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**BETWEEN DEMOCRACY AND DIPLOMACY:
THE ROLE OF THE EUROPEAN PARLIAMENT
IN THE ESTABLISHMENT AND FUNCTIONING
OF THE EUROPEAN EXTERNAL ACTION
SERVICE**

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PREFACE



Why it is important to discuss and confront about the European Union?

“There will be no peace in Europe, if the States will be re-found on the basis of national sovereignty.”

Jean Monnet

After the end of World War II in Europe, it was developed the idea that national interest cannot be anymore completely separated from the ones of the rest of the world. A new concept of community belonging was developed: the existence of a common matrix, the European identity. The interesting feature of this revolutionary idea, was that it opposed to the realistic Westphalian paradigm a of international relations, that dominate the European continent for centuries. This idea was developed and supported by the governments and civil society (intellectuals, political parties etc.), not only within the countries that participated to WWII, but especially within those ones that could be held responsible for the start of the war (i.e. Germany). The belief, behind this idea, is that International Relations are not a zero-sum game. Pursuing interests for European countries does not mean unequivocally to contend a share of gain to other ones. A liberal approach was rather adopted, meaning that through international cooperation IRs become a positive sum game where the share of gain can be increased for all participants.

In this perspective the idea of Europe was based on a cooperative approach, where either Europe win as whole or loses separately¹. This builds, partly, on the historical experiences of the Old Continent, which has known a past, characterized by wars for the political and territorial hegemony². The classic (also called realistic) theory of International Relations on

¹ M. Schultz, President of the European Parliament, statement on the day its installation, 17/01/2012, Strasburg.

² M. Telò, *Dallo Stato all'Europa*, Carocci, Roma (2014).

which it was based the Westphalian system³ was based on three principles: balance of power; *cuius regio, eius religio*; *potestas superiorem non recognoscens*. The balance of power principle relates to the idea that, being the international system fundamentally in a condition of anarchy in terms of power's architecture, the only way to achieve stability is that the power is balanced between the different actors. In this perspective, national security is enhanced when military capabilities are distributed so that no one state is strong enough to dominate all others⁴. The principle of *cuius regio, eius religio* also called principle of non-interference was based on the belief that national sovereignty gives exclusive competences of ruling within their territory to the nation states⁵. The last principle of *potestas superiorem non recognoscens* referred to the fact that there is no ultimate authority superior to a sovereign state. This model characterized the historical period between 1648 to 1945 with the creation of the United Nations Organizations and successively with creation of the European Community.

In fact the principle of territorial sovereignty, no superior authority recognized over the States and the balance of power were totally or at least partially overcome in the European context during the EU integration process.

This happened for a number of reasons related to the experience of World War II, to the shift of power from European countries to the super-powers of USSR and USA (but also to the rising powers of India, China, Brazil and Japan), to the rise of risks involving the so-called global commons (environment, forests, sea, land, outer space, natural resources etc.) and to the rise of human rights as part of national and international law. With regard to Europe, after World War II, every European nation-state felt that they could not play a strong political and economic role at global level, as they did until World War II. The beginning of the Cold War and the rise of super-powers USSR and USA were also factors causing the EU's political leaders understanding that cooperation between European countries was a key fundamental

³ The so-called Westphalian system began in 1648 when the Westphalian Treaty was signed at the end of the thirty years' war. In that context, new actors, namely the States, were beginning to take power and the previous existing superpower declined. The Westphalian system drew some of its features from the theories of Niccoló Machiavelli in "Il Principe" (1532) and Thomas Hobbes in the "Leviathan" 1651. These feature built on the centrality of the State as the only actor in the global arena with the power of the legitimate use of force. Therefore, the main feature of IRs become the interests and the actions of the State.

⁴ If one state gains inordinate power, the theory predicts that it will take advantage of its strength and attack weaker neighbours thereby providing an incentive for those threatened to unite in a defensive coalition. Some realists authors maintain that this would be more stable as aggression would appear unattractive and would be averted if there was equilibrium of power between the rival coalitions.

⁵ This principle was part of the Westphalia Treaty because it allowed princes to adopt either Catholicism or the Lutheran Augsburg Confession and enforce religious conformity within their state.

feature to re-build and ensure a political role to the Old Continent lacerated by the war. Most importantly there was also the need to avoid the mistakes that lead to the horrible events of WWII and be sure that they would not repeat again. An approach based on fraternity, freedom and equality was needed. The maintenance of peace was at the basis of the idea of Europe.

Peace in the context of the European continent seems nowadays a given situation. The battles that in the less than seventy years ago were fought on the field, are nowadays conducted through the EU institutions, diplomatic channels, laws and regulations, economic policies etc. . The maintenance of peace, for a period of over 60 years, is one of the most important results achieved by the European effort of opening to dialogue and cooperation, sponsored after WWII. The European Community and then the European Union have certainly played a major role in achieving this result and in this perspective it is worth to highlight the Nobel Peace Prize by which the EU was awarded in 2012. The Prize recognized a process, long half of a century, of maintenance and promotion of peace, democracy and defence of human rights and freedoms. Nevertheless, the EU is more than this. It represent a courageous political project of neo-humanism placing at the centre of its system the individual for its shared characteristics (being European) and not for its particular ones (being national of a certain country). In the EU underlies the conception of unifying peoples from diverse countries and nationalities, under one common purpose. In this perspective, the project of the EU is unique. It undermines the idea of nation state, born originally in Europe, eliminating borders, creating mechanisms of economic solidarity, instituting supra-national powers and harmonizing laws and regulations.

The true spirit of the EU can be found in its motto: "United in diversity". Particularly, its meaning is more evident in the Greek version of the motto: Ενωμένοι στην πολυμορφία", "United in a plurality of forms". Thus, European Union means to unify and harmonize where there is diversity and polymorphism. The goal is not to erase the differences, but to build on the common ground of the European people, of the cultures and on the States.

If we expand the ideas at the basis of the EU at a global level, it becomes clear how the European Union is the most advanced political project of international cooperation. It is one of the most complex and articulated institutional structures in the world, characterized by pooling of sovereignty, integration at political, economic and cultural level between the

States and the promotion of a common set of "European rights". In this sense, the EU could be a pilot test, an example from which is possible to draw lessons learned, for the rest of the world. The EU could be a promoter of values to overcome the state-based paradigm in international relations and make a step towards a world, which is more human-based than State based.

For these reasons, the EU should not be reduced to a political or economic organization⁶. The EU is, first of all, an identity project. Following this path the EU can play still a role, as it used to be in the ancient past, in shaping the globalized world and its multiple challenges we face nowadays.

Nevertheless, this does not mean that the European Union is already going in that direction or that is even near to achieve such a result. The EU remains an institution full of imperfections and inconsistency with large room for improvement. In many occasions, the EU countries did not demonstrate to be ready to implement a total communitarian approach and national and particular interests overcame the common ones in the policy and decision making. The European countries demonstrated that a full cooperative approach is still far to be achieved.

It is for these reasons that it is fundamental to discuss, criticize and analyse the European Union. By keeping alive the debate on the EU, we can all contribute to its improvement, shaping it according to the real needs and preferences of the European citizens. These are the reasons why I chose to concentrate my Master thesis on the role of the European Parliament in the establishment and functioning of the European External Action Service. I believe that the new institution will benefit in terms of legitimacy the more discussion is kept alive regarding its establishment, functioning and democratic accountability within the EU institutional framework.

⁶ See A. Spinelli et al., *Per un'Europa libera e unita. Progetto d'un manifesto (Manifesto di Ventotene)*, Ventotene (1941-1944).

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LIST OF ACRONYMS

AFET	Committee on External Affairs of the European Parliament
CSOs	Civil Society Organizations
CFSP	Common Foreign and Security Policy
COBU	Committee on Budgetary Control
CSDP	Common Security and Defence Policy
EC	European Commission
ECJ	European Court of Justice
EEAS	European External Action Service
EP	European Parliament
ETUC	European Trade Union Council
EU	European Union
FAC	Foreign Affairs Council of the European Union
GAC	General Affairs Council of the European Union
HR	High Representative of the Union for Foreign Affairs and Security Policy
MS	Member States

NATO	North Atlantic Treaty Organization
NGOs	Non-Governmental Organizations
TFEU	Treaty on the functioning of the European Union
TEU	Treaty on the European Union
UK	United Kingdom
UNO	United Nations Organizations
USA	United States of America

EXECUTIVE SUMMARY

Since its early stages, the Member States of the European Communities have tried to establish and at the same time were reluctant to implement a common foreign policy. Only the Maastricht Treaty introduced an institutional framework. However, the emerging Common Foreign and Security Policy (CFSP) has been criticized for its lack of democratic legitimacy, since it has been dominated by the Member States at the expense of democratic control by the European Parliament. With the Lisbon Treaty a new important actor entered in the scene of EU's external relations: the European External Action Service. This new institution, with the duty of supporting the High Representative of the Union for Foreign Affairs and Security Policy, was subject of a process of establishment stated in art. 27 of the Treaty on the European Union.

This thesis aims to shed light on the role claimed by the European Parliament in the establishment and functioning of the EEAS. Based on content analyses of inter-institutional and legal documents on the construction of the new European External Action Service the thesis will show that the strong democratic profile of the Parliament, as well as intra-institutional dynamics within the political system of the European Union, translated into institutional powers of the Parliament even further than the Lisbon Treaty intended. In particular both the use of indirect veto power, coming from the Parliament's prerogative on the approval of the EU's budget and the strong legitimacy and accountability of the democratic institutions of the EU, allowed the EP to gain a larger influence than foreseen during the negotiation of the Lisbon Treaty.

Another feature that would be taken into account in the last part of the thesis is the democratic accountability of the European External Action Service and more generally of the European Union's external affairs. Democratic accountability is an aspect that seems to have been almost entirely overlooked in discussions on the evolving role of the European External Action Service (EEAS). In modern democratic societies, it is increasingly difficult to sustain the claim that foreign policy and diplomacy are incompatible with democratic decision-making and accountability. Furthermore, for the external service representing the EU as an entity aspiring to play the role of a mentor in state- and democracy-building processes in various countries around the world, ensuring democratic accountability necessarily becomes

a key concern. While this is the case, the literature on the EEAS has at best only partially addressed this issue thus far. This thesis seeks to bridge that gap and discuss ways of how democratic accountability could be ensured in the EEAS proposing various possible organizational configurations.

What is more achievable are configurations that do not entail a revision of the Treaties. They entail (i) enhancing the "early warning procedure" and extending it to the area of CFSP; (ii) establishing enhanced relationships between the EP Foreign Affairs Committee and the national Foreign Affairs Committees, based on exchange of documents, information and views; creating a consultation process on CFSP involving the EP or the EEAS and national relevant committees; (iii) Providing access to documents and information, as well as on expenditures of the EEAS, to national Members of the Parliament (iv) nominating a permanent deputy to represent the HR, when he/she consider it appropriate, in parliamentary settings (plenary/committees) (v) increasing the number of hearings of EEAS' senior staff, (vi) reduce the formalities for the MEPs and relevant Parliamentary Committees to access EEAS documents.

This evolution would be essential for the EEAS to play the role of promoter of the EU values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, all over the world. The outcomes of such a review will also have a major impact on the legitimacy of the Service and more generally of the European Union. What is evident is that in this process of reform the European Parliament, as the democratic institution of the EU, would play the main role. From, through and by an enhanced relationship with the European Parliament, the newly established European External Action Service will shape its future.

Methodology

Analytical Framework

This thesis aims to shed light on how the European Parliament is having an impact in shaping the foreign policy of the EU, through its influence on the establishment and functioning of the EEAS and to further analyse the relationship between the EP and the EEAS in terms of accountability, democratic control and legitimacy. This will be looked in the framework of the institutional set-up established by the Treaty of Lisbon. The indirect consequences of its implementation in terms of inter-institutional relationships will be also analysed. The case study considered will be the institution-building of the European External Action Service. The analytical framework will be a multi-disciplinary approach taking into account different methodologies and perspectives. On the one hand historical and sociological institutionalisms would help to describe the behaviour of the EU institutions involved in the EEAS process. On the other hand insights from theory of international relations would be useful to understand the behaviour of Member States of the Union and the *enjeux* at stake. Also a juridical approach would be applied taken into consideration the current legal framework of the European Union throughout the whole discussion. Finally, the concluding chapters would be based on considerations coming from theories of democracy and political science.

Empirical Analysis

From the point of view of empirical analysis, this thesis combines different approaches in collecting documents, data and information. First of all reference would be given to the legal framework taken into consideration. Fundamental reference documents for empirical analysis have been the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) as they were adopted in 2007 (implemented in 2009) and acknowledging all the reviews until July 2015. More specific legal references were used to address the issue of the establishment and functioning of the European External Action Service (EEAS). These documents have been: the Blueprint for the EEAS of March 2010 (Council, 2010a); the Brok – Verhofstad working document on EEAS (2010) and the amendments of July 2010 by the European Parliament (EP) to the Council's draft decision

(EP, 2010). Furthermore, given the particular nature of the negotiations processes, that take place in Brussels between the EU institutions, in the form of trialogue and quadrilogue (mostly between European Commission (EC), Council, EP and permanent representatives of the Member States), I conducted interviews and enquires to stakeholders and people involved on the processes of establishment and/or functioning of the EEAS. These professional are: Paolo Bergamaschi, Advisor on Foreign Affairs at the European Parliament; MEP, Honourable Goffredo Maria Bettini (Member of the Committee on Foreign Affairs). In addition, academic works, newspaper articles, declarations and formal notes from EU institutions were used as supporting documents.

Introduction

The Legal and Institutional Framework of the European External Action Service

A. The European Union Common Foreign Policy

The project of a common foreign policy has been one of the most controversial issues along the process of EU integration. In this field, the integration process has been characterized by ups and downs, obstacles and inconsistencies and a limited number of steps towards a full cooperation between Member States (MS), as well as towards a more democratically accountable way of pursuing the objectives of foreign policies⁷. The first legal basis introducing the Common Foreign and Security Policy (CFSP) was established by the Treaty of Maastricht in 1992. In this field, ruled by the intergovernmental method, the European parliament (EP) had an influence limited to making recommendations and addressing question to the Council⁸. The Council of the European Union had to decide on a unanimous basis and this often led to a non-decision on the majority of issues at stake. Therefore a truly EU foreign policy was not developed and the situation was not altered by the Treaty of Amsterdam (1997) nor with the Treaty of Nice (2001)⁹.

B. The Lisbon Treaty and the High Representative of the Union for Foreign Affairs and Security Policy/ Vice-President of the European Commission

A big step forward in the creation of a stronger EU common foreign policy has been made, in 2007, when the Treaty of Lisbon was signed. It entered into force in 2009, following the failure of the project for a European Constitution. The Treaty of Lisbon established the figure of the High Representative of the Union for Foreign Affairs and Security Policy (HR), presiding over the Foreign Affairs Council and acting as Vice-President of the European Commission (EC). The HR has the role of coordinating the EU's foreign and security policy –

⁷ W. Wallace, *Policy-making in the European Union*, 430 (Oxford: H. Wallace, W. Wallace & M. Pollack eds., U. Press, 2005).

⁸ Treaty on European Union, OJ 1992, C 191 (Title 5, ch. 2, Art. 21) Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:xy0026>.

⁹ M. Telò, *Dallo Stato all'Europa*, Carocci, Roma (2014).

known as the 'Common Foreign and Security Policy' (CFSP) and the 'Common Security and Defence Policy' (CSDP).

The High Representative's role is wide-ranging. It involves:

- Steering foreign policy on behalf of the EU;
- Coordinating the EU's foreign policy tools – development assistance, trade, humanitarian aid and crisis response - as the Vice-President of the EC;
- Building consensus between the 28 EU countries and their respective priorities – including through monthly meetings between EU foreign ministers;
- Attending regular meetings between leaders of EU countries in the European Council;
- Representing the EU at international fora, such as the United Nations;
- Heading the European Defence Agency and the EU Institute for Security Studies.

C. The European External Action Service

To this end, the Treaty of Lisbon, put in place a new institutional innovation to support the HR: the European External Action Service (EEAS). The EEAS has the duty to assist the HR and to work "in cooperation with the diplomatic services of the Member States"¹⁰. In fact, one of the main aspirations of the Treaty of Lisbon was endowing the EU with strengthened tools and instruments to assume a relevant role with its external action at global level. In this perspective, the role of the EU correspond to assuming the responsibilities of a 500 million people Union and of the largest trade market in the world in major global processes. The Lisbon Treaty in setting a reformed and lasting institutional framework, requires the EU to ensure consistency, effectiveness and coherence in its external policies and actions. The EEAS provides an opportunity for the EU to bring greater coherence to EU external action.

