

**PROBLEMS OF A SYSTEMIC CHARACTER
IN THE EXECUTION OF THE MUTUAL
ASSISTANCE CLAUSE UNDER ART. 42, PARA. 7
OF THE TREATY ON EUROPEAN UNION**

Nikolay Marin¹

Abstract: The subject of this article is the analysis of the provision of Art. 42, para. 7 of TEU (Treaty on European Union) and the disclosure of a part of the existing problems of a systemic character in the execution of this provision. It is stated that once again the European Union has formal cooperation mechanisms with very serious scope and terms, placing solidarity in the centre of political integration on security and defence in the foreground, too. It is inferred that what is needed is a consolidation of efforts of EU partners such as the US, NATO in securing the external EU presence in cooperation with these leading actors in the field of international security.

Keywords: *Treaty on European Union, mutual assistance clause, Common Foreign and Security Policy*

Introduction

The clause on mutual assistance in the Common Security and Defence Policy (CSDP) is covered in Art. 42, para. 7 of the Treaty on European Union. This is one of the crucial mechanisms requiring a thorough assessment of the reasons for its legal regulation and the possibilities for its real political application in the European Union. Although the clause on mutual cooperation is of crucial political importance for the legal personality of the EU external representation, it reflects the degree of preparedness for the implementation of Member States' obligations to act jointly in the event of armed aggression perpetrated on the territory of one of the EU Member States. Obviously, this issue has not received enough attention on behalf of experts and researchers, and even on behalf of the institutions of the European Union.

¹ The author is a lecturer at the Department of International Law and International Relations of the South-West University "Neofit Rilski" in Blagoevgrad, Bulgaria. Since 2011 he has been a Vice-Dean of the Law and History Faculty and Head of European and Documentation Center.

Therefore, the subject of this article is the analysis of the provision of Art. 42, para. 7 of TEU and the disclosure of a part of the existing problems of a systemic character in the carrying out of this provision. An additional complication in implementing the clause on mutual assistance are also the circumstances that in the EU there are several groups of member states following different approaches for the realization of these issues, arising for many of them from their membership in NATO, the group of neutral countries such as Sweden, Austria and Finland and especially of Denmark not participating in CSDP, whose specific position is stated in Protocol № 22. To this purpose, the current President of the European Court of Justice and one of the leading experts in EU law Prof. Koen Lenaerts, states that “By virtue of a Protocol to the Treaties, Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. In that Protocol, however, Denmark has undertaken not to prevent the other Member States from further developing their cooperation in this area”.²

In this situation a further coordination within the frameworks of the EU and in EU-NATO relations is indispensable to be improved and filled with new content of their partnership.

The terrorist acts committed in Paris on November 13, 2015, led to the request of the French President Francois Hollande to activate for the first time in EU history, the provision of Art. 42, para. 7 of TEU. All this is happening against the background of the general deterioration of the level of security and stability in EU neighboring regions, not only because of the refugee and migration perspective, but also with a view to various developing processes, threatening EU internal security. Undoubtedly, the terrorist attacks³ of 2015 in Paris differ significantly from previous acts committed in the last 10-12 years in Europe as this time they were carried out by EU citizens, which is a very embarrassing circumstance, giving rise to the possibility of defining these acts as an aggression of asymmetric character, and trigger a clause reflecting the readiness of Member States’ political solidarity with France in the field of security.

In this situation a question has been posed: Can a terrorist act be objectively characterized as an act of aggression?

The answer to this question is that in order to define such an extremely dangerous act as aggression, it should be consistent with the definition of aggression set out in the United Nations General Assembly Resolution 33/14 in 1974.

As a part of the processes of cooperation between countries within the framework of European integration, in connection with political interaction in specific areas, some of which are emblematic for the national states, is the

² K. Lenaerts & P Van Nuffel, *European Union Law*, Third edition, Sweet & Maxweel, L., 2011, p. 722. *European Union Law*, Third edition, Sweet & Maxweel [K. Lenaerts & P Van Nuffel, 2011: 722].

