PEOPLE'S NEWS

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The EU's "partnership for peace"

The EU is pushing ahead to integrate non-member countries in its global foreign and military policies. With the association agreements signed at the recent summit meeting, Georgia, Moldova and Ukraine will have to gradually adapt themselves to the EU's foreign and military policy.

The agreements aim to enhance the three countries' participation "in EU-led civilian and military crisis management operations as well as relevant exercises and training activities." Ukraine is already contributing soldiers to EU battle groups, while Georgia has contributed 140 soldiers to the EU's intervention force in the Central African Republic.

With its "framework participation agreements" the EU has for years been engaging numerous non-member countries—including Canada, Chile, and South Korea—in its global policy operations. Resembling NATO's "Partnership for Peace," the agreements have the objective not only of attracting additional troops but also of enhancing global acceptance of the EU's operations. However, as an EU think tank openly admits, it requires a certain "degree of subordination" from its partners.

According to the EU-Georgia Association Agreement the parties will seek to intensify their "dialogue and co-operation" and to promote "gradual convergence" in the areas of foreign and military policy. The parties will, in particular, address issues of "crisis management, conflict prevention, and regional stability." This co-operation explicitly includes measures to "fight against terrorism," which usually comprises a close co-operation of intelligence services and police authorities. Georgia should particularly participate "in EU-led civilian and military crisis management operations as well as relevant exercises and training activities," according to its association agreement.

Identical stipulations can be found in the agreements with Moldova and Ukraine. The latter also obliges the parties to "explore the potential of military-technological co-operation." Ukraine should therefore establish "close contacts" with the European Defence Agency. This must be seen in the context of the strength of the Ukrainian arms industry, which the EU seeks to make use of.

Ukraine had participated in one of the EU's battle groups in the first half of 2011, which was repeated again in the first half of this year. Its third participation is scheduled for 2016. In January and February this year the Ukrainian Navy placed its frigate *Het'man Sahaidachnyi* at the disposal of the EU's intervention in the Horn of Africa (EU NAVFOR Atalanta), thereby relieving other EU naval vessels.

Georgia, which has already taken part in smaller EU operations, is now sending a larger contingent of about 140 of its soldiers to join the EU mission intervening in the Central African Republic. This small country of the South Caucasus is thereby providing nearly a fifth of the entire contingent.

Ming's maiden speech cut short
Wednesday 2 July 2014, Strasbourg

"Mr President, thank you for this opportunity. I believe that putting Mr Juncker in this position completely and utterly ignores the results of the European elections. This was meant to be a community; it is no longer a community. I was a supporter of the European Union, but since we had bank debt socialised and put on our shoulders to the tune of €70 billion, the Irish people have woken up to the fact that this Union is no longer a Union of the people. It is a Union for bankers and big business, but certainly not for the smaller person.

"As I said, I was a supporter of the European Union, but no more. When the Act of Union between Britain and Ireland took place, Lord Byron said the following: 'There is only one relationship between a large state and small state, and that is the relationship between a boa constrictor and its prey.' I did not think I would ever come in here and say that, but sadly this Union has proven that we are for kicking, not for anything else, so it seems—"

At this point the president cut off the speaker. Not very tolerant of dissent, are they?

Commission plans to neutralise EU anti-fraud body

The EU's anti-fraud office, OLAF, will have to ask permission to enter the offices of elected and appointed members of the EU institutions under proposals by the Commission.

The Commission wants to create a so-called Controller of Procedural Guarantees. OLAF investigators will first have to ask the controller's permission before entering the office of an EU commissioner, a member of the EU Parliament, or a minister at the EU Council.

The anti-fraud office says it has the right of immediate and unannounced access to any relevant information, including information in databases, held by the institutions, bodies, offices and agencies, and to their premises.

OLAF received the highest number of reports of alleged fraud last year, a 35 per cent increase over 2009. It also issued 81 per cent more recommendations than in 2009 for financial, judicial, administrative or disciplinary action to be taken by competent authorities, resulting in recommendations that €402.8 million be recovered to the EU budget.

OLAF is also completing investigations faster than at any time in the past five years, its report for 2013 said. Last year the average duration of the selection and investigation phases combined was 21.8 months, compared with 25.9 months in 2009.