D. Empowering the European Parliament

At the same time the Lisbon Treaty provided the European Parliament with a number of new powers. A common feature of the evolution of the European integration and of the modification of the Treaties was an increase in the role and powers of the European

¹⁰ Art.27 (3) Treaty on the European Union (TEU).

Parliament. This had a double function: on the one hand contributed to the deepening of the European integration by strengthening of EU's supranational institutions (counterbalancing the intergovernmental ones, namely the Council); on the other hand it allowed the EU to increase its legitimacy and proximity with respect to the European citizens. In this way the Parliament has acquired more democratic, supervisory and legislative powers with each new Treaty. With the Treaty of Brussels (signed in 1975), the Parliament acquired the right to scrutinise the EU accounts at the end of each year, and assess whether the Commission has wisely and correctly spent the EU budget. In 1979 the first were held the first European Parliament elections with universal suffrage. New additions with the Single European Act (Treaty signed in 1986) ensured that Parliament's assent is mandatory before a new country can join the EU. The Amsterdam Treaty (signed in 1997) gave a much stronger position to the Parliament in co-legislating with the Council on a whole range of areas that are subject to EU law (consumer protection, ability to work legally in another country and environmental issues, to name a few).

In line with this tradition also the Lisbon Treaty extended the Parliament's powers. The so-called "co-decision method" was expanded to a larger number of competences of the EU, establishing the ordinary legislative procedure in which the European Parliament (EP) has an equal role to the European Council. In addition to that the EP was granted with the power to approve or reject, international agreements when affecting the EU budget. In fact, another important power acquired by the EP is the budgetary power, on which the Parliament has the final say.

These two trends (the creation of the EEAS and the empowering of the European Parliament) highlight how one of the goal of the Treaty of Lisbon was to enable the EU to have a strong and coherent voice on the international scene, supported by an increased legitimacy due to the involvement of the Parliament. However the outcome of the Treaty of Lisbon leaves the CFSP and the CSDP decision-making mainly in the hands of the Council and in particular ruled by an intergovernmental method in which unanimity on decisions is almost always required¹¹. This shows how the Member States counterbalanced the increase of influence of the Parliament over the various aspects of international relations¹².

¹¹ D. Mahncke, *European Union Diplomacy: Coherence, Unity and Effectiveness*, Gstöhl, Sieglinde (eds.), Brussels (2012).

¹² M. Telò, *Dallo Stato all'Europa*, Carocci, Roma (2014).

E. Scope and Research Questions

To shed light on the consequences of these trends, namely the creation of the EEAS and its link with the empowerment of the European Parliament, is the main purpose of this thesis. In particular to shed light on the role that the democratic institution of the EU, the European Parliament, managed to have in the establishment and functioning of the new diplomatic apparatus of the EU, the European External Action Service. The goal is to analyse what are the consequences in terms of inter-institutional relationships of the new set-up created with the Treaty of Lisbon. Particularly to analyse in details the actions conducted, on the one hand by the Parliament and the intergovernmental institutions (Council and EEAS as support agent to the HR) on the other hand, by the communitarian structure of the Union (Commission, European Parliament, European Court of Justice). This will help to understand whether the intention, (by the Lisbon Treaty negotiators) to limit the Parliament to a marginal role with respect to the EEAS and more generally on CFSP, was counterbalanced after the Lisbon Treaty entered into force by inter-institutional dynamics. Within these dynamics a major role was played by a claim of the EP for a relevant role in participating in the decision making on CFSP and in influencing the functioning of the EEAS. Aside the general aim of the thesis there are three specific objective that this work of research aims to achieve:

- i) Analyse the role of the European Parliament in the establishment of the European External Action Service;
- ii) Analyse the role of the European Parliament in the functioning of the European External Action Service;
- iii) Discuss how the European External Action Service can increase its democratic accountability and legitimacy through its relationship with the European Parliament.

These three objectives are mirrored in the three chapters of the thesis. The first chapter focuses on the negotiation process that brought to the establishment of the EEAS, examining

the original proposal of the HR, Catherine Ashton on 25th of March 2010¹³, implementing the provisions of the Lisbon Treaty and comparing it with the proposals and amendments of the EP¹⁴ and with the final decision by the Council¹⁵. Particular attention will be paid to the claim of the EP for a role in the very first setting of the EEAS and on what means were used by the relevant Parliamentary Committees to influence the outcomes of the final Council decision. In this perspective it will be showed how the EP managed to influence the process of establishment of the EEAS more than it was originally conceived by the formal institutional setting of the Treaty on the European Union and the Treaty on the Functioning of the European Union, also known as the Lisbon Treaty.

In the second chapter, the analysis will be shifted to the operational functioning of the EEAS. The current structure and functioning of the Service would be considered in its relationship with the democratic counterpart the European Parliament. In this sense, it will be looked on what powers and means are used by the EP to influence the functioning of the EEAS and at the same time how the EEAS interacts with the democratic institution of the EU. The contamination between the two will show the action of the EEAS is shaped also by the European Parliament, even though CFSP remain a policy field ruled by intergovernmental method and unanimity vote within the Council. In this way the thesis will present a detailed analysis of the relationship between EP and EEAS since the establishment to the functioning.

In the third part a new issue will be examined: the issue of democratic accountability in the functioning and decision-making of the EEAS. The current issue of democratic and accountability deficit of the EEAS will be presented in the first part of the chapter. The second part will introduce three ways in which the structure of the EEAS could evolve to fill this gap. In particular the discussion will focus on how the European Parliament, for its *sui*

¹³ The HR of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission's, *Proposal for a Council Decision establishing the organisation and functioning of the European External Action Service* of 25/03/2010. Available at: http://eeas.europa.eu/docs/eeas_draft_decision_250310_en.pdf

¹⁴ European Parliament, *Proposal for the Establishment of the EEAS: Working Document by Elmar Brok and Guy Verhofstadt*, Apr. 6, 2010' (2010b). Available at: www.europarl.europa.eu/meetdocs/2009_2014/documents/afco/dv/working-doc-eeas-final-06/working-doc-eeas-final-0604.pdf

& European Parliament, *Report on the Proposal for a Council Decision Establishing the Organization and Functioning of the European External Action Service* (July 6, 2010) (2010c). Available at: <http://www.europarl.europa.eu/sides/getDoc.do?language=EN&reference=A7-0228/2010>.

¹⁵ Council of the European Union, *Council Decision Establishing the Organization and the Functioning of the European External Action Service*, 11665/1/10 REV 1, July 2010. Available at: <http://register.consilium.europa.eu/pdf/en/10/st11/st11665-re01.en10.pdf>

generis characteristics¹⁶ within the institutional framework of the EU, could be a vehicle of democratic accountability. Through a widened, deeper and structured relationship with the European Parliament the EEAS could achieve greater democratic accountability and legitimacy.

Finally, a sum up of the main findings of the thesis will be presented in the concluding paragraphs, possible evolutions of the relationship between EEAS and EP would be considered and building a picture of achievable future developments will be provided.

¹⁶ A. Marangoni, *One Hat Too Many for the High Representative – Vice President? The Coherence of EU's External Policies after Lisbon*, EU External Affairs Review (July, 2012), 4-17.

Chapter 1.

The establishment of the European External Action Service and the role of the European Parliament in this process



In order to analyse the role of the European Parliament in the establishment and the functioning of the EEAS, it is fundamental to start considering the process of creation of this new institution. As briefly recalled in the introduction, the Lisbon Treaty opened the doors to the creation of a new institution that could support the HR in his/her, enhancing the coherence and effectiveness of the EU's external relations. A structure with a crucial role in the future, to ensure space for coordination between the different areas of the EU's external relations: from political affairs to trade, from development and cooperation to humanitarian aid (currently under the responsibility of the EC).

The mandate of the EEAS is laid down under article 27 TEU¹⁷ of the Treaty on the European Union:

[...] In fulfilling his mandate, the HR shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the HR after consulting the European Parliament and after obtaining the consent of the Commission.

The procedure stated in article 27 TEU involves the HR. First, he/she has the task to formulate a proposal on the establishment of the EEAS. Secondly the EP that has to be consulted. Thirdly the EC has to give consent and finally the Council, after these necessary passages, can adopt the final text. This procedure, as stated in art. 27 TEU, does not leave any formal power to the EP, similar or equivalent to a veto power. However, as it was mentioned above¹⁸, the legal framework created by the Treaty of Lisbon enabled the EP to gain powers in the area of foreign policy, both directly and indirectly. Within these powers, the first one is the so-called "consent procedure". This procedure gives the EP veto powers over international agreements involving important budgetary implications as well as in areas where the ordinary legislative procedure apply¹⁹. *Inter alia* these acts include accession agreements for EU's membership²⁰ or withdrawal²¹. The second main instrument that the EP gained as an outcome of the Lisbon Treaty is the general budgetary power. The EP also was

¹⁷ Art. 27 of TEU <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12007L/TXT> .

¹⁸ See introduction paragraphs.

¹⁹ The only exception is represented by international agreements, which are exclusively part of the CFSP.

²⁰ Art. 49 TEU.

²¹ Art. 50 TEU.

accorded with the legitimacy and the capacity of having the final say on EU's budget. In this way, the Parliament gained an indirect veto concerning the EU's expenditures on external relations. Through the general budgetary procedure the Parliament is able to influence the functioning of the EU's external relations processes.

In this regard, the aim of this chapter is to analyse how, following the procedure of art. 27, the creation of the EEAS has been the result of a bargaining process that started from the proposal made by the HR, Catherine Ashton on the 25th of March 2010, successively continued with the consultation of the EP, the consent of the EC and concluded with the approval of the Council on the 25th of July 2010²². The comparison between HR's first proposal and the Council's final decision will support an evaluation on how and in what the European Parliament played/claimed a role in the establishment of the European External Action Service, even though it was not formally granted with these powers by the Lisbon Treaty.

To better track how and where the European Parliament had major influence, two Parliamentary documents will be considered as indicative of the position of the EP during the time of negotiation between March and July 2010. These documents are the following: "Proposal for the establishment of the EEAS"²³ and "Report on the proposal for a Council Decision establishing the organization and functioning of the European External Action Service"²⁴.

²² Council of the European Union, *Council Decision Establishing the Organization and the Functioning of the European External Action Service*, 11665/1/10 REV 1, July 2010. Available at: <http://register.consilium.europa.eu/pdf/en/10/st11/st11665-re01.en10.pdf>.

²³ European Parliament, *Proposal for the Establishment of the EEAS: Working Document by Elmar Brok and Guy Verhofstadt*, Apr. 6, 2010' (2010b). Available at: www.europarl.europa.eu/meetdocs/2009_2014/documents/afco/dv/working-doc-eeas-final-06/working-doc-eeas-final-0604.pdf.

²⁴ European Parliament, *Report on the Proposal for a Council Decision Establishing the Organization and Functioning of the European External Action Service* (July 6, 2010) (2010c). Available at: <http://www.europarl.europa.eu/sides/getDoc.do?language=EN&reference=A7-0228/2010>.

1.1 The HR of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission's Proposal for a Council Decision establishing the organisation and functioning of the European External Action Service of 25/03/2010²⁵

According to the competences and tasks assigned by the Lisbon treaty on the 25th of March 2010, after her appointment, Catherine Ashton presented a *Proposal for a Council Decision* establishing the organisation and functioning of the European External Action Service with the purpose of creating a fully autonomous body of the Union, under the authority of the HR. It is important to draw from this proposal some key elements that will be useful to compare the changes in the final Council decision:

1.1.1 Nature and Scope

The HR proposal states that the EEAS will have its headquarter in Brussels, that it would be a functional autonomous body of the Union, separated from the Commission and from the General Secretariat of the Council, with legal capacity necessary to perform its tasks and attain its objectives²⁶. The EEAS will be placed under the authority of the HR²⁷.

1.1.2 Tasks

According to Catherine Ashton's proposal the EEAS shall "support the HR in:

- Fulfilling her mandate to conduct the CFSP of the EU and ensure the consistency of the EU's external action.
- In her capacity of President of Foreign Affairs Council [...]

²⁵ The High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission's, *Proposal for a Council Decision establishing the organisation and functioning of the European External Action Service*, 25/03/2010.

Available at: http://eeas.europa.eu/docs/eeas_draft_decision_250310_en.pdf

²⁶ Art 1(3) *supra*.

²⁷ Art 1(4) *supra*.

- In her capacity as Vice – President of the Commission for fulfilling within the Commission the responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action [...]".

Consistency and coordination are the two main characteristics that the EEAS should enhance in the EU external action, in the area of CFSP or in others. The HR's proposal states also that the EEAS shall assist the President of the Commission, the Commission and the President of the European Council²⁸.

1.1.3 Union Delegations

The decision to open and close a delegation will be adopted by the HR, after consulting the Commission and the Council²⁹. The proposal establishes also that each delegation will be headed by the Head of the Delegation. The Heads of Delegation, having authority on the staff of the delegation, will represent the EU in the country where the delegation is located³⁰.

1.1.4 Staff

Article 6 of the HR's proposal deals with the issue of the EEAS staff. From the point of view of carrying out their functions the EEAS staff "shall not take instructions from any Government [...] other than the HR". Another provision³¹ concentrates on the composition of the staff that, accordingly to the proposal, must be composed by officials and other public servants from relevant departments of the General Secretariat of the Council and of the Commission, as well as staff seconded from national diplomatic services. Finally it also states that once reached its full staff capacity, staff seconded from Member States should represent at least one third of all EEAS staff at AD level giving the duty to the HR to present to the Council a yearly report on the occupation of posts in the EEAS.

²⁸ Art. 2(2) *supra*.

²⁹ Art. 5(1) *supra*.

³⁰ Art. 5(2) *supra*.

³¹ Art. 6(10) *supra*.

1.1.5 Budget

In terms of budget the EEAS will organize internally its budget according to the Financial Regulation applicable to the general budget of the Union³². However, one month after the entry into force of the decision establishing the EEAS, the HR shall submit to the Commission an estimate of the revenue and expenditure of the EEAS in order for it to present a draft-amending budget³³.

1.1.6 Access to documents, archives and data protection

Concerning access to documents, the EEAS shall be submitted to the rules laid down in Regulation (EC) 1049/2001 regarding public access to EP, EC and Council documents.

In the final provisions of the proposal it is stated that the HR shall submit a report to the Council on the functioning of the EEAS in 2012 and that the Council, shall review its decision no later than the beginning of 2014.

1.2 The “Proposal for the Establishment of the EEAS” and the “Report on the proposal for a Council decision establishing the organization and the functioning of the EEAS” by the European Parliament

After analysing the first proposal of the HR it is interesting to analyse what was the reaction of the EP by comparing both the proposal for the Establishment of the EEAS: Working Document by Elmar Brok and Guy Verhofstadt, of the 6th of April 2010 and the Report on the Proposal for a Council Decision Establishing the Organization and Functioning of the European External Action Service of the 6th of July 2010.

The first one is the result of a broad consultation within the Parliament, engaging all Committees involved in the process of establishing the EEAS³⁴. It provides therefore a

³² Art. 7(2) *supra*.

³³ Art. 12(5) *supra*.

³⁴ European Parliament, *Proposal for the establishment of the EEAS: Working Document by Elmar Brok and Guy Verhofstadt*, 20 April 2010. Available at: http://www.europarl.europa.eu/meetdocs/2009_2014/documents/afet/dv/201/201006/20100602_finalproposal_en.pdf

realistic framework to set out the EEAS. The second one is composed by a series of amendments to the HR first proposal and it addresses directly to the Council to propose the changes.

1.2.1 Proposal for the establishment of the EEAS: Working Document by Elmar Brok and Guy Verhofstadt, the 20th of April 2010

According to the EP rapporteurs a pre-condition to the creation of the EEAS as an effective service of the Union, with the authority of representing it in front of third parties, is that the European Parliament would support the establishment of this new institution and provide it with political legitimacy. In order to achieve such a legitimacy the rapporteurs' opinion is that a number of essential points should be addressed: these primarily concern budgetary prerogatives, political accountability, including the hearing of top EEAS staff by the European Parliament prior to taking up their posts, as well as the need for a strengthened consultation mechanisms regarding Council decision-making on the Common Foreign and Security Policy (CFSP).

For these reasons the Rapporteurs state that given its specific *sui generis* nature the EEAS should be an autonomous service with some essential characteristics:

- In terms of administration, organisation and budget the EEAS should be linked to the Commission (in view of the fact that a large majority of elements that will form EEAS' duties are currently part of the Commission's competences);
- It serves to support the definition and implementation of Council and Commission decisions and assists the HR in its tasks;
- It is accountable to the European Parliament, both in political and budgetary terms;
- It has its staff appointed by the HR.

