



The U.S. Congress and the European Parliament – Closer Cooperation Despite Bumps on the Road?

by Elisabeth Kollreider

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Almost two years ago, on 11 February 2010, the European Parliament (EP) came to a vote that eventually changed the perception of the institution itself and of its new gained powers following the entry into force of the Treaty of Lisbon in the international community.¹ Despite diplomatic pressure, personal lobbying of high-ranking officials² and strong rhetoric coming from US officials³ and other

EU institutions⁴ the European Parliament rejected by a clear vote a U.S.-EU agreement known as the SWIFT accord, which was seen as a crucial tool in counter-terrorism efforts by the US. Although the bank data sharing deal, which gave US law enforcement officials access to European financial data, was finally approved the second time it was put to a vote in July 2010 by the EP, it did so after several demands regarding data privacy protection for EU citizens were taken into account in the new version of the U.S.-EU SWIFT agreement⁵. The European Parliament strongly positioned itself on the radar of the US capitol and the US administration and made clear that it would not shy away from exerting its new powers gained under the Lisbon Treaty. US policy makers had to acknowledge the EP as an important (f)actor in shaping EU-US relations. “We need each other more than ever,” US vice president Joe Biden told the EP in March 2010, US Congressman William Delahunt saw the beginning of a new relationship with its European counterpart⁶.

1 State of data of the paper as of December 2011

2 Baker, Tyson/McBride, Megan (2010): Beyond the Handshake: Rethinking Cooperation between the US Congress and the European Parliament, Viewpoint, Bertelsmann Foundation North America, available at: <http://bit.ly/uwLQXw>, p. 1

3 Levey, Stuart (2010): Loss of terrorist finance tracking program would be tragic mistake, Europolitics, available at: <http://bit.ly/vxroeR>

4 see: „Council doc. 6265/10 (Presse 23), 9 February 2010“ or oral statment by Cecilia Malmström before the EP on Feb. 10th 2010

5 Archick, Kristin/Morelli, Vincent (2010): The U.S. Congress and the European Parliament: Evolving Transatlantic Legislative Cooperation, Congressional Research Service, R41552, p. 2

6 Bill Delahunt speaking to EurActiv's Managing Editor Daniela Vincenti-Mitchener in Washington, 30th April 2010, available at: <http://bit.ly/shCPun>

Over one year and a half after the “wake-up call for Washington” a bill was introduced in the House of Representatives⁷ that some consider being part of “The Internet Black List Legislation” together with the “Protect IP Act” (PIPA). This piece of legislation, once enacted, would serve U.S. authorities as legal grounds for blocking access to websites that link to or contain alleged copyrighted material on a global scale. Being aware of huge implications outside the states, the impacts on freedom, security and even civil liberties, the EP in a resolution on the then upcoming EU-US summit in November 2011 stressed “the need to protect the integrity of the global Internet and freedom of communication by refraining from unilateral measures”⁸.

Analyzing the above-mentioned examples the acknowledged need and, to a certain degree, dedication to intensify and deepen the U.S. relationship with the EP are often constrained by unilateral policy measures that don’t take into consideration possible impacts on the other side of the ocean⁹. Some experts believe that greater

consultation and furthermore cooperation more ahead of time between the Congress and the EP in several cases might have improved outcomes for both sides of the Atlantic and reduced hurdles on the transatlantic horizon.

1. The U.S. Congress and the European Parliament – A new Cooperation?

Consultations between the U.S. Congress and the European Parliament are nothing new. Although the EU and the U.S established diplomatic relations in 1953, formal exchanges between the U.S. House of Representatives and the EP took place in 1972 when a group of Members of the House traveled to Brussels and Luxembourg to share views, e.g. on agriculture subsidies and general trade-related areas¹⁰. These initial parliamentary contacts became known as the *United States-European Community Interparliamentary Group*, which then, with few exceptions, met formally twice a year, once in the United States and once in Europe.

