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Polityka obronna Unii Europejskiej – wymiar traktatowy

European Union defence policy – treaty dimension

Streszczenie:

Polityka obronna stała się w ostatnim czasie jednym z komponentów wymiaru zewnętrznego Unii Europejskiej odpowiadając niejako na zapotrzebowanie bycia graczem strategicznym na arenie międzynarodowej nie tylko w kwestiach ekonomicznych. Artykuł przedstawia ewolucję wymienionej polityki od lat dziewięćdziesiątych XX wieku po rozwiązania obecne. Punktem wyjścia jest analiza traktatowa zasad zaprezentowanych w poszczególnych dokumentach, począwszy do Traktatu z Maastricht po Traktat z Lizbony. Ponadto ukazana została specyfika UE jako podmiotu prawnomiędzynarodowego i procedury decydowania w sprawach zewnętrznych.

Słowa kluczowe: UE, traktaty UE, polityka obronna

Summary:

Defence policy has recently become one of the components of the external dimension the European Union policy, reflecting, in a sense, on the need to be a strategic player in international relations and not only in economic matters. This article presents the evolution of this policy from the 90s to the present solutions. The starting point is a treaty analysis of the principles presented in each document starting with the Maastricht Treaty to the decision in the Treaty of Lisbon. In addition, the specificity of the EU as an international legal entity, and the procedure for deciding on external issues was shown.

Keywords: EU, EU treaties, defence policy

1. Introductory remarks

European defence policy is currently one of the key issues of the public debate and discussion about safety in Europe. Its form is largely dependent on the actions of the European Union which has become the subject accommodating in its conceptions the issues of safety and defence and not only the economic matters. The issues reflected upon in this article mainly relate to the idea of the Common Security and Defence Policy (CSDP) and its modifications, the concept of building a stronger 'defence core' for Europe, and deepening of the cooperation in a perhaps narrower circle than the Union of all the countries. The discussion on defence cooperation is

also a reaction to the crisis within the EU, an answer to the challenges arising from Brexit, and Donald Trump's presidency in the United States of America as well as safety threats on the southern borders of the continent.

2. Treaty bases for the defence policy

The Common Security and Defence Policy has its roots in the 1950s and is connected to the failed concepts of introducing the so called European Defence Community (EDC) also known as Pleven Plan[1]. EDC was supposed to become a supranational organization operating within the NATO framework but having its own military forces and a common budget. There were to be created supranational institutions, such as EDC Commissioner, EDC Council, and EDC Parliamentary Assembly onto which the countries would relinquish part of their sovereignty. It was also decided how much each country would contribute to the common army in terms of military divisions. Operating within the NATO structure meant that the European army would be under the American command. The notion did not succeed due to political reasons. France, the initiator of the agreement, laid down political conditions that other countries were unable to fulfil i.e. permanent military presence of the US and UK forces in Europe, freedom for France to relocate its troops outside of Europe, and Europeanization of the Saarland, which in turn led to the project failure during the vote in the National Assembly.

The idea of integration as part of defence policy emerged again in 1980s and the policy was accorded an institutional status as the second EU pillar pursuant to the Maastricht Treaty. Common Foreign and Security Policy (CFSP) was created then, which was highly institutionalized and strengthened the second pillar in the following years[2]. Let us say a few words on the idea of defence policy and its assumptions created by the Maastricht Treaty. Its aims encompassing all the areas of foreign and defence policy were outlined in Article J.1. These included:

- protection of common values, fundamental interests and autonomy of the Union;
- strengthening safety of the Union and its member states in all forms;

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[1] The Pleven Plan was a project presented in 1950 and it postulated creating a common defence system and European army which would be subject to political institutions. It was an answer to the proposal of a fast remilitarization of Germany put forward by the USA. According to Pleven idea German army would become a part of the European army.

[2] W. Góralski, *Rozwój i ewolucja systemu decyzyjnego Wspólnej Polityki Zagranicznej i Bezpieczeństwa Unii Europejskiej,* in: *Dyplomacja czy siła? Unia Europejska w stosunkach międzynarodowych,* ed. S. Parzymies, Warszawa 2009, p. 54.

– keeping the peace and strengthening international safety according to the principles of the Charter of the United Nations, rules of the Helsinki Accords, and objectives of the Paris Charter;
– supporting the international cooperation;
– developing and consolidating the democracy and rule of law as well as respecting human rights and fundamental liberties[3].