³ For more information see the work of the Bulgarian researcher at the Institute for Legal Studies at the Bulgarian Academy of Sciences: Mezhdunarodnopravni problemi na borбата sreshtu mezhdunarodnia terorizam [I. Ilieva, 2005] И. Илueva, *Международноправни проблеми на борбата срещу международния тероризъм*, ИК „Кронос“, С., 2005.

quoted provision below. Essentially Art. 42, para. 7 of the Treaty on European Union states that: "If any EU country is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with the United Nations Charter." This does not concern the specific character of the security and defence policy of individual Member States.

The presence of two roughly similar mechanisms for political solidarity in the EU as: the clause for mutual cooperation under Art. 42, para. 7 of TEU and the Art. 5 of the Washington Treaty of NATO (1949), would rather cause further confusion in the application of the European Union primary legislation, because it is not enforced and there are no real applicable mechanisms for its implementation. On the other hand, this application is limited precisely by TEU regarding the commitments of this cooperation that are consistent with the commitments undertaken in NATO, which has even been given a leading role in the basis of collective defence, namely by setting NATO as the main forum for its implementation.

All this gives rise to a finding that the effectiveness of the clause on mutual cooperation is limited to some extent namely by TEU. Thus, its further improvement demands a systemic approach that requires surmounting overlapping functions between the two organizations and filling gaps in the EU legal framework, in particular and especially in its Member States which are not members of NATO or have declared opting out of the Common Security and Defence Policy. Attempts to engage the Western European Union in cooperation with the European Union in the implementation of relations with NATO to avoid possible controversies are not particularly successful, as set out in Protocol № II regarding Art. 42 of the Treaty on European Union. As such an approach in fact gives no primary but subsequent location of CFSP, since it must comply primarily with the commitments resulting from the North Atlantic Treaty, which largely explains the deficit of the EU and its present unsatisfactory state in terms of the military-political aspect. In this sense, the general interest of the EU Member States is to highlight and expand the Euro-Atlantic cooperation with NATO as one of the most beneficial ways is the development and improvement of the practical application of the Common Security and Defence Policy, through its integration into the already developed logistics and experience in NATO, following the interests of the European Union and its Member States. It is necessary to give a wider range of action and independence of the EU's Common Security and Defence Policy as it would be a winning approach to the Euro-Atlantic cooperation.

Answers to questions related to the opportunities for a reaction and the rapid implementation of solidarity among EU Member States in the event of an armed attack would also have a preventive character towards the outside and dramatically changing security environment. On the other hand, it is these processes that are indicative in order to clarify what exactly the European Union's place in the system of international relations will be and if it could materialize its geopolitical advantages, arising from its strategic location in the Heartland within the context of the contemporary geopolitical doctrine and explanation of international relations.

Problems of a systemic character in the execution of a clause for mutual assistance under TEU

A leading issue on which the successful application of the clause on mutual cooperation depends, is the degree of political cooperation and willingness to achieve EU internal consistency in accordance with existing relations between EU Member States and the North Atlantic Treaty Organization (NATO). There is no doubt that these are very complex and multidirectional trends and issues that are challenging, standing out distinctly, related to the current and future functioning of the EU in the field of international security. However, the response of the European Union on possible internal and external threats, including by means of improving also the legal framework, could help to identify its role and responsibility in the international arena and in Public International Law.