Encouraged by the end of the Cold War and a new political European landscape the European Community and US relations were further advanced by adopting the *Transatlantic Declaration on EC-US Relations* in November 1990 which set out institutional

7 Stop Online Piracy Act (SOPA), introduced 26 October 2011, available at: <http://bit.ly/u96mmu>

8 European Parliament (2011): European Parliament Resolution of 17 November 2011 on the EU-US Summit of 28 November 2011, Strasbourg

9 Burwell, G. Frances (2003): Rethinking the New Transatlantic Agenda, Paper for the European Union Studies Association meeting, Washington D.C., p. 20

10 Archick, Kristin/Morelli, Vincent (2010): p.5

provisions for a regular political dialogue at various levels, including, e.g. the biannual EU-US Summit hosting the EU Presidency, the European Commission and the US President¹¹. A new era in transatlantic relations began with the adoption of the **New Transatlantic Agenda** (NTA) and a comprehensive *Joint EU-US Action Plan* at the U.S.-EU Summit in Madrid on 3 December 1995. The “Framework for Action“ within the NTA included four main areas of potential joint actions: *promoting peace, development and democracy around the world, responding to global challenges, contributing to the expansion of world trade, as well as closer economic relations and building bridges across the Atlantic*¹². The Intention of the NTA was to move the transatlantic relationship from one of consultation, as foreseen by the 1990 Transatlantic Declaration, to one of joint action¹³ because the implementation of the Transatlantic Declaration did not measure up to the expectations. Concerning the two legislative bodies the NTA again attached „great importance to enhanced parliamentary links“ and consultation with parliamentary leaders.

However, provisions strengthening parliamentary links were last to be implemented. While the Transatlantic Business Dialogue (TBD) started hosting regular meetings beginning in 1995, the consultation between the legislative institutions remained on ad hoc basis for years¹⁴. Then, at the 50th meeting of the Interparliamentary Group in 1999, delegates from both legislative institutions agreed to formalize the talks and to rename the group to **Transatlantic Legislators’ Dialogue** (TLD), joining the *Transatlantic Dialogues* already consisting of the Transatlantic Business Dialogue (TABD) and the Transatlantic Consumers Dialogue (TACD). According to the Joint Statement launching the TLD it “will constitute the formal response of the European Parliament and the US Congress to the commitment in the New Transatlantic Agenda (NTA) to enhanced parliamentary ties between the European Union and the United States”¹⁵. Following that parameter the semi-annual meetings of the TLD should be supplemented with an “ongoing and uninterrupted dialogue” through series of teleconferences, a presence on the internet and the appointment, on each side, of committee

11 Transatlantic Declaration on EC-US Relations, November 1990, available at: <http://bit.ly/iei34b>

12 New Transatlantic Agenda at the U.S.-EU Summit, 3 December 1995, available at: <http://bit.ly/tpqwuV>

13 Archick, Kristin/Morelli, Vincent (2010): p.5

14 Burwell, G. Frances (2003): p. 6

15 Joint Statement of the delegations of the U.S. Congress and the European Parliament, 16 January 1999, available at: <http://bit.ly/vZsJXf>

liaison persons. The overall aim was to bring together the European Parliament representation in the TLD (EUTLD) and its counterpart, the U.S. representation in the TLD (USTLD) to deliberate and discuss trade and economic issues, political, social, security and environmental challenges as well as ways to further enhance the dialogue and deepen transatlantic ties.

Participants in the EUTLD were and *still are* drawn from the D_US, the largest EP delegation with 53 MEPs, the numbers of MEPs attending the TLD varying from 15 to 25 persons. The USTLD, by contrast, never had any provisions other than the appointment of its chair and vice chairs by the heads of the House Foreign Affairs committee¹⁶.

