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AFFAIRS REVIEW

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Guest Editorial

A Vital Partnership: US-EU Relations Are Increasingly Significant in Global Affairs

Anthony LUZZATTO GARDNER^{*}

The most significant, vital, and effective bilateral relationship in the world is that between the United States of America and the European Union. This is not hyperbole.

The coinciding twentieth anniversaries of the European Foreign Affairs Review and of the New Transatlantic Agenda – on which I worked at President Clinton’s National Security Council (NSC) – provides a welcome opportunity for me to offer a few thoughts on the breadth and depth of the vital foreign policy and bilateral cooperation that thrives between the United States and the European Union. It is also an opportunity to trace the relationship’s positive trajectory. To the extent that it currently dominates most news coverage of the transatlantic relationship, a casual observer might think that the Transatlantic Trade and Investment Partnership (T-TIP) constitutes the bulk of US-EU relations, along with a few other commercial issues. If this were true, we would be frozen in place some twenty-five years ago, before the European Economic Community transformed into the European Union, and in a time when the EU Member States allowed Brussels relatively little authority to set a common European agenda.

In my time at the NSC, my friend and mentor Ambassador Stuart Eizenstat (then our Ambassador to the EU) and I pushed for the conclusion of the New Transatlantic Agenda, signed in December 1995. That document helped to shift the perception in Washington that the EU was not as effective a partner as individual Member States on foreign policy issues. We helped create a new US-EU foreign policy cooperation that would focus not only on the traditional economic sphere, but now also on increasing peace, democracy, and stability in Central and Eastern Europe and the states of the former Soviet Union. The Agenda also specifically included Middle East peace, human rights, non-proliferation, and development and humanitarian assistance. Moreover, it called for the US-EU relationship to move

^{*} Anthony Luzzatto Gardner, US Ambassador to the European Union.

from joint consultation to joint action in a number of areas. These steps served to promote President Kennedy's earlier vision of a transatlantic partnership of equals.

Since the signing of that Agenda twenty years ago, there has been a growing appreciation of the importance of 'soft power', of the impact of the EU's domestic policies on US interests, and of the growing potential to collaborate on shared foreign policy concerns. This is reflected in the fact that our staff at the US-EU Mission comes from a wide cross-section of the US Government. Admittedly, while the breadth of the US-EU partnership is constantly growing, some of the same issues still remain priorities for us. Ukraine and Russia, important concerns in 1990, topped the agenda at the US-EU Summit last year and Vice-President Biden's visit to Brussels this past spring, as well as at the past two G7 Summits.

Russia's illegal annexation of Crimea and significant military support for the separatists in Southeastern Ukraine has been a crucial test of the ability of the US and EU to work together on vital security issues. Despite different perspectives on Russia born of different cultures and histories, the US and all of the twenty-eight members of the EU managed to roll out nearly identical sanctions at roughly the same time. This was a remarkable achievement. With Russia and the separatists it backs failing to live up to their commitments under the Minsk agreements, we kept the pressure up. Barring a breakthrough, we will need to resist pressure to roll back sanctions; and will need to consider the possibility of expanding them if Russian aggression continues.

Meanwhile the United States and the European Union have worked together to support the efforts of the Government of Ukraine to implement needed reforms to establish rule of law, eliminate rampant and pervasive corruption, and provide its citizens with the means to secure a better future. We have both worked to provide financial support as well as training and in-kind assistance towards these ends. We have both sought to support independent media and NGOs to counter the onslaught of propaganda coming from Moscow, recognizing that what Ukraine needs is not a war of words between the Kremlin and the West, but a chance to hear the authentic voice of its own people reporting the facts. Significantly, in these efforts, we work to cooperate closely to avoid wasteful duplications and identify areas where there is need for action.

Our cooperation is clearly not limited only to the crisis in Ukraine. Having passed my first year as US Ambassador to the EU in March, I feel very confident in saying that the EU is the essential partner of the United States on nearly every recent major transatlantic issue, as well as on many global issues – such as humanitarian and development assistance, law enforcement, Ebola, and migration. The cooperation even extends to fields that have not traditionally fallen within the scope of US-EU relations, including military cooperation and counter-terrorism efforts.

The latter is of increasing importance. The fight against Daesh and the issue of foreign terrorist fighters who travel to and from Syria and Iraq is a top issue for the European Union and the United States. The United States has encouraged a common EU Passenger Name Record system, and has focused on increasing the effectiveness of sharing information collected through this system with US border security officials in order to prevent acts of terrorism by foreign terrorist fighters. Incidents in Belgium, Denmark, France and elsewhere have reminded us how vitally important this cooperation is.

