

The European Parliament in EU external relations

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I. Introduction

- Presentation – Legal Service:
advice/representation in court – all policies
and administration – HoU A2 external
relations: committees etc...
- Starting point – EU External relations? –
European Parliament's role?

II. The European Parliament (Article 14 TEU)

- The directly elected democratic representatives
- Functions – legislature, budgetary authority, control of international agreements, political debate and accountability
- Organisation – plenary and committees – delegations - defence of its prerogatives

III. EU External action

- Aims (Articles 2, 3(5) and 21 TEU)
- Powers and competences – CFSP – CCP, development and technical cooperation – but also external aspects of internal policies
- Instruments – legislation, international agreements, representation and debate + enlargement...
- A value based policy ... but current transactional trends?

IV. CFSP – non legislative – measures - accountability to EP

- Measures: Restrictive measures - Defence agency - Permanent structured cooperation (PESCO) - European Peace Facility
- Actors: European Council, Council and HR/VP
- HR/VP to consult EP regularly on main aspects and basic choices + EP questions + debate twice a year (Art 36 TEU)
- → Only accountability towards EP, but consider
- Article 41 TEU and EP's role in the EU budget
- Article 40 TEU and EU policies
- + Member State action (support of arms to Ukraine)

V. Legislation in the field of external relations – role of EP

- Programming
- CFSP – non legislative – Accountability to EP
- CCP, development and technical cooperation
- External aspects of internal policies – In particular now: Internal policies in support of defence capabilities (financial assistance, internal market rules, exemptions to rules... + economic policy coordination)
- OLP
- Delegated acts/Implementing acts – note importance of IA – US “trade war”

Recent big files

- CCP: GSP review, investment screening, anti-coercion, anti-subsidy...
- Development and technical cooperation: Ukraine facility, NDICI and IPA III
- Other (industry): EDIP, EDIRPA, Rearm Europe, Defence readiness omnibus, SAFE (economic policy emergency measures... but is it not industry policy...)?

VI. International Agreements

- The conclusion
- Why should EP have a role?
- Procedure – the respective role of the institutions
- EP's main role – consent
- but also scrutiny under Article 218(10) TFEU
- Refusal – very rare
- Shortcomings: scope of Article 218 (only binding)... and application of 218(9)

VII. Scrutiny of International Agreements by EP

- under Article 218(10) TFEU – an expression of a democratic principle on which EU is founded
- The right to information – Scope and meaning
- Access to information – modalities
- Scrutiny in EP – EP RoP
- big issue right now: MERCOSUR
- Examples of EP Resolutions – specific case of TCA (particularly interesting) but there are others...

VIII. Accountability political control

- HRVP- COM
- Legal framework for holding the external representation accountable
- Means of accountability – EP RoP
- Specific issues – annual reports (CFSP...), strategic issues (enlargement, China ...), aims (multilateralism, human rights sanctions act)... an of course Russian invasion of Ukraine (various aspects)
- Accountability to be distinguished from – legislative role, role in consent and consultation procedure and the access of the public to documents

IX. Other aspects of EP's role in external relations

- Representation of EU in external relations – Com-High Representative - EU delegations in third countries
- Elections observation...
- EP delegations
- Interparliamentary bodies ... ACP-EU, EU-UK...
- ...Parliamentary diplomacy

X. The Common Commercial Policy and the democratic debate

- An exceptional transparency initiative – TTIP
- How FTAs (and related matters) are dealt with in EP
- Central issues in the debate – freedom to regulate, investment protection, human rights, transparency... (recent development in energy)...
- Influence of the debate in EP
- Now in particular **MERCOSUR**

XI. Recent developments

- US role in security policy and NATO
- Russia - Ukraine
- Defence
- EU policies in support of defence
- Unanimity – qualified majority – new case
- US tariffs
- MERCOSUR
- China
- Trade defence...
- ECT - withdrawal

Recommended reading

- Judgment of 14 June 2016, *Parliament v Council* (Tanzania Agreement), C-263/14, ECLI:EU:C:2016:435.
- Judgment of 24 June 2014, *Parliament v Council* (Mauritius Agreement), C-658/11, ECLI:EU:C:2014:2025.
- Framework Agreement on relations between the European Parliament and the European Commission, OJ L 304 of 20.11.2010, p. 47.
- EP Rules of Procedure
https://www.europarl.europa.eu/doceo/document/lastrules/TOC_EN.html?redirect