




## POLICY PAPER


# Why Should the European Parliament Acquire a Greater Role in EU External Policy?

VOCAL  
EUROPE

\*This Policy Paper was written by **Martin Galland** | 8 February 2021

 Rue de la Science 14, 1040 Brussels

 [office@vocaleurope.eu](mailto:office@vocaleurope.eu)

 + 32 02 588 00 14

# WHY SHOULD THE EUROPEAN PARLIAMENT ACQUIRE A GREATER ROLE IN EU EXTERNAL POLICY?

## Table of Contents

1. Background...2
2. Current State of Play...2
  - a. The European Parliament's Self-Perception of Its Role in Foreign Policy...2
  - b. The Council's Perspective of the European Parliament's Role in Foreign Policy...3
3. Policy Recommendations...4
  - a. Recognising and Integrating the EP's Institutions in Europe's External Action...4
  - b. Formalising the EP's Informal Influence and Effect on EU Foreign Policy...5
  - c. A New European Treaty to Expand the EP's Constitutional Influence over Foreign Policy...5
4. Conclusions...6

## VOCAL EUROPE

RUE DE LA SCIENCE 14B, 1040 BRUSSELS

TEL: +32 02 588 00 14

VOCALEUROPE.EU



[TWITTER.COM/THEVOCALEUROPE](https://twitter.com/thevocaleurope)



[FACEBOOK.COM/VOCALEUROPE](https://facebook.com/vocaleurope)



[YOUTUBE.COM/VOCALEUROPE](https://youtube.com/vocaleurope)



[INSTAGRAM.COM/VOCALEUROPE](https://instagram.com/vocaleurope)

### Disclaimer and Copyright

This document is prepared for, and addressed to Vocal Europe and its audience. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of Vocal Europe. Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged.

# WHY SHOULD THE EUROPEAN PARLIAMENT ACQUIRE A GREATER ROLE IN EU EXTERNAL POLICY?

## Background

In modern democratic states, while national parliaments have an important say in the creation and outcome of decision-making procedures, the executive branch of government retains the majority of the power over decisions relating to foreign-policy and security, with certain exceptions within Europe itself.<sup>1</sup> The European Union, as a *sui generis* political system, has an interesting relationship with its own multi-national Parliament. De-facto, the European Parliament (henceforth EP) has a limited impact on foreign-policy and security decisions – one of the few policy areas left in the full competence of the Member States. However, this has not stopped the EP to affect European external affairs through policy areas that Members of the European Parliament (MEPs) do have competences in, such as trade for instance.

Prior to 2009, the EP had little legal and constitutional jurisdiction on matters of European security and foreign policy. The ratification and implementation of the Treaty of Lisbon was a landmark event for the European Union (EU), which in part saw the renegotiation of certain policy areas and the influence of European institutions grow in tandem with accountability and transparency measures over the EU Commission.<sup>2</sup>

Over the years, the EP has developed characteristics and institutions that have much to offer to the EU's external action, reinforcing existing EU policy and bringing foreign policy-making to new directions that could strengthen EU action beyond its borders. Presently, the Parliament's role in foreign policy is being underestimated and sidelined by media and policy stakeholders in favour of an intergovernmental approach for most geopolitical issues, leading to institutional clashes, disharmony within the EU, and a disconnect between parts of European society.<sup>3</sup>

The EU has proven nevertheless to be a key actor beyond its borders, working to achieve its goals of conflict resolution, sustainable development and peace, amongst other general policy objectives. Globalisation's trend of causing increasing interconnectedness between states and people makes it crucial for EU action not only to be effective, but also durable.

The EP, with its own goals and values, has worked to support EU foreign policy through its own networks and institutions, even if it is not recognised as doing such in the public eye. This policy paper would therefore like to explore the possibilities within a more present and impactful European Parliament in the policy area of European external action, utilising its unique character and networks to strengthen EU external policy.

