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A brief overview over the past ten years“

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Abstract

The present thesis, “The Strategic Partnership between the European Union and Brazil – A brief overview of the past ten years” provides an historical overview of the development of the Common Foreign and Security Policy of the European Union. It examines the European Political Cooperation and the essential instruments for the European Union as an international actor that have been developed so far. One of these instruments, the Strategic Partnership is analysed, particularly in its appliance between the EU and Brazil.

First, a general overview of the development of the European Union and the resulting inner conflicts which have occurred between the Member States regarding deeper European integration is presented, in order to, then, explore the effects of those conflicts on the recent Common Foreign and Security Policy.

Focusing on the development of the Strategic Partnership instrument and based on current literature, the establishment of the cooperation between the European Union and Brazil is presented.

In order to clarify the rise of the bilateral partnership in case, recent political developments concerning the foreign policy under presidents Lula da Silva and Dilma Rousseff are explored through the analytical approach to official data provided by European institutions and the Brazilian government.

Thus, the already ten-year-old bilateral relationship and its status quo can be enlightened, providing perspectives after the recent political struggles in Brazil.

Abstract

Die vorliegende Arbeit „The Strategic Partnership between the European Union and Brazil - A brief overview of the past ten years“ setzt sich mit der Geschichte der Entstehung einer Gemeinsamen Außen- und Sicherheitspolitik der Europäischen Union auseinander, beginnend mit der Europäischen Politischen Zusammenarbeit, sowie der daraus entstandenen Instrumente, die für die Europäische Union als internationaler Akteur von Bedeutung sind. Ein solches ist die Strategische Partnerschaft, die in dieser Thesis zwischen der Europäischen Union und Brasilien näher betrachtet wird.

Nach einem generellen Überblick der geschichtlichen Entwicklung der Europäischen Union und den, in diesem Prozess entstandenen Spannungen zwischen ihren Mitgliedsstaaten, die sich für, beziehungsweise gegen, eine tiefere Integration in die Europäische Union aussprachen, werden die Auswirkungen auf die heutige Struktur der Gemeinsamen Außen- und Sicherheitspolitik beleuchtet.

Dabei liegt der Schwerpunkt auf der Entwicklung des Instruments der Strategischen Partnerschaft; anhand gegenwärtiger Literatur wird der historische Weg der Zusammenarbeit speziell zwischen der Europäischen Union und Brasilien aufgezeigt.

Um die Frage nach den Beweggründen der Entstehung dieser bilateralen Strategischen Partnerschaft zu verstehen und beantworten zu können, wird auf die Entwicklung der Brasilianischen Außenpolitik unter den ehemaligen Präsidenten Lula da Silva und Dilma Rousseff eingegangen, welche mittels offiziellen brasilianischen, als auch europäischen Bekanntmachungen ausgewertet wird.

Dadurch wird auch die Frage nach dem Status quo der mittlerweile zehnjährigen bilateralen Beziehung beantwortet und nach den letzten politischen Turbulenzen in Brasilien, mögliche Perspektiven genannt.

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1. Introduction

Until the foundation of the European Union (EU or Union) out of the European Community for Coal and Steel (ECCS) and the development to a Common Foreign and Security Policy (CFSP), a steady progress over the last 60 years was necessary. The beginning was made with the European Political Cooperation (EPC) in the late 1960s; a voluntary intergovernmental summit on foreign policy topics for the Heads of State and Governments of the Member States.¹

With the formation of the Single European Act (SEA), the EPC was established within the treaties, but kept its intergovernmental character until the Treaty of Maastricht, which dissolved the EPC and formulated the Common Foreign and Security Policy (CFSP).²

With the Treaty of Amsterdam, the CFSP gained a High Representative for the Common and Foreign Security Policy representing the Union externally.³ This position was developed culminating with its own unit, the European External Action Service (EEAS) in the Treaty of Lisbon. It is responsible for: executing the CFSP; representing the Union in third states through EU-Delegations; and forming a connection in foreign affairs between the Commission, the Member States represented through both the European Council (with the Heads of State and Governments) and the Council of the European Union/ or Council of Ministers (hereinafter referred as the ‘Council’).⁴

Within the Common Foreign and Security Policy, the European Union formed several instruments such as the ‘Strategic Partnership’, which is a polarizing term in international politics. The partnership will be analysed in this thesis, in particular between the European Union and Brazil, its development, and agreements that have been reached so far.

According to the available literature, it seems that this topic has lacked attention in European foreign policy studies compared to other strategic partnerships of the Union, such as those with Russia or China. On the other hand, Brazilian foreign policy studies tend to focus more strongly on neighbouring states as Argentina or the US.⁵ Thus, there is limited academic expertise concerning the EU-Brazil Partnership.⁶

¹ see Jürgens (1994) p. 62

² see Beutler et. al (2001) p. 44

³ see Knelangen (2016) p. 96

⁴ see Fröhlich (2014) p. 118

⁵ see Ferreira-Pereira (2015) p. 654

⁶ see Ferreira-Pereira (2015) p. 654

The European Security Strategy (ESS) of 2003 mentioned possible threats to the Union and how to react on them, namely through effective multilateralism and strategic partnerships with key partners who share the same goals and values.⁷

Those partners are currently the US, which is the most important one, followed by China, Russia, India, Japan and Brazil, the so-called BRIC-States. These have steadily gained more influence in today's international system.

The partnership is not only intended for countries, but also for regions. Since 1999 the Union has sought a closer cooperation with the formation of Mercosur – a South American regional cooperation with the states of Argentina, Brazil, Paraguay, Uruguay and Venezuela. Negotiations are still going on.⁸

The first diplomatic contact between the Union and Brazil was made during the 1960s. This contact became more important with the accession of the Iberian States (Spain and Portugal) to the Union in 1986, and both countries encouraged a closer relationship of the Union to Brazil.

Besides the negotiations on Mercosur, the EU offered Brazil the Strategic Partnership in 2007 for a closer co-operation with the regional hegemon in South America. With this new partnership, the Union extended its dialogue channels with Brazil to three: EU-Brazil; Brazil and the Unions Member States; and EU-Mercosur.⁹

Under the presidency of Luiz Inácio 'Lula' da Silva, Brazil's foreign ministry lost part of its autonomy and was transformed to establish a 'presidential policy'.¹⁰ Moreover, Brazil found its role in closer regional cooperation among its neighbour states but also on the international stage, including leadership in the World Trade Organization (WTO) Doha Development Round or the Group of 20 (G20) Summit.¹¹ Furthermore, Brazil used its economic weight to promote closer South-South co-operation, especially in lusophone African States, in fora like IBSA (India, Brazil and South Africa) or the Union of South American Nations (UNASUL).¹² The co-operation with the other BRIC- States China, India and Russia was also used to try to achieve the main goal in Lula's foreign policy: a permanent seat in the United Nations Security Council (UNSC).¹³

⁷ see Grevi (2008) p. 145

⁸ see Wigell (2015) p. 3

⁹ see Gomes Saraiva (2012) p. 46

¹⁰ see Cason & Power (2009) p. 121

¹¹ see Cason & Power (2009) p. 130

¹² see Fonseca (2011) p. 390

¹³ see Lessa (2010) p. 129

Within the partnership with the Union, progress was made on both sides concerning trade and foreign direct investments and through ‘joint actions’ in several areas such as technology, climate change, cultural co-operation, visa-waiver agreements, and security co-operation with the European Police Office (Europol).¹⁴

Since the impeachment of the former president Dilma Rousseff and the ensuing political crisis in 2016, the partnership has mainly focussed on the conclusion of the Union’s Accession Agreement on Mercosur.¹⁵

The theoretical approach outlines the difficulties of further European integration, namely through functionalism and the diametrical intergovernmentalism in the development of the CFSP since its beginnings.

For each chapter several authors are relevant for historical or theoretical reasons. In the chapters on the historical development, that is the treaty changes and the development from the EPC to the CFSP, the focus is on literature by the following authors: Simon Nuttall “European Political Cooperation”, Wilhelm Knelangen “Europäische Union”, Dietmar Herz, Christian Jetzlsperger “Die Europäische Union”, Sven Biscop “The European Security Strategy”, Thomas Jürgens “Die Gemeinsame Europäische Außen- und Sicherheitspolitik”, Elfriede Regelsperger “Foreign Policy of the European Union – From EPC to CFSP and Beyond”, and Willem Frans Victor Vanthoor “A Chronological History of the European Union 1946-1998”.

The discussion of the strategic partnership and relationship between the European Union and Brazil focuses mainly on books and papers by experts such as Annegret Bendiek, Giovanni Grevi, Antônio Carlos Lessa, Susanne Grätius, and Laura Christina Ferreira-Pereira. In addition, several papers by authors from the European Union institutions, mainly the European Council, and also the Brazilian Foreign Ministry have been used.

¹⁴ see Council of the European Union (2015) Council Implementing Decision on conclusion for Europol and Brazil p. 2 and Council of the European Union (2014) 7th EU-Brazil Summit Joint Statement p. 2

¹⁵ see European Parliament (2017) Minutes on Meeting p. 2

2. Theoretical Approach

The basis for the functionalism can be found in the theory of internal relations. Initially, this theory was developed by David Mitrany (1943) who doubted that the national state was able to grant sufficient stability in order to ensure an international peaceful system.¹⁶ The premise of this theory is the functional process itself, not on its result. The assumption that functional international organizations are able to reduce interstate conflicts is an important normative element underlying this theory.¹⁷ Accordingly, functionalism does not see states as the only international actors that provide the basis for its expansion. Later, neo-functionalism was formulated by Ernst B. Haas in the late 50's and has been developed since then by Leon Lindberg, Stuart Scheingold, Joseph S. Nye.¹⁸ Haas had close relations to the European political decision-makers; this can be seen in the developments at European level between the theory and the integration strategy of Schuman and Monnet (the 'founders' of the European Communities).¹⁹ The steady development of the European Communities to an almost complete economic and monetary union, the accession of new member states, and closer integration on several levels, especially on financial and security levels, underline the importance of this theory at European level. Progress in integration and in the theory itself have been achieved by the so called 'spill-over effect': Once an action is implemented, it is very probable it spills over to other closely related elements, thus leading to more and further integration.

The theory of inter-governmentalism can be seen as the opposite of neo-functionalism. This became especially visible during the crisis of the Communities in the 60's, when powers were moved to intergovernmental structures, such as the Council of Ministers and the European Council. As a result, the integration process was slowed down.²⁰ Since the states feared the loss of competences and loss of influence through decision-making by qualified majority, states reached decisions through very long negotiation processes. Until today this structure has been maintained in the essential elements of the national states in areas of defence, finance, and social politics. In the field of foreign politics, the union and the national states compromise, combining neo-functional and intergovernmental elements. This compromise will be examined in this thesis.

¹⁶ see Pollak (2012) p. 55

¹⁷ *ibidem*

¹⁸ see Faber (2005) p. 39

¹⁹ *ibidem*

²⁰ see Faber (2005) p. 86

3. The three pillars of the European Union

3.1. The European Community

The basis of the recent European Union (EU) is the commitment to a “deeper integration”²¹, achieved over the years of negotiations between the Member States, since the establishment of the European Coal and Steel Community (ECSC) in 1952, the European Economic Community (EEC), and Euratom during the negotiations on the Treaties of Rome in 1957. One of the functions of the EEC was to form a common agricultural policy and furthermore a customs union, which should then develop further to a common market with free trade of goods, persons, capital and services.²²

The first challenge for the deeper integration process, as provided in the Treaties of Rome, was the behaviour of the former president of France, Charles de Gaulle, who was sceptical about the then integration process and the way ahead. His main concern was the imminent change of the voting system in the Council meaning that decisions should be made by qualified majority; he blocked this decision. This led to conflict with the former Commissions president Hallstein, resulting in the “*empty chair crisis*”²³ in 1965.²⁴ A consequence of that was that the EEC Council of Ministers (usually referring as ‘the Council’) was not able to take any decision. At that time, decisions were made by consensus, because the French delegation did not attend the sessions.

To solve the standoff situation in the Council, a compromise was made in Luxemburg in January 1966. It included for the French delegation that the decisions in the Council on “very important interests [are] at stake (...) must be continued until unanimous agreement has been reached”.²⁵ This agreement effectively gave every national government in the Council a veto right until the late 1980s.²⁶

After the customs union for manufactured products²⁷ was agreed to on July 1st 1968²⁸ the next step for the EEC was the accession of new members. Great Britain, Ireland and Denmark acceded in 1973. Norway voted no to accession in a referendum.

²¹ see Preamble of the treaty of the EU (2016/C202/01)

²² see Knelangen (2016) p. 93

²³ Vanthoor (1999) p. 32

²⁴ see Knelangen (2016) p. 93

²⁵ Salmon & Nicoll (1997) p. 94

²⁶ see Knelangen (2016) p. 94

²⁷ customs union means that the national customs tariffs are replaced by the Common Customs Tariffs in trade with the countries outside the EEC – see Vanthoor (1999) p. 34

²⁸ see Vanthoor (1999) p. 34

Due to the Oil crisis in the mid 1970s, the project of a full custom and currency union until the 1980s was laid down and led to a European Monetary system, which was strongly supported by Germany and France. It went into force on January 1st 1979.²⁹

During the 1970s, important steps included: increase of power given to the institutions; increased influence of the Court of Justice; the funding of the European Council; the Heads of State or Government coordinating the member states and forming foreign policies in 1974³⁰; and the extension of powers for the European Parliament including budgetary powers³¹ together with the Council. Moreover, agreements were signed for the first direct general elections of the European Parliament, which were held in 1979.³²

The next step for the EEC was to conclude the accession of Greece in 1981 followed by Spain and Portugal in 1986, and reach the next level of integration, that was the forming of the European Union. Therefore, an Intergovernmental Conference (IGC) was held in Luxembourg in 1985 to revise the EEC Treaty and add amendments for a Common and Foreign Security Policy.³³ Furthermore, Commissioner President Jacques Delors proposed an extension of the powers of the Commission, including the European market, economic and social cohesion and ‘certain monetary powers’.³⁴ The European Council agreed on certain points, such as revising the EEC Treaty, preparing the inclusion of a European foreign policy, extending the voting by qualified majority and establishing the European single market by 1992; all these aspects were drafted in one single act.³⁵

Single European Act

The draft for the *Single European Act* (SEA) was prepared for signing by the Member States during the Intergovernmental Conference in Brussels in December 1985.

In addition to the points mentioned above, the ‘cooperation procedure’ between the Council and the European Parliament, and introducing the European Political

²⁹ see Knelangen (2016) p. 94

³⁰ see Pinder (1995) p. 14

³¹ see Pinder (1995) p.13

³² see Vanthoor (1999) p. 80

³³ see Vanthoor (1999) p. 112

³⁴ Vanthoor (1999) p. 112

³⁵ see Vanthoor (1999) p. 113

Cooperation as the beginning of a Common Foreign and Security Policy were included.³⁶

This *European Political Cooperation* (EPC) was supposed to formulate and implement a common foreign policy between the partners and based on common principles for developing a European identity in external policy matters.³⁷

The fall of the *Iron Curtain* in 1989/90 and the end of the Soviet era introduced a new path for the Communities. Germany was one of the outriders in the unification process with the former German Democratic Republic in 1990.

In October 1990, the European Council met in Rome (Rome I) and set the start for *Stage Two* on 1st January 1994. Accordingly, it aimed at forming a political dimension of the EC and a common foreign and security policy.³⁸ In the next Intergovernmental Conference (Rome II), a (*economic and monetary*) *Union* (EMU) was politically aimed at with a stronger role for the Commission and the European Council as its main actors to draw up the political guidelines.³⁹

Besides establishing the EMU, the creation of a common currency and transfer of competences to the communities, especially regarding the subsidiarity principle occurred.⁴⁰ Furthermore, the Communities should take more responsibility in the area of the Common Foreign and Security Policy, with special focus on the Justice and Home Affairs due to the abolition of borders.⁴¹ All of these aims were only possible through changes to the Treaties and were an essential part of the conference in Maastricht in 1991.⁴²

Treaty of Maastricht

On the 7th February 1992 the comprehensive *Treaty of the European Union* (TEU) was signed in Maastricht. The *European Union* (EU) did not receive its own legal personality but was based upon the three Communities: EURATOM, ECSC, and EEC. The EEC was then renamed the *European Community* (EC), and all the three

³⁶ see Salmon & Nicoll (1997) p. 205

³⁷ see European Communities (1987) Art. 30, para. 1 SEA. The EPC will be further discussed in chapter 2.2.

³⁸ see Vanthoor (1997) p. 132

³⁹ *ibidem*

⁴⁰ the *subsidiary principle* “(...) aims to ensure that decisions are taken as closely as possible to the citizen and that constant checks are made to verify that action at EU level is justified in light of the possibilities available at national, regional or local level (...)” based on Art. 5 TEU, Publications Service of the European Union – Glossary of summaries “Subsidiarity”

⁴¹ the abolition of the borders came into force with the „Schengen- Agreement“ in 1987

⁴² see Beutler et. al (2001) p. 44

communities combined to form the first pillar of the EU. The other two pillars were the *Common Foreign and Security Policy* and the *Police and Judicial Co-operation in Criminal Matters* (PJCC), together with the *Justice and Home Affairs* (JHA).⁴³

Moreover, the new treaty set out the guidelines to achieve the EMU – by implementing the *Euro* as a common currency by January 1st 1999. To gain access to the Monetary Union, the ‘*Maastricht criteria*’⁴⁴ had to be fulfilled. Denmark and the United Kingdom had ‘opt-outs’.⁴⁵

The treaty also integrated a ‘Social protocol’ which gave the Union a few competences in social politics, but included again an ‘opt-out’ option for the United Kingdom.

On January 1st 1993, the *Single European Market* became a reality, resulting in free movements of goods, services, capital and persons within the 12 Member States.⁴⁶ After the establishment of the customs union in 1968, the Single Market reduced non-tariff trade borders, for example different security and consumer standards, – to achieve the common market with unlimited mobility.⁴⁷ Previously, in 1989 the EEC and the European Free Trade Area (EFTA) agreed on the establishment of a ‘*European Economic Area*’, which became applicable with the Single European Market, expanding the area to 18 members including Island, Norway and Lichtenstein, but excluding Switzerland.⁴⁸

The new dynamic of the European integration process gave a glimpse of a possible united continent in the future, which started the accessions processes of Austria in 1989, and Sweden and Finland in 1992. They all became members of the Union in 1995.^{49 50}

In addition to the accession of the three states mentioned above, the European Council decided in Copenhagen to give the former countries of the Soviet Union the possibility to join the Union if they fulfilled the economic and political requirements (also known as the ‘Copenhagen criteria’).⁵¹

⁴³ see Beutler et. al (2001) p. 44

⁴⁴ ‘the four euro convergence criteria’ or ‘Maastricht criteria’ were set as macroeconomic indicators for “price stability, public finances, exchange rate stability, and long term interests”. Publications Office of the European Union (2016) Convergence Report 2016

⁴⁵ opting-out means that the country can decide if and when it wants to go further with the integration process – it’s the beginning of the politics of ‘different speeds of integration’ in the Union

⁴⁶ see Vanthoor (1997) p. 151

⁴⁷ see Herz & Jetzlsperger (2008) p. 51

⁴⁸ see Herz & Jetzlsperger (2008) p. 62

⁴⁹ see Herz & Jetzlsperger (2008) p. 62 f.

⁵⁰ Norway rejects again the access to the EU in a referendum in Nov. 1994

⁵¹ see Vanthoor (1997) p. 152

Between 1994 and 1996, Hungary (HR), Poland (PL), the Czech Republic (CZ), Slovakia (SK), Slovenia (SI), Lithuania (LT), Latvia (LV), Estonia (EE), Bulgaria (BG) and Romania (RO) applied for accession to the EU.⁵² To manage such a big enlargement at once, it was necessary to reform the decision making-process of the EU Institutions from the unanimity to the majority principle. It was also necessary to consider the balance of votes in the Council before the accession of the new members.⁵³

Treaty of Amsterdam

During the European Council between 16-17th June 1997 in Amsterdam, an agreement on a revision of the Treaty of Maastricht was achieved, which included a *Stability and Growth Pact* compliance with a resolution to promote economic growth and employment.⁵⁴

There were also structural changes due to the new accessions of member states, meaning that the biggest member states should give up one of the two Commissioners and therefore gain more votes in the Council. The different speeds or enhanced cooperation for further European integration for those Member States that wanted to accede were also implemented.⁵⁵

The areas in which decisions were taken by unanimity had been reduced but it was common sense that this would not be enough in order to take the next step to enlarge the Union. The possible solutions for that included: the principle of unanimity could have been repealed; the equality among the institutions (Council, Parliament and Commission) could have been established; and the size of the Commission could have been determined.⁵⁶ But this ‘supranational’ aspect was still not an option for the Heads of State or Governments in the European Council. Also, there was generally a sceptical mood in the population after the Treaty of Maastricht.⁵⁷

The changes in the treaty focused on the CFSP, with the establishment of a *High Representative for the Common and Foreign Security Policy* - representing the Union externally - and the merging of the visa, asylum, and migration policies with the police

⁵² see Pinder (1995) p.21

⁵³ see Herz & Jetzlsperger (2008) p. 67

⁵⁴ see Vanthoor (1997) p. 186 f.

⁵⁵ ibidem

⁵⁶ see Herz & Jetzlsperger (2008) p. 68

⁵⁷ during the process of Maastricht a referendum in Denmark was refused, being first accepted after a second referendum

and judicial co-operation, united in the renamed *Police and Judicial Co-operation in Criminal Matters* (PJCC).⁵⁸

In December 1997, the European Council decided to start an enlargement process with ten East European countries and Cyprus. In practice, the process began with only six of them (CZ, EE, HR, PL, SI) whereas the others gained the status of ‘preparatory negotiations’.⁵⁹

In 1998 some Member States decided on voting in favour of the application of the Euro currency and the European Central Bank (ECB) was established in Frankfurt, a further step towards a full EMU.⁶⁰

On December 31st 1998, the Euro officially replaces 11 currencies, which had been already linked together by fixed exchange rates. The circulation of cash money was set for 2002.⁶¹

Treaty of Nice and the Constitutional Treaty

The Treaty of Nice was the approach to solve representation in the Council. Instead of choosing the double majority, meaning that a proposal is accepted if the majority of Member States represents also a majority of the citizens, the solution in the Treaty of Nice was a triple majority. This means that a decision is made: first, when the proposal gets the votes of the majority of Member States; second, the proposal contains a new calculated quorum of the weighted votes; and third, at least 62% of the European population is represented by the Member States.⁶²

As a result, the voting became more complicated and vulnerable to blockades, and the conclusion of treaty changes by intergovernmental summits revealed its weaknesses.⁶³

Nevertheless, when the treaty became applicable on 1st February 2003, the need for revision to change the intergovernmental aspect was clear. This was made through a ‘European Convent’ consisting of Representatives from the national governments and parliaments, and Members of the European Parliament (MEP) and the Commission. The former French President Valéry Giscard d’Estaing was nominated as president.⁶⁴

⁵⁸ see Knélangen (2016) p. 96

⁵⁹ see Vanthoor (1997) p. 197

⁶⁰ see Vanthoor (1997) p. 211

⁶¹ see Vanthoor (1997) p. 228

⁶² see Herz & Jetzlsperger (2008) p. 69

⁶³ see Knélangen (2016) p. 96

⁶⁴ see Knélangen (2016) p. 96 and Herz & Jetzlsperger (2008) p. 71

A Convent had been prepared before the *Charta of Fundamental Rights of the European Union*.⁶⁵ Accordingly, the expectations centred again on this procedure.⁶⁶ The first final proposal was presented in Rome in 2003 with fundamental changes. The three-pillar system should be repealed, and the two treaties, the Treaty of the EU and Treaty of the European Community should be merged into one single treaty.⁶⁷ The policies of the Communities and the Union should be combined, while the Security - and Defence Policy should remain intergovernmental.⁶⁸

The Constitutional proposal gave an option for a possible basis for legal acts: Regulations, Directives, Decisions, and Recommendations. These would have been made due to legislative procedures⁶⁹ as it was at national level. The competences to propose those legal acts should be granted to the Commission and the Council, as would be laid down in the Treaties.⁷⁰

The Convent also proposed differentiating between the exclusive competences of the Union, for example in monetary policy or customs union and the areas in which the competences are divided between the Union and the Member States, e.g. the Single Market, Energy Politics et cetera.⁷¹ Within these areas, the ‘subsidiarity principle’ was to apply.⁷²

An important addition was the further development of the High Representative as a ‘Foreign Minister’ responsible for the CFSP, who should also be simultaneously Vice-President of the Commission.