Participation in the USTLD depended and *still depends* largely either on personal interest of the respective Member or the ability of the chair to convince his or her colleagues to attend the semi-annual meetings, thus strongly limiting continuity and broad representation. While the EUTLD is supported by the EP's Directorate-General for External Policy (DG-EXPO) in organizational matters as well as regarding expert information and research, and a secretariat that includes six

permanent EP staff solely dedicated to the coordination and/of operations of the TLD, the USTLD has three principal staff that besides the TLD bears many responsibilities within the structure of the House Foreign Affairs Committee¹⁷.

Looking at the existing structural approach on both sides of the Atlantic the difference in emphasis cannot remain unnoticed. Since its creation in January 1999 it has held 21 interparliamentary meetings and has grown in confidence but the case has been made that the two legislatures were “hardly equivalent in term of law-making powers”¹⁸ resulting in a low interest from members of Congress, respectively senators.

One event further contributing to a meaningful regulatory cooperation and raising the visibility of the TLD was the appointment of the TLD to the Advisory Group of a new institutional structure to boost economic cooperation, the **Transatlantic Economic Council** (TEC). Building on an initiative from German Chancellor Angela Merkel lobbying for more liberalization of transatlantic trade and investment barriers in January 2007 the TEC was launched by the EU and the US within *Framework for Advancing Transatlantic*

16 Ahearn, Raymond J./Morelli, Vincent (2009): Transatlantic Regulatory Cooperation: A Possible Role for Congress, Congressional Research Service, RL34735, p. 10

17 Archick, Kristin/Morelli, Vincent (2010): p. 10

18 Burwell, G. Frances (2003): p. 18

Economic Integration on the occasion of the bilateral Summit held in Washington in April 2007¹⁹.

This newly established „most high profile transatlantic institution to date“ was co-chaired by the EU Trade Commissioner and the US Deputy National Security Advisor for International Economic Affairs who then should convene a group consisting of “heads of existing transatlantic dialogues to provide input and guidance“²⁰. Shaping policies relating to regulatory corporation and convergence by addressing relevant issues jointly in the Advisory Group, the TLD, being one of the three existing transatlantic dialogues, since 2007 is presented with a chance to apply its lessons learned there to extend the partnership and cooperation of its two legislative institutions beyond TEC-related issues. On 26 March 2009 a report called the *Millan Mon Report* was adopted in the European Parliament with 503 votes in favor calling for a **new transatlantic partnership** in order to strengthen ties between the EU and an America now under the leadership of newly elected President Barack Obama. With the Lisbon Treaty on the horizon the EU and especially the EP needed to acknowledge

their ability to be an important player on the world stage. The idea was to replace the NTA from 1995 with the NTP including the establishment of a *Transatlantic Political Council* (TPC), a „body for systematic high-level consultation and coordination in respect of foreign and security policy“²¹. Some of the visions laid out in the *Millan Mon Report* became reality not long after its adoption changing the state of the art of the transatlantic legislative cooperation.

2. The Lisbon Aftermath – Initiatives to Strengthen Congress-Parliament Cooperation

The EP is considered the **big winner of the Treaty of Lisbon**. Since its entry into force on December 1, 2009 the Lisbon Treaty has increased the lawmaking powers of the only directly elected EU institution by putting in on equal footing with the Council of Ministers in deciding on the vast majority of EU legislation²². The ordinary legislative procedure, aka co-decision procedure, has become the norm for most policy areas (excluding tax matters and foreign policy) instead of being the exception in decision-making. With the new gained legal authority to approve or veto international treaties and

19 Framework for Advancing Transatlantic Economic Integration at the U.S.–EU Summit, April 2007, available at: <http://bit.ly/vWa1bh>

20 Ibid. Section IV point 10

21 European Parliament (2009): 6

22 Archick, Kristin/Mix, Derek E. (2010): p. 2

the last say on the EU budget the EP becomes a new influential player in transatlantic politics, in its role in the TLD and also for other European institutions that engage in bilateral negotiations, namely the European Commission.

