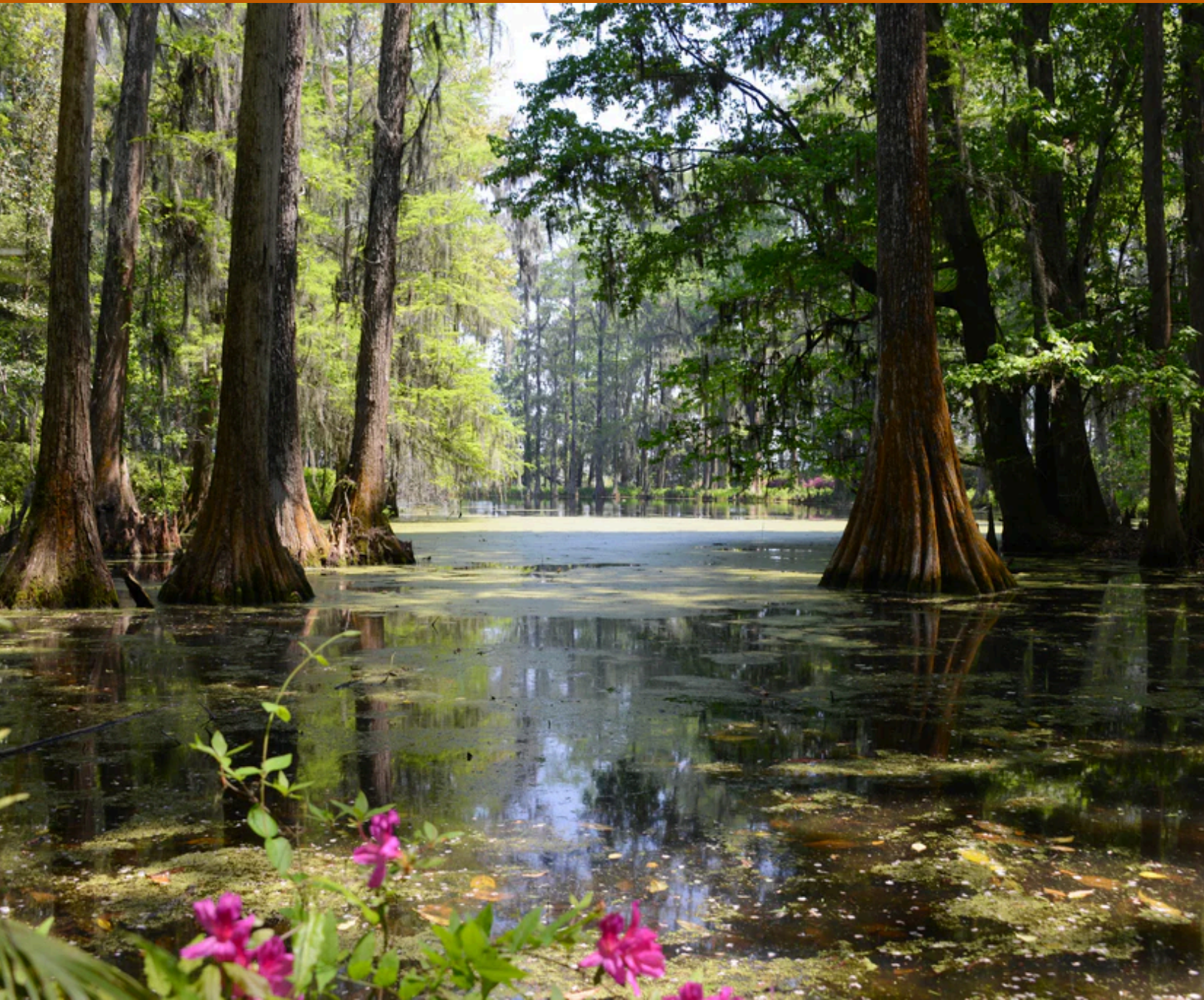




# SWAMPMUN



## European Parliament

Dear Delegates,

My name is Gonzalo Palenzuela, and I will be your director of the European Parliament at this year's SWAMPMUN I. I am a second-year civil engineering major, and I have been a part of MUN for a few years now, which makes me very excited for this opportunity to help your ideas come to life in a unique General Assembly-style scenario. As a citizen of the European Union myself, I have a direct connection to this topic, and throughout my life, I have engulfed myself in the agendas that have gone through this body's days, including the same topics we will be discussing this weekend.

Furthermore, this committee will have the same nuances that the European Council has compared to a regular General Assembly of the United Nations. These differences will be laid out in the background guide, but some additional research will be necessary due to one of the largest differences from a regular General Assembly, the fact that you will be representing a person and not a nation. Regardless, the entire SwampMUN team and I will be here to help you out in figuring out these differences, so that you may be able to focus on creating the highest quality debate and the best possible learning experience for this weekend.

That being said, I look forward to hearing from you, and if you have any questions, please feel free to reach out to me by emailing [ufswampmun@gmail.com](mailto:ufswampmun@gmail.com).

From,

Gonzalo Palenzuela

# Rules of Procedure

## Quorum

A majority of voting members answering to the roll at each session shall constitute a quorum for that session. This means that half plus one of all voting members are present. Quorum will be assumed consistent unless questioned through a Point of Order. Delegates may request to be noted as “Present” or “Present and Voting.”

## Motion to Open Debate

This opens the floor for debate, allowing other points or motions.

## Motion to Set the Agenda

This motion determines the order in which the topics of a committee will be debated. Permission to speak will be accorded to one speaker for and one speaker against, and a two-thirds majority is required for the motion to pass.

## Motion to Open the Speaker's List

Opening the Speaker's List requires a simple majority to pass. A delegate may only be present on the Speaker's List once, but may re-enter after he/she has spoken. If the Speaker's List expires, debate then closes.

## Motion to Set Speaking Time

Speaking Time must be indicated by this motion from the floor before any members of the body may speak on the Speaker's List. This motion must also accompany any motion for a Moderated Caucus. In a Motion to Set Speaking Time for the formal Speaker's List, a delegate may also specify a number of questions or comments to automatically affix to the Speaking Time. These designated questions or comments may also have Speaking Time or Response Time (in the case of a question) limits, but these are not required. The Director may rule any Motion to Set Speaking Time dilatory. This motion requires a simple majority. Any delegate may make this motion between formal speakers in an effort to change the Speaking Time.

## Motion to Close the Speaker's List

The Speaker's List may be closed upon a motion from the floor. Permission to speak will be accorded to one speaker for and one speaker against, and a two-thirds majority is required for the motion to pass. Motion to Suspend the Rules for the Purpose of a Moderated Caucus

This motion must include three specifications:

- a. Length of the Caucus
- b. Speaking time, and
- c. Reason for the Caucus.

During a moderated caucus, delegates will be called on to speak by the Committee Director. Delegates will raise their placards to be recognized. Delegates must maintain the same degree of decorum throughout a Moderated Caucus as in formal debate. This motion requires a simple majority to pass.

## Motion to Suspend the Rules for the Purpose of an Unmoderated Caucus

This motion must include the length of the Caucus. During an unmoderated caucus, delegates may get up from their seats and talk amongst themselves. This motion requires a simple majority to pass. The length of an unmoderated caucus should never exceed twenty minutes.

## Motion to Suspend the Meeting

This motion is in order if there is a scheduled break in debate to be observed. (ie. Lunch!) This motion requires a simple majority vote. The Committee Director may refuse to entertain this motion at their discretion.

## Motion to Adjourn the Meeting

This motion is in order at the end of the last committee session. It signifies the closing of the committee until next year's conference.

## Motion to Table the Topic

If a delegate believes that the flow of debate has become stagnant, he/she may make this motion. To Table the Topic is to halt debate on the present Topic, save the speakers' list and all draft resolutions, and move on to the next Topic on the Agenda. The delegate making this motion may also choose to specify a previously tabled Topic. This motion requires a two-thirds vote to pass. The Topic may be returned to at any time by tabling the present Topic and adding the phrase "for the purpose of returning to Tabled Topic \_\_\_\_\_," to this motion. If no Topics have been previously tabled, debate must follow the established Agenda. This motion is to be used sparingly.

## Points of Order

Points of Order will only be recognized for the following items:

- a) To recognize errors in voting, tabulation, or procedure,
- b) To question relevance of debate to the current Topic or
- c) To question a quorum.

A Point of Order may interrupt a speaker if necessary and it is to be used sparingly.

## Points of Inquiry

When there is no discussion on the floor, a delegate may direct a question to the Committee Director. Any question directed to another delegate may only be asked immediately after the delegate has finished speaking on a substantive matter. A delegate that declines to respond to a question after a formal speech forfeits any further questioning time. The question must conform to the following format:

Delegate from Country A raises placard to be recognized by the Committee Director.