In October 2004, the European Council adopted the Constitutional Treaty with a few changes but the core elements were still included.⁷³ In the meantime, the Union granted access to Estonia, Lithuania, Latvia, Malta, Poland, Slovakia, Slovenia, Czech Republic, Hungary, and Cyprus. It was the biggest enlargement in the history of the Union. Bulgaria and Romania did not fulfil the requirements at that time.

During the ratification process, the Constitutional Treaty failed because the French and the Dutch Population rejected it in their referenda.⁷⁴

⁶⁵ the Charta came into force on December 2000 in Nice, nonetheless, without binding character

⁶⁶ see Herz & Jetzlsperger (2008) p 71 f.

⁶⁷ see Herz & Jetzlsperger (2008) p. 75

⁶⁸ see Knelangen (2016) p. 96

⁶⁹ for the ordinary legislative process see Figure 1 - Annex

⁷⁰ see Herz & Jetzlsperger (2008) p. 75 f.

⁷¹ see Herz & Jetzlsperger (2008) p. 78

⁷² by “subsidiarity principle” is meant, that the Member States give the Union the competence to act in specific areas, in which it is more effective to act on European level instead of national

⁷³ see Herz & Jetzlsperger (2008) p. 80

⁷⁴ one of the reasons was the dissatisfaction with national politics e.g. the French population against J. Chirac’s Politics

The Treaty of Lisbon

After the failure of the Constitutional Treaty, it became evident that another attempt for its implementation was not worth it so the European Council decided to search for another solution. In 2006, the German presidency of the Council was mandated to find possible perspectives for the Union so the European Council could make a decision on how to proceed further.⁷⁵

During the celebration of 50 years of the Treaties of Rome, the Presidents of the European Council, Commission and Parliament signed the “Berlin Declaration” to confirm the values of the union and the common future.⁷⁶

The general consensus was to keep as much as possible of the constitutional treaty but some concessions were necessary to calm the detractors. In effect, that meant that the wording was changed, e.g. the ‘European Foreign Minister’ changed to the ‘High Representative of the Union for Foreign Affairs and Security Policy’. There were also no more ‘European laws’ or a ‘European legal framework’.⁷⁷

The voting in the Council was changed to a system in which a majority decision can be made by obtaining the votes of 55% of States, representing 65% of the population.

The Treaty of Lisbon is based on the Treaty of the European Union (TEU) and the Treaty of the Functioning of the European Union (TFEU), instead of the EC Treaty⁷⁸. Together with the Charta of Fundamental Rights of the European Union, they form the primary law of the Union.⁷⁹

The Treaty of Lisbon entered into force on 1.12.2009.

Further developments in the CFSP since then will be dealt with in Chapter 2.3 and 2.5.

⁷⁵ see Herz & Jetzlsperger (2008) p. 83

⁷⁶ see Herz & Jetzlsperger (2008) p. 84

⁷⁷ see Herz & Jetzlsperger (2008) p. 85

⁷⁸ the Treaty of the ECSC expired in 2002, and the WEU treaty in 2011. Before that, their functions had been steadily transferred to the Union

⁷⁹ see Knelangen (2016) p. 97

3.2. European Political Co-operation (EPC)

The possibility to form a common foreign and security policy appeared during the end of the sixties with the presidential change in France, when Georges Pompidou followed General Charles de Gaulle. Gaulle was in favour of a common European foreign policy but only in combination with the institutional and political basis, which did not exist at that time. Under his presidency he rejected the accession of the United Kingdom to the EEC (1963)⁸⁰ and the different opinions among the member states regarding the agricultural politics led to the '*crisis of the empty chair*', which could only be solved by the 'Compromise of Luxembourg'.

During the 'Summit of The Hague' in December 1969, the Heads of State and Governments decided about the accessions of the Northern Countries (United Kingdom, Ireland and Denmark) and how to form a deeper political agreement.⁸¹

The Foreign Ministers formulated and reported how to solve agreements in foreign affairs more efficiently. The first report is known as the 'Report of Luxembourg', which was made during the Conference of Luxembourg in 1970, so founding the EPC.⁸² The conference determined that the EPC should be 'outside' the Communities – (due to Frances insistence on that). The bi-annual meetings with the foreign ministers were supposed to be held in the country whose representative was in charge of the chair.⁸³

Different issues⁸⁴ were settled and adopted to address the first challenges of the EPC: the Conference on Security and Cooperation in Europe (CSCE) and the Middle East.⁸⁵ Those two topics were important due to their affects on the Member States and they being close neighbours. The CSCE topic was difficult to manage because the Soviet Union preferred a pan-European system, which would give it the necessary legitimacy with which it could try to expand its sphere of influence.⁸⁶ Nevertheless, the EPC was able to forge a united position regarding the CSCE and influence the development of the further conference.

⁸⁰ see Vanthoor (1997) p. 26

⁸¹ see Jürgens (1994) p. 62

⁸² see Nuttall (1992) p.52

⁸³ see Nuttall (1992) p. 53

⁸⁴ for further details see European Political Co-Operation by Simon Nuttall

⁸⁵ see Nuttall (1992) p. 55

⁸⁶ see Nuttall (1992) p. 56

In the Middle East, a shift towards the pro-Arabian policies in the traditionally pro-Israel Member States happened due to the new consensus decision-making.⁸⁷

During the *Six Day War* in 1967, France withdrew its support for Israel and fully supported the Arab position.⁸⁸

During the ‘Copenhagen Summit’ 1973, the Foreign Ministers provided the second report – the first one was drawn up in Luxembourg – with detailed proposals for the institutional aspects and the functioning of the EPC.⁸⁹ The main goal was to ascertain its position in global politics and formulate a common attitude against problems in foreign politics.

The report contained three parts: the general framework and objectives; the decisions about to made; and the results reached.⁹⁰ The report was a new procedure in international relations, and was also a supportive tool to promote the ‘European Union process’.⁹¹

During the following ‘Summit of Paris’ in December 1974, the separation between Council Meetings and summits in form of the EPC were abolished in its final *Communiqué*.⁹²

Furthermore, the accent on strengthening the European Parliament was suggested, and the Belgian Prime minister Leo Tindemans was obliged to formulate a report on how to evolve the EC to the EU.⁹³

In the Tindeman’s Report (1975), bundling the EPC with the EC foreign economic relations was suggested within one decision-making centre and the abolishment of the national coordinated foreign politics, and then finally united in a common foreign policy.⁹⁴

Among other components on how a European Union should be defined, the first component focused on the external Relations:

“European Union implies that we present a united front to the outside world. We must tend to act in common in all the main fields of our external relations whether in foreign policy, security,

⁸⁷ see Nuttall in Regelsberger et al. (1997) p. 20

⁸⁸ see Nuttall (1992) p. 66 f.

⁸⁹ see Jürgen (1994) p. 65

⁹⁰ see Nuttall (1992) p. 75 f.

⁹¹ see Nuttall (1992) p. 80 and Jürgens (1994) p. 65

⁹² see Jürgens (1994) p. 67

⁹³ ibidem

⁹⁴ ibidem

economic relations or development aid. Our action is aimed at defending our interests but also at using our collective strength in support of law and justice in world discussions."⁹⁵

Tindeman also suggested implementing a principle of majority voting which was one of the first foreign politics integration concepts after the failure of the European Defence Community⁹⁶ (EDC).⁹⁷ He failed by trying to implement a legal character for the EPC in an institutional form; the members could not find consensus.⁹⁸

The first era of the EPC during the 1970s was challenging due to several crises in the world and within Europe itself. In the Mediterranean Region there was the conflict with Cyprus, Spain and Portugal did not made enough progress towards democracies after the military dictatorship, and the Nine Members needed to find their role in the United Nations. The fall of the Portuguese colonial realm in Africa gave independencies to states such as Angola, Mozambique, São Tomé, and Príncipe.

Nevertheless, the EPC was able to establish a structure and operational procedures, such as working groups preparing issues for the Political Committee. These more or less evolved into a decision-making body outside the Council framework.⁹⁹

During the summit in London 1981, the EPC made practical improvements such as the strengthening of consultations, the improvements of relations with and within third states, closer relations with the EP, and stronger involvement with the Commission on the EPC issues.¹⁰⁰ The aspect of security was also addressed regarding the Soviet Invasion in Afghanistan (1979) where no action was taken, and the crisis¹⁰¹ in Poland where a decision came too late.¹⁰²

Genscher/Colombo Initiative

⁹⁵ Tindemans, L. quoted In: Nuttall (1992) p. 143

⁹⁶ the EDC was a concept for the creation of an European Army in 1952. It failed due to the vote in the French parliament, fearing the loss of sovereignty over the national army; in 1954 the formation of the West European Union (WEU) was a compensation for the EDC and helped to bind Germany in military politics before it joined the NATO later in 1954

⁹⁷ see Jürgens (1994) p. 67

⁹⁸ see Jürgens (1994) p. 68 and Nuttall (1992) p. 144

⁹⁹ see Nuttall in Regelsberger et al. (1997) p. 21

¹⁰⁰ see Jürgens (1994) p. 68 f.

¹⁰¹ during the rise of the polish labour union "Solidarność" in the 1980s and their warnings for a general strike against price increase, the former prime minister and party secretary general Jaruzelski declared the martial law on December 13th 1981. In the following two years many intellectuals and activists were inprisoned, an action of the Soviet Union to maintain its power in Poland. See Bingen (2009) p.1

¹⁰² see Nuttall in Regelsberger et al. (1997) p. 21 and Nuttall (1992) p. 154

This Initiative of the former German and Italian Foreign Ministers Hans-Dietrich Genscher and Emilio Colombo aimed to deepen the integration process in several steps in order to form the *European Union* through the *Single European Act* (SEA). A common foreign policy including security aspects, prepared by the foreign ministers, was integrated in the European Council as the responsible organ, . Moreover, merging the EC and the EPC was suggested together with the establishment of a council for cultural- and judicial ministers.¹⁰³ Furthermore, the EP should be consulted on all topics of the EC and the EPC and be able to make suggestions or proposals to the European Council, the Commission or the Council.¹⁰⁴

During this process the ten Member States had to deal with several incidents, like the Argentinian invasion of the Falkland Islands or the Lebanon invasion of Israel. At those times, the Members were ready to react due to the new instruments, such as (trade) sanctions and embargos that were imposed, for example against Argentina.¹⁰⁵

The EPC policy became steadily more than just summits with declarations, strengthening the process of further integration, which finally came into force with the SEA.¹⁰⁶

Until the signing of the SEA, the work of the so-called ‘Dooge-Committee’¹⁰⁷ (1984/85) was essential for the final framework of the SEA to which the Members finally agreed. For the EPC, the ‘Dooge-Committee’ advised strengthening the connectivity between the EC and the EPC within a Treaty and also establishing a Secretariat.¹⁰⁸

Great Britain considered a proposal which included also a contractual structure in the then existing framework, while Germany and France made a proposal for a ‘Treaty of the European Union’, which included the merging of the EC and the EPC.¹⁰⁹

After several bilateral negotiations and the following summits and conferences, the Members finally signed the SEA on 28 February 1986, but gave the EPC only a contractual basis. The disadvantage of the EPC remained; no decision-making body

¹⁰³ see Wessels (1981) p. 306

¹⁰⁴ see Entwurf einer „europäischen Akte“ und Entwurf einer „Erklärung zur wirtschaftlichen Integration“, vorgelegt von den Regierungen der Bundesrepublik Deutschlands und Italiens am 6. November 1981 In: Jahrbuch der Europäischen Integration [JBEI] 1981, p. 521

¹⁰⁵ see Nuttall in Regelsberger et al. (1997) p. 21 and Nuttall (1992) p. 208

¹⁰⁶ see Nuttall in Regelsberger et al. (1997) p. 21

¹⁰⁷ James Dooge, an Irish Senator and Foreign Minister was nominated for leading a Committee of the European Council to explore how to reach progress in the integration process of forging the European Union; see Jürgens (1994) p. 72

¹⁰⁸ see Jürgens (1994) p. 73

¹⁰⁹ ibidem

was implemented and the decisions were still based on the consensus principle. Moreover, the merger of the EC and the EPC did not happen, due to the rejections by several Member States; thus, the EPC remained basically at its status quo with a contractual basis.¹¹⁰

The principles of the EPC in the SEA are ‘consistency and solidarity’ to protect Europe’s common interests, and ensure closer relations between the EPC and the EP, co-operation between the Member States, collaboration with the Commission’s Delegations¹¹¹ in third countries, and working with international organizations, such as the CSCE.¹¹²

The impossibility to maintain the status quo for the EPC in the SEA was visible due to the fall of the iron curtain in Europe, when the new situation obliged the EC to be able to react to consequences with adequate instruments.¹¹³

The unification of East Germany with the Federal Republic of Germany was not negotiated in the EPC, but rather in the ‘Four Powers’ or in the Commission. It was important to change the EPC status from intergovernmental to a full implementation within the Communities, including decision-making by majority and providing the Commission more influence in a wider sphere.¹¹⁴ This was made possible by Art. 30 paragraph 12 SEA:

“Five years after the entry into force of this Act the High Contracting Parties shall examine whether any revision of Title III is required”¹¹⁵

Due to the range of possible interpretations of this paragraph, the consultation among the Member States differed substantially. The European Parliament demanded several times the full integration of the EPC inside the Communities¹¹⁶ so as to provide a common political, economic and military basis, since those aspects could not be treated separately, as they were within the SEA.¹¹⁷

¹¹⁰ see Jürgens (1994) p. 284

¹¹¹ in 1982 the Commission opened two delegations, one in New Delhi and one in Brasilia, for strengthening its “external representation” (see Commission Communication to the Council COM(81)248 final p. 1

¹¹² see Nuttall (1992) p. 252 f.

¹¹³ see Nuttall in Regelsberger et al. (1997) p. 23 and Jürgens (1994) p. 290

¹¹⁴ see Nuttall in Regelsberger et al. (1997) p. 22

¹¹⁵ Single European Act Title III Treaty provisions on European Co-operation in the sphere of Foreign Policy Art. 30, paragraph 12

¹¹⁶ see Resolution on the Intergovernmental Conference in the context of Parliament’s strategy for European Union, 14.03.1990 quoted In: Jürgens (1994) p. 292

¹¹⁷ see Single European Act Title III Treaty provisions on European Co-operation in the sphere of Foreign Policy Art. 30, paragraph 6 and Jürgens (1994) p. 292

These discussions led to the process of realisation of the EMU and therefore forging the Treaty of Maastricht, in which the EPC was resolved and replaced with the Common Foreign and Security Policy (CFSP).

3.3. Common Foreign and Security Policy

The predecessor of the CFSP was the European Political Cooperation (EPC), which was the foreign policy framework of the European Community until the Treaty of Maastricht in 1993. The treaty established a Common Foreign and Security Policy as the second pillar of the Union, aiming to respect common values and interests, strengthen the security of the Union in all its forms, respect the principles of the United Nations Charter, deepen relations and partnerships with third countries and international Organisations, such as the United Nations, and also to form a possible common defence policy.¹¹⁸

Like its predecessor, the CFSP, following the *aquis politique*¹¹⁹, kept the intergovernmental character. The European Council was the responsible organ with its legitimacy based on the Member States, their interests, and the expertise of their Foreign Ministries. The lack of legal obligations became evident through the existence of structures outside the EC, and thereof decisions relied on unanimity.¹²⁰

With the adoption of the CFSP, the role of the Commission was extended to include the right of initiative to submit proposals to the Council.¹²¹ Still the decision-making process through qualified majority existed, but only in specific matters, for example after adopting a 'joint action', new decisions on the action were made by qualified majority.¹²²

This change of method gave the instrument the efficiency required to be able to react to certain circumstances. 'Joint actions' were specific EU policy actions – although "Title V" does not provide a precise definition – having in the actions the purpose in conducting the activity of the Member States.¹²³ Joint actions and common

¹¹⁸ Title V, Chapter I, Art. 21 (1), Art. 24 (1) TEU (ex-Art. J.1 (1) (2) TEU)

¹¹⁹ 'acquis politique' means to acquire political declarations and/or actions, see Ginsberg in Holland (1997) p. 15

¹²⁰ see Holland in Holland (1997) p. 5 and p. 176 & Ginsberg in Holland (1997) p. 15

¹²¹ ex-Art. J.5 TEU (3)

¹²² ex-Art. J.3 TEU (1) (2)

¹²³ see Holland in Holland (1997) p. 6

positions are different to the civilian foreign policy actions (*aquis communautaire*¹²⁴) and agreements of the EC in the context of the Treaties of Rome.¹²⁵

The first Joint action was launched on 8th November 1993 in Bosnia to increase the contributions for the UN High Commissioner for Refugees (HCR) and support international aid convoys by the preservation and restoration of priority routes for ex-Yugoslavia. The Presidency, Commission and European Community Monitoring Mission (ECMM) of the Community held consultations with the HCR and the UN Protection Force (UNIPROFOR).¹²⁶

The ECMM were established as a result of the intervention by the Yugoslavian National Army (JNA) in Slovenia on June 27th 1991 to oversee the withdrawal of the JNA from Slovenia, as agreed between Slovenia and the federal government in the Brioni Accord on July 7th 1991.¹²⁷

Another example of a Joint action was launched in 1994, focusing on the democratic transition in South Africa and assuming the status of binding commitments with regard to core elements such as monitoring of election processes, and negotiating bilateral economic agreements and a long-term agreement for developing assistance.¹²⁸

The further development of the CFSP needed to combine political will, institutional form, and a perspective on how the EU should act as an international and global actor.¹²⁹

The enlargement process with the accessions of the East European Countries without any development of the decision-making process could have created difficulties for the EU, and would also have had an impact on the integration process and the further development of the CFSP. The influence of a structured and common foreign policy was therefore needed to ensure a stable enlargement process and provide the democratic and economic changes during the accession of Member States.¹³⁰

It was expected that the next Intergovernmental Conference for the revision on the treaties would only suggest few changes in the foreign policy due to the fact that

¹²⁴ ‘*aquis communautaire*’ includes the legal binding rights and duties of the Member States of the EU, such as the TEU and TFEU, Regulations, Directives and Decisions etc. issued by the EU Institutions, and judgements of the ECJ, see Zandonella (2009) under www.bpb.de

¹²⁵ see Ginsberg in Holland (1997) p. 18

¹²⁶ see Ginsberg in Holland (1997) p. 18

¹²⁷ see Nederlands Instituut on Militaire Historie (2009) on ECMM p. 2

¹²⁸ see Holland in Holland (1997) p. 176 f.

¹²⁹ see Ginsberg in Holland (1997) p. 12

¹³⁰ see Ginsberg in Holland (1997) p. 13

the CFSP was one of the last important national sovereignties and a re-nationalization would mean a delay of a further integration process in this specific domain.¹³¹

CFSP after the Treaty of Amsterdam:

During the IGC for the revision of the Treaty of Maastricht in 1996/97 – date stated in ex-Article N TEU (2) – the Conference had to deal with three main issues. First, there was the disappointment of the Member States and the public in concern with the CFSP, especially during the Bosnia civil war. Second, the further enlargement process during the Copenhagen Conference 1993 required an institutional reforming process to still be able to react after the accessions. Third, the political debates in several Member States after the Treaty of Maastricht questioned the relevance of the Union for the ordinary citizens.¹³² As a result of those debates, some Member States called for a ‘cooling-down’ process, fearing the long ratification process but the IGC decided to proceed as planned.

The German Chancellor, Helmut Kohl and the French President, Jacques Chirac indicated one of the main aspects concerning the further integration process was pointed out. They mentioned that some Member States were insisting on veto rights in the two intergovernmental pillars of the EU (CFSP and CJPP), and demanding the IGC to discuss a more flexible decision-making process.¹³³

In the final IGC round under the Dutch presidency, the draft focused on five parts: Freedom, Security and Justice, the Union and the Citizens, an efficient and coherent foreign policy, the institutions of the Union, and an enhanced co-operation before the European Council met in Amsterdam in June 1997.