## Current State of Play

### *The European Parliament's Self-Perception of Its Role in Foreign Policy*

In the past decade, the European Parliament has become increasingly confident in its position and role as an internationally-oriented democratic institution. Despite having a limited role in foreign policy, the EP has acquired tools and developed characteristics which make up for the difficulties of national parliaments to maintain oversight on the EU's Common Security and Foreign Policy (CFSP)

---

<sup>1</sup> Udo Diedrichs, "The European Parliament in CFSP: More Than a Marginal Player?" *The International Spectator* 39, no. 2 (April 2004): 31–32; Anna Herranz-Surrallés, "Parliamentary Oversight of EU Foreign and Security Policy: Moving Beyond the Patchwork?" *Analysis* 230 (January 2014): 4.

<sup>2</sup> Steve Peers and Marios Costa, "Accountability for Delegated and Implementing Acts after the Treaty of Lisbon," *European Law Journal* 18, no. 3 (May 2012): 460.

<sup>3</sup> European Parliament, "Shaping and controlling foreign policy: Parliamentary diplomacy and oversight, and the role of the European Parliament," July 2015: 38–40.

# WHY SHOULD THE EUROPEAN PARLIAMENT ACQUIRE A GREATER ROLE IN EU EXTERNAL POLICY?

and Common Security and Defence Policy (CSDP) matters.<sup>4</sup> Through its budgetary powers, the EP is able to have an important say in the allocation of funds for the EU's budget, formally and informally granting it the powers to influence policy priorities in the areas of foreign policy, even if it is still technically an exclusive competence of the Member States.

However, there are three major limits to the EP's influence over European external action which would have to be addressed before we could correctly assess the EP's impact on foreign policy. The first is the fact that the EP's external action viability through its institutions is not recognised by present EU foreign policy documentation or plans-of-action. This means that the EP can and has done important work in the past with regards to foreign policy, but it is generally not acknowledged as doing so by other actors of the EU polity. This is evidenced in the EU's Global Strategy and Global Strategy Review, where the EP is not mentioned in a context of supplementing EU external action, only in its limited oversight capabilities.<sup>5</sup>

The second limit is concerned with the majorly informal characteristics of the EP's present impact over external action. As EU actors are noted to gain more external viability and legitimacy the more visible they are, informality will arguably negatively affect the EP in the long run, especially as it runs counter to its values of transparency. The third limit follows that the EP simply does not have enough constitutional power to act externally. Its declarations are non-binding, there is no co-legislative procedure for CFSP/CSDP, and it has to contest the Council at the Court of Justice of the EU for interpretation of the treaties.

In the years following the Lisbon Treaty, institutional and constitutional changes at the level of the European Union have become less of a priority, as the EP had found itself content to affect CFSP matters behind closed doors with inter-institutional committees rather than in plenary sessions. However, as aptly stated by Herranz-Surrallés, "these practices cannot provide for a substitute for the function of the European Parliament as a forum of public deliberation of different policy options and for holding decision-makers to account through public justifications".<sup>6</sup> Nevertheless, the EP's hope to become more influential in the decision-making procedures of foreign policy matters remains an objective for certain MEPs who have professed their expectations that the European Parliament should have a stronger say in external action, a sentiment likely reflected by the majority of MEPs.<sup>7</sup>

## ***The Council's Perspective of the European Parliament's Role in Foreign Policy***

The Council's point of view on the future of CFSP and CSDP matters since their formulation have generally been the same: they should remain in the exclusive competence of the Member States as one of the most important policy areas of a sovereign state. For the most part, concessions of the Council in matters of foreign policy will only occur following a ruling of the Court of Justice of the European Union, demonstrated below by the 2011 Mauritius case, which was on the subject of a anti-piracy treaty between the Republic of Mauritius and the European Union, which had been negotiated without the knowledge of the EP.

---

<sup>4</sup> Anna Herranz-Surrallés, "Parliamentary Oversight of EU Foreign and Security Policy: Moving Beyond the Patchwork?" Analysis 230 (January 2014): 5.

<sup>5</sup> European External Action Service, *Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union's Foreign And Security Policy*, June 2016, [https://eeas.europa.eu/sites/eeas/files/eugs\\_review\\_web\\_0.pdf](https://eeas.europa.eu/sites/eeas/files/eugs_review_web_0.pdf); European External Action Service, *The European Union's Global Strategy: Three Years On, Looking Forward*, June 2019, [https://eeas.europa.eu/sites/eeas/files/eu\\_global\\_strategy\\_2019.pdf](https://eeas.europa.eu/sites/eeas/files/eu_global_strategy_2019.pdf).

