

## **Meeting of the Chairpersons of COSAC Warsaw 10-11 July 2011**

### **Background note**

**on the responses of the EU institutions and national Parliaments  
to conflicts at the EU's external borders**

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**I. Introduction**

The mass protests erupted in Tunisia at the end of last year and since then have engulfed many countries of North Africa and the Middle East (i.e., Egypt, Libya, Morocco, Algeria, Jordan, Syria and Yemen) resulting in the toppling of the heads of state in Tunisia and Egypt, and causing a regular civil war in Libya as well as serious disorder in Yemen and Syria. Those events and the ensuing inflow of immigrants to Europe have caused grave problems in a number of EU Member States, raising questions about European solidarity. Faced with the new situation on its external borders, the European Union can resort to several tools contained in the Common Foreign and Security Policy and the European Neighbourhood Policy.

This document aims at providing an input to the discussion on the EU institutions vis-à-vis conflicts at the EU's external borders during the meeting of the Chairpersons of COSAC. It presents the latest measures taken in the framework of the European Neighbourhood Policy, reactions of the national Parliaments/Chambers with regard to the recent developments in North Africa and the Arab world, as well as the legal framework of the Common Foreign and Security Policy.

**II. Initiatives of the EU institutions**

**1. The European Commission**

The European Neighbourhood Policy (ENP) was conceived in 2003 and developed a year later, after the big EU enlargement, as an instrument of cooperation with 16 nations at the EU's southern and eastern borders: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Occupied Palestinian Territories, Syria, Tunisia and Ukraine. It was first presented in a Commission Communication "Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours", followed by a **European Neighbourhood Policy Strategy Paper**<sup>1</sup> setting out the terms of cooperation with its neighbours, offering close economic and political integration without clearly promising a perspective of membership. The key elements of the ENP are the Action Plans concluded with 12 ENP partners containing short- and medium-term agendas of economic and political reforms. The policy was completed with a series of initiatives such as the Barcelona Process, in 2008 rebranded as the Union for the Mediterranean, and the Eastern Partnership proposed by Poland and Sweden in 2009.

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<sup>1</sup> [http://ec.europa.eu/world/enp/pdf/strategy/strategy\\_paper\\_en.pdf](http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf)

The unprecedented wave of demonstrations in North Africa and the Middle East caused a revision of the EU's attitude towards its ENP partners on the southern rim of the Mediterranean, which resulted in the Joint Communication **"Partnership for Democracy and Shared Prosperity"**<sup>2</sup> issued on 8 March 2011. The Commission and the High Representative of the Union for Foreign Affairs and Security Policy intended to support a number of measures aimed at strengthening civil society, increasing the exchange of youth, university cooperation, training and the access of North African states to the EU markets. It also envisaged a review of the European Neighbourhood Policy that was later reflected in **"A new response to a changing Neighbourhood"**<sup>3</sup>. The document was presented on 25 May 2011 by Catherine Ashton, the High Representative of the Union for Foreign Affairs and Security Policy and Štefan Füle, Commissioner for Enlargement and European Neighbourhood Policy. It highlights the need to "strengthen the partnership between the EU and the countries and societies of the neighbourhood: to build and consolidate healthy democracies, pursue sustainable economic growth and manage cross-border links". Overall, the new policy outlines new elements to define the EU relations with its neighbours underlining the conditionality of the relationship. **It suggests stepping up co-operation in line with a "more-for-more" approach, at the same time curtailing relations with governments violating human rights.**

More specifically, the Communication advances a number of principles:

- supporting "deep democracy" to be achieved by promoting free and fair elections, freedom of association, expression, free press and media, the rule of law by an independent judiciary, fighting corruption, and the reform of the security and law enforcement sector;
- enhancing civil society organisations through Civil Society Facility and reinforcing human rights dialogues;
- supporting sustainable economic and social development by a number of measures such as programmes strengthening agricultural and rural development, regional development programmes;
- strengthening trade ties by negotiating Deep and Comprehensive Free Trade Areas with willing partners;
- enhancing sector cooperation in higher education, student and academic staff mobility, energy cooperation through further market integration, transport and maritime cooperation, as well as facilitating partner countries' participation in the EU agencies and programmes.

