

Interview with Norbert Schwaiger: decision-making in the fields of the CFSP and JHA (Brussels, 22 November 2006)

Source: Interview de Norbert Schwaiger / NORBERT SCHWAIGER, Raquel Valls.- Bruxelles: CVCE [Prod.], 22.11.2006. CVCE, Sanem. - VIDEO (00:05:11, Couleur, Son original).

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Last updated: 05/07/2016

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[Norbert Schwaiger] In the new sectors of JHA and CFSP there is clearly a new method, because the Commission has no exclusive right of initiative in these areas. It can make a contribution — at all events, this is now permitted, as far as its traditional powers extend — and it can also do so in the complex decision-making process, in the JHA sector or that of the CFSP, the Common Foreign and Security Policy, where in specific activities there are sometimes Community components and political elements that are put together. It is clear that there, its responsibilities are also respected: as for the Community part, the Commission is actively involved; for the political part, the Commission may make a contribution, but not have an exclusive right of initiative.

It must also be mentioned that in these sectors special preparatory channels have been created for foreign policy and security. Working parties have been set up at the technical level. Next, there is an adjunct of the Political Committee which sits here permanently — it is also called the Political Committee, but since the original Political Committee was composed of Political Directors from each Member State who were close to their ministers, it was necessary to create some sort of committee that was made up of replacements or alter egos here in Brussels.

Gradually, however, it became clear that, as I have already mentioned, in the area of external relations, Community powers and purely political powers were often used together in some action or joint project. When that occurred, it was found to be an advantage for certain working parties to have political and Community components. This also had an effect on the Secretariat, where we then tried to integrate the services, bringing together both components. This was the result drawn from experience of... years, now, of applying these policies and of developing these policies.

Something similar happened in the area of Justice and Home Affairs [JHA]. In the beginning that too was a world apart that had developed outside the Community framework, just like political cooperation, which became integrated in the structure of Brussels and of the Council only in the mid-nineteen-nineties, meanwhile developing with other components.

But, returning to the JHA, there too were cases of intergovernmental cooperation already developing between 1970 and 1980 in various areas, which acquired some importance. At the start, it also possessed a completely separate preparatory structure until the time when some of the Justice and Home Affairs powers became linked to the completion of the internal market; in particular, everything to do with border controls, the other elements — police or customs — that were to be changed as part of the creation of a large area of free movement of goods, services, capital and people. You will be aware that some of these items, which were at first the responsibility of Justice and Home Affairs, were later — by means of a special procedure — transferred to the Community system, therefore with the right of proposal from the Commission, sometimes in competition with the Presidency or the Member States, but in any case, with the other safeguards of Community procedure.