As Daniel Hamilton presented to Members of the House Committee on Foreign Affairs in a testimony on 15 December 2009, the Lisbon Treaty introduced a „considerable number of innovations [...] relevant to the United States and likely to affect American citizens and American interests”²³. Gaining the same degree of law making power as the European Council in areas such as justice and home affairs, trade, budget, agriculture and transport, “Brussels—not EU member-state capitals—set the standards for Europe”²⁴ now. Therefore while lobbying for closer cooperation between the US and the EU post-Lisbon, it would be highly unsatisfactory not to bring U.S. and EU decision-makers together at a bargaining table. Recommendations from different stakeholders for ensuring the continuity of efforts by legislators on both sides of the Atlantic

included creating a Congress-European Parliament Exchange Program for students as well as for regular staff, opening liaison offices in Brussels and Washington D.C. and fostering closer Committee-to-Committee contact²⁵.

Building on an idea of two Political Advisors of MEPs and with support from the D_US as well as a two-year 180.000 EUR grant from the European Commission the Bertelsmann Foundation launched the **Congressional European Parliament Initiative** (CEPI) on January 1, 2010²⁶. The CEPI is a joint project of the Bertelsmann Foundation Washington DC and the Bertelsmann Stiftung Brussels office. Based on a „three-pillar approach [...] strengthening functional ties between staffers in Congress and the EP, with the staff-exchange program at its core²⁷“, the initiative tries to encourage further knowledge and debate between the US Congress and the European Parliament and to connect Congressional with EP staffers with similar policy expertise.

As noted previously **opening liaison offices in**

23 Hamilton, Daniel S. (2009): The Lisbon Treaty: Implications for Future Relations between the European Union and the United States, Testimony to the House Committee on Foreign Affairs, Subcommittee on Europe, December 15, 2009, available at: <http://bit.ly/tLSO5K>, p. 2

24 Baker, Tyson/McBride, Megan (2010): p. 2

25 cf. Burwell (2010), Joint Statement of the 67th Interparliamentary Meeting of the TLD 2009, Baker/McBride (2010)

26 Bertelsmann Foundation (2009): Bertelsmann Foundation awarded European Commission grant for Capitol Hill-European Parliament staffer exchange, available at: <http://bit.ly/smUnLI>

27 Bertelsmann Foundation (2010): The History of CEPI, available at: <http://bit.ly/veExp5>

Brussels and Washington D.C in order for MEPs to liaise directly with their counterparts in Congress, was talked about and proposed for a rather long time. The most recent case stressing the need to strengthen ties and the mutual understanding between the Congress and the EP by setting up liaison offices was made by the *Millan Mon Report*. Calling upon the Parliament's Secretary-General to „proceed as a matter of the utmost urgency with the implementation of the Bureau's decision of 11 December 2006 on the deployment of an official to Washington as Liaison Officer“²⁸, the EP formally established the *European Parliament Liaison Office with the US Congress (EPLO)* in Washington, DC in January 2010, naming Piotr Nowina-Konopka as its first Director²⁹. The official opening took place on 29 April 2010 when EP President Jerzy Buzek officially inaugurated the EPLO during a “diplomatic shock-and-awe campaign³⁰” in Washington after the EP's rejection of the interim SWIFT agreement. Achieving an innovation in diplomacy no other legislature so far has its own office in

the US capital. The mission of the EPLO reaches from ensuring daily contacts with US lawmakers and identifying key legislative issues of common interest to strengthening strategic links at all levels with US Congress and improving mutual perception and understanding between administrations³¹. It remains to be seen how the EPLO can develop its creativity in shaping EU-US relations in a city with already crowding European presence.