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<sup>2</sup> Joint Communication to the European Council, the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: "Partnership For Democracy and Shared Prosperity" [http://eeas.europa.eu/euromed/docs/com2011\\_200\\_en.pdf](http://eeas.europa.eu/euromed/docs/com2011_200_en.pdf)

<sup>3</sup> Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A new response to a changing Neighbourhood [http://ec.europa.eu/world/enp/pdf/com\\_11\\_303\\_en.pdf](http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf).

The Communication also advocates strengthening:

- **Partnership for Democracy and Shared Prosperity in the Southern Mediterranean**, which was outlined in response to new developments in North Africa in March 2011. Its three main objectives focus on:

- comprehensive institution-building programmes aimed at providing expertise and financial support to build capacity of key administrative bodies most needed to sustain democratisation;

- building stronger partnerships with people by strengthening mobility through a number of programmes such as eTwinning, Erasmus Mundus, Tempus, and Youth in Action;

- sustainable and inclusive economic development that will be stepped up by enhancing trade possibilities within the framework of existing Association Agreements. The Commission will also pilot programmes for agricultural and rural development as well as regional development programmes. Another measure to be implemented is the Euro-Mediterranean Charter for Enterprise that will help share good practice in priority sectors such as textiles, tourism and raw materials. Other initiatives are the following: the Mediterranean Social Dialogue Forum, the Trans-Mediterranean Transport Network and the International Maritime Organization.

- **Eastern Partnership**, which should benefit from better tailored solutions to the situations of the individual countries based on the experience from the first phase of the implementation. Cooperation under the Eastern Partnership will be further developed in education (programmes such as i.a. Erasmus Mundus, Tempus, Youth in Action and eTwinning), transport (connecting networks of the EU and its Eastern partners), energy and environment under the newly established Eastern Europe Energy Efficiency and Environment Partnership, research and knowledge sharing (Géant pan-European data network and the European Grid Infrastructure), rural development (ENP for Agriculture and Rural Development).

In the Communication on migration<sup>4</sup> published on 4 May 2011, the European Commission outlines the practical and legislative steps which have been taken to address the problem of massive arrivals of asylum seekers from North Africa. So far €100 million has been spent on humanitarian aid, of which €48,8 million was contributed by the European Commission to help migrants and refugees fleeing Libya and Tunisia. In this context, the Commission underlines that the European Parliament, the Council and the Commission will have to draw a lesson from the recent developments when considering the next **Multiannual Financial Framework**. The Communication proposes a new mechanism to be put in place in any exceptional circumstances which might put the functioning of the overall Schengen cooperation at risk. It could be used as a last resort when a Member State - faced with heavy pressure at its borders - cannot manage the situation, allowing for a decision at the European level defining which Member States could reintroduce internal border controls and for how long. The document also advocates using new technologies which should be applied to introduce an entry/exit system and a registered travellers' programme. It also proposes completing the **Common European Asylum System** and developing partnerships addressing the root causes of migration with the countries of the Southern and Eastern Neighbourhood.

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<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0248:FIN:EN:PDF>

## 2. The European Council

The European Council in its conclusions adopted on 11 and 12 April 2011<sup>5</sup> underlines the importance of mobilising supplementary funds to be made available at short notice to Member States and FRONTEX. Moreover, the Council urges FRONTEX to speed up negotiations with Tunisia in order to conclude working agreements and organise joint patrolling operations, and calls on the Member States to support the existing joint operations Hermes, Poseidon Land and Sea. Finally, the Council sees a need to strengthen the competences of the Agency by putting more effective tools at its disposal by way of amending its Regulation.

The European Council in its conclusions adopted on 24 June 2011<sup>6</sup> stresses the importance of strengthening the political cooperation within the Schengen area in order to effectively and consistently manage the EU's external borders. For that reason, the Council advocates introducing a new mechanism, proposed in the Commission Communication of 4 May 2011. Further, the Council underlines a number of measures such as the European Border Surveillance System (**EUROSUR**), which should become operational by 2013. The Council also notes the significance of "smart borders" using new technologies. Moreover, it takes stock of the difficult situation faced by some Member States and indicates that the objective of the EU policy must be to address the causes of migration mentioned in the Communication.