Member states gained protection against the far-reaching interference of the Union into their own defence policies in the form of clauses saying that: "the European Union policy respects the commitments of some of the member states arising from the North Atlantic Treaty and is consistent with the common security and defence policy established within its framework" and that "Maastricht Treaty provisions on the CFSP are not an obstacle for the development of a closer cooperation between two or more states on a bilateral level within the WEU and the North Atlantic Treaty Organization, if such cooperation is not contrary with and does not hamper the cooperation established in CFSP[4]".

The Treaty has also created a set of instruments by stating that the implementation of CFSP lies with the Union and its member states and is carried out with the use of general guidelines, joint activities and common positions. These joint activities included specifying their exact range, purpose, and timeframe as well as the manner and procedure of their implementation. The common positions related to the formulation of ideas in foreign policy within as well as outside the states (national policy should be adapted to the common positions). Both instruments were binding for member states, contrary to the general guidelines[5]. What is interesting, the common positions introduced by the Maastricht Treaty were not at any point of the treaty specifically defined. Only in later years attempts were made to clarify, by means of internal documents, what the common positions should in fact include[6].

Witold Górski duly directs his attention to the conceptual weaknesses of the Maastricht Treaty in its part relating to foreign and security policy. There was a certain ambiguity; on the one hand the countries treated CFSP as intergovernmental collaboration and consultations process, and on the other some countries endeavored to create authentic union policy carried out by Union institutions[7]. Placing the CFSP in the second pillar indicated the intergovernmental component and consultations process in making decisions while severely limiting the role of the Union institutions.

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[3] Ibidem, p. 57.
[4] Ibidem, p. 57 – 58.
[5] Ibidem, p. 58.
[6] J. Zajączkowski, *Unia Europejska w stosunkach międzynarodowych,* Warszawa 2006, p. 87.
[7] W. Góralski, p. 59.

Moreover, the conception did not include any information on building a defence community; in the military and defence scope the security policy of the EU member states was to be based on the Western European Union and NATO.

Pursuant to the Amsterdam Treaty of 1999 certain changes were introduced to the objectives of CFSP. The protection of the European Union integrity was added to the first point. In the next one there was information on the necessity to strengthen the Union security (before, also the security of the member states was mentioned)[8]. CFSP instruments were extended to include common strategies that were a far more detailed and accurate measure. The common strategies defined the aim, timeframe and measures that were to be delegated at the disposal of the EU and the member states[9]. In formal and legal terms the document enhanced the position of the European Council which defined the rules and overall guidelines as well as made decisions relating to the introduction of common strategies in areas concerning key interests of the member states[10]. The European Council made decisions unanimously, however, in certain cases an exception was made from the unanimity to a qualified majority requirement[11]. If one of the members of the Council, invoking an important national interest can abstain from voting, it was described as constructive abstention noting that such abstention is not applicable if the members of the EU Council who abstain from voting form more than one third of weighted votes[12].

What is important, the Amsterdam Treaty clarified the provisions regarding common positions. As was mentioned before, the wording in TEU was fairly enigmatic and the Amsterdam Treaty specified that "common positions determine the attitude of the Union towards a certain geographical or substantial issue"[13].

The Amsterdam Treaty also dealt with the key issue of defence. In article 17 (J.7 before) there appeared a phrase about progressive forming of common defence policy which could result in common defence if the European Council decides so. Member states are to take such decision in accordance with their constitutional requirements[14]. The article specifies the fact that the Western European Union is an

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[8] A. Przyborowska-Klimczak, E. Skrzydło-Tefelska, *Dokumenty europejskie. Traktat o Unii Europejskiej, Traktat ustanawiający Wspólnotę Europejską w wersji Traktatu Amsterdamskiego,* Tom III, Lublin 1999, p. 33.

[9] J. Zajączkowski, p. 93.

[10] Ibidem.

[11] This referred to common positions and activities undertaken on the basis of common strategy, and implementing those activities and positions, if they do not influence military and defence matters. Based on: A. Przyborowska-Klimczak, E. Skrzydło-Tefelska, p. 33.

[12] W. Góralski, p. 61.

[13] J. Zajączkowski, p. 87.