<sup>6</sup> Herranz-Surrallés, "Parliamentary Oversight of EU Foreign and Security Policy," 5-6.

<sup>7</sup> Attila Ara-Kovacs, Member of European Parliament for Hungary, interviewed by Martin Galland, December 2020; Oezlem Demirel, Member of European Parliament for Germany, interviewed by Martin Galland, December 2020.

# WHY SHOULD THE EUROPEAN PARLIAMENT ACQUIRE A GREATER ROLE IN EU EXTERNAL POLICY?

The Mauritius case represents a more recent attempt by the Parliament to muscle into the realm of CFSP using the new clauses established with the Lisbon Treaty, clashing with the Council all the while. The resolution had been passed by the Council, and the Parliament was only informed of the fact three months after its signing, prompting the EP to bring the matter to the CJEU. Through Articles 216(6) second subparagraph TFEU, and Article 218(10) TFEU the EP firstly claimed that had to have given its consent to the treaty, or at least be consulted before the decision was to be taken, and secondly that it should have been “immediately and fully informed at all stages of the procedure”.<sup>8</sup>

The CJEU rejected the first claim, but ruled in favour of the EP for the second, as the Council has to inform the Parliament at all stages of the procedure of an international treaty as per the Treaties, even if it involves CFSP. Failing to do so led to the CJEU to annul the Council decision to adopt the treaty (although the effects were to remain in place), with the Court concluding that the information requirement was necessary “to exercise democratic scrutiny of the European Union’s external action and, more specifically, to verify that its powers are respected precisely in consequence of the choice of legal basis for a decision concluding an agreement”.<sup>9</sup>

For the moment, the Council seems content at things remaining in the status-quo with regards to the role of the EP in CFSP/CSDP with the current debate being centred on a reform of the CFSP and enlargement policy at the Council/intergovernmental level, barring any considerations of increasing the Parliament’s input in these areas.<sup>10</sup> The Council largely tolerates the present impact of the EP’s parliamentary oversight in European policy-making and most attempts of the EP in giving a certain interpretation of the Treaties in front of the CJEU is met with the Council’s opposition and is subject to long inter-institutional negotiations with concessions on both sides.<sup>11</sup>

## Policy Recommendations

### *Recognising and Integrating the EP’s Institutions in Europe’s External Action*

Presently, the EU’s “comprehensive approach” embodies a combination of national diplomats, EEAS officials and development assistance specialists acting in tandem for the EU’s external policy.<sup>12</sup> There is no mention whatsoever of the European Parliament and its institutions in this comprehensive approach, which appears to be a gross oversight considering what these institutions can bring to reinforce European foreign policy. The EU Global Strategy only admits that the EP is a part of the periodic consultation on the strategy alongside the Council and the Commission.<sup>13</sup>

This recommendation wishes to add parliamentarians, the EP’s institutions and the *savoir-faire* to the EU’s external approach, promoting a greater coordination between the EP’s networks and institutions

---

<sup>8</sup> Joris Larik, “Democratic scrutiny of EU foreign policy: From pirates to the power of the people (Case C-658/11 Parliament v. Council),” *European Law Blog*, August 14, 2014, <https://europeanlawblog.eu/2014/08/14/democratic-scrutiny-of-eu-foreign-policy-from-pirates-to-the-power-of-the-people-case-c-65811-parliament-v-council/>

<sup>9</sup> Court of Justice of the EU, judgement of June 24, 2014, para. 79, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62011CJ0658>

<sup>10</sup> Anna Nadibaidze, “Will the EU move to Qualified Majority Voting in Foreign Policy,” *Vocal Europe*, October 31, 2020, <https://www.vocaleurope.eu/commentary-will-the-eu-move-to-qualified-majority-voting-in-foreign-policy/>

<sup>11</sup> Niccolo Rinaldi, Head of Unit for Asia, Australia and New Zealand, interviewed by Martin Galland, December 2020; Guri Rosen and Kolja Raube, “Influence beyond formal powers: The parliamentarisation of European Union security policy,” *The British Journal of Politics and International Relations* 20, no. 1 (2018): 74.

<sup>12</sup> Fiott, “The diplomatic role of the European Parliament’s parliamentary groups,” 9.