Some time into the TLD's advisory role on the TEC it became obvious that while discussing a broad range of foreign policy issues did not constitute a problem talking about more technical regulatory matters produced some interrogation marks on participant's faces. Therefore proposals were made to improve **direct committee-to-committee contact** on specific issues because it was viewed as being „essential to avoid landmines and legislative gaps that could create unnecessary barriers, duplication or red tape“³². One strong argument against stronger committee exchange has been the common assumption that “both the EU and its political institutions are sui generis”³³ and therefor improper for

28 European Parliament (2009): 6

29 European Parliament's Office for Liaison with the US Congress (2010): Transatlantic Liaise Letter, Nr. 1, 2010, Washington DC, available at: <http://bit.ly/s7d14y>

30 Baker, Tyson (2010): Transatlantic Power House?, Bertelsmann Foundation North America, available at: <http://bit.ly/skdm7y>, p. 2

31 European Parliament's Office for Liaison with the US Congress (2011): About us, available at: <http://bit.ly/ugoSiQ>

32 Baker, Tyson/McBride, Megan (2010): p. 2

33 Kreppel, Amie (2006): The Environmental

any kind of comparison with the US Congress. Daring a closer look to the American and European political system especially now post-Lisbon they may in fact be quite similar with two significant differences which need not necessarily mean something inconvenient³⁴. One difference is the way in which legislation is handled in both legislative institutions, more precisely how the introduction of a piece of legislation is dealt with. The second difference is seen in the field of competencies. There are cases when the EP enjoys legislative power (not including introductory powers) over a certain policy field while the Congress might not, and vice-versa.

Balancing some differences already mentioned here there are good reasons to point to the opportunities for committees in both bodies to elaborate issues of mutual interests and expertise as well as eliminating landmines on the legislative process having potentially damaging effects towards beneficial outcome on both sides³².

Determinants of Legislative Structure: A Comparison of the U.S. House of Representatives and the European Parliament, in: Rae, Nicol C./Power, Timothy J. (2006): *Exporting Congress? : the influence of the U.S. Congress on world legislatures*, University of Pittsburgh, Pittsburgh, p. 137

34 Archick, Kristin/Morelli, Vincent (2010): p. 15

3. Theory versus Reality

More than two years into the Lisbon Treaty and the new representation office in Washington D.C. the transatlantic relationship has been discussed and deepened in four Inter-parliamentary and two TEC meetings. But even as the discussion on the SWIFT seemed to have come to a positive end, other potential hurdles in the US' relationship with the EP appeared on the horizon or became sources of deep concerns. The disagreement over the *SOPA of 2011* mentioned in the introductory section is only the climax of a series of "bumps in the road"³⁵.

European officials were further heavily irritated when the US legislation *Implementing Recommendations of the 9/11 Commission Act of 2007*³⁶ was signed in August 2007 by then President George W. Bush. This act introduced, among other measures, a 100% scanning requirement for US-bound maritime cargo at export with implementation as of 1 July 2012. The EC heavily concerned by the possibility of severe negative consequences commissioned three studies on the impact of the 100% scanning on EU customs, on maritime transport and on

35 Baker, Tyson/McBride, Megan (2010): p. 4

36 IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007 (Public Law 110-53)

trade³⁷. A Commission staff working paper issued in February 2010 summarized the conclusions of the three studies with the most prominent and at the same time devastating result saying: „the 100% scanning legislation is not only unilateral, expensive and trade disruptive, but also unable to meet the security challenges of the 21st century“³⁸. Facing harsh opposition and criticism from all over the world the US administration and overall US Secretary of Homeland Security Janet Napolitano announced in June this year that the US would step away from its requirement of 100 % screening of cargo containers. Secretary Napolitano admitted the 100 percent requirement probably not being “the best way to go” and instead favoring a “layered approach” that includes increased cooperation between countries and better intelligence sharing³⁹.” So far, so good but convincing the Congress to delay implementation beyond 1 July 2012 may be another issue of EU/EP lobbying efforts to straighten out “Bumps in the Road” that

could have been avoided in the first place by greater consultation and cooperation between the Congress and EU/EP.