Committee Director: "To what point do you rise?"

Country A: "Point of Inquiry."

Committee Director: "State your Point."

Country A: "Will the delegate from Country B (who must have just spoke) yield to a question?"

Committee Director: "Will the Delegate Yield?"

Country B: “I will” or “I will not” (if not, return to the next business item)

Country A asks their question (it must not be a rhetorical question.)

Country B may choose to respond or to decline.

If the Delegate from Country B does not yield to or chooses not to answer a question from Country A, then he/she yields all remaining questioning time to the Committee Director.

## Points of Personal Privilege

Points of personal privilege are used to request information or clarification and conduct all other business of the body except Motions or Points specifically mentioned in the Rules of Procedure. Please note: The Director may refuse to recognize Points of Order, Points of Inquiry or Points of Personal Privilege if the Committee Director believes the decorum and restraint inherent in the exercise has been violated, or if the point is deemed dilatory in nature.

## Rights of Reply

At the Committee Director’s discretion, any member nation or observer may be granted a Right of Reply to answer serious insults directed at the dignity of the delegate present. The Director has the **ABSOLUTE AUTHORITY** to accept or reject Rights of Reply, and the decision **IS NOT SUBJECT TO APPEAL**. Delegates who feel they are being treated unfairly may take their complaint to any member of the Secretariat.

## Working Papers and Draft Resolutions

Once a Working Paper has been submitted, approved, distributed, and formally introduced to the body, it can and will be referred to as a “Draft Resolution.” In order for a Working Paper to be submitted to the Committee Director, it must be in correct format and bear the names of a combination of a number of Sponsors and Signatories necessary to introduce, as determined by the Committee Director. Sponsors are the writers of the Working Paper, and agree with it in its entirety. They should be able to vote ‘yes’ for the paper during voting procedure. Signatories are those delegates interested in bringing the Working Paper to the floor for debate, but do not necessarily agree with its contents. A delegate can motion to discuss the working paper during a moderated caucus or unmoderated caucus. A delegate can also motion for an author’s panel, which is essentially a moderated caucus moderated by the authors. It is the chair’s discretion on the maximum amount of authors allowed on the author’s panel.

## Friendly Amendments

Friendly Amendments are any changes to a formally introduced Directive that all Sponsors agree to in writing. The Committee Director must approve the Friendly Amendment and confirm each Sponsor’s agreement both verbally and in writing.

## Unfriendly Amendments

Unfriendly Amendments are any substantive changes to a formally introduced Directive that are not agreed to by all of the Sponsors of the Directive. In order to introduce an Unfriendly Amendment, the Unfriendly Amendment must have the number equivalent to 1/3 of Quorum confirmed signatories.

The Committee Director has the authority to discern between substantive and nonsubstantive Unfriendly amendment proposals. Plagiarism SwampMUN maintains a zero-tolerance policy in regards to plagiarism. Delegates found to have used the ideas of others without properly citing those individuals, organizations, or documents will have their credentials revoked for the duration of the SwampMUN conference. This is a very serious offense.

## Motion to Close Debate and Voting Procedures

A motion to close debate may only pass with a two-thirds majority. Once this motion passes, and the committee enters Voting Procedure, no occupants of the committee room may exit the Committee Room, and no individual may enter the Committee Room from the outside. A member of the Dias will secure all doors.

Once moving into voting procedures chair can only accept these motions:

- A point of order to correct an error in procedure
- An appeal of the decision of the chair
- A motion for division
- A motion for roll call vote
- A motion for adoption by acclamation

No talking, passing notes, or communicating of any kind will be tolerated during voting procedures. Each Draft Resolution will be read to the body and voted upon in the order which they were introduced. Any Proposed Unfriendly Amendments to each Draft Resolution will be read to the body and voted upon before the main body of the Draft Resolution as a whole is put to a vote. The Committee will adopt Directives and Unfriendly Amendments to Directives if these documents pass with a simple majority. Specialized committees should refer to their background guides or Committee Directors for information concerning specific voting procedures. Unless otherwise specified by the Secretariat, each Committee may pass as many resolutions as it agrees are necessary to efficiently address the Topic. Delegates who requested to be noted as “Present and Voting” are unable to abstain during voting procedure. Abstentions will not be counted in the tallying of a majority. For example, 5 yes votes, 4 no votes, and 7 abstentions means that the Directive passes.

## Roll Call Voting

A counted placard vote will be considered sufficient unless any delegate to the committee motions for a Roll Call Vote. If a Roll Call Vote is requested, the committee must comply. All delegates must vote: “For,” “Against,” “Abstain,” or “Pass.” During a Roll Call vote, any delegate who answers, “Pass,” reserves his/her vote until the Committee Director has exhausted the Roll. However, once the Committee Director returns to “Passing” Delegates, they must vote: “For” or “Against.”

## Voting with Rights

During a Roll Call vote delegates may vote “For with Rights” or “Against with Rights.” Delegates will be granted 30 seconds to explain their reasons for voting for or against a draft resolution. This time will come after the tabulation of votes. Delegates should use this option sparingly. It is meant for delegates who feel that their vote may seem off policy, despite it being correct. The acceptance of rights is up to the director’s discretion. If a speaker goes off topic during their allotted time the director will rule their speech dilatory and move to the next motion in order.

## Accepting by Acclamation

This motion may be stated when the Committee Director asks for points or motions. If a Roll Call Vote is requested, the motion to Accept by Acclamation is voided. If a delegate believes a Directive will pass without opposition, he or she may move to accept the Directive by acclamation. The motion passes unless a single delegate shows opposition. An abstention is not considered opposition. Should the motion fail, the committee will move directly into a Roll Call Vote.

# Brief History of the European Union

## European Coal and Steel Community

With the horrors and atrocities of the past two world wars still fresh in their minds, the European elite knew that a new regional power structure would be required to reconstruct their economies and political systems from the devastation of World War II. The idea for an economically and politically connected group of European states came from Jean Monnet. Although Monnet's ultimate goal was to create a United States of Europe in which there was one federal governing body that oversaw the laws of each country, he realized that such a deep level of political integration, interconnectedness, and yielding of individual state sovereignty would require a complete change in the mindset of the European people. Monnet understood that economic integration must come first so that the European people could see the monetary benefits of working together before they were willing to give up their state sovereignty. This approach to integration of policies and economies across Europe became known as functionalism, or the idea that integration would move slowly, step-by-step, based upon pragmatic, functional goals, not grand idealistic schemes.<sup>1</sup> It was from this functionalist approach that the Schuman Plan was born.

Created by Jean Monnet and proposed by French Foreign Minister Robert Schuman, the Schuman Plan “was the blueprint for the European Coal and Steel Community (ECSC), formally established in April 1951 as Western Europe's first organization to involve the yielding of a degree of state sovereignty to a supranational authority.”<sup>2</sup> Specifically, the European Coal and Steel Community created a common market – a free trade area with no tariffs or quotas – for the coal and steel industries of the countries that signed onto the agreement. At the most basic level, this allowed trade to be easier, cheaper, and more efficient so that businesses in these two industries could purchase coal and steel at a cheaper price and then increase their profits. This was the functional goal of the European Coal and Steel Community. One of the auxiliary goals of the ECSC was to make war materially impossible for the two countries that had an extensive history of going to war with one another: France and Germany. Because coal and steel were both crucial commodities used in war – as well as in rebuilding after war – the linking and sharing of these two industries through a supranational regional body made it impossible for either France or Germany to successfully start a war against the other. The original members of the ECSC were France, West Germany, Italy, Belgium, Luxembourg, and the Netherlands. Unlike other international organizations of the time, the European Coal and Steel Community was uniquely supranational, meaning that the institutions and policies of the organization were above the national level and superseded the importance of national decisions since all member states had agreed to yield a certain degree of sovereignty. As we will see, what started as a supranational institution presiding only over issues pertaining to coal and steel trading among these 6 member states gradually developed into a 28-member organization that has jurisdiction over almost all political issues, from government spending to policing.

The initial structure and institutional framework of the ECSC was a hybrid between supranational and intergovernmental that still carries over in some form to today's European Union, which will be

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<sup>1</sup> Paul Kubicek, *European Politics*, 71.