Still out in the cold!

A day after the German government agreed to legislation that would allow the European Stability Mechanism to take direct stakes in ailing banks in the future, and established a principle of agreeing to do so for bank recapitalisations in the past, significant opposition to Ireland benefiting emerged in the German parliament, which must agree to the proposal.

Two years after EU leaders agreed to break the link between banking and sovereign debt, legislation is on its way to the Bundestag. Approval is likely, because the coalition enjoys a four-fifths majority.

The ESM instrument is of particular interest to the likes of Ireland, which was forced into a €67 billion EU bail-out as a result of bailing out the banks. One of the provisions of the instrument is that funding could be applied retroactively, relieving the burden on governments, although this would have to be agreed case by case by the governors of the bail-out fund.

But senior parliamentary figures in Angela Merkel's coalition government rejected the idea of Ireland ever benefiting from the ESM's new bank recapitalisation facilities. "Agreeing to direct bank recapitalisations is a fig leaf for the chancellor, as she agreed to it in June 2012 without having a Bundestag mandate," said Carsten Schneider, deputy parliamentary chairman of the Social Democratic Party and a finance spokesperson. "It will never be used retroactively." He said that any move to recapitalise Irish banks would require all ESM member-states to approve additional funds for the purpose. "That will never happen," he said.

German politicians are wary of taxpayers who see their money being used to bail out what they perceive as lazy peripherals—a view encouraged by the elite in Germany, whose banking system and economy benefit from Irish taxpayers bailing out the bondholders, many of whom were German regional banks.

This has resulted in Germany's insistence on the establishment of a so-called "liability cascade," forcing member-states to exhaust all other sources of funding, including bank creditors and investors, before going to the ESM. "These new recapitalisation tools will be used very restrictively or not at all," said a senior CDU figure. "More importantly, we don't want to see this being used for any old liabilities"—particularly Irish ones!

How are the mighty fallen!

Nicolas Sarkozy, the French president who set off hot-foot for Ireland following our rejection of the Lisbon Treaty ("The Irish will have to vote again"), has become the first former French head of state to be formally held in police custody. He was later brought before judges and placed under formal investigation.

The most serious of the three charges Sarkozy faces, active corruption, carries a maximum penalty of ten years in prison. He was also detained for questioning on suspicion of influence-trafficking and breach of judicial secrecy.

The new corruption allegations came to light last week after investigators intercepted Sarkozy's phone calls in an unrelated affair—the claim that his 2007 campaign may have accepted up to €50 million in illegal financing from the Libyan leader Muammar Gaddafi.

Then there was the Tapie Affair. In 2008 Bernard Tapie, a businessman close to Sarkozy, received a controversial payment of €400 million to settle a long-standing dispute with the French state. Sarkozy is suspected of having intervened in his pal's favour, at great public expense, an accusation he has consistently denied. But his presidential diaries reportedly show that Tapie visited the Élysée Palace no fewer than twenty-two times during a critical period in 2007 and 2008, and that he met the president himself on four of those occasions.

New People's Movement pamphlet on TTIP

A new People's Movement pamphlet on the proposed Transatlantic Trade and Investment Partnership (TTIP) will be published next week and will also be available for downloading at www.people.ie.

One of the more insidious measures in the proposed "partnership" seeks to grant foreign investors a new right to sue sovereign governments before *ad hoc* arbitration tribunals for loss of profits resulting from public policy decisions.

This "investor-state dispute settlement" (ISDS) mechanism elevates transnational capital to a status virtually equivalent to that of a sovereign state, and threatens to undermine the most basic principles of democracy in EU member-states. TTIP is not a negotiation process between two competing trading partners but an attempt by transnational corporations to open up and deregulate markets on both sides of the Atlantic.

Save the seeds!

The EU is preparing legislation that would make it illegal to grow crops that are not on a list of approved seeds, a list that is dominated to the extent of 60 per cent by Monsanto, Astra-Zeneca, and other big corporations.

Today there are three lists: one for professional growers, one for endangered species, and one for amateur cultivation. The latter two would be removed.

The seeds listed under "professional" are mainly hybrids, which means that you cannot take next year's seed from this year's crop. Furthermore, it would be forbidden not only to sell other seeds than those already listed but also to grow other seeds.