Then, the EP rapporteurs concentrate on the structure and the architecture of the new EEAS listing its competences that should include:

- Bi-lateral geographic desks;
- Multilateral relations - such as UN, OSCE, international law;
- Crisis Response and Management;
- Development;
- Human Rights and Democracy promotion;
- Environment;
- The integration of external aspects of other Community policies (justice, freedom and security, migration, asylum, fishery policy etc.) with due respect to the prerogatives of the relevant directorates general in the Commission.

The EP rapporteurs notice that several of these services are currently spread out between the Commission and the Council. In this perspective, the policy direction is to bring together the duplicating services under the umbrella of EEAS's activities. Coherence and consistency of the external relations of the EU will be the essential and key characteristics³⁵.

The proposals coming from the working document by the EP rapporteurs, Elmar Brok and Guy Verhofstadt, strengthen the position of the EP in having influence on the European External Action Service.

On the 6th of July 2010 a more advanced report is produced by the relevant Committees in the European Parliament³⁶.

³⁵ Wisniewski, Elisabeth, *The Influence of the European Parliament on the European External Action Service*, European Foreign Affairs Review 18, no.1 (2013): 81-102.

³⁶ The final date of adoption was 06/07/2010 and the final result of the final vote was 68/77 positive votes.

1.2.2 The European Parliament "Report on the Proposal for a Council Decision Establishing the Organization and Functioning of the European External Action Service" of the 6th of July 2010

The first comparison, looking to Ashton's first proposal and confronting it with the second document of the EP, is that the text almost doubled from 4.447 words to about 7.500. In the report of the 6th of July the EP presents a series of amendments to the HR's proposal. It is useful and interesting to compare them to understand on what issues the European Parliament tried to push and to finally verify how much of its contributions were included in the Council's final decision. Many committees of the European Parliament were involved in producing the report: Committee on Foreign Affairs, on Constitutional Affairs, on Development, on International Trade, on Budgets, on Budgetary Control, and on Women's Rights and Gender Equality.

The most important issues raised by the EP in the report concerned budget, access to documents, archives and data protection, gender, staff and the obligation for the EEAS and in particular for the HR to report and to consult the Parliament regularly on the functioning of the service.

1.2.3 Budget

In terms of budget the most important provisions that the Parliament wants to be adopted are found both in the recitals and in the main text. First of all the Parliament refers to the fact that the general Financial Regulation of the EU should be amended in order to include the EEAS, with a specific section in the Union budget³⁷. At the same time, a part of the annual report of the Court of Auditors will be dedicated also to the EEAS and the EEAS will respond to such reports.

Another fundamental aspect for the Parliament is that the EEAS budget shall be subject to a discharge procedure by the EP³⁸ and that the HR will provide all support necessary to

³⁷ Amendment to recital 8 of the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the European Commission's Proposal for a Council Decision establishing the organisation and functioning of the European External Action Service of 25/03/2010.

³⁸ Amendment to art. 7(1) *supra*.

complete this Parliament's right. The discharge procedure is the final approval of the EU budget for a given year (following the audit and finalisation of the annual accounts). It is granted by the Parliament on a recommendation from the Council. Discharge equates to approval of how the Commission implemented the budget in that financial year and the closure of that budget. So the discharge is a fundamental political power for the EP of external control on budget implementation extending its oversight even on matters in which it does not have legislative power.

Finally, concerning immovable properties made available to the EEAS central administration and to the delegations, the Parliament asks for detailed information³⁹ to be provided annually to the Parliament committees.

1.2.4 Access to documents and information sharing

The second important concern for the European Parliament is the accountability of the EEAS. Adding to recital 5, the EP states that specific arrangements should be made with regard to access for Members of European Parliament to classified documents and information in the area of CFSP.

Furthermore the EP strengthened Union delegations' role with respect of the diplomatic services of the Member States. While the HR referred only to a duty to work in close cooperation with the diplomatic services of the MS, the Parliament adds that the Union delegations shall also regularly share information with them⁴⁰.

1.2.5 Staff

Another sensitive issue concerns staff. The rules laid down by the Parliament are that when the EEAS has reached its full capacity, staff from MS should represent at least one third of all EEAS staff at AD level, while permanent EU officials should represent at least the 60%. Each year the HR shall present a report to the EP and the Council on the occupation of posts in the EEAS.

³⁹ Amendment to art. 11(2) *supra*.

⁴⁰ Amendment to art. 5(9) *supra*.

1.2.6 Reports and EP's involvement

Finally, another important feature of the EP's document is that the HR shall first of all present a project for the revision of the EEAS by mid-2013. Such a revision shall be adopted at the beginning of 2014⁴¹.

Secondly the HR shall submit a report to the EP, the EC and the Council on the functioning of the EEAS, no later than 2011⁴².

Thirdly the EP, as co-legislator of the Council in the area of trade, shall be involved in the trade-related aspects of foreign and security policy, so as to ensure democratic legitimacy and to exercise scrutiny over the Union's external action⁴³. Furthermore, according to the amendments of the European Parliament, the EEAS shall ensure that there is a contact person in EU delegations dealing with any trade-related aspect of the EU's external policy, in order to guarantee close cooperation with the Parliament.

1.3 The "Council Decision Establishing the Organization and the Functioning of the European External Action Service, 11665/1/10 REV 1, July 20, 2010"

The final decision of the Council establishing the EEAS on the 20th of July 2010 maintained the same structure of the HR's proposal reviewed by the EP. This allows to a further comparison to acknowledge whether the amendments proposed by the EP were taken into account and included in the Council's final decision.

1.3.1 Budget

The Council's final decision, following the mandate given by the Treaties to the EP, highlighted the Parliament's budgetary prerogatives. The EEAS budget will be included in the Union's budget and the HR will provide the European Parliament with all necessary support

⁴¹ Amendment to recital 12 *supra*.

⁴² Amendment to article 12(2) *supra*.

⁴³ Amendment to Art. 5(3) *supra*.

for the exercise of its budgetary authority⁴⁴. Budgetary accountability of the EEAS was one of the key issues for the Parliament and it is possible to find these provisions both in the first and second report of the EP.

1.3.2 Staff

Linked to budget issues there is the decision, that will have to be taken yearly, on the number of officials and servants of the EEAS. This decision, according to the Council, will be taken as part of the general budgetary procedure and reflected in the establishment plan⁴⁵. Therefore the Parliament will be involved in this procedure. Furthermore, provisions of staff loyalty and seconded national experts, which were not part of the HR's proposal, were included in the Council final decision, coming directly from the reports of the EP. However, MEPs could not achieve their goal of hearings of top EEAS staff prior to taking up their posts.

Article 6, paragraph 9, regulates staff quotas. This was a new element, introduced by the Parliament's proposals. According to this provision seconded staff from MS should represent at least one third of all EEAS at AD (Administrative level)⁴⁶. Additionally, the final Council decision states that permanent officials of the EU should represent at least 60% of all EEAS staff at AD level. On the contrary, the EP could not achieve that the HR should report yearly to the Parliament on the occupation of posts in the EEAS.

1.3.3 Access to documents and information sharing

Under the strong demand for democratic accountability from the EP and rapporteurs of the EEAS, the Council granted access to the Members of the European Parliament to classified EEAS documents and information. On the other hand the parliamentary demand to regulate

⁴⁴ Recital 14 of the: Council of the European Union, *Council Decision Establishing the Organization and the Functioning of the European External Action Service*, 11665/1/10 REV 1, July 26, 2010' (2010b), http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

⁴⁵ Recital 8 *supra*.

⁴⁶ EP Rapporteurs had requested that more than a half of all AD staff should be transferred from the Commission.

access to documents in a separate agreement with special arrangements for parliamentary delegations to third countries was not accorded.

1.3.4 Reports and EP's involvement

Article 13, paragraph 2 of the final Council decision states that "The HR shall submit a report to the European Parliament, the Council and the Commission on the functioning of the EEAS". This clearly enhances the position of the EP in the field CFSP and more generally in the field of external relations, by being legitimized with the same status of the Council and the Commission.

1.4 The role of the European Parliament in the negotiations

This first section highlights how the EP was allowed to influence the drafting procedure of the establishment of the European External Action Service. While formally the Treaties gave only the right to the Parliament to be consulted (and the obligation for the Council to do it), *de facto*, the EP was able to go beyond consultation and present demands and requests, which were included in the final Council decision⁴⁷. Even though not all demands were finalized, comparing the different texts it is clear that from a quantitative perspective the role of the EP could have been equal to the one of the HR and that from a qualitative perspective through the negotiations the EP obtained more than consultation: it obtained compromise between the institutions⁴⁸. Before further analysing the current functioning of the EEAS it is important to reflect on **why**, on the one hand, **the EP managed to have a strong influence on the final outcome of the negotiation** and **why**, on the other hand, **the other institutions (EC, Council and the HR) and Members States allowed it**, even though they were not forced by the Treaties. This is particularly puzzling and interesting at the same time, especially considering the fact that the drafting procedure of an institution is a zero-sum game in terms of influence. Influence from an institution means less from another one. A reflection in this perspective would be useful to depict a framework for beginning to consider the role of the

⁴⁷ Z. Murdoch, *Negotiating the EEAS: Analysing the External Effects of Internal (Dis)Agreement*, JCMS Volume 50. Number 6. (2012): 1011–1027.

⁴⁸ E. Wisniewski, *The Influence of the European Parliament on the European External Action Service*, European Foreign Affairs Review 18, no.1 (2013): 81-102.

EP in the *acquis communautaire* other than just the one assigned to it by the Treaties. This would serve as a basis for further reflection on its role in influencing the functioning of the EEAS as well as on its possible role in strengthening the democratic accountability of the EEAS, being both these matters subjects of the following chapters.

1.4.1 Inter-institutional negotiation

The first thing to do, in order to analyse the role of the EP in the negotiation process, is to define and set the framework on inter-institutional negotiations, which is the case of the negotiations for the establishment of the EEAS. Inter-institutional negotiations can be viewed as a two-step process⁴⁹: (a) each institution's desired outcome results from *intra*-institutional negotiations reflecting the power games among its key actors; (b) these various desired outcomes are the subject of a similar negotiation process between the involved institutions⁵⁰. So, the first phase of the process has an impact on the second one. Being the institutions the actors of the negotiation, their capacity of pro-active coordination influences their ability to act as gatekeepers, emphasizing certain issues or keeping others off the table. This capacity of coordination clearly depends from the organizational structure of the institution. In the case of the inter-institutional negotiation for the establishment of the EEAS, the various institutional actors had very different set up. The EC has a high degree of internal coordination and hierarchical formalization. Among the MS, instead, while there is a degree of formalization through the rotating presidency and the COREPER⁵¹, there is also a different negotiating power (different number of votes in the Council) and interests. MS have to make alliances to approve decision and this results to a lower degree of coordination. The EP has a less formalized structure, more dynamic and egalitarian. The vote of each MEP is equal to the other ones and furthermore, once elected they should represent the interest of the citizens of the EU as a whole and not national interests⁵². In this respect the EP should have a lower degree of coordination and therefore not be able to transform its intra-institutional negotiation in a strong inter-institutional negotiation. However, this was not the case, in fact the EP

⁴⁹Z. Murdoch (2012), *supra*.

⁵⁰ Panebianco, 1988.

⁵¹ "COREPER" stands for Committee of Permanent Representatives. It consists of the Member States' ambassadors to the EU and is chaired by the Member State which holds the rotating Council Presidency. (cited from http://Europa.eu/scadplus/glossary/coreper_en.htm)

⁵² Z. Murdoch (2012), *supra*.

managed to overcome its lack of internal coordination structures and influence effectively the negotiations.

There are a number of reasons for this:

- (a) The EP has a history of common effort by all Parliamentary groups to enhance the role of the EP itself in the institutional framework of the EU, no matter the issue, when given the possibility to exercise a new power or being involved in a process. This case for the MEPs was particularly important, because the subject was part of CFSP, where usually the EP is excluded from formal power.
- (b) The six Parliamentary committees involved and the three EP negotiators (MEPs Brok, Verhofstadt and Gualtieri) found a common language and a surprising unison⁵³ on the fact that political and financial accountability of the EEAS should be guaranteed, as well as on the fact that recruitment on merit and not on quotas.
- (c) There was not the same degree of agreement between the MS within the Council on the structure of the EEAS. These led to different positions and interests represented during the final negotiations.

These were the causes that more closely relate to the negotiation process, however other two factors were of fundamental importance in driving the consultation of the EP to a strong influence.

1.4.2 Budgetary Power and Democratic Accountability

After having underlined how the internal structure of the institutions influenced the negotiations, it is interesting to analyse some factors that relates to why the EP managed to have this strong influence and why the other parties allowed it. First of all it is important to recall the steps of the EP's involvement in the negotiations *de facto* and then to highlight some key factors.

The most important date is the 26th of April 2010 when the Council gave political agreement to the kick-start of the negotiations. The framework expanded into quadrilogues due to the

⁵³ Z. Murdoch (2012), *supra*.

co-optation of the EP, which has co-decision powers on the administrative staffing and budget of the new service and furthermore had to be consulted before the final decision of the Council⁵⁴. The EP aimed at fully exploiting its veto power on staffing and budget issues to expand its influence in the EEAS negotiations and more generally on the CFSP⁵⁵. The strategy of the Parliament was to try to "package a deal" in which the EEAS, staffing and budget would be decided jointly. In this way the EP would be able to have a veto on some of the issues presented in the package and so indirectly on the EEAS. The budgetary power of the EP, as a form of indirect influence, was very strong, as it was noted from the analysis of the changes between the HR proposal and the Council final decision. This led to the different concessions on budgetary and political accountability that the Council conceded to the Parliament.

In this sense budgetary power was certainly one of the main factors, given as a power to the EP from the Treaty of Lisbon, that allowed it to gain influence and competences in a sector such as external relations and the EEAS not provided by the Treaties.

Finally, another key factor influenced the outcome of the negotiations: the fact that the EP is increasingly recognized as an important policy actor by the other institutions, despite a lack of power with respect to the others⁵⁶. The EP is also the most "democratic" institution in the EU legal framework with a direct link with the European citizens. Formally, as laid down by the Lisbon Treaty, the EEAS presented various problems of accountability and democratic deficit⁵⁷. The Council is formally responsible for the decisions concerning the establishment of the EEAS, while the EP has only the role of a consultative body. Nevertheless the Parliament found its way to influence the set up according to its objectives and own position, translating its role into powers even further than the Treaties intended⁵⁸. This could happen, especially because the other institutions involved in the decision making process, namely the Council and the HR were motivated to go beyond cost-benefit calculation and wanted to anchor the basis of the new EEAS to democratic control and general legitimacy⁵⁹. Whereas the MS historically have been reluctant to leave competences in the field of foreign policies,

⁵⁴ Art. 27.3 TEU.

⁵⁵ Z. Murdoch (2012), *supra*.

⁵⁶ E. Wisniewski (2013), *supra*.

⁵⁷ These issues will be addressed in a deeper way in Chapter 3.

⁵⁸ E. Wisniewski (2013), *supra*.

⁵⁹ S. Goetze & B. Rittberger, *A matter of Habit? The Sociological Foundations of Empowering the European Parliament*, 8 Comp. European Pol., 37-54 (2010); Rittberger (2012), *supra* n. 17, at 18-37.

the Council, the Commission and the HR made an effort towards the Parliament to achieve a larger consensus about the establishment of the new EEAS. A path dependency entailing a gradual parliamentarization of EU competencies and activities is certainly a recurrent trend since the creation of the EU. This happens not only because of the efforts of the EP to push for new powers, but because as a *sui generis* subject of international law and in the global panorama, the European Union has experienced various ups and downs during its process of integration. The European Parliament often had the role, as mentioned above⁶⁰, of being guarantee of legitimacy and democratic control. Its evolution, in this sense, was parallel to the process of integration of the EU. In this way widening competences of the EU corresponded to a deepening in the EU integration, with the EP having a privileged role due to its direct link with the European citizens. In conclusion it can be highlighted that the establishment of the EEAS has been a process that involved different EU institutions and in which the European Parliament had a role that went further to what was established by the Treaty of Lisbon. This greater influence has been possible, both due to the use by the EP of other powers (mainly budgetary) to indirectly influence the whole process of establishment of the EEAS and to the willingness from the other institutions to involve the democratic organ of the EU to achieve broader legitimacy for a new Service that could be, in the future, the major actor of EU and MS external actions and Foreign Affairs.