<sup>2</sup> Michelle Cini & Nieves Pérez-Solorzano, *European Union Politics*, 16.

discussed further in a different section. The executive body of the ECSC was the High Authority, comprised of nine members from the member states. Although these nine members of the High Authority came from member states, they swore an oath before taking office to not represent their national interests but rather the interests of the entire Community. Because these members were not accountable to their respective nations and had no ties to their governments, this body was purely supranational and had the responsibility of enacting laws and policies that benefited the entire Community, rather than just one Member State. To serve as a counterweight to supranational High Authority, the Council of Ministers was created. Much like it is today, the Council of Ministers was purely intergovernmental in that the representatives were ministers from the member states and votes could only pass by unanimity. These ministers represented the interests of each government. Finally, the Common Assembly, the predecessor of the European Parliament, served as the third institution of the ECSC. The members of the Common Assembly were selected by their respective government from each country's parliament. Although there was an option for the direct election of members of the Common Assembly, it was not utilized by any member state till 1979. Instead, the members of the Assembly served a dual-mandate as members of their own parliament and members of the Common Assembly. The Common Assembly began as a relatively weak institution with simple oversight and amendatory powers of the legislation proposed by the High Authority and approved by the Council of Ministers; however, as Europeans began realizing the benefits of political and economic integration, more power was given to the Common Assembly and it was eventually changed to the European Parliament.

## The European Economic Community

As was predicted by those who believed in the functionalist approach to integration, the tangible economics benefits of European Coal and Steel Community led to spillover of further cooperation in other industries. By 1957, the six members of the ECSC created the European Economic Community to work towards “an even closer union of European countries that would be realized in the first instance with a common market, in which goods, labor, services, and capital could move without hindrance across national borders.”<sup>3</sup> In establishing a common external tariff on all goods being imported from non-EEC countries, the EEC made a great leap towards their goal of a common market and deeper political integration. One of the key characteristics of the EEC was the European Court of Justice (ECJ), a judiciary body used to settle disputes between member states, enforce the laws passed by the EEC, and also hear cases from citizens living in the EEC states that pertained to common market issues. The ECJ played a crucial role in legitimizing the EEC since “the Court’s decisions were binding on Community institutions, member states, and individuals.”<sup>4</sup> This meant that EEC law took precedence over national law and therefore required states to yield a considerable amount of sovereignty to the EEC if they wanted to benefit from the free trade it offered. Under the EEC, trade among the six member states flourished due to the reduction of tariffs and quotas as well as the gradual harmonization of standards and regulations in certain industries. Similarly, these six member states created the Common Agricultural Policy (CAP) to subsidize their agricultural industries and protect European farmers from foreign firms that could export agricultural goods at lower prices.

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3 Kubicek, European Politics, 70.

4 Cini & Pérez-Solorzano, European Union Politics, 173.

By 1967 the merger of the European Economic Community, European Coal and Steel Community, and Euratom (an institution that dealt with the sharing of atomic energy) created the European Community (EC) to expand the purview and strength of Jean Monnet's brainchild. Naturally, the institutions of the European Community also expanded to keep pace with its wider goal of deeper cooperation among member states. The High Authority became the European Commission and the Common Assembly became the European Parliament (EP). Another institutional change being proposed at the time was expanding the use of qualified majority voting in the Council of Ministers. Under this new proposed system, laws could be passed by a qualified majority, meaning each member state was given a number of votes relative to the population of their country. While this approach improves the efficiency and speed of the decision-making process, it requires a diminution of national sovereignty since a country can hypothetically be forced to comply with a European Community directive or regulation that it did not agree with or vote in favor for. As a staunch nationalist that feared the growing supranational power of the EC, French President Charles De Gaulle nearly destroyed the decade and a half of progress that had been made when he withdrew all French delegates from the Council of Ministers in the empty chair crisis of 1965 to protest the proposal of a qualified majority voting system.<sup>5</sup> With its largest and most important member threatening to leave, the European Community came to a halt and was forced to put its plans for political integration on hold.

## Pre-EU Enlargements

Enlargements to what is now the European Union have generally come in rounds or groups starting in 1973. The gradual enlargement of the European Union reflects the growing movement towards a United States of Europe as more and more countries willingly enter into the EU in order to enjoy its economic, security, and political benefits.

Following the 1969 Hague Summit, the heads of government of the EC member states met and established a loose framework and agenda for the future of the European Community. Firstly, the Hague Summit extended the budgetary competence and oversight of the European Parliament. With this new budgetary control, the European Parliament gained more power vis-à-vis the other institutions and was able to have more influence on the legislation drafting process (see European Parliament section for more details). The Hague Summit also opened the way for the admission of new members into the European Community, starting with the United Kingdom, Ireland, and Denmark in 1973.<sup>6</sup> The entry of the United Kingdom into the EC greatly changed the power balance and provided an opinion that was largely euroskeptic. As we see today, with the United Kingdom's decision to opt-out of the common currency and the referendum on 23 June 2016 to exit the European Union, the expansion has the potential to both help and hinder further integration.

The second round of enlargements came with the accession of Greece in 1981 followed by Spain and Portugal in 1986. With the end of dictatorships in each of these three countries, accession into the European Community was seen as a way to solidify democracy. Although it is clear (retrospectively)

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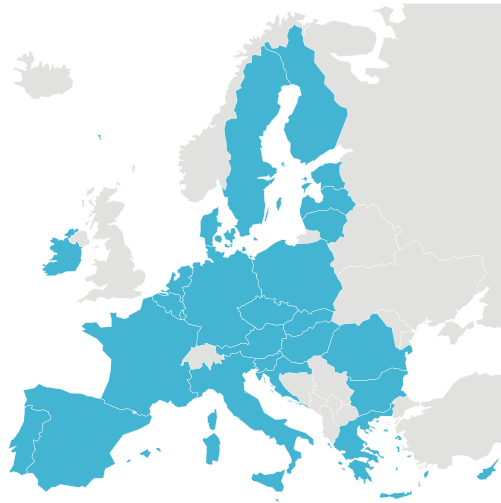
<sup>5</sup> Ibid., 20.

<sup>6</sup> Ibid., 21.

that these three member states did not meet the criteria or standards for accession in the EC, the goal of expanding the power and influence of the Community during this early period in its development became more important.

## The Maastricht Treaty – Forging the European Union

By the signing of the Maastricht Treaty in 1992, the European Community had come a long way since its humble beginnings as a regional coal and steel organization among six countries. The Single European Act in 1986 had been passed to give the EC jurisdiction and control over key new areas including environment, research and development, and economic and social cohesion; a deadline had been established for the completion of an internal market with a single currency bound by an economic and monetary union among Member States; and the social policy of the EC grew to include oversight over health and safety in the workplace and dialogue between management and labor.<sup>7</sup> However, the ultimate goal of the Single European Act was to create a single market among the Member States in which goods and services could move freely of any restrictions. This meant the abolishment of subsidies, tariffs, and quotas as well as harmonization of product standards, labor laws, and even education standards across all the member states.



Beyond establishing the name of the European Union, the Maastricht Treaty completely altered the structure and decision-making process of the organization. Under the EC, all issues were dealt with through the Community method, or the supranational process in which the European Commission draft legislation and the Council of Ministers and European Parliament are able to amend it before voting on it. However, the increase in the scope of the European Union to include issues other than economic policy altered the decision-making process. Specifically, the Maastricht Treaty also brought foreign and security policy matters (CFSP) and justice and home affairs (JHA) under the purview of the EU. This created a 3 Pillar System in the EU in which economic policy (Pillar 1) was decided through supranational mechanism such as qualified majority voting and drafted legislation from the European Commission, while common foreign and security policy (Pillar 2) and justice and home affairs (Pillar 3) were solely intergovernmental, meaning that unanimity in the Council of Ministers had to be achieved for legislation to pass so that every Member State could maintain its sovereignty.<sup>8</sup>

<sup>7</sup> Ibid., 28.

<sup>8</sup> Ibid., 29.

Proponents of further integration and supranationalism saw this as a watered-down, ineffective version of Monnet's vision created to please the more eurosceptic member states like the United Kingdom and Denmark. As we will see, since 1993 the European Union has gradually moved towards further integration as supranational decision-making methods are being used to legislate on most-all issues the European Union deals with today. However, recent issues such as the debt crisis in Greece and the rise of far-right parties all across Europe have Europhiles wondering whether there will be a pushback against integration in the near future.

## The Structure of the European Union Today

Since the Maastricht Treaty in 1992, the structure of the European Union has changed significantly. Not only have 16 new Members been admitted into the Union, but the strength and responsibilities of the institutions have changed dramatically over time. As I stated in my Director Letter, this committee will attempt to give the delegates a deeper, more realistic understanding of how exactly the European Union works and legislates. Unlike other EU committees that incorrectly assume a United Nations-like structure for the European Union, this committee will teach the delegates the intricacies in the EU decision-making process. In order to do so, however, I will first give a brief overview of all the primary institutions involved in decision-making as they function today. Most of the specific powers of the following institutions were established in the most recent Lisbon Treaty of 2007.

