

Summary of Doctoral Thesis

The Powers of the European Council within the Scope of the Common Foreign and Security Policy of the European Union

The doctoral dissertation entitled “The Powers of the European Council within the Scope of the Common Foreign and Security Policy of the European Union” constitutes the evaluation of performance of the CFSP-related tasks conferred upon the European Council pursuant to the Treaty of Lisbon.

So far the doctrine lacked in-depth studies of the CFSP-related powers of the European Council, in particular after changes introduced by the Treaty of Lisbon. In the course of filling this gap, not only the acts of the EU primary law, both the applicable acts and reform treaties, but also the EU secondary law, namely regulations and decisions, underwent an analysis. The documents issued by the European Council (conclusions or communiques) proved an exceptionally valuable source of information. Moreover, numerous studies – monographs and scientific articles have been used.

The purpose of the dissertation is to demonstrate the nature of the European Council in the EU institutional system, in particular within the scope of shaping the CFSP, and, consequently, develop an array of the CFSP-related powers of this institution, to present them as exemplified by selected European countries and the Middle East.

The research applied the logico-linguistic, historical, system, comparative law, axiological and empirical method.

Furthermore, the following thesis statements have been formulated in the dissertation:

1. As far as the CFSP is concerned, the European Council is the most important institution of the Union.
2. The European Council substantially contributed and demonstrated considerable commitment to the CFSP development and operation.
3. The CFSP-related powers of the European Council are identical to the powers of competent international organisations regarding the nomenclature. This institution is responsible for the CFSP creation, solving various problems, representation, management and control.

4. Both the wars in former Yugoslavia and the crisis in Kosovo were the first serious tests of the European Council powers in the field of the CFSP. The European Council did not comply with its powers, taking crisis management actions in Balcan states.
5. The European Council actions taken with reference to West European countries demonstrated a number of errors and deficiencies in this institution functioning within the scope of the CFSP.
6. Everything indicates that the European Council attempts to stop the development of the nuclear programme implemented by Iran proved effective. However, the involvement of the European Council in Syrian conflict proved inadequate and ineffective.

The structure of the monograph has been prepared so as to complete the research issue and substantiate the posed thesis statements. The dissertation consists of the introduction, four chapters and the conclusion.

The first chapter presents stages of the European Council formation, from informal meetings of the EC heads of state, to highest level meetings. Signing the Single European Act was crucial in the history of the European Council, since this legal act underlay the functioning of the European Council. This part has indicated that Stuttgart Declaration was the first international document to determine the structure and scope of powers of the European Council. Furthermore, the Treaty of Maastricht was the first Union legal act pursuant to which the European Council was granted powers over CFSP, for it set forth the principles and general guidelines of the CFSP. Pursuant to the Treaty of Amsterdam, the European Council was granted common strategies, a legal instrument related to the CFSP, while the Treaty of Nice defined the scope of the CFSP, and presented the European Council as an institution which is supposed to decide on the establishment and coordination of the policy operation. Nowadays, the legal basis for the European Council actions regarding the CFSP is determined by the Treaty of Lisbon, pursuant to which the European Council is the most important institution of the EU, and a number of amendments have been introduced with regard to the CFSP. In addition, this part of the thesis presents the system of the European Council.

The process of the CFSP shaping with the assistance of the European Council was described in the second chapter of the dissertation. The origin of the CFSP was closely connected with shaping the structures of the European Council. It has been indicated that disruptive changes were introduced by the Treaty of Maastricht, since it was by virtue of its provisions that the EPC was transformed into the CFSP, the II pillar of the EU. Moreover, this

part of the dissertation depicts the changes in the array of the CFSP objectives as well as their dichotomous structure, from the Treaty of Maastricht to the Treaty of Lisbon. Since its establishment the CFSP has possessed its own instruments. Its range was supplemented as well as reduced on regular basis. Some of the instruments got transformed, others were removed. The inter-institutional relations are another important CFSP issue. Important tasks related to this policy are performed not only by the European Council, but also by the Council, the High Representative of the Union for Foreign Affairs and Security Policy, the European Parliament, the European Commission and, in a limited scope, also the EU Court of Justice.

The analysis of the political position of the European Council and the CFSP structure triggered the systematisation and development of specific CFSP-related powers of the European Council. The specific powers shall be understood as assignments typical of this institution. It should be noted that the powers implemented by the European Council have been classified through the reference to the names of the functions of international organisations. The third chapter presents the following array of the European Council powers with regard to the CFSP: programming the CFSP, normative powers, the CFSP management, control exercised by the European Council as well as external and internal representation of the European Council in the field of the CFSP.

The last chapter of the dissertation presents and evaluates the substantial actions of the European Council in the international arena. The proposed array of the European Council tasks within the scope of the CFSP has been presented as exemplified by selected countries from various regions of the world.