⁶⁰ See Introduction.

Chapter 2.

The functioning of the European External Action Service:

What role for the European Parliament?

In the first chapter the analysis was concentrated on the role of the European Parliament during the process of negotiation and establishment of the EEAS. While formally having a limited consultative role, it was possible to highlight that the EP positions were at the end very relevant for the setting-up of the EEAS especially including its views on the geographical and gender balance of the EEAS and obtaining full budgetary control.

The aim of this second chapter is to deepen the analysis and see if the EP maintains a larger influence than established by the Treaties also in the functioning of the EEAS and through that, in the definition of the Common Foreign and Security Policy. As in the first chapter, the analysis will take into account both formal and informal elements. However in this case the assessment of influence of the EP will follow three main lines: legislative elements, supervisory and consultative elements and budgetary control elements. In addition to that, the outcomes of the July 2013 EEAS review will be considered, as well as the annual activity reports presented by the EEAS to the European Parliament and the Council in 2011, 2012, 2013.

2.1 The organization of the EEAS

The EEAS has a quite complex structure with 139 Delegations and Offices around the world: 103 are bilateral delegations, responsible for EU relations with a single country; 12 delegations responsible for a region or a group of countries; 7 regional delegations responsible for dependant (5 in total) delegations in another country; 4 Representation Offices in Hong Kong, West Bank and Gaza Strip, Kosovo and Taiwan and 8 Multilateral Delegations to International Organisations (African Union, United Nations, World Trade Organisation, OECD and UNESCO, FAO, Holy See and Order of Malta, Council of Europe, OSCE and IAEA⁶¹). So, the majority of the delegations are responsible for EU relations with a single country. Some oversee relations with a group of countries or a region, for example the

⁶¹ The EU Delegation to Indonesia covers also the EU Representative to ASEAN.

Delegation to Guyana, Suriname, Trinidad and Tobago and the Dutch Overseas Countries and Territories.

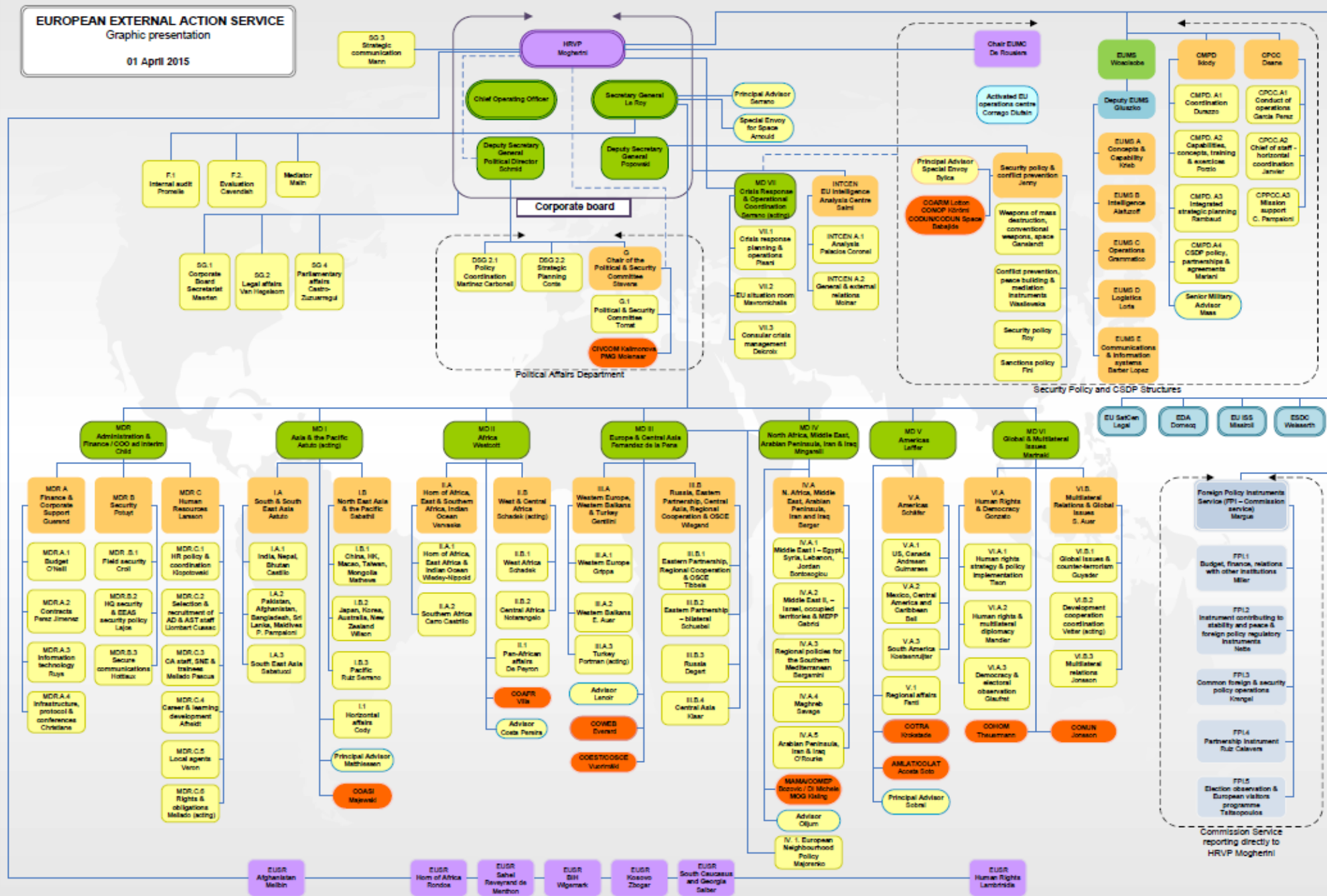
Maintaining political dialogue, administering development aid, overseeing EU trade issues and building cultural contacts are just some of the tasks undertaken by EU Delegations whose staff come from a number of different departments of the EEAS, the EC and seconded national diplomats. EEAS organization is quite complex as shown in the following chart⁶²:

⁶² Changes of the organisation chart are planned: in Annex III a draft of these changes can be found as of 30th of August 2015.

EUROPEAN EXTERNAL ACTION SERVICE

Graphic presentation

01 April 2015



Last consultation on the 30th of September 2015.

The Head of the EEAS is the HR of the Union for Foreign Affairs and Security Policy, appointed by the European Council, which comprises the heads of state or government of all EU Member States, through qualified majority⁶³ vote and the agreement of the President of the European Commission⁶⁴. The HR is appointed for a five-year term, which coincides with the five-year mandate of the European Commission. It is important to mention that the European Parliament may have a role in the appointment of the HR, even though it is not explicitly recognized by the Treaties. In fact as Vice-President of the Commission the HR, as part of the whole college, is subject to the EP's consent. At the same time, the EP can ask for a motion of censure for the Commission and in the case the EC resigns as a body the HR will also resign from its position of VP of the Commission. Nevertheless, he/she will continue to hold the position of HR.

The Secretary General and the Chief Operating Officer support the work of the High Representative. The Political Director together with the HR coordinates the Political Affairs Department. Another important sector of the structure of the EEAS are the Security Policy and CSDP structures where the European Union Military Staff has a major role, led by the Director General (DGEUMS, a three-star general) who is assisted by the Deputy Director General and the Chief of Staff (DDG/COS, a two-star general/Rear Admiral). In addition to that, the HR exercises authority over the EU Special Representatives (EUSRs, which are not formally part of the EEAS), appointed by the Council on proposal of the HR⁶⁵. They have the task to support the his/her work, in the regions and/or countries where they are established.

⁶³ The voting system of the Council is based on population size of the Countries.

⁶⁴ This is due to the double role of the High Representative as Vice-President of the European Commission.

⁶⁵ The European Union currently has nine Special Representatives (EUSRs) in different countries and regions of the world. The EUSRs promote the EU's policies and interests in troubled regions and countries and play an active role in efforts to consolidate peace, stability and the rule of law. The nine EUSRs cover the following countries or regions: Central Asia, Middle East Peace Process, Afghanistan, Bosnia and Herzegovina, Kosovo, the South Caucasus and the crisis in Georgia, Horn of Africa, Human Rights and the Sahel.

The largest part of EEAS structure is occupied by seven Regional/Global Managing directorates where most of the 3.400 staff members of the EEAS work and where the delegations are placed. These directorate are: Administration & Finance; Asia & Pacific; Africa, divided in West & Central Africa and East and Southern Africa; Europe & Central Asia divided in Western Europe, Balkans & Turkey and Eastern Europe, Russia and Central Asia; North Africa, Middle East, Arabian Peninsula, Iran & Iraq; Americas; Global & Multilateral Issues, divided in Human Rights & Democracy and Multilateral Relations & Global Issues.



2.2 Legislative elements

As already mentioned above, in terms of legislative powers, the legal framework established by the Treaty of Lisbon limit the EP's role excluding CFSP from the ordinary legislative procedure. Overall the Treaty attempted to bridge the gap between the former first pillar⁶⁶, regulated by community method⁶⁷, and the second pillar regulated by intergovernmental method, by involving in external relations, trade, enlargement, neighbourhood policy,

⁶⁶ Treaty on European Union, OJ 1992.

Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:xy0026>

⁶⁷ Introduced by Jean Monnet, the community method entails a supra-national governance of a determined area, in which competence is assigned to the European Union. It is usually constituted by four elements:

- 1) Legislative initiative of the European Commission;
- 2) Co-decision procedure (ordinary legislative procedure) by:
 - The European Parliament;
 - The Council, deciding by qualified majority vote.
- 3) Competence of the European Court of Justice to verify legitimacy of the acts and decisions.

development and humanitarian aid. Even though the Treaty of Lisbon abolished this pillared structure some separation persists. The specific intergovernmental characteristic of the CFSP, including Common Security and Defence Policy (CSDP), was maintained. This entails unanimous decision making of the Council and limited roles for the European Commission, the EP and the European Court of Justice.

Nevertheless the European Parliament has some powers and rights assigned to it by the Treaties itself. The most important article, in this sense, is art. 36 TEU that covers the role of the EP in CSFP/CSDP matters:

"The HR of the Union for Foreign Affairs and Security Policy shall regularly consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and the common security and defence policy and inform it of how those policies evolve. He shall ensure that the views of the European Parliament are duly taken into consideration. Special representatives may be involved in briefing the European Parliament.

The European Parliament may ask questions of the Council or make recommendations to it and to the HR. Twice a year it shall hold a debate on progress in implementing the common foreign and security policy, including the common security and defence policy."

Art. 36 TEU, first established a duty for the HR to consult regularly with the EP on the main aspects and basic choices of the CFSP/CSDP. It refers also to the possibility of involving the special EU representatives in briefing the EP. Furthermore (at least) twice a year the HR will participate to a debate in the EP on progress implementing CFSP/CSDP. Secondly, art. 36 states that the HR not only has to consult the EP on major foreign policy issues, but it also has to "ensure that the views of the European Parliament are duly taken into consideration". Thirdly art. 36 gives power to the EP to ask questions and make recommendations to the Council and to HR.

Another important power for the EP is laid down in art. 218 TFEU. Art. 218 deals with the procedure of concluding agreements between the EU and third countries or international organizations. In order to distinguish the powers accorded to the EP by the Treaty of Lisbon in this field, it is useful to distinguish between the agreements concluded by the EU, exclusively in the field of CSFP and the others. The first ones, in fact, require only the

consultation of the EP⁶⁸. The second ones require the consent of the European Parliament in the following cases:

- (i) association agreements;
- (ii) agreement on Union accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- (iii) agreements establishing a specific institutional framework by organising cooperation procedures;
- (iv) agreements with important budgetary implications for the Union;
- (v) agreements covering fields to which either the ordinary legislative procedure applies, or the special legislative procedure where consent by the European Parliament is required⁶⁹.

It is clear, from the list presented above, that these cases have much to do with external dimension of the EU and that most of the agreements negotiated by the EC fall into these definitions. In particular point (iv) "agreements with important budgetary implications for the Union" has been used from the EP to extend its influence in the foreign relations sector and in the activity of the EEAS. By claiming that agreements concluded by the EU impact the budget of the European Union the Parliament pushes more and more for being involved in giving the final consent to these agreements. This enables the Parliament to be involved the more and more during the negotiations and to be updated regularly by the EEAS and/or the Commission throughout the whole process. The EEAS and the HR are encouraged, in this way, to involve the representatives of the Parliament during the negotiations to ensure the final consent of the EP.

Furthermore, art. 218 TFEU states that the EP shall be informed at all stages of the procedure of the negotiation of such agreements and that it is one of the entitled institutions of the

⁶⁸ Art. 218.6 TFEU

⁶⁹ Art. 218.6 TFEU

European Union to go before the European Court of Justice (ECJ) to verify if an agreement is compatible with the Treaties⁷⁰.

In conclusion, even though the European Parliament was not included in the decision making process in the CFSP/CSDP area, with sovereignty retained by the MS, art. 36 TEU and art. 218 TFEU leave the EP a role to play, in terms of legislative power.

2.3 Supervisory and consultative elements

Another important role played by the EP in influencing the functioning of the EEAS can be found in its supervisory and consultative powers. Of course, in this area, the provisions coming from art. 36 TEU and art 218 TFEU, mentioned above, must be included. In particular, the obligation for the HR to consult the European Parliament on the main aspects and the basic choices of CSFP/CSDP and inform it on how those policies evolve⁷¹. Also it must be considered the fact that, out of the five cases⁷² indicated by art. 218, or in case of agreements concerning exclusively CFSP, the EP has to be consulted.

Nevertheless it is interesting to see how, *de facto*, consultations of the Parliament with the EEAS and the HR were conducted, in terms of topics and frequency. Furthermore, it is interesting to point out what were the committees and organs of the EP involved. The terms of reference for this analysis are the 2013 Annual Activity Report of the EEAS⁷³, released on 09/04/2014⁷⁴.

First of all, it is relevant to distinguish between the appearances of the HR before the EP and the ones of Senior EEAS Representatives.

Starting from the first case it is noticeable that, in 2013, the HR, Ms Catherine Ashton, appeared before the European Parliament 16 times throughout the whole year⁷⁵. Most of the times (10 out of 16), Lady Ashton appeared in front of the plenary session of the EP. Subjects

⁷⁰ Where the opinion of the Court is adverse, the agreement envisaged may not enter into force unless it is amended or the Treaties are revised.

⁷¹ Art. 36 TEU

⁷² *Ibidem*

⁷³ EEAS annual activity report 2013: http://eeas.europa.eu/background/docs/annual_activity_report_2013_en.pdf

⁷⁴ In annex I and II at the end of this study, there is a summary of the EEAS appearances before the EP.

⁷⁵ See Annex I.

of the meeting were mostly updates to the Parliament about countries' situations (e.g. Egypt, North Korea, Syria). The scope of these updates was also to receive feedback from the EP on how to shape the EU's CFSP/CSDP. Three special meetings occurred in 2013 between the HR and the EP. Primarily, during the first meeting of the year, held on the 10th of January 2013, concerning the EEAS budgetary discharge for 2011⁷⁶, the HR appeared before the Committee on Budgets of the EP. The second one took place in June and it concerned the review of the organisation and functioning of the EEAS, planned to be concluded in 2013⁷⁷. Finally, at the end of the year, in late October⁷⁸ 2013, the annual report of 2012 was presented to the Parliament and it was set a joint debate on main aspects and basic choices of CFSP/CSDP. The HR also appeared twice before the Committee on Foreign Affairs of the Parliament and once in front of the Committee on Development.

The appearances of Senior EEAS Representatives are much more numerous, with an average of six meetings per month (more than once a week) and a total of 75 in a year⁷⁹. To appear in front of the EP were mostly representatives of the EUSR (in a number of cases Head of Delegation) and the Deputy Secretary General Maciej Popowski or the Executive Secretary General Pierre Vimont⁸⁰. The Parliamentary Committees that were majorly involved were the Committee on Foreign Affairs (AFET), the Committee on Budget (COBU) and the Committee on Development, the Committee on Defence and the sub-committee on Human Rights⁸¹. Almost no exchange of views was held in plenary session and the issues in which the parties confronted were numerous: from updates on countries' situation to discussion on the management of resources by the EU delegations. Substantial discussion was held in the field of Human Rights (Arab Spring and Lord Resistance's Army) and on EU relations with the so-called B.R.I.C.S. and M.I.N.T.⁸². The future of European Defence and the relationship with the Russian Federation were also addressed during several meetings⁸³.