### European Council

The European Council is the “pre-eminent political authority of the European Union”<sup>9</sup> because it is comprised of all the heads of state and government—ie. Presidents and Prime Ministers -- of the Member States. Although the European Council meets two or three times a year, it is during these summit meetings that the heads of state and government establish general goals, positions, and priorities for the rest of the EU decision-making institutions to achieve for the year.<sup>10</sup> Simply put, the European Council sets the tone for the EU and gives the European Commission the impetus to concentrate its effort on particularly important issues.

### European Commission

As the politically independent executive branch of the EU, the European Commission is responsible for drafting legislation and implementing the policies passed by the Parliament and Council of Ministers. If a Member-State is not implementing a directive or regulation passed by the EP and the Council of Ministers, the Commission is responsible for taking that country to the European Court of Justice. The Commission itself is comprised of 28 Commissioners, one from each Member State, led by a Commission President. The Commission President oversees the entire Commission and is responsible for deciding the Commissioner that is responsible for each policy area.

The Commissioners themselves are usually former ministers of a certain policy area from their country and have extensive technical knowledge and experience in their field. Similarly, their

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<sup>9</sup> Ibid., 155.

<sup>10</sup> “The European Council - Europa”

departments are staffed by technocrats and experts in their policy area so that they can draft detailed legislation on each issue. The full list of the specific Commissions and Commissioners can be found here. As stated previously, the members of the Commission are nominated by their home governments but once confirmed must take an oath to abandon their national interests and work towards a common European goal.

### Council of Ministers

Although the name of this body has recently been changed to the Council of the European Union, for the purposes of this committee (and my personal preference) it will be referred to as the Council of Ministers, or simply the Council. Although the power of the Parliament has grown in recent years, the Council of Ministers still remains the heart of decision-making. All “EU proposals (originating from the Commission) must be approved by the Council before becoming EU law,”<sup>11</sup> therefore the Council essentially has the final say on all matters. It is important to note that the Council of Ministers is the only body in which the interests of the Member States, and the government in power in each Member State, are represented. It is the responsibility of the Ministers in the Council to coordinate with their national government and make sure the language of the legislation they are voting on is not contradictory to existing national legislation. The Council of Ministers must also work closely with the European Parliament to amend and negotiate on legislation so that a consensus can be reached and legislation can pass in both bodies. Interestingly, the Council of Ministers is not a fixed group of representatives. Instead, the Council of Ministers has specific “formations” depending on the policy specialization or issue being discussed that certain day. These formations are made up of the “national ministers from each of the member states who hold domestic responsibility for that sector.” For example, the 28 national ministers of Agriculture will meet when the Council is discussing Agriculture and Fisheries legislation.

### European Parliament

The European Parliament (EP) has, without a doubt, been the institution that has changed the most overtime. Initially an appointed rubber-stamp for the European Commission, the European Parliament now stands on equal footing with the Council of Ministers on almost all legislation and has legislative, supervisory, and budgetary authority. Under the ordinary legislative procedure (OLP) of the European Union, the Parliament is made a true co-legislator and agreement of both the Council and the EP is necessary before legislation is adopted. Specifically, when legislation is drafted by the Commission it must now go to both the Council and Parliament for First Reading. Prior to First Reading, however, both the Council and the EP play a crucial role in influencing the drafting of the legislation by the Commission so that it can pass without issue or controversy on First Reading. If the legislation does not pass on First Reading then it is presented once again for Second Reading in both bodies. If it still cannot pass, then a Conciliation Committee is formed of an equal number of members from both the European Parliament and the Council of Ministers so that the draft legislation can be more adequately amended and changed to pass in both bodies.<sup>12</sup> If the proposal fails once more on Third Reading, then the entire legislation fails.<sup>13</sup> Additionally, the European

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11 Cini & Pérez-Solorzano, *European Union Politics*, 143.

12 Cini & Pérez-Solorzano, *European Union Politics*, 164.

13 “The European Council - Europa”

Parliament also holds budgetary control and has the right to reject or approve the European Union budget each year. This gives the EP significant bargaining power with the other institutions. The most important attribute of the European Parliament is the fact that it is the only directly democratically elected institution of the European Union. As of 1979, the Members of the European Parliament (MEPs) have been directly elected by voters in their home country. This has provided the European Parliament with incredible legitimacy and therefore authority to expand its powers. It is the only body that represents the people. As a result, the EP now has a direct say in who becomes the Commission President and can also enact a vote of no-confidence. Unfortunately, one of the remaining major critiques of the EU today is the concept of the democratic deficit. The logic behind this critique is that the only democratically elected body of the EU is also the weakest body. Instead, some believe, the majority of the work and actions of the EU occur behind closed doors and even MEPs are too enthralled in the Union to step back and think about the sovereignty of the Member States. A major challenge of the Parliament today is responsibly using their mandate as a directly elected body to represent the interests of the people that elected them, rather than the governments of the Member States they come from. The section on European Parliament Elections, Members, Parties, and Groups will explain the EP in more detail.

# Topic I: Recognition of Claims for Independence Within Existing Member States and Their Status in the European Union

## History

There is no precedent or mechanism in place in the modern European Union for the break-up of a Member State and the continued EU membership of the new state. In the past, all independence movements that have broken apart from an existing Member State have chosen to also leave the European Union. However, across Europe we have just the opposite case: independence movements like those of Scotland and Catalonia hope to break apart from an existing Member State to become a sovereign state of its own while still maintaining its membership in the European Union.

## Protocol

European Union scholars and politicians are divided on the proper protocol and doctrine laid out in the Treaty on the European Union. Those who discourage independence movement, like former EU Commission President Jose Barroso, claim that under Article 49 of the Treaty any state wishing to join the European Union must apply.<sup>14</sup> In the context of independence movements, this means that all newly independent states must reapply and go through the full accession process, which could take several years to complete. For these territories that were formerly part of the European Union but are in the process of reapplying after their independence, they are no longer able to enjoy the benefits of EU membership for this interim period. The political and economic costs would be devastating to both the new government and economy of this freshly independent state. The euro would no longer be allowed, and tariffs and other trade barriers would be raised immediately on this newly independent state. Businesses and firms that had enjoyed the free movement of goods and services would crumble at the heightened production and business costs.

Inversely, those who support independence movements believe that the Treaty of the European Union should be amended, as per Article 48 of the Treaty,<sup>15</sup> so that these newly independent states are either automatically admitted into the European Union or put on a fast-track and the status of the applying state is immediately put to a majority consent vote in the Parliament and a unanimous vote in the Council. The issue with the latter option is that every existing Member-State has a veto. The issue then arises that the Member State from which the applying independent state separated from can, and probably will, veto the application of the newly independent state.

Because independence movements are largely products of the will of a certain group of people, it is the European Parliament's responsibility, as the only democratically elected institution of the EU, to establish a policy and protocol on the official status of a newly independent state that has seceded from an existing Member State.

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<sup>14</sup> O'Neill, "Scotland, independence and the EU: the Barroso intervention - Wordpress"

<sup>15</sup> Hepburn, "What's Next For Independence Movements in Europe? - Opendemocracy"

## The Application and Accession Process

In order for a country to even apply for accession into the EU it must meet the eligibility requirements. The first requirement is that the country is geographically in Europe. While this seems like a very basic criterion, it remains a hotly contested issue with Turkey's application for EU membership. Next, the applying state must respect all the values of the EU laid out in Article 2 of the Treaty of the European Union. This includes "respect for human dignity, freedom, democracy, equality and the rule of law; respect for human rights, including the rights of persons belonging to minorities; and respect for a pluralistic society and for non-discrimination, tolerance, justice, solidarity and equality between women and men." Finally, in order to apply for membership a country must meet the famous Copenhagen Criteria:<sup>16</sup> stable institutions that guarantee and exhibit democracy; a functioning market economy and the capacity to cope with EU competition; and the ability to implement the obligations of membership, including political, economic, and monetary union. If the applicant state secedes from an existing EU Member State, it usually already meets all the above criteria.

Once a country officially submits an application for EU Member State, it will gain the status of Candidate if, and only if, the European Council unanimously approves to do so based on the consent of the European Parliament. The country then enters the negotiations period and screening process of its application. During this lengthy period member states "negotiations take place in intergovernmental conferences between the governments of the EU countries and of the candidate country."<sup>16</sup> Specifically, the government of the candidate country must work towards implementing the *acquis communautaire* of the EU on a national level. The *acquis* is the body of nearly 170,000 pages worth of laws, regulations, and treaties that make up the EU and have been passed by the EU since its inception. Before a candidate gains membership in the EU it must have already passed all these laws, regulations, and treaties within their own national legislature, or at least show intent to do so in the near future. The screening process is conducted by the European Commission and ensures that the *acquis* has not only been passed by the national legislature, but is also being implemented by the government and judiciary of the candidate country.<sup>17</sup>

During this period, both the Commission and the candidate country draft annual reports to assess the progress being made. Finally, once the Commission has deemed a candidate country ready for accession, the European Parliament must vote on it by a majority consent vote and the Council votes on it by unanimity.