Although in recent years, analysts are convinced of the unpredictability of the international relations, it should nevertheless be concluded that for the European Union comprising over 28 countries, the Euro-Atlantic relation has a perspective, which in turn would strengthen the Common Foreign and Security Policy (CFSP) only if it most completely reflects the European interests.⁴

The present existing threats in the field of EU security are a very serious matter for the content and values of European integration and for the further architecture as well as legal personality of the European Union, especially in a very specific area, such as the Common Foreign and Security Policy of the European Union. According to EU primary law, this type of political cooperation continues to be a part of the traditional one for the international law rather than intergovernmental cooperation of the European integration. In this connection, scientists and experts point out that “Unlike all other EU policies governed by the Union’s legislative acts (regulations, directives and decisions) adopted under a legislative procedure (ordinary or special), having in mind the intergovernmental character of the cooperation within the CFSP, the legislative process in this area takes place primarily within the European Council and its subsidiary bodies. The only acts that determine and implement this policy are in the form of decisions adopted on the principle of unanimity (unless it is expressly provided otherwise in primary law). This situation reflects the limited role of the Commission and the European Parliament in adopting decisions relating to the CFSP and the principally defaulting competence in the matter on behalf of the Court of Justice”⁵.

Therefore, it could be said that international legal forms and mechanisms for cooperation on Common Security and Defence Policy in the European Union are more effective and actually applicable, bearing in mind the specificity

⁴ Osobenosti, tendentsii i perspektivi na Obshtata evropeyska politika za sigurnost i obrana [N. Marin, 2007: 43] Н. Марин, *Особенности, тенденции и перспективи на Общата европейска политика за сигурност и отбрана*, списание Международна политика, Книжка първа, Югозападен университет „Неофит Рилски”, Благоевград, 2007 г., с. 43.

⁵ Pravo na Evropeyskia sayuz [Zh. Popova, 2015: 490] Ж. Попова, *Право на Европейския съюз*, трето основно преработено и допълнено издание, Ciela, С., 2015 г., с. 490.

and sensitivity of this issue in the ratio of state sovereignty and its part of the transfer to the EU institutions or specially created agencies, than in accordance with the different integration models developed as part of this field of European integration, which currently are mainly characterized by an intergovernmental character. Moreover, the first reason for the problems of a systemic character is the existence of an explicit clause providing that the interaction between the Common Security and Defence Policy should not be at the expense of the cooperation in NATO. An argument for this is contained in the second paragraph of Art. 42, para. 7 of TEU.⁶

The presence of a number of challenges and multifaceted asymmetric threats, besides their negative impact on the functioning of the European Union itself, lead to the deterioration of the level of security and stability in the EU's neighboring regions. All this raises questions related to the need to review the reasons for the shortcomings in the implementation of major policy mechanisms such as the European Neighbourhood Policy and generally the cooperation with the Mediterranean region, which is one of the generators of instability in the European Union. It is also necessary to develop a more modern European Security Strategy (ESS), as the current one dates from 2003 and it is expected that the new strategy should be presented in 2016. In this case there is a serious delay in the response of the EU Member States, which for more than 12 years have not substantially updated the most important document concerning security and defence issues. An interesting fact is that it is France – the country that first activates the clause on mutual assistance in 2015 – which has been suggesting the update of the ESS since 2008, but its proposals have not been supported by other Member States. This fact is recognized in the report of the Ministry of Foreign Affairs of Finland, namely “France has proposed that the European Security Strategy be reviewed during its Presidency, beginning in the autumn of 2008. However, no comprehensive reassessment is expected because most EU nations do not see any reason for it”⁷.

Of particular importance is to achieve synchronization between the EU and NATO in the use of armed force in the new strategic EU document. In this sense, it is correct what well-known experts note that “the use of armed force shall be considered by ESS primarily in the context of crisis management alongside civilian components and a nation building approach”⁸.

The strategic approach especially in CSDP will facilitate the easy definition of responsibilities and obligations in the management of modern security

⁶ Art. 42, para. 7, second indent of TEU “Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation”.

⁷ The Mutual Assistance Obligation in the European Union's Treaty of Lisbon [T. Tilikainen, 2008: 20-22].

T. Tilikainen, *The Mutual Assistance Obligation in the European Union's Treaty of Lisbon*, Publication of the Ministry for Foreign Affairs of Finland, 4/2008, p. 20-22.

