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“Supranationalization” of CFSP – wishful thinking or a rational choice to face the “hybrid” challenges.

Abstract

Despite the formal abolition of the “pillars”, they were preserved in practice by special rules for the Common Foreign and Security Policy (CFSP). The current academic discourse about the CFSP development reflects the dichotomy of supranational and intergovernmental EU components. The Russian “hybrid war” as well as the concept of “comprehensive approach” for the crisis management stressed the inter-dependence of different EU policies as well as common responsibility of the EU institutions with no place for the existing split of the EU foreign policies.

The article argues that the “supranationalization” of the CFSP is a rational response to the current “hybrid” challenges. This argument is supported by current trends of the post-Lisbon CFSP practice and growing involvement of the European Parliament into this policy area despite the existing formal limits.

The current practice emphasizes compound aims of the EU foreign policy as well as priority of long-term development goal over pure military ones, thus bringing to the fore the “economic block”, which has already been supranational. Moreover, the essential need to increase the coherence of the EU foreign policy by the unification of both policy formation and policy implementation levels leaves no space for the existing split facilitated by the simultaneous application of two opposite approaches– intergovernmentalism and supranationalism .

Key words: CFSP, EU foreign policy, comprehensive approach, High Representative, European Parliament, European Commission.

Introduction.

Despite the formal abolition of the “pillars” by the Lisbon Treaty, they were preserved in practice by special rules for the Common Foreign and Security Policy (CFSP). The current academic discourse about the CFSP development reflects the dichotomy of supranational and intergovernmental EU components. The article studies the current state of CFSP from the perspective of its development paradigm. The article argues that “supranationalization” of the CFSP is a rational choice from several different perspectives. At least there are three of them to be mentioned. First is the “hybrid” nature of the current security challenges as well as the “hybrid” response strategy adopted by the EU to face them. Second is the split of current institutional set-up within the CFSP, which requires unification, thus leaving no alternative other than “supranationalization”. Third is the general logic of the European integration, with the “spill-over” concept rather clearly explaining the practical machinery of the process. This argument is supported by current trends of both the post-Lisbon CFSP practice development and growing involvement of the European Parliament into this policy area despite the existing formal limits. The article consists of four parts accompanied by introduction and conclusions, with the parts subsequently studying the mentioned blocks of reasons.

I. “Hybrid” challenges and “hybrid” responses.

The Maastricht Treaty has often been viewed as a turning point in terms of development of the EU’s foreign policy (Moller, 2003: 64), giving the start for the transformation of the European Union from an international organization towards a polity in its own legal system and its own developing foreign policy (Wilga & Karolewski, 2014: 1). The Lisbon transformations raised the debate if the expansion of the EU foreign policy and its growing relevance made the EU a genuine foreign and security policy actor (Larsen, 2009). However, first of all it is important to understand what type of polity the European Union is in terms of the foreign policy implementation, what approaches and instruments it utilizes for reaching its goals in the relation with the outer world.

The Lisbon treaty foresaw the military cooperation, facilitating the discussion about growing military component of the EU (Pacheco Pardo, 2012: 15). However, the military capacities of the EU remain rather limited, confirming the well-known ironic definition of the EU as “economic giant, political gnome and military worm” (Plecko, 2014). From 1999 Helsinki European Council suggesting the creation of EU own “European rapid reaction forces” of 50-60 thousand soldiers (European Council, 1999), this project has not really advanced in its implementation, thus making the EU still dependent on its member-states in this sense, despite the hopes raised by the plans for the military development of the EU (Stavridis, 2001). Moreover, the scope of the CSDP operations for the last decades demonstrates the limits of the EU military involvement.¹ Therefore, the concept of normative power supported by economic means of influence remains the major relevant explanatory model for the EU impact on the international politics. The first post-Lisbon High Representative Mrs. Ashton stressed in its Budapest Speech of February 2011 that the EU “cannot deploy gunboats or bombers”, instead by her opinion the strength of the EU “lies, paradoxically in its inability to throw its weight around”.²

The second issue to mention is the dramatic change in the security challenges nature followed by the change in strategies to face those new challenges. In the new millennium the concept of security has been reassessed, bringing to the fore civilian aspects of security threads such as economic development, social justice, internal political situation and human rights issues.³ Indeed what were the challenges recently faced by the EU?

