

Working Group VII

Working document 50

Working group VII – "External Action"

Subject: "Improving joint actions in CFSP"
- Paper by Mr Gijs de Vries, member of the Convention

Members of the Working Group VII will find hereafter a paper by Mr Gijs de Vries, Netherlands government representative, member of the Convention.

Improving joint actions in CFSP

Gijs De Vries, Representative of the Netherlands' Government

Joint Actions

Current legal basis of CFSP-Joint Actions is Art 14 TEU. Joint Actions address specific situations where operational CFSP-action by the EU is deemed to be required.

Unanimity is the rule. QMV is only possible within framework of common strategies.

Examples of recently adopted Joint Actions:

- EUPM (police Bosnia)
- EUMM (monitors Western Balkans)
- Support to Georgian Border Guards
- Non-proliferation Russia
- Small Arms Cambodia
- ICOC meeting Madrid

Every Joint Action has a financial underpinning (*fiche financière*). Joint Actions are financed from the Community budget: Category IV ("regular" Joint Actions) or Category V (Joint Actions appointing and mandating Special Representatives). Expenditure arising from operations having military or defense implications and cases where the Council acting unanimously decides otherwise, are excepted.

While formally the European Parliament does not have any policy role with respect to Joint Actions, the EP is de facto involved through the budget procedure. This architecture leads to inter-institutional tensions and major money-row within the Council itself at the detriment of a swift and effective implementation of CFSP.

The Netherlands would favor inserting the following amendments in a new Treaty:

- Deciding Joint Actions with QMV

Advantages: Swifter decision making in operational CFSP-activities of the Union. Quicker decisions on financing of Joint Actions.

NB: Joint Actions leading to operations having military or defense implications (ESDP) will be excluded from QMV.

- Role European Parliament

Attributing a formal role to the European parliament in the decision-making process (different options available: consultation, cooperation procedure, co-decision).

This would be a fair deal: EP gets policy influence on operational activities of CFSP (again: ESDP excluded). The Council in exchange can better utilize resources of community budget.

Involvement of the European Parliament should never lead to delay in the decision making process; therefore, an emergency procedure should be foreseen for special circumstances.

- Initiative

Shared right of initiative: High Representative, Commission (or 'double hat') and member states.

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