

## Briefing Paper: International Development

With reference to the European Union (Amendment) Bill Debates – House of Commons

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### **Title III ‘Cooperation with Third Countries and Humanitarian Aid’**

Article 4 of the Treaty on the Functioning of the European Union (TFEU) of the Treaty of Lisbon<sup>1</sup>, which deals with shared competences, includes reference to international development. This implies that international development is a shared competence and thus Member States can only legislate in so much as the EU decides not to legislate in that given area. But Article 4 (4) states that “in the areas of development cooperation and humanitarian aid, the Union shall have competence to carry out activities and conduct a common policy; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs.” The wording in Article 4 on the status of international development as a true “shared competence” is thus ambiguous.

#### ***Development Cooperation***

Article 188D(1) TFEU [Article 208(1) Consolidated text] states that the Union’s development cooperation policy complements and reinforces Member States policies. Yet, insofar as international development becomes a true shared competence, the EU would be able to determine, instead of support, British international development work.

Article 188E(1) TFEU [Article 209(1) Consolidated Text] allows the European Parliament and the Council, by ordinary legislative procedure, to adopt necessary measures for the implementation of development cooperation policy, which could tie the EU into multiannual programmes. The role of national parliaments in this process is minimal. Moreover, the resulting EU aid programmes could fund regimes that are hostile to the best interests of the UK. Article 210(1) Consolidated Text instructs Member States to coordinate their actions with each other and the EU. It also states that Member States shall contribute if necessary to the Union for its aid programmes.

### ***Humanitarian Aid***

Article 188J(5) TFEU [Article 214(5) Consolidated Text] initiates the creation of a European Voluntary Humanitarian Aid Corps. The Corps would establish a framework for joint contributions from young Europeans to EU humanitarian aid operations.

### ***Restrictive Measures***

Article 188K(1) TFEU [Article 215(1) Consolidated Text] allows the EU to cut-off economic and financial relations with third states. This could potentially interfere with British relations with third countries. For example, the EU may object to, and act on, British multi-billion pound deals with states like Saudi Arabia and Indonesia.

### ***International Agreements***

Article 188L(1) TFEU [Article 216(2) Consolidated Text] states that the EU may make agreements with third states and international institutions that are binding on Member States. There is no guarantee or way of telling whether such agreements are in the UK's best national interest or not.

### **Reference**

FCO, "Consolidated texts of the EU Treaties as amended by the Treaty of Lisbon", Cm7310, January 2008.