- Russian “hybrid war” in Ukraine.
- Current refugee crisis.
- “Arab spring”.
- Horn of Africa case.

¹ <http://www.eeas.europa.eu/csdp/missions-and-operations/>

² Speech of Mrs. Ashton at Corvinus University, Budapest, Hungary of 25.02.2011.
<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/126>

³ European Security Strategy. A secure Europe in a better world. 12.12.2003
<http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

Their distinctive feature is the compound nature with the previously prevailing military components giving the way the civilian ones. Therefore these challenges are mostly associated with a combination of different civilian factors, burdened by military or police components, such as open hostilities, terrorism threats, civil unrests and conflicts, piracy, etc.

The Russian “hybrid war” was defined by the European Parliament as hostile activity, “including information war, blending elements of cyber warfare, use of regular and irregular forces, propaganda, economic pressure, energy blackmail, diplomacy and political destabilisation” (European Parliament, 2010). The compound nature of this concept is evident. Moreover, military component can hardly be identified as prevailing against the background of economic embargoes, permanent “gas wars” and overwhelming propaganda.

The current refugee crisis is another example of a compound crisis, which included rather similar segments, alike military, economic, political and informational aspects. Recent terrorist attacks in Paris⁴ should also be viewed in the context of the refugee crisis and Syrian civil war. Two other mentioned cases totally fall in line with the same pattern of compound crisis, obviously, having own peculiarities, as well as implying different solutions. However, all of them demonstrated that the military component makes up only a part of the problem and it does not prevail any more.

Discussing it this context the concept of “comprehensive approach” for the crisis management (European Commission 2013), it should be stressed that its roots date back to the “EU Programme for the Prevention of Violent Conflicts” (European Council, 2001), the document, which structured the conflict prevention capacities into:

- long-term (structural) policies, aimed at addressing root causes of conflict;
- medium-term early warning and planning/analysis competences;
- shorter-term civilian and/or military crisis management (operational).

This approach stressed the compound nature of the conflicts and conflict prevention as well as the priority of the civilian policies. Military operations were viewed from this perspective as limited and temporary. Obviously, this approach corresponds to the structure of the EU influence instruments discussed above—overwhelming normative and economic (civilian) capacities versus limited military ones. The similar thinking was also at the core of the concept of “comprehensive approach” for the crisis management, often viewed as the best way to “frame an effective response to multidimensional crises” (European Parliament, 2014). From the perspective of this concept the idea of comprehensiveness is viewed in two ways:

- as the consistency between different areas of EU external policies—“interdependence of development, political and security areas”;
- as shared responsibility of the EU institutions. (European Parliament, 2014).

⁴ Attacks of 13.11.2015

From the institutional perspective the concept of comprehensive approach implies the coordinated work of all major EU institutions to pursue common objectives and to ensure the consistency at two levels: policy formation and policy implementation. However, the current special status of CFSP and its prevailing intergovernmental setup are at the core of the existing fragmentation in the EU foreign policies. Moreover, it is the major obstacle for the development of the consistency at either of the referred levels. The difference in methods and procedures emphasizes the discrepancies between the already supranational “economic block” and still intergovernmental “political and military” block, thus maintaining the gap between the synergy of the “hybrid” challenges and the structural split of the EU foreign policy.

It is worthwhile noting that the division between political and economic policies is rather artificial. The split appeared due to historical reasons, connected with the pace and direction of the integration process, but it does not have a clear logic from the perspective of the inter-dependence between politics and economics. As it was emphasized soon after Maastricht, the pillarization of the EU, which was originally designed to enhance consistency between policy areas, became an increasing anachronism (Winn & Lord, 2001). The Lisbon treaty compromise, which *de facto* left the CFSP as a separate pillar, preserved this anachronism, taking the risk of CFSP being detached from the dynamics of the integration process (Diedrichs, 2004: 32). Obviously, it was caused by the reluctance of the Member States to create a powerful Brussels-based decision-making forum for foreign policy (Howorth, 2001), with the reference to the “sovereignty symbols”. However, other such “symbols” as monetary union and justice cooperation⁵ manifested a high level of supranational integration (Klein & Wessels, 2013: 466), thus undermining this argument.