The adoption of the Treaty meant several changes for the CFSP for example the possible framing of a common defence and policy if the European Council had decided so unanimously.¹³⁴

The transfer of tasks from the Western European Union (WEU¹³⁵) into the EU gave the Union an operative capacity to support a commitment for defence aspects of the CFSP and allow further stronger cooperation between those two Institutions, on behalf of the European Council.¹³⁶

¹³¹ see Ginsberg in Holland (1997) p. 14

¹³² see Grünhage In: Monar & Wessels (2001) p. 10

¹³³ see Kohl & Chirac In European Parliament on White Paper on the 1996 IGC (1996) In p. 88

¹³⁴ see Art. 42 (2) TEU (ex-Art. 17 (1) TEU)

¹³⁵ due to the treaty changes of the EU, the Union gained constantly tasks and duties of the WEU until the fully absorption in 2011

¹³⁶ see Art. 42 (2) TEU (ex-Art. 17 (1) TEU)

This implies that the EU can act on behalf of the so-called ‘Petersberger tasks’ of the WEU: acting for humanitarian and rescue tasks, peace-keeping tasks or even tasks with combat forces in crisis management.¹³⁷

The combat forces were subdivided e.g. in Euro-Corps, Multinational Division or Eurofor and Euromarfor, most of them assigned under NATO and the WEU, which meant that the EU could rely on those forces if it wanted to. This was especially necessary after reactions to the conflicts in Kosovo and Bosnia were criticised.¹³⁸

The collective defence clause nevertheless stayed within the NATO, at least for those States who were Members of that organization at that time. Art. V of the Treaty of Brussels¹³⁹ provided the same assistance to the Members of the WEU does not affect the neutrality of certain Members, such as Austria, because of a possible ‘op-out’ option.¹⁴⁰

Similar to the Treaty of Maastricht, the intergovernmental status of the CFSP was maintained since the guidelines and principles were still drawn up by the European Council, deciding unanimously and determining the CFSP as such. After all, the Council of Ministers was then able to vote by qualified majority, while acting on the guidelines maintained by the European Council.¹⁴¹

A totally new element introduced to the CFSP was the ‘common strategy’. Although not precisely defined, it stated it was to be ‘implemented by the Union in areas that the Member States have important interests in common’.¹⁴² Such a ‘common strategy’ was adopted by the European Council through a unanimous voting procedure, and was to provide a precise framework for future common positions and joint actions by the Council.¹⁴³ Still, a veto right somewhat remained for the Member States which felt concerned about losing too much control over national foreign policy. This meant that the general guidelines and common strategies had to be made by unanimity.¹⁴⁴

¹³⁷ see Mahncke In Monar & Wessels (2001) p. 232

¹³⁸ see Mahncke In Monar & Wessels (2001) p. 235

¹³⁹ the Treaty of Brussels is the legal basement of the WEU and has its origins in the Treaty of Dunkirk, after the Second World War, between Great Britain and France, which evolved together with the Benelux States to the Treaty of Brussels

¹⁴⁰ see Mahncke In Monar & Wessels (2001) p. 233

¹⁴¹ see Mahncke In Monar & Wessels (2001) p. 237

¹⁴² see ex-Art. 13 (2) TEU

¹⁴³ see ex-Art. 13 (3) TEU

¹⁴⁴ see Mahncke In: Monar & Wessels (2001) p. 238

The differences between ‘common position’ and ‘joint action’ was that common position had to be implemented by every Member State individually, while the joint action was implemented together by the Member States.¹⁴⁵

Two more tools were implemented by the Amsterdam Treaty, which attracted much attention. They were the planning staff and the ‘High Representative for the Common and Foreign Security Policy’, first appointed by the former NATO Secretary-General, Javier Solana, in October 1999.¹⁴⁶ Being High Representative (HP) meant that he was the Secretary-General of the Council and should assist in matters that were the competence of the CFSP, through preparation, formulation and implementation of policies, and also conducting dialogue with third parties if requested by the Council.¹⁴⁷ This implied that the Council was the organ of control because the HP acted only on behalf of the Council. Additionally, the Council could apply a special representative for special matters if necessary.¹⁴⁸

The HP gained a special team, the Policy Planning and Early Warning Unit. This unit helped the HP in carrying out his duties. It contained members of the Member States, plus one member from the Council Secretariat, the Commission, and the WEU.¹⁴⁹ Furthermore, the HP should ensure the coherence with the Commission with regard to trade and development policies. The Commission was also fully implemented in the work of the CFSP.¹⁵⁰

The CFSP in the Treaty of Nice:

The IGC started to revise the Treaty of Amsterdam on February 14th 2000, just 10 months after Amsterdam came into force. It was supposed to deal with the so-called ‘left-overs’, meaning primarily the institutional issues, for example the composition of the Commission, extension of EP in co-decision powers, and the voting system in the Council due to close enlargement with the accession members.¹⁵¹

Also important was the implementation of the Charta of Fundamental Rights, a reformation of the *European Court of Justice* (ECJ), the strengthening of the

¹⁴⁵ see Mahncke In: Monar & Wessels (2001) p. 239

¹⁴⁶ see Mahncke In: Monar & Wessels (2001) p. 243

¹⁴⁷ see ex-Art. 26 TEU

¹⁴⁸ see ex-Art. 18 (5) TEU

¹⁴⁹ see Mahncke In: Monar & Wessels (2001) p. 244

¹⁵⁰ see Mahncke In: Monar & Wessels (2001) p. 244 and ex-Art. 27 TEU

¹⁵¹ see Monar In Monar & Wessels (2001) p. 321

Commissions President, and further progress towards a Common Security and Defence Policy (CSDP).¹⁵²

The final agreements were made in Nice on 11th December 2000, resulting in the third EU treaty change within less than ten years.

Voting with qualified majority was extended to the appointment of the HP of the CFSP, the special representatives, and further to international agreements with the implementation of joint actions or common positions.¹⁵³

The enhanced cooperation was additionally established giving Member States which so wishes the chance to deepen a further integration process, for example in a common position or by the implementation of a common joint action, addressing this request to the Council.¹⁵⁴

3.4. Police and Judicial Co-operation in criminal matters (PJCCM)

The former third pillar of the European Communities and now the *Area of Freedom, Security and Justice (AFSJ)*, received its guidelines from the European Council and acted on behalf of the Article 67 TEU. Within this area it should act: respecting fundamental rights; ensuring border patrol; and forming a framework for a common policy on asylum and immigration to ensure a high level of security measures for preventing and combating crime, racism and xenophobia. It should also ensure a deeper cooperation between police, judicial authorities and other involved authorities.¹⁵⁵ Denmark, Ireland and Great Britain have special agreements as presented in the protocols 21 and 22 TEU.

The cooperation was necessary due to the full implementation of the European Single Market making cross border crimes easier. With the “Schengen-Agreement” in 1985 the free movement in Europe came into force, reducing steadily the internal border checks, with the exception of Ireland and Great Britain that did not participate. The agreements also included non-European Member States such as Island, Norway and Switzerland. For new Members of the EU, the acceptance of the Schengen Agreement is mandatory.¹⁵⁶

¹⁵² see Monar In: Monar & Wessels (2001) p. 321

¹⁵³ see ex-Art. 23 (2) TEU, ex-Art. 24 (3) TEU,

¹⁵⁴ see ex-Art. 27b TEU and ex-Art. 27c TEU

¹⁵⁵ see Title V, Chapter 1 Art. 67 (1-4) TEU

¹⁵⁶ see Herz & Jettlspurger (2008) p. 105

The “Schengen-Agreement” was conceived as a predecessor to the future development of the Union in areas such as specialized crimes, judicial collaboration in criminal affairs, police collaboration, and the establishment of the European Police Office (Europol), and an Agency for judicial co-operation in criminal matters (Eurojust) on common interests of the Member States as defined in the Treaty of Maastricht.¹⁵⁷

The Treaty of Amsterdam resulted in the creation of an “area of freedom, security and justice” being accelerated and a transfer of common civil law actions¹⁵⁸ and migration, asylum, and immigration policies¹⁵⁹ to the Union (first pillar).¹⁶⁰ These transfers meant that the cooperation included the EP and the ECJ for jurisdiction.

The beginning of the AFSJ can be traced to the special meeting of the European Council in Tampere (Finland 1999), which provided the first guidelines for an asylum and migration policy to fight against organized and transnational crime and encourage stronger external relations of the EU.¹⁶¹

As a result of the influence of the former Commissioner Antonio Vitorino, the European Council adopted the transferred competences from the Member States to the Union that were introduced in the Treaty of Maastricht.¹⁶² It further included a multiannual program set for five years. The first programme of ‘The Hague’ (2004) accompanied the negotiations of the Constitutional Treaty. The terror attacks in the US resulted in increased focus on security and the enlargement of the Union in 2004, thus strengthening the AFSJ overall.¹⁶³

The programme of ‘Stockholm’ (2009) which followed was adopted after the Treaty of Lisbon and came into force focusing on an ‘area of freedom, security and justice serving the citizens strengthening the inter-parliamentary cooperation, providing a Europe of rights, fighting discrimination and promoting integration, with special regard to migration, asylum, visa et cetera.’¹⁶⁴ Thus, the focus of this programme was not only the justice and home affairs issues but also human rights and discrimination, which do not fall directly within the scope of the AFSJ.¹⁶⁵

¹⁵⁷ see ex-Art. K TEU

¹⁵⁸ see ex-Art. 65 TEU

¹⁵⁹ see ex-Art. 62 & 63 TEU

¹⁶⁰ see Beutler et al. (2001) p. 403 and Herz & Jetzlsperger (2008) p. 105

¹⁶¹ see European Council (1999) Presidency Conclusions

¹⁶² see Pascouau (2014) p. 8

¹⁶³ ibidem

¹⁶⁴ see European Parliament on Multi annual programme 2010-2014 regarding AFSJ (Stockholm Programme)

¹⁶⁵ see Pascouau (2014) p. 8 f.

In the new programme for the period of 2014-2020, the European Council focuses on a better management of migration in all aspects, stronger prevention and combatting crime and terrorism, and an improvement in judicial cooperation among the Member States.¹⁶⁶

Within the field of Migration, the Union wants to implement a 'Common European Asylum System (CEAS)' to guarantee an equal procedure for asylum seekers within the Union. This shall work together with the European Asylum Support Office (EASO).¹⁶⁷ Another focus in this domain is addressing the causes of migration in the countries of origin.¹⁶⁸ Accordingly, the Union wants to expand its 'Regional Protection Programmes' to increase global resettlement efforts, prevent human trafficking, and establish an effective return policy in agreements with third countries.¹⁶⁹

With regards to combatting crime and terrorism, the Union wants to support the national authorities with the help of Europol and Eurojust¹⁷⁰ with further information exchange and better prevention of radicalisation and extremism by the existing EU instruments for EU-wide alerts.¹⁷¹

3.5. CSFP since the Lisbon treaty

According to Art. 21 (1) TEU, the Union shall 'uphold' and 'promote' its values and interests" regarding peace, security, human rights, fair trade etc., and in its relations with other third countries and regional or international Organizations. The term 'promote' refers to specific objectives, which are outlined in Art. 21 (2) a-h.

With the Lisbon Treaty, the CFSP was formally separated from the other Union external relations at the insistence of the UK. So, the TEU gained the Title V 'General Provisions on the Union's External Action and *Specific Provisions on the Common Foreign and Security Policy*' whereas all other aspects are stated in Part V of the TFEU 'External Action by the Union'.¹⁷²

Furthermore, two Declarations (n. 13/14) provide that the provisions of the TEU for the CFSP – including the HP and External Action Service (EEAS) - do not affect the

¹⁶⁶ see European Council (2014) Conclusions p. 19

¹⁶⁷ see European Council (2014) Conclusions p. 3

¹⁶⁸ *ibidem*

¹⁶⁹ *ibidem*

¹⁷⁰ Eurojust is an Agency for judicial co-operation in criminal matter

¹⁷¹ see European Council (2014) Conclusions p. 5

¹⁷² see Wouters et al. In: Griller & Ziller (2008) p.146

responsibilities of the Member States, do not give the Commission new powers, and do not increase the role of the EP.¹⁷³

The Treaty of Lisbon also changes the former tools of the CFSP; the ‘joint actions’, ‘common positions’ and ‘common strategies’ were replaced by ‘decisions’¹⁷⁴ with regards to ‘actions undertaken by the Union’, ‘positions taken by the Union’, and also ‘strengthening the cooperation between the Member States’.¹⁷⁵ As was the case in previous treaties/agreements, the Lisbon Treaty was not able to abandon the intergovernmental status¹⁷⁶ of the CFSP – and neither in the Common Security and Defence Policy (CSDP) – meaning that they are excluded from decision-making through the community method.¹⁷⁷

The High Representative shall execute the CFSP¹⁷⁸ with a double function as HP and Vice-President of the Commission, and shall therefore act between the Commission and the Member States, which previously had different opinions regarding foreign policy.¹⁷⁹ The HP also gained the chair in the ‘Foreign Affairs Council configuration (FAC)’¹⁸⁰ and is the only representative of the Union.¹⁸¹

The HP also participates in the work of the European Council and has a higher position than the national Ministers; however, it does not have a member status, and accordingly has no voting right.

Nevertheless, the HP has to fulfil its duties next to those of the President of the European Council¹⁸², who is on also a representative of the CFSP – ‘without prejudice’ of the HP, as outlined in Art. 16 (6) TEU (although no further explanation is given).

Being part of the Commission, the HP takes part in the decision-making process and delegates work on external aspects between the Commission and the Councils (European Council and Council of Ministers) and also between the Commissioners who have overlapping policies regarding external relations in their Portfolios. However, the President of the Commission is the highest and most important person within the

¹⁷³ see European Council (2007) Declarations Annexed to the final act of the IGC which adopted the Treaty of Lisbon Nr. 13/14 TFEU

¹⁷⁴ ‘decisions’ not as a legal act, which is excluded in Art. 24 TEU

¹⁷⁵ see Art. 25 (a) (b) (c) TEU

¹⁷⁶ Art. 26 (1) TEU says „The European Council shall identify the Union’s strategic interests (...) define general guidelines for the common foreign security policy (...)“

¹⁷⁷ see Wouters et al. In: Griller & Ziller (2008) p. 148

¹⁷⁸ through preparation, management and implementation, representation in international organizations and international conferences, see Wouters et al. In: Griller & Ziller (2008) p.153

¹⁷⁹ see Wouters et al. In: Griller & Ziller (2008) p. 150 f.

¹⁸⁰ see General Secretariat of the Council (2017) Foreign Affairs Council configuration

¹⁸¹ see Herz & Jetzlsperger (2008) p. 110

¹⁸² although the President of the European Council has to be elected twice to remain the same duration in office, as the HP

Commission, and can also ask the HP to resign; however, the European Council has to agree to that.¹⁸³

As Vice President of the Commission, the HP has to be as loyal as every other member is. As the position is also directly linked to the intergovernmental sphere of the Councils, it is a very demanding position.¹⁸⁴

Nevertheless, the HP does not have a strong instrument within the CFSP to provide coherence between the different spheres of external relations of the Union since Member States still fear losing their influence on external relations.¹⁸⁵

This influence on the decision-making process within the CFSP goes further; decisions are made by unanimity showing again its intergovernmental character. Decision-making by qualified majority voting (QMV) occurs for example when the Council adopts an action or position which the HP follows at a specific request of the European Council, himself, or by adopting a decision for implementing a Union action or position.¹⁸⁶ However, Member States can still block the decision-making process through qualified majority in the Council by referring to 'national interests' as provided by Art. 31 (2). The HP can try to reach a compromise; if not, the Council can take a decision by QMV to transfer the question to the European Council, which then takes a decision by unanimity. If the Member States want to achieve enhanced co-operation, they can decide with unanimity that they further want to decide with QMV.¹⁸⁷

Another change for the CFSP in the Treaty of Lisbon is that the Commission lost its right of initiative since this duty relies on the HP, which the Commission has to support.¹⁸⁸ The other European institutions, such as the EP, have to be informed regularly by the HP and can ask questions or give recommendations to the HP and the Council.¹⁸⁹ The jurisdiction of the ECJ over the CFSP is mainly excluded by Art. 24(1) of the TEU. It only allows compliance with Art. 40 to be monitored, and the legality of decisions made under Art. 275 of the TFEU to be reviewed.

¹⁸³ see Art. 18 (1) TEU

¹⁸⁴ see Wouters et al. In: Griller & Ziller (2008) p. 155

¹⁸⁵ see Wouters et al. In: Griller & Ziller (2008) p. 156

¹⁸⁶ see Art. 31 (2) TEU

¹⁸⁷ see Art. 333 (1) TFEU

¹⁸⁸ see Wouters et al. In: Griller & Ziller (2008) p. 164

¹⁸⁹ see Art. 36 TEU

3.5.1. EU Foreign Policy

Economic foreign policy

The European Union together with the EMU is one of the biggest economic powers worldwide. As foreign trade policy and customs are the exclusive competences of the Union¹⁹⁰, it can determine tariffs, punitive tariffs, non-tariff barriers, import restrictions etc. for countries outside the union under the rules of the WTO – in which the Union is also representative. Also, the Union represents its Member States in international, bi-and multinational trade agreements, such as the *Comprehensive Economic and Trade Agreement with Canada* (CETA). This came provisionally into force with the vote of the EP in February 2017; the national parliaments of Member States have to complete their ratification process for its full application. Furthermore, the Union has special agreements with former colonies of EU Member States, such as countries in Africa, the Caribbean and Pacific (ACP). An example is the *Cotonou Agreement* which gives access to the EU market, usually in combination with financial aid, connected to democratic principles and respect for human rights.¹⁹¹

Also, the EU has special agreements with its close neighbours, such as Switzerland, Norway, Island and Lichtenstein in the form of the European Economic Area. With Turkey, which is also a possible candidate for access to the Union, the EU already has a customs union.

Agreements on association under Art. 217 of the TFEU allow the Union to provide third countries or international organisations agreements with reciprocal rights and obligations.

Furthermore, the Union provides financial aid not only in cases of catastrophes and humanitarian crises, but also for economic collaboration. Accordingly, the Union coordinates the actions of the Member States, for example during the Ebola epidemic in Central Africa or the Sudan crisis in cooperation with the African Union.¹⁹²

European Neighbourhood

The European Neighbourhood Policy (ENP) is a program using several kinds of agreements, such as association, partnership, cooperation and stabilization agreements in countries neighbouring the Union, especially in countries bordering the

¹⁹⁰ see Art. 3 (a) TFEU

¹⁹¹ see Ondarza In: Wyoke & Varwick (2016) p. 111 f.

¹⁹² see Ondarza In: Wyoke & Varwick (2016) p. 112

Mediterranean Sea, such as Morocco, Israel, Tunisia, Jordan, but also Ukraine and Georgia.¹⁹³ The programmes differ from country to country, but they are based on the same content such as social, economic and judicial cooperation, market reforms, energy, environment dimensions etc. Energy and its secure transport is a very important issue for the Union, since the countries of the Middle East are still the most important oil and gas exporters to the Union. As a result of the Arab spring, the former state constructions tended to fall, as can be seen in the crisis in Libya during and after the fall of Gadhafi in 2011, and the struggle in the country to find a stabilized position is still not fully complete. Two years after the refugee crisis, Libya is even more important to the Union because it is one of the main countries from where people try to reach the Union with boats across the Mediterranean Sea. Since 2013, the EU has been in Libya with the 'EU Integrated Border Management Assistance Mission' (EUBAM Libya) to support the Libyan Government of National Accord (GNA) if needed in the fight against organized crime, terrorism and the trafficking of human beings.¹⁹⁴

Enlargement

Alongside the ENP, the Union has the tool of *Enlargement*, preserved for the countries nearest to its borders. This gave 12 middle and eastern European countries the chance to join the Union in 2004, thus bringing more stability and democracy to Europe. It is also a security policy to keep the front door of the EU safe. Future candidates need to fulfil the *Copenhagen criteria* to be allowed to join the Union. The criteria principally focus on democratic, political and economic values.

Accession agreements exist with possible candidates. Currently, there are negotiations with Serbia, Montenegro, Turkey, Albania and FYROM. Potential candidates are Bosnia, Herzegovina, and Kosovo. These agreements help to bring stability in the very diverse Balkan region, which suffered several (civil) wars during the 1990ies. Some States also join NATO before joining the EU. In June 2017, Montenegro became a member of NATO.

Transatlantic relations

The United States is still the most important partner of the EU; they share a long and intensive relationship. Through the help of the Marshall plan after the Second

¹⁹³ see Cameron (2012) p. 135 f.

¹⁹⁴ see EEAS (2017) Factsheet on EUBAM Libya p. 1

World War, the States in Western Europe were able to re-install their economies and the US benefited from the European market.

The total amount of the trade between the EU and the US for the year 2016 was 608,000 Mio. € (17%), followed by China with 514,000 Mio. € (14,9%) and Switzerland with 264,000 Mio. € (7,6%) (see Table 1).¹⁹⁵

Together they form the biggest economic trade powers in the world market, which will be shown by the *Transatlantic Trade and Investment Partnership* (TTIP), after current negotiations.

3.5.2. European External Action Service

The HP will be assisted by the European External Action Service (EEAS), working in cooperation with diplomatic services of the Member States and combining officials from the General Secretariat of the Council and the Commission, next to staff from the diplomatic services of the Member States.¹⁹⁶ As provided by the Treaty of Lisbon, the EEAS was launched on January 1st 2011.¹⁹⁷ Its main duties and responsibilities, next to organizing, planning, implementing and executing the CFSP, are representing the Union in third countries by EU Delegations, and managing, collecting and evaluating secret service information.¹⁹⁸

The proposal for establishing the EEAS was made by the former HP Catherine Ashton, which should be “a functionally autonomous body of the Union under the authority of the High Representative”¹⁹⁹ with the tasks already mentioned in chapter 2.5.

The EEAS budget is determined by the Commission under the authority of the HP and annually adopted by the EP. Accordingly, the EEAS is responsible for programming and managing the tools and thematic instruments, such as Development Cooperation, European Neighbourhood, Nuclear Safety Cooperation or the Partnership Instrument.²⁰⁰ Moreover, the EEAS is responsible for Commission decisions on the multi-annual programme cycle. This concerns different regions with different programmes and hence with different financial needs.²⁰¹ In overlapping

¹⁹⁵ see European Commission (2017) on Top Trade Partners p. 1

¹⁹⁶ see Art. 27 (3) TEU

¹⁹⁷ see European Commission (2016) on EEAS

¹⁹⁸ see Fröhlich (2014) p. 118

¹⁹⁹ C. Ashton quoted In: Cameron (2012) p. 71

²⁰⁰ see Cameron (2012) p. 72

²⁰¹ see Cameron (2012) p. 73

domains, such as Development Policies, the programmes are prepared and decided by the EEAS under supervision of the responsible Commissioner (e.g. for Development Policy), before their submission to the Commission. The same applies to the European Neighbourhood Policy and the Partnership Instrument.²⁰²

For extending the coherence between the EEAS and the Commission, both consult and exchange information frequently in an inter-service group, and provide such information also for the 139 EU Delegations worldwide.²⁰³

The Communication between the Member States and the EEAS is steadily increasing as the value and range of this agency becomes more visible and effective; however, still not all domains of the CFSP are included in the work of the EEAS. Nevertheless, there might be a need for the Member States to monitor and control or influence the EEAS. This happens by actions for example by the European Council, the Committee of Permanent Representatives (COREPER II) or the Foreign Affairs Council (FAC).²⁰⁴ Since the Treaty, the Council has been divided into the General Affairs Council and the Foreign Affairs Council, chaired by the HP. The FAC receives the guidelines from the European Council and provides the concepts for the Union's external actions.