[14] A. Przyborowska-Klimczak, E. Skrzydło-Tefelska, p. 63.

integral part of the Union and supports it in forming the defence elements of common foreign and security policy[15]. The Treaty also established the position of the High Representative for Common Foreign and Security Policy entrusting the task to the Secretary General of the EU Council[16].

As the Common Foreign and Security Policy developed, the European Communities began the process of assuming their own responsibility for defence. After a failed project of creating the European Security and Defence Identity (ESDI)[17], in the late 1990s an idea was expressed of building the defence identity of the Union that would include incorporating the WEU into the EU. In December 1998 at the Saint-Malo Summit a declaration was proclaimed on the European defence. The declaration highlighted the necessity for the Union to have the ability to act and use military forces in the face of international crises. Following the initiative of France and Great Britain, a new EU policy was defined under the name of the European Security and Defence Policy (ESDP). The initiative was approved at the European Council Summit in Cologne in June 1999 and in Helsinki in December 1999[18]. Ultimately, the ESDP was limited to implementing the so called Petersberg tasks[19], while the basis for the joint defence of the continent was still the North Atlantic Treaty Organization. In the case when NATO as a whole would not be engaged in a certain crisis, the European Union should conduct military operations on its own[20].

The idea of ESDP strongly emphasized the external dimension of the EU policy. When discussing peacekeeping, humanitarian, and rescue operations, it always stressed the involvement of the Community outside of its borders. The policy was to be carried out based on the intergovernmental actions with the limitation of community functions. The idea of creating a common European army was ruled out;

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[15] Ibidem.

[16] W. Góralski, p. 61 – 62.

[17] The idea of ESDI was developed in January 1994 and in June 1996 at the meetings of the North Atlantic Council. There was a debate then regarding the creation of Multinational Joint Special Task Force which was to be used in operations without the USA involvement but with the general support of the Treaty, which was to provide the necessary equipment. As it turned out the success of the idea was too dependent on military forces of the Treaty; there was also a problem with the political management of the Force. Based on: R. Zięba, *Wspólna Polityka Zagraniczna i Bezpieczeństwa Unii Europejskiej,* Warszawa 2007, p. 44 – 45.

[18] J. Barcik, *Europejska polityka bezpieczeństwa i obrony. Aspekty prawne i polityczne,* Bydgoszcz-Katowice 2008, p. 96 – 97.

[19] The Petersberg Tasks meant that there was a possibility for the military units of WEU to participate in humanitarian and rescue missions, peacekeeping missions and military operations in crisis situations including peace building.

[20] J. Barcik, p. 98.

the North Atlantic Treaty was supposed to guarantee safety on the continent but, as mentioned before, the Union gained the right to some autonomy of action in critical situations[21].

In institutional aspects the modifications in security and defence policy have taken place as a result of further treaty changes. The treaty of Nice did not introduce any major changes in functioning of the Common Foreign and Security Policy. One modification of a structural character was the clause renouncing the relation between the EU and the WEU by removing the phrase giving the WEU an integral part in the development of the EU[22]. The Petersberg tasks were completely taken over by the EU. The Treaty of Nice supplemented the CFSP with a defence component enabling the creation of common defence policy in the future, and the ESDP became the "military instrument" of CFSP[23].

The deliberations on the ideas included in the Constitutional Treaty could be omitted due to the fact that the proposed formal and legal changes did not come into force, but, the ideas on a conceptual level were interesting. Witold Górski attempted a detailed analysis of this issue and pointed out that the concept of CFSP from 2004 was influenced by a number of factors. There was an international factor resulting from the unstable international situation, the division among the EU member states regarding the American intervention in Iraq, and the resultant crisis within the EU. The statutory factor, that is adopting a clause on recognizing the EU as an international organization and granting it an international legal status, as well as the so called reform factor stemming from the abolition of the three-pillar structure of the EU and incorporating the CFSP into the common union framework[24]. Placing CSFP in the uniform structure consisted of defining the internal actions of the Union understood as a comprehensive approach, where foreign and security policy is an important element[25]. It can be stated that the introduced changes were never of a groundbreaking character and their general aim was to improve the effectiveness of external policy and its greater communitarisation.