To conclude this part of the article, it is worthwhile to refer to the comments made with regards to the Maastricht “pillars”: “the whole institutional system lacks clarity, hierarchy, and coherence...it hardly ever works in an accountable and effective manner, especially when coping with crises” (Zeilonka, 1998:177). This statement remains relevant for the anachronism of the *de facto* preserved “CFSP pillar”, which remains an obstacle for the development of a single, coherent and coordinated response to international crises. Against the background of “hybrid” security challenges, requiring the “hybrid” comprehensive responses, the split of the EU foreign policies looks even more evident.

II. What is wrong with the common foreign policy formation?

There are two points to answer this question. First, is that the current intergovernmental mode of decision-making within the CFSP leaves no chance for the development of the genuine common European foreign policy. The second point is the exclusion of the European Parliament from the public discussion and the policy-formation process, leading to the recurrent arguments of the EU “democracy deficit” and “legitimacy gap”.

⁵ Area for Freedom, Security and Justice.

The current mode of decision making within the CFSP is based upon the priority of the Member States national positions. From the perspective of the formal Lisbon rules, it is the European Council, which identifies the strategic interests and objectives of the Union,⁶ and defines and implements the CFSP together with the Council.⁷ This formula together with the “veto right” for Member States⁸ is at the core of the policy formation process. However, this policy formation mode contradicts the need for the development of the unified and coherent EU foreign policy. Moreover, it undermines the steps already taken by the Lisbon treaty in this direction.

There are three arguments to support this claim. First, the current mode implies the policy formation at the national level with its further coordination in Brussels. Therefore, the EU foreign policy is often associated with the leaders of the EU largest countries: Germany, France and the UK. An illustration for this argument is a rather dubious situation of Egypt in the aftermath of the “Arab spring”, when the new Egyptian government declared that they are “too busy” to receive High representative,⁹ however, about two weeks later they welcomed the UK Prime Minister (Gros-Verheyde, 2011).

Second, the veto right undermines the formation and consistency of the common European foreign policy. It remains a rhetoric question, whether it is possible to consistently implement common policy for 28 members simultaneously satisfying all of them under changing circumstances. Adding the factor of time pressure in a crisis situation will complete the picture. Moreover, the process constant compromises, coordination matching and concords of 28 different positions raises basic questions like

- what is actually the policy from the beginning to the end?
- who developed it?
- who is responsible for it?

The reference to the High Representative in this regard can hardly be called the correct approach, as this position is rather dubious. It drastically differs from the generally recognized status of Foreign Affairs Ministry in a national state. Moreover, the Member States (and particularly the large and powerful ones) have little intention of letting the High Representative assume an automatic lead on policy issues, particularly sensitive ones. So s/he is unlikely to be allowed to create her/his own political direction, especially if it is proactive and robust (Howorth, 2014: 20).

Third argument is the fact that the 28 national positions demand coordination and unification within one. This process takes the most of the time and effort of the High Representative, thus preventing him/her from the major job of putting the CFSP into effect.¹⁰ Moreover, getting involved into the policy coordination process, the High Representative finds him/herself in a rather vulnerable position,

⁶ Art. 22 (1) TEU

⁷ Art. 26 TEU

⁸ Art. 31 (1) TEU

⁹ “Don’t visit us for the moment, Egypt tells EU’s Ashton” Reuters News, 09.02.2011.

¹⁰ Art. 22 (1) TEU

as the policy agendas are generated by somebody else (national governments) and the High Representative plays the role of the mediator shuttling between the capitals and negotiating the compromises, thus being “caught somewhere between a responsibility to coordinate and a responsibility to exercise some measure of leadership” (Howorth, 2014: 20).