Fiery debates have been and are ensured once the topic reaches *Passenger Name Records (PNR) Agreements*. Soon after reaching a formal agreement between the EC and the US in 2004 (US-EU PNR Agreement) the EP applied for annulment of the agreement in front of the European Court of Justice (ECJ). The ECJ invalidated the agreement on May 30, 2006 due to lack of Community competence “to conclude the Agreement with the United States that is at issue”⁴⁰. The EU and the US reached a new seven-year agreement (after another interim arrangement - Council Decision [2006/729/CFSP/JHA](#)) on 28 June 2007 which supposedly reduced the 34 pieces of data on passengers collected by US law enforcement authorities to 19 data fields⁴¹. Contrariwise the time of possible storage of data was expanded from three and a half years to 15 years. Heavy criticism followed overall because of the extent of data collecting (on people traveling to and via the States), the ambiguity over what else might be done with the data collected and the lack of data

37 Study on the Impact of Security Measures on the EU Economy and Trade Relations; Study on the Impact of 100% Scanning of U.S.-bound Containers on Maritime Transport; Study on Non-Tariff Measures in EU-US Trade and Investment – An Economic Analysis.

38 European Commission (2010): p.11

39 EU business (2011): Full container screening 'not best' move: US security chief, 22 June 2011, Rotterdam, available at: <http://bit.ly/ufFefE>

40 Judgment of the Court of Justice in Joined Cases C-317/04 and C-318/04

41 Council of the European Union (2007): [2007/551/CFSP/JHA](#), 28 June 2007, Brussels

protection compared to European standards⁴². Because certain Member States did not ratify the PNR (24 out of 27) before December 2009 the agreement then had to be considered by the European Parliament under the new Lisbon-based law. To further displeasure of the US MEPs decided to make their approval of any agreement with the United States (including the 2007 PNR), Australia and Canada contingent on the adoption of a PNR package that was in line with EU law and met their concerns⁴³. The EC complied with that wish and presented a “global external PNR strategy” in September 2010. After renegotiations were formally launched in December 2010, the US Congressmen in mid-May 2011 voiced a “strong disapproval of European Union (EU) efforts to reopen negotiations⁴⁴ on the 2007 PNR and adopted resolutions urging the DHS to maintain information sharing standards, or respond to any modification with stricter requirements and oppose any effort by the

EU frustrating counterterrorism⁴⁵. Finally, in November 2011 the European Commission announced that the EU and US had agreed a new deal on the transfer of PNR data now pending approval by both the Council of Ministers and the European Parliament⁴⁶. Again, this proposal might be ill fated. MEPs are up in arms not only because of the proposed agreement but also the way in which communication and consultation on it is handled⁴⁷. Many observers believe that the EP will press hard for further changes to the renegotiated U.S.-EU PNR accord, some suggest that there is a good chance that the EP may reject the revised agreement, although not even a positive vote on the Council of Ministers may be taken for granted.

Another occasion where MEPs have expressed "serious concerns" about a piece of legislation put forward in the US Congress was the *US Travel Promotion Act of 2009*⁴⁸ signed in March 2010, which imposed a 10 \$ fee (excluding additional 4 \$ for processing costs) on foreign travelers coming from Visa

42 Archick, Kristin (2011): U.S.-EU Cooperation Against Terrorism, Congressional Research Service, RS22030, p. 9

43 European Parliament (2010): European Parliament Resolution of 5 May 2010 on the launch of negotiations for Passenger Name Record (PNR) agreements with the United States, Australia and Canada, Brussels

44 Rockwell, Mark (2011): Congress signals disapproval of European effort to limit PNR data, 11 May 2011, New York, available at: <http://bit.ly/upKuni>