## Case Studies

### Scotland

For most of history the Scottish people have been divided on their relationship with England and the monarchy. Nearly 700 years ago William Wallace led a Scottish rebellion against Edward I, the English monarch who had imposed himself as ruler of the Scottish people and their lands. Although Wallace had successfully led a Scottish independence army to drive the English out of Scotland, this

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<sup>16</sup> "Joining the EU - the accession process. - EUR-Lex."

<sup>17</sup> Ibid.

success was only temporary and Edward's army retaliated with a larger army and swiftly defeated their Scottish subjects. In 1706, the Treaty of the Union was signed by both the Scottish Parliament and the English Parliament to officially unite the two countries into a single entity: Great Britain. Under the current arrangement, Scotland has considerable autonomy and self-governing power. Following the Scotland Act of 1998, the Scottish Parliament was established to serve as the legislative body for the Scottish people. This Scottish Parliament, comprised of 129 representatives from the various regions and constituencies in Scotland, has the authority to legislate on some key policy areas that have been devolved from the legislative authority of the UK Parliament. Specifically, the Scottish Parliament legislates on issues of education, justice and police, agriculture, tourism, health, and internal transport.<sup>18</sup> Despite these devolved policy areas, the UK Parliament still holds complete authority over Scotland and controls more prominent issues such as energy regulation, employment, financial and economic matters, and immigration. Additionally, the Scots receive 59 seats of the total 650 seats in the House of Commons of the UK Parliament. It is important to note that this number was reduced in 2005 from the original 72 seats it had in the House of Commons.



Following a landslide victory for the Scottish National Party (SNP) in the 2011 Scottish Parliament elections, the country became reinvigorated with calls for independence. As the name denotes, the Scottish National Party, which has representation in both the UK Parliament and the European Parliament, is a pro-independence party that believes in protecting and strengthening the rights of the Scottish people. The SNP, along with other supporters of the Scottish independence movement, believes that Scotland should be able to control its own destiny and will be best governed by Scottish people, who are truly connected and understanding of the issues Scottish people face everyday. The UK Parliament, the SNP argues, is too aloof and distant from the average Scott to effectively legislate for them. Another major issue is that the Scottish Parliament has very limited taxation powers, most of which is still controlled by the UK Parliament. As is the case with most all independence movements, many Scots saw their unique culture, native language, and way of life as different enough to warrant a complete separation from the United Kingdom.

Under the leadership of Scottish First Minister Alex Salmond, the Scottish government called for a referendum on the question of Scottish independence set for 18 September 2014. This referendum would bring fate of the Scotland directly to the people by asking them to vote yes or no on a simple question, "Should Scotland be an independent country?"<sup>19</sup> This proposal for a referendum didn't

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<sup>18</sup> "Resolved and Devolved Matters - Scotland Office."

<sup>19</sup> Carrell, "Scottish Independence the Essential Guide - The Guardian"

carry much weight until the 2012 Edinburgh Agreement, in which David Cameron agreed to respect the result of a transparent Scottish referendum for independence. One of the strongest arguments against independence from the United Kingdom was the economic fate of an independent Scotland. Those in favor of independence believed that Scotland's vast oil and gas wealth in the North Sea would be able to generously finance the new country for quite some time. First Minister Alex Salmond predicted that the oil and gas reserves could provide a minimum of £1 billion per year to the new Scottish government.<sup>20</sup> Another issue was that of the currency and independent Scotland would use. Currently, Scotland, like the rest of the United Kingdom, uses the British pound sterling. The supporters of the independence movement believed that after independence had been gained it could reach an agreement with the United Kingdom to maintain use of the pound. Finally, and most importantly, the leaders of the Scottish independence movement hoped to remain in the European Union after independence. Specifically, SNP ministers "insist if Scotland became independent, its EU position would be negotiated 'from within' the EU."<sup>21</sup> Though not on the euro, Scotland relies heavily on the European Union and its single market. In 2014 Scottish whiskey exports generated £4.26 billion in revenue, which accounts for 85% of Scotland's food and drink exports, for Scottish whiskey makers across the country. Independence from the United Kingdom and failure to immediately guarantee Scotland's EU membership mean Scottish whiskey exports would face a higher import tax in other EU markets, forcing whiskey producers to raise their prices or lose revenue. Additionally, the EU "had created and protected 64,000 Scottish jobs in the last decade."<sup>22</sup> Despite the assurance by the SNP that an independence Scotland would be immediately accessed into the EU, Ireland's European Affairs Minister Lucinda Creighton argued that Scotland would need to reapply for membership and go through the complete, lengthy process of accession.<sup>22</sup>

Much to the relief of the European Commission, the results of the referendum revealed a narrow win for those against independence. 55.30% of voters voted "No" while 44.70% voted "Yes" with a record high turnout of 84.6%.<sup>23</sup> Although the goal of independence was not realized, the immensity of the movement itself brought up many questions for the European Union on how to deal with a case such as Scotland.

The cases of Scotland and even Northern Ireland now present an even more complex dilemma since as of June 23, 2016 the United Kingdom voted to leave the European Union. Many politicians in these two territories have expressed their desire to stay in the European Union despite the United Kingdom's imminent exit. In fact, the day after the British referendum to exit the European Union passed with a vote of 52% in favor and 48% against, the Scottish First Minister Nicola Sturgeon announced that it is "highly likely" that Scotland would hold another referendum for independence.<sup>24</sup>

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20 Black, "Scottish Independence: What's Going on in Scotland? - BBC News"

21 "Scottish Independence: Irish minister says EU application 'would take time' - BBC News"

22 Davidson, "Scotch Loves Watch Out, Independence Could Hurt - The Telegraph"

23 "Scotland Votes NO - BBC News"

24 "Brexit: Nicola Sturgeon says second Scottish independence vote 'highly likely' - BBC News"

## Catalonia

Up until the marriage of Isabella of Castile and Ferdinand of Aragon in 1469, Catalonia thrived as a completely independent territory with its own distinct legal system and political institutions devoid of a strong monarchy. However Isabella and Ferdinand united the Kingdom of Spain and placed Catalonia under Spanish rule and oppression, some would argue, for hundreds of years. For Catalans, home rule is particularly important since their values, traditions, and history of democratic governance differs so greatly from that of Spain. Catalan separatism dates as far back as the 17th century when the members of the Generalitat de Catalunya declared independence from the crown and created the Catalan Republic. While Catalonia is certainly not the only region in Spain with claims for independence (the Basque Region and Galicia to name a few), it is the only one in modern history to pursue independence through an organized political effort, rather than violence.

Following the end of the Franco regime and the drafting of the new Spanish constitution in 1979, Catalonia was given the status of Autonomous Community. According to Catalonia's Statute of Autonomy, which is a part of the Spanish constitution, the Generalitat de Catalunya – comprised of the Parliament of Catalonia, the President of Catalonia, and the government – has legislative authority over matters of culture, environment, communications, transport, commerce, public safety, and local government. However, in the policy areas of education, health, and justice, the Catalan Parliament must share responsibility with and yield ultimate authority to the Spanish Parliament. This has become a particularly salient issue in recent years as the Spanish Parliament passed a law that requires more hours of primary education in Catalonia to be conducted in Spanish rather than Catalan, the regional language of the Autonomous Community spoken by nearly 10 million people in Spain.<sup>25</sup> Furthermore, the Spanish Constitution of 1979 recognizes Catalonia as a distinct “nationality.” This idea of cultural distinction from Spain lies at the heart of the Catalan independence movement.