The EEAS has different tools for foreign affairs, for example sanctions and restrictive measures to promote peace, democracy and respect for international law and human rights. Targets can be states, entities or individuals, as long as there are minimal consequences for civil populations.²⁰⁵ Therefore, the Council imposes sanctions through a CFSP Council decision, which must be adopted by unanimity. Sanctions such as arms embargos or travel bans as a result of a decision of the Council are directly binding on the Member States, but have to be implemented by them first. Other sanctions, such as export bans or asset freezes are the competence of the Union. They start with a joint proposal of the HP and the Commission for a regulation, which are then adopted by the Council, and are directly binding for EU citizens and businesses.²⁰⁶ Sanctions apply only in the jurisdiction of the Union, meaning territorially persons or businesses that are incorporated in one Member State. Union

²⁰² see Cameron (2012) p. 73

²⁰³ see Schmidt (2015) p. 2

²⁰⁴ see Kostanyan (2016) p. 34

²⁰⁵ see Council of the European Union (2014) p. 1

²⁰⁶ see Council of the European Union (2014) p. 1

Companies in third countries are also included. Measures can be challenged before the Court of Justice of the European Union (CJEU).²⁰⁷

The ‘Instrument contributing to Stability and Peace’ (IcSP) is the successor of the ‘Instrument for Stability’ (2007-2014), which assists governments and civil organizations with funding to prevent conflicts and building peace in countries where there is conflict. The budget for the period of 2014-2020 is 2.3 Billion Euros, which is used for several actions areas such as ‘Women, peace and security, children and gender mainstreaming’ or the ‘Transitional Justice and re-integration’.²⁰⁸

Important actions were taken during crises in Ukraine, Central Africa during the Ebola outbreak, and Mali to restore constitutional order. There has been a military mission in Mali since 2013 (EUTM) under the order of the Common Foreign and Defence Policy (CFDP).²⁰⁹

Election observation missions (EUEOM’s)

The aim of this instrument is to provide and support democratic values, such as freedom, democracy, the rule of law, respect for human rights etc. – on which the Union was built – and to ensure such values among partners. It helps – together with other international election observation groups – to contribute to free elections under national orders without interfering.²¹⁰

The first election observation was held in Russia on 1993 and continues to develop, so that between 2000-2015 the Union provided EOM’s in around 65 countries around the globe – excluding Member States. In the OCSE, due to the fact that all Member States of the Union are Members of the OSCE, actions are undertaken by the OSCE.²¹¹

EOM’s are held within an inter-institutional process. The HP has the political responsibility and sets the annual agenda, supported by the EEAS and executed by a Member of the EP as the Chief Observer and appointed by the HP.²¹²

The EEAS is responsible for the support and implementation of the Council Conclusions for Democracy Support within the External Relations of the Union and follow-up EOM recommendations. The Commission Service for Foreign Policy

²⁰⁷ the CJEU represents the whole judiciary of the EU, consisting of two Courts: the Court of Justice (ECJ) and the General Court

²⁰⁸ see European Commission EU in Action (2015) p. 1 f.

²⁰⁹ see European Commission Annual Report (2015) p. 15

²¹⁰ see Publication Office of the European Union (2016) p. 17

²¹¹ see Publication Office of the European Union (2016) p. 18

²¹² see Publication Office of the European Union (2016) p. 19

Instruments (FPI) is responsible for the operational implementation and covers the election activities.²¹³

The EEAS and the HP inform the Member States about the progress and purpose of long-term and election observers. The European Parliament provides the HP input for identification and planning for EU EOM's and for the appointment for Chief-Observers.²¹⁴

Another important instrument in the Union Foreign Policy is the Partnership Instrument, which is explained in detail in the next chapter.

²¹³ see Publication Office of the European Union (2016) p. 20

²¹⁴ *ibidem*

4. Partnership Instrument (PI)

Lascoumes defines a Partnership Instrument as a public instrument. It is a technical and social device that organizes special relations between states and recipients by using a concrete political concept of relations and maintaining a concept of regulation.²¹⁵

Bache sees partnerships as multi-level governance promoting tools, containing values that shape different effects on and purposes of divergent contexts.²¹⁶

In both cases, the predecessor of the PI can be seen in the European Regional Development Fund (ERDF). It was established in 1975 to promote the partnership on regional policy between the Communities and the Member States.²¹⁷ Nevertheless, the control over the financial assets was in the hands of the Member States, and was often used to expand domestic programs, which in the end did not expand the sphere of European coherence.²¹⁸ With the accession of Spain and Portugal in 1989, the ERDF was merged with the European Social Fund (ESF) under the direction of the European Agricultural Guarantee and Guidance Fund (EAGGF). This is known as the ‘structural funds’. One result of the reform was the creation of the Partnership Instrument, in which the Commission – and subnational actors – were responsible for implementation of the policy.²¹⁹

During its twenty years, the PI has gone through several significant changes from a broader and multi-level governance tool to promoting economic and social cohesion in the Union.²²⁰

In 2004, when the East European Countries entered the Union, it was decided that the PI should encourage greater involvement of national, civil and economic partners, as well as organizations, within the accession process.²²¹ Ten years later, another reform was made by Regulation No. 234/2014 to intensify relationships with partner countries that do not come under developing countries but have an important role in the summits of the G8 or G20. It is to be used for financing projects that promote the interests and strategy of the EU as described in the Communication of the

²¹⁵ see Lascoumes & Gales (2007) p. 4

²¹⁶ see Bache (2010) p. 59

²¹⁷ see McAleavey (1995) p. 167

²¹⁸ see Bache (2010) p. 59

²¹⁹ see Bache (2010) p. 60

²²⁰ see Bache (2010) p. 62 f.

²²¹ see EPRC (2008) Summary Report, p. 19

Commission in “Europe 2020 – A Strategy for smart, sustainable and inclusive growth”.²²²

In July 2014, the first multi-annual indicative programme for the period 2014-2020 on the PI Program was established, with a budget of 955 m Euros.²²³

Within this framework, several action plans exist, such as the Action Fiche for the *Policy Support Facility* (PSF). Here, supporting the priority values of the EU, especially governance, climate change or protection of the environment by partner countries or regions, is the focus.²²⁴ This action plan provides *Support Facilities* for 24 months to four countries: Brazil (5,5 m €), China (12 m €), South Africa (7 m €) and Thailand (4 m €). Accordingly, dialogue regarding economic and trade relations between the Union and the partners shall be supported by technical assistance in order to meet the goals of the ‘Europe 2020’ strategy.²²⁵ The programme provides dialogue possibilities with its Stakeholders, NGO’s, and regional and national partners within the Facility, together with the corresponding services of the Commission and the EEAS.²²⁶

The PSF was extended in 2015 for 54 months. With a budget of 13,5 m € for the same countries, it specifically focuses on climate mitigation.²²⁷ Another extension occurred in 2016 for 30 months with a budget of 1,2 m €, and again the focus was on climate mitigation. Furthermore, it shall also act as a response- tool for short-term actions.²²⁸ The Commission admits that the initial results indicate that some of these facilities did not reach their goal due to the fact that some of the partners were not willing to implement the activity or because of their isolation during the programme dialogue.²²⁹

Another programme within the multi-annual framework is the Action Fiche for the EU-LAC Foundation, which was given 3 m € in 2014 to intensify the partnership between Latin America, the Caribbean, and the EU through stimulation, formulation,

²²² Regulation 234/2014 (10)

²²³ see C(2014) 4453 final, P. 1

²²⁴ see European Commission (2014) on Annual Partnership Programme p. 1

²²⁵ see European Commission (2014) on Annual Partnership Programme p. 2 f.

²²⁶ see European Commission (2014) on Annual Partnership Programme p. 4

²²⁷ see European Commission (2015) on Annual Partnership Programme p. 1

²²⁸ see European Commission (2016) on Annual Partnership Programme p. 1

²²⁹ see European Commission (2016) on Annual Partnership Programme p. 2

and implementation of policies for bi-regional summits under the EU-CELAC (Community of Latin American Countries) Action Plan.^{230 231}

Also, there is another interesting Action Fiche on the implementation of the CETA, coordinated by EU Chambers. It focuses on feedback on the provisional application in 2017 to ensure that European businesses benefit as much as possible from the trade agreement.²³² The feedback should provide information for EU businesses about possible obstacles to accessing the Canadian Market. It should also form a communication platform between the EU national Chambers and businesses administrations throughout Canada; this will continue after the funded project has ended.²³³

For 2017, the PI Annual Action Programme focuses especially on Energy, Climate, Environment (Protection) and Gender.²³⁴

²³⁰ see European Commission (2014) on Annual Partnership Programme, EU-LAC Foundation, p. 1 f.

²³¹ EU-CELAC Action Plan is an inter-regional cooperation plan to promote key issues on global and common interests, adopted during the summits focusing on Migration, Education, Gender, Science etc., see EU-CELAC Action Plan (2015) p. 1

²³² see European Commission (2015) on Annual Partnership Programme, on CETA p. 2

²³³ see European Commission (2015) on Annual Partnership Programme, on CETA p. 3

²³⁴ see European Commission (2017) Commission Implementing Decision p. 5 f.

5. Strategic Partnership

With the Treaty of Maastricht and the inauguration of the CFSP, the Union attempts to act with one voice in foreign politics. Therefore, the invention of several instruments was necessary.

After the invasion of US Forces in Iraq in 2003, the former EU's High Representative for the Common and Foreign Security Policy, Javier Solana, formulated a *European Security Strategy* (ESS) for identifying possible threats, and defining concrete aims and possible impacts for the European Union. Adopted by the European Council on December 12th and 13th 2003, it was to promote 'effective multilateralism' and to develop strategic partnerships with countries that share the same values.²³⁵

This ESS is divided into three main parts, the *Security Environment*, *Strategic Objectives* and *Policy Implications*, providing the goals for the 'strategic partnerships'.

The *Security Environment* is facing the global challenges and the impact of globalisation. Free trade of goods and capital result in prosperity and individual freedom; on the other hand, they result in poverty and great differences regarding wealth in many modern societies. It still shows the dependence of Europe on other parts of the world with regard to energy or the stability of states in the neighbourhood, e.g. in the Middle East as seen in the refugee crisis since 2015.²³⁶

The Union sees terrorism and its radicalisation process, resulting in attacks such as in Paris (Nov. 2015), Brussels (March 2016), Nice (July 2016), Berlin (December 2016), London (March 2017) and Stockholm (April 2017), as threats that undermine European values and openness.²³⁷ Nevertheless, the greatest threat for the European security was seen in the spread of WMD weapons, especially those weapons in the hands of terrorists possibly as a result of the difficult situation in the region of the Middle East.²³⁸

Organised crime, especially in human trafficking and the smuggling of drugs, but also cyber crime, were also mentioned in the ESS.²³⁹

Instability in states as a result of civil wars, such as currently in Syria, creates heightened insecurity for the Union, resulting in regional destabilization and mass

²³⁵ European Council (2003) on ESS, p. 1

²³⁶ the reduction of international financial support for the refugee camps in Lebanon and Jordan and the increasing crisis in Syria, caused people to flee from those regions over the Balkan route to Europe.

²³⁷ European Council (2003) on ESS, p. 3

²³⁸ ibidem

²³⁹ European Council (2003) on ESS, p. 4

migration. These events are a great burden for the directly affected neighbourhood states, such as Lebanon and Jordan, and for the EU Member States, such as Spain, Italy, and Greece. This creates yet another difficulty for the Union; finding a balance between solidarity and increasing populism against refugees in many member states while respecting the 1951 Refugee Convention.

Strategic Objectives

To counter these trends, the ESS focuses on several initiatives such as the European Arrest Warrant, measures for the fight against financing of terrorism groups, and legal cooperation agreement with the US. Furthermore, the EU has a non-proliferation strategy, including more support for the international atomic energy organization.

By intervening in Afghanistan, the Democratic Republic of Congo and the Balkan region, the Union has helped to deal with those regional conflicts.²⁴⁰

The Union points out that as a result of globalization, distant conflicts are as dangerous as those ones nearby and, therefore, the strategies have to be aimed at abroad.

Furthermore, the Union has to deal with those issues as a global actor, starting with conflict prevention, for which it has already the necessary tools.²⁴¹ A 'security ring' out of friendly and stable neighbours is thereof needed, which shall be achieved through the ENP, focussing on states in the Balkan region, the Southern Caucasus and the Mediterranean Area.²⁴²

In another strategic objective of the ESS, the Union insists on strengthening multilateralism, in particular the international society and its organizations, in the centre the UN, but also the WTO, OSCE, Council of Europe, ASEAN (Association of Southeast Asian Nations), MERCOSUR (Mercado Común del Sur) or the African Union (AU) and of course the NATO.²⁴³

Besides the promotion of European values also among partners, the Union has to deal with those states which are not willing to cooperate with the international community which may 'have to fear the resulting consequences'.²⁴⁴

²⁴⁰ see European Council (2003) on ESS, p. 6

²⁴¹ see Biscop (2005) p. 17

²⁴² *ibidem*

²⁴³ *ibidem*

²⁴⁴ see European Council (2003) on ESS, p 10

Policy Implications

The Union wants to be more active to face the rapid changes in the globalized world, so being able to react ‘before humanitarian emergencies arise’ with ‘preventive engagement’²⁴⁵. This is similar to the *R2P-Concept*, developed in 2001 by the *International Commission on Intervention and State Sovereignty* (ICISS). The focus of this concept is on ‘sovereignty as responsibility’²⁴⁶. So, the international ‘responsibility to protect’ is above ‘state sovereignty’ and gives the international community the obligation to react in cases of serious violations of human rights, if a national state fails to provide protection to its citizens.

In order to become ‘more capable’ when reacting to ‘new threats’, the Union wants to achieve more ‘flexible military forces’, more ‘resources for defence’ and ‘more effective use of resources’ such as sharing military equipment to reduce costs.²⁴⁷ Also in concern are civilian resources and more sharing of intelligence information.²⁴⁸

The strategy shall combine the tools in the sphere of trade, diplomatic relations and environmental policies to enhance more coherence together with the external actions of the Member States.²⁴⁹

Finally, strengthening partnerships with states such as the US, Russia, China, Canada, Japan and India is also part of the strategy in order to reach a more effective multilateralism.²⁵⁰

Since the establishment of several European ‘strategic partnerships’ stating those partners are an essential element of the Union’s foreign policy, the term has attracted more attention in international politics and analyses, stimulating discussions about this process²⁵¹, in particular due to the fact that the Union does not provide a precise definition of ‘strategic partnership’ in its official documents.²⁵² One of the aspects the partner states or organizations have in common is that they are either important in regional / international affairs, are major economies with high growth rates, or are effective in countering international terrorism.²⁵³

²⁴⁵ see European Council (2003) on ESS, p. 11

²⁴⁶ see ICISS- Report (2001) p. 13

²⁴⁷ see European Council (2003) on ESS, p. 12

²⁴⁸ see Biscop (2005) p. 18

²⁴⁹ *ibidem*

²⁵⁰ *ibidem*

²⁵¹ see Blanco (2016) p. 38

²⁵² see Bendiek & Kramer In: Husar et. al (2010) p. 28 and Schmidt (2010) p. 3

²⁵³ see Hess (2012) p. 3 and Bendiek & Kramer In: Husar et. al (2010) p. 28

What have the NATO and Brazil or India in common that allows one single definition for all of them? So far, the literature is divided into finding an appropriate definition for the strategic partnership and its strategic purpose. Blanco defines it as a 'political concept', and states that Vahl defines it as a 'goal-oriented relationship' and Grevi as an 'interest-based relationship'.²⁵⁴ Furthermore, Grevi sees the lack of a unclear position as a sort of advantage, giving flexibility and space for approaches and adjustments to reach the Union's goals, also at an international level through partnerships.²⁵⁵ Besides, the partnerships reflect the shifts of powers in the international system, from bilateralism to a growing of multilateralism.²⁵⁶

Even more important for Grevi are the results of the strategic partnerships, not the conceptuality wherein Blanco sees its weakness because before evaluating the results of the partnerships, "it is important to understand the framework of its constitution".²⁵⁷

Blanco therefore notes that a new theoretical framework demonstrating expectations of the strategic partnerships and relating to specific constitutive framework of analysing the relationships is needed.²⁵⁸

Bendiek and Kramer also point out that the concept of 'strategy' provides uncertainties regarding the Union's relationships with inter-regional areas as a result of the lack of addressors and missing connections between strategic partnerships and inter-regional partners, such as the EU-Brazil and EU-MERCOSUR, or EU-CHINA and EU-ASEAN relations, which could lead to rivalries with those countries which have not the strategic status.²⁵⁹

Another point is choosing the partners which shall according to the ESS be based on sharing the same 'values and goals'. This is surely the case with states such as Mexico or Brazil with regard to human rights, democracy or an 'effective multilateral system'.²⁶⁰ Taking partners such as China or Russia into account, these values show incompatibilities and disagreements, but the Union has to deal with those dilemmas to keep up the partnership and still try to promote its goals and probably enable those countries to be supporters of 'normative claims'.²⁶¹ Despite the crisis in Ukraine and

²⁵⁴ see Vahl (2001), Grevi (2010) and Blanco (2016) quoted in Blanco (2016) p. 38

²⁵⁵ see Grevi (2008) p. 150

²⁵⁶ *ibidem*

²⁵⁷ Blanco (2016) p. 40

²⁵⁸ see *ibidem*

²⁵⁹ see Bendiek & Kramer In: Husar et. al (2010) p. 29

²⁶⁰ see Schmidt (2010) p. 4

²⁶¹ see Blanco (2016) p. 47

the EU sanctions against Russia, it remains a natural partner for the EU and a strategic player in regional and global spheres, but recently it has not been mentioned as a strategic partner of the Union anymore.²⁶²

The Union as such is an interesting partner for the third countries, regarding trade, foreign investments, and market access. It is also an important partner in several international fora, such as the United Nations or the OSCE. Being ‘selected’ as a strategic partner is also important for the countries, since it shows their regional or international power and provides prestige.²⁶³

There is no uniform process to provide this status to third countries. The initiatives are made by the Commission, Commissioners or by individual Member States. Accordingly, different approaches are behind the proposals. For the Member States they are usually based on historical and cultural relations.²⁶⁴ According to Hess, there are three points why Member States (MS) are interested in providing the strategic partnership to a third country: to give support to more ‘Europeanization’ of the foreign policy; to seek new impetus for the national foreign policy with a specific partner country; and to use of the EU strategic partnership. An example is Germany, Portugal and Sweden pushing the agenda to give Brazil the status of strategic partner.²⁶⁵ Furthermore, MS use the EU framework as an addition to their national partnerships, in which the EU partnership serves as a multiplier and also provides steady contact since MS might fear losing it on the bilateral level.²⁶⁶

Blanco also concludes that the instrument is a discursive framework, allowing the ‘partners to constitute and reconstitute their rules of bilateral relationship’. As a linguistic term it is associated as a promotion of ‘effective multilateralism’, functioning as a label, giving a status, and demarcating the hierarchy between the partners.²⁶⁷

With this tool, the EU tries to spread its model of integration among other emerging partners in the global system. Ian Manners and other researchers see a ‘normative power’ due to the fact of its ‘hybrid structure’ of combining supra-national and inter-governmental components and the “cumulative system of rules and regulations based on agreements and treaties.”²⁶⁸ So, the Union is forced to continue this process, which Bendiek & Kramer add by the Union’s need to support the

²⁶² see EEAS – Delegation of the European Union to Russia and European Parliament MEP’s

²⁶³ see Schmidt (2012) p. 5

²⁶⁴ see Hess (2012) p. 2

²⁶⁵ *ibidem*

²⁶⁶ see Hess (2012) p. 3

²⁶⁷ see Blanco (2016) p. 51

²⁶⁸ Manners (2002) p. 242

establishment of regional unions, thereby improving the circumstances of ‘effective multilateralism’ and making it the dominant policy in international politics.²⁶⁹ An example is the support of the Union on the EU African Strategy, taking into account good governance. Good governance was already established in the ‘*Lomé Convention*’ in 1975, and has been renewed every five years since. Since 1980 clauses have been added concerning human rights, the rule of law, and democratic processes.²⁷⁰ The implementation went further in the EU Africa Strategy of 2005 with the explicit clause to improve good governance.

Such terms are not present in the partnership between the Union and Latin America. It is based on ‘common values and goals’ but does not focus on the terms found in partnerships with African states. The fact the EU-Mercosur Accession Agreement has not been reached yet is evidence of the Union’s inability to reach an inter-regional dialogue with good results for both sides. Thus, the transfer of EU norms on a broader level is limited concerning inter-regional levels or with partners such as China or Russia.

5.1. Definition on “strategic”

As Scott already described, the term ‘strategic’ is not precisely defined, but can be further described as a “long-term policy, in here on foreign relations (...) for the gaining of overall or long-term ... advantage (...) to advance the interests and shape the paths for the twenty first century”.²⁷¹

The literature also cannot provide a precise definition because it is questionable if there is a real ‘strategy’ behind the Unions tool, as Drechsel states. He notes that some scholars such as Smith see within the term ‘strategic’ the persistence of the three values: ‘physical security’, ‘economic prosperity’ and ‘transfer of values’ which give already a sort of ‘immutable strategically culture’ of the Union.²⁷² Holslag also identifies ‘five main features’: *common interests and expectations*; *long term* formulation; *multidimensional* because of its range in political, economic, and, military areas of interests; *global range* and incentives which cannot be achieved

²⁶⁹ see Bendiek & Kramer In: Husar et. al (2010) p. 35

²⁷⁰ ibidem

²⁷¹ Scott (2007) p. 1

²⁷² Drechsel (2016) p. 33

without the partnership and serve to *distinguish* from others.²⁷³ But those criteria are not less contested and therefore not suitable for a definition.

Furthermore, Drechsel and Schmidt state that Howorth, Bendiek & Kramer, Biscop and Renard do not see a strategy behind the Union's instrument, which can be even irritating.²⁷⁴

Maihold sees, as a result of no precise definition, expectations that might not be able to be fulfilled. He prefers a separated view on the term strategic, meaning that (economic) actors agree to produce something to realize common goals in a co-operation.²⁷⁵

Nevertheless, opinions about the question if there is a strategy behind this instrument or not are changing due to the fact that it is simply necessary for the Union in the globalized world. So, for Grevi and Gratius the absence of a strategy is not a problem at all.²⁷⁶

Pavese et. al state that if a precise definition is not given, it shall be defined through its practice.²⁷⁷

5.2. Critical perspective on the strategic partnership instrument

The Strategic Partnership instrument of the Union's foreign policy gives the Union the possibility to spread its values and goals among its partners, and thereby try to improve and develop the international system. Its results rely also on the partners, which do not all share the same values as the Union, or do not want to achieve more supranational elements in their regional co-operation. As an example, within Mercosur economic and social objectives are implemented into an institutional framework but the lack of its realization has led to stagnation. Additionally, there are discrepancies concerning political biases, for example between left and conservative states, and concerning the regional dominance between Brazil, Argentina and Venezuela.²⁷⁸

Another example is the Union for the Mediterranean, which is composed of nine partner organizations, so the EU faces not one organization but several states.²⁷⁹

²⁷³ see Holslag (2011) p. 295

²⁷⁴ see Drechsel (2016) p. 33 and Schmidt (2010) p. 3

²⁷⁵ see Maihold In: Husar et al. (2010) p. 152

²⁷⁶ see Grevi (2010) p.2 and Gratius (2011) p.1

²⁷⁷ see Pavese et. al (2014) p. 6

²⁷⁸ see Bendiek & Kramer In: Husar et. al (2010) p. 30

²⁷⁹ ibidem

Hence, it is clear that the rate of institutionalization of the organization, or the number of organizations within the partner regions, does not have an impact on the decision of the Union to provide this region with the Strategic Partnership or not.²⁸⁰

Another issue concerns the important partners of the Union, either due to security/stability reasons, such as Russia, or as important trade partners, such as China. With both these countries, the Union tends to struggle for a common position on different topics, for example respect for social or human rights. Progress in these areas is little or seems to be even decreasing. Such concerns have also become recently valid for Turkey, with whom the Union shares a customs union and which has been since the refugee agreement an even more important partner of the EU. But since the putsch attempt in 2016, the Turkish government has imprisoned thousands of people seen as enemies of the Republic without fair trial. Those imprisoned have tended to intellectuals, reporters, opposition politicians etc. and the Union struggles to formulate a strong common position on this.