⁸ Novite zaplahi i strategiiite za sigurnost na SASht, NATO, ES i OON [G. Belova, 2007: 72]
Г. Белова, *Новите заплахи и стратегиите за сигурност на САЩ, НАТО, ЕС и ООН* – Военен журнал, Военно издателство, С.,бр. 4/2007 г., с. 72.

threats. Regarding the development of a new security strategy, it can be noticed that in April 2015 Nathalie Tocci, Special Advisor to the High Representative on the ESS, distilled the analysis down to three aspects: the world is “more connected, more contested and more complex”. This, she said, should lead the Union to dwell on more closely on six components of its external action: a) stronger engagement in the Balkans and towards Turkey; b) preserving and developing the European post-war order; c) crises in North Africa and the Middle East; d) relations with Africa; e) the transatlantic partnership and EU-NATO relations; and f) improving cooperation with Asia and an associated renewal of the system of multilateral institutions.⁹

In this regard it should be paid special attention to a new phenomenon in the contemporary reality, namely: mass migration towards the Old continent from unstable political and economic regions of the so called Third World adjacent to Europe. However, it should be clear that this phenomenon itself is not a new phenomenon – there have been migration movements from Europe and to Europe if not always, then enough in certain periods of its development. Nowadays, the new one is reflected in the unprecedented and disproportionate scale, only the partly humanitarian purpose and in fact non-transparent purposes, that is, in principle, the new motivation predetermined by the new circumstances in the otherwise old frame of the sought for exodus of large numbers of people.

These new circumstances related to the ethnic characteristics of migration flows, with obvious or hidden economic interests, with the existence of armed conflicts between several countries in certain regions, with the sharp oppositions based on different religious and confessional specifics, traditional or emerging political antagonisms, with the social unsolved or currently unsolvable problems with rivalry for influence and supremacy between the great powers, etc.

However, as the subsequent international response proved it, the relevant provisions contained in the TEU and in the Constitutive Act of the North Atlantic Treaty Organization are not activated immediately and it is unlikely that they are activated and implemented at the scale and extent resulting from the letter and even the spirit of the relevant treaties. The main reason lies and is inherent mainly in the asymmetric and unconventional nature of threats to their realization, which does not underestimate them. On the contrary, it requires improvement of the judicial cooperation and interaction among Member States, including going beyond the traditional international legal cooperation and expanding the approaches of the European integration towards those highly specific and sensitive areas that continue to confront the dimensions of a transferred sovereignty. Moreover, while the field of the Common Foreign and Security Policy of the EU continues to be an obscure legal regime arising from the text of Article 2, para. 4 of the Treaty on European Union, which stipulates that the Union has competence in accordance with the provisions of the Treaty on European Union

⁹ New European Security Strategy – The Transatlantic Factor [**Annegret Bendiek and Markus Kaim**].

Annegret Bendiek and Markus Kaim, *New European Security Strategy – The Transatlantic Factor*, German Institute for International and Security Affairs, p. 2.

to define and implement a Common Foreign and Security Policy, including the progressive establishment of a common defense policy”.¹⁰

Another explanation for this state of affairs is reflected in the fact that despite the amphibious character of the relevant provisions, basically they have a warning and preventive nature, and their deep sense is to stimulate cooperation, including in the military field and only as a last resort to transform the warning into real military actions. Moreover, the European Union is an entity under the Public International Law, which is characterized as a player, leading to the so-called concept of *soft power*, providing for the use of armed force only under Chapter VII of the Charter of the United Nations.