Adding the total appearances of Senior EEAS Representatives to the ones of the HR, it results a total of 81 meetings before the EP throughout the year 2013. Aside to these meetings, the

⁷⁶ See Annex I.

⁷⁷ The process of review was indicated in the final Council Decision. See Chapter 1.1

⁷⁸ See Annex I.

⁷⁹ See Annex II.

⁸⁰ See Annex II.

⁸¹ See Annex II.

⁸² The two acronyms individuate groups of emerging powerful economies in the international arena: in the first case Brazil, Russia, India, China and South Africa, whereas in the second case (always emerging economies but at a slower pace and degree of development) Mexico, Indonesia, Nigeria and Turkey.

⁸³ See Annex II.

presence of more informal meetings must be considered for their relevance. Brussels is a network hub where events managed by the different institutions take place on a daily basis and constitutes an apparatus that promotes the exchange of views between the staff of the institutions. Conferences and public debates are for instance an occasion for confrontation and informal preparatory or final wrap-up meetings have to be taken into consideration.

When reflecting on the supervisory and consultative elements that characterize the influence of the European Parliament on the functioning of the EEAS, it is worth mentioning another instrument that was part of the agreement for adopting the "Council Decision establishing the organisation and functioning of the European External Action Service". That is to say, the "Declaration by the High Representative on political accountability"⁸⁴. This declaration was created as an addendum to the decision, on the 20th of July 2010 and successively published in the Official Journal of the European Union. The scope of the HR was to push for the adoption of the Decision before August 2010. With the declaration on political accountability the HR addresses issues in the agenda of the EP about the cooperation with the EEAS on CFSP. In general, the HR committed to involve in the formulation, definition and basic choices of the Common Foreign and Security Policy, the European Parliament and in particular the relevant Parliamentary Committees.

The Declaration begins by stating that the relationship between the HR (and through her with the EEAS) and the European Parliament will build on the consultation, information and reporting engagements undertaken during the legislature of the former Commissioner for external relations, the former HR, as well as the rotating Council Presidency, adjusted in light of Parliament's role of political control and definition of CFSP, as set out by the Treaties and in accordance with article 36 TEU.

Three main significant issues can be highlighted from the Declaration:

⁸⁴ Council of the European Union, *“Adoption of a Council Decision establishing the organisation and functioning of the European External Action Service, Draft Declaration by the High Representative1 on political accountability”*, Brussels, 20 July 2010.

Available at: <http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2012401%202010%20ADD%201>

- i) **EP involvement in the definition of CFSP:** The HR will seek the views of the EP on the main aspects and basic choices of CFSP⁸⁵ in conformity with art. 36 TEU. To this extent the practice of Joint Consultation Meetings with the Bureaux of AFET and COBU will be enhanced⁸⁶. At the same time the Framework Agreement between the EC and the EP will be applied *mutatis mutandis* by the HR for the negotiations of international agreements. During this process the Parliament will be immediately and fully informed at all stages of the procedure⁸⁷.
- ii) **MEPs access to documents:** The Declaration clearly states that the HR can provide access in CFSP area as well as confidential CSDP area on a need to know basis to MEPs, "where such access is required for the exercise of their institutional functions"⁸⁸. Access to classified documents can be requested by the AFET chair or the EP President. Finally the HR will review and propose adjustments for the existing provisions on MEPs access to documents. She will retain the authority to decide in the transitional period before the implementation of the revised provisions.
- iii) **Head of Delegations and Election Observation Missions:** To what concerns the appointment of new Head of Delegations to countries and organisations and EUSRs, the HR declares that will respond positively to requests for an exchange of views⁸⁹, with the Head of Delegations and the Head of Election Observation Missions, that the Parliament consider strategically important to appear before AFET, prior to taking up their posts. The HR will facilitate the appearance of Head of Delegations and Senior EEAS officials in relevant parliamentary committees to provide regular briefings. Finally the EP will be also consulted on the identification and planning of Election Observation Missions and their follow-up⁹⁰.

⁸⁵ Declaration on political accountability, art. 1, *supra*.

⁸⁶ Declaration on political accountability, art. 1, *supra*.

⁸⁷ Declaration on political accountability, art. 2, *supra*.

⁸⁸ Declaration on political accountability, art. 2, *supra*.

⁸⁹ The Declaration on Political Accountability clearly specifies that the exchange of views differ from hearings (normally used for newly appointed Commissioner). The Declaration also states that the format will be agreed with the HR.

⁹⁰ Declaration on political accountability, art. 2, *supra*.

2.4 Budgetary powers

As mentioned above, following the entry into force of the Treaty of Lisbon, the European Parliament shares the power to decide on the entire annual budget of the EU with the Council of the European Union and it has the final say. Therefore, the European Parliament must also approve the annual CFSP budget. As a directly-elected institution representing EU taxpayers, the European Parliament exercises democratic oversight to make sure that the EU institutions deal properly with European funds. The Parliament takes the decision after examination by its Committee on Budgetary Control (COBU) of the financial accounts and the report on its activities for the year in question. The EP may also make recommendations on the execution of the budget on which the other institutions have to report. The procedure ends in the granting, postponement or refusal of the discharge⁹¹ of the budget.

The Parliament also helps to shape the external financial instruments (the European Instrument for Democracy and Human Rights, for example, and the Instrument for Stability) in trilateral negotiations with the Council and the Commission.

The procedure, that takes place once a year follows the rules laid down by an inter-institutional agreement, between the EC, the Council and the EP⁹². However, the process is lacking a follow-up procedure to alter the CFSP budget in case of unforeseen events and emergencies. So that, the EC, can unilaterally alter resources between the different chapters of expenditure, therefore, causing a loss of oversight from the EP.

Nevertheless, the Budgetary power remains one of the most powerful tool in the hands of the EP. It was made clear, in the first chapter, how this new power granted by the Treaty of Lisbon, enabled the Parliament to influence processes in which it did not have formal powers. It is easy to understand that the control over the budget allows the EP relevant Committees to see their recommendations taken more into consideration. Controlling the budget means oversight on the expenditure, for hiring new staff, opening or closing delegations, allocate

⁹¹ Parliament and Council decisions about annual expenditure and revenue must fall within the annual spending limits laid down in the EU's long-term financial plan, the Multiannual Financial Framework, negotiated once every seven years.

⁹² *"Inter-Institutional Agreement between the European Parliament, the Council and the Commission on Budgetary Discipline and Sound Financial Management (2006/C 139/01)"*, Official Journal of the European Union, 14 June 2006.

funds for projects and missions etc. . These processes, even though do not formally involve the EP in qualitative decisions, could be influenced indirectly through the exercise of the budgetary authority. This implies that both the EEAS and the HR have to confront with the approval of the budget when planning and taking decisions on the major issues of CFSP.

2.5 Functional revision: EEAS Review of July 2013

As part of the political decision that enabled the set-up of the EEAS, the High Representative was called to produce an "EEAS Review"⁹³ on the work of the EEAS and to present a report in the summer of 2013. The review aims to set out the lessons learned and highlight best practices, in consideration of the first two and half years working life of the EEAS. At the same time, it stresses the weaknesses and the space for improvement of the new born institutions, in particular, regarding its organization and mechanism of policy making⁹⁴. The review, which, as mentioned above, was discussed in plenary session with the HR at the European Parliament, included issues such as the organizational structure of the EEAS, Policy Coherence and Strategic Thinking, Inter-institutional Cooperation, Delegations, EUSRs, Role of the High Representative, Staffing Issues, etc. . It would be interesting to analyse in detail the review, however for a matter of space and conciseness, in light of the EEAS' relationship with the EP, the relevant section to consider is the one on "Inter-institutional Cooperation".

The review tries to evaluate the outcomes of the relations between the EEAS and the EP as settled by the Final Decision of the Council of July 2010, the Treaty of Lisbon and the Declaration on Political Accountability. According to the review and the HR, the framework is ensuring proactive and systematic consultation of the appropriate committees of the EP before decisions are taken in CFSP/CSDP⁹⁵. A similar result has being achieved with the practice of informal exchange of views with newly appointed Head of Delegations and EUSRs, defined as "helpful for both parties"⁹⁶. It is noted, as well, that the Chairman of the AFET Committee was invited to attend parts of the Gymnich informal meeting of Foreign

⁹³ C. Ashton, *EEAS Review*, July 2013. Available at:

http://eeas.europa.eu/library/publications/2013/3/2013_eeas_review_en.pdf

⁹⁴ S. Duke, "Reflections on the EEAS Review", 2014, 19 European Foreign Affairs Review, Issue 1, pp. 23–44.

⁹⁵ S. Duke, "Reflections on the EEAS Review", 2014, 19 European Foreign Affairs Review, Issue 1, pp. 23–44.

⁹⁶ C. Ashton, *EEAS Review*, July 2013.

Ministers, to strengthen more the cooperation with the Parliament in light of the EEAS Review⁹⁷. Furthermore the High Representative emphasizes the intensification of the cooperation with the EP on the negotiation of international agreements (comprehensive, timely and progressive information are provided to the EP by the EEAS) and on the identification and planning of election observation mission, including the choice of Chief Observers, through the Election Coordination Group⁹⁸.

2.6 Annual reports

As highlighted in the first chapter, the EEAS regularly reports on its activities. Every year, the Service and the High Representative present four different reports: (i) the annual activity report; (ii) the report on the EU's Common Foreign and Security Policy; (iii) report on Common Security and Defence Policy; (iv) the report on Human Rights. In addition to the reports on the activities, the HR presents to the European Parliament and to the Council a report on the occupation of posts in the EEAS, which allows the EP to have an overview of the EEAS staff. These reports are extensively discussed in the relevant parliamentary committees and in plenary session, with the presence of the High Representative as mentioned above.

2.7 Appointment of the High Representative, of the Heads of EU Delegations and EU Special Representatives

For what concerns the appointment of the High Representative, no formal power is accorded by the Lisbon Treaty to the European Parliament⁹⁹. It is just important to recall that by virtue of his position, the High Representative is one of the Vice-Presidents of the Commission. In this capacity, he/she is subject, together with the President and the other members of the Commission, to a vote of approval by the European Parliament. The Treaty on European

⁹⁷ S. Duke, "*Reflections on the EEAS Review*", 2014, 19 European Foreign Affairs Review, Issue 1, pp. 23–44.

⁹⁸ C. Ashton, EEAS Review, July 2013.

⁹⁹ The European Council is responsible for appointing the High Representative of the Union for Foreign Affairs and Security Policy. The decision on the proposed candidate requires a qualified majority. The European Council can also decide to end the high representative's 5 year term of office, again with a qualified majority. This procedure is set out in article 18 of the TEU.

Union provides that, in the event of a censure motion passed by the Parliament against the Commission, the High Representative must resign from his functions within the Commission. *A contrario*, he/she retains the responsibilities held before within the Council until the new Commission is formed.

In a similar way, the EP does not have any formal power in the appointment of the Head of EU delegations as well as on EUSRs. This role is mostly in the hands of the High Representative and subject to the approval of the Council. However, given its participation in the processes of functional review, supervision, consultation, reporting and most importantly, because of its budgetary powers, the European Parliament is able to influence these appointments, to some extent. Finally the frequent "exchange of views" with the newly appointed Head of Delegations, where the EP can indicate its policy priorities with regards to the different missions of the EEAS, confirm a slow, but constant process of *Parliamentarisation* and consequently a *Europeanisation* of the EU's external affairs.

2.8 Conclusions on the Chapter with reference to the overall role/influence of the democratic organ of the EU (EP) in the functioning of the diplomatic organ (the EEAS).

The second part of this work was focused on analysing, in detail the role of the European Parliament, in influencing the functioning of the European External Action Service. It has been clarified how through this the EP's actions have an impact in shaping the policies of the High Representative and the EEAS. The means through which this occurs are spread through a number of areas in which the EP has competences and constituted by: legislative elements, consultative and supervisory elements, budgetary powers, participation to the process of functional revision, regular reporting and appointment of the High Representative, of the Heads of EU Delegations and EU Special Representatives.

This process can be also seen, as mentioned above, as a *Parliamentarisation* of EU's external affairs. That is to say a *democratization* of the processes and procedures governing the policy and decision making within the EU's legal framework. In this perspective the democratic

body of the EU is gaining influence on the diplomatic body¹⁰⁰. The relevance of this process is also witnessed by the fact that after the 2013 Review, the EEAS established within its structure a special Unit on "Parliamentary Affairs" that could deal permanently with the relationship between the EEAS and the European Parliament¹⁰¹.

It is important, also, to stress the position of the other EU institutions towards the increased role of the Parliament in shaping the EU foreign policy and the EEAS' actions. The European Commission had demonstrated its consent in involving the European Parliament on the control of the EEAS. The Commission, in fact, cooperates with the EEAS on response to crises and development, since the EEAS' creation. The European Commission managed to retain control over its competencies in aid (and its €6 billion a year budget), development, energy and enlargement. Although the service will have cells for the Commission's areas, decisions will have to be made jointly by the HR and the College of Commissioners. However Ashton's draft plan for the EEAS included proposals for the EEAS to take responsibility for Neighbourhood Policy (currently assigned to the Enlargement Commissioner) and international development at least. Under a compromise, it was agreed development would be split, with the EEAS taking on three of the five planning cycles from the Commission. How this division of labour will work in practice only began being tested as the 2014–2020 programming exercise began. For these reasons the EC was favourable to the budgetary control of the Parliament over the EEAS and the influence of the EP over the field of foreign policy in which the Commission was going to be excluded, being the power in the hands of the Council for decision-making and the High Representative/EEAS for implementation.

The fact that the European Council and the Member States are reluctant to transfer competences to the EU in the field of foreign policy was already evident during the negotiations for the European Constitution¹⁰² and for the following Lisbon Treaty, in which it was agreed to maintain the unanimity vote in the field of CFSP and more generally the

¹⁰⁰ E. Wisniewski, *The Influence of the European Parliament on the European External Action Service*, European Foreign Affairs Review 18, no.1 (2013): 81-102.

¹⁰¹ The European External Action Service and the European Parliament / Raube, K., Hague Journal of Diplomacy, 7(1), 2012, pp. 65-80

¹⁰² One of the most controversial issues during the negotiation for the European Constitution was the creation of a "Ministry of EU Foreign Affairs" and a related Minister of Foreign Affairs, currently substituted with the High Representative after the rejection of the document by French and Dutch voters in May and June 2005.

intergovernmental method in the foreign policy area. This is particularly true if the transfer is to a non-intergovernmental institution, as the European Parliament.

A similar position was held by the EEAS and the High Representative. A larger influence of the European Parliament on their functions, it would have increased the burden of an organ that already is accountable to the Council, in which 28 Member States with different interests on foreign policy have to be coordinated. For these reasons the first proposal of the HR was not considering a large role of the European Parliament in the establishment and functioning of the EEAS.

However, as it was highlighted in Chapter 1, the EP amendments and proposals on the establishment and structure of the EEAS were largely reflected in the Council's final decision. In fact, there is evidence in the declarations of the participants to the negotiations, of the Ministers of the Member States at the Council and within the reports and statements of the European Parliament, that the High Representative and the Council agreed on the fact that a higher participation of the Parliament in the process of establishment of the new institution could strengthen the legitimacy of the EEAS and more generally of the EU. Content analyses of inter-institutional documents suggest, in fact, a recognition of the EP as an important actor by other institutions, especially the High Representative. The Council and Lady Ashton allowed greater influence on her first proposal than the Lisbon Treaty intended. It is true that on the one hand the Parliament uses its budgetary powers and other indirect forms of influence to shape the structure and the functioning of the EEAS, but nevertheless, the Council, formally holder of the hard power on CFSP, could have rejected the demands.

A hypothesis of a normative motivation can be therefore proposed at this stage. This hypothesis gains relevance and robustness when considering the strong democratic profile of the Parliament. As the EP has been, despite a lack of hard power, increasingly recognized as a fundamental policy actor by the other EU institutions, a monopolist role of representing the European citizens in the EU framework. Therefore, the Council, the HR and the EEAS itself accept its influence and foster collaboration with the EP on EU foreign affairs. The Head of delegations, the EU Special Representatives or the High Representative make an effort as showed in Chapter 2 to appear before the relevant parliamentary committees and coordinate on EU's major decisions on foreign policy. With the influence of the Parliament, the EEAS has gained in terms of democratic accountability and therefore in legitimacy towards the

institutions of the EU, the Member States and the EU citizens. For a new-born institution the support of the democratic organ of the EU has been fundamental to start its activities and strengthen its position in the EU context¹⁰³.

¹⁰³ K. Raube, *The European External Action Service and the European Parliament*, Hague Journal of Diplomacy, 7(1) (2012): 65-80.