3. Defence policy in the Lisbon Treaty – institutional changes

Following the recent changes (the Lisbon Treaty coming into force on 1st Dec. 2009) the key provisions relating to the external policy of the European Union can

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[21] R. Zięba, *Europejska Polityka Bezpieczeństwa i Obrony,* Warszawa 2005, p. 51.

[22] W. Góralski, p. 63.

[23] T. Betka, *WPZiB I EPBiO od Maastricht do Lizbony,* „Analiza UniaEuropejska.org", 2011 no. 3(4), p. 7.

[24] More on the subject: W. Góralski, p. 64.

[25] Ibidem, p. 65.

be found in Title V of the Treaty including the general and detailed provisions[26]. It is stated in Article 21 that the European Union aims to develop relationships and build partnerships with third countries and international organizations, which adhere to principles of democracy, rule of law, universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principle of equality and solidarity, and have respect for the principles of the united Nations Charter and international law[27]. The article defines the principles that should be followed by the entities cooperating with the European Union. Defence policy is directly connected to the external aspect of operation of the Communities and that is why it is necessary to say a few words on the process of shaping the Union's external policy.

The relations of the European Union with third countries under the Treaty of Lisbon can take different form, depending on the character of the country, region or area which the cooperation refers to. One of the possibilities is collaboration based on association agreements. Another possibility is to have bilateral relations with the countries without association agreements. The basis for signing an association agreement is Article 217, according to which the possibility of signing such agreement is made contingent on the existence of mutual rights and obligations, as well as functioning of certain procedures which the shape of the association agreement is dependent on[28].

The notion of a "third country" appears multiple times in the text of the Lisbon Treaty. Among others in the issues relating to internal market (art. 28-29), free movement of capital (art. 63-64), migration policy (art. 79), protection of natural environment (art. 191) and the issues directly connected with international cooperation i.e. cooperation with third countries (art. 207-214), conclusion of international agreements (art. 216-219), relations with third countries, and functioning of the Union delegations (art. 220-221)[29].

One of the key changes influencing the form of external relations with third countries was introduction, under the Lisbon Treaty, of a uniform representation in external actions. The change results primarily from reassigning part of the prerogatives of the European Commission onto the High Representative of the Union for Foreign Affairs and Security Policy. Moreover, the European Parliament has been given more power regarding the external policy; among others it takes the necessary

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[26] *Traktat o Unii Europejskiej i Traktat o funkcjonowaniu Unii Europejskiej,* (wersja skonsolidowana), http://eur-lex.europa.eu/JOHtml.do?uri=OJ:C:2008:115:SOM:PL:HTML, [accessed: 10.03.2017].

[27] Ibidem, art. 21.

[28] P. Frankowski, *Współpraca Unii Europejskiej z państwami trzecimi,* in: *Unia Europejska po Traktacie z Lizbony. Pierwsze doświadczenia i nowy wyzwania,* ed. P. Tosiek, Lublin 2012, p. 133.

[29] Ibidem.

measures to carry out tasks outlined in art. 212. The role of the High Representative and its subordinate the European External Action Service is also of great importance[30].

The Common Foreign and Security Policy is subject to specific rules and procedures. It is implemented by the High Representative of the Union for Foreign Affairs and Security Policy and member states on the basis of mutual political solidarity, defining issues constituting the subject of common interest, and achieving an increasing level of convergence. The member states support and respect the Union's decisions in that matter and act to strengthen and develop mutual political solidarity[31]. Art. 25 specifies the instruments that the European Union uses to implement the Common Foreign and Security Policy. The Lisbon Treaty introduced new nomenclature for these instruments[32]. They include general guidelines, adoption of decisions in the form of cooperative actions, common positions, and principles for making decisions regarding actions and positions, as well as systematic cooperation between member states.

The general guidelines are linked with the matters that influence political and defence issues. Strategic interests and goals are determined by the European Council. In cases when international situation requires operational activities of the EU, the Council makes all the necessary decisions that define the scope, goal and measures to be at the disposal of the European Union as well as the conditions for implementing them and their timeframe. What is important, those decisions are binding for the countries in relation to their positions and actions undertaken by them. Adopting a specific position and undertaking of any action requires a notification from the member state so that necessary decisions can be taken (art. 28). Decisions made by the EU can be of geographical or material character (art. 29). A member state of the EU needs to ensure compliance of its national policy with that of the EU.