But here arises a question that, even if not extremely topical, it carries the germ of possible contradictions and generally would not contribute to the unique behavior on behalf of the European Union and the main pillar of the European security architecture, such as the North Atlantic Treaty Organization – (NATO). Especially in case there is or appears a situation requiring decisive actions and use of logistics and modern arms to respond and deal with a specific threat, defined in this way by one or several member states or even across the whole European Union in the context of the mutual assistance clause. The circumstance is that 22 out of 28 EU Member States are members of NATO, 6 of the 28 are not members of the North Atlantic Treaty Organization, Denmark declares special position of not participating in the ESDP and 5 EU Member States (Austria, Finland, Sweden, Ireland, Malta) have proclaimed neutrality and have a number of reasons to consider, first, its neutrality, even in the form of European integration and cooperation in this ongoing delicate for interaction region that cause not only internal contradictions arising from the special political orientation, but also other challenges associated with adapting the problems of the integration entity within the collaborative processes based on EU-NATO relations, which is connected with a number of efforts by both organizations to preserve the transatlantic link and a center of international security.

Amid all these complex relationships between countries and international organizations, the refugee wave stands out even more. It is testing one of the achievements of European integration related to the free movement of persons within the EU and European Economic Area, namely the Convention for implementing the Schengen Agreement, as even if it does not threaten with its suspension, it is with a serious change and its adaptation to the changing political reality in the European Union, being the result of the refugee problem, and considered rightly as a threat to its mainstay.

In fact, when considering matters relating to the political solidarity within the context of the mutual assistance clause, another aspect needs to be considered - in terms of the interaction between EU law and Public International Law in CSDP that needs reevaluation and gradual expansion of the role and competences of EU in this policy. According to the former Advocate General at the ECJ Miguel Maduro “External pluralism derives from the increased communication

¹⁰ [Annegret Bendiek and Markus Kaim] *New European Security Strategy – The Transatlantic Factor*, German Institute for International and Security Affairs, p. 2.

and inter-dependence of the European Union legal order with international and foreign legal orders. From this, different relationships emerge that can take the forms of legal integration (where the EU participates in another legal order), interpretative competition (where, albeit the Union is not part to another legal order, it shares a similar set of norms and, possibly, jurisdiction with that legal order), legal externalities (where the decision taken in a certain jurisdiction has a social and an economic impact, albeit not legal impact, in another jurisdiction) and what Neil Walker as called of sympathetic consideration.”¹¹

Although currently CSDP is more similar to an intergovernmental activity, there is a number of elements indicating the trends that may in the future extend the integration approach to questions including specific aspects, such as the “Defence Package”, comprising Directives 2009/81/EC on defence procurement in the defence area and 2009/43/EC on intra-community transfers related to defence within the community.¹²

The clause on mutual military assistance is included in the Lisbon Treaty as a continuation of trends in response to legislation on the enhanced role of the European Union on the international stage. This is one degree stronger and more decisive legal institute against previous statements on the need for mutual assistance and cooperation. Of course, there is the mutual assistance and cooperation, regarded as military cooperation in a more engaging area that does not exclude, but presupposes, if necessary, armed intervention, albeit with limited opportunities on behalf of the EU, which is not comparable with the flexibility and opportunities for solutions to similar activities in NATO. Judging by the reactions of the public opinion, it looks as though the historical parallels since the time of the musketeers are called to serve the conjuncture: one for all, and all for one.¹³ It is noteworthy that France prefers the relevant provisions of the EU Treaty, not of the NATO Treaty, citing the relevant article of the TEU for mutual assistance, not the relevant article of the same treaty, binding the aid with the solidarity clause.

In this case France obviously prefers the intergovernmental and inter-state cooperation under Art. 42 para. 7 instead of intercommunal cooperation under Art. 222 of the Treaty on the Functioning of the European Union. These issues are discussed in the Council of the European Union, so that it is not a symbolic cooperation, in a format – the Defence Ministers of the EU Member States as there is a readiness agreement to render a comprehensive assistance – political, economic, financial, diplomatic and so on. Still, however, at this stage the term is “readiness”, which, when it is necessary, would grow into a specifically materialized one, including military aid. The main obstacle is and remains the asymmetry of the threats and acts despite the fact that France is already com-

¹¹ Interpreting European Law: Judicial Adjudication in a Context of Constitutional Pluralism [Miguel Poiares Maduro] EJIL Vol. 1, № 2, p. 2 available at: <http://www.ejls.eu/2/25UK.pdf>.