## 3. The European Parliament

The European Parliament adopted a number of resolutions concerning the situation in North Africa and in the Arab world, and more specifically:

- on Tunisia on 3 February 2011
- on Egypt, and on Yemen on 17 February 2011
- on Yemen, Bahrain and Syria on 7 April 2011 .

The President of the European Parliament, Jerzy Buzek, on 17-21 March 2011, paid a visit to Tunisia and Egypt. During his visit in Tunisia, he met Prime Minister of the Interim Government Beji Caid Essebsi, Chairman of the High Commission for the realisation of the objectives of the revolution, political reforms and democratic transition, Yadh Ben Achour. He also met students and representatives from the Office of the United Nations High Commissioner for Refugees, International Organization for Migration, Red Cross and Red Crescent. In Egypt President Buzek met Pope Shenouda from the Coptic Church, Amr Moussa, Secretary General of the League of Arab States and civil rights and human rights activists.

Various participants from North Africa visited the European Parliament:

- on 20 June, the Spinelli group invited Secretary-General of the Arab League Amre Moussa to the Parliament for an informal meeting;
- on 21 June, the Committee on Foreign Affairs had an exchange of views with Driss Lachgar, Moroccan Minister for relations with the Parliament, who outlined the key constitutional reforms;

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<sup>5</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/jha/121479.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/jha/121479.pdf)

<sup>6</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/123075.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/123075.pdf)

- on 22 June, the Chair of the Committee on Foreign Affairs and the Chair of the Delegation for the relations with the Maghreb countries held a meeting with the Algerian Minister on Foreign Affairs, Mourad Medelci.

The Foreign Affairs Committee set up a Monitoring Group on the situation in the Southern Mediterranean. Its aim is, *inter alia*, to provide political guidance to the EEAS/Commission Task Force on the crisis in the Mediterranean, provide feedback to the Enlarged Bureau/AFET committee on the evolution of the crisis and formulate recommendations.

Moreover, the European Parliament is going to send a 15-strong observation mission to Tunisia during the elections to the Constitutional Assembly to be held in October.

Concerning the promotion of civil society in North Africa and in the Arab world the European Parliament's Office for the Promotion of Parliamentary Democracy is to organise a study visit of 20 political activists to Brussels, which will take place from 11 to 15 July 2011.

The Communication "A new response to a changing Neighbourhood" was presented on the day of its publication by Commissioner Füle in the Committee on Foreign Affairs. Resolutions on the ENP review were adopted on 4 April in the Plenary but an AFET own initiative report on the ENP review is expected following the Joint Commission/HR Communications on the ENP Review issued on 8 March and 25 May.

### **III. Responses of the national Parliaments/ Chambers to the recent developments in North Africa and the Middle East**

The issue of popular democratic movements, especially in North Africa and the Middle East, has been dealt with by a number of EU Parliaments/Chambers. The events have been so far debated in plenary sessions by several Parliaments/Chambers. On 24 February 2011 the Cypriot *Vouli ton Antiprosopon* adopted a resolution on the situation in the Middle East, while the Spanish *Senado* adopted an institutional declaration during the plenary session on 22 February 2011. On 21 March the Belgian *Chambre des représentants* and the UK House of Commons welcomed the United Nations Security Council Resolution 1973 (2011) on Libya. The Italian *Senato della Repubblica* debated the issue within the Foreign Affairs Committee that on 20 April 2011 adopted a resolution on the Joint Communication: "Partnership for Democracy and Shared Prosperity. On 24 March 2011 the Italian *Camera dei Deputati* also debated the developments in North Africa and approved the resolution on Libya. Also the Greek *Vouli ton Ellinon* debated the issue.

The UK House of Commons seems to have been one of the most active chambers as regards the situation in North Africa and the Arab world, with Prime Minister David Cameron appearing before the House four times and the Secretary of State for Foreign and Commonwealth Affairs William Hague four times. Also, the UK House of Lords has held two debates in the plenary on the situation in the Middle East, North Africa and Libya, attended by the UK Minister of State, Foreign and Commonwealth Office Lord Howell of Guildford. French Minister of Foreign Affairs Alain Juppé participated in the debate in the French *Assemblée nationale* dedicated to "Europe et Méditerranée". The UK House of Commons and the Dutch *Tweede Kamer* specifically discussed the repatriation of their countries' citizens. The Portuguese *Assembleia da República* adopted three votes of greeting, solidarity and congratulation concerning Tunisia. Finally, on 30 June 2011 the Belgian *Sénat* adopted a resolution on democratisation in the Maghreb and in the Middle East.

