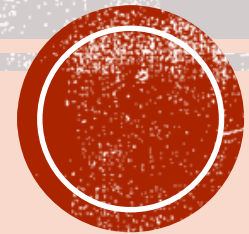


# EU INSTITUTIONS & FOREIGN POLICY

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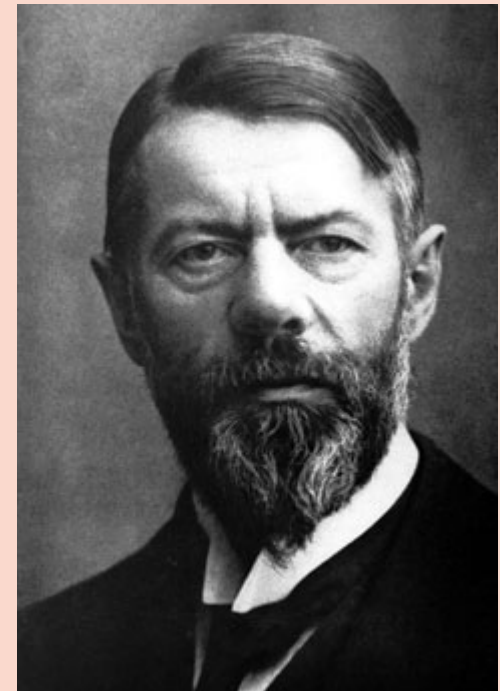
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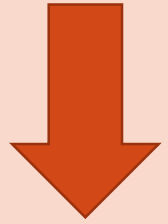
# 1) THE DISTRIBUTION OF POWER AMONG THE BIG THREE

- What is **power**?

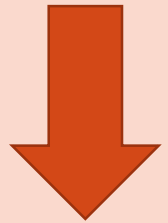
The capacity of an agent “to realize their own will in a social action even against the resistance of others”  
(Weber, 2007 [1914], p. 247).



# THREE STAGES OF POWER AT THE EU LEVEL



**Agenda-setting**



The European  
Council &  
European  
Commission



**Decision-making**



The Council  
of the EU &  
European  
Parliament



**Implementation**



Member states  
& the European  
Court of Justice



# TWO MAIN DECISION-MAKING PROCEDURES



## CONSULTATION



The Commission makes a proposal → the Council either amends it by unanimity or accepts it by qualified majority