The practical case of the Arab Spring rather vividly demonstrated the described problems, as the High Representative “was caught in the middle of the chaotic responses forthcoming from the various member states and proved incapable of leading an orchestra that was already playing in cacophonous disharmony”. (Howorth, 2014: 15). Mrs. Ashton hesitated to draft any statement until she had cleared it with all 27 foreign ministers (Howorth, 2014: 20), thus demonstrated, what was later questioned as “is this admirable respect for smaller member states or worrying timidity?” (Rennie, 2011) Some observers stressed that Mrs. Ashton did not have to wait for consensus among all the Member States, as “she could take her own initiatives, but she chooses not to”.¹¹ Certainly, personal qualities of the High Representative matter, however, not to the extent to be claimed the main obstacle for the formation of the common EU position. Against the background of the intergovernmental set-up for the CFSP and the “Damocles’ sword” of the veto right enjoyed by the Member States, there should be no surprise as for the High Representative temporizing policy in that case. It is another question, whether it was good or bad for the common EU foreign policy, but the current institutional set-up for the CFSP has obviously been designed for the internal negotiations, pressing the High Representative to dedicate a lot of his/her time and effort for the process. Moreover, it is full backing of the Member States for the High Representative actions, which is often viewed as a critical component for today’s institutional maze of the CFSP (Hannay, 2011).

The role of the European Parliament in the EU foreign policy is another issue to mention. It is formally excluded from the policy formation process with no formal interconnection between the Parliament’s documents and the CFSP instruments’ adoption. Due to the split of the EU foreign policy the legal framework of Parliament’s engagement in this area is also split. The Lisbon treaty considerably enhanced the Parliament’s position in most of the areas, other than CFSP. The new formula, which inter-connected its consent right with the ordinary legislative procedure, covers up to 80 policy areas. Moreover, Art. 218 TFEU as well as the framework agreement of 2010¹² confirmed a number of Parliament’s important informational and procedural rights, including *inter alia* the general principle of equal treatment with the Council.¹³ These privileges, solidly based on its ‘hard power’ consent right accompanied by its well-known agenda of the ‘European values’, made the Parliament an independent and powerful player in the EU external relations (Passos, 2011; 51).

¹¹ EU Business (2011), “Europe under attack for ‘soft’ diplomacy”, EU Business, 30 January 2011.

¹² Framework Agreement on relations between the European Parliament and the European Commission, OJ [2010] L 304/47, 20.11.2010.

¹³ Point 9 *ibid*

In the CFSP the Parliament's competences are limited by a number of informational rights secured by Art. 36 TEU, with the absence of any 'hard power' right comparable with its consent right to 'anchor' those prerogatives. Moreover, in CFSP the Parliament is formally excluded from the conclusion of international agreements¹⁴ and from decision-making process. Art. 36 TEU places all obligations towards the Parliament onto the High Representative, whose major responsibility is to put the CFSP into effect.¹⁵ As described above, the policy formation process in the CFSP involves the European Council and the Council. Moreover, the Council solely adopts decisions, defining "the approach of the Union to a particular matter of a geographical or thematic nature",¹⁶ as well as decisions as for the operational action by the Union.¹⁷

The Parliament is to be informed of all the decisions of the European Council,¹⁸ however, this right does not have any direct interconnection with the process of the CFSP formation. Neither does the Parliament's right to make recommendations or address questions to the Council, which does not have any formal obligations in this regard. It is only the High Representative, who is formally obliged 'to ensure that the views of the European Parliament are duly taken into consideration'. Thus, Art. 36 TEU implies the involvement of the Parliament at later stages of the implementation of the CFSP, after the High Representative takes it over. The practical aspects of Art. 36 TEU implementation are regulated by section E of Part II of the Inter-Institutional agreement of 2013. This document foresees a specific format of regular political dialogue on the CFSP and reports about the implementation of CFSP on a quarterly basis.¹⁹ So, despite the general declarations of Art. 10 TEU, Parliament remains formally excluded from the policy-making process as well from adoption of the CFSP instruments.²⁰ Therefore the Parliament is often called an "*ex post facto* information receiver" (Stavridis, 2003:3).