Similarly, we have also been engaged on bilateral talks aimed at improving the lives of citizens on both sides of the Atlantic by increasing law enforcement cooperation. One of our big concerns is the anonymity of financial transactions through some virtual currencies, such as Bitcoin, and the challenges this poses to criminal investigations. Last fall US law enforcement worked with twenty-one other countries and Europol to arrest seventeen individuals for involvement in selling illicit goods through an online marketplace called Silk Road 2. This marketplace was used by thousands of drug dealers and other unlawful vendors to sell kilograms of illegal and harmful drugs, as well as firearms and other dangerous contraband. In more than one instance, US-EU law enforcement cooperation has also rescued children from child sexual exploitation rings, sometimes with a short interval between discovering the crime and putting an end to it. What used to take years to organize, can now take mere months or less through the working relationship US law enforcement has developed with European authorities.

I would be remiss not to mention the elephant in the room: data privacy. It is clear that the United States and the EU will only be able to move forward in their relationship when trust on this matter is fully restored. President Obama recognized that, given the power and scope of our signals intelligence activities, we needed to do more to reassure the world that we treat ‘all persons . . . with dignity and respect, regardless of their nationality and where they might reside’, and that we provide appropriate protection for the ‘legitimate privacy interests [of all persons] in the handling of their personal information’. And so we have now put into place express limits on the retention and dissemination of personal information about non-U.S. persons collected by signals intelligence, comparable to the limits we have for US persons.

Further, the USA Freedom Act, enacted in June of this year, ended the government’s bulk collection of phone records, or so-called metadata, under section 215 of the Patriot Act by limiting collection to instances where there is ‘reasonable, articulable suspicion’ that a ‘specific selection term’ is associated with international terrorism. There is also a pending bill, the Judicial Redress Act of 2015, introduced in both the House and the Senate on a bipartisan basis, which would provide Europeans the core benefits that Americans enjoy under the

Privacy Act with regard to information shared with the United States for law enforcement purposes, fulfilling the commitment announced by the US Attorney General in June 2014. The passage of both of these pieces of legislation would mark an important step in restoring Europe's confidence in America's commitment to striking the right balance between security and civil liberties.

None of the above should suggest that the commercial relationship does not also remain a vital element of the transatlantic relationship. Transatlantic ties would be significantly enhanced if we conclude T-TIP – not only through its substantial economic benefits, but also politically. There is no doubt that it is in the interests of Americans and Europeans of all stripes – our workers, farmers, manufacturers, service providers, entrepreneurs and inventors, and our consumers – for the United States and Europe to work together through T-TIP to actively shape the global trading system and promote a race to the top, rather than engage in a race to the bottom. If the United States and Europe want to strengthen our respective economic power and extend our strategic influence during uncertain times, we must make a decision together: either lead on global trade or be left on the sidelines. There really is no choice.

We are also following very closely the Juncker Commission's Digital Single Market strategy, which we understand is intended to create the regulatory and market conditions to help companies to innovate, collaborate, invest, create jobs, and drive growth while better serving consumers. This is a vision that we, of course, support. That kind of reform coupled with T-TIP would create the proper conditions for a robust transatlantic digital economy in which EU and US businesses will prosper and find new opportunities. Greater investment in networks and digital skills, digitalization of traditional industries through greater technology uptake, harmonization of regulations, and reduction of barriers to doing business across the EU's internal borders are all important objectives that would benefit consumers and companies, European and American alike. To this end, we will remain closely engaged with the European Union on this issue.

In conclusion, let me just emphasize that the broad and deep transatlantic engagement I have highlighted above goes far beyond the issues I have the space to address in one column. I view this as a sign that the increasingly robust and diverse cooperation in non-traditional areas that began with the New Transatlantic Agenda has continued to grow with important milestones such as the progress in European integration, the passage of the Lisbon Treaty, and a succession of initiatives and crises that have brought us closer. The European Union has increasingly become the partner of first resort for the United States, and I do believe that this trend will continue.

[A] Aim of the Journal

The aim of *European Foreign Affairs Review* is to consider the external posture of the European Union in its relations with the rest of the world. Therefore the journal focuses on the political, legal and economic aspects of the Union's external relations. It functions as an interdisciplinary medium for the understanding and analysis of foreign affairs issues which are of relevance to the European Union and its Member States on the one hand and its international partners on the other.

The journal aims at meeting the needs of both the academic and the practitioner. In doing so it provides a public forum for the discussion and development of European external policy interests and strategies, addressing issues from the points of view of political science and policy-making, law or economics. These issues are discussed by authors drawn from around the world while maintaining a European focus.

Authors should ensure that their contributions will be apparent also to readers outside their specific expertise. Articles may deal with general policy questions as well as with more specialized topics.

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