Another problema occurs because of the inflationary use of the term ‘strategic’, which implies a well-planned assignment, with clear defined (long-term) objectives or goals and with a realistic implementation plan. In practice, those conditions are not precisely given and long-term goals cannot be achieved due to the sheer amount of inter-regional and bilateral European foreign relations²⁸¹ and also because of different opinions among the Member States. The Ukraine conflict with Russia and the Union’s policy on sanctions gives another good example on how different the opinions were among the MS, depending on the economic relations of the concerned State to Russia.

Furthermore, the Union sees itself as an ‘ethical’ power, sharing normative concerns and spreading goals and values, but this can be also seen as a sort of modern imperialism and gives the Union the status of a hegemon. This is, for Hyde- Prince, where the problem lies because in a pluralistic international system no one can insist on ‘doing good’. The ethical way of thinking which has been usually inherited in the United States has been heavily criticised.²⁸²

The influence of the Member States using the Union’s Partnership Instrument for their own interests can be seen in the *European Africa policy*. The influence is particularly strong in Spain and Italy because of the heavy effects of migration. The

²⁸⁰ see Bendiek & Kramer In: Husar et. al (2010) p. 30

²⁸¹ see Bendiek & Kramer In: Husar et. al (2010) p. 23

²⁸² see Hyde-Price (2008) p. 32

opposite behaviour was visible through the French military action in Mali (2012), which occurred without its European partners.

The hegemonic character and the question of equality among the partners can be outlined in the relations between the Union and Latin America and ASEAN.

With the exception of Brazil, Chile and Mexico, the region is not seen as an equal partner; their relation is seen more as a development cooperation, mostly because the region cannot compete with the trade volume of other global players, such as China.²⁸³ It is also a nuclear weapon freezone and is not affected by the international terrorism, and so it loses influence in international politics.²⁸⁴ The efforts to fight against (political) corruption and the effects of financial / social crisis – such as in Venezuela – do not help it to be regarded as a more reliable partner for the Union.²⁸⁵ On the other hand, the strategic partnership with Brazil and Mexico raises the question as to what the intention of the Union is to support especially Brazil in South America. Does it mean that the EU supports Brazils role as the regional leader²⁸⁶, or is the strategic partnership with Mexico a step to get access to other trade agreements such as NAFTA (North Atlantic Free Trade Agreement) or APEC (Asian-Pacific Economic Cooperation)?²⁸⁷

The Strategic Partnership offers a possible solution to the stagnation in several negotiations processes between the Union and Mercosur and its free trade agreements with Chile and Mexico.²⁸⁸

Nevertheless, the attitude of the Union shows the failure of the Latin-American region to be accepted as a full reliable partner for the EU. The political struggles since 2016 in Brazil or the Mexican War on Drugs, have not helped to improve this image.

On the other hand, the partners in Latin America regard the Union due to its structure rarely as an international actor, but more as an economic trade partner. In political matters, the EU is not seen as a political actor for Latin America so they prefer to contact the individual Member States than the Union.²⁸⁹

²⁸³ see Bendiek & Kramer In: Husar et. al (2010) p. 38

²⁸⁴ see Dykmann (2006) p. 153

²⁸⁵ see Dykmann (2006) p. 154

²⁸⁶ see Bendiek & Kramer In: Husar et. al (2010) p. 31

²⁸⁷ see Bendiek & Kramer In: Husar et. al (2010) p. 47

²⁸⁸ see Birle & Gratius In: Costa et al. (2010) p. 313

²⁸⁹ see Dykmann (2006) p. 182

5.3. Case Study Strategic Partnership EU – Brazil

The announcement of establishing the European Common Market, already in the 1950s, raised fears in the Brazilian government of being left behind in trade with its major European partners, Germany and Italy. This early rupture in the relations – concerning trade issues and tariff treatment – between both partners, influenced trade until the mid 1990s with almost no political cooperation.²⁹⁰ Nevertheless, Brazil was able to establish closer relations with several European Member States (France, Germany, Great Britain, Spain and Portugal), while it was escaping from tensions of the bilateral relations with the United States. The diplomatic relations with the Community as such evolved in 1960, followed by a little cooperation agreement after twenty years later, applicable in 1982 – which remained the main tool for governing contacts between Brazil and the Union until the strategic partnership in 2007.²⁹¹ Even until the beginning of the 21st century, Chile and Mexico had already gained a bilateral free trade agreements with the Union, and Brazil was still seen as a part of Mercosur, instead of a bilateral partner of the Union.²⁹²

The development of the relationship between the two regions was under the influence of the accession of Spain and Portugal in 1986, which had due to historical and cultural reasons interests in deeper contact with the Latin American region.²⁹³

So, the establishment of the Mercosur in 1991 gained the attention of the Community for further cooperation and re-installing relations with Latin America in general, becoming a first trade partner and target for European investments.²⁹⁴ In 1992, an inter-institutional agreement was signed; but, to act as a unity, Mercosur needed a legal personality that was first achieved through the *Ouro Preto Protocol*, in 1994. The first important agreement of the ‘new Mercosur’ was signed in Madrid (under the Spanish presidency) in 1995, the Interregional Cooperation Framework Agreement.²⁹⁵

The Rio summit in 1999 was also the basis between the two regions for further cooperation in the fields of politics, economy and cultural understanding, and aimed at a Strategic Partnership.²⁹⁶ At that summit and others, cooperation in international

²⁹⁰ see Lessa (2010) p. 126

²⁹¹ ibidem

²⁹² see Birle & Gratius (2010) p. 313

²⁹³ see Klom (2003) p. 353

²⁹⁴ see Klom (2003) p. 127

²⁹⁵ see Lessa (2010) p. 127 and Ferreira-Pereira (2015) p. 648

²⁹⁶ see Dykmann (2006) p. 158

fora, protection of human rights, protection in cultural heritage, and so on were the priorities.²⁹⁷ Nevertheless, due to differences in domains such as agriculture, the two regions were not able to reach the goal of a free trade agreement in the mid 1990s.²⁹⁸

The establishment of Mercosur was, besides the focus on promoting relations with its direct neighbours such as Argentina, Brazil's second foreign policy goal.²⁹⁹ ³⁰⁰

After the crisis in Argentina in 2001, the accession of Paraguay and Uruguay to Mercosur, and the following rise of Brazil, the neighbourhood policy of Brazil changed under the presidencies of Cardoso (1995-2003) and Lula da Silva (2003-2010).³⁰¹

Since then, Brazil has not only focussed on expanding its role as a regional leader in South America, but also on the international stage as a global player.³⁰² The stagnation in the negotiations between the EU and Mercosur led to a switch of the Union's strategy on Latin America, focussing on the key leader of the region, Brazil.³⁰³ With the presidency of Lula da Silva (2003) the foreign policy of Brazil was reformed to expand the country's presence in South America, which then was recognised by the Union in 2007 by providing the Strategic Partnership.³⁰⁴ Accordingly, the Union expanded its communication channels with Brazil up to three: EU-Brazil, bilateral between the Member States and Brazil, and the Union and Mercosur.³⁰⁵ Furthermore, Brazil gained the same recognition as a key interlocutor for the Union as other global players like Russia, China or the US.³⁰⁶ This relationship comprised more than just economy and trade, but also security, human rights, environment, climate change, science and education.³⁰⁷ The proclamation of the Strategic Partnership took place under the Portuguese presidency in Lisbon on July 4th in 2007, during the *Brazil-European Union Summit Conference*.³⁰⁸

Brazil was the last country to gain the strategic partnership of the four so-called 'BRIC' States (Brazil, Russia, India and China). All of them were emerging states and global players, and the Union was one of the major trading partners for each of them.

²⁹⁷ see Dykmann (2006) p. 147

²⁹⁸ see Klom (2003) p. 354

²⁹⁹ see Gratiús & Gomes Saraiva (2013) p. 4

³⁰⁰ according to the Constitution, a strategic goal of Brazil is the promotion for political, social and cultural integration in Latin America, see Constituição Título I, Art. 4, Parágrafo único (paraphrase: Constitution Title 1, Art. 4, only paragraph)

³⁰¹ see Gratiús & Gomes Saraiva (2013) p. 4

³⁰² see Saraiva Gomes (2012) p. 45

³⁰³ see Lessa (2010) p. 128

³⁰⁴ see Gomes Saraiva (2012) p. 46

³⁰⁵ ibidem

³⁰⁶ see Scheffler (2013) p. 68

³⁰⁷ see Ferreira-Pereira (2015) p. 650 and Scheffler (2013) p. 68

³⁰⁸ see Ferreira-Pereira (2015) p. 650 and Lessa (2010) p. 128

Trade between Brazil and the Union doubled during the years of 2000-2016, from 30 billion US\$ up to 64 Billion US\$ (see Table 3). The Union' share to the overall trade of Brazil raised to 20% (see Table 1). Brazilian exports to the Union focused mainly on agricultural (Soya and Coffee) and industrial products (see Table 4 & 5).

Nevertheless, since 2013 the trade between the partners has been decreasing, and decreased as much as 11.4% in 2016 (see Table 2).

Brazil attracted most of the EU investments compared to the other BRICS States³⁰⁹ and also received 61 Mio. euro of direct funding from the Union for development cooperation to enhance bilateral relations.³¹⁰ For the annual framework of 2014-2020 Brazil is due to change to a 'graduated' country, no longer eligible for bilateral financial support of the Union.

As a future perspective, the export of bio fuel (bioethanol) might push Brazil to become an important trader, since the country has been investing since the 1970s in the so-called *Pró-Alcool-Program*.³¹¹

With the establishment of the *comprehensive strategic partnership* in 2007, based on the partners' historical, cultural and economical bondings, it was agreed to strengthen the political dialogue with regard to democracy, the rule of law, promotion of human rights et cetera. Besides, the establishment of joint actions was decided on to counter global challenges with regard to climate change, security and poverty.³¹² As president Lula da Silva pointed out in a speech during the EU-Brazil Business Summit: "those topics could not be discussed without the big developing countries".³¹³

'Effective Multilateralism', having the United Nations as the peacekeeper in its centre should be the basis to reach the above mentioned goals by deepening the dialogue between the countries of the global North and global South about topics of the global agenda.³¹⁴ Furthermore, President Lula da Silva wanted to use the Strategic Partnership also to help the fight against climate change by he innovative solutions on

³⁰⁹ see Commission (2007) Towards EU-Brazil SP p. 10

³¹⁰ see Commission (2007) Brazil – Strategy Paper p. 3

³¹¹ the *Pro-álcool Program* (alcohol made of sugar cane) was started after the impacts of the oil crisis in the 1970s, to reduce the dependence of oil imports and use it as gas surrogate. The first car with alcohol-running motor was made in 1979. Nearly ten years later, 80% of the Brazilian cars used alcohol instead of gas. See Bernecker et al. (2000) p. 277

³¹² see European Council (2007) EU-Brazil Summit - Joint Statement p. 2

³¹³ Ministério das Relações Exteriores (2008) resenha número 101 p. 32

³¹⁴ see European Council (2007) EU-Brazil Summit - Joint Statement, p. 2 and Ministério das Relações Exteriores (2008) resenha número 101 p. 32

biofuels, taking into consideration the poorest countries of Latin America, the Caribbean and Africa.³¹⁵

Furthermore, it was decided to use this partnership to reach a conclusion on the EU-Mercosur Association Agreement, which was seen as important for both sides for boosting the economies and political dialogue since the accession of Venezuela to the bloc.³¹⁶ Also, the successful conclusion of the Doha Round of the WTO was also considered important, in which issues on agrarian policy should be solved. This is one of the reasons why the Union provided Brazil the SP.³¹⁷

After the adoption of the SP in 2007, the Union started the process of deeper integration between the two partners, for example by the negotiation process for a short-stay visa agreement and an arrangement for human rights consultations, together with Argentina, Chile, Colombia and Mexico.³¹⁸ The plan for human rights consultations shall be used for raising human rights issues between both regions and for coordinating positions in international fora, including informing High-Level Political Dialogue. Therefore, the Council wished to establish annual troika meetings at Permanent Representatives level in New York and Geneva and also annual local troika dialogue at the Heads of Mission level in Brasilia to discuss human rights issues between both partners, including civil society partners.³¹⁹ Furthermore, the preparation for the second EU-Brazil Summit in Rio de Janeiro in December 2008 started. There the *Joint Action Plan* was to be decided including several topics: peace; economic, social and environmental development; combatting terrorism, drugs and organised crime; science and technology; and people-to-people exchange.³²⁰

The promotion on human rights should be strengthened by regular Human Rights consultations at bi-and multilateral levels, promotion of cooperation projects by triangular cooperation, for example using the EC Agreement with the Community of Portuguese Speaking Countries (CPLP).³²¹ Another important point for the Union is reinforcing the multilateralism system by reforming the UN bodies, such as the

³¹⁵ see Ministério das Relações Exteriores (2008) resenha número 101 p. 32

³¹⁶ see European Council (2007) EU-Brazil Summit - Joint Statement p. 2 and Gomes Saraiva (2012) p. 54

³¹⁷ see Commission of the European Communities (2007) Towards EU-Brazil SP p. 3 and Ferreira-Pereira (2015) p. 651

³¹⁸ see Council of the European Union (2008) Arrangements for human rights consultations p. 2 and Council of the European Union (2008) Draft Council Decision p. 1

³¹⁹ see Council of the European Union (2008) Arrangements for human rights consultations p. 4

³²⁰ see Council of the European Union (2008) EU-Brazil SP Draft Action Plan p. 2

³²¹ see Council of the European Union (2008) EU-Brazil SP Draft Action Plan p. 3

General Assembly and the Security Council to enhance transparency and receptiveness.³²²

Also important was the cooperation between the regions of EU and LAC and between the EU and Mercosur. This resulted in progress on the bi-regional Association Agreements, to improve the business environment and reduce trade obstacles.³²³

The plan lasted three years and was to be revised during the EU-Brazil Summit in 2011.

In 2009, the Union progressed on providing access to Brazil regarding air services, which used to be bilateral between Member States and third countries. The agreement was to replace those bilateral air service agreements through a community designation clause in Art. 80 (2), 300(2) TEU.³²⁴ In addition, the Union strengthened as a result of concluding another agreement regarding civil aviation security. This was to be reached by reciprocal acceptance of relevant certifications .³²⁵

In May 2009 the European Commission and the Ministry of Culture of Brazil signed a Joint Declaration on Culture to intensify cultural relations and affirm their commitment to further cooperation and promoting exchanges. It was also take into account the UNESCO *Convention on the Protection and Promotion of the Diversity of Cultural Heritage*.³²⁶

This inter-cultural dialogue revolved around regular exchanges of practises, knowledge and policy development tools, and follow-up discussions, seminars and workshops or meetings with experts.³²⁷

Regarding the visa-waver negotiations between the Union and Brazil, some progress was made, but Brazil still imposed visa requirements on four Member States: Latvia, Cyprus, Malta and Estonia.³²⁸

The partnership was also used for deepening the cooperation between EURATOM and Brazil, in the field of fusion energy research by exchanging information, data, practices and results, and also by promoting the exchange of scientists, engineers and specialists by programmes and special joint actions for a

³²² see Council of the European Union (2008) EU-Brazil SP Draft Action Plan p. 4

³²³ see Council of the European Union (2008) EU-Brazil SP Draft Action Plan p. 23

³²⁴ see Council of the European Union (2009) proposal for Council Decision on Agreement air services, final p.4

³²⁵ see Council of the European Union (2009) Recommendation for Council Decision p. 9

³²⁶ see European Commission (2009) Joint Declaration on Culture p. 1 f.

³²⁷ see European Commission (2009) Joint Declaration on Culture p. 2

³²⁸ see Council of the European Union (2009) Negotiations short-stay visa agreement p. 3

duration of five years, and renewable for another five years.³²⁹ Thus, the first half of 2009 of the SP focused on benefits for Brazil regarding visa reliefs, closer cooperation in aviation spheres, and energy issues before the 3rd EU-Brazil Summit took place in Stockholm. At the summit, the partners reiterated their goals and promises discussed in previous summits and added a stronger commitment to biodiversity and sustainable development, paying special regard to deforestation, renewable energy, biofuels, and the impact of the financial crisis on the world's economy.³³⁰ Another focus was on concluding the negotiations on the Doha Development Agenda in 2010 so as to foster trade among developed and developing countries. Therefore, the partners called on the other WTO Members to determine their demands with regard to trade before the WTO Ministerial Conference.³³¹

Furthermore, Brazil and the Union condemned the violation of the constitutional order in Honduras, requiring respect for the inviolability of the Embassy of Brazil in Tegucigalpa and the physical integrity of President Zelaya, his family and members of the Government.^{332 333}

A meeting also took place between the five permanent members of the UN Security Council, Germany, the EU and Iran to seek a solution for the Iranian nuclear programme by constructive dialogue.³³⁴

A further commitment of the EU and Brazil to conclude the EU-Mercosur Association Agreement was prioritized to make progress on deeper regional integration.³³⁵

The Joint Action Programme of 2009 underlined the benefits for third countries in Africa due to the triangular cooperation projects in terms of biofuels which should result in a joint initiative for sustainable development of bioenergy/bio-electricity in Africa to tackle climate change, poverty and for possible use of electricity in rural and urban areas.³³⁶

³²⁹ see Council of the European Union (2009) agreement between EURATOM – Brazil, p. 3, 7, 8, and 11

³³⁰ see p. Council of the European Union (2009) Third EU-Brazil Summit p. 3 f.

³³¹ see p. Council of the European Union (2009) Third EU-Brazil Summit p. 5

³³² see p. Council of the European Union (2009) Third EU-Brazil Summit p. 6

³³³ in 2009, after trying to change the constitution for a possible third re-election, president Manuel Zelaya was forced to leave the country by a military escort to Costa Rica, due the loss over the governmental order. Nevertheless, he was able to re-enter the country and found protection in the Brazilian embassy. See Käufer (2009) – die Rückkehr der Generäle p. 1f

³³⁴ see p. Council of the European Union (2009) Third EU-Brazil Summit p. 7

³³⁵ see p. Council of the European Union (2009) Third EU-Brazil Summit p. 6

³³⁶ see p. Council of the European Union (2009) Third EU-Brazil Summit p. 10

The first impact of the Strategic Partnership with the Union was the substantial benefit for the Brazilian-EU trade, which increased in total by around 183% (exports raised about 197,2% and imports about 168,2%). The amount of European direct investments accounted for 47,7% (141 Billion US\$) of the total amount of foreign direct investments.³³⁷ Nevertheless, the financial crisis of 2008 had little impact on the Brazilian *Gross Domestic Product* (GDP), resulting in a decrease of 0,2%, though still having an economic growth of 6,5%.

The beginning of 2010 continued with preparations for the next EU-Brazil Summit in Brasilia, which was the last Summit under Lula's presidency.

In the draft for the summit, the Union mentioned again the remarkable position of Brazil as an important interlocutor, also regarding the G20 context.³³⁸ It also outlined that Brazil expected more support from the Union Members; it wanted a permanent seat in the UN Security Council (UNSC). In the Council, Brazil voted against a resolution for reinforced sanctions against Iran, preferring diplomatic negotiations rather than sanctions. Previously Brazil had signed the Turkish-Brazilian-Iranian Declaration on nuclear fuel swap, defending Iran's right for developing nuclear energy on peaceful purposes, in May 2010³³⁹

During the 4th EU-Brazil Summit in Brasilia 2010, the partners agreed on how to respond to the impact of the financial crisis, with sustainable and balanced growth, by fiscal and demand stimulation, which should also count for surplus countries.³⁴⁰

Concluding the Doha round and the Mercosur Accession Agreement were mentioned during the next rounds of negotiations and summits, which President Lula made one of his priorities for the second half of 2010.³⁴¹ He also mentioned the progress that should be made to tackle the impact of climate change for the developing countries, but also urged that those restrictions could not be the same as for those countries which had had the industrial revolution 150 years ago before.³⁴² Progress was finally reached on the short-stay visa waiver for Brazilian citizens. It was agreed on 28th

³³⁷ see Ministério das Relações Exteriores (2010) resenha número 105 p. 334

³³⁸ see Council of the European Union (2010) Preparation of IV EU-Brazil Summit p. 3

³³⁹ see Council of the European Union (2010) Preparation of IV EU-Brazil Summit p. 4

³⁴⁰ see Council of the European Union (2010) IV EU-Brazil Summit Joint Statement p. 3

³⁴¹ see Council of the European Union (2010) IV EU-Brazil Summit Joint Statement p. 7 and see Ministério das Relações Exteriores (2011) resenha número 107 p. 80

³⁴² see Ministério das Relações Exteriores (2011) resenha número 107 p. 81

September 2010; a three months stay for Brazilian citizens became possible without visa requirement within the Schengen area.³⁴³

The SP again showed its benefits in the trade figures for the year of 2010 between the Union and Brazil. The bilateral trade amount rose to 82 Billion US\$, thus almost to the level before the crisis in 2008. The exports of Brazil increased by 26,7% to 43 Billion US\$, compared to 2009 and the imports with the union increased by 33,8% to an amount of 39 Billion US\$.³⁴⁴ In the same year, Brazil also invested around 5 billion US\$ in the Union, leading to a total amount of 75 billion US\$ for the period of 2006-2009.³⁴⁵ On the other side, the European investments in Brazil reached 8 Billion US\$, reaching a total amount of 177 Billion US\$, making Brazil the fourth most important investment target of the Union in 2009.³⁴⁶

In the beginning of 2011, Dilma Rousseff took up the Brazilian presidency. Negotiations between the Union and Brazil focused on the 5th Summit in Autumn 2011. On her first visit to Brussels in September 2011 the former President of the European Council, Herman von Rompuy, warmly welcomed her, honouring the great achievements which had been made since the establishment of the Strategic Partnership, and which would be made, for example in the Joint Action Plan for the period of 2011-2014.³⁴⁷ Besides, the establishment of the joint action programme, the focus of the Summit should be on a joint programme on Culture, and several letters of intent regarding facilitating tourism flows between the partners, civil space cooperation and enhanced cooperation in the spheres of technology, science and innovation.³⁴⁸

The 5th Summit between the Union and Brazil was held on 4th of October in Brussels, again focussing on several conclusions that had not been achieved so far, such as the finalization of the Doha Round or the Mercosur Accession Agreement. Furthermore, both sides agreed on the importance of achieving the UN Millennium Goals (MDG's) to reduce global poverty; more aid effectiveness and stressing the importance of the Development Cooperation Forum in Busan, Korea in winter 2011.³⁴⁹

³⁴³ Council of the European Union (2010) IV EU-Brazil Summit Joint Statement, p. 9 and Council of the European Union (2011) Agreement between EU-Brazil on visa p. 4; it came into force on 08.10.2012

³⁴⁴ see Ministério das Relações Exteriores (2012) resenha número 109 p. 138

³⁴⁵ *ibidem*

³⁴⁶ *ibidem*

³⁴⁷ see European Council – The president (2011) Remarks by Herman von Rompuy p. 1

³⁴⁸ see European Council – The president (2011) Consolidating the SP p. 2

³⁴⁹ see European Council (2011) V European Union – Brazil Summit p. 3 and Ministério das Relações Exteriores (2012) resenha número 109 p. 139

It was also the opportunity for the EU Leaders to get to know the new president of Brazil, Dilma Rousseff and her main objectives. Progress was expected in the effective dialogue that had started under Lula on the main topics.³⁵⁰

Furthermore, a stronger bi-lateral commitment in the *UN Framework of Convention on Climate Change* was aimed at in order to keep the global average temperature increase under 2° C by the increased use of renewable energy sources.³⁵¹ Both sides were concerned about the developments in Syria – calling on the authorities to end the violence and allowing peaceful transition to democracy.³⁵² The same applied to Libya, highlighting the UN organs to re-establish national order under democratic principles.³⁵³

Besides, a loan agreement worth 500 Mio. Euros was decided between the European Investment Bank (EIB) and the Banco Nacional de Desenvolvimento Econômico e Social (BNDES) for projects in the renewable energy sector.³⁵⁴

In terms of strengthening the tourists flows between both partners, during off-season, a letter of intent was signed to initiate a pilot project named “50.000 tourist”, improve the tourism travel between South America and the European Union, and promote the image of Europe outside the Union.³⁵⁵

Two other letters of intent were written on the topics of closer cooperation in space activities, science, technology etc. especially focussing on natural disaster prevention and crisis management, food security, climate change, and biotechnologies.³⁵⁶

Moreover, an agreement for a Joint Programme on Culture was signed, using the already existing framework of the Joint Declaration on Culture of 2009.