"The Arab spring" has also been considered by foreign affairs committees in the Belgian *Chambre des représentants*, the Lithuanian *Seimas*, and the Polish *Sejm* and *Senat*.

Further, as Lithuania holds the chairmanship of the Organization for Security and Co-operation in Europe, the Foreign Affairs Committee of the Lithuanian *Seimas* suggested organising an extraordinary meeting of the ministers of foreign affairs of the OSCE countries in order to appropriately react to the unfolding events in the Arab world. The Lithuanian *Seimas* also organized a meeting of the Parliamentary Forum of the Community of Democracies in the European Parliament on 11 April 2011.

The Committee on Foreign Affairs of the Spanish *Congreso de los Diputados* has put forward a number of non-legislative motions concerning: support of democratic transition in Arab states, strengthening Euro-Mediterranean cooperation, situation in Syria, support of Tunisian democratisation process. Moreover, the Joint Committee of the two houses of the Spanish *Cortes Generales* for European Union Affairs requested the presence of the Foreign Affairs Ministry representative to inform about the European Neighbourhood Policy in the context of the recent developments in the southern Mediterranean. On 3 March 2011, the Greek Minister of Foreign Affairs Dimitrios Droutsas informed the European Affairs Committee, and the Foreign Affairs and Defence Committee at a joint session about the developments in North Africa. Ministers from the new Tunisian government participated in a public hearing held by the Foreign Policy Committee of the Danish *Folketing* on 25 May 2011. Finally, a joint meeting of the Foreign Affairs and Defence Committees was held in the Belgian *Chambre des représentants*.

With regard to the contacts between the national Parliaments/Chambers and the representatives of the North African and other Arab countries two visits at the level of Speakers were held. On 25 May 2011 the Speaker of the French *Assemblée nationale* Bernard Accoyer held an official visit in Morocco accompanied by members of the parliamentary friendship group France-Morocco.

On 15-16 May 2011 the Marshal of the Polish *Senat* Bogdan Borusewicz, accompanied by the Chairman of the EU Affairs Committee Edmund Wittbrodt, paid a visit to Tunisia. The aim of the visit was to give political support to the ongoing democratic transformation process and offer first-hand experience concerning institution-building. The Marshal met acting President of Tunisia Fouad Mebazaa, the leader of the Islamist opposition political party Nahda, as well as the representatives of trade unions and civil society activists interested in the Polish experience in the transformation after the collapse of the communist regime in 1989. The delegation also visited refugee camps. The Marshal of the *Senat* and the Chairman of the EU Affairs Committee indicated that the efforts to strengthen democratisation in North Africa would be one of the priorities during the incoming Polish Presidency. The Marshal invited a delegation of the *Union Générale Tunisienne du Travail* to the commemoration of the 30<sup>th</sup> anniversary of the first *Solidarność* trade union convention to be held in September 2011, with the aim of promoting civil society. The Marshal of the *Senat* is planning a similar visit to Egypt in the near future.

The Chairman of the Italian *Senato della Repubblica* Foreign Affairs Committee, Lamberto Dini, met in April the Chairman of the National Transition Council of Libya, Mustafa Abdel Jalil, and a month later the President of the House of Representatives of Jordan, Faisal Al-Fayez. Moreover, the Bureau of the Foreign Affairs Committee including several senators and leaders of Parliamentary Groups met with a delegation of the national consortium of Libyan Women on 23 June 2011.

The parliamentary friendship group Morocco-Portugal visited the homologue Group in the Portuguese *Assembleia da República* on 2 February, and the Moroccan Foreign Affairs Minister was received by the Speaker of the Portuguese *Assembleia da República* on 23 February. Moreover, the Committee on Foreign Affairs and the Portuguese Communities of the Portuguese *Assembleia da República* had scheduled a visit of the corresponding Committee of the Moroccan Parliament, which was postponed because of the political developments, but might be held in future. The Foreign Policy Committee of the Danish *Folketing* held a meeting with the Moroccan Vice-Minister of Foreign Affairs on 17 May 2011.