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Although Mas' party lost 12 seats, the CiU was able to create a pro-referendum coalition government

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<sup>25</sup> Ortiz, “Catalan Language Revival Fuels a Backlash in Spain - Reuters”

by partnering with other parties in support of letting the Catalan people decide their fate.<sup>26</sup> When Mas declared a Catalonia-wide referendum for independence to be set for November 2014, the Spanish Constitutional Court quickly declared the referendum illegal and a direct violation of the Spanish Constitution, specifically Catalonia's own Statute of Autonomy. Unlike the UK government, the Spanish government under Prime Minister Mariano Rajoy refused to recognize the results of any such referendum. Nonetheless, Artur Mas continued with the referendum but simply changed its title to an unofficial poll, the results of which showed that 80% of those who voted favored independence.<sup>27</sup>



While many appeal to the emotion of voters by emphasizing the cultural differences between Catalonia and Spain, the stronger argument for Catalonia independence remains the economic argument. Unlike Scotland, which largely benefited from its relationship from the wealthier United Kingdom, Catalonia has proven to be the stronger economic entity especially in the past few years. As one of the wealthiest regions in Spain, Catalonia contributes a significant amount of taxes to the central government in Madrid and only sees a fraction of that tax revenue reinvested in Catalan services, infrastructure, and education. Specifically, “Spanish government data from 2011, published only this year, show the region paid €8.5bn (£6bn) more than it got back.”<sup>26</sup> Many of those living in Catalonia, which make up 19% of Spain's GDP, feel like the mismanagement of their hard-earned money coupled with excessive public spending has led Spain to the economic quandary it is currently in. In fact, the economic crisis in Spain has pushed unemployment in Catalonia up to 19%.<sup>28</sup>

The question of Catalonia's status in the European Union has also been a major topic of contention as the independence movement gains steam. Just like with Scotland, the European Commission has refused to take a stance on the issue. Independence from Spain and reapplication to the EU would also greatly damage the region economically since Catalonia is a hub for European banking. Furthermore, since Catalonia uses the Euro, an independent Catalonia would either need to remain on the European currency or create their own; the latter would be an incredibly risky and ambitious undertaking that drain the region of crucial investments and capital. The 2015 Catalan Parliament elections saw a victory for a new left pro-independence coalition led by Artur Mas once again that claimed they had the democratic mandate to move forward with the secession process, despite opposition from the Spanish Constitutional Court and Prime Minister Mariano Rajoy. It seems that even if independence were achieved, Spain would veto Catalonia's accession into the European Union under the current procedure of accession in the Council of Ministers.

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<sup>26</sup> Nardelli, “Catalonia Election: A guide to its most important vote - The Guardian”

<sup>27</sup> “Catalonia's Push for Independence with Spain - BBC News”

<sup>28</sup> Ibid.

# Topic II: Improving EU Security, Policing, and Intelligence to Combat Terrorism

## Introduction

The movement towards a single market beginning in the 1980s was based on a borderless area that allowed for the free movement of goods, persons, services, and capital. Naturally, this created a myriad of new issues with which the EU had to deal if it was to achieve its goal of a single market. The free movement of persons, specifically, forced EU lawmakers to begin considering the implications that a single market would have on national issues such as political asylum, immigration, visa requirements, police networks, drug smuggling, organized crime, and terrorism. Prior to 1985, all of these issues were dealt with individually and internally by each Member State of the EU; however, with the signing of the Schengen Agreement in 1985, signatories and members of the EU realized the need for international cooperation and dialogue on these issues. Before starting the brief history of these issues in the context of the European Union, it is important to note in the following sections how these policy areas of security and police cooperation have evolved overtime from being only a small, limited part of the EU's responsibility to now a central focus of the European Commission. The recurring theme is the sensitivity of these issues and many Member States' reluctance to yield sovereignty and decision- making powers on issues to the EU such as policing and internal security.

## History (1985 – 2007)

The Schengen Agreement in 1985 marked the first attempt by European countries to create a borderless Europe and achieve a single market. Because of opposition from some EU Member States like Denmark and the United Kingdom, the Schengen Agreement was signed outside the framework of the European Union itself, yet included the majority of EU Members. Under this initial Agreement, signatories dedicated themselves to abolishing internal borders and establishing a common external border around the signatory states. This would be done through “setting visa requirements, dealing with asylum applications, combating illegal immigration, improving police cooperation, and physically reconfiguring airports in order to segregate passengers traveling within the so-called Schengen area from those on other flights.”<sup>29</sup> Despite agreeing to work and collaborate on these areas, it took five years, largely because of political backlash and opposition in some Member States, to actually make progress on achieving a borderless Europe. In 1990, the Schengen Convention, known simply as Schengen II, established more tangible, real goals for implementation and began pushing forward actual legislation on harmonizing visa, asylum and immigration policies. For example, after Schengen II signatories created a common list of third countries whose nationals needed a visa to enter the Schengen area and they also agreed upon common rules for granting and denying visas.<sup>30</sup> In regards to police cooperation, political sensitivity regarding national surveillance strategies and tactics greatly limited the extent to which cross-border police forces could work together. Nonetheless, the Schengen Information System (SIS) was created to link relevant national information into a supranational database to be used by border guards at points of entry including

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<sup>29</sup> Desmond Dinan, *Ever Closer Union: An Introduction to European Integration*, 530

<sup>30</sup> *Ibid.*

airports, land borders, and seaports.<sup>31</sup> With SIS, border guards could quickly and efficiently retrieve information on “missing persons, arrest warrants, false passports, stolen vehicles, and so on.”<sup>32</sup> The Schengen Area officially came into effect in 1995.

The Maastricht Treaty of 1992 that created the European Union also officially put issues such as internal security, police cooperation, and intelligence sharing under the purview of the EU in an entirely separate pillar called Justice and Home Affairs (JHA). Because proponents of supranationalism and integration were focused on achieving a supranational monetary union and reforming the institutions of the EU, Justice and Home Affairs was one of the intergovernmental pillars, meaning that any legislation pertaining to JHA must be passed unanimously by the Council of Ministers. The nine policy areas that fell under the category of JHA were asylum, crossing of external borders, immigration, combating drug addiction, combating fraud on an international scale, judicial cooperation in civil matters, judicial cooperation in criminal matters, customs cooperation, and police cooperation. Under the intergovernmental framework of this pillar, the Commission could not initiate legislation on issues of judicial cooperation in criminal matters, customs cooperation, and police cooperation, since these last three policy areas were seen as extremely sensitive and legislation could only be initiated by Member States. Similarly, “the Parliament’s almost nonexistent role [in JHA] opened a democratic deficit in an important policy sphere at precisely the time when governments were advocating greater parliamentary oversight in EU affairs.”<sup>33</sup> Despite public outcry for greater European cooperation in combating crime during the 1990s, very little progress was truly made under the JHA pillar of Maastricht because of the political gridlock and sluggishness inherent in the intergovernmental decision-making process. In order for any legislation to be passed on critical security issues, all states had to agree to it. Any JHA legislation that was passed by the Council of Ministers was usually watered-down and soft language that did not actually take any substantive action on improving cross-border cooperation in policing and security. Even Europol, an EU-wide body established in Article K.1(9) of the Maastricht Treaty to facilitate cooperation among Member States’ police force and enhance intelligence sharing, failed to take off for quite sometime since Member States saw it as too intrusive on national sovereignty and the privacy of citizens.

By the Amsterdam Treaty of 1997, the European Commission pushed strongly for more supranational control over Justice and Home Affairs. Led by pro-EU integration Member States like Germany, Belgium, Netherlands, and Luxembourg, the Amsterdam Treaty made great strides in expanding the powers of the European Union on the JHA issues and giving more power to the Commission and European Parliament. The policy areas pertaining to issues of visas, asylum, immigration were moved to the first pillar, meaning that legislation on these policy areas would be decided upon using the Community method (see The Maastricht Treaty—Forging the European Union section for explanation). However, the more sensitive issues of police cooperation and judicial cooperation on criminal matters still remained under the third pillar and required an intergovernmental process to pass legislation. The Amsterdam Treaty also laid out the goal of

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31 “The Schengen Information System - Europa”

32 Desmond Dinan, *Ever Closer Union: An Introduction to European Integration*, 532

33 *Ibid.*, 534

creating an Area of Freedom, Security, and Justice (AFSJ), thus putting JHA at the forefront of the EU agenda now that the monetary union was soon to be achieved. The most important product of the Amsterdam Treaty was the inclusion of the Schengen Agreement into the *acquis communautaire* of the European Union. This meant that in order to be a member of the EU a Member State, or potential Member State, also had to sign the Schengen Agreement and open its borders. The United Kingdom, Ireland, and Denmark, however, were all granted an opt-out of this provision, claiming that under Schengen they could not adequately protect their borders and protect their people. As the EU grew larger and admitted the former communist countries of Eastern Europe, fears of crime and human trafficking developed among citizens, specifically those of Western Europe, who believed that the crime syndicates of these new, poorer countries would be able to freely cross into their lands.

Since the signing of the Lisbon Treaty in 2007, the pillar system has been abolished and all issues of Justice and Home Affairs fall under the jurisdiction of the European Union as whole, rather than just the Council of Ministers. But unlike in all other EU policy areas, “in the field of judicial cooperation in criminal matters and criminal law, the Commission and the national governments continue to share the right of legislative initiative,”<sup>34</sup> and the European Parliament, under the co-decision procedure, has the power to amend and then approve or deny legislation on these matters. Nonetheless, it still remains a very politically sensitive issue that many governments are hesitant to legislate on at the supranational level, despite pressure from their citizens in light of recent terrorist attacks.