In order to determine the common position member states need to agree on all the issues concerning the Common Foreign and Security Policy. The countries need to ensure the implementation by the European Union of its interests and values internationally by being supportive towards each other and by acting in a convergent manner (art. 32). The provisions on strengthening the systematic cooperation between member states supplement the regulations concerning the manner of adopting the decisions. Member states work together to develop political solidarity and refrain

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[30] More on the subject: J. Barcz, *Traktat z Lizbony. Wybrane aspekty działań implementacyjnych,* Warszawa 2012, pp. 288 – 327.

[31] *Traktat o Unii Europejskiej,* art. 24.

[32] R. Zięba, *Polityka zagraniczna i bezpieczeństwa Unii Europejskiej,* in: *Integracja europejska,* ed. K. A. Wojtaszczyk, Warszawa 2011, p. 231.

from any actions that are contrary to the EU interests and could harm their effectiveness as a consistent force in international relations (art. 24)[33].

One of the changes of the Lisbon Treaty was the fact that the former ESDP, functioning now as the Common Security and Defence Policy (CSDP), became an integral part of the CFSP. Thus, the defence component has been integrated into the external policy of the Communities for the first time. According to Witold Góralski, a situation like that constitutes a summary and a culmination of the process that started in 1998 and whose aim was to treat the defence policy as an integral part of foreign and security policy[34]. It enabled the European Union to fully develop its capacities for adopting decisions, planning, and conducting military operations in answer to international crises[35].

The CSDP itself, according to the treaty provisions, is to serve in peacekeeping, preventing conflicts, and strengthening of international security, which can be achieved by possessing the capabilities of a member state. Moreover, the specific types of missions undertaken with the use of civilian and military measures were described in the Treaty. Those include: joint disarmament operations, humanitarian and rescue tasks, military advice and assistance, tasks of combat forces in crisis management including peace-making and post-conflict stabilization[36]. Carrying out specific operational tasks member states of the EU should ensure the submission of appropriate civilian and military measures. The integration of defence policy into the CFSP may potentially lead to the creation of "common defence"[37]. A decision like that could be adopted unanimously by the European Council. The specificity of this policy includes the commitments of some of the countries resulting from the membership in the North Atlantic Treaty. In case when a member state becomes a victim of armed aggression on its territory the other states have the responsibility to provide help and support using any means possible[38]. The solidarity clause obliges the member states to provide help also in the case of natural disasters and terrorist attacks[39]. What is interesting, the Treaty of Lisbon also mentions the possibility of

[33] It should be noted that the current implementation of the EU external policy (before the Lisbon Treaty) was based on the provisions of the Maastricht Treaty and some of the provisions of the Treaty of Amsterdam and the Treaty of Nice. Investigating the process of the EU policy implementation with regard to the Russian Federation it should be emphasized that up to now it was conditioned by instruments included in the mentioned treaties.

[34] W. Góralski, p. 77.

[35] Ibidem.

[36] Ibidem, p. 78

[37] Ibidem. See also: T. Betka, p. 10.

[38] T. Betka, p. 10.

[39] Ibidem.

building a so called structural cooperation regarding security. It can be established by countries with higher military capabilities by entering into obligations connected with specific missions[40].

4. The specificity of the EU as an entity

In the next part I would like to touch upon the structure of the EU as an international legal entity and problems that it creates in specifying external activities. The subject was analyzed in detail in the context of creating the Union's foreign policy with regard to the Russian Federation in "*Strategic partnership of the European Union and Russian Fereration*"[41].

According to Ch. Piening the treaty provisions relating to foreign policy were considered to be "extremely complex and complicated, resulting from the need to compromise"[42]. M. Holland is of a similar view describing the provisions of the second pillar of the EU as intentionally unclear so as to satisfy everyone[43].

Another important issue impacting the character of external relations of the European Union is the coherence between the EU policy as a whole, and the policies of member states. The external dimension of the EU policy which relates to other countries and supranational organizations is expressed as the agreement of the member states for the European Union to represent them internationally as a consistent entity. The coherence should be expressed in the synchronization of the Union's policy with the policies of the member states.