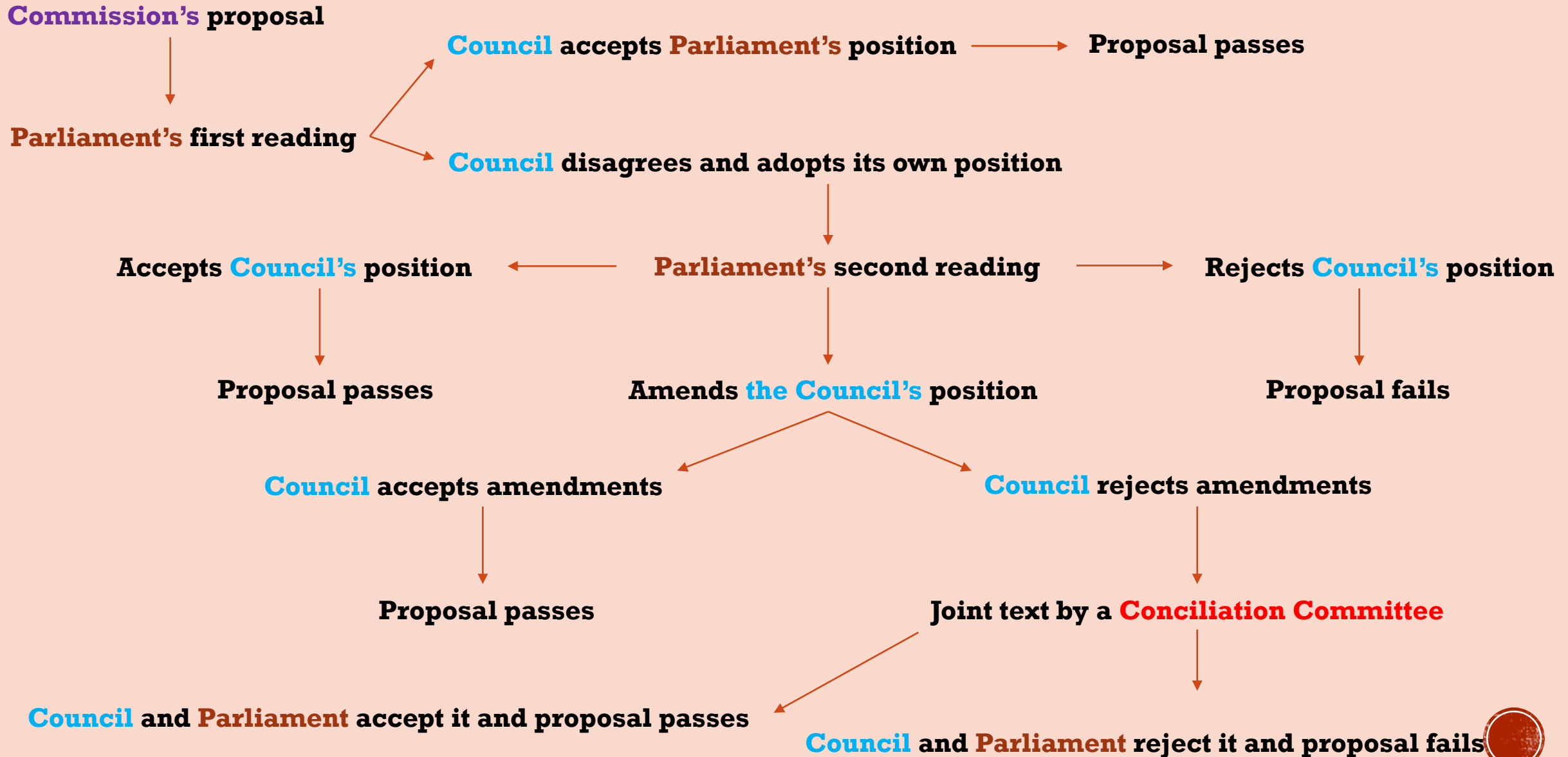
## CODECISION



The Commission makes a proposal, which then the Council and the Parliament equally decide on



# HOW CODECISION WORKS



# A) DEFICIT OF LEGITIMACY & TRANSPARENCY

- The codecision procedure allows before the first reading for **trilogues** = informal meetings between representatives of **the Parliament**, **the Council** and **the Commission**.
- Trilogues often end in **early agreements** = the **Parliament** and **the Council** reach a common position before the first or the second reading.
- Trilogues are secluded, limited to a small circle of negotiators, and the documentation is not publicly available.



- Héritier & Reh (2012), “fast-track legislation not only creates asymmetrical opportunities for individual actors; increased inter-organisational interdependence and informalised decision-making equally affects **Parliament** as a collective actor and its public reputation as a democratic legislator in particular.”
- ‘Winners’: large political groups, where most rapporteurs come from; the negotiators themselves; **the Commission**; third parties benefitting from the fast-tracking legislation.
- ‘Losers’: small parliamentary groups, who are not well represented; ordinary MEPs, who do not get to have a say; **the Parliament** as an institution and its prestige as a democratic and transparent legislator; European citizens?



<b>Year</b>	<b>Number of files concluded</b>	<b>Percentage of files concluded at 1<sup>st</sup> reading</b>	<b>Percentage of files concluded at 2<sup>nd</sup> reading</b>	<b>Percentage of files concluded at 3<sup>rd</sup> reading</b>
<b>1999-2000</b>	<b>48</b>	<b>17</b>	<b>62</b>	<b>21</b>
2000-2001	67	25	42	33
2001-2002	70	30	46	24
2002-2003	74	20	51	29
2003-2004	144	36	51	13
2004-2005	26	69	31	0
2005-2006	69	65	25	10
2006-2007	82	58	37	5
2007-2008	100	74	20	6
<b>2008-2009</b>	<b>177</b>	<b>80</b>	<b>16</b>	<b>4</b>





## B) IMBALANCE OF POWER

- Equal legislative powers for the Parliament and the Council under the codecision procedure after Amsterdam.
- But Costello & Thomson (2013, p. 1036) show that “the best-fitting power scores give ... the EP 20 per cent of the Council’s power in the codecision procedure” – where power = to reach the desired outcome.
- Costello & Thomson argue that this is due to two factors:
  1. The Council’s positions tend to be closer to the *status quo*
  2. The divisions within the Parliament are more public.



## 2) EU'S FOREIGN POLICY: WHO IS IN CHARGE?

- Foreign policy has historically lagged behind economic or internal policy.
- Obstacles to creating a EU foreign policy:
  - the question of national sovereignty;
  - different agendas of different member states (e.g. in relation to the USA);
  - the lack of a unified army and of a single defence policy.



- After Maastricht, the second of the three pillars of the EU was the **Common Foreign and Security Policy**.
- After Amsterdam there is a High Representative of the Union for Foreign Affairs and Security Policy.
- After Lisbon, the High Representative received a seat in both **the Commission** and **the Council**.
- But the EU is also represented by the president of **the Commission** and the president of **the Council**.
- So not only the member states are divided when it comes to foreign policy (see the Iraq War), but the EU's foreign policy is divided among its institutions.



- The EU's 'foreign office' is the **European External Action Service**, headed by the High Representative and combining the departments of external relations of both **the Commission** and **the Council**.
- It is independent and has its own budget, but no policy-making powers, which are in the hands of **the Council** and **the Parliament**!
- The case of the TTIP: **the Commission** is the driving force behind the negotiations with the US, while **the Parliament** is very divided on the issue and so is **the Council** recently.
- Indeed, civil society representatives have accused **the Commission** of failing to comply with **the Parliament's** 2015 Resolution on the EU-US Trade Agreement.



# REFERENCES

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