<sup>13</sup> European External Action Service, Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union’s Foreign And Security Policy, June 2016, [https://eeas.europa.eu/sites/eeas/files/eugs\\_review\\_web\\_0.pdf](https://eeas.europa.eu/sites/eeas/files/eugs_review_web_0.pdf)



# WHY SHOULD THE EUROPEAN PARLIAMENT ACQUIRE A GREATER ROLE IN EU EXTERNAL POLICY?

with the remainder of the EU institutions that act externally. The Cox-Kwasniewski Mission, for instance, saw a EP mission alleviate inter-state diplomatic tensions around the then-uncertain Association Agreement, by helping promote judicial and electoral reform in pre-Euromaidan Ukraine.<sup>14</sup> The EP acted on its own accord, after having the mission approved by the Council, and the mission is a good example of how the EP, having developed networks and connections within countries in the European neighbourhood and beyond, can become a far more integral axis to the EU's external action in the research, planning and implementation phases. While recognising that the EP's autonomous character as somewhat separate to other EU institutions is also an advantage, European external action policy-makers should nevertheless be more serious in considering the possibilities and potential in integrating the EP and its institutions into the EU's foreign policy framework.

## *Formalising the EP's Informal Influence and Effect on EU Foreign Policy*

One of the limits of the EP's present influence over foreign policy are the predominantly informal and technocratic characteristics of its parliamentary external action. While this enables the EP to be effective and efficient in its missions, due to its limited manoeuvrability and agency in this policy field, it has the potential of being a double-edged sword that could negatively affect the EP's chances to acquire constitutional power over foreign policy in the future. The Cox-Kwasniewski Mission, for instance, while being mandated by the EP, did not have any MEPs participate in the mission. Another example exists in the EP's Office for the Promotion of Parliamentary Democracy, which has training programs for foreign parliamentarians and parliament staffers on constructing legislative rules, operates on its own and brings in MEPs only for small sections of its training.<sup>15</sup>

The EP, as the sole directly-elected institution in the EU, embodies the values of democracy, transparency and accountability at the EU level in a time where there democratic institutions around Europe are under threat. In conjunction with this paper's other two recommendations, it is advised that the EP's institutions that function in the area of foreign affairs work to formalise these informal characteristics of the EP, as the uncertainty and lack of transparency behind them will ultimately do more harm than good to the legitimacy of the European Parliament. Like the Cox-Kwasniewski Mission shows, the EP's democratic legitimacy can do well to establish the viability of its input in European external action. However, the technocratic nature of its initiative - regardless if it improves the effectiveness of the mission - restrains the possibilities of oversight and accountability, which are the very same criticisms of present EU external action.

## *A New European Treaty to Expand the EP's Constitutional Influence over Foreign Policy*

The final recommendation of this policy paper broaches the topic of a new European Treaty. While the concept appears distant and far from the minds of policy makers today, what with the present issues that are presently affecting the EU, the European project is far from finished and further reform is necessary for the continuation of the Union. The Treaty of Lisbon was signed and ratified more than a decade ago, following the Treaties of Amsterdam and Nice which were negotiated at the turn of the century. It is of the opinion of the author that discussions on a new European treaty should begin in the coming years, and begin to consider the topics and reforms that would need to be addressed in the negotiations. While there are countless policy areas that would require reform, this policy paper focuses on the establishment of a more defined position of the EP with regards to foreign affairs.

---

<sup>14</sup> Redei and Romanyshyn

<sup>15</sup> Redei and Romanyshyn 12

# WHY SHOULD THE EUROPEAN PARLIAMENT ACQUIRE A GREATER ROLE IN EU EXTERNAL POLICY?

This would include an expanded role of the Parliament in matters of European external policy and a greater integration of EP institutions into the foreign policy frameworks of CFSP and the EEAS. Discussions should be broached on the subject of beginning to expand the co-legislative procedure for certain parts of external policy, for instance civilian missions, or creating a mechanism for the Council and the EP to create non-binding legislation in CFSP matters. Keeping with the spirit of the EP providing democratic oversight into EU institutions, there is an argument to be made in granting the EP further control mechanisms to monitor this policy field.<sup>16</sup>

The EP's newfound role could perhaps allow for a new treaty to innovate on the role and position of national parliaments in foreign affairs.<sup>17</sup> As decision-making procedures at global levels become increasingly distant from the citizens with reduced accountability and transparency, the EP represents an institution of representatives with tools and mechanisms that are already established and can be expanded and can provide a wholly new way to consider the role of democracy and individuals in global issues.