"File-sharing" in the area of seeds would become a criminal act. This means that people would be even less able to influence what they eat, when they could not even decide what to grow. It also means that the varieties that are historically interesting would disappear, even varieties that can withstand our climate.

Commission withdraws draft directive on maternity leave

The EU Commission has announced that a plan to extend maternity leave from fourteen to twenty weeks is one of five bills that will not be tabled again in the new EU Parliament. A proposed compensation fund for the victims of oil pollution suffered the same fate.

"The Commission considers it good legislative management to withdraw proposals that do not advance in the legislative process," it said. "These include proposals on pregnant workers."

It also abandoned a plan to introduce a law on occupational health and safety for hairdressers. And it intends to repeal laws relating to energy labelling, transport rates, and the common agricultural policy.

Count-down to Lisbon power grab

From the 1st of November, EU laws will be made by 55 per cent of the member-states, as long as they have 65 per cent of the total EU population between them. So power will move even more drastically from the small and medium-sized states to the larger ones.

At present, EU laws are made under a "double majority" system: a simple majority (15) of the 28 member-states as long as between them they have a weighted or qualified majority of 255 votes out of a total of 345 votes.

This system was established by the Nice Treaty (2001). Under it, the big states have 29 votes each; Ireland has 7, a quarter of that of each big state.

With EU lawmaking based on exact population size, just as if the EU was a unified state, Germany's relative voting strength in the EU Council of Ministers will now double, from its present 8 per cent of the total votes to 16 per cent, while that of France, Italy and Britain will increase from 8 per cent to 12 per cent each. Ireland's vote will be halved, from 2 per cent to approximately 0.9 per cent.

During the negotiations on the Lisbon Treaty, Germany was in the vanguard of the push for the "double majority" system that will come into force in November. German negotiators would have no truck with alternative voting proposals, such as the system in use for deciding on voting strength in the German upper house, the Bundesrat, where none of the *länder* (provinces) may have fewer than three votes, nor more than six.

Saarland, with 1.04 million inhabitants, has three members in the Bundesrat, while the large Nordrhein-Westfalen (North Rhine and Westphalia), with 18.03 million inhabitants, has six. The German provinces would never accept a system of voting according to total population size, which has now been foisted on us.

Now, instead of the big states having four times Ireland's voting weight, Germany will have 20 times Ireland's vote, and France, Britain and Italy each will have 15 times.

When Ireland joined the EEC in 1973, Germany, France, Britain and Italy had 10 votes each in making EU laws and Ireland had 3—a third of the big states.

The new system means that the Commission knows that small countries can always be outvoted if need be. In the coming period the euro-zone banking union will be pushed forward, there will be more and more rigorous control of national budgets, possible moves towards eurobonds and the like, entailing supranational taxation, and more fiscal and political integration in the euro zone.

There is hardly an area of national life today that is not affected by EU laws. In most years the majority of laws and statutory instruments put through the Oireachtas come from Brussels. EU treaties prevent voters at the national level, their parliaments and governments from abolishing or amending a single one of these legal measures.

"A fairly modest step forward"

EU documents relating to the EU-US trade deal, the Transatlantic Trade and Investment Partnership, could be made public following a ruling by the European Court of Justice. This was in relation to a case brought by a Dutch Liberal member of the EU Parliament, Sophie in 't Veld, against the EU Council of Ministers over access to a legal opinion about transfers of bank data to the United States.

The case was not about the TTIP, but the ruling on a point of law on the EU regulation over public access to documents strengthens the hand of anyone wishing to apply for similar EU papers related to the trade agreement.

The ECJ ruled that documents relating to international activity, which would include the TTIP, are not automatically exempt from EU transparency requirements. The Council must now give specific reasons why it would refuse such access.

Steven Peers, professor of EU law and human rights law at the University of Essex, said: "This judgement makes it possible to apply for any documents which include legal advice on the TTIP negotiations, with a very good chance of success. This might include advice on controversial issues such as genetically modified organisms and data protection. However, the Council and Commission can still refuse access to the negotiating mandate for the talks, and to any parts of the legal advice which mention that mandate. So overall, it's a fairly modest step forward."