The discussion about the need for the Parliament's involvement into the CFSP gives a feeling of déjà vu as the arguments of the EU "democracy deficit", executives' accountability, "legitimacy gap", etc. have been circulating for the last two decades. There is no reason to repeat them in this paper. The only difference now is the policy area, but it does not really influence the arguments. Moreover, it looks rather strange that fighting the "democracy deficit" by parliamentarization of the EU in the "economic block" areas with one hand, the Member States created the same problems in the CFSP area by the other hand. Even if to look at the CFSP as a policy areas, which lags behind the major trends of integration, the parliamentarization of this policy area looks like a matter of time, as the CFSP

¹⁴ Art. 218 (6) TFEU

¹⁵ Art. 22 (1) TEU

¹⁶ Art. 29 TEU

¹⁷ Art. 28 (1) TEU

¹⁸ Art. 15 (6 d) TEU

¹⁹ Inter-institutional Agreement of 02.12. 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management OJ [2013] C 373/01, 20.12 2013

²⁰ Art. 25 TEU

follows the general trends of the integration process, but with a different time schedule. Section IV of the article continues this discussion from the perspective of the practical aspects, however, the formal Lisbon treaty rules keep the Parliament outside of the CFSP, other than *post factum* informing.

III. Between EEAS and Commission.

“Multi-hatted” position of the High Representative *inter alia* includes the title of the Commission Vice-President, but it does not solve the problem, which will be dealt with in this part of the article – the split at the policy implementation level,²¹ which has also been caused by the structural split of the EU foreign policies. In theory the idea of one person ensuring the consistency of the entire spectrum of the EU foreign policies looked rather smart, however, practice turned out to be much more complicated. The paradox is that the introduction of the position of the High Representative extended the split to the level of the policy implementation, which was not the case before Lisbon. The experiment of combining supranational Commission and intergovernmental CFSP by implanting the High Representative into the college of Commissioners can hardly be called successful, as the mess of two opposite theoretical approaches was transferred to the level of the policy implementation, thus jeopardizing the previous consistency. The creation of the EEAS as an independent agency outside the Commission institutional structure and its direct subordination to the High Representative caused the appearance of areas of competing competences, often leading to incoherence and turbulence between the Commission and the EEAS.

Starting from the historical perspective, it is important to stress that for several decades before Lisbon, it was the Commission, which was representing the European Union (Communities) in its international relations. The well-developed system of directorates backed the Commission, creating the consistent institutional environment and keeping the coherence between its internal and external competences. The Commission was the integrated institution combining the responsibilities of both economic relations with third countries and long-term conflict prevention, remaining at the same time the central institution for the EU external aid programmes as well as development policy (Stewart, 2004:4). Moreover, the conflict prevention was viewed as a key component of European Security and Defence Policy (Olsen, 2002: 324). On the contrary, after its Maastricht start the CFSP enjoyed rather limited competences as well as limited organizational structure, thus making these two wings of the EU foreign policies disproportional from the perspective of institutional support. It suffices to mention that in 2001 up to 5 000 employees of Commission staff were involved in the external relations (Müller-Wille, 2002). For the comparison at that time the High Representative had a small staff of 24 persons (Smith, 2003).

The creation of EEAS was designed to increase the consistency of the EU foreign policy; however, the Lisbon treaty did not provide the details outside the

²¹ Art 17 (1) TEU.

subordination of this service to the High Representative.²² In March 2010 two heavyweight MEPs, Elmar Brok and Guy Verhofstadt, generated a “nonpaper” arguing that the Service should be an agency of the Commission with the European Parliament overseeing the service’s budget, personnel, aid policy and ratification procedures with public parliamentary hearings for the top positions (Howorth, 2014: 8). Thus, the creation of this agency was viewed from the supranational perspective, fitting the new service into already mounted and working Commission system. However, the EEAS was created in the opposite manner, based on the proposal of Mrs. Ashton. The EEAS became an autonomous agency reporting directly to the High Representative, working “in close coordination” with the Commission, and equally answerable to the Council, the Commission and the Member States.²³ However, shortly after its creation its formally independent but awkward mid-way position was criticized (Hadfield & Fiott, 2013), with the emphasis that this “interstitial organization” will inevitably result in conflicting principles and practices, “effectively ruling out coherence” (Bátora, 2013).