Chapter 3.

The European External Action Service and the European Parliament: An increased relationship to enhance democratic accountability and legitimacy in the European Union's foreign policies

Building on the discussion started on Paragraph 2.8, this chapter will focus on the issue of democratic accountability within the functioning of the European External Action Service. When first created the EEAS was received with the following headlines in the newspapers that accompanied its establishment: "An external service for the European Union"¹⁰⁴, "Parliamentarians demand answers"¹⁰⁵, 'The power of the baroness'¹⁰⁶. These titles clearly made reference to the fact that, throughout the process of establishment of the EEAS, an aspect that had been almost entirely overlooked in the discussions was democratic accountability. The Council, in its final decision mentioned neither issues of democracy nor legitimacy. Furthermore, as highlighted in the previous Chapters 1 and 2, the European Parliament lacked of formal power in the field of CFSP. This was partly due, because, on one hand, diplomatic establishments are traditionally more concerned with efficiency in promoting the external interests of the entity they represent, and less with being open to scrutiny by citizens or parliaments. On the other hand, historically, the European foreign policy has always been dominated by the Member States (the Council), retaining the exclusive sovereignty in this area, and the European Commission. The consequence was that Common foreign policy remained always under the control of the Member States. The integration process for the creation of a European foreign policy was slowed down by its mode of governance: the inter-governmental method. This is characterized by almost no competence assigned to the communitarian institutions: the Parliament and the Commission. Whereas the formal power resides in the hands of the Council that decides by unanimous voting procedure (often bringing the whole process to a paralysis). As recalled in the introduction, the two fundamental steps in the evolution of European foreign policy have been the Treaty of Maastricht and the Treaty of Lisbon. The creation of the pillar of CFSP, the High Representative and the EEAS are major steps towards the creation of a coherent and effective EU's foreign policy.

¹⁰⁴ N. Busse, *Ein Auswärtiger Dienst für die EU*, Frankfurter Allgemeine Zeitung, Politik, (2010).

¹⁰⁵ Handelsblatt, *EU-Abgeordnete fordern Auskunft über Kosten des Auswärtigen Dienstes*, Wirtschaft und Politik (15 Apr. 2010).

¹⁰⁶ J. Raupp, *Die Macht der Baronin*, Süddeutsche Zeitung, Politik (2010).

However, throughout this process, the EU was empowered with some competences on CFSP, while this happened at the expense of the formal influence and democratic control of the European Parliament. Despite every modification of the Treaties, and consequent empowerment of the Union, corresponded to an enlargement of the competencies of the Parliament, this was not the case in the area of CFSP. Historically the Parliament, from 1979¹⁰⁷, has known a gradual empowerment of its role. This was mainly due to its peculiar characteristics of being the democratic organ of the Union, directly elected by the EU citizens and therefore the guarantor of their interest. To a widening in the competences of the EU, corresponded a deepening in the integration involving the institutions of the EU ruled by the "community method"¹⁰⁸. In the field of CFSP, Member States were reluctant to give up national sovereignty, resulting in a EU foreign policy, lacking of coherence, immediateness and formal democratic accountability. What is formally relevant in EU external relations, is that neither national parliaments, nor the EP have formal possibilities to scrutinize the decision making process.

With further widening of the competences in CFSP area in the future, the EU will face a dual challenge in terms of democratic accountability of its foreign service¹⁰⁹. First, the "new foreign service" (EEAS) will have to seek legitimacy towards EU Member States, third countries, EU institutions and EU citizens. As in democratic societies is more and more difficult to sustain the claim that diplomacy and foreign policy are incompatible with accountability of the decision-making processes, the EU and the EEAS will have to address a greater challenge to achieve legitimacy in front of these actors and the international community¹¹⁰. Second, the EEAS, even though presents a *sui generis* and unique structure, would have to comply, sooner or later, with the internationally recognized standards of diplomacy¹¹¹. These standards, which correspond to the common legal framework and organization of the ministries of foreign affairs tend to premium effectiveness more to accountability. Nevertheless they ensure a more direct and detectable responsibility of the outcomes of the foreign policy, in the national governments and relevant parliamentary committees.

¹⁰⁷ Date of the first elections of the European Parliament.

¹⁰⁸ See paragraph 2.2 .

¹⁰⁹ J. Schmidt, Between Irrelevance and Integration? New Challenges to Diplomacy in the 21st Century and the Role of the EEAS, EU Diplomacy Paper (August 2014).

¹¹⁰ J. Schmidt (2014) *ibidem*.

¹¹¹ J. Schmidt (2014) *ibidem*.

Furthermore, it has to be considered that the European Union aspires to play the role of mentor in state and democracy-building processes in Europe as well as in third countries all over the world¹¹². In this sense, ensuring democratic accountability, for the EU external service, necessarily becomes a key concern. While this is the case, the issue of democratic accountability concerning the European External Action Service has been only partially addressed at the current stage¹¹³.

The aim of this chapter is to introduce three different hypothesis for an evolution of the structure of the EEAS that could improve EEAS' (and more generally the EU) democratic accountability. Secondly, to highlight how the European Parliament would be the key actor to achieve such a result. Increasing both legitimacy and accountability of the EEAS would rely on a modified relationship with the European Parliament, the only institution of the Union, democratically elected and legitimate to represent the interests of the citizens of the European Union.

In this way the EEAS would be accountable before the European Parliament and the hybrid form of the EEAS could be transformed in a more coherent and effective mean to support the other EU institutions in their external action.

The chapter will first introduce a definition of democratic accountability that will be at the basis for the following discussion. Secondly it will analyse, building on the discussion brought by Josef Batora, three possible scenarios for the evolution of EEAS' structure and identity in terms of democratic accountability. Thirdly, it will introduce an integrated model for improving EEAS' democratic accountability, building on the lessons learned from Batora's three scenarios. Finally a sum up of the main findings of the chapter and recommendations for enhancing EEAS' democratic accountability with respect to the other EU institutions will be provided.

¹¹² J. Schmidt (2014) *ibidem*.

¹¹³ J. Schmidt (2014) *ibidem*.

3.1 Definition of Democratic Accountability

Before addressing specific issues concerning the accountability of the EEAS, it is useful to define what accountability is and what it actually implies. Bovens (2007, 450) defines it as "a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences"¹¹⁴. The actor can be a person or an agency, while the accountability forum can be a person (e.g. a superior, a minister) or an organization (e.g. a parliamentary body, an audit agency etc.). For an accountability relation to be effective, there needs to be at least three elements:

- (i) The actor should have the obligation to inform the accountability forum of its conduct;
- (ii) The accountability forum should have a right to question the actor about his/her/its conduct;
- (iii) The accountability forum should also have a right to pass judgement about the conduct of the actor with a possibility of sanctions of such a kind, which leads to a situation in which the actor would face consequences¹¹⁵.

Fundamentally, accountability implies that actors are obliged, either formally or informally, to explain and justify their actions in front of a given accountability forum.

Democratic governance involves six different categories of accountability¹¹⁶:

- (i) Political accountability: in relation to the members of the government and to parliamentary assembly;
- (ii) Legal accountability: in relation to civil, constitutional and supreme courts;

¹¹⁴ M. Bovens "Analysing and Assessing Accountability: A Conceptual Framework". In European Law Journal. 13(4) (2007): 447-468.

¹¹⁵ M. Bovens, *Analysing and Assessing Accountability: A Conceptual Framework*, in European Law Journal. 13(4) (2007): 447-468.

¹¹⁶ R. A. Dahl, *Democracy and its critics*, (1989) New Haven: Yale University Press.

- (iii) Administrative accountability: in relation to supervisory and audit bodies;
- (iv) Professional accountability: in relation to professional networks and associations;
- (v) Social accountability: in relation to civil society stakeholders and interest groups;
- (vi) Informal accountability: in relation to informal forums of political accountability within which the media have the major role.

These categories have to be kept in mind when evaluating democratic accountability of the EEAS in the context of the legal framework of the EU.

3.2 Three possible scenarios for the evolution for EEAS' democratic accountability

In order to reflect on the establishment of procedures to ensure democratic accountability in the EEAS, it is important to determine which are the accountability forums that are relevant for the Service. This issue already provides a first challenge. In fact these forums may be a variety of actors: from national parliamentary assemblies, the EP or the Foreign Affairs Council to CSOs, audit bodies and/or other EU institutions.

Therefore, starting from the analysis made by Eriksen and Fossum¹¹⁷ and building on the discussion brought by Bátorá¹¹⁸ three possible scenarios of evolution for the EEAS can be presented and discussed. The issue of accountability would be analysed transversally within the three hypothesis. The three hypotheses refer to possible evolution of the institutional framework of the EU: (i) as a delegated democracy; (ii) as a federal democracy (iii) as a cosmopolitan democracy. As the main theme of the thesis is the relation between the EP and the EEAS, this brief analysis will serve to stress the role of the European Parliament, as

¹¹⁷ E. O. Eriksen, J. E. Fossum, *"Europe in transformation: How to reconstitute democracy?",* RECON Online Working Paper 2007/01, Oslo: Arena (2007).

¹¹⁸ Bátorá, Jozef, *A Democratically Accountable European External Action Service: Three Scenarios,* Vanhoonacker, Sophie, Hylke Dijkstra and Heidi Maurer (eds) (2010). Understanding the Role of Bureaucracy in the European Security and Defence Policy, European Integration online Papers (EIoP), Special Issue 1, Vol. 14, <http://eiop.or.at/eiop/texte/2010-013a.htm>.

democratic institution of the EU, able to ensure on the one hand legitimacy to the hybrid foreign affair service of the Union and on the other hand improve democratic accountability.

In the current scenario the High Representative leads the EEAS and it is politically accountable by the Foreign Affairs Council and the General Affairs Council. From an administrative point of view it is accountable¹¹⁹ by the EP and the European Court of Auditors (as an audit body) in terms of budget and expenditures. The legal accountability of the EEAS is in the hands of the European Court of Justice. Social and informal accountability are missing. There are no formal mechanisms within the EU to pass institutionalised type of judgement on the policy and decision making on the EU's external affairs. The strongest link in terms of accountability is with the Foreign Affairs Council (FAC) and the General Affairs Council (GAC). However, as clarified above, the Council is strictly governed by inter-governmental method and there is no direct formal mechanism for the European Parliaments or the national parliaments to influence the decision-making of this organ. National parliaments have some possibility to influence national governments in the making of the foreign policy, but very little influence when the negotiations are brought to the European level. Given the current situation and the almost complete lack of democratic accountability, the three hypothesis included in this chapter consider different possibilities for an evolution of the structure of the EEAS and a consequential evolution in terms of relationships with the other institutions. This evolution is closely related to an evolution in the inter-institutional relationships creating the basis for democratic accountability.

3.2.1 EEAS as support agency of Member States' diplomatic services

The first hypothesis is strictly linked to the EU intergovernmental method. In this hypothesis, the EEAS would act as a support agency for the Members States' diplomatic services. A number of links would be established between the EEAS and the national foreign ministries, which would be the principal actors of this scenario. The foreign policy would be shaped at national level and successively coordinated at European level. The EEAS would be acting as a support agency to national foreign services. In this case the accountability forum for the EEAS (and the High Representative) would consist of national parliamentary assemblies of the Member States. It would be ensured throughout the standard democratic control

¹¹⁹ *Ibidem* 2.1 – 2.8 .

mechanism of the EU Member States that would have structures of representation within the EEAS' offices and departments. In this way, an additional layer of accountability (the national parliamentary assemblies) would be added with respect to the current situation.

As Bátora¹²⁰ highlights, this situation would lead to a weak fragmented accountability within the EU and a eventually *horizontally contested* foreign policy among the Member States. Such a contested situation may create problems for the EEAS to act effectively as the decision making process could often be blocked¹²¹. Administrative accountability would pass to national audit bodies, whereas legal accountability will not change, remaining a competence of the European Court of Justice. Social and informal accountability would be fragmented into multiple informal or institutionalized forums within the Member States.

3.2.2 EEAS as a “federal” foreign service of the EU

This hypothesis builds on the models of the foreign services of Germany and Canada. The European External Action Service would act as a federal foreign service of the EU and of the Member States, by taking partially or entirely the exclusive competence of functions, peculiar of the diplomatic and foreign services. The European Parliament would be the primary accountability forum, from a political and administrative point of view. The forums for social and professional accountability would be constituted by professional and societal EU groups and associations.

¹²⁰ Bátora, Jozef, A Democratically Accountable European External Action Service: Three Scenarios, Vanhoonacker, Sophie, Hylke Dijkstra and Heidi Maurer (eds) (2010). Understanding the Role of Bureaucracy in the European Security and Defence Policy, European Integration online Papers (EIoP), Special Issue 1, Vol. 14. Available at: <http://eiop.or.at/eiop/texte/2010-013a.htm>.

¹²¹ This challenge became visible in the Slovak position on the Kosovo independence. In 2007, the Slovak Parliament passed a resolution calling on the Slovak government to not take any action that would lead to “full independence” of Kosovo without the consent of Serbia. This was against the vast majority of EU Member States and also against the recommendation by Solana and the Council Secretariat. What the government did, however, was to officially support the EULEX Mission in Kosovo, which de facto keeps on establishing independent governance structures in Kosovo. This schizophrenic position of the Slovak government indicates several things. It is an indicator of the strength of the peer pressure within the CFSP realm – consistency in not recognizing Kosovo would call for not supporting the EULEX mission. Also, it is an indicator of the strong albeit declaratory power of national parliaments in member states when a challenging foreign policy issue comes up. If national parliamentary assemblies are to remain the accountability forum for the High Representative and the EEAS, this situation might be taken as an indicator of how the actions of the HR and the EEAS will be contested horizontally from the member state constituencies.

However, this model would present a number of challenges for an effective democratic accountability of the EEAS. In fact, there may be differences between legitimacy of foreign policy at the EU level and at the level of the Member States. In this perspective, the foreign policy of the EU and the ones of the Member States would be unified and would result very similar. However, whereas the European Parliament could accept a determined action of foreign policy by the EEAS, then one of the 28 national parliaments of the Member States could disagree and contest the European common foreign policy, without a clear mechanism of accountability, obliging the EEAS to explain and justify their actions in front of a national accountability forum. This may lead to a *vertically contested* foreign policy.

3.2.3 EEAS as a cosmopolitan normative actor

In the third model, the EEAS opens to cooperation to a broad spectre of civil society organizations, which would be regularly involved in the foreign policy making, by institutionalized dialogue with the EEAS. This hypothesis builds on Mary Martin's (2009) proposal, to develop within the EEAS a multilevel channel of communication allowing ordinary citizens to have access to the EU and to the values that it represents¹²². In this model the EEAS would be accountable to a plurality of actors both inside and outside the EU, mainly coming from civil society but comprehending the EP, national parliamentary assemblies and governments as well. The means conceived for this broad process of consultation would be mainly through internet and online discussions (eDiscussions)¹²³.

The challenge, in this hypothesis is that political legitimacy and accountability would be *externally contested*, being the EEAS involved in a continuous process of scrutiny from institutions (e.g. EP) and CSOs. At the same time informal and social accountability would be enhanced and legal accountability would remain the same.

¹²² M. Martin "An Alternative to Statecraft: A Human Security Proposal for a European External Action Service", International Politikanalyse, Berlin: Friederich Ebert Stiftung (2009).

¹²³ This hypothesis builds on the Canadian Department of Foreign Affairs and International Trade's experience. Each of the "eDiscussions" takes about two months addressing a broad topic, with the goal of having citizens expressing their point of view on Canada's possible action. The second step is made by the Department, producing a synopsis of the inputs and circulating within the decision makers that take into account the results of the "eDiscussion". In this policy choices are justified through public reason-giving.

Table 1: Three scenarios of democratic accountability in the EEAS Scenario of EEAS	<i>EEAS as a support agency of member state diplomacy</i>	<i>EEAS as a federal foreign service of the EU</i>	<i>EEAS as a cosmopolitan normative actor</i>
<i>Accountability forum</i>	Parliamentary assemblies of member states (foreign affairs committees); member state governments meeting in Council	European Parliament and its committees	Parliamentary assemblies and civic groups affected by EU foreign policies inside and outside the EU
<i>Mechanisms</i>	Information, questions, and sanctions by national parliaments, Foreign Affairs Council	Information, questions and sanctions by EP	Information, questions and (normative) sanctions by multiple global constituencies
<i>Contestation</i>	Horizontal by MS governments and parliaments	Vertical by MS governments and parliaments	External by multiple constituencies affected by EU action

3.3 An integrated model to introduce democratic accountability in the European External Action Service

This chapter has described three possible scenarios following three models of EU-democracy, as presented by Eriksen and Fossum (2007) and building on Bátorá's (2010) hypotheses of introducing democratic accountability in the EEAS. The questions of what was the appropriate accountability forum for the EEAS and what type of democratic accountability could be built in the EU context accompanied the discussion of these pages. Each scenario represented an evolution with respect to the current situation, in which the High

Representative and, indirectly, the EEAS are accountable before the Foreign Affairs Council and the General Affairs Council.

