Command Transformation HQ in Norfolk (VA, US) and the Allied Maritime Command HQ in Northwood (UK). It also held numerous exchanges of views with NATO senior officials, including NATO’s Secretary General.
Powers and Competences

The powers and competences of the European Parliament on CFSP and CSDP matters derive from Article 36 of the EU Treaty: “The High Representative of the Union for Foreign Affairs and Security Policy shall regularly consult the European Parliament on the main aspects and basic choices of common foreign and security policy and the common security and defence policy and inform it of how those policies evolve. He shall ensure that the views of the European Parliament are duly taken into consideration. Special representatives may be involved in briefing the European Parliament. The European Parliament may address questions or make recommendations to the Council or the High Representative. Twice a year it shall hold a debate on progress in implementing the common foreign and security policy including the common security and defence policy.” In spite of the limited powers of the European Parliament over CSDP and without prejudice to the competences of the National Parliaments of EU Member States, the Subcommittee has been trying since its creation to improve and consolidate the parliamentary scrutiny of CSDP, including the operations and missions conducted under this policy, the command structures and the capabilities. In the execution of its mandate, the Subcommittee has successfully developed a closer working relationship with the European External Action Service, the Council, the Commission, as well as with NATO, other international and national organisations and actors such as NGOs.

Organisation

The Subcommittee on Security and Defence (SEDE) was created in 2004 to assist the Committee on Foreign Affairs (AFET) and to provide scrutiny over ESDP/CSDP. The Committee on Foreign Affairs is responsible for “the common foreign and security policy
(CFSP) and the common security and defence policy (CSDP). In this context, [it is assisted by a Subcommittee on security and defence]¹.

The Subcommittee comprises 31 members of the European Parliament representing the political and geographic spectrum of the European Union.

The Chair presides over the meetings of the Subcommittee and speaks for it in the plenary sessions when appropriate. He or she has an important role in drawing up Subcommittee agendas and acts as the Subcommittee representative to the outside world. The Chairperson can be replaced by one of the Vice-Chairs when necessary.

A very significant role in the Committee is played by the coordinators² of the political groups. Committees usually prepare reports either on the basis of a legislative proposal coming from the European Commission or they can decide to address a specific issue through an own initiative report. SEDE coordinators propose own initiative reports to AFET³ and agree on public hearings, conferences, workshops and studies to be launched.

In the related field of security and defence, there is an increasing number of pieces of EU legislation on which the European Parliament co-decides: the EU security research programme, the “defence package” relating to the establishment of a single market for defence products, the EU space policy and the space-based applications, such as Galileo and GMES. Usually, other Committees are responsible for these issues and the Committee on Foreign Affairs (and its Subcommittee) is asked for its opinion by the lead Committee.

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² A coordinator is the lead person in each political group. Together with the Chairperson and Vice-Chairs of a Committee (or Subcommittee), they form the ‘Enlarged Bureau’ and decide about reports to be drawn up, delegations to be dispatched and on any procedural and political matters relevant for the work of the parliamentary body.
³ A Committee has the right to prepare 6 own initiative reports in parallel. In addition, Committees with Subcommittees receive three supplementary reports for each Subcommittee.
The Secretariat of the Subcommittee has a remit in the field of CSDP within the European Parliament’s general secretariat. Hence, it provides support to:

a) the Subcommittee on Security and Defence, and the Committee on Foreign Affairs, in its field of competences,

b) EP’s delegation to the NATO Parliamentary Assembly,

It also provides support, together with the AFET secretariat, to the special Committee on access to sensitive information in the field of CSDP, the working group on the Financing of CFSP and the working group on the Instrument for Stability.

The Secretariat organises the daily work of the Subcommittee, provides support, background analyses and notes to the Chair, assists Members in drafting reports and providing information. It also organises Subcommittee delegations, public hearings, workshops and conferences in this area.
Three main methods of conducting parliamentary scrutiny over CSDP are used by the Subcommittee:

- Collecting information and exchanging views about the developments in CSDP, in view of preparing Reports, Questions and Recommendations in the policy field.

- Monitoring the civilian missions conducted under CSDP - making use of the EP’s budgetary powers (CFSP budget) - and being also informed on the military operations through direct contacts with the European External Action Service.

- Dispatching delegations to the military operations or civilian missions conducted under CSDP.

Collecting information and exchanging views in view of preparing Reports, Questions and Recommendations

Collecting information and exchanging views are the main instruments by which SEDE monitors the developments in CSDP. This occurs mainly within SEDE meetings (public or “in camera”) which are held once or twice per month, public hearings, workshops, conferences and other events (official or informal).

Some of these activities are organised jointly with other official bodies of the European Parliament, such as the Committee on Foreign Affairs, the Committee on Development, the Committee on Budget, the EP Delegation for relations with the NATO Parliamentary Assembly, other EP Delegations responsible for a specific country (such as Afghanistan) or a geographic region (e.g. South-East Europe), or the National Parliaments of the EU Member States.

Once the Subcommittee has collected the necessary information, questions or recommendations can be prepared to be addressed to the Council, the High Representative or the Commission. Further to this, the European Parliament has the possibility of using the instruments foreseen in its own
internal Rules of Procedure such as tabling Resolutions or own initiative Reports.

**Financing of civilian missions and being informed on military operations**

The EU budget dedicated to the Common Foreign and Security Policy falls under the scrutiny of SEDE through a procedure described in the Inter-Institutional Agreement (IIA) of 2006. Five times per year, a small delegation composed of the respective Chairpersons of the Committee on Foreign Affairs, the Subcommittee on Security and Defence, the Committee on Budget and other Members meets in camera the Chair of the Political and Security Committee and experts from the Commission. These meetings give the European Parliament the opportunity of debating the way the money is spent in civilian missions conducted under CSDP and to discuss the difficulties faced by these missions, whether they are of political or financial nature.

However, this procedure does not apply to military operations launched under CSDP, as the Treaty prohibits their financing through the EU budget (Article 41 of the EU Treaty). For this reason, the EU Member States created the so-called “ATHENA” mechanism, which is used for financing the common costs of military operations under CSDP. This mechanism covers about 15% of the total costs of a CSDP operation. The difference is therefore financed by the Member States through national contributions based on the principle “costs lie where they fall”. SEDE has been trying to collect more information about the ATHENA mechanism and has asked for more European solidarity in the financing of EU military operations.

SEDE is kept regularly informed on CSDP military operations through regular contacts with the High Representative/Vice President of the Commission and the European External Action Service.

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1 These meetings are held pursuant to Art. 43 of the Inter-Institutional Agreement of 17 May 2006, between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management.
Delegations

The Subcommittee can dispatch delegations to monitor or get informed about the developments in the CSDP area. These delegations are made either by SEDE alone or in cooperation with other EP bodies (especially AFET and standing delegations). In some cases, the Conference of Presidents of the political groups decides to constitute an ad hoc delegation in which SEDE members participate. The Subcommittee may visit as well the Defence Minister and the Defence Committee of the Parliament of the Member State holding the EU Presidency.

1 There are different types of delegations. Committee (or Subcommittee) delegations must be distinguished from standing delegations, which are responsible for a specific country or region. A Committee (or Subcommittee) has the right to send half of its Members on delegation trips (= quota). The delegations travel normally inside the EU but 1/3 of the quota can be used for travelling outside the EU, which has particular importance for SEDE. In some cases the European Parliament, on request from a Committee (or Subcommittee), can create an ad hoc delegation usually consisting of 7 Members chosen according to the rolling d’Hondt system.
Scrutinising CSDP operations and missions

From the launch of the first CSDP mission in 2003 till January 2012, 24 missions have been carried under CSDP: 7 military operations, 16 civilian missions and 1 civilian-military operation:

Overview of the missions and operations of the European Union January 2012

Civilian missions: ongoing/completed
Military operations: ongoing/completed

"Strengths take into account international and local staff"
In the first part of the 7th legislative term (2009 to 2011), all the ongoing operations and missions were scrutinised by SEDE (either in meetings or through SEDE delegations), with particular emphasis on:

**EULEX Kosovo**: exchange of views with the CPCC Director in 2009, 2010 and 2011, with the Heads of Mission in 2010, Mr. Yves de KERMABON, and 2011, Mr. Xavier BOUT de MARNHAC.

**EUPOL Afghanistan**: exchange of views with the CPCC Director in 2009 and 2010, with Head of mission, Mr. Kai VITTRUP, in 2010.

**EUMM Georgia**: exchange of views with the CPCC Director in 2009 and with Mr. Hansjörg HABER, Head of Mission, in 2010. SEDE delegation to EUMM Georgia in 2010.

**EU NAVFOR Somalia - Operation ATALANTA**: exchange of views with Rear-Admiral Peter D. HUDSON, Operation Commander, in 2009, and with Rear Admiral Thomas ERNST, Deputy Operation Commander in 2010. SEDE delegations to Northwood (OHQ EU NAVFOR Atalanta) and to EU NAVFOR Atalanta -Djibouti in 2010.

**EUFOR Althea (Bosnia-Herzegovina)**: exchange of views with General Sir John McColl, Operation Commander, in 2010.

**EUPM (Bosnia-Herzegovina)**: exchange of views with the CPCC Director and with Brigadier General Stefan FELLER, Head of Mission, in 2010 and 2011.

**EU COPPS and EU BAM Rafah in Palestinian territories**: exchange of views with CPCC Director, with Colonel Alain FAUGERAS, EUBAM Rafah HoM, and Commissioner Henrik MALMQVIST, EUPOL COPPS HoM in 2010.

**EUFOR Libya** (never launched): exchanges of views with Mr Maciej POPOWSKI, EEAS Deputy Secretary General in 2011.

**EUTM Somalia**: SEDE delegation to EUTM Somalia (in Uganda) in 2011.

**EUPOL and EU SEC- DR of Congo**: exchange of views with
the CPCC Director, the CMPD Director, Chief Superintendent Jean-Paul RIKIR, Head of Mission EUPOL DRC, and Mr. António MARTINS, Head of Mission EUSEC DR Congo, in 2011.

Furthermore, the Subcommittee has tackled other issues relevant for CSDP operations: private security companies, gender mainstreaming into CSDP, CSDP and soldiers’ rights, CSDP rules of engagement and the criteria for the use of force.
The European Parliament through SEDE has developed a strong consensus in support of CSDP, as an integral part of CFSP. This consensus can be seen in the adoption of several Resolutions on CFSP and CSDP. The European Parliament has shown as well its determination to use its new Lisbon Treaty powers to assert its parliamentary prerogative over the development of both CFSP and CSDP. This is particularly evident in the role of the European Parliament in holding a hearing for the Vice President/High Representative for Foreign Affairs and Security Policy (VP/HR) and in giving its approval of the VP/HR in a vote on the whole of the Commission. Furthermore, in the negotiations with the VP/HR and the Council on the establishment of the European External Action Service, the European Parliament placed considerable emphasis on the need to improve transparency and increase the democratic accountability of decisions in the area of CFSP/CSDP. As a result, the VP/HR adopted a declaration on political accountability which grants the European Parliament the opportunity to engage with the Council and the VP/HR on the launching of new missions or the adoption of new mandates and strategies.

An important innovation in the Lisbon Treaty can be found in the role of national Parliaments and in particular in protocol Number 1 (in particular its articles 9 and 10) of the Treaty which specifies that:

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1 This is clearly stated in particular in the report by the Chair of AFET, Mr Albertini, “on the Annual report from the Council to the European Parliament on the main aspects and basic choices of the Common Foreign and Security Policy (CFSP) in 2008, presented to the European Parliament in application of Part II, Section G, paragraph 43 of the Interinstitutional Agreement of 17 May 2006 (2009/2057(INI))”, as well as on the Report by the Chair of SEDE, Mr Danjean on “the Implementation of the European Security Strategy and the CSDP (2009/2198(INI))”. 
Article 9: The European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union.

Article 10: A conference of Parliamentary Committees for Union Affairs may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. That conference shall in addition promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy. Contributions from the conference shall not bind national Parliaments and shall not prejudge their positions.

The Committee on Foreign Affairs of the European Parliament together with SEDE have already invited in the past representatives from the EU national Parliaments for an annual exchange on the CFSP (including CSDP). This is important in bridging what is referred to as the double democratic deficit whereby the European Parliament has weak decision-making powers in this area but very good insight (and increasingly a policy-shaping role) on CSDP, whereas national Parliaments have stronger formal powers but struggle to cope with the complexities of EU decision making on CFSP (and CSDP). Working together the European Parliament and national Parliaments can play an important role in providing democratic legitimacy to CSDP.

Consequently, as a partner in the development of the Union’s external relations, the Lisbon Treaty enables the European Parliament to play its role, together with its EU national counterparts, in helping to address the challenge clearly set out in the 2008 Council Report on the “Implementation of the European Security Strategy” which states that:
“Maintaining public support for our global engagement is fundamental. In modern democracies, where media and public opinion are crucial to shaping policy, popular commitment is essential to sustaining our commitments abroad. We deploy police, judicial experts and soldiers in unstable zones around the world. There is an onus on governments, parliaments and EU institutions to communicate how this contributes to security at home”.

European Gendarmerie Force (Vicenza). Crédit photo: Armand Franjulien
The financial crisis, CSDP and budgetary issues

The recent work¹ of the Subcommittee on the impact of the financial crisis on CSDP and Member States’ defence budgets is particularly timely as it comes at a moment when the Member States, forced by radical budgetary austerity measures, are looking into possible pooling and sharing initiatives to reduce costs. This process, which started at the Ghent informal meeting of Defence Ministers in September 2010, has lead to the identification of concrete projects in November 2011.

At the same time, the Libyan intervention has reminded Europeans that they are already lacking a number of crucial military capabilities, while other capabilities could soon disappear due to the cuts. The US is facing the necessity to reduce defence spending as well, as clearly indicated by the outgoing Secretary Gates and incoming Secretary Panetta in 2011.

The work of the Subcommittee should also be seen in the context of the starting discussions on the next EU Multi-annual Financial Framework, as well as the next EU Framework Programme for Research, as this is an opportunity to find new and more cost-efficient ways of supporting military capability development in Europe. In addition, the fact that the deadline for the transposition of two important Directives for the defence market (Directive 2009/81/EC on defence procurement and 2009/43/EC on intra-Community transfers) expired during the summer of 2011, has now given the Commission significant tools to push for a more competitive and efficient European market in defence equipment.

The recently adopted EP Report on the issue² advocates a comprehensive approach to examine areas where progress is possible to “do more with less” through greater cooperation.

¹ *inter alia* through the AFET/SEDE Report on the impact of the financial crisis on the defence sector in the EU Member States (2011/2177(INI)). Rapporteur: Krzysztof Lisek.
² *Idem.*
It is based on the premise that - while radical and uncoordinated budget cuts call for urgent action - the some EUR 200 billion that EU countries spend yearly on defence could possibly, if spent smarter, still provide Europe with sufficient capabilities.

To this end, actions are proposed in the following areas: better coordination of defence planning, pooling and sharing of capabilities, supporting defence research and technological development, building a European defence technological and industrial base, establishing a European defence equipment market, and finding new ways of EU-level funding.
ANNEX : List of Members of the Subcommittee on Security and Defence issues

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