Indeed, during the “portfolio division” process the unified system of the Commission directorates and services was split, which a number of them transferred to the EEAS (e.g. DGs External relations, Development). Meanwhile, other “economic block” DGs remained within the Commission structure. In particular those are DGs trade, enlargement, neighbourhood etc.²⁴ The transformation of the Commission delegations into the EU delegations, subordinated to the High Representative followed the similar separating pattern with part of the delegations’ staff being the employees of EEAS and others still remaining within the Commission structure. This rather strange and illogical division of already supranational system into two services can hardly be called a reasonable step, taking into consideration the fact that the major leverages in the EU relations with third countries lay in the realm of the economic influence, or, to be more correct, the coordinated actions, combining aid, development initiatives and conditionality. No surprise that the organizational mess led to the situation, when “the EEAS was mired in controversy amidst reports of poor morale, chaotic lack of coordination and a steady haemorrhage of disillusioned staff” (Rettman, 2011). In a wider context the conclusion was that “the post-Lisbon arrangements actually represent a step backward. The gap between foreign policy in a narrow sense and Community competences has thus widened. The EU finds it even more difficult than before to integrate the various components into an integrated strategy” (Lehne, 2011:9).

The practical example of the described problems at foreign policy implementation level is the case of Ukraine. The negotiations of the EU-Ukraine Association agreement had been handled, not by the EEAS or the Council, but by the European Commission, under the leadership of Commissioner for Enlargement and the Neighborhood Štefan Füle. However, the focus of the Commission was on

²² Art. 27 (3) TEU

²³ Council decision establishing the organisation and functioning of the European External Action Service of 26.07.2010 (2010/427/EU)

²⁴ DGs ECHO, TRADE, ELARG, etc.

the economic aspects of the cooperation, which gave rise to the critic that the Commission lost the sense of the broader political context or stakes, obviously meaning the reaction of Russia to these maneuvers (MacFarlane & Menon, 2014). With the outrage of the “Revolution of Dignity” in Ukraine in December 2013-February 2014 the High Representative Mrs. Ashton “decided to immerse herself in the events”. However, “these visits seriously undercut the work being done by Füle and the Commission, and were uncoordinated with the parallel visit to the Ukrainian capital, on 20 February 2014, of the EU member state troika of Laurent Fabius, Frank-Walter Steinmeier and Radek Sikorski”. The equally swift withdrawal of Mrs. Ashton from the conflict scene led to the caustic remarks, alike “she would have done better to keep out” (Lavelle, 2014). It was the cacophony emanating from Europe on this vital issue that led the US Undersecretary of State, Victoria Nuland, to utter her famous leaked expletive: “F**k the EU” (Howorth, 2014:19).

Concluding this part of article it is important to stress that the Lisbon endeavour to combine intergovernmental CFSP with the supranational “economic block” of foreign policy by introducing the “multi-hatted” position of the High Representative did not facilitate the coherence of the EU foreign policies. Moreover, the creation of EEAS outside the integrated and well-developed Commission institutional sub-system caused the on-going split of the foreign policy implementation level, something, which did not exist before Lisbon.