In the first hypothesis the EEAS would be accountable before 28 national parliaments or assemblies (and before their foreign affairs committees). However, aside the problems of coordination for such a mechanism, an horizontal and widespread contestation could be the most probable outcome of this scenario.

In the second hypothesis, the accountability forum would be represented by the European Parliament, as the EEAS would be acting as a federal foreign service of the European Union. Also in this case, vertical contestation, mainly by governments and national parliaments, could create a system with a low degree of legitimacy. In addition to that, as the EEAS would basically replicate the practice and procedures of organizing the foreign services of the national states, it would also reproduce the limits of the latter¹²⁴. However, given the fact that the EU aspires to be a global promoter of a normative democratizing agenda, by transposing its successful experience in organizing political governance beyond the borders of nation-states and political realism to the rest of the world, it cannot adopt a model of foreign policy, similar to the already existing ones. The EEAS, to be a driver for implementing the EU's key values would need to ensure an enhanced democratic accountability within its structure and functioning, that will provide on exchange a higher degree of international and global legitimacy.

In the third case, the EEAS would pass before a plurality of scrutiny by civil groups (social, professional, interest groups) as well as parliamentary committees inside the EU, but also outside, projecting the Service as a global legitimate actor. However, in this way, the EEAS would be contested by a multitude of parties, claiming a role in the consultation and decision-making process. This particular feature could cause a total paralysis of the system, which already has to deal with 28 countries and a population of 500 million people. In this perspective, this hypothesis seems unrealistic.

¹²⁴ Bátorá (2010), *ibidem*.

The result of the analysis seems to be that any evolution of the EEAS in the direction of democratic accountability would bring either to a contested system or to problems in terms of coordination in the policy-making and implementation.

Nevertheless, any of these scenarios presents an improvements in terms of accountability, adding an extra layer of democratic/social control. The main question is which of these paths is more appropriate for the EEAS. What is evident is that the EEAS and the EU foreign policy would need to address the issue of democratic accountability. On the one hand, to cope with the internal EU demand of accountability from the EU institutions (especially the EP) and the EU citizens, on the other hand, to address an external need of showing democratic accountability, increasing the legitimacy of the EU as a promoter of values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities¹²⁵. Furthermore the EU faces critics of democratic deficit and lack of accountability in a number of areas other than CFSP.¹²⁶ Filling this gap would be a fundamental step for the EU legitimacy, in a moment where euroskepticism and anti-EU parties and movements are gaining more and more consensus all over Europe.

In order to achieve that, the EU has to involve all the European polity. The European polity is as the EU a unique entity *sui generis*. It is composed by the EU institutions, the Member States and their internal institutions, the EU citizens, the EU political parties and all the European CSOs, NGOs, associations, companies and relevant stakeholders present in the EU panorama.

The common debate in the latest years, about EU's democratic deficit, pointed out a number of solutions to enhance the institutional balance (in which the EP has a weak role) and to balance the over-representation of smaller states with respect to the larger ones. The areas they took into consideration were partially addressed by the Treaty of Lisbon: (i) Participatory democracy; (ii) Individual complain and petition; (iii) Strengthening the role of national parliaments (early warning procedure); (iv) Increasing social participation in the law and decision-making process (UNISE and ETUC's involvements); (v) Strengthening the EU's political parties (direct link with the election of the President of the European Commission).

¹²⁵ Art. 2 of the Treaty on European Union.

¹²⁶ J. Schmidt (2014) *ibidem*.

In all these different approaches, the institution that has a major role in ensuring an increase of democratic accountability is the European Parliament. The characteristics of the European Parliament are peculiar and unique. It is the only supra-national parliament in the world, with MEPs directly elected by citizens of different countries. As mentioned above, modifications in the Treaties, and particularly widening of the competences of the EU, have always brought to an increase in the competences of the European Parliament. Throughout this thesis, it was showed how the institutional setting coming from the Lisbon Treaty and the Council decision on the establishment of the European External Action Service enabled the European Parliament to increase its influence further than it was accorded by the Lisbon Treaty.

Taking into account the lessons learned from previous hypotheses, an integrated model to introduce democratic accountability in the European External Action Service is proposed. The centre of this model would be the European Parliament and it would be mainly based on the second scenario, in which the EEAS acts as a federal foreign service, overcoming its limits and going beyond the traditional accountability of foreign services in nation-states. This will allow the EU to maintain its *sui generis* features of being able to build a supra-national entity that went beyond the Westphalian system and that can be an example of international cooperation at community level for the rest of the world¹²⁷. The cooperative approach proposed does not exclude contestation by the Member States and/or national governments. At the same time, this proposal is linked to an elaboration of a true EU foreign policy that is more likely to succeed. Certainly, this will find a lot of resistance and challenges by the Member States and by the different views and interests of 28 different foreign policies. However, this hypothesis builds on the belief that the creation of the EEAS, it is already a step forward in the direction of an effective CFSP and that this new institution will be able through the time to increase its competences and role from the practice of the daily tasks. As stated in Chapter 2, the EEAS already has a larger capacity in terms of resources, personnel and network than national foreign services. Furthermore, the presence of EU delegations in third countries influences the policies of the EU Member States that have to cope and coordinate with them.

¹²⁷ M. Telò, *Dallo Stato all'Europa*, Carocci, Roma (2014).

3.3.1 Moving forward: towards an integrated model of democratic accountability for the EEAS

Based on the second scenario, in this model the EEAS will act as federal foreign service. The primary accountability forum would be the European Parliament and its Committees dealing with external affairs portfolios. The EP would have the right to be consulted *ex ante* and *ex post* on actions decided by the Foreign Affairs Council and implemented by the EEAS. The implementation process and the implementing actors (HR, senior EEAS staff and Head of Delegations) could be questioned by the EP to verify the appropriateness and effectiveness of their actions. Administrative accountability would be ensured by EU's audit bodies and the budgetary powers would always be in the hands of the European Parliament. Legal accountability of the EEAS would be before the European Court of Justice.

This would already be a positive achievement, given the low level of public scrutiny on CFSP. However, as stated in paragraph 3.3, it may not be enough to guarantee internal and external legitimacy to the EU-model. Therefore, a feature of the first scenario has to be introduced: the participation of national parliamentary assembly. Including in the policy and decision-making processes, national parliamentary assemblies of MS, would avoid *vertical contestation*. The MS and their democratic organs would be part of the processes in the making of CFSP and consequently, the EEAS would be also accountable before them. A second feature from the third scenario, has also to be added. To overcome the limits of state-based foreign services, the involvement of stakeholders from civil society would have also to be guaranteed. Mary Martin (2009) argues that the EEAS, should not replicate traditional models of organizing diplomacy and should instead "change its orientation away from primarily elite contacts in favour of developing multilevel channels of communication which allow ordinary citizens access to the EU and the values it represents" (Martin 2009). This would entail openness to a broad spectre of CSOs, which would be regularly involved in the policy and decision-making on foreign policy. In the context of the EEAS as federal foreign service, mechanisms for the involvement of CSOs should be included. This involvement could be through formal and informal channels of consultation. The European Economic and Social Committee and the Committee of Regions could be involved more in the area of CFSP. In a similar way, representatives of employers and employees (ETUC) could be included in the debate. Hearings in front of relevant parliamentary committees, debates, possibility to present motions and documents to the EP, could be some of the different ways

in which institutions representing the citizens directly (or groups of citizens) and CSOs could be involved to contribute to the increase the democratic accountability of the EEAS. The use of the Internet and the development of forms of eDiplomacy (Diplomacy 2.0) could also be fundamental to allow the EEAS to move forward in its process of institution building.

This integrated model takes into account the weaknesses of each of the three presented above¹²⁸. It builds on their strengths and focuses on possible evolutions in the EU legal framework regarding the accountability of the EEAS.

3.3.2 The relationship with the European Parliament

The central role of the integrated model is played clearly by the European Parliament. It is evident how some of the changes proposed in the integrated model could be very difficult to achieve and may require long processes of negotiation and integration between the EU Members.

Nonetheless, since the current dearth of accountability mechanisms of the EEAS affects its legitimacy as a policy initiator and therefore its impact, mechanisms to enhance the accountability of the EEAS to the European Parliament should be anyway sought beyond the existing agreements:

- i) A permanent deputy to represent the HR, when he/she consider it appropriate, in parliamentary settings (plenary/committees) should be nominated¹²⁹;
- ii) Hearings with senior staff of the EEAS should take place more often. In particular, the declaration of Political Accountability could be used to "hear" EUSRs before they take up their positions abroad. It could also be used to facilitate exchanges throughout the official's time in office¹³⁰;

¹²⁸ See paragraph 3.2 .

¹²⁹ Directorate General for External Policies of the European Parliament, AFET “*Organization and functioning of the EEAS: Achievements, Challenges and Opportunities*”. Brussels, Belgium (2013).

¹³⁰ Directorate General for External Policies of the European Parliament, AFET (2013): “*Organization and functioning of the EEAS: Achievements, Challenges and Opportunities*”. Brussels, Belgium.

- iii) The formalities for the EP or for the Members of the European Parliament in gaining access to documents and confidential information should be reviewed¹³¹;

However, the EP is not the only actor through which the EEAS can enhance accountability and fill the democratic deficit underlying the EU.

3.3.3 Increasing the accountability of the EEAS: the relationship with the other EU institutions

The relationship with the other organs of the Union also plays a major role to increase the accountability of the EEAS. In this area some recommendations can also be drawn from the EEAS 2013 Review and the study conducted by the Directorate General for External Policies of the European Parliament, AFET (2013): “Organization and functioning of the EEAS: Achievements, Challenges and Opportunities”.

- i) **European Council:** In its relationship with the European Council, the EEAS should be further encouraged to provide briefings to the President of the European Council and, at the same time, it should receive clear guidance from the Presidents of the European Commission and of the European Council, regarding the topics in which they wish to be briefed.
- ii) **Council:** The EEAS should enhance control over the FAC's agenda through more advanced coordinated planning and, at the same time, stepping up coordination with the Member States. FAC discussions should be coordinated, agreed and prepared carefully, to ensure timely delivery of the necessary documents to all actors; MS should be encouraged to engage more actively and cooperatively with the EEAS within the FAC and to use the possibilities for greater coherence and international impact to their full extent¹³²;

¹³¹ Directorate General for External Policies of the European Parliament, AFET (2013): “*Organization and functioning of the EEAS: Achievements, Challenges and Opportunities*”. Brussels, Belgium.

¹³² European Policy Institution Network “*Reviewing Member States’ Commitment to the European External Action Service*”, European Policy Institution Network No.34 (November 2014).

- iii) **Commission:** A new deal, between EEAS and EC, should be made. This would imply more coordination, mutual understanding, information sharing and a permanent structured relationship at all levels and areas of the EU external action. Furthermore the HR should make greater use of her function as Vice-President of the Commission, enhancing existing coordination mechanisms like the RELEX Group in the EC. It could be used more extensively to enhance coordination of all EU external policies. Finally, with regard to instructions of Union Delegations, there should be closer cooperation between the Commission and the EEAS.

3.4 Key findings on EEAS' democratic accountability

Democratic accountability of the EEAS activities is an aspect that was almost entirely overlooked by the first Ashton's draft on the establishment and functioning of the EEAS. With the influence of the EP during the process, democratic accountability was included as one of the areas in which there were areas of concern. After four years of activities, the EEAS has overcome the transitional phase of establishment in which democratic accountability could have been left aside. It is already increasingly difficult to sustain the claim that foreign policy and diplomacy are incompatible with democratic decision-making and accountability. Furthermore, in the EU context, the EEAS represents the external effort of an entity (the EU) aspiring to play the role of a mentor in state- and democracy-building processes in various countries and listing democratic accountability as one of its most fundamental principles. Therefore a substantial change in the structure of the EEAS and in its relationship with the other EU institution is needed. Whether it would take the form of a revision of the Treaties or a decision of the Council, the EEAS would need to evolve in the direction of one of the integrated scenarios presented.

There are a number of ways in which the participation of democratic accountability could be enhanced. Some of them entail a structural modification of the Treaties and therefore a process that would require a new ratification from all the Member States¹³³. Furthermore, these options entail an increase in terms of procedures in the already complex decision

¹³³ Ratification of the Treaties is problematic both in terms of time and outcomes. First, ratification processes may take a long time, 1-2 years, depending on the procedure established at national level. Second, the outcomes are uncertain, because some Member States' constitutions entail the a referendum in order to approve this type of Treaties (e.g. Ireland).

making process of the European Union. The trade off and the balance between a baroque institutional architecture of the EU and democratic accountability tend too much on the first feature, being likely to cause a slowdown in the EU decision making process.

Nevertheless, it is important to list two proposals that, even with these negative consequences in terms of institutional architecture would have a strong impact on democratic accountability of the EEAS, of the CFSP and more generally of the EU:

- i) Creation of a second chamber of the European Parliament, composed by representative of national parliaments, as a sort of federal Senate able to decide together with the Parliament;
- ii) Enhance the role of the Committee of the Regions and of the Economic and Social Committee by involving it in consultation and decision processes;

A different category of proposals are the proposals, which do not require reforms or revisions of the Treaties to be implemented:

- iii) Enhancing the "early warning procedure" and extending it to the area of CFSP;
- iv) Creation of a continuous and enhanced relationships between the EP Foreign Affairs Committee and the national Foreign Affairs Committees, based on exchange of documents, information and views;
- v) Creation of a consultation process on CFSP involving the EP or the EEAS and national relevant committees;
- vi) Providing access to documents and information, as well as on expenditures of the EEAS to national Members of the Parliament.

It is evident how the proposals that would require a modification of the Treaties, would most likely encounter vetoes from the MS. Yet, the involvement of national representatives from

parliaments would be a key feature for creating a more accountable Service and to fill the gap of democratic deficit leading some authors to speak about *Brusselized* decision-making.

What is more achievable are certainly the measures that do not entail a revision of the Treaties: enhancing the "early warning procedure" and extending it to the area of CFSP; establishing enhanced relationships between the EP Foreign Affairs Committee and the national Foreign Affairs Committees, based on exchange of documents, information and views; creating a consultation process on CFSP involving the EP or the EEAS and national relevant committees; Providing access to documents and information, as well as on expenditures of the EEAS, to national Members of the Parliament. Another possibility for the EEAS is to follow the European Parliament's recommendations on nominating a permanent deputy to represent the HR, when he/she consider it appropriate, in parliamentary settings (plenary/committees) , increasing the number of hearings of EEAS' senior staff, reduce the formalities for MEPs and Parliamentary Committees' access EEAS documents.

This evolution would be essential for the EEAS to play the role of promoter of the EU values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human right. The outcomes of such a review will also have major impacts on the legitimacy of the Service and more generally of the EU. What is evident is that, in this process of reform, the EP, as the democratic institution of the EU, would play the main role. From, through and by an enhanced relationship with the European Parliament, the newly established EEAS will shape its future.

4.

Conclusion

The European External Action Service is a relatively new-born institution within the EU legal framework. The processes of set-up and the relationship with the other EU institutions are a dynamic work in-progress. Institutional interaction and Member States' policies are going to shape the future identity of the EU external dimension.

The process of establishment of the EEAS involved a plurality of actors and institutions. Within them, the European Parliament played a major role in shaping the final "Council Decision Establishing the Organization and the Functioning of the European External Action Service" of the 20th of July 2010. Content analysis of inter-institutional documents suggests recognition of the Parliament as an important actor by the other institutions, especially the High Representative and the Council. They allowed the EP to influence the HR's Draft Proposal for the Council Decision further than the Lisbon Treaty intended. An overwhelming amount of changes could be traced back to the influence of the Parliament, suggesting compromise rather than consultation. The areas where the EP was able to influence the most were: (i) Staff recruitment; (ii) EEAS' budget; (iii) Access to documents, archives and data protection; (iv) EEAS Senior Staff's hearings and EEAS reporting to Parliamentary Committees. These amendments strengthened the future role of the Parliament concerning the EEAS and indicated that the current position of the Parliament in the EU is more important than intended formally by the Treaties.