In her analysis of the factors that influenced the shape of the European Security and Defence policy, I. Słomczyńska included the so called subsystemic conditions as the basis determinants of the policy[44]. The author is of an opinion that the most important conditions are those stemming from within the member states and their political systems. That is why the shape of the EU policy is influenced by the direct actions of its members. The interests of the countries can be identical, conflicting or complementary[45]. For the external policy of the European Union to be more effective, the countries should strive for their interests to be identical. Conflicting interests make the external actions difficult or even impossible.

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[40] Ibidem.

[41] Ł. Potocki, *Partnerstwo strategiczne Unii Europejskiej I Federacji Rosyjskiej,* Zamość 2012.

[42] Ch. Piening, *Global Europa: The European Union in World Affairs,* London 1997, p. 39.

[43] Based on: J. Zajączkowski, p. 124.

[44] More: I. Słomczyńska, *Europejska Polityka Bezpieczeństwa i Obrony. Uwarunkowania-struktury -funkcjonowanie,* Lublin 2007, pp. 21 – 88.

[45] Ibidem, p. 21.

The political will of the member states is the basis for shaping the foreign policy of the European Union. J. Zajączkowski attempts to analyse the conduct of the countries within the system of the Common Foreign and Security Policy of the EU and to explain what determines the convergence, contradiction or complementarity of actions of the member states[46].

The primary assumption is the claim that foreign policy carried out by the EU as a whole is of more significance that the foreign policy of particular member states. In this case we can see the reflection of the so called "policy of scales"[47], which pertains to the dominance of collective action and the benefits the member states can derive from joint rather than individual actions. Building a coalition, in contrast to undertaking individual actions, significantly increases the effectiveness. Keeping in mind that by accepting the objectives of the European Union the member states limit their own sovereignty, a question arises if the potential benefits of joint actions can compensate for the loss of sovereignty. If the answer is positive we can talk about increased effectiveness of the EU actions.

Another argument that decides on the convergence or conflict of the undertaken actions is the broader "national interest". According to J. Zajączkowski, "the level of "europanization" of one's national interests, that is depicting them as European, is directly proportional to their effective advancement, as they would have the backing of Europe"[48]. D. Milczarek is of the opinion that the EU foreign policy mission is to "tie one's country fate with other European countries in an ever closer Union, which is the primary interest for each one of them"[49]. The key issue ensuring the complementarity of interests is the implementation of national interests within the framework of the EU foreign policy. In that case we can also talk about an increased effectiveness of the EU activities in its external aspect.

Another concept is based on the so called "binding theory" by J. Grieco, who claims that countries, having common interests and negotiating together in matters of foreign policy, create possibilities for the weaker side to exert more significant influence and limit the dominance of the stronger partners[50]. Following that, the weaker countries of the EU could strive to strengthen and communitarize the external policy to make their own position more powerful. According to that assumption, to pursue effective policy towards external entities one needs the agreement of every EU country and a complementarity of national interests.

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[46] J. Zajączkowski, pp. 140 – 145. The following analysis is based on the quoted source.

[47] See more: R. H. Ginsberg, *The European Union in International Politics,* Boulder 2001.

[48] J. Zajączkowski, p. 141.

[49] D. Milczarek, *Unia Europejska we współczesnym świecie,* Warszawa 2005, p. 112.

[50] Based on: J. Zajączkowski, pp. 141 – 142.

J. Zajączkowski also cites the theory of interdependencies and the international regimes theory. Aside from national interest other factors influencing the process of political cooperation between countries are also of importance. And so, the increase in the interdependencies creates the need to institutionalize the forms of cooperation based on which common actions can be undertaken[51]. It also influences the changes in perceiving a country's sovereignty. Political cooperation does not limit independence but strengthens it and is motivated by national interest. The countries, in such cases, consciously limit their sovereignty to, in fact, make it more powerful.

An important issue enhancing the effectiveness of external policy is the confidence in the integration and the idea of united Europe that is a consequence of the EU development. The concept of integration imposes the need to implement the common external policy and increase its effectiveness in geographical (directed at a specific subject) and material dimension. Reaching an agreement and implementing it increases the possibilities of holding the common position externally. Without a doubt, the EU external policy is decided based on multilateral negotiations between member states and the compromise which is an effect of those negotiations.