Obviously, the current institutional architecture demands unification and simplification. However, the choice at the conceptual level is not wide. Selecting between intergovernmental or supranational approaches all the arguments are for the development of the integrated supranational foreign policy, which means further supranationalization of CFSP and its divergence with the “economic block” of the foreign policy. Against the background of the leading role of the EU economic leverage for its external relations and the existence of well-developed Commission institutional sub-system, the divergence of the CFSP into already supranational system of the external relations within the “economic block” looks logical and consistent. Besides responding the urgent necessity to cover the split at the policy implementation level, thus eliminating the schizophrenia of competing competences and parallel structures between EEAS and Commission, this development will also crystalize the position of the High Representative in terms of its hierarchical status within the EU institutional system. The other option on the table i.e. the unification towards more intergovernmentalism, will obviously ruin the reached level of integration, threatening to undermine the entire European Union project, which is based on the principle of convergence between the internal and external competences.

IV. Logics of the integration

Another reason supporting the argument of this article is the logics of integration. By this I mean:

- Historical experience;
- Development of post-Lisbon informal practices, which traditionally demonstrate further direction of integration;
- “Spill-over” supranationalization on the CFSP a practical response to the growing Russian military threats.

The history of the European Union is the way from one crisis to another, as the European integration process can hardly be associated with either any pre-existing plan, or any clear final destination (Jacqué, 2004: 387). In an open-ended process of the EU integration crises are an essential part of the evolution process. The unique nature of the European Union accompanied by unique challenges it has to overcome lead to some kind of ping-pong game – challenge-response. From this perspective two points are to be stressed. First, is importance of the development paradigm selection, which often determines the direction of the reforms to come. Second, is the probabilistic nature of any measures that the EU takes, as its unique challenges do not imply any definite comparison possibilities.

However, the general direction of supranationalization has been the major recipe to overcome the crises of the EU integration process already for several decades. This recipe was used for the “Eurosclerosis” of 1970th, it was used by the Maastricht treaty as well as by the latest Lisbon treaty. Therefore, the slogan or more integration in practice is quite often associated with more supranationalization. Therefore, the current discussion about the future of the CFSP gives feeling of déjà vu as the parallels of the similar post-Maastricht discussion are more than evident. The same issues of more Parliament’s involvement and more “community method”. The only difference is the policy area, which is the CFSP this time.

Another indicator for the direction of the integration is the development of the practice, as like its predecessors the Lisbon treaty “does little more than a sketch the broad outline, leaving the details to be filled in at a later stage” (Duke, 2008:13). This trend is especially true for novelties areas, which is the case with CFSP. Traditionally, such areas became a field of both constraints and cooperation between the institutions with the following amending treaty codifying successful practices. This ‘second level’ of institutional framework was traditionally regulated by inter-institutional agreements (Moskalenko, 2014).

From this perspective the “parliamentarization” of the CFSP is already an on-going process, as the post-Lisbon inter-institutional dynamics strengthened the influence of the Parliament, which is now increasingly recognized as an important external policy actor (Wisniewski, 2013:100). The Parliament managed to enhance its position towards all three major elements of the post-Lisbon system of the external relations:

- High Representative;
- EEAS;
- Union’s delegations (Duke, 2008:13).

The Parliament's relations with the High Representative are now based on the new Inter-Institutional agreement of 2013²⁵ and traditional informal commitments practice. Moreover, the practice of inauguration Commission commitments was also spread onto the High Representative.²⁶ Together with a number of other similar documents²⁷ these commitments ensured substantially deeper Parliament's engagement into the CFSP than the Lisbon treaty required.

In its relations with the EEAS, which is often viewed as the corner stone of the post-Lisbon architecture of the EU external relations (Raube, 2011: 3), the Parliament, used its budgetary leverage to obtain the influence over this service. The Parliament managed to ensure the accountability of the EEAS (Fiott, 2015:8) by active participation in the service formation process (Wisniewski, 2013:96). Moreover it strengthened its influence after the EEAS reform of 2013 (Fiott, 2015:8-9), thus, going much further, than the Treaties suggested (Wisniewski, 2013: 100). The Parliament also made some steps to ensure its scrutiny over the EU delegations with the rule to have heads of the delegations for the Parliament's plenary debate before the start of their mission (Fiott, 2015:8-9). This unofficial rule was formalized by Parliament's Rules of Procedure.²⁸ However, the attempt to develop this practice into full-scaled US-like congress-hearings failed (van Vooren, 2010:30).