Here the focus was also set on the UNESCO Convention of 2005 for the protection and promotion of the diversity of cultural expression through exchanges of insights on the implementation of the Convention and the further promotion of these in other multilateral fora such as United Nations Conference on Trade and Development or

³⁵⁰ see Council of the European Union (2012) Declassification Note p. 3

³⁵¹ see European Council (2011) V European Union – Brazil Summit p. 3 and Ministério das Relações Exteriores (2012) resenha número 109 p. 139

³⁵² see European Council (2011) V European Union – Brazil Summit p. 3 and Ministério das Relações Exteriores (2012) resenha número 109 p. 140

³⁵³ see European Council (2011) V European Union – Brazil Summit p. 3 and Ministério das Relações Exteriores (2012) resenha número 109 p. 141

³⁵⁴ see European Council (2011) V European Union – Brazil Summit p. 4 and Ministério das Relações Exteriores (2012) resenha número 109 p. 142

³⁵⁵ European Council (2011) V European Union – Brazil Summit, p. 5 and Ministério das Relações Exteriores (2012) resenha número 109 p. 142

³⁵⁶ ibidem

WTO. Besides, both partners agreed on exchanging views on instruments and policies within this sector, on regional, national and local level, also regarding the context of the Union and Mercosur.³⁵⁷ The programme also implemented the extension of the policy dialogue on the preservation on cultural heritage, regarding techniques, tourism etc., and the deeper cooperation and exchange of institutions and professionals, regarding the museum sector between both partners.³⁵⁸

With the acquisition of the Joint Programme on Culture, it became also part of the Strategic Partnership, including the promotion of Brazilian culture in Europe and vice versa.³⁵⁹ The intention of the new path of the European Union is not yet precisely clear, since 2016 the EU made cultural relations the heart of its international relations, supporting and promoting culture on several levels, through the already existing foreign policy tools.³⁶⁰

Besides the inclusion of culture into the SP, the partners also added the usual topics, such as support for human rights, democracy and international justice; strengthening multilateralism; fighting against terrorism; and economic and financial affairs.³⁶¹ Experience exchange on institutional and state modernization and statistical-related cooperation was also added.³⁶²

The trade amount between both partners could reach again a significant growth compared to the year before. The bilateral trade volume rose by about 20,7% compared to 2010, to 99,3 Billion US\$. The European investments to Brazil also rose to 180 Billion US\$, and Brazil invested again around 5 Billion US\$, making a total amount of 80 Billion US\$ investments within the Union.³⁶³

In the beginning of 2012, the former High Representative Catherine Ashton made her first visit to Brazil, reflecting on together with the former Brazilian Foreign Minister Antonio de Aguiar Patriota the Summit of 2011 and planning the next one in 2012.³⁶⁴

On the ministerial level the negotiations should continue with the Mercosur Association Agreement, the intensification of academic mobility, and better trilateral

³⁵⁷ see European Commission (2011) Joint Programme on Culture p. 1

³⁵⁸ see European Commission (2011) Joint Programme on Culture p. 2

³⁵⁹ see European Council (2011) V European Union – Brazil Summit p. 30

³⁶⁰ see European Commission (2016) Towards an EU strategy for international cultural relations p. 2

³⁶¹ see European Council (2011) V European Union – Brazil Summit p. 6, 7, 10, 14

³⁶² see European Council (2011) V European Union – Brazil Summit p. 20

³⁶³ see Ministério das Relações Exteriores (2012) resenha número 110 p. 82

³⁶⁴ see Ministério das Relações Exteriores (2012) resenha número 110 p. 81

cooperation for developing countries.³⁶⁵ Additionally, topics dealt with included the UN conference on sustainable development (Rio + 20), climate change, human rights, and peace process in the Middle East.³⁶⁶

Before the 6th Summit the Council stressed the status quo of the partnership, taking into account the significant results that had been achieved in economic and political topics and also in multilateral fora.³⁶⁷ Concerns were mentioned regarding protectionist trends, which had a negative impact on the bilateral relations and should be addressed.³⁶⁸ The Summit should also be used to set the next steps for the partnership regarding the international agenda and its progressive ‘trust-building and mutual understanding’.³⁶⁹ It was expected that less concrete outcomes would be achieved than in previous summits. The following topics were discussed: the establishment of a dialogue on security and management matters; commitment for specific triangular cooperation projects with developing countries; and the conclusion of the Memorandum of Understanding to send 100 Brazilian researchers to European research centres.³⁷⁰

In its press statement for the 6th EU-Brazil Summit in Brasilia, the President of the European Council stated the goals this partnership has to reach, to have a positive effect on bi- and multilateral levels in facing the crises in countries such as Syria, Mali and Egypt.³⁷¹ Furthermore, he stated that Brazil was not only a strategic partner, but “also a friend”.³⁷²

In the Summit, the leaders reflected the strategic partnership, their goals and values and the results of the sectorial dialogues that have resulted in 30 initiatives since then.³⁷³

They again promoted the commitment to conclude the Doha Development Round on the 9th WTO Ministerial Conference in December of the same year, alongside the commitment to resist protectionism and investment barriers.³⁷⁴

³⁶⁵ see Ministério das Relações Exteriores (2012) resenha número 110 p. 81

³⁶⁶ see Ministério das Relações Exteriores (2012) resenha número 110 p. 82

³⁶⁷ see Council of the European Union (2013) Note on EU-Brazil Summit 2013 p. 3 f.

³⁶⁸ see Council of the European Union (2013) Note on EU-Brazil Summit 2013 p. 5

³⁶⁹ *ibidem*

³⁷⁰ see Council of the European Union (2013) Note on EU-Brazil Summit 2013 p. 7

³⁷¹ see European Council – The President (2013) Press Statement on 6th EU-Brazil Summit p. 2

³⁷² European Council – The President (2013) Press Statement on 6th EU-Brazil Summit p. 3

³⁷³ see Council of the European Union (2013) VI EU-Brazil Summit Joint Statement p. 1

³⁷⁴ see Council of the European Union (2013) VI EU-Brazil Summit Joint Statement p. 2 and Ministério das Relações Exteriores (2013) resenha número 112 p. 186

They also sought stronger commitment regarding climate change, biodiversity and sustainable development.³⁷⁵ Furthermore, the situations in the Middle East were discussed, including Syria, since the partners were worried about the stability in the region and urged an immediate ending of the violence. This should be made through the UN framework, such as the Joint Special Representative of the UN and the Security Council, and the Arab League.³⁷⁶

Concerning the disputes between Palestine and Israel, the EU and Brazil welcomed Palestine with non-member status in the UN, condemned the Israeli settlement in the West Bank, and asked for a progress on a two-state solution to provide peace and security in the region.³⁷⁷ Concerns were also mentioned with regard to the Iranian Atomic Program, the situation in Mali and in Guinea-Bissau, which should be resolved through UN Resolutions and joint missions.³⁷⁸

In the efforts to promote human rights, it was agreed to defend the moratorium on the death penalty in relevant fora and interests were added regarding the fight against racism and xenophobia, rights of women and children, gender equality, rights of indigenous peoples, Lesbian Gay Bisexual and Transgender (LGBT) community, combating of torture etc., together with political and social rights.³⁷⁹

Regarding the EU-Mercosur Accession Agreement, the leaders welcomed the progress that had been reached and decided to discuss a preferential market access for both sides.³⁸⁰

Taking the cultural cooperation into account, both sides were looking forward to further success within the Joint Programme on Culture.³⁸¹

The partnership also focused on combating drugs. The first Brazil- EU Dialogue on Drugs Report was published on June 2013. Both partners stated the importance of international cooperation and the exchange of information and strategies to deal with the drug problem.³⁸² Brazil noted that changes in legislation, that is reducing penalties,

³⁷⁵ Council of the European Union (2013) VI EU-Brazil Summit Joint Statement p. 3 and Ministério das Relações Exteriores (2013) resenha número 112 p. 187

³⁷⁶ see Council of the European Union (2013) VI EU-Brazil Summit Joint Statement p. 4 and Ministério das Relações Exteriores (2013) resenha número 112 p. 188

³⁷⁷ *ibidem*

³⁷⁸ see Council of the European Union (2013) VI EU-Brazil Summit Joint Statement p. 5 and Ministério das Relações Exteriores (2013) resenha número 112 p. 189

³⁷⁹ see Council of the European Union (2013) VI EU-Brazil Summit Joint Statement p. 5 and Ministério das Relações Exteriores (2013) resenha número 112 p. 190

³⁸⁰ see Council of the European Union (2013) VI EU-Brazil Summit Joint Statement p. 6 and Ministério das Relações Exteriores (2013) resenha número 112 p. 190

³⁸¹ see Council of the European Union (2013) VI EU-Brazil Summit Joint Statement p. 8 and Ministério das Relações Exteriores (2013) resenha número 112 p. 192

³⁸² see Council of the European Union (2013) Report of meeting on drugs with Brazil p. 3

had strong influences on consumers and users, but drug trafficking arrests rose significantly from 60.000 in 2006 to 145.000 in 2013. Improvements with could be made with stronger border patrols and policy implementation on federal, state and municipal levels.³⁸³ The biggest drug problem was crack cocaine; a 2 Billion US\$ programme was to combat it, mainly focussing on prevention. In the Union the demand focussed on cocaine, cannabis and psychoactive substances, which was a change in comparison to previous decades when heroin was the substance most in demand.³⁸⁴

The first agreement was made on Data Collection Collaboration with an invitation for Brazil to visit the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) to enhance cooperation in the area of data collection and possibly create a similar structure in Brazil.³⁸⁵ Furthermore, the Union wanted to visit the Money Laundry unit in the Brazilian Ministry of Justice and wanted communication among experts on drug issues to be considered.³⁸⁶ Besides, the establishment of a Drugs Joint Action Plan within the strategic partnership was to be considered by the Council, commission and the EEAS.³⁸⁷

Before the VII EU-Brazil Summit in 2014, the Commissions Strategic Forum for International Science and Technology Cooperation (SFIC) gave input on improvements to activities with Brazil, including a SFIC roadmap with recommendations for actions within the spheres of the EU Multi-Annual Roadmap for Brazil and the Horizon 2020 program.³⁸⁸

The 7th EU-Brazil Summit took place in Brussels in 2014; a new EU-Brazil Joint Action plan for the period of 2015-2017 was initiated to strengthen and promote international peace and security, science, technology and innovation, sustainable development, energy security, and international cyber policy.³⁸⁹

It was still decided to achieve the conclusion on the EU-Mercosur Accession Agreement and the Doha Development Round.³⁹⁰

³⁸³ see Council of the European Union (2013) Report of meeting on drugs with Brazil p. 4

³⁸⁴ see Council of the European Union (2013) Report of meeting on drugs with Brazil p. 5

³⁸⁵ *ibidem*

³⁸⁶ *ibidem*

³⁸⁷ see Council of the European Union (2013) Report of meeting on drugs with Brazil p. 5

³⁸⁸ see European Research Area and Innovation Committee (2014) Mandate of the SFIC Working Group on Brazil p. 2 f.

³⁸⁹ see Council of the European Union (2014) 7th EU-Brazil Summit Joint Statement p. 2 and Ministério das Relações Exteriores (2014) resenha número 114 p. 172

³⁹⁰ see see Council of the European Union (2014) 7th EU-Brazil Summit Joint Statement p. 3 and Ministério das Relações Exteriores (2014) resenha número 114 p. 174

Furthermore, the importance of exchange between societies was discussed, which should be improved through the EU programmes Erasmus + and Marie Skłodowska-Curie to reach increased mobility on a bilateral academic level.³⁹¹

On the foreign policy level the promotion on the bi-regional strategic partnership within the CELAC action plan should be prioritised, and the EU-LAC foundation was stated to be a remarkable tool in this regard.³⁹² Besides, several concerns were expressed regarding the status in Syria, support for the re-installation of democratic principles in states like Tunisia, Mali, Guinea-Bissau, Central African Republic, South Sudan, and the negotiations process between Palestine and Israel.³⁹³

Stronger commitment to climate change (the implementation of the Kyoto Protocol), sustainable development and the 'post-2015 framework' to reaching the MDG's was recommended. Furthermore, an EU-Brazil Dialogue on International Cyber Policy was established to face the growing cyber challenges.³⁹⁴

The trade between the partners in 2013 reached 98,5 Billion US\$, making it 20% of Brazil's foreign trade volume. The European direct investments in Brazil reached 24,5 Billion US\$, making it 50% of the total amount of foreign investments in Brazil.³⁹⁵

In 2015, the Union and Brazil concluded an agreement on co-operation between Brazil and the European Police Office (Europol) to prevent and combat international organised crime and terrorism through the exchange of technical, strategic and operational information.³⁹⁶

In 2016 the Union extended the Mandate of the SFIC Working Group on Brazil until 2018.³⁹⁷

In November 2016, it was stated that the Union's Accession Agreement for Mercosur was to include a sustainable development chapter and reflect commitments to the framework of Agenda 2030 and climate change.³⁹⁸ Furthermore, it was stressed

³⁹¹ see Council of the European Union (2014) 7th EU-Brazil Summit Joint Statement p. 5 and Ministério das Relações Exteriores (2014) resenha número 114 p. 182

³⁹² see Council of the European Union (2014) 7th EU-Brazil Summit Joint Statement p. 5 and Ministério das Relações Exteriores (2014) resenha número 114 p. 183

³⁹³ see Council of the European Union (2014) 7th EU-Brazil Summit Joint Statement p. 7 f. and p. 184 f.

³⁹⁴ see Council of the European Union (2014) 7th EU-Brazil Summit Joint Statement p. 9 f. and p. 186 f.

³⁹⁵ see Ministério das Relações Exteriores (2014) resenha número 115 p. 201

³⁹⁶ see Council of the European Union (2015) Draft Agreement on Strategic Co-operation between Brazil and Europol p. 5 and Council of the European Union (2015) Council Implementing Decision on conclusion for Europol and Brazil

³⁹⁷ see European Research Area Committee (2016) Mandate of the SFIC Working Group on Brazil p. 1

³⁹⁸ see European Parliament (2016) Minutes of Meeting on Brazil p. 1

that both sides had shown strong commitment for the next negotiations round, which were to take place in March 2017.³⁹⁹

Concerning the 8th EU-Brazil Summit, it was stated that a Joint Commission meeting at the end of the year 2016 should examine the state of play in the relations and prepare the next Summit.⁴⁰⁰

In February 2017 a European Delegation concluded that because of the Brexit vote and the political issues in Brazil, it was not possible to organize the next Summit between the Union and Brazil. This can still take place in 2017 depending on the presidency of the Council.⁴⁰¹

The High Representative is working consistently on the negotiations for the Accession Agreement of the Union to Mercosur, and recognizing the importance of Brazil in the group of the Mercosur countries.⁴⁰² In the current round of negotiations on the Mercosur Accession Agreement the focus will be on trade and trade co-operation, before opening the political chapter in March 2017 in Buenos Aires.⁴⁰³

Within a dialogue during a state visit of the Depute Secretary General of the EEAS in Brazil in September 2016, discussions focused on migration, terrorism, the situation in Colombia and the relations between the Union and Russia concerning Ukraine, Syria and the Middle East.⁴⁰⁴

Concerning the negotiations in civilian aviation to create an open sky between Europe and Brazil, it is still difficult to reach a common agreement but a solution should be found before the next summit in 2017. Moreover, a Migration Agreement between both partners aims to make information on migration flows more transparent.⁴⁰⁵

³⁹⁹ see European Parliament (2016) Minutes of Meeting on Brazil p. 2

⁴⁰⁰ *ibidem*

⁴⁰¹ see European Parliament (2017) Minutes of Meeting on Brazil p. 2

⁴⁰² see European Parliament (2017) Minutes of Meeting on Brazil p. 2

⁴⁰³ *ibidem*

⁴⁰⁴ *ibidem*

⁴⁰⁵ *ibidem*

6. Brazil's Foreign Policy

6.1. Brazil's Foreign Policy under President Lula da Silva

Brazil has 8,5 Mio. square meters and more than 200 Mio. Inhabitants. It is the ninth biggest economy in the world and has enormous natural resources and biodiversity, including a pre-salt reserve of recently discovered oil (Pré-Sal).⁴⁰⁶ These aspects are taken into account and used as 'hard power' resources if Brazilian governments refer to the relative weight in the region and its place in international structures.⁴⁰⁷

Due to its principle of non-intervention, Brazil is not a regional power as the US is in North America: however, it is evolving more and more in becoming a safe harbour in the region, which is often affected by financial and political crises.⁴⁰⁸

Furthermore, Brazil's autonomy from the United States helped it not to be as strongly affected as Mexico or Columbia by the financial crisis in 2008.⁴⁰⁹

Substantial changes occurred when Lula took over the presidency of Cardoso: erosion of the monopoly of the Ministério de Relações Exterior called '*Itamaraty*' (Ministry of Foreign Affairs) towards a *presidential diplomacy* through pluralisation and the influence of the party.⁴¹⁰ Before the shift was made, *Itamaraty* was mostly independent. International negotiations were directly handled by the Minister of Foreign Affairs or other top diplomats by the Ministry, thus not relying on the president himself.⁴¹¹

The main aspects of 'Lula's' presidency initially focussed on reinforcing relations with the US, the EU, emerging partners, such as India, China and South Africa, and regional partners such as Argentina.⁴¹²

As a result of the increase of Brazil's presence in organisations, and also the president himself visiting the summits and hosting those, the need for reformation and fragmentation within *Itamaraty* was necessary.⁴¹³ Lula visited 48 countries, 18 of them

⁴⁰⁶ see Zilla (2014) p. 40 and The World Bank (2017) GDP ranking 2016 p. 1

⁴⁰⁷ see Zilla (2014) p. 40

⁴⁰⁸ see Birle & Gratius (2010) p. 298

⁴⁰⁹ *ibidem*

⁴¹⁰ see Zilla (2011) p. 6 and Cason & Power (2009) p. 121

⁴¹¹ see Cason & Power (2009) p. 121 and Birle & Gratius (2010) p. 298

⁴¹² see Lessa (2010) p. 115 and Birle & Gratius (2010) p. 299

⁴¹³ see Zilla (2011) p. 9 f.

in Africa, in the first two years of his presidency, making a total of 159 days abroad.⁴¹⁴ This shows that Lula's foreign policy focused on emphasizing South-South relations and regional cooperation, in particular with South-America (Mercosur), Africa (especially with the lusophonean countries), and the Middle East, by using the space that was created by the retreating major powers such as the United States.⁴¹⁵ Moreover, Lula tried to use their territorial and economic weight in foreign policy making in order to be recognized as a relevant actor on global. One goal was to reach a permanent seat at the United Nations Security Council.⁴¹⁶

Nevertheless, beside its status as a regional power, Brazil did not interfere with its neighbours before the 1990s; preserving the national sovereignty and non-intervention policy were the basis of Brazil's foreign policy.⁴¹⁷

Furthermore, Lula also changed the status quo of the former Brazilian foreign policy by criticizing the uneven distribution of resources, which led to a north-south 'dividing line'.

South-South Policy

Before the conclusion of Mercosur was reached, Brazil's own perception did not have much to do with Latin American identity; it had to face the fact that it was also a Latin-American country, not only a country in Latin or South America which then resulted in seeking closer co-operation with the other partner countries.⁴¹⁸ The establishment of Mercosur led to the establishing of several regional groups, such as the *Initiative for the Integration of the Regional Infrastructure of South America* (*Iniciativa para a Integração da Infraestrutura Regional Sul-Americana*, IIRSA) which was renamed in 2007 *Union of South American Nations*⁴¹⁹ (*União de Nações Sul-Americanas*, UNASUL) to strengthen the cultural, social, economic and political co-operation among the members and functioning as a pendant to the Organizations of American States (OAS).⁴²⁰ Nevertheless, the policy of Lula aimed at forging a South-American identity instead of a Latin American identity, because South America would build its own geopolitical entity and has very different developments compared to

⁴¹⁴ see Cason & Power (2009) p. 122

⁴¹⁵ see Zilla (2011) p. 9; Cason & Power (2009) p. 122; Fonseca (2011) p. 390

⁴¹⁶ see Zilla (2010) p. 6 and Lessa (2010) p. 118

⁴¹⁷ see Stuenkel (2013) p. 343

⁴¹⁸ see Zilla (2011) p. 13 and Birle & Gratiús (2010) p. 309

⁴¹⁹ the original idea of establishing UNASUL was made by the former president Cardoso in the year 2000. See Birle & Gratiús (2010) p. 298

⁴²⁰ see Lessa (2010) p. 117; Zilla (2011) p. 6; Fonseca (2011) p. 390 and Birle & Gratiús (2010) p. 311

Mexico or Central America.⁴²¹ This shows where Brazil sees its borders of regional power, ending between Columbia and Panama. In doing so, Brazil sees the countries further north under the influence of Washington. Consequently, they are not regarded as strategic partners of Brazil.⁴²²

During his extensive travels to the partner countries of South America, Lula was able to form ‘a circle of friends’, acting as a mediator to solve crises in the region.⁴²³ In 2003 Lula supported resolving the constitutional crisis in Bolivia and in 2005 to resolving a crisis in Ecuador.⁴²⁴ In the same year, the political crisis in Nicaragua was mediated by the OAS with financial support from Brazil to monitor the elections.⁴²⁵ The coup in Honduras in 2009 led to a conflict between the US and Brazil about how to handle the situation at that time.⁴²⁶

The solutions for crises were usually made in the regional organizations OAS or UNASUR. They were informally handled at intergovernmental level by the formation of ad-hoc groups usually on initiative of the Brazilian president.⁴²⁷

Within those regional institutions Brazil was able to add democratic clauses and references in the charters, declarations and protocols. The protection of those values should be reached through the combination of the principle of ‘non-intervention’ and ‘non-indifference’.⁴²⁸ This meant that dialogue should stand above the right to intervene, a still contested paradigm. The US draft proposal for the OAS should give the Democratic Charter the right to intervene in nations if necessary, this was opposed by Brazil.⁴²⁹ Zilla points out that Lula did ‘intervene’ on a political level in other countries by supporting the presidents of Paraguay and Bolivia in their election campaigns⁴³⁰, but it is questionable if this counted as an ‘intervention’. During several European election campaigns, candidates visited partner governments to discuss their support and there were no discussions about an Austrian ‘intervention’, e.g. when the Chancellor Christian Kern visited the SPD’s party conference in Germany⁴³¹, or when

⁴²¹ see Zilla (2011) p. 13

⁴²² see Zilla (2011) p. 13 and Birle & Gratius (2010) p. 310

⁴²³ see Zilla (2011) p. 14

⁴²⁴ see Stuenkel (2013) p. 344

⁴²⁵ *ibidem*

⁴²⁶ *ibidem*

⁴²⁷ see Zilla (2011) p. 14

⁴²⁸ see Stuenkel (2013) p. 344

⁴²⁹ *ibidem*

⁴³⁰ see Zilla (2011) p. 14

⁴³¹ see Lindorfer et. al (2017) p. 1

German Foreign Minister Sigmar Gabriel supported the French President Candidate Emmanuel Macron during his campaign.⁴³²

Nonetheless, the open support of Lula for Evo Morales became a problem when Morales proclaimed the re-nationalization of the gas fields in Bolivia in 2006, which he did on a Petrobrás⁴³³ owned gas field.⁴³⁴ In this case, the weakness of the ‘friendship’ was visible since it was questionable if Morales would have done the same, if he had not been a personal friend of Lula. Challenging a regional leader like Brazil, with an autonomous acting Foreign Ministry, as it has been before, might have led to a different outcome in the negotiations. Thus the ‘personalization’ of the foreign policy hit Brazil unexpectedly. This was heavily criticized.⁴³⁵

In 2004 Brazil was leader of the UN peacekeeping mission (Minustah) to bring economic and political stability to Haiti and also provide electoral assistance and support for the UN peacekeeping mission to Guinea-Bissau.⁴³⁶

In general, the African States were very important for Lula. In his ten years of presidency he visited 27 African countries, more than all the presidents in total before him.⁴³⁷ The historical connections between the West African States and Brazil are based on the slave trade in the 19th century. More than 4 mio. people were taken as slaves until 1888. Brazil had the biggest African community outside of Africa. Afro-Brazilians still lack respect in Brazil, and face racism at many levels. Under his presidency, Lula tried to reconnect those common identities by his visits, but also by (re-)openings 17 Embassies in many African countries.⁴³⁸ The biggest financial support was intended to be for the lusophones states such as Mozambique or Angola, all Members of the CPLP, where cultural aspects were also supported.⁴³⁹ The reason for this closer cooperation on bilateral levels could rely on exploring the African markets and resources but also on political support, e.g. in the G 77 Summit to counter developing countries in international fora.⁴⁴⁰

⁴³² see red/dpa In: Stuttgarter Nachrichten (2017) p. 1

⁴³³ Petrobrás is the biggest half-national oil and gas company of Brazil

⁴³⁴ see Cason & Power (2009) p. 133 f.