The judges found that the fact that negotiations were continuing was not an argument for denying access to documents. This is relevant to the TTIP, as talks on the agreement will continue until the end of the year. Transparency requirements still held, even if the Council is not legislating. They ruled that the public interest was not outweighed by the need to protect legal advice, as the Council has argued.

Is Juncker compromised already?

Jean-Claude Juncker, whose nomination for the position of president of the EU Commission is to be approved by the EU Parliament next week, presided over the creation of

Luxembourg's business-friendly tax regime now under investigation by the Commission he is about to head.

Until 2013 Juncker was prime minister of Luxembourg. The Commission has launched legal proceedings to force Luxembourg to hand over documents as part of its inquiry.

The investigations centres on whether three countries—Luxembourg, Ireland, and the Netherlands—flouted EU law in providing tax exemption for transnational corporations that set up operations in their jurisdiction. Both Ireland and the Netherlands have complied with all requests for documents, according to officials of the Commission.

The Luxembourg case relates to its tax treatment of the financial arm of FIAT, which is based there, and is likely to extend also to the country's treatment of Amazon.

Luxembourg has until the end of the week to comply with the Commission's request or face increasing judicial censure and, potentially, a fine.

So Juncker will be in charge *de facto* of an investigation into the laws he introduced to attract transnational companies to Luxembourg. During his eighteen-year premiership Luxembourg became the EU's biggest tax haven, attracting billions from individuals and companies seeking to evade tax in their home countries. Since the 1980s the country's financial sector has grown from virtually nothing to a €3 trillion business.

During Juncker's premiership Luxembourg persistently opposed a crucial EU tax reform that would have forced all EU countries to exchange data on foreigners with taxable assets in their jurisdiction, a move that would have bolstered the ability of national government to crack down on tax cheats. Before leaving office Juncker again thwarted the EU tax transparency measure, which was approved only after Luxembourg's new government took office.

But then, Enda Kenny would face the same situation if he had been selected for the position! The accompanying chart would suggest so—except that the opposition might be more trenchant!

Dukes has a rethink

Alan Dukes, the cheer-leader who did so much to persuade us to adopt the euro ("You won't have to exchange currency when you go on holidays") and former chairman of Anglo-Irish Bank, seems to have undergone some sort of rethink and realised that the EU's fiscal policies are "not appropriate," while monetary policy "features nowhere in the European Semester process."

The "European semester" is a cycle of economic and fiscal policy co-ordination within the EU during which the member-states align their budgetary and economic policies with the objectives and rules agreed at the EU level—underlining the impossibility of operating an independent economic policy. Its focus is on the six-month period from the beginning of each year, hence its name.

"For as long as this continues to be the case, the Semester process will be a recipe for stagnation. If it were backed up by an appropriate monetary policy and by the mechanisms of a properly designed monetary union," in his opinion, "it could be an effective instrument for sustainable growth."

Of course such a process would further

intensify federalisation, and ignores the fact that member-state governments are completely hamstrung by the constraints of the semester and cannot undertake any independent economic initiatives that might lead to sustainable growth.

In Ireland's case this situation is aggravated by the inappropriate euro exchange rate, which contributed to recent drastic demands from Bausch and Lomb on its work force in Waterford. This is a serious development and is one that risks being replicated in other trans-nationals, on which government policy relies so heavily for growth.

Perhaps Mr Dukes will now move on to considering these particular problems, and ultimately the wisdom of retaining the euro.

Berlin's man

As promised by the German government, Martin Schulz, a German social democrat and "friend" of Éamon Gilmore, was elected president of the EU Parliament last week, becoming the first person to hold the post for two consecutive terms; but his election was not without controversy and was marred by the wheeler-dealing that preceded it.

The largest groups in the EU Parliament, the centre-right and the centre-left, have traditionally carved up the five-year term between them. This time was no different. The centre-right did not field a candidate, having promised to give their votes to Schulz in return for the centre-left repaying the favour in 2017.

The stitch-up has always attracted criticism, but opposing voices this time round took particular issue with the fact that the post became tangled in German domestic politics, with the German government effectually promising the post to Schulz, who failed in his attempt to become president of the EU Commission.

Before the vote his fellow-contenders urged their colleagues to consider democracy and cast their vote freely. However, the result of the secret ballot was a foregone conclusion and completely lacking in transparency.