The last point to make is Russian military threat at the EU borders as the factor, facilitating the spill-over supranationalization within the CFSP. The starting point is the claim that there are two major factors, which previously dampened the motivation for the CFSP integration: the presence of the "NATO security umbrella" (Fiott, 2013: 58), implying the US military capacities and the lack of problem-solving pressure for the EU (Klein & Wessels, 2013: 466). The Ukrainian conflict puts a cross on both of these arguments, objectively supporting the claim for further supranationalization of the CFSP.

The US involvement in Europe is now put into question. The proclamation of "America's Pacific Century" and US current focus on Asia leaves Europe out of the scope. (Klein & Wessels, 2013: 467). The 'Normandy format' of the Minsk peace process provides an illustration of the hypothesis that 'the US will gradually disengage from conflict management in the European neighbourhood' (Lehne, 2012:9). Furthermore, 'neighbourhood' is not an allegory, as Ukraine is a participant of the European Neighbourhood Policy along with Moldova and Georgia, two other victims of Russian aggression under quite similar pre-text. Thus, the Ukrainian crisis is a part of a larger-scale conflict between Russia and EU, in which the Eastern Neighbourhood is viewed both as the prize and battlefield. Unfortunately, it is not allegory either at the background of Russian

²⁵ *Supra note 19.*

²⁶ Hearing with Baroness Ashton at Committee on Foreign Affairs (06.01.2010). Parliament hearing of Mrs. Mogherini (06.10.2014).

²⁷ High Representative Declaration on Political Accountability (08.07.2010); High Representative Statement on the basic organization of the EEAS central administration (08.07.2010).

²⁸ Rules 93, 95 EP Rules of Procedure (2011).

occupation in Georgia, on-going aggression against Ukraine and grounded concern over the ‘unfreeze’ of the Transdnistrian conflict.

Obviously, there is a lot to say about the Russian factor in terms of its ambitions to restore the Yalta-Potsdam system with its spheres of influences. However, it suffices to emphasize the recognition that Russia’s aggressive and expansionist policy poses a potential threat to the EU. It is especially true in the context of the new Russian official doctrine, claiming its right to intervene by force to ‘protect the compatriots’ living abroad (European Parliament, 2014). Thus, to make a long story short, it looks like the EU does not have problem of ‘a limited problem-solving pressure’ any more. The Russian aggression at its borders is exactly the type of the external shock, which is viewed as necessary for the development of “a full-fledged, effective and strongly ‘brusselized’, if not supranationalized, CFSP”(Klein & Wessels, 2013: 469).

Conclusions.

Against the background of prevailing economic component within the EU external relations and changed paradigm of security challenges, also emphasizing the economic aspects of the new “hybrid” wars, the current split of EU foreign policy between already supranational “economic block” and the CFSP is irrelevant. Moreover, a non-systematic endeavour to combine these two wings by messing opposite theoretical approaches (intergovernmental and supranational) via placing many different “hats” onto the High Representative turned out to be improper as it extended the split onto the policy implementation level, instead of contributing to the coherence and consistency of the entire EU foreign policy.

Selecting among possible scenarios of the EU foreign policy evolution, the supranationalization looks as the only rational choice against the already on-going spill-over ‘parliamentarization’ of the CFSP and the evident necessity for the unification and simplification of the foreign policy institutional set-up, *inter alia* by utilizing the same theoretical approach. From this perspective the supranationalization of the CFSP and its subsequent divergence into the Commission sub-systems looks much more logical and efficient, rather than complete dismantlement of the common foreign policy by returning to the intergovernmental approach.

Moreover, a wider ‘surpranationalization’ of this policy area is generally recognized as progress of the CFSP as a whole (Klein & Wessels, 2013: 455), as it is considered to be ‘a major step upward towards the ‘next plateau’ of an “integration ladder’, with the direct inter-connection to enhanced coherence and efficiency of the Union’s external policies (Wessels & Bopp, 2008:3-4).

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