## Internal Security, Policing, and Intelligence in the European Union Today

The Directorate General of Migration and Home Affairs<sup>35</sup> is responsible for drafting and implementing legislation on security, policing, and intelligence with the goal combating terrorism and crime to create an area of freedom, security, and justice for all EU citizens. In the context of this committee, two primary policy areas under the DG of Migration and Home Affairs will be of concern: police cooperation as well as crisis and terrorism. Although this background will focus on these two specific areas, it is important to also understand how other issues such as immigration policies and border control play into the topic at hand.

### Police Cooperation

The biggest critique of European Union following a transnational terrorist attack is the apparent failure of communication and cooperation among the police forces of the Member States. Very rarely is a terrorist attack planned and executed in the same country. Instead, many terrorists plan in one country and then travel to another to commit their act of terror. The issue becomes even more complicated when the individual suspected of terrorism is not an EU citizen, but entered the European Union through one country, lived in another, and committed their act of terror in a third EU country. It is this free movement of people enshrined in the Schengen Agreement and later the European Union itself, that complicates the lives of law enforcement agencies across the European continent. While there are clearly many shortcomings this committee must address when aiming to

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34 “Policies - Europa”

35 “Policies - Europa”

improve police cooperation, there are also many existing structures and agencies in place that can be strengthened or reformed.

The official responsibility of Europol is to assist “EU States’ police forces in improving their cooperation on the prevention and fight against the most serious forms of international crimes, such as terrorism... by facilitating exchanges of information, providing criminal analyses, as well as helping and coordinating cross border operations.”<sup>36</sup> It is important to note, however, that Europol cannot autonomously investigate cases or over-step the jurisdiction of national police forces unless given consent. This absence of active, investigatory power has proven a major obstacle for Europol in trying to prevent cross-border terrorism and crime. Instead, Europol has been used more so to empower and train national police forces on identifying and tracking extremist groups. Currently, the primary role of Europol remains the sharing of intelligence and information to EU member states. With its over 700 employees, Europol can also provide operational, technical, and logistical support to national police forces that are investigating potential terrorist activity; this support includes technical expertise on certain issues such as tracking suspicious cross-border capital flows that fund terrorist organizations or assessing the veracity of terrorist threats on the appropriate response the national police force should take. Because Europol specializes in counter-terrorism and has a vast central database of information compiled from reports and investigations across the EU Member States, it has the potential to be a very powerful tool for the European Union in the fight against terror, yet also poses the danger of stepping over sovereign boundaries and infringing on the privacy of citizens without having a democratic mandate or any true democratic accountability to the citizens of the Member States.

Although terror comes in many forms and methods (see the EU Terrorism Situation and Trend Report for details on the types of terrorism in Europe), the most recent acts of terror in Europe have, in some way, been related to the movement of people both within the European Union and from other countries into the European Union. It is this latter category of movement for which FRONTEX is responsible. The European Agency for the Management of Operational Cooperation at the External Border of the Member States of the European Union (FRONTEX) helps guard, secure, and patrol the external borders of the European Union in conjunction with the border guards of each country. Specifically, FRONTEX deploys its “additional experts and technical equipment to those border areas which find themselves under significant pressure.”<sup>37</sup> Once deployed, FRONTEX “guest officers” use their expertise to strengthen the border and make sure the proper EU asylum and border-check protocols are being followed, while still working under the control and jurisdiction of the authorities of the home country. The overall aim of Frontex is to stop cross-border crime, illegal immigration, human trafficking, and terrorist infiltration. In recent years, Frontex has been critical in providing support to member states such as Spain and Italy who receive immigrants from northern Africa. Another external border where Frontex has been asked to play a prominent role is in Greece, where thousands of migrants and refugees from north Africa and the Middle East enter as they flee the turmoil in their respective

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36 “Agencies - Europa”

37 “Roles and Responsibilities - Frontex”

countries. In 2015 alone, 885,000 immigrants – mainly from Syria, Afghanistan, and Somalia – arrived in the European Union via the Eastern Mediterranean route into Greece.<sup>38</sup> Despite attempts at strengthening this border, thousands more enter illegally or are smuggled. It is through this weak entry point, many European fear, that extremists affiliated with ISIS and other terrorist organizations enter the European Union and once inside are able to travel across the EU due to slips in the information sharing and tracking systems of Member States. Interestingly, in December of 2015 the European Commission proposed to build upon Frontex and create a European Border and Coast Guard<sup>39</sup> that would have more operational capacity, higher jurisdiction, and greater authority. The most controversial of the proposal was that this new entity would have the “right to intervene” and establish operations in a Member State with a deficiency in border security, even without the permission of the Member State, and as of July 6th, 2016 the legislation creating this entity passed the European Parliament. Nevertheless, as a new concept that has yet to be implemented, this project has room to be developed and expanded upon.

## Crisis and Terrorism

While crisis management and coordination of investigations should be a priority of law enforcement agencies, terrorism prevention has been one of the central focuses of the European Union in recent. Beyond the security measures mentioned in the previous section, the Directorate General on Migration and Home Affairs has developed a comprehensive strategy for combating and preventing terrorism that includes identifying local communities where radicalization is common, cutting off sources of funding for terrorist organizations, making access to chemicals and materials to make explosives more difficult, and ensuring that critical infrastructure in major cities are well protected in the case of an attack. The identification of communities and areas susceptible to radicalization is probably the most important aspect of developing a long-term solution to preventing terrorism, but also the area where the European Union has fallen short. Currently, the EU’s Radicalization Awareness Network (RAN) connects social workers, teachers, NGOs, and local law enforcement with families and youths in marginalized communities that are susceptible to radicalization.<sup>40</sup> Although this entity looks good in theory, in practice it often falls short and fails to truly reach out to the most marginalized groups of societies. It is clear that imbalanced, discriminatory social policies in Member States are a driving force behind the marginalization, and consequential radicalization, of many individuals. Countries where immigrants are unable to easily integrate and assimilate into the culture, but instead live in ethnic ghettos in the poorest neighborhoods breeds radicalization. As mentioned earlier, “the financing of terrorism is a core component of the EU’s strategy in the fight against terror.”<sup>41</sup> Measures like requiring the disclosure of 10,000 euros or more in cash holdings when entering or leaving the country, or monitoring wire transfers for suspicious trends are critical in cutting funding for terrorist groups. Finally, making sure that the proper safeguards and checks are in place before an individual can acquire some the technology or chemicals to make an explosive device has proven effective in preventing terrorism. Although much progress has been made in preventing the acquisition of these materials, little progress has been made to monitor these materials

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38 “Eastern Mediterranean Route - Frontex”

39 “A European Border and Coast Guard to protect Europe’s External Borders - Europa”

40 “RAN Working Groups. - Europa”

41 “Financing - Europa”

once they have been sold or acquired through apparently legal measures. Under Regulation 98/2013 access to and use of “seven chemical substances by members of the general public” is restricted.<sup>42</sup> The individual Member States, however, are responsible for legislating on the specifics licensing and registration process required before being able to purchase these chemical substances. As a result, many differences in the licensing and registration period and enforcement exist across Member States.

### Case Study: November 2015 Paris Attacks

The attacks that occurred in the evening of November 13, 2015 in Paris marked one of the deadliest incidents of terrorism in the modern European Union. With six simultaneous attacks executed by nine individuals, the streets of Paris’ Saint-Denis neighborhood were cloaked in panic, fear, and unfortunately bloodshed. The attacks began when a suicide bomber with a belt of explosives was denied access into the Stade de France soccer stadium where the French national team was playing the German national team in an international friendly match. After the explosives were detected, the first suicide bomber detonated his explosives, followed by two more in the same area just outside the stadium.<sup>43</sup> While these three bombings occurred, three separate gunmen opened fire on civilians at three different restaurants just minutes apart. A fourth suicide bomber detonated a bomb at another restaurant just minutes after. Finally, the deadliest attack came on the Bataclan concert hall when three men entered the hall with suicide vests and guns. They opened fire on the crowd using Kalashnikov-type assault rifles. When the elite security forces finally arrived and shot down one of the gunmen, all three vests were detonated. A total of 130 lives were lost, 89 from the Bataclan attack, and 368 people were injured. A closer look into these tragic attacks reveals the motives of the individuals, how they planned these attacks, and how they succeeded without being discovered before.