45 H.Res. 255 and S.Res. 174

46 European Commission (2011): 2011/0382 (NLE), 23 November 2011, Brussels

47 Baker, Jennifer (2011): EU parliamentarians speak out over gag order on data deal, 18 November 2011, Massachusetts, available at: <http://bit.ly/txh2RY>

48 Travel Promotion Act of 2009 (H.R. 2935, S. 1023)

Waiver countries. Some time earlier Ambassador John Bruton, Head of the European Commission Delegation to the United States back then, issued a statement discussing the possibility of calls “for Americans to pay the same fees for travel to Europe, which could further depress transatlantic travel”⁴⁹. This case might be a perfect example of how closer communication and cooperation might avoid tit-for-tat battles.

These unilateral and sometimes discriminatory pieces of legislature discussed contravene the function and purpose of a TLD and any cooperation process, namely the avoidance or reduction of tension by early consultation and coordination between legislative bodies on both sides of the Atlantic.

4. Overcoming frontiers – Linking Washington to Brussels

“When engaged properly, the EP will prove a formidable force for moving substantive trans-Atlantic policy. And when ignored, the post-Lisbon EP will make its voice heard”⁵⁰. Starting out from there it is probably advisable to distinguish between what can be

49 Bruton, John (2009): Statement by Ambassador John Bruton on the Travel Promotion Act of 2009, No. 28/09, 25 June 2009, Washington DC

50 Baker, Tyson/McBride, Megan (2010): p. 1

done in terms of institutional cooperation on one side, and enhanced assistance in specific policy fields on the other side between US Congress and the European Parliament.

Regarding the latter Burwell identifies three policy fields that are ripe for closer cooperation not least because of power shifts that came with the Lisbon Treaty (ToL): *trade and investment, justice and home affairs and development assistance*⁵¹. Regarding *trade and investment* the ToL awarded the EU with legal personality and exclusive competence over trade policy thus reducing the role of Member States and shifting the vote on trade agreements to the EP. Prior to the ToL, *justice and home affairs* (JHA) matters had generally been deemed questions of domestic law. Now JHA not only is subject to qualified majority vote in the Council of Ministers and requires EP’s involvement but also subject to review by the European Court of Justice. For the US this institutional changes probably mean that future cooperation on anti-terrorism and in fighting transnational organized crime will increasingly focus on Brussels holding a huge potential for the two legislative institutions to closely work together. However, it remains to be seen whether the US change to *venue shopping* once parliamentary co-decision rule becomes

51 Burwell, Frances G. (2010): p. 16

an obstacle for America's interest. With regard to *development assistance* the ToL "brought EU resources to EU foreign policy"⁵² by uniting the High Representative of the CFSP with the respective position within the EC. As for the EP its budgetary review authority makes it a variable in the equation too, giving it rudimentary oversight in foreign assistance expenditures, putting it on equal footing with the US Congress. Taking into account the fact that the EU and its Member States are the world's largest aid donors and the US being the world's largest single donor, the EU-US development assistance couldn't be of any higher importance and should be coordinated beyond fighting poverty and helping developing countries reach the millennium development goals by 2015.

Regarding institutional cooperation between US Congress and the EP several cases can be made for recent developments trying to overcome barriers. One very interesting, long requested innovation was the establishment of the CEPI, a joint project of the Bertelsmann Foundation Washington DC and the Bertelsmann Stiftung Brussels' office. Archick and Morelli made an even more advanced proposal by lobbying for a Senior Staff "Fellowship" Exchange for a period of two to

three months⁵³. The invitation to the U.S. Congress to set up a reciprocal congressional liaison office in Brussels has so far remained unattended. Pointing to the fact that there is a U.S. Mission to the EU as an interlocutor with the EP does not meet the expectations because the Mission "is first and foremost, responsible to the State Department"⁵⁴. Another option explored in several pieces of scholarly literature⁵⁵ is supplementing the existing TLD with closer committee-to-committee contacts. As Burwell puts it, "regular consultations among the chairs of the related committees in Washington and Brussels could be enormously useful in raising awareness of how the work of the two bodies is connected, and could even assist in setting legislative agendas"⁵⁶.