It should be noted that the shape and character of the external policy of the European Union is also influenced by other factors. Among others, the policy is a consequence of European identity and experiences. The European Union possesses a certain system of values comprising the principles connected with democracy and human rights. In the case of the EU we cannot talk about just one cultural and civilizational system. The member states are derived from different systems and they have developed their policies based on different values. By joining the European Union they accept the EU value system but it does not solve the problem of decision making as the national traditions of the member states are extremely strong.

Implementation of the EU external policy is an effect of its particular status and the influence of three separate, but still interdependent, decision-making systems. The shape of that policy is influenced by national foreign policies of the member states, the policy concerning the economic sphere (remnant of the firs pillar), and policies that emerged as a result of the actions of the Common Foreign and Security Policy[52]. Therefore, we deal with a compilation of the power of the European Union as a whole, and the political preferences of particular member states[53].

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[51] J. Zajączkowski, pp. 142 – 143. See also: R.O. Keohane, J.S. Nye, *Power and Interdependence,* New York 1989, p. 90.

[52] B. Piskorska, *Wymiar wschodni polityki Unii Europejskiej,* Toruń 2008.

[53] Ibidem.

The specific character of implementing the external policy of the European Union can also be noticed in reference to the theory of international roles[54]. The countries, as separate and independent subjects of international relations, even if they experience problems with external policy implementation and with the multitude of roles they take on, are still in a better position if they have at their disposal a uniform and coherently working institutional and decision-making system, as part of their external policy[55]. In the case of the European Union there is a lack of strong competencies to implement a uniform external policy (with regard to the countries) as well as organizational dispersion. Moreover, the role taken on by the European Union is often dependent on the roles chosen by the member states.

Starting from the assumption that the role theory can be applied to the subject of international relations – the European Union, a few facts need to be taken into consideration. Following a certain type of external policy with regard to a different subject should be described as the actual international role of the EU. However, to define the actual international role is a complicated process due to the complexity of interactions. With the European Union we should note and take into account the roles fulfilled by the member states as well as the Union itself. What is more, we should note the possibility of the "conflict of roles" resulting from the internal contradictions which can arise in an unduly complex system of interactions between the EU institutions (the European Parliament, the European Commission, the Council of the European Union), other institutions and the member states as well as between the particular member states[56].

External policy of the European Union is more than just a simple sum of the foreign policies of its member states. It is a compilation of the Community policy on an institutional level and the foreign policies of the EU countries. The policies can often overlap and interact which makes it easier to achieve a common and uniform position. To sum up the deliberations on the European Union as an entity, it should be noted that the shape of the external policy depends on the convergence or contradiction of interests of the member states.

5. Closing remarks

Foreign and security policy, including the defence component, is a particularly complicated part of the European Union. Various treaty-related solutions, starting with the Maastricht Treaty, have pointed to the problems in creating a clear and

[54] On the theory of roles: Z. J. Pietraś, *Teoria i klasyfikacja ról międzynarodowych,* Lublin 1989.

[55] D. Milczarek, *Rola międzynarodowa UE jako „mocarstwa niewojskowego",* „Studia Europejskie", 2003 no. 1, p. 36.

[56] Ibidem.

simple decision-making system. Only the Lisbon Treaty allowed for the so called communitarization of the policy and making it a part of the defence policy framework, which to some extent enhanced its implementation effectiveness, however, the defensive actions are still concentrated on the problems outside of the European continent and in the non-member countries (humanitarian and crisis operations etc.). Another issue is the specific character of the European Union as an entity. The process of decision-making is influenced by the conflict of interests of the member states and the procedural requirements of the Union institutions. It cannot be forgotten that the European continent security system is also influenced by the functioning of other organizations, including the North Atlantic Treaty Organization. That poses a number of questions as to the real possibilities and capabilities to ensure the EU security. According to numerous opinions "common defence policy" of the European Union is unrealistic and is purely a theory presented only in a treaty dimension[57]. This article does not strive to find the answers as to the feasibility of implementing the policy. Its aim is to show the treaty solutions connected with the EU defence policy, its evolution and modifications in different documents ending with the incorporation of the foreign and security policy into the treaty dimension.

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[57] S. Koziej, *NATO i UE: Dwa euroatlantyckie filary bezpieczeństwa Polski*, in: *System euroatlantycki w wielobiegunowym ładzie międzynarodowym,* Warszawa 2013, p. 87.

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