Also, the French *Assemblée nationale* hosted a parliamentary friendship group France –Algeria between 16 and 25 April 2011, and a delegation of the Committee of Foreign Affairs of the Spanish *Congreso de los Diputados* visited Egypt on 30 May 2011- 2 June 2011.

Finally, the Chairman of the Romanian Senate Foreign Affairs Committee held in Strasbourg a meeting with a parliamentary delegation from Morocco supporting their request to be granted “Partners for democracy” status in the Parliamentary Assembly of the Council of Europe.

The UK House of Commons is actively involved in parliamentary strengthening programmes in North Africa and in the Middle East through the Westminster Foundation for Democracy. The Danish *Folketing* forms part of the Institute for Multiparty Democracy that has strong links to North Africa and the Arab world. There is no direct link, however, between the *Folketing* and the civil society and North Africa.

The aforementioned Communication **“A new response to a changing Neighbourhood”** has already been discussed by the Lithuanian *Seimas*, the UK House of Commons and the House of Lords, the Finnish *Eduskunta* and the Luxembourg *Chambre des Députés*, while a number of Parliaments/Chambers, including the Polish *Sejm* and *Senat*, the Dutch *Tweede Kamer*, and the Swedish *Riksdag* intend to do so in the nearest future. The European Affairs Committee of the Czech *Senát* and the Foreign Affairs Committee of the Italian *Camera dei Deputati* planned to discuss it at the beginning of July 2011.

## **IV. Common Foreign and Security Policy – Legal and Institutional Framework**

### **1.The nature of the CFSP and its separation from other EU policies**

The Common Foreign and Security Policy (CFSP) has a different status than other EU policies: it has both a different system of sources of law and different decision-making procedures, provides for a different role of EU institutions and a special position of national executives. It is implemented at the intergovernmental level, not at the Community level.

The CFSP encompasses all areas of foreign policy and general EU security issues, including the progressive framing of a common defence policy that might lead to a common defence (Article 24 (1) TEU). Its main purpose is to coordinate the foreign and security policy of the Member States to safeguard the common values, fundamental interests, independence and integrity of the EU.

The CFSP is subject to specific rules and procedures. It is defined and implemented by the European Council and the Council acting unanimously, except where the Treaties provide otherwise. The adoption of legislative acts is excluded, which eliminates any scrutiny by national parliaments of decisions taken in this area. The CFSP is put into effect by the High Representative of the Union for Foreign Affairs and Security Policy and by the Member States themselves (their governments). The European Parliament and the Commission have a specific, but minor role.



The Court of Justice of the European Union has no jurisdiction over these provisions, with the exception of the monitoring of compliance with Article 40 of the TEU and the review of the legality of certain decisions as provided for by the second paragraph of Article 275 of the TFEU.

## **2. Sources of law and institutional bodies (a summary):**

**Sources of law:** Articles 3 (5), 15 (6), 16 (6), 17 (1), 18 (2) and (4), and mainly Articles 21–46 of the **TEU** and Articles 2 (4), 205, 275 of the **TFEU**.

In addition, the protocols annexed to the above mentioned treaties: **Protocol** (No 10) on permanent structured cooperation established by Article 42 of the Treaty on European Union and Protocol (No 11) on Article 42 of the TEU.

### **Institutional bodies involved in the determination and implementation of the CFSP:**

- **the Council** (of the European Union), **the European Council and its President, national executives, the High Representative of the Union for Foreign Affairs and Security Policy** (who is also Vice-President of the European Commission), the **European External Action Service**, and CFSP-related agencies, i.e. the **European Defence Agency**, the EU Satellite Centre, and the European Union Institute for Security Studies;
- **the European Commission** does not play a direct role in the CFSP, but has a range of instruments to make an impact on it. The High Representative is *ex officio* the Commission Vice-President. Under the treaty provisions the Commission has some soft competences. Additionally, by having the right of legislative initiative in the area of border control and asylum and immigration policy the Commission becomes a partner in achieving the objectives of CFSP. The Commission ensures the consistency of external action and its consistency with other policies of the Union. For areas of external action other than those provided for by the High Representative, the Commission may submit proposals to the Council (Article 21 and 22 TEU).
- **the European Parliament** – under Article 36 of the TEU the High Representative consults the EP on the main aspects and basic choices of the CFSP and the CSDP and informs it of how these policies evolve, with the Parliament's views to be duly taken into consideration. The EP may ask questions of the Council or make recommendations to it and to the High Representative. A debate on progress in implementing the CFSP is held twice a year. The EP has some influence over that policy by adopting the EU budget,
- **the Court of Justice of the European Union** does not have jurisdiction with respect to the provisions relating to the CFSP nor with respect to acts adopted on the basis of those provisions. However, the Court has jurisdiction to monitor compliance with Article 40 of the TUE and to rule on proceedings, brought in accordance with the conditions laid down in Article 263 para 4 of TFEU, reviewing the legality of decisions providing for restrictive measures against natural or legal persons, adopted by the Council on the basis of Chapter 2 of Title V of the TEU.