The parliamentarisation of foreign affairs is a continuous process and can and should be made into reality in the European Union. Regardless of whether or not a new European treaty will even be considered in the coming years, the Council and other EU institutions have things to learn from the EP. The EP's constitutional creativity, as an international institution which functions on majority and not consensus to approve legislation, offers a good example for the Council and offers possibilities for legal changes to foreign policy.<sup>18</sup> It is important that these foreign policy reforms reduce incentives for the EP to act as a technocratic actor that favours informal processes to be an effective actor, which presently lessens its perception as the democratic and transparent face of the EU.<sup>19</sup>

The European Union will soon be faced with significant challenges in the post-covid era, with potential disagreements between France and Germany on the future of the Union's internal and external policy.<sup>20</sup> It is in this context of crisis and change that the EU should reinterpret the role of its institutions to ensure the health and adaptability of the European project in the years to come.

## Conclusions

This paper should not be seen as part of a greater call to reduce the power of national parliaments and the Member States' sovereignty in favour of political integration, but as a call for greater inter-institutional cohesion and the utilisation of the unique nature of the EP as a multinational/international actor. The acknowledgement of the EP as a rhetoric and diplomatic actor that can coordinate with other internationally-focused EU institutions would only serve to strengthen EU external action. This greater coordination can be made possible by uniting the EP's resources and networks that are already available, such as the inter-parliamentary delegations, the yearly inter-parliamentary forums with national parliaments of regions around the globe for example.<sup>21</sup>

Finally, while a new European treaty may be wishful thinking for the near future, the subject of the EP's future input and role in European foreign policy is a discussion that must occur. As the issues

---

<sup>16</sup> Oezlem Demirel, Member of European Parliament for Germany, interviewed by Martin Galland, December 2020.

<sup>17</sup> Attila Ara-Kovacs, Member of European Parliament for Hungary, interviewed by Martin Galland, December 2020.

<sup>18</sup> Niccolo Rinaldi, Head of Unit for Asia, Australia and New Zealand, interviewed by Martin Galland, December 2020.

<sup>19</sup> Redei and Romanyshyn, "Non-Parliamentary Diplomacy," 74.

<sup>20</sup> Sigmar Gabriel, "Wie Macron Frankreich zum Anführer machen will," *Der Tagesspiegel*, January 7th 2021, <https://www.tagesspiegel.de/politik/die-eu-im-umbruch-nach-der-pandemie-muss-europa-sich-seinem-inneren-machtvakuum-widmen/26770220.html>

<sup>21</sup> Fiott, "The diplomatic role of the European Parliament's parliamentary groups," 6.

# WHY SHOULD THE EUROPEAN PARLIAMENT ACQUIRE A GREATER ROLE IN EU EXTERNAL POLICY?

of European security and defence become more and more prevalent subjects for the Council, it is necessary to include accountability and transparency mechanisms into these discussions, and that they remain an integral part of any new constitutional change within the EU.

Naturally, the European Parliament's participation into European external policy should not hamper or limit the EU's responsiveness to given crises and issues. The European Union is a far more competent and effective actor in global issues when its Member States and its principal institutions are united and cooperating, and the integration of the EP into CFSP would only strengthen EU policy and make it more cohesive.

## VOCAL EUROPE

RUE DE LA SCIENCE 14B, 1040 BRUSSELS

TEL: +32 02 588 00 14

VOCALEUROPE.EU



[TWITTER.COM/THEVOCAL EUROPE](https://twitter.com/thevocaleurope)



[FACEBOOK.COM/VOCAL EUROPE](https://facebook.com/vocaleurope)



[YOUTUBE.COM/VOCAL EUROPE](https://youtube.com/vocaleurope)



[INSTAGRAM.COM/VOCAL EUROPE](https://instagram.com/vocaleurope)

### Disclaimer and Copyright

This document is prepared for, and addressed to Vocal Europe and its audience. The content of the document is the sole responsibility of its author(s) and any opinions expressed herein should not be taken to represent an official position of Vocal Europe. Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged.