



The European Parliament as an International Actor

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Rationale

The international role of the European Parliament (EP) is gradually acknowledged in the academic literature. Be it through the empowerment of parliamentary bodies, through the growth of Inter-parliamentary Institutions (IPIs) worldwide, or through the increased external powers that the Lisbon Treaty has specifically provided the EP with, its role in world affairs reaches now well beyond the mere scope of the external dimension of European integration. The EP includes a number of specific institutions dealing with external relations (Committees, Delegations, etc.), but also a unique feature it has been developing over time such as its Inter-parliamentary Assemblies (with ACP countries, the Mediterranean, Latin America or its Eastern Neighbourhood).

The EP also produces an Annual Report on Human Rights in the World and awards its now prestigious Sakharov Prize. It has now established its own Office for the Promotion of Parliamentary Democracy in order to provide demand-driven parliamentary development support in new and emerging democracies. Whenever necessary, additionally to its usual committees, delegations and other working groups, it sets up special units, such as the 2011 Monitoring Group on the Southern Mediterranean. The EU has also now just established an Inter-parliamentary Conference on CFSP and CSDP. In addition, on many international conflicts, the EP has developed its own stance, as was the case over Libya in 2011. In spite of all the above, the international role of the EP remains a neglected area of academic study. In order to foster an inter-disciplinary discussion that reflects the complexity of the topic under study, the following academic disciplines are included: Politics, Law, International Relations.

Panel Organisers

Stelios Stavridis (ARAIID/Research Unit on Global Governance and the EU, Universidad de Zaragoza, Spain) (Panel Coordinator)

Zlatko Šabič (Faculty of Social Sciences, University of Ljubljana, Slovenia)

Sergio Fabbrini (School of Government, LUISS Roma, Italy)

Nicola Lupo (Centre for Parliamentary Studies, LUISS Roma, Italy)



Panel Structure

The Panel was divided in three sessions:

THE EUROPEAN PARLIAMENT AS AN INTERNATIONAL ACTOR: A POST-LISBON RE-EVALUATION

- Stelios Stavridis (ARAID/Universidad de Zaragoza, Spain): *The EP as an international actor*
- Sergio Fabbrini (LUISS "Guido Carli" University of Rome, Italy): *EU foreign policy and accountability after Lisbon: the challenge of a "union of states"*
- Guri Rosén (ARENA Centre for European Studies, University of Oslo, Norway), *In for a penny, in for a pound? The advance of the European Parliament into the Common Foreign and Security Policy*
- Nicola Lupo (LUISS "Guido Carli" University of Rome, Italy), *The external role of the EP President*

RECENT EMPIRICAL DEVELOPMENTS (I)

- Lorella Di Giambattista (Italian Senate, Rome, Italy) & Luigi Gianniti (Italian Senate, Rome, Italy), *The role of the European Parliament within the Inter-parliamentary Conference on the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP)*
- Elena Jiménez-Botías (UB, Barcelona, Spain), *The European Parliament and the Responsibility to Protect*
- Maria Romaniello (IMT institute for Advanced Studies, Lucca, Italy), *The role of the European Parliament in the International Arena: The SWIFT Affair*
- Gianfranco Dalia (University of Naples "Parthenope", Italy) & Rosaria Tiri (University of Naples "Parthenope", Italy), *The "veto" of the European Parliament on ACTA: a new international role for the EP*

RECENT EMPIRICAL DEVELOPMENTS (II)

- İlke Toygür (Universidad Autónoma de Madrid, Spain & European University Institute, Florence, Italy), *Voting in the European Parliament: Strengthening External Relations? The example of Turkey*
- Valentina Rita Scotti (LUISS "Guido Carli" University of Rome, Italy), *The European Parliament and the Republic of Turkey: from the Ankara Agreement to the on-going accession process*
- Maria Dicosola (LUISS "Guido Carli" University of Rome, Italy), *The European Parliament delegations to the EU-Croatia and EU-FYROM Joint Parliamentary Committees: political conditionality through "inter-parliamentary dialogue"?*
- Cristina-Maria Dogot (University of Oradea, Romania) & Simion Costea (University "Petru Maior", Târgu-Mureș, Romania), *The European Parliament, Russia and the ENP/EAP Countries*

Stelios Stavridis (ARAID/Universidad de Zaragoza, Spain) - The EP as an international actor: setting a new research agenda

There are at least two ways to approach the question of what kind of international actor the European Parliament (EP) is, or indeed what actor it could or should be: The first is rather traditional as it mainly considers its international role is a part of the external dimension of the European integration process. The second is more recent and examines it from the perspective of a wider parliamentarization of world affairs. The EP admittedly represents a very sophisticated, complex and advanced example of this parliamentarization process (some would go as far as to say, a model). Yet, by taking such a perspective, it allows for comparative analyses with other Inter-parliamentary Institutions (IPIs) worldwide. As a result of the above, this paper presented first a review of the existing traditional literature on the subject. Then, the paper referred to the parliamentarization of world affairs and how this is affecting the emerging international system following the seminal events in the late 1980s-early 2000s.

Sergio Fabbrini (LUISS “Guido Carli” University of Rome, Italy) - EU foreign policy and accountability after Lisbon: the challenge of a “union of states”

The paper deals with the role of the European Parliament in the post-Lisbon Treaty foreign policy-making. Foreign policy represents a formidable challenge for a union of states as it is the EU. If in a nation state foreign policy implies centralization in decision-making in order to guarantee consistency and accountability, this centralization is implausible in a union of states. Does this mean that a not-centralized decision-making leaves more room for influence to a popular legislature as it is the EP? The paper compares the structure of the EU foreign policy-making before and after the 2009 Lisbon Treaty, showing the discontinuities between the two phases. In particular, it focuses on the changes introduced in the role the EP might play in the three heads-based decision-making regime emerged from the Lisbon Treaty's innovation.

Guri Rosén (ARENA Centre for European Studies, University of Oslo, Norway) - In for a penny, in for a pound? The advance of the European Parliament into the Common Foreign and Security Policy (CFSP)

The EP has consistently requested more involvement in the CFSP, but its formal powers remain small. One notable exception is the CFSP-budgeting process where the Council has to share its authority with the EP. Furthermore, through its participation in the CFSP-budgeting process, the EP's role in the CFSP decision-making process has developed quite significantly through an expansion of its rights to be informed and consulted on CFSP-matters. Given that

the CFSP is commonly held to be dominated by member states, the controversy surrounding the EP's appropriate role in the CFSP, and its lack of formal powers, this development is puzzling. Thus, the aim of the paper is to explain how the EP has become increasingly embedded in the CFSP decision-making structure by studying the development of its involvement in the CFSP budgeting process from 1993-2007.

It is argued that a particular set of factors have become gradually more favourable for the EP's bargaining strategy, in particular the interaction between a growing level of CFSP-activity and the readiness on the part of the EP to delay the budgetary process causing stress for the more impatient Council. At the same time, the data show that the increasing embeddedness of the EP in the CFSP decision-making structure does not only encompass negotiated rights. The findings indicate that there has been a change in the normative considerations of the Council, accompanied by a change in its behaviour towards the EP's involvement in the CFSP. The paper demonstrates that when member state governments decide to coordinate foreign policy initiatives at the EU-level, they cannot circumvent procedures involving the EP. Both because there are established practices they are obliged to follow, but more importantly because the principle of parliamentary involvement cannot be disregarded, even in the area of foreign policy.

Nicola Lupo (LUISS “Guido Carli” University of Rome, Italy) - The external role of the EP President

The President of the European Parliament, now mentioned in Art. 14, par. 2 TEU, has a prominent position at the EU institutional level. The procedure for his/her election is supposed to grant to the President a strong political legitimization, as it usually implies a bipartisan agreement amongst MEPs (at least among the two biggest political groups). However, in spite of this wide legitimization, a limited margin of manoeuvre is left to the President: the political groups strongly condition his conduct within the internal life of the the internal life of the Parliament. For instance, compared to the role of the Speakers of many national parliaments with regard to the power of agenda-setting and to organize parliamentary procedures, the position of the EP President seems to be quite weak. By contrast, s/he can play a larger role in his external functions, in relation to other European institutions and in its activities in the international sphere. Several factors account for it: 1) the President's right to attend and address the opening of all the meetings of the European Council (enhanced by the Treaty of Lisbon); 2) the strengthening of the EP's role in the conclusion of international Treaties; 3) the special relationship enjoyed by the EP towards the High Representative. The analysis will focus on the presidency of Mr Buzek and of Mr Schulz, in order to take into consideration the post-Lisbon era.

Lorella Di Giambattista (Italian Senate, Rome, Italy) & Luigi Gianniti (Italian Senate, Rome, Italy) - The role of the European Parliament within the Inter-parliamentary Conference on the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP)

The establishment of a forum through which the national Parliaments and the European Parliament are able to exchange information and best practices as well as to deliberate, with a view to the exercise of parliamentary control in the areas of CFSP and CSDP, is a significant achievement in order to ensure a comprehensive, coherent and effective approach to these matters in the EU. In September 2012, the first gathering of the Inter-Parliamentary Conference focused on recent developments regarding the democratic transition process in countries of the Southern Mediterranean and including the ongoing crisis in Syria, thereby strengthening the dialogue between the EU and its southern neighbours. Even so, in this very occasion the limits of the Inter-Parliamentary Conference became clear: its large composition may prove to be an obstacle for a smooth functioning of the Conference and the High Representative of the EU for Foreign Affairs and Security Policy did not set the conditions for raising a real debate.

The study shows that the newly-established Conference could provide an effective framework for active inter-parliamentary cooperation, which could lead to substantive progress in policies which are subject to intergovernmental coordination and to further enhancement of the EP's role as an international actor. In such a context the European Parliament could play a key function. At the present stage, it seems willing to maintain its privileged relationship with the High Representative; nonetheless, the Conference can foster a better coordination of EP's and Member States' actions and develop a common and coherent response to foreign policy, security and defence challenges.

Elena Jiménez-Botías (UB, Barcelona, Spain) - The European Parliament and the Responsibility to Protect

A key element on the implementation of the Responsibility to Protect (RtoP) UN norm is what the UN Secretary General identified in his third report in July 2011: the role that regional and sub-regional organizations can play in making real the achievement of its goal, to prevent or halt mass atrocities wherever in the world. The European Union has been up to now quite reluctant to use this doctrine in its foreign policy, even if the European Parliament (EP) has adopted a few resolutions invoking it on some conflicts, especially in Darfur crisis and, lately, in the Libya war. The obstacles for the EP to be an international actor that reinforces the RtoP are of different nature and, therefore, they need to be tackled in very different ways. On one hand, the lack of a real political will of the European Council, together with a divergence among member states external action and, moreover, the existing distance between their formal speech and their real actions, is a gap which needs new engagements and compromises with global governance, so not to arrive to a paralysis. On the other hand, "new" institutional and administrative context created by the Treaty of Lisbon and the recently established European External Action Service bring an organizational complexity that threatens the capacity to intervene at the prevention stage. In conclusion, the EP, as the voice of a civil power, could contribute much more significantly in the future to prevent escalades in crisis and avert crimes against humanity if several blockages are overcome.

Maria Romaniello (IMT institute for Advanced Studies, Lucca, Italy) - The role of the European Parliament in the International Arena: The SWIFT Affair

Dominated since its early beginning by the Member States, the Common Foreign and Security policy (CFSP) has long been criticized for its lack of democratic legitimacy. The entering into force of the Lisbon Treaty enhanced the European Parliament's role in the field and although it cannot act as a full legislator, it nonetheless acquired new powers for acting internationally. One of the most important achievements regards the EP's role in the conclusion of international agreements. The new Art. 218, par. 6 TFEU finally provides the EP's mandatory approval before the conclusion of all EU international agreements for which the internal co-decision procedure is required. Although, the EP international role is thus gradually accepted in the academic literature, it remains nonetheless a neglected area of academic study.

In this line, the paper aims at filling this gap and by providing empirical evidence, it aims at identifying the most significant aspects that have emerged in parliamentary practice in the international arena. In order to do so, the paper focuses on the SWIFT affair which, according to Monar, can be considered "as one of the so far not so many historic votes of the Parliament on an EU external relations issues - with significant implication for EU external relations". In this line, looking at the novelties introduced by the Lisbon Treaty, the paper investigates the international EP's role and the extent to which the new powers impact on both level of internal institutional balance and EU external relations.

Gianfranco Dalia (University of Naples "Parthenope", Italy) & Rosaria Tiri (University of Naples "Parthenope", Italy) - The "veto" of the European Parliament on ACTA: a new international role for the EP

The European Parliament rejected with a plenary vote, on 4 July 2012, the Anti-Counterfeiting Trade Agreement (ACTA), a plurilateral treaty agreed between the EU, its Member States and other relevant countries. ACTA intended to prevent trade in counterfeiting physical and digital goods by enforcing the protection of intellectual property rights (IPR), not only at the borders but also online. This agreement was supposed to be signed and ratified by all Member States in order to enter into force (provided 5 other contracting parties did the same, according to Art. 40 ACTA), and the EP should have given its consent, according to Art. 207 and 218 TFEU.

The case study included in the analysis is relevant because the "veto" on ACTA represents the first time that the EP has used the powers conferred by the Lisbon Treaty to block the ratification of an international agreement. Indeed, under the aforementioned Treaty, the Parliament must give its consent before international treaties drawn up by the EU can be ratified.

This paper investigates, first of all, the juridical considerations stemming from this decision, then the growing importance of the European Parliament within the EU Institutions. Practical consequences of the EP vote on the Member States' prerogatives will also be analysed.

İlke Toygür (Universidad Autónoma de Madrid, Spain & European University Institute, Florence, Italy) - Voting in the European Parliament: Strengthening External Relations? The example of Turkey

The European Union, the sui generis organization, has been integrating deeper and wider throughout the years. Today it consists of 27 States with a variety of diversities while trying to be something more than the mere sum of its members. This paper seeks to examine to what extent Members of the European Parliament (MEPs) behave according to their nationality (intergovernmental dimension) or unite in their political affinity regardless of their differences (supranational dimension). EP is assumed as the most appropriate institution for this analysis since it captures the two aforementioned dimensions and tries to represent all the existing diversities (national and ideological) inside the Union in a democratic ground.

Turkey has always been a controversial issue as a candidate country waiting in the doors of the EU for more than half a century. Today, she is not only a candidate but also an important partner of the EU in external relations. Being different from all the other Member States in many dimensions, Turkey is taken as a case study. This paper investigates the voting behaviour of the MEPs on the issues related to external affairs and Turkey. 68505 observations on 92 different vote rolls about Turkey in the area of Foreign and Security Policy (2004-2011) is used for this analysis. The dataset is elaborated from the database of VoteWatch.eu with the purpose of explaining the role nationality and political affinity play in voting.

Valentina Rita Scotti (LUISS "Guido Carli" University of Rome, Italy) - The European Parliament and the Republic of Turkey: from the Ankara Agreement to the on-going accession process

The dialogue between the European Parliament and the Great National Assembly of Turkey (GNAT) can be considered one of the most ancient in the European external relation paramount, having its origins in 1965, soon after the entrance in force of the Ankara Agreement. Art. 27 of the Agreement provides the legal basis for the institution of the EU-Turkey Joint Parliamentary Committee (JPC) with the generic aim to facilitate the cooperation between the European and Turkish Assemblies. Since its institution, the role of the JPC has been deeply evolving, also as a consequence of the start of the accession process in 2005. The Committee has become an instrument of discussion between the delegations of the EU Parliament and the GNAT, enriched by frequent meetings with representatives of the EU Presidency-in-Office and of the Turkish Executive.

This paper therefore focuses on the analysis of the various phases of the dialogue inside the JPC, considering both the internal evolution of Turkey (coups d'état, emergency periods, restorations of democracy) and the progressive "sliding" of its relations with the EU (from tout court international relations to those based on the European conditionality and designed for the accession). Starting from this scenario, also complicated by the "otherness" that some European political forces attributed to Turkey, the essay attempts to assess how JPC activity influences both Turkey's reform process of communitarian aquis reception, and the European Commission's progress reports, issued in the exercise of its functions of control and follow-up.

Maria Dicosola (LUISS “Guido Carli” University of Rome) - The European Parliament delegations to the EU-Croatia and EU-FYROM Joint Parliamentary Committees: political conditionality through “inter-parliamentary dialogue”?

In 2004, on the basis of the Stabilisation and Association Agreements, two Joint Parliamentary Committees were established with Croatia and the Former Yugoslav Republic of Macedonia. Both the European Parliament and the national Parliaments participate to the committees through their delegations. The Stabilisation and Association joint parliamentary committees are conceived as “a forum for members of the national and the European Parliament in order to meet and exchange views” with reference to the process of enlargement (art. 116 EU-Croatia SAA; art 114 EU-FYROM SAA). Therefore, they became a place for discussion on the political standards that have to be respected in order to join the European Union and they can be considered as actors of conditionality.

The aim of this paper is to analyse the texts of the statements, recommendations and minutes of the meetings of the EU-Croatia and FYROM joint parliamentary committees, in order to verify if the participation of the European and domestic parliamentary delegations to these bodies - through the mechanism of the “inter-parliamentary dialogue” - can be useful in order to solve some of the problems of political conditionality. Among them, it focuses, in particular, on the gap between “law in the books” and “law in action” in the legislative and constitutional reforms on the democratic institutions and fundamental rights, adopted in order to join the EU. To this end, are analysed statements, recommendations and minutes adopted during the JPC meetings, paying special attention not only to their content, but also to the procedure that has been followed for their adoption (internal debate, effective cooperation between the national and the European Parliament and between the Croatian and Macedonian Parliaments and other national Parliaments, transparency of the procedure vis-à-vis the citizens, etc.).

Cristina-Maria Dogot (University of Oradea, Romania) & Simion Costea (University “Petru Maior”, Târgu-Mureș, Romania) - The European Parliament, Russia and the ENP/EAP Countries

The evolution of the process of European integration determined various changes concerning the attributions and competences of the different communitarian institutions, European Parliament included. Hence, European Parliament arrived to develop some competences that were unthinkable at its beginnings at beginning of European community generally: to participate in the process of accession of new countries, to put into question legislative projects of other EU institutions and to contribute to their modifications during the legislative process, to participate in budget’ adoption process, to survey and control other European institutions, or, after Lisbon Treaty, to maintain and develop relationships with national parliaments. By some of its Commissions (i.e. that on Foreign Policy or that on Security and Defense) and Delegations, EP could develop relationships with the representatives of any parliament and state in the world. However, with the some countries, EP develops closer relationships, using multiple levels of connections. It is the case of some Eastern European countries pooled in the European Neighbourhood Policy, became from 2009 the Eastern Partnership, i.e. Armenia, Georgia, Belarus, Moldova, Ukraine, and Azerbaijan. The representatives of these countries meet EP delegation in different forms of collaboration: in the so-called EURONEST (where joined all EAP countries except Belarus, that benefit only for a working group), and at individual level, the EP having a parliamentary delegation for each of them. As former parts of the former USSR, Russia considers this region as being again or at least as necessary to be again under its influence. EU policies and Russia interests intersected sometimes in their relationships with any of the above-mentioned countries. The results of these interferences are studied in the paper and have been debated during the conference.



EUROPEAN PARLIAMENT

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