Germany's other man promises more of the same

The president-elect of the EU Commission, Jean-Claude Juncker, who was backed by the German chancellor, Angela Merkel, has toed the line, declaring that anybody who believes that budget austerity is finished is wrong. Austerity and budget discipline must be maintained in the EU.

He also said he would make sure that corporate taxation is based on a "harmonised tax base," so that profits are taxed where they were made. Juncker, who headed the Euro Group (the finance ministers of the euro zone) at the height of the crisis in the single currency, told a parliamentary hearing last week that "we need to keep austerity going."

Germany warned EU member-states against easing up on their budgets, claiming that structural reforms were not a replacement for consolidation. A recent report by the Commission points out that "the Irish authorities have so far consistently over-delivered the recommended fiscal adjustment under the EU-IMF programme"—but not a word about the price paid by the Irish people.

TTIP must have national approval?

The proposed Transatlantic Trade and Investment Partnership between the EU and the United States should be subject to approval by national parliaments before it can become law, member-state parliamentarians have told the EU Commission.

The demand is contained in a letter sent to the EU Commissioner for Trade, Karel de Gucht, signed by members of parliament in sixteen of the EU's twenty-eight countries, including France, Germany, and Britain. The move is the latest sign of wariness among member-states about the scope enjoyed by the EU Commission in drawing up trade deals on behalf of the bloc. But it's too late: the Lisbon Treaty is quite clear in granting the EU a legal personality, while giving the EU Commission the sole responsibility for negotiating trade agreements on the EU's behalf.

The Treaty on European Union states that the union will have legal personality, thus altering the legal relationship between the EU and its member-states. It makes the EU an international entity in its own right, with its own legal personality and independent corporate existence, separate from—and superior to—that of its members. This position is underlined by the requirement in article 3a (3) that, *"pursuant to the principle of sincere co-operation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties."*

This article continues: *"The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives."*

National governments must give priority to EU objectives, even in areas of policy that have not been transferred to the European Union, because of the all-encompassing range of the union's objectives—even if these conflict with democratically decided national policy objectives.

The French and German governments have already stated that investor-state dispute settlement (ISDS), potentially allowing companies to take legal action against governments, should be left in the hands of national courts.

Trade agreements are to be reviewed at the end of the negotiations, whether it is entirely covered by EU competence or also contains chapters that fall under national competence. The recently agreed free-trade deal between the EU and South Korea was classified as a "mixed agreement," requiring ratification by all EU countries; but we've heard nothing about it or its provisions in Ireland.

The EU commissioner for trade, Karel de Gucht, has said that he will seek to clarify the legal boundaries of trade policy under the Lisbon Treaty through an opinion from the European Court of Justice. But the ECJ is renowned for engaging in "competence creep," favouring the priorities of the Commission and EU institutions over those of member-states while extending its own remit.

But far from approval by the EU Parliament, where pro-austerity and pro-EU parties are still in the majority, what we need is a wide-ranging national debate followed by a referendum on this all-encompassing agreement, should it be concluded.

Fracking and the TTIP

A leaked EU document published by the *Washington Post* exposes the dangerous direction the TTIP trade deal between the United States and the EU is taking when it comes to raw material and energy.

It reveals that the TTIP could change American energy policy to allow for increased exports of oil and gas and to keep the EU dependent on high levels of fossil-fuel imports. The document is attracting ire from environmental groups in the United States and in Europe, which say the proposal would be a disaster for the climate.

The document states that the EU is seeking "a legally binding commitment" that would "transform" the existing American process for examining the impact of natural gas and crude oil exports into a process whereby "licences for exports to the EU are granted automatically and expeditiously."

If accepted, this clause would accelerate fracking operations in the United States and eventually make it easier to expand operations in EU member-states, and it is communities and the environment that will suffer. In the long rum, EU and American energy corporations would be the beneficiaries, as agreement would make further exploration and development more profitable.

Environmental groups are also concerned that the EU is promoting access to American fossil fuels instead of maximising the potential of renewables and efficiency, despite having set targets for reducing climate emissions by 2020.

The EU Commission will host a sixth round of US-EU trade talks in Brussels from 14 to 18 July.