¹² Point 12, Proposal for a European Parliament resolution on mutual defense clause Art. 42, para. 7 TEU.

¹³ *Europès self-defence: Toys pour un et un pour tous?* [Christophe Hillion, Steven Blockmans].

mitted, so far mainly in Syria, and with specific military actions in the form of aerial bombardments.

On the agenda, at least in the views and preferences of France, there remains the creation of an European defence union or Common European armed forces as European countries members of NATO as dispose of a total number of about 1.8 million armed forces, but a very small number of forces, mainly set in Priority EU targets for the security are formations that, given these impressive data, are suitable for making and implementing operations and are compatible with the specifics and scope of activity invested in this area of both organizations. The future will show whether and when it might not be just wishful thinking and good intentions.

After the Maastricht Treaty of 1992 and the Amsterdam Treaty of 1997, numerous efforts have been deployed, namely the Common Policy on Security and Defence to get real terms, and not a formal presence in primary law. However, the existence of different national interests of member states, the collapse of the Western European Union, the integration into NATO, according to the last indent of Art. 42, para. 7 deepen the perception that commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which remains for its member countries, the foundation of their collective defence and the forum of its implementation. However, given the already outlined differences in the approaches of several countries to this fundamental problem, there arise systemic legal problems on the implementation of this otherwise very important clause comprising the solidarity that ensure the security in the EU.

The submission of a proposal for a Resolution in the European Parliament only confirms the topicality, sharpness and the need to improve the implementation and practical application of the clause on mutual cooperation, adopted on January 20, 2016. This shows that the systemic flaw has been established for more than six years after the entry into force of the Treaty of Lisbon on December 1, 2009. The resolution ascertains not only the need to improve the capabilities and tools of the clause on mutual cooperation but also makes critical recommendations aimed at improving this tool and the political interaction based on it.

After 2009 there has been a development of new trends in the relations between EU Member States, respectively, in the Common Security and Defence Policy in terms of initiatives to further strengthen their operational compatibility and the possibility of a common response to crisis management of a civilian and military character, namely the Visegrad group and Weimar Battlegroup.

Particular attention, as part of the best examples deserves the so called Weimar Triangle initiative, uniting France-Germany-Poland it has been created, perhaps not symbolically on the birthday of one of the great German philosophers and public figures Goethe on August 28, 1991. This initiative is based on the traditional under international law consultations, resulting in an upcoming major geopolitical change and demonstrating the seriousness of the then core group of leading countries to new challenges and horizons of European integration. Moreover, the initiative of the Weimar Triangle could be interpreted in an effort to expand the core of European integration, including security issues, and acquiring a new, much clearer legal regime of the common defense, in view of

the cooperation between Western European countries and the leading country in Central and Eastern Europe, such as Poland.¹⁴ It is often pointed out that the Weimar Triangle is already an equilateral one, i.e. it is equal politically. This circumstance is particularly important in the relations and the future legislation on the Common Security and Defence Policy, for the Central and Eastern part of Europe geographically have a common border with the most important specific and unstable regions such as North Africa, the Middle East, the Black Sea region. Such initiatives can successfully solve the existing problems of a systemic character in the area of Common Security and Defence Policy as the experience of these countries in other regions of the EU is instrumental.