While certainly the use of the "hard" budgetary power helped the Parliament to generate real influence on the establishment of the EEAS, the Council could have rejected the MEPs' demands in its final decision¹³⁴. Institutional change within the EU might not only be based on cost-benefit calculation and therefore the analysis should not overlook a normative motivation. The European Parliament is increasingly recognized as an important policy actor by the other European institutions despite a lack of power, since parliamentary influence is accepted¹³⁵. This has translated into powers of the Parliament further than the Treaties intended, which is opposite to common expectations on theories based on cost-benefit

¹³⁴ E. Wisniewski (2013), *supra*.

¹³⁵ E. Wisniewski (2013), *supra*.

calculation¹³⁶. With the influence of the Parliament, the set-up of the EEAS has gained more democratic legitimacy and this was understood by the EU intergovernmental institutions, which decided to involve the EP in the process of establishment of the European External Action Service.

The functioning of the EEAS is formally ruled by intergovernmental processes. The High Representative coordinates and leads the operations of the EEAS. He/she is accountable directly to the Council and therefore to the representatives and the governments of the Member States. The decision-making process is mainly intergovernmental in the area of CFSP. Almost all decisions regarding EU's external action require unanimity (a few cases qualified majority vote) within the Council. According to the Treaties, the EP has a limited role and is excluded from having decision making powers in most areas of CFSP.

Nevertheless, there are a number of ways in which the EP influences the functioning of the European External Action Services. In different areas the Parliament has both direct soft power or indirect hard powers. These areas are related to: (i) Legislative elements (e.g. consent procedure on international agreements); (ii) Consultative and supervisory powers; (iii) Budgetary powers; (iv) Participation to the processes of functional revision and regular EEAS' reporting to Parliamentary Committees; (v) Influence on the appointment of the High Representative, of the Heads of EU Delegations and EU Special Representatives.

Through the use of indirect hard powers as the budgetary power and the consent procedure for international agreements that involve "important budgetary implications", the Parliament is able to influence the decisions of the Council and of the HR. In a similar way, an extensive use of its soft powers (reports and exchanges of views with EEAS' Senior Staff and Head of Delegations, plenary debates with the HR, accessing to documents and commenting EEAS' reports) the Parliament built progressively its role as a participatory actor in the functioning of the European External Action Service. Once again, its influence goes beyond the formal intention of the Lisbon Treaty. The relevance of the Parliament in this process is also witnessed by the fact that after the 2013 Review, the EEAS established within its structure a special Unit on "Parliamentary Affairs" that could deal permanently with the relationship between the EEAS and the European Parliament. Finally, the HR, the Heads of Delegations

¹³⁶ E. Wisniewski (2013), *supra*.

and the EUSR make an effort to appear the more and more before the EP and the relevant Parliamentary Committees. In 2013, the HR, Ms Catherine Ashton, appeared before the European Parliament 16 times, whereas Senior EEAS Representatives a total of 75 times.

Democratic accountability of the EEAS activities is an aspect that was almost entirely overlooked in the establishment and functioning of the EEAS. After four years of activities, the EEAS has overcome the transitional phase of establishment in which democratic accountability could have been left aside. It is already increasingly difficult to sustain the claim that foreign policy and diplomacy are incompatible with democratic decision-making and accountability. Furthermore, in the EU context, the EEAS represents the external effort of an entity (the EU) aspiring to play the role of a mentor in state- and democracy-building processes in various countries and listing democratic accountability as one of its most fundamental principles. Therefore a substantial change in the structure of the EEAS and in its relationship with the other EU institutions is needed.

There are three possible directions in which the EEAS could evolve: (i) as a support agency of member state diplomacy; (ii) as a "federal foreign" service of the EU; (iii) as a cosmopolitan normative actor. An integrated model for the EEAS' evolution drawing from the positive parts of these options is needed for the EEAS to: (i) Liaise with national parliaments, governments and MS' diplomacy; (ii) Be strengthened and gain competences similar to the ones of "federal foreign services"; (iii) Avoid replicating practices and procedures of the national foreign services and therefore, replicating their limits as well.

There are a number of reforms that would lead the evolution of the EEAS in this direction. Some of them entail a modification of the Treaties others would require decisions in the context of ordinary/special legislative procedure. The former proposed are: (i) Creation of a second chamber of the European Parliament, composed by representative of national parliaments, as a sort of federal Senate able to decide together with the Parliament; (ii) Enhance the role of the Committee of the Regions and of the Economic and Social Committee by involving them in consultation and decision processes on CFSP. The latter are: (i) Enhancing the "early warning procedure" and extending it to the area of CFSP; (ii) Creation of a continuous and enhanced relationships between the EP Foreign Affairs Committee and the national Foreign Affairs Committees, based on exchange of documents, information and views; (iii) Creation of a consultation process on CFSP involving the EP or

the EEAS and national relevant committees; (iv) Providing access to documents and information, as well as on expenditures of the EEAS to national Members of the Parliament.

In any case, the evolution of the European External Action Service would be closely linked to its relationship with the European Parliament. The EP can definitely be a strong ally for the EEAS in the path for a transformation of the EEAS towards a federal foreign service and for the effort of transferring competences from the Member States to the European Union in the Common Foreign and Security Policy area. Most likely, the EEAS and the HR will cultivate their relationship with the Parliament as opposed to the intergovernmental institution to which the EEAS is currently accountable, the Council.

This evolution would be essential for the EEAS to play the role of promoter of the EU values of respect for dignity, freedom, democracy, equality, rule of law and defence of human rights. The outcomes of such a review will also have major impacts on the legitimacy of the Service and more generally of the European Union. From, through and by an enhanced relationship with the European Parliament, the newly established European External Action Service will shape its future.

5.

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ANNEX I

APPEARANCES OF THE HIGH REPRESENTATIVE BEFORE THE EUROPEAN PARLIAMENT IN 2013		
Date	Meeting	Subject
10/01	Committee on Budgets	EEAS budgetary discharge for 2011
15/01	Plenary session	Mali
13/03	Plenary session	Egypt
13/03	Plenary session	North Korea
13/03	Plenary session	Syria, with specific reference to the humanitarian situation
13/03	Special Committee	Sensitive information on CFSP/CSDP
28/05	Committee on Development	Key role of development in the EU external action
12/06	Plenary session	Turkey
12/06	Plenary session	Review of the organisation and functioning of the EEAS
12/06	Plenary session	Joint debate on: Freedom of press and media in the world – Annual Report on human rights and democracy in the world 2012 and the European Union's policy on the matter – Promotion and protection of freedom of religion or belief
27/06	Committee on Foreign Affairs	Debriefing on the Foreign Affairs Council of 24 June, and recent foreign policy developments
10/09	Conference of Presidents	Syria and Egypt
11/09	Plenary session	Syria
11/09	Plenary session	Egypt
23/10	Plenary session	Join debate on: Main aspects and basic choices of the CFSP and the CSDP (Article 36 TEU) – Annual report from the Council to the European Parliament on the CFSP in 2012
18/12	Committee on Foreign Affairs	Debriefing on the Foreign Affairs Council of 16 December

ANNEX II

APPEARANCES OF SENIOR EEAS REPRESENTATIVES BEFORE THE EUROPEAN PARLIAMENT IN 2013			
Date	Meeting	EEAS Representative	Subject
09/01	Committee on Foreign Affairs	PSC Chair Olof Skoog	Western Balkans
09/01	Committee on Foreign Affairs Conference	Executive Secretary- General Pierre Vimont	The role of the EEAS in consular protection and services for EU citizens
09/01	Committee on Foreign Affairs Enlarged Bureau	Chief Operating Officer David O'Sullivan	EU-Russia Summit
16/01	Plenary session	Executive Secretary General Pierre Vimont	N/A
21/01	EU-Russia Parliamentary Cooperation Committee	Managing Director Luis Felipe Fernandez De La Pena	N/A
22/01	Committee on Foreign Affairs	Managing Director Hugues Mingarelli	Maghreb
23/01	Socialists & Democrats Group seminar	EU Special Representative Bernardino León	Arab Spring and asset recovery
24/01	Committee on Foreign Affairs and Subcommittee on Security and Defence	Managing Director Nick Westcott, Crisis Management and Planning Director W. Stevens	Mali

24/01	Subcommittee on Human Rights	EU Special Representative Stavros Lambrinidis	9th EU-African Union Human Rights Dialogue
24/01	Parliamentary Assembly – Union for the Mediterranean	EU Special Representative Bernardino León, Managing Director Hugues Mingarelli	Committee on Women and Political Committee
06/02	Plenary session Committee on Foreign Affairs	Deputy Secretary General Maciej Popowski	
19/02	Committee on Foreign Affairs	Executive Secretary-General Pierre Vimont	Sahel
19/02	Committee on Foreign Affairs	Managing Director Viorel Isticioaia-Budura	EU agreements with countries in the Asia-Pacific region
19/02	Committee on Development	Deputy Secretary-General Maciej Popowski	Sahel
19/02	Committee on Organised Crime, Corruption and Money Laundering	EU Military Staff Director Lt Gen Ton Van Osch	Operation Atalanta, combating piracy in Somalia
20/02	Subcommittee on Security and Defence	Deputy Secretary-General Maciej Popowski	EU Defence Ministers and European Council meetings
20/02	Committees on Foreign Affairs and on Budgets Bureaux	PSC Chair Skoog	CSFP budget
26/02	Subcommittee on Security and Defence	EU Military Staff Director Lt.Gen Ton Van Osch	Future of European Defence
26/02	Green/EFA Group roundtable	Chief Operating Officer David	EEAS review

		O'Sullivan, Deputy Secretary-General Maciej Popowski	
28/02	Delegation to the Euro-Latin America Parliamentary Assembly	Managing Director Christian Leffler	EU-CELAC Summit
13/03	Plenary session	Executive Secretary General Pierre Vimont Deputy Secretary General Maciej Popowski	
19/03	Subcommittee on Security and Defence	Deputy Secretary-General Maciej Popowski	EEAS review, CSDP structures
19/03	Subcommittee on Security and Defence	EU Special Representative Alexander Rondos	Situation in the Horn region
19/03	Subcommittee on Human Rights workshop	EU Special Representative Rosalind Marsden	South Sudan and Human Rights
20/03	Delegation for relations with Afghanistan	Civilian Planning and Conduct Capability Director Hansjörg Haber	EUPOL Afghanistan
21/03	Committee on Foreign Affairs	Executive Secretary-General Pierre Vimont	EEAS review
21/03	ACP-EU Joint Parliamentary Assembly	Managing Director Nick Westcott	Mali
15/04	Plenary session	Deputy Secretary-General Helga Schmid	Political Directors' Dialogues, Iran, DPRK and Eastern Partnership
16/04	Committee on Foreign Affairs Enlarged Bureau	Deputy Secretary General Helga Schmidt	N/A

17/04	Committee on Foreign Affairs Working Group	EU Special Representative Andreas Reinicke	Middle East
23/04	Committee on Development	Managing Director Nick Westcott	Inter-parliamentary meeting with national
24/04	Subcommittee on Security and Defence	EU Special Representative Vygaudas Usackas	Afghanistan
24/04	Joint Committee Meeting Foreign Affairs and Budgets	PSC Chair Olof Skoog	CFSP budget
25/04	Subcommittee on Security and Defence	Deputy Secretary-General Maciej Popowski	Foreign Affairs Council (Defence)
29/04	Conference	Executive Secretary-General Pierre Vimont	EU and emerging Powers
07/05	Committee on Foreign Affairs conference	Executive Secretary-General Pierre Vimont	Political Islam
08/05	Committee on Foreign Affairs conference	EU Special Representative Bernardino León	Political Islam
19/05	Plenary session	Executive Secretary-General Pierre Vimont	Human rights urgencies
28/05	Irish Presidency conference	Executive Secretary-General Pierre Vimont	The EU as a Peacemaker: EU Mediation Capacity
29/05	Committee on Foreign Affairs	Chief Operating Officer David O'Sullivan	Negotiations with Switzerland
30/05	Delegation for relations with Israel	EU Special Representative Andreas Reinicke	Middle East peace process
05/06	Conference	Chief Operating Officer David	Ukraine

		O'Sullivan	
11/06	Plenary session	Deputy Secretary- General Maciej Popowski, EUSR Stavros Lambrinidis	N/A
12/06	Plenary session	Deputy Secretary General Maciej Popowski, EUSR Stavros Lambrinidis	N/A
18/06	Committee on Foreign Affairs	Managing Director Viorel Isticioaia- Budura	EU-Afghanistan cooperation agreement on development and partnership
03/07	Plenary session	Executive Secretary- General Pierre Vimont	NSA surveillance of EU premises, Egypt
09/07	Committee on Foreign Affairs	Executive Secretary- General Pierre Vimont, Head of Delegation João Vale de Almeida	NSA surveillance activities, Egypt
09/07	Committee on Development	EU Special Representative Rosalind Marsden	South Sudan
10/07	Subcommittee on Security and Defence	Civilian Planning and Conduct Capability Director Hansjörg Haber, Head of Mission Karl Åke Roghe	Afghanistan
11/07	Subcommittee on Human Rights	EU Special Representative Stavros Lambrinidis	Human rights in Burma
28/08	Committee on Foreign Affairs	Executive Secretary-	Egypt, Syria

		General Pierre Vimont	
03/09	Annual Conference for EU Heads of Delegation Chief	N/A	N/A
18/09	Subcommittee on Human Rights	EU Special Representative Patricia Flor	Child labour in Uzbekistan
24/09	Committee on Foreign Affairs	Chief Operating Officer David O'Sullivan	Association Agreement with Ukraine
24/09	Committee on Foreign Affairs	EU Special Representative Stavros Lambrinidis	China
25/09	Committee on Foreign Affairs and Subcommittee on Security and Defence	EU Special Representative Gary Quince	EU support to UN and African Union Peacekeeping operations
25/09	Inter-parliamentary Committee Meeting with National Parliaments (Committee on Foreign Affairs and Subcommittee on Human Rights)	EU Special Representative Stavros Lambrinidis	Implementation of the EU Strategic Framework and Action Plan on Human Rights and Democracy, Internal/external coherence of EU human rights policies
02/10	European People's party Group conference	EU Special Representative Rosalind Marsden	The Lord's Resistance Army conflict
03/10	Socialists & Democrats Group conference	Executive Secretary-General Pierre Vimont	Raw materials and development
07/10	Committee on Foreign Affairs Enlarged Bureau	Deputy Secretary-General Helga Schmid	UN General Assembly

			ministerial week
14/10	Subcommittee on Security and Defence	Civilian Planning and Conduct Capability Director Hansjörg Haber	EUBAM Libya
14/10	Subcommittee on Human Rights Contact Group	Deputy Secretary-General Maciej Popowski	Implementation of the Human Rights Action Plan
21/10	Committee on Foreign Affairs Trilogue	Chief Operating Officer David O'Sullivan	Instrument for Stability
22/10	Committee on Development Trilogue	Chief Operating Officer David O'Sullivan	Development Cooperation Instrument
23/10	Plenary session	Executive Secretary-General Pierre Vimont	CFSP/CSDP
05/11	Joint meeting Committee on Foreign Affairs and Subcommittee on Security and Defence (with the participation of Committee Chairs of National Parliaments)	Deputy Secretary-General Maciej Popowski	Future of European defence: preparations for European Council
06/11	S&D Group conference	EU Special Representative Andreas Reinicke	Middle East peace process
18/11	25th Anniversary Conference of the Sakharov Prize	EU Special Representative Stavros Lambrinidis	EU Human Rights Strategy
25/11	Committee on Foreign Affairs	Chief Operating Officer David O'Sullivan	EEAS review
26/11	Committee on Foreign Affairs	Chief Operating Officer David O'Sullivan	EU-Japan and EU-China summits

27/11	Subcommittee on Security and Defence	PSC Chair Walter Stevens, EU Military Staff Director Lt Gen Wolfgang Wosolsobe	Foreign Affairs Council (Defence), European Council on defence and security
02/12	Committee on Foreign Affairs Enlarged Bureau	Deputy Secretary-General Helga Schmid	Geneva talks between E3/EU+3 and Iran
02/12	Conference with National Parliaments	Managing Director Agostino Miozzo	Summit of Chairmen of EPP Parliamentary Groups
10/12	Plenary session	EU Special Representative Stavros Lambrinidis	Human rights in the world 2012
18/12	Committee on Foreign Affairs and Delegations for relations with Afghanistan and Central Asia conference	Deputy Secretary-General Maciej Popowski	Afghanistan and Central Asia

ANNEX III

EEAS' draft organizational chart (currently under definition) as of 31st of August 2015.