### 3. CFSP decision-making procedure

**The right of initiative** in CFSP matters is vested in the Member States or the High Representative (Article 30 (1) TEU). **The rules for decision-making on the CFSP** (Article 31 TEU) **exclude the adoption of legislative acts.**

**The European Council and the Council act unanimously** (Article 31, paragraph 1), with a provision made for what is known as **constructive abstention**, i.e. abstention does not prevent the adoption of a decision by unanimous vote. By derogation, the Council acts by qualified majority in the cases provided for in paragraph 2. The “**emergency brake**” procedure is available in areas where decisions can be taken by qualified majority, i.e. a Member State, referring to “vital and stated reasons of national policy”, may cause a decision to require a unanimous vote to be adopted by the European Council. In addition, the **passerelle procedure** can be invoked (paragraph 3), which allows for changes to be made to EU voting rules, i.e. the European Council may, by unanimous decision, authorise the Council to act by qualified majority voting instead of unanimous voting.

### 4. Decisions of the European Council and the Council

Decisions of the European Council identify the strategic interests and objectives of the Union (based on the principles and objectives mentioned in Article 21 of the TEU). They concern the CFSP and all other external actions. They may concern the EU’s relations with a particular country or region, a specific subject matter, determine their duration and means to be made available by the EU and the Member States. Decisions are taken unanimously on a recommendation from the Council, adopted under the arrangements laid down for each area concerned; they require implementation (have no direct effect, do not vest any rights in the individual), and are implemented using the measures provided for in the Treaties for specific areas.

**Sources of secondary law** – categories of decisions taken by the Council under the CFSP:

- a. Decisions on operational actions by the Union** (previously: joint actions), Article 28 TEU: adopted where the international situation requires operational action by the Union; lay down their objectives, scope, the means to be made available to the Union, the conditions for their implementation and, if necessary, their duration. They may be changed if circumstances so require (may need a review), **commit the Member States in the positions they adopt and in the conduct of their activity**. The Member State concerned is obliged to inform the Council on a national position adopted or any national action taken pursuant to a decision, etc.; it may directly take the necessary measures as a matter of urgency. If **major difficulties** arise in implementing a decision, the Member State refers them to the Council which seeks appropriate solutions. **Decisions defining positions** which should be adopted by the Union (previously: joint positions) – Article 29 TEU – define the approach of the Union to a particular matter of a geographical or thematic nature. **Member States ensure that their national policies conform to the Union positions. Decisions laying down the rules for the implementation of the above decisions**<sup>7</sup> are binding on EU institutions and on Member States.

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<sup>7</sup> Such decisions were also adopted previously (cf. e.g. ex Article 23 (2) TEU). An example of an implementing decision is Council Decision 2007/244/CFSP of 23 April 2007 implementing Joint Action 2005/557/ CFSP on the European Union civilian-military supporting action to the African Union mission in the Darfur region of Sudan (OJ 2007 L 106/63).

- b. Autonomous decisions** – this term can be used to describe decisions taken under specific provisions of the TEU, e.g. a decision under Article 33 of the TEU to appoint a special representative. Such a decision defines the representative's mandate in relation to particular policy issues.
- c. International agreements** concluded by the EU are an important instrument of the CFSP (Article 37 TEU).
- d. Recommendations.**

**The legal effect of those acts should be assessed on a case-by-case basis**, i.e. taking into account their content, subject matter and objective as well as the specific circumstances of the case concerned. They are not legally binding.