⁴³⁵ see Cason & Power (2009) p. 134

⁴³⁶ see Stuenkel (2013) p. 345

⁴³⁷ see Zilla (2011) p. 14

⁴³⁸ see Zilla (2011) p. 17 and Birle & Gratius (2010) p. 300

⁴³⁹ see Zilla (2011) p. 18

⁴⁴⁰ see Scheffler (2013) p. 72

The co-operation with South Africa was revived⁴⁴¹ by the launch of the IBSA Dialogue Forum, together with India, Brazil, and South Africa. This forum was meant to form a trilateral partnership focusing on closer economic co-operation.⁴⁴²

International fora

In 2003, during the WTO Conference in Cancún, Brazil took over the leadership of the emerging countries; instead, the negotiations were usually in the hands of the developed countries.⁴⁴³ After the formation of the G20 Group, Brazil became a negotiator in the WTO's Doha Development Round, which was meant to open the countries of the south to services and industrial markets and in the opponent to open the agricultural markets of the northern countries.⁴⁴⁴ The formation of the G 20 made negotiations within the WTO more complicated but strengthened the positions of the developing and emerging powers compared to the developed countries.⁴⁴⁵

Lula's aim was to find equal partners in the international fora, such as India, China, Russia, which are defined as the emerging states and form the BRIC States.⁴⁴⁶ Those represent more than a third of the worldwide economic output, 41% of the world population and had the highest economic growth rates (between 6-12%) before the financial crisis in 2008.⁴⁴⁷

Bilateral Policy: the cases of China and Japan

China – The diplomatic relations between Brazil and China are dated back to the recognition of the Chinese government in 1974, by former president Ernesto Geisel. This was accompanied by a break with the systematic international isolation of the Communist country.⁴⁴⁸ Since then the partnership was not only based on economy, but also on closer co-operation in technology and science. Brazil supported China's admission to the WTO, strengthening the role of the developing countries due to its weight in the global economy.⁴⁴⁹ Under Lula the relations also focused on political co-operation with regard to several issues. Since China is a Veto Member of the UNSC, it

⁴⁴¹ normalization was possible after the election of Nelson Mandela in 1995. see Lessa (2010) p. 125

⁴⁴² see Lessa (2010) p. 126

⁴⁴³ see Lessa (2010) p. 117

⁴⁴⁴ *ibidem*

⁴⁴⁵ see Birle & Gratiús (2010) p. 301

⁴⁴⁶ the acronym is based on a several publications of Goldman Sachs in 2001, see O'Neill (2001)

⁴⁴⁷ see Birle & Gratiús (2010) p. 300

⁴⁴⁸ see Lessa (2010) p. 124

⁴⁴⁹ *ibidem*

is a strong partner in a possible reformation of the UN structure, on which both partners have started to negotiate.⁴⁵⁰

In recent years, China became together with the Union one of the most important trade partners of Brazil overtaking the US, (see therefore Table 2). China mainly focuses on Brazilian resources such as iron ore and soybean whereas Brazil imports manufactured and consumer goods.⁴⁵¹

Japan – Brazil and Japan share a common history based on immigration since 1908, which resulted in a great Japanese community – 4,5% of the total immigration until 1990 – in Brazil.⁴⁵² In the 1980s many were descending (*dekasseguis*) to find work opportunities in Japan, resulting in 315.000 Brazilians living in Japan. Many of them are now returning for economic reasons to Brazil.⁴⁵³

Both partners have a strategic partnership and Japan supported the rise of Brazil on the global stage with its grain market, bringing more independence from the US market.⁴⁵⁴ The relations were intensified in 2005, after Brazil was able to form the Group of 4, together with Germany, Japan and India to reach the permanent seat in the UNSC, an ambitious goal.⁴⁵⁵

The era of Lula's foreign politics was based on the change from an independent foreign ministry to a 'presidential' one, which showed its weakness during the Bolivian nationalization process. The realization of Brazil as a Latin-American country made a stronger commitment with Mercosur possible, and also closer relationships with its other neighbours. Under Lula, Brazil rose to a regional hegemon, promoting democratic principles within regional organizations and bilateral partnerships and defending the non-intervention principle, also against strong partners such as the US.

Lula was to go to the Economic World Forum in Davos, Switzerland and the World Social Forum, 'rubbing elbows' with the leaders of the developed and the developing countries.⁴⁵⁶

Another important part of the foreign policy was to strengthen the international multilateralism, through the formation of several dialogue fora such as the IBSA or the BRICS to somehow form an opposite power pole to the industrialized countries representing the global shift of power. Furthermore, Lula tried to reinforce part of

⁴⁵⁰ see Lessa (2010) p. 124

⁴⁵¹ *ibidem*

⁴⁵² see Kohlhepp (2010) p. 35

⁴⁵³ see Lessa (2010) p. 123 and Kohlhepp (2010) p. 36

⁴⁵⁴ see Lessa (2010) p. 123

⁴⁵⁵ *ibidem*

⁴⁵⁶ see Tickner (2012) p. 368

Brazil's Afro identity, expressed through several visits to African States, and development aid especially in the lusophonean countries. Nevertheless, the close relationships to European countries, and the Union as such, were also important, ending in the establishment of the strategic partnership in 2007.

6.2. Brazil's Foreign Policy under president Dilma Rousseff

When Dilma took over the presidency on January 1st 2011 she focused on maintaining Lula's strategy in foreign politics, reforming international institutions and representing southern countries, together regional leadership.⁴⁵⁷

In her campaign she mentioned that she would focus on strengthening political, social and economic democracy to defend national sovereignty and the principle of non-intervention through independent international presence.⁴⁵⁸

Furthermore, the presidential diplomacy was reduced, also through the autonomy-oriented groups within *Itamaraty*.⁴⁵⁹

The fundamental goal of Dilma's Foreign Policy became the fight for human rights⁴⁶⁰; she had endured during the military dictatorship, having fought in the resistance against the regime.

The first result of the new influence in the foreign policy was the stance against Iran, mentioning that there was no affinity for an autocratic regime.⁴⁶¹

Additionally, Brazil voted in favour of appointing a UN special correspondent on Human Rights to Iran on March 2011 in the UN Human Rights Council and also suspending Libya from the HR Council in the same year.⁴⁶² Nevertheless, it did not support a resolution for condemning human rights violations in Syria by the Assad Regime on civilians. As the situation escalated in 2012, Brazil turned around and supported the UN General Assembly resolutions, condemning the violations and supporting a political transition.⁴⁶³

In 2013 Brazil voted in favour of the establishment of a Commission of Inquiry for investigating human right violations in North Korea.⁴⁶⁴

⁴⁵⁷ see Gratius & Gomes Saraiva (2013) p. 3

⁴⁵⁸ see Gratius & Grevi (2013) p. 2

⁴⁵⁹ see Gratius & Gomes Saraiva (2013) p. 3

⁴⁶⁰ see Zilla (2011) p. 36

⁴⁶¹ ibidem

⁴⁶² ibidem

⁴⁶³ see Gratius & Grevi (2013) p. 5

⁴⁶⁴ see Gratius & Grevi (2013) p. 5

Furthermore, Brazil adopted 69 out of the 70 recommendations of the UN HR Council and signed all HR conventions and agreements.⁴⁶⁵ Besides, the government formed together with the civil society initiatives to fight racism, enhance the gender balance, and protect children, elderly and disabled people.⁴⁶⁶

In 2012, the funding of the National Truth Commission (*Comissão Nacional da Verdade*) was established to investigate the crimes, which had happened during the Military Dictatorship (1964-1985).

The promotion of democratic principles under Dilma became visible in 2012, when the President of Paraguay faced an impeachment. This was noticed as a parliamentary coup – resulting in the exclusion of Paraguay from Mercosur, which was decided together with the leaders of Argentina and Uruguay.⁴⁶⁷ This implied that Brazil was willing to intervene in the region to defend the principles of democracy if threatened.⁴⁶⁸

Nevertheless, Brazil did not pressure Venezuela concerning the election inconsistencies during the re-election of Hugo Chavez in 2012 to provide fair elections.⁴⁶⁹

To respect the non-intervention principle, which is stated in the preamble of the Constitution under Art. 4, Brazil abstained for the 1973 Resolution in the UNSC, wherein the R2P concept should be applied to Libya.⁴⁷⁰ Instead of the R2P, Brazil promoted the RwP-concept (Responsibility while Protecting), which focused on sequencing and monitoring. The R2P-concept should only be adopted if all other options were futile and if military action was considered necessary by the UNSC. Its procedure implementation should be strictly monitored.⁴⁷¹ Nevertheless, a broad support for this concept was not given (only South Africa) as one of the BRICS-Member⁴⁷² – meanwhile, Diplomats mentioned that those aspects were already laid down in the principles of the R2P-concept.^{473 474}

⁴⁶⁵ see Gratius & Grevi (2013) p. 4

⁴⁶⁶ *ibidem*

⁴⁶⁷ see Stuenkel (2013) p. 345

⁴⁶⁸ *ibidem*

⁴⁶⁹ *ibidem*

⁴⁷⁰ see Gratius & Grevi (2013) p. 3

⁴⁷¹ see Gratius & Grevi (2013) p. 4

⁴⁷² Recently, South Africa was added to the BRIC-States; nowadays BRICS-States

⁴⁷³ see Gratius & Grevi (2013) p. 4

⁴⁷⁴ for further information on the R2P-concept, see ICISS-Report (2001)

Similar to her predecessor Lula, Dilma was also not able to reach a conclusion of the Union's Accession Agreement for Mercosur or for the WTO Doha Development Round. Furthermore, the permanent seat in the UNSC has not been achieved yet.

In 2016 Dilma's second presidency ended abruptly, because of the loss of her coalition partner and the opposition powers seeking her impeachment based on irregularities in the state finances. A Commission proposed an impeachment procedure against her, which was approved by the parliament and the senate. Michel Temer, former Vice President, took over in May 2016 and is already facing multiple charges of corruptions himself.⁴⁷⁵

⁴⁷⁵ see Wesche & Zilla (2017) p. 1

7. Conclusion

Since the establishment of the ESS in 2003, the number of the Union's Strategic Partnerships has risen from a few to currently ten . It is the Union's way of promoting a more 'effective multilateralism' and spreading its values and goals within the global system. Those partnerships and their current status differ from each partner and region and are still under progress.

We could observe that in economic blocs such as the European Union and South American Mercosur, the regions first try to reach closer co-operation with their direct neighbours, e.g. the Union by its Neighbourhood Policy and in Brazil by close co-operation to Argentina. To reach more effective multilateralism those regions focus on inter-regional agreements with a broader range of influence on the international fora based on their shared values and goals.

With the growing importance of Brazil at regional and international levels, the Union's interest started to expand over the former diplomatic-based relation. Under the presidency of Lula the relationship became rapidly closer, even reaching the Strategic Partnership offered by the Union. Nonetheless, at the beginning of the presidency of Lula the Foreign Ministry of Brazil had lost most of its independency and was a presidential diplomacy. Its problems became visible in the dispute with Bolivia's wish to re-nationalize its resources in 2006.

Also, due to the high personalization of the Foreign Ministry around the country's president, Lula was able to strengthen the South-South co-operation with important international organizations, such as the United Nations or the World Trade Organizations, which gave the developing countries a stronger voice in these organizations.

This ambitious appearance and the rise of Brazil's economic weight, besides its regional power in South America, encouraged the Union to provide the Strategic Partnership to Brazil in 2007. Since then, the co-operation between both partners has been extended to 30 sectorial dialogues nowadays, including trade, cultural co-operation, civilian aviation, free visa-waiver, education, technology, and innovation. The partnership with the EU went further under President Dilma Rousseff, with a strong focus on Human Rights and its promotion in international fora. Nevertheless, the economic and political situation in Brazil has radically changed in the past five years, resulting also in decreased trade. This might be a reason why the Union is now

strongly focussing on concluding the Mercosur Accession Agreement. In addition, since the impeachment of Dilma and the nomination of Michel Temer, the partnership is barely active. This is mainly due to the fact that Temer did not establish a Foreign Policy due to his inner-political stress and his questionable coming to power. Adding to this the strong corruption charges against him, the current president of Brazil has reduced his presence on the international level. Therefore, the partnership is now focussing on concluding the Accession Agreement of the Union until further progress can be achieved, for example at the next EU-Brazil Summit in 2017.

Furthermore, this thesis dealt with the term 'strategic', which is contested within political science and international politics, since its use by the Union does not provide a precise definition. So far scholars have disagreed whether the term Strategic Partnership even has a strategy behind it.

This problem and the vast possibilities opened by our global interactions shows the need for further research and literature on this specific topic, especially on the relationship between the Union and Brazil, promoting a better mutual understanding and contributing to future agreements.

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9. Annex:

Figure 1) EU-Monitor – Ordinary legislative procedure (COD)

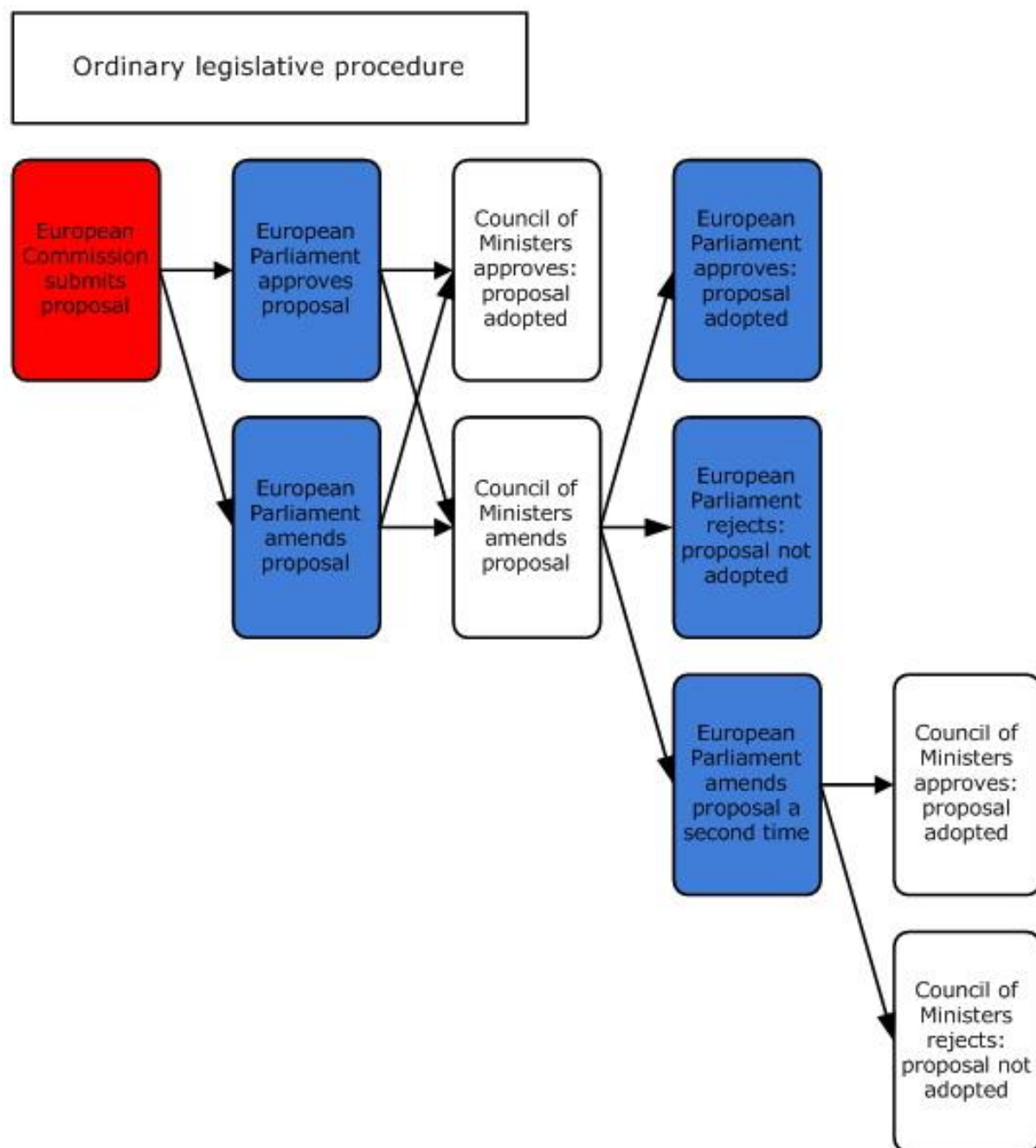


Table 1) Client and Supplier Countries of the EU28 in Merchandise Trade (2016)