All of the nine attackers were EU citizens, born in either France or Belgium and of Moroccan descent. Most were the sons of immigrants from Morocco and had grown up in the run-down outskirts of Paris or Brussels where poverty was common and radicalization ripe. The police investigation that followed for months after the attacks revealed that these attacks had been planned for years. Police discovered “traces of TATP (acetone peroxide) explosives and three handmade belts” in the apartments of the attackers.<sup>44</sup> One of the attackers, Salah Abdeslam, had spent time in prison for petty crimes. Another attacker, Brahim Abdeslam, had travelled to Turkey in an attempt to go to Syria but was deported by Turkish officials back to Belgium, where he was questioned and then released.<sup>45</sup> And another attacker, Omar Mostefai, had been identified in 2010 by French authorities as a suspected Islamic radical but was nonetheless allowed travel to Syria, Turkey, and possibly even Algeria in the years that followed.<sup>46</sup> One of the primary reasons travel to Syria was so easy for these individuals was that they mainly traveled through Greece, which had failed to adequately report and monitor the movement of people in and out of Syria since outbreak of the

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42 “Explosive Precursors - Europa”

43 “Paris Attacks: What Happened on the Night - BBC NEWS”

44 “Paris Attacks: Who were the Attackers - BBC News”

45 “Explosive Precursors - Europa”

46 “Explosive Precursors - Europa”

of the war. Because these individuals had EU passports, they also had no issues traveling around Europe. A recent investigation by the French parliament reveals that the French intelligence agencies failed in communicating and cooperating with one another and could have prevented the loss of many lives. The primary issue discovered by the investigation was the lack of communication and intelligence sharing both among the seven different intelligence agencies in France and also among the intelligence agencies of other Member States that had gathered information on the perpetrators, including Belgium and Greece. The seven intelligence services of France were reporting to different ministries of the government and had failed in sharing intelligence and trying to cover gaps in knowledge or evidence. The ringleader of the November attacks himself, Abdelhamid Abboud, was able to fall through the gaps due to a lack of communication and cooperation between Belgian and Greek security forces. In early 2015 the Belgian police conducted an operation to arrest a terrorist cell operating in the Belgian city of Verviers that had direct connections to Abaaoud; however, because the Belgian authorities failed to warn the proper authorities in Greece, where Abaaoud was believed to have been hiding, until 30 minutes before they launched their raid, Abaaoud was able to flee Athens and escape to Syria.<sup>47</sup> Finally, although one of the perpetrators of the attacks was stopped in his car on the French-Belgian border and gave his real name and credentials to the border authorities the morning after the attacks in Paris, the French border guards let him go because the Belgian authorities had failed “to add that he was under surveillance as a potential jihadi” despite adding his name into the cross-border information system for common crimes.<sup>48</sup>

These blunders represent just some of the failures of the law enforcement and intelligence community in dealing with issues of terrorism. As the Parliament of the European people, it is the responsibility of the EP to ensure their security and safety and create legislation that will more effectively foster cooperation among police forces and communication among national intelligence sharing agencies.

## Structure of the Parliament

The 751 Members of the European Parliament (MEPs) are all directly elected through a system of proportional representation in each member state. This means that the member state determines the constituencies or electoral districts. It is important to note that because it is a system of proportional representation, all the electoral districts are multi-member districts and seats are allocated to the various parties according to the proportion of votes that receive. All MEPs register with a political party. For the vast majority of MEPs, these political parties are also active parties at the national level with seats in their respective national legislature that have simply broadened their platforms to address EU issues. After each EP election, the MEPs organize themselves into European political groups based off of political ideology. For example, the MEPs belonging to the various national socialist parties across EU Member States will organize themselves into the Progressive Alliance of Socialists and Democrats (S&D). It is important to understand that the MEPs do not represent the interests of their country, but rather the interests of their party. MEPs from one country will work more closely with an MEP of another country from an ideologically similar party than with an MEP from their own country. There are currently 8 different political groups in the EP.

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47 “Paris Attacks Inquiry Finds Multiple Failings by French Intelligence Agencies - The Guardian”

48 “Paris Attacks: Who were the Attackers - BBC News”



### European People's Party Group (EPP)

The European People's Party Group (EPP) is the largest party group currently in the EP with a total of 215 members. Ideologically, the EPP is a center-right political group comprised mainly of Christian Democrat and Conservative parties. They support a more comprehensive and effective common asylum policy to help regulate the flow of migrants in the EU and achieve the goal of true free movement. The parties that make up EPP advocate for austerity measures to be implemented by member states with growing debt.<sup>49</sup> The EPP also supports continued enlargement of the European Union and enhancement of the European Neighborhood Policy. It is important to note that almost all MEPs of the EPP Group belong to the European People's Party, which is the formal Europe-wide party and umbrella organization. The largest national parties that make up the EPP are Christian Democratic Union of Germany, Les Republicains from France, and the People's Party (PP) from Spain.

### Progressive Alliance of Socialists and Democrats (S&D)

The Progressive Alliance of Socialists and Democrats (S&D) is the second largest party group in the EP with 189 seats. This center-left party group is comprised primarily of national socialist parties from each Member State as well as the Labour Party from the United Kingdom. S&D Group members usually advocate for a human rights approach to reforming the EU migration policy and ensuring the security of EU citizens. They also believe that police cooperation is best dealt with by allocating more power to the European Union.

### European Conservatives and Reformist Group (ECR)

Though a relatively new party group in the European Parliament, the European Conservatives and Reformist Group (ECR) represents Eurosceptic parties that are usually opposed to the strengthening and deepening of the European Union, seeing it as an infringement on national sovereignty. With 74 MEPs currently in the European Parliament, this group has grown significantly overtime as Eurosceptic parties have gained popularity on the national stage due to the debt crisis and refugee crisis. At the core of ECR ideology is the concept of subsidiarity, which states that all EU issues and powers should be delegated to the lowest possible level of governance closest to the individual citizen. This means that ECR group members usually support allocating more powers and responsibilities back to national legislatures and national authorities.

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<sup>49</sup> "A Reform Agenda for Europe's Future - EPP Group"

### Group of the Alliance of Liberals and Democrats for Europe (ALDE)

The Group of the Alliance of Liberals and Democrats for Europe is a liberal-centrist group containing 70 MEPs from over 50 member parties across the EU Member States. ALDE believes in representing the concerns and interests of the individual European citizen, which, they argue, have lost a voice in the European Union. Nevertheless, ALDE supports the strengthening of the EU and sees its utility as a foreign policy tool. ALDE also wants a more transparent EU.

### Confederal Group of the European United Left – Nordic Green Left (GEU/NGL)

The Nordic Green Left is a left-wing party group comprised primarily of socialist and communist parties. The NGL believe that EU integration must occur under a reorganized EU institutional structure, since they believe the EU as it is today is ineffective and undemocratic. The Nordic Green Left focuses on improving the social equity of EU citizens and is a very strong advocate for migrants in the EU. In fact, the NGL supports a more comprehensive Refugee Resettlement Programme and a strong common asylum policy. Finally, the Nordic Green Left strongly opposes the closing of Schengen borders and believes that the free movement of people is a core principle of the EU and should not be taken lightly.

### Group of the Greens/European Free Alliance (Greens/EFA)

The Greens/EFA are a relatively new group made up of greens, regionalist, and nationalist parties. Many of the member parties of the group are smaller minority parties in their respective country that are fighting for the independence of a sub-national entity or territory, like Catalonia in Spain. Consequently, most Green MEPs believe that all territories looking to gain independence from the European Union should be immediately granted EU membership. The Greens are largely progressive on all other issues and support the deepening of EU integration.

### Europe of Freedom and Direct Democracy Group

The staunchly Eurosceptic Europe of Freedom and Direct Democracy Group is a populist political group that opposes most legislation that allocates more power to supranational bodies. Similar to the ECR, this group believes that national parliaments and authorities should be strengthened, rather than EU-wide organizations like Frontex. However, under the leadership of Nigel Farage, the Europe of Freedom and Direct Democracy Group has been far more vocal in their Eurosceptic beliefs.

### Europe of Nations and Freedom Group

The smallest political group not-including the 16 individual non-attached members, the Europe of Nations and Freedom is a far-right nationalist group. Like the previous group, this group is vocally Eurosceptic, yet have a more defined platform. The members of this group oppose the increasing flow of immigrants and refugees into the EU and see the strengthening or even closing of the borders to refugees as a leading solution to the growing issues of crime and terrorism in the European Union.

### Political Group Resources

1. European People's Party Group (EPP) - <http://www.eppgroup.eu/>
2. Progressive Alliance of Socialists and Democrats (S&D)- <http://www.socialistsanddemocrats.eu/>

3. European Conservatives and Reformist Group - <http://ecrgroup.eu/ecr-policies/ecr-in-the-ep-committees/>
4. Group of the Alliance of Liberals and Democrats - <http://www.alde.eu/>
5. Confederal Group of the European United Left – Nordic Green Left (GEU/NGL) - <http://www.guengl.eu/>
6. Group of the Greens/European Free Alliance (Greens/EFA) - <http://www.greens-efa.eu/migration-34.html>
7. Europe of Freedom and Direct Democracy Group - <http://www.efddgroup.eu/>
8. Europe of Nations and Freedom Group - <http://www.enfgroup-ep.eu/>

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