Presently, more than ever there is a need for such an initiative, using the experience of Poland and other Member States, especially in Southeast Europe where there are Member States of the EU and of the Mediterranean region, and where the level of security is in critical condition with regard to the refugee crisis. Obviously, the traditional international legal cooperation can successfully expand in short term as EU Member States and given the complicated relations with NATO are unable by themselves to build functioning mechanisms to tackle threats in the international security and the external representation of the EU on the world stage. The logic of cooperation among international organizations in improving and strengthening the international legal regime, regardless of the fact that in these relations one of the subjects may have very deep mechanisms and forms of integration entity and, although there are both attempts to transfer and /or preserve a part of the dimensions of sovereignty in the area of the Common Security and Defence Policy.

Conclusions

In the end, part of the solution of the so created ambiguous situation is deepening the integration and overcoming disadvantages of the system flaws in terms of creating a common European force that can ensure the implementation of this provision in possible, unfavorable and future situations. It turned out once again that the European Union has formal cooperation mechanisms with very serious scope and terms, placing solidarity in the field of political integration on security and defense in the foreground, too. Systemic problems are related to shortage of real workable mechanisms of this important clause, filled with so much symbolism contained in the expression “one for all and all for one!” In practice, this is one of the few possible options that should be shared by Member States and their military and political partners in the Euro-Atlantic space, which would lead to a more unified and united community.

Thus, this requires a consolidation of efforts of EU partners such as the US, NATO in securing the external EU presence in cooperation with these leading actors in the field of international security. In the cooperation with the United States, the mechanism and the recommendation of the EU resolution, which can be implemented within NATO, are present.

¹⁴ For more information on changes in Poland after 1989, see 1989 – Golyamata promyana [D. Ivanova, 2007].

REFERENCE

- Belova, Gabriela. 2007.** *Новите заплахи и стратегиите за сигурност на САЩ, НАТО, ЕС и ООН* [Novite zaplahi i strategiiite za sigurnost na SASht, NATO, ES i OON]. Voenen zhurnal, Voенno izdatelstvo, S.,br. 4/2007.
- Ivanova, Diana. 2007.** *1989 – Голямата промяна* [1989 – Golyamata promyana]. Universitetsko izdatelstvo „Neofit Rilski”, Blagoevgrad.
- Popova, Zhasmin. 2015.** *Право на Европейския съюз* [Pravo na Evropeyskia sayuz]. Treto osnovno preraboteno i dopalнено izdanie, Ciela, S.
- Ilieva, Irena. 2005.** *Международноправни проблеми на борбата срещу международния тероризъм* [Mezhdunarodnopravni problemi na borbata sreshту mezhdunarodnia terorizam]. IK “Kronos”, S.
- Marin, Nikolay. 2007.** *Особености, тенденции и перспективи на Общата европейска политика за сигурност и отбрана* [Osobenosti, tendentsii i perspektivi na Obshtata evropeyska politika za sigurnost i otbrana, spisanie Mezhdunarodna politika]. Knizhka parva, Yugozapaden universitet „Neofit Rilski”, Blagoevgrad.
- Annegret Bendiek and Markus Kaim, New European Security Strategy – The Transatlantic Factor**, German Institute for International and Security Affairs, p.2.
- Christophe Hillion, Steven Blockmans. Europe`s self-defence: Toys pour un et un pour tous?**
- K. Lenaerts & P Van Nuffel. 2011.** *European Union Law*, Third edition, Sweet & Maxwell, L.
- Miguel Poiares Maduro, Interpreting European Law: Judicial Adjudication in a Context of Constitutional Pluralism**, EJIL Vol.1, №2, p. 2 available at: <http://www.ejls.eu/2/25UK.pdf>.
- T. Tilikainen. 2008.** *The Mutual Assistance Obligation in the European Union`s Treaty of Lisbon*, Publication of the Ministry for Foreign Affairs of Finland, 4/2008, 20-22.

Correspondence address:

Nikolay Marin, Assoc. Prof., PhD
Law and History Faculty at the South-West University
“Neofit Rilski”
5 A Ilinden str.
2 700 Blagoevgrad, Bulgaria
Tel.: (+359) 898709949
E-mail: marin@law.swu.bg
nik_marin@yahoo.com