Is a common EU tax system on the cards?

France has long supported the idea of an across-the-board harmonisation of EU member-states' tax systems, a move that could slot in neatly with the Lisbon Treaty provision that facilitates the EU raising its "own resources."

Now French government advisers say in a report that this must begin with a common tax base for the European banking industry. But there is opposition from a number of governments—including Ireland's—to a common corporate tax system, on the grounds that competition between tax systems is positive and forces governments to be more efficient.

France, however, which has one of the highest levels of income tax in the EU, has proposed ways of tackling the negative effects of fiscal competition. The first measure is to continue efforts towards a common consolidated corporate tax base (CCCTB). Harmonising tax systems would make "fiscal competition more transparent and healthier." According to Alain Trannoy, an economist who jointly wrote the report, a CCCTB should be based on "reinforced co-operation or with some countries like Germany, France, the Benelux states and Italy, in order to create a snowball effect in different euro-zone countries."

Harmonising tax bases would also reduce the risks of optimisation, when transnational corporations transfer their income from one country to another in order to benefit from lower corporate tax. Corporate tax is an important element, but there is no point if tax bases are not harmonised.

According to the authors of the report, the Banking Union, which was adopted in April, needs to go further in the area of taxation. This can be done with a single financial activity tax (FAT) in Europe. They also advocate a minimum corporate income tax for the banking industry, the receipts of which should be reinvested in infrastructure and long-term investments and "form the first building block of a euro-area budget."

The EU Commission has long sought to harmonise national corporate tax systems but has faced resistance from a group of countries, including Ireland, Britain, Lithuania, Latvia, Slovakia, Malta, and Cyprus.

The Commission revived proposals for a CCCTB in March 2011, hoping that the sovereign debt crisis and moves towards greater fiscal and economic convergence would provide a more favourable political environment. It proposed that companies should make one single European tax return to avoid unnecessary administrative burdens; but the Irish government and businesses claimed that the move is an attack on Ireland's low corporate tax in all but name.

EU's bank stress tests were unreliable

The European Union's banking supervisor lacked the staff and the powers to successfully stress-test the resilience of European banks to financial shocks, according to a report by the European Court of Auditors.

The tests, conducted in 2011 by the European Banking Authority shortly after it was set up, were one of a series of measures to stabilise the banking industry in the aftermath of the financial crisis. They simulated disruptive market conditions to estimate how a sample of banks would react. Eight of the ninety banks failed the test—five in Spain, two in Greece, and one in Austria. Irish banks came through with flying colours.

The report stated: "The EBA had neither the staff nor the necessary mandate to ensure the reliability of the stress test exercise." The tests had been useful, it said, in encouraging banks to bolster their capital reserves to pass the tests; but they were limited, because they did not assess the quality of banks' portfolios of assets.

The EBA announced in January a second round of stress tests, which will assess 124 European banks' resilience to credit, market and sovereign risks, among others, over a period of three years. The results are due in October.

Systematic revision

Information on German Foreign Policy (german-foreign-policy.com) reports that the leadership of Die Linke ("the Left"), widely considered an anti-war party, is seeking to align its policy with Germany's official foreign and military policy.

Recently, leading party officials declared that "differences over foreign policy will not stand in the way" of a future coalition with the Social Democratic Party, which is now in a government coalition with the Christian Democrats.

This statement was made after a secret meeting of the senior leadership of the Left Party with the chairperson of the Social Democratic Party, Sigmar Gabriel. The Left Party's spokesperson on the Bundestag's Foreign Policy Committee, Stefan Liebich, regularly attends so-called "red-red-green talks," meant to facilitate a convergence of Left Party standpoints with those of the Social Democratic and Green Parties. It was on such an occasion that Liebich also declared that he "does not preclude foreign missions of the

German Bundeswehr [armed forces].”

Last April the Left Party parliamentary group, for the first time, did not unanimously vote against a foreign military mission. At the same time a clause in the party’s programme for the EU Parliament elections that characterised the EU as a “militarist power” was completely deleted. Members of the party who openly oppose war can now expect to be publicly disavowed by the party’s leadership.

Somehow, US military use of Shannon Airport and the Irish Green Party come to mind!

An exhibition of posters from the crucial 1972 EEC membership referendum

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