European
CommissionDirectorate General
for Trade

Client and Supplier Countries of the EU28 in Merchandise Trade (value %) (2016, excluding Intra-EU trade)											
Source: Eurostat (Comext, statistical regime 4)								Last update: 14-Feb-2017			
N°	Total EU Trade with...	million euro	share (%)	EU Imports from...	million euro	share (%)	EU Exports to...	million euro	share (%)	EU trade balance with...	million euro
	Extra EU28	3,452,143	100.0	Extra EU28	1,706,413	100.0	Extra EU28	1,745,730	100.0	Extra EU28	39,317
1	USA	608,817	17.6	China	344,642	20.2	USA	362,043	20.7	USA	115,269
2	China	514,779	14.9	USA	246,774	14.5	China	170,136	9.7	United Arab Emirates	36,646
3	Switzerland	264,040	7.6	Switzerland	121,608	7.1	Switzerland	142,432	8.2	Switzerland	20,825
4	Russia	191,089	5.5	Russia	118,661	7.0	Turkey	78,030	4.5	Australia	19,367
5	Turkey	144,681	4.2	Turkey	66,652	3.9	Russia	72,428	4.1	Hong Kong	16,776
6	Japan	124,519	3.6	Japan	66,383	3.9	Japan	58,136	3.3	Saudi Arabia	14,915
7	Norway	111,306	3.2	Norway	62,935	3.7	Norway	48,371	2.8	Mexico	14,128
8	South Korea	85,951	2.5	South Korea	41,433	2.4	United Arab Emirates	45,847	2.6	Egypt	13,954
9	India	77,065	2.2	India	39,265	2.3	South Korea	44,518	2.6	Singapore	11,987
10	Canada	64,294	1.9	Vietnam	33,064	1.9	India	37,800	2.2	Turkey	11,378
11	Brazil	60,243	1.7	Brazil	29,334	1.7	Canada	35,200	2.0	Stores and provisions -	10,116
12	United Arab Emirates	55,048	1.6	Canada	29,094	1.7	Hong Kong	34,989	2.0	Israel	7,944
13	Mexico	53,728	1.6	Taiwan	26,057	1.5	Mexico	33,928	1.9	Morocco	6,982
14	Hong Kong	53,201	1.5	South Africa	22,853	1.3	Saudi Arabia	33,925	1.9	Lebanon	6,251
15	Saudi Arabia	52,935	1.5	Malaysia	22,177	1.3	Australia	32,437	1.9	Canada	6,106
16	Singapore	50,859	1.5	Thailand	20,339	1.2	Singapore	31,423	1.8	Qatar	4,449
17	South Africa	45,839	1.3	Mexico	19,800	1.2	Brazil	30,909	1.8	Algeria	4,408
18	Taiwan	45,688	1.3	Singapore	19,436	1.1	South Africa	22,986	1.3	Oman	3,766
19	Australia	45,507	1.3	Saudi Arabia	19,010	1.1	Israel	21,142	1.2	Jordan	3,721
20	Vietnam	42,396	1.2	Hong Kong	18,212	1.1	Algeria	20,908	1.2	Gibraltar	3,554
21	Algeria	37,408	1.1	Not specified - Extra E	17,977	1.1	Morocco	20,791	1.2	Ukraine	3,425
22	Malaysia	35,409	1.0	Algeria	16,500	1.0	Egypt	20,644	1.2	South Korea	3,085
23	Morocco	34,599	1.0	Bangladesh	16,272	1.0	Taiwan	19,631	1.1	Serbia	2,974
24	Israel	34,339	1.0	Indonesia	14,618	0.9	Ukraine	16,505	0.9	Iran	2,756
25	Thailand	33,934	1.0	Morocco	13,809	0.8	Not specified - Extra E	14,686	0.8	Togo	2,489
26	Not specified - Extra E	32,663	0.9	Israel	13,197	0.8	Thailand	13,595	0.8	Kuwait	2,145
27	Ukraine	29,586	0.9	Ukraine	13,080	0.8	Malaysia	13,232	0.8	Belarus	2,040
28	Egypt	27,335	0.8	Australia	13,070	0.8	Serbia	11,698	0.7	Senegal	1,921
29	Indonesia	25,079	0.7	Kazakhstan	12,773	0.7	Indonesia	10,461	0.6	Cuba	1,627
30	Serbia	20,422	0.6	Nigeria	10,937	0.6	Tunisia	10,455	0.6	Panama	1,584
31	Nigeria	19,898	0.6	Iraq	10,337	0.6	Stores and provisions -	10,116	0.6	Brazil	1,575
32	Tunisia	19,771	0.6	Tunisia	9,316	0.5	Qatar	9,633	0.6	Bosnia-Herzegovina	1,480
33	Bangladesh	18,942	0.5	United Arab Emirates	9,201	0.5	Vietnam	9,332	0.5	Uzbekistan	1,451
34	Kazakhstan	17,974	0.5	Serbia	8,724	0.5	Nigeria	8,961	0.5	Albania	1,418
35	Argentina	16,774	0.5	Argentina	8,249	0.5	Chile	8,574	0.5	Georgia	1,413
36	Chile	15,938	0.5	Azerbaijan	7,605	0.4	Argentina	8,525	0.5	Marshall Is.	1,380
37	Qatar	14,818	0.4	Chile	7,364	0.4	Iran	8,250	0.5	Ethiopia	1,379
38	Iraq	13,867	0.4	Egypt	6,691	0.4	Lebanon	6,661	0.4	New Zealand	1,325
39	Iran	13,744	0.4	Philippines	6,612	0.4	Philippines	6,186	0.4	Chile	1,210
40	Philippines	12,798	0.4	Pakistan	6,273	0.4	Kuwait	5,454	0.3	Tunisia	1,139
41	Pakistan	11,565	0.3	Iran	5,494	0.3	Colombia	5,441	0.3	Andorra	1,129
42	Colombia	10,802	0.3	Colombia	5,361	0.3	Pakistan	5,292	0.3	Bahrain	1,103
43	Stores and provisions -	10,116	0.3	Qatar	5,184	0.3	Bosnia-Herzegovina	5,266	0.3	Mali	1,073
44	Azerbaijan	9,486	0.3	Peru	5,072	0.3	Kazakhstan	5,201	0.3	Dominican Republic	854
45	Bosnia-Herzegovina	9,051	0.3	Libya	4,880	0.3	Belarus	4,996	0.3	New Caledonia	846
46	Kuwait	8,762	0.3	Cambodia	4,546	0.3	New Zealand	4,697	0.3	Montenegro	843
47	Peru	8,691	0.3	Ivory Coast	4,509	0.3	For.JRep.Macedonia	4,452	0.3	Secret - Extra EU	833
48	Libya	8,327	0.2	Angola	4,188	0.2	Oman	4,180	0.2	Kosovo	782
49	For.JRep.Macedonia	8,165	0.2	Bosnia-Herzegovina	3,786	0.2	Jordan	4,059	0.2	For.JRep.Macedonia	739
50	New Zealand	8,070	0.2	For.JRep.Macedonia	3,713	0.2	Gibraltar	3,784	0.2	Moldova	709
51	Belarus	7,951	0.2	New Zealand	3,373	0.2	Iceland	3,632	0.2	Iceland	700
52	Angola	7,577	0.2	Kuwait	3,309	0.2	Peru	3,619	0.2	Sudan	678
53	Lebanon	7,071	0.2	Belarus	2,956	0.2	Iraq	3,530	0.2	Ceuta	673
54	Ivory Coast	6,940	0.2	Iceland	2,932	0.2	Libya	3,447	0.2	French Polynesia	649
55	Iceland	6,564	0.2	Ecuador	2,724	0.2	Angola	3,389	0.2	Kenya	605
56	Cambodia	5,189	0.2	Sri Lanka	2,554	0.1	Ghana	2,843	0.2	Yemen	570
57	Ghana	5,138	0.1	Costa Rica	2,354	0.1	Albania	2,709	0.2	Benin	568
58	Oman	4,594	0.1	Ghana	2,295	0.1	Bangladesh	2,670	0.2	Turkmenistan	552
59	Jordan	4,398	0.1	Botswana	2,184	0.1	Togo	2,593	0.1	Mellila	549
60	Ecuador	4,363	0.1	Cameroon	1,769	0.1	Ivory Coast	2,431	0.1	Ghana	548
61	Gibraltar	4,014	0.1	Uruguay	1,668	0.1	Senegal	2,343	0.1	Macao	516
62	Albania	3,999	0.1	Cayman Isles	1,490	0.1	Panama	2,146	0.1	Cayman Isles	500
63	Sri Lanka	3,924	0.1	Equat.Guinea	1,323	0.1	Ethiopia	2,098	0.1	Burkina Faso	499
64	Cayman Isles	3,480	0.1	Moldova	1,317	0.1	Cuba	2,043	0.1	Bahamas	497
65	Costa Rica	3,406	0.1	Mozambique	1,316	0.1	Moldova	2,026	0.1	Cape Verde	403
66	Moldova	3,343	0.1	Albania	1,291	0.1	Cayman Isles	1,990	0.1	Syria	365
67	Cameroon	3,325	0.1	Kenya	1,279	0.1	Georgia	1,965	0.1	Rwanda	362
68	Uruguay	3,289	0.1	Venezuela	1,274	0.1	Kenya	1,884	0.1	British Virgin Islands	359
69	Kenya	3,162	0.1	Congo	1,120	0.1	Azerbaijan	1,880	0.1	Guinea	353
70	Venezuela	2,822	0.1	Namibia	1,090	0.1	Dominican Republic	1,822	0.1	Tanzania	343

Table 2) European Commission – Brazil, Trade with World

**Brazil, Trade with World****Total Goods: Trade flows and balance**

Source IMF

Period	Imports		Exports		Balance		Total trade	
	Value Mio €	% Growth*	Value Mio €	% Growth*	Value Mio €	% Growth*	Value Mio €	% Growth*
2006	77,635		110,211		32,577		187,846	
2007	94,323	21.5	114,625	4.0	20,302	-37.7	208,948	11.2
2008	124,764	32.3	134,581	17.4	9,817	-51.6	259,346	24.1
2009	95,778	-23.2	107,959	-19.8	12,181	24.1	203,737	-21.4
2010	145,198	51.6	152,308	41.1	7,110	-41.6	297,507	46.0
2011	172,258	18.6	183,935	20.8	11,678	64.2	356,193	19.7
2012	184,070	6.9	188,463	2.5	4,393	-62.4	372,533	4.6
2013	191,240	3.9	181,982	-3.4	-9,258	-310.7	373,222	0.2
2014	182,765	-4.4	169,439	-6.9	-13,326	44.0	352,204	-5.6
2015	163,807	-10.4	172,270	1.7	8,464	-163.5	336,077	-4.6
2016	131,158	-19.9	166,734	-3.2	35,575	320.3	297,892	-11.4

Total Goods: Top trading partners 2016

Source IMF

Imports			Exports			Total trade		
Partner	Value Mio €	% World	Partner	Value Mio €	% World	Partner	Value Mio €	% World
World	131,158	100.0	World	166,734	100.0	World	297,892	100.0
1 EU 28	29,549	22.5	1 China	31,741	19.0	1 EU 28	59,699	20.0
2 USA	23,138	17.6	2 EU 28	30,151	18.1	2 China	53,948	18.1
3 China	22,207	16.9	3 USA	21,050	12.6	3 USA	44,188	14.8
4 Argentina	8,729	6.7	4 Argentina	12,122	7.3	4 Argentina	20,851	7.0
5 South Korea	5,740	4.4	5 Japan	4,160	2.5	5 South Korea	8,343	2.8
6 Mexico	3,392	2.6	6 Chile	3,687	2.2	6 Japan	7,533	2.5
7 Japan	3,374	2.6	7 Mexico	3,469	2.1	7 Mexico	6,862	2.3
8 Chile	2,800	2.1	8 South Korea	2,603	1.6	8 Chile	6,487	2.2
9 Russia	1,953	1.5	9 Singapore	2,555	1.5	9 India	4,321	1.5
10 Switzerland	1,929	1.5	10 India	2,509	1.5	10 Russia	4,031	1.4
1 EU 28	29,549	22.5	2 EU 28	30,151	18.1	1 EU 28	59,699	20.0

World trade: excluding intra-region trade

Top partners: excluding region member states

% Growth: relative variation between current and previous period

Table 3) Secretaria de Comércio Exterior - Brazil Trade Exchange 2000-2017 in US\$, Timetable p. 1

Secretaria de Comércio Exterior		INTERCÂMBIO COMERCIAL BRASILEIRO UNIAO EUROPEIA - UE Série Histórica							SH MAI - 2017
Ano/Mês	EXPORTAÇÃO			IMPORTAÇÃO			RESULTADO		
	US\$ FOB (A)	Var. %	Part. %	US\$ FOB (B)	Var. %	Part. %	SALDO (A-B)	CORRENTE (A+B)	COBERTURA (A/B)
2000	15.370.107.425	0,00	27,89	14.536.597.957	0,00	26,03	833.509.468	29.906.705.382	1,06
2001	15.528.924.328	1,03	26,64	15.450.218.200	6,28	27,79	78.706.128	30.979.142.528	1,01
2002	15.638.101.196	0,70	25,87	13.496.564.226	-12,64	28,57	2.141.536.970	29.134.665.422	1,16
2003	18.873.660.020	20,69	25,78	13.066.925.748	-3,18	27,04	5.806.734.272	31.940.585.768	1,44
2004	24.745.548.062	31,11	25,60	15.991.492.385	22,38	25,45	8.754.055.677	40.737.040.447	1,55
2005	27.127.865.783	9,63	22,89	18.238.933.802	14,05	24,78	8.888.931.981	45.366.799.585	1,49
2006	31.132.673.881	14,76	22,59	20.213.955.042	10,83	22,13	10.918.718.839	51.346.628.923	1,54
2007	40.565.583.854	30,30	25,25	26.740.657.783	32,29	22,17	13.824.926.071	67.306.241.637	1,52
2008	46.594.570.676	14,86	23,54	36.191.344.488	35,34	20,92	10.403.226.188	82.785.915.164	1,29
2009	34.189.000.802	-26,62	22,35	29.238.633.944	-19,21	22,89	4.950.366.858	63.427.634.746	1,17
2010	43.323.895.760	26,72	21,46	39.150.977.830	33,90	21,54	4.172.917.930	82.474.873.590	1,11
2011	53.168.582.198	22,72	20,77	46.460.442.933	18,67	20,54	6.708.139.265	99.629.025.131	1,14
2012	49.101.847.842	-7,65	19,18	47.715.732.066	2,70	21,09	1.386.115.776	96.817.579.908	1,03
2013	47.771.601.075	-2,71	18,66	50.750.680.815	6,36	22,43	-2.979.079.740	98.522.281.890	0,94
2014	42.047.281.231	-11,98	16,42	46.719.056.229	-7,94	20,65	-4.671.774.998	88.766.337.460	0,90
2015	33.946.636.998	-19,27	13,26	36.646.219.434	-21,56	16,20	-2.699.582.436	70.592.856.432	0,93
2016	33.357.320.710	-1,74	18,01	31.062.332.106	-15,24	22,58	2.294.988.604	64.419.652.816	1,07
Janeiro	2.157.658.837	0,00	19,20	2.407.049.048	0,00	23,32	-249.390.211	4.564.707.885	0,90
Fevereiro	2.535.684.633	17,52	19,00	2.361.023.092	-1,91	22,92	174.661.541	4.896.707.725	1,07
Março	2.769.014.260	9,20	17,32	2.704.192.916	14,53	23,39	64.821.344	5.473.207.176	1,02
Abril	2.599.968.990	-6,10	16,91	2.503.387.636	-7,43	23,82	96.581.354	5.103.356.626	1,04

Fonte: SECEX

Página 1

p. 2

Secretaria de Comércio Exterior		INTERCÂMBIO COMERCIAL BRASILEIRO UNIAO EUROPEIA - UE Série Histórica							SH MAI - 2017
Ano/Mês	EXPORTAÇÃO			IMPORTAÇÃO			RESULTADO		
	US\$ FOB (A)	Var. %	Part. %	US\$ FOB (B)	Var. %	Part. %	SALDO (A-B)	CORRENTE (A+B)	COBERTURA (A/B)
Maio	3.088.360.411	18,78	17,58	2.588.905.385	3,42	23,25	499.455.026	5.677.265.796	1,19
Junho	2.848.577.064	-7,76	17,02	2.864.623.318	10,65	22,43	-16.046.254	5.713.200.382	0,99
Julho	3.562.110.808	25,05	21,82	2.807.396.891	-2,00	23,89	754.713.917	6.369.507.699	1,27
Agosto	3.101.198.841	-12,94	18,26	3.042.744.152	8,38	23,68	58.454.689	6.143.942.993	1,02
Setembro	2.746.714.152	-11,43	17,38	2.512.186.728	-17,44	20,96	234.527.424	5.258.900.880	1,09
Outubro	2.628.655.008	-4,30	19,17	2.483.323.852	-1,15	21,83	145.331.156	5.111.978.860	1,06
Novembro	2.674.916.955	1,76	16,50	2.406.653.527	-3,09	21,00	268.263.428	5.081.570.482	1,11
Dezembro	2.644.460.751	-1,14	16,59	2.380.845.561	-1,07	20,66	263.615.190	5.025.306.312	1,11
2017	13.802.784.963	4,96	15,70	12.402.324.796	-1,29	21,06	1.400.460.167	26.205.109.759	1,11
Janeiro	2.673.367.885	0,00	17,93	2.437.147.429	0,00	19,98	236.220.456	5.110.515.314	1,10
Fevereiro	2.466.489.766	-7,74	15,95	2.262.968.088	-7,15	20,74	203.521.678	4.729.457.854	1,09
Março	2.990.009.478	21,23	14,89	2.891.201.914	27,76	22,34	98.807.564	5.881.211.392	1,03
Abril	2.665.114.478	-10,87	15,07	2.264.872.864	-21,66	21,13	400.241.614	4.929.987.342	1,18
Maio	3.007.803.356	12,86	15,20	2.546.134.501	12,42	20,99	461.668.855	5.553.937.857	1,18

Fonte: SECEX

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Table 4) European Commission – Brazil, Trade with World, p. 1



European Union, Trade with Brazil

Key Figures

Indicator	Unit	Period	Imports	Exports	Total trade	Balance
Last year	Mio euros	2016	29,412	30,922	60,334	1,509
Rank as EU partner		2016	11	17	11	
Share in EU trade	%	2016	1.7	1.8	1.7	
Annual growth rate	%	2015 - 2016	-5.6	-10.5		
Annual average growth rate	%	2012 - 2016	-6.2	-6.0		

Imports 2016

Exports 2016

AMA/NAMA product Groups

Product	Value Mio €	% Total	Product	Value Mio €	% Total
Agricultural products (WTO AoA)	11,963	40.7	Agricultural products (WTO AoA)	1,556	5.0
Fishery products	54	0.2	Fishery products	65	0.2
Industrial products	17,396	59.1	Industrial products	29,300	94.8
Total	29,412	100.0	Total	30,922	100.0

SITC product Groups

Product	Value Mio €	% Total	Product	Value Mio €	% Total
Primary products	19,240	65.4	Primary products	3,439	11.1
Manufactures	8,402	28.6	Manufactures	26,320	85.1
Other products	1,261	4.3	Other products	472	1.5
Other	509	1.7	Other	691	2.2

Top 5 - HS sections

Product	Value Mio €	% Total	Product	Value Mio €	% Total
IV Foodstuffs, beverages, tobacco	5,356	18.2	XVI Machinery and appliances	7,950	25.7
II Vegetable products	5,284	18.0	VI Products of the chemical or allied industries	7,526	24.3
V Mineral products	4,780	16.3	XVII Transport equipment	5,581	18.0
XV Base metals and articles thereof	2,127	7.2	VII Plastics, rubber and articles thereof	1,660	5.4
X Pulp of wood, paper and paperboard	2,110	7.2	XV Base metals and articles thereof	1,607	5.2

Top 5 - SITC sections

Product	Value Mio €	% Total	Product	Value Mio €	% Total
0 Food and live animals	9,013	30.6	7 Machinery and transport equipment	13,489	43.6
2 Crude materials, inedible, except fuels	8,309	28.3	5 Chemicals and related prod, n.e.s.	8,284	26.8
6 Manufactured goods classified chiefly by material	3,378	11.5	6 Manufactured goods classified chiefly by material	2,781	9.0
7 Machinery and transport equipment	3,104	10.6	8 Miscellaneous manufactured articles	2,088	6.8
5 Chemicals and related prod, n.e.s.	1,651	5.6	3 Mineral fuels, lubricants and related materials	1,347	4.4

% Total: Share in Total: Total defined as all products

% Growth: relative variation between current and previous period

Table 5) Secretaria de Comércio Exterior - Brazil Trade Exchange 2016-2017 in US\$ - Product Overview, p. 1

Secretaria de
Comércio
Exterior

EXPORTAÇÃO BRASILEIRA
UNIAO EUROPEIA - UE
PRINCIPAIS PRODUTOS

Ord	NCM	Descrição	2017 (JAN/MAI)			2016 (JAN/MAI)		
			Valor US\$ FOB	Part %	Peso Kg	Valor US\$ FOB	Part %	Peso Kg
TOTAL GERAL			13.802.784.963	100,00	37.646.071.070	13.150.687.131	100,00	38.650.805.299
TOTAL DOS PRINCIPAIS PRODUTOS EXPORTADOS			11.888.358.749	86,13	36.456.909.634	10.989.785.004	83,57	36.914.142.087
1	12019000	SOJA, MESMO TRITURADA, EXCETO PARA SEMEADURA	1.117.786.017	8,10	2.922.132.563	1.062.191.297	8,08	3.001.890.857
2	09011110	CAFE NAO TORRADO,NAO DESCAFEINADO,EM GRAO	1.062.996.762	7,70	368.617.197	958.786.207	7,29	396.936.648
3	26011100	MINERIOS DE FERRO NAO AGLOMERADOS E SEUS CONCENTRADOS	973.664.565	7,05	17.286.757.215	461.845.029	3,51	16.556.188.000
4	23040090	BAGACOS E OUTS.RESIDUOS SOLIDOS,DA EXTR.DO OLEO DE SOJA	972.884.712	7,05	2.681.965.194	1.108.356.685	8,43	3.303.205.167
5	47032900	PASTA QUIM.MADEIRA DE N/CONIF.A SODA/SULFATO,SEMI/BRANQ	701.962.985	5,09	1.861.362.052	848.371.890	6,45	2.129.987.846
6	83071090	OUTROS TUBOS FLEXIVEIS DE FERRO OU ACO	506.199.686	3,67	29.697.510	610.554.594	4,64	37.341.291
7	27090010	OLEOS BRUTOS DE PETROLEO	501.383.284	3,63	1.799.291.666	202.447.404	1,54	1.450.773.728
8	26030090	OUTROS MINERIOS DE COBRE E SEUS CONCENTRADOS	497.834.310	3,61	240.536.000	444.309.283	3,38	244.424.000
9	71081310	OURO EM BARRAS,FIOS E PERFS DE SECAO MACICA	359.973.160	2,61	9.245	476.631.262	3,62	12.339
10	26011210	MINERIOS DE FERRO AGLOMERADO P/ PROCESSO DE PELETIZACAO	300.640.515	2,18	3.634.559.000	216.069.176	1,64	4.735.510.500
11	20091900	OUTROS SUCOS DE LARANJAS,NAO FERMENTADOS	204.154.265	1,48	97.673.660	273.010.761	2,08	180.666.953
12	72029300	FERRONIOBIO	200.672.280	1,45	10.648.035	175.755.969	1,34	8.482.184
13	23040010	FARINHAS E "PELLETS",DA EXTRACAO DO OLEO DE SOJA	196.895.096	1,43	476.595.781	152.642.252	1,16	346.104.391
14	72071200	OUTROS PRODS.SEMIMANUF.FERRO/ACO,C<0.25%,SEC.TRANSV.RET	179.334.420	1,30	471.922.322	63.218.883	0,48	241.521.706
15	02109900	CARNES DE OUTS.ANIMAIS,SALGADAS,SECAS,ETC.	144.035.040	1,04	67.957.991	175.610.606	1,34	80.250.399
16	17011400	OUTROS ACUCARES DE CANA	137.392.598	1,00	326.179.929	123.075.563	0,94	375.293.400
17	88024090	OUTROS AVIOES/VEICULOS AEREOS,PESO>15000KG,VAZIOS	137.006.476	0,99	138.120	25.392.659	0,19	20.820
18	20091200	SUCOS DE LARANJA NAO CONG.C/VALOR BRIX<=20	126.450.386	0,92	365.508.978	168.850.466	1,28	496.315.567
19	84818099	TORNEIRAS E OUTROS DISPOSITIVOS P/ CANALIZACOES,ETC.	120.193.538	0,87	2.282.802	252.451.953	1,92	5.163.580
20	20091100	SUCOS DE LARANJAS,CONGELADOS,NAO FERMENTADOS	117.459.851	0,85	68.252.854	139.892.222	1,06	90.699.112
21	24012030	FUMO N/MANUF.TOTAL/PARC.DESTAL.FLS.SECAS,ETC.VIRGINIA	115.390.023	0,84	20.191.418	198.627.217	1,51	36.051.604
22	84119100	PARTES DE TURBORREACTORES OU DE TURBOPROPULSORES	108.871.620	0,79	5.350	70.465.476	0,54	6.422
23	16023220	GALO/GALINHA C/CONT.CARNE/MIUD.>=57% EM PESO COZIDAS	103.463.190	0,75	29.224.274	95.999.792	0,73	29.001.371
24	41071220	OUTS.COUIROS/PELES,INT.BOVINOS,PREPARS.ETC.	102.962.300	0,75	6.063.833	94.435.662	0,72	6.668.163
25	72026000	FERRONIQUEL	101.197.211	0,73	38.753.673	97.180.128	0,74	42.621.776
26	27101922	FUEL-OIL	91.148.288	0,66	318.533.022	29.094.151	0,22	227.971.065
27	72011000	FERRO FUNDIDO BRUTO NAO LIGADO,C/PESO<=0.5% DE FOSFORO	85.098.094	0,62	280.292.000	57.372.880	0,44	220.015.000
28	44123900	OUTS.MAD.COMP.FOLHEADA,ESPES.N SUP.A 6MM	82.860.430	0,60	175.539.144	79.199.093	0,60	175.801.389
29	27101921	GASOLEO (OLEO DIESEL)	82.240.818	0,60	170.352.524	26.685.177	0,20	82.764.238
30	02013000	CARNES DESOSSADAS DE BOVINO,FRESCAS OU REFRIGERADAS	79.159.058	0,57	8.305.873	91.919.168	0,70	9.935.932
31	72249000	PRODUTOS SEMIMANUFATURADOS,DE OUTRAS LIGAS DE ACO	72.926.554	0,53	170.201.399	32.337.142	0,25	110.731.808
32	16023100	PREPARACOES ALIMENTICIAS E CONSERVAS,DE PERU	71.214.231	0,52	20.222.682	48.632.454	0,37	16.717.635

Fonte: SECEX

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