The most recent success story is the agreement between the House Speaker John Boehner and EP President Jerzy Buzek on 21 April 2011 to intensify the work between the House of Representatives and the EP in several fields by establishing policy working groups on *transport security* and *financial markets and services*, a third one on *agriculture and food safety* might follow soon.

53 Archick, Kristin/Morelli, Vincent (2010): p. 19

54 Burwell, Frances G. (2010): p. 14

55 cf. Burwell (2010), Baker, Tyson/McBride, Megan (2010), Archick, Kristin/Morelli, Vincent (2010)

56 Burwell (2010): p. 15

52 Burwell, Frances G. (2010): p. 17

According to the *Minutes* from the D_US⁵⁷ the next steps were to set up the TLD working groups by nominating its Members on both sides of the Atlantic and instructing them to draft a „short non-paper (max. 3-4 pages) addressing the topics by formulating policy recommendations (or working questions or hypotheses)”⁵⁷ which would serve as the basis for discussion on the next TLD meeting.

5. Conclusion

Despite noticeable “Bumps in the Road” they have not managed to throw the cooperation between the U.S Congress and the European Parliament off track. In fact, ties between the two legislative bodies have been strengthened throughout the year climaxing in the acknowledgment that the global impact of the on-going crises required “a strong and coordinated transatlantic policy response”⁵⁸.

One step towards formulating and prefabricating possible mutual policy responses in the framework of closer institutional cooperation was the establishment of specialized working groups doing preparatory work for the 71st Interparliamentary Meeting of the TLD in

Jacksonville, which are now tasked to prepare input for the next TLD meetings in 2012. One further option to be explored in the near future is the expansion of the transatlantic working method to other policy areas, a working group e.g. on *agriculture and food safety* is currently under discussion and depends on the outcome and success of the other two TLD working groups on both sides of the Atlantic.

Another positive development in fostering transatlantic relations in terms of institutional cooperation was the establishment of the CEPI. Acknowledging the fact that the CEPI is a project of the Bertelsmann Foundation with financial support coming from the EC, policy makers as well as scholars should consider the possibility and analyze benefits of introducing an *Interparliamentary Initiative* under the auspices of the Congress and the EP.

Being thanked for their “valuable support for and continued input to the work of the TEC“ by TEC principals⁵⁹ the TLD proved to have become an important stakeholder/advisor in transatlantic economic discussions and negotiations, although several questions about its role in promoting greater transatlantic economic integration and regulatory cooperation are not yet fully

57 D-US_PV(2011)09_29

58 TLD (2011): Joint Statement, 71st Interparliamentary Meeting, 4 December 2011, Jacksonville, p. 2

59 EU-U.S. Transatlantic Economic Council (2011): Joint Statement, 29 November 2011, Washington D.C.

responded to and deserve more attention.

Regarding the aforementioned closer cooperation in chosen policy fields the *justice and home affairs* might deserve a prominent position in further scholarly discussions and essays because of its far-reaching consequences for citizens and non-citizens, small and medium enterprises as well as global corporations alike. Even less discussed are short- and long-term implications of legislations and agreements such as the PNR, the SOPA and the 100% screening of cargo, three examples of great concern to data protection, the freedom of Internet and the unilateral imposition of security measures.

With a long and thorny road in transatlantic legislative cooperation probably ahead, many experts nonetheless still believe that if certain deficits of the consultation process on both sides of the Atlantic are more fully addressed, the TLD can become an organization capable of taking on a more important stakeholder role in promoting inter-parliamentary cooperation and a stronger voice for transatlantic relations in both the U.S. Congress and the EP. As Baker and McBride concluded in their essay: “When the US and Europe work together in shaping policy, the implications are global. The stakes couldn’t be higher”⁶⁰.

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