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TITLE

The European External Action Service:  
Intergovernmental or Supranational?

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ACADEMIC YEAR 2015/2016



*To Fausto, Fiorella and Enrica,  
without whom I never would  
have become the person I am.*

*To Maria Grazia,  
whose love, patience and support have been  
fundamental in the drafting of this dissertation.*



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## **Introduction**

“The European Union is the result of the evolution and transformation of a historic agreement among, first, the Western European nation states and then the Western and Eastern plus the Southern parts of Europe, aimed above all at bringing to a close a long sequence of hot and cold war” (Fabbrini, 2015). The ethical origin of European integration is to be found in the necessity to prevent additional wars and ideological conflicts on the region.

Despite the failures experienced in the very first years of the establishment of the European project (as for example the failure in setting up a European Defence Community in 1955), national and supranational elites were able to gather together nation states with different historical, geographical and political background. At first this happened for the sake of a peaceful continent, while in more recent years the aim has moved to the establishment of a common European voice at a global level, as to ensure Member States an international influence that they wouldn't enjoy if not through being part of the EU.

In the middle there have of course been a number of processes that helped establishing and strengthening the Union in the first place, and evolving it in the second place.

This contribution will take in consideration the steps that have led to the Lisbon Treaty and thus the reformulation of both the nature of the Union and of European Foreign Policy, starting from the dawn of European integration, up to this date.

The first chapter, will go through the major historical developments that occurred during the XX century, starting with the establishment of the EEC in 1950s, and discerning the preminent progresses made during the 1960s, 1970s, 1980s and 1990s, up to the Treaty

of Amsterdam. This section will analyze the most important historical, political and legal happenings in the establishment and evolution of both European foreign policy and of the Union as a whole. It will discuss, their nature and rationale, leading the reader to the entry into force of the Lisbon Treaty.

In the second chapter, the focus will be shifted on the EEAS itself. The entry into force of the Lisbon Treaty has raised expectations concerning a more effective and coherent European Foreign Policy, addressed by the newly reformed post of High Representative for Common Foreign and Security Policy (HR/VP) with the support of the newly born European External Action Service (EEAS). The section will go through the setting-up phase, highlighting the key changes introduced in CFSP, the modification of the role of the High Representative for CFSP, the establishment of the European External Action Service, the guidelines for the establishment of the Service contained in the Treaty, the negotiation process, and the outcome of such struggle.

Consequently, the chapter will discern the key features of the EEAS, studying it in detail from a legal-institutional perspective, and from the point of view of its composition.

In the third chapter, the Lisbon Treaty will be analyzed with a focus on Common Foreign and Security Policy, as well as on the changing nature of the Union. I will focus on the double institutional nature of the Treaty, taking in consideration the supranational and the intergovernmental side, discerning the major features of both. I will then move to the shortcomings related to the implementation and the first years of application of the Treaty. In the last part of the chapter an analysis of the main objective of the new Treaty, coherence, will be carried out in all of its aspects, and some suggestions towards further enhancement of coordination will be made.

In the fourth chapter, the discussion will move on to the relationship the EEAS has with national diplomacies of Member States, and in particular with national ministries of foreign affairs. In the first part of the chapter, an analysis of the different kinds of the possible relationships observed between EEAS and national ministries of foreign affairs will be carried out. In the second part, the EU Delegations will be taken in consideration, highlighting the main positive and negative features, and their relationship with Member States' embassies in third countries. Finally, in the third section of the chapter the discourse will focus on the need for the development of an esprit de corps in the EEAS, aimed at fostering socialization and knowledge between the individuals working in the Service. Highlights will be set on the main indicators of the birth of the emergence of an esprit the corps in general, analyzing whether such indicators are positive or negative in the case of the EEAS.

# 1. Historical Development

## The quest for a European Foreign Policy

### **EU Foreign policy from 50s to 80s**

At the end of WWII Europe was on its lap, and fears of another conflict went along with desires of peaceful coexistence. These sentiments led various statesmen and politicians from different countries to start theorizing the need for a united and coordinated Europe.

Spinelli and Rossi's "Ventotene Manifesto" of 1944 was the forerunner of a line of thought which would have become dominant in the following decades. Churchill's call for the "United States of Europe", along with Jean Monnet's visionary ideas, started paving the ground for European cooperation.

The core concept arising in this restless period was that the most effective way to reach a stable and durable peace was to bring European states closer to each other in the common fields of interests, eventually sacrificing pieces of national sovereignty in favor of new supranational institutions. This view would have been the basis for the 1950 Schuman Declaration, held by the homonymous German Foreign Minister, who suggested that "by pooling basic production and instituting a new High Authority, whose decisions will bind France, Germany and other member countries, this proposal will lead to the realization of the first concrete foundation of

a European federation indispensable to the preservation of peace". (Hill, Smith, 2000)

The initiative was soon endorsed by a good number of statesmen, and led to the drafting of the Treaty Establishing the European Coal and Steel Community (ECSC), signed in Paris by Belgium, Italy, Luxembourg, Netherlands and the Federal Republic of Germany on April 18, 1951.

In the same period the United States, recognizing a favorable momentum for European integration, started pressuring for a German rearmament. Truman's Administration at first, and Eisenhower's later on, recognized the centrality of Germany in European issues as well as the need for continental allies who could have been capable of resisting an eventual Soviet attack. The first proposal in the military field came from the American Secretary of State Dean Acheson in 1950, who came up with an idea for the creation of an integrated European army, which was to include German troops. Alongside Acheson's bid, the French started preparing an alternative path, which would have culminated in the so-called Pleven Plan, after Prime Minister René Pleven. The French idea was to create a European High Command to act along with new political institutions and a European Defense Ministry. In this framework, Germany would have only been allowed to have military capability within the European contingent.

The two plans were largely discussed and debated, but the final outcome was in favor of the American proposal, that would have later on led to the creation of the North Atlantic Treaty Organization (NATO). The Pleven Plan was instead revised, broadened in its political ambition, and presented once again in the Treaty instituting the European Defense Community (EDC). This treaty was to be an expression of

military federalism, following the input given by the ECSC. It was signed in Paris on May 27, 1952, but the failed ratification by France, prevented its entry into force.

In the following years, Germany would have regained its full sovereignty, along with the chance to limitedly rearm its troops.

Meanwhile, the process of European integration was being adjourned, namely with the Treaties of Rome of 1957, which instituted the European Economic Community (EEC) and the European Agency for Atomic Energy (EURATOM). But there was few or no room for foreign policy, which was only to be addressed for functional issues in the making of a custom union between member states and in the creation of a common commercial policy. Such functions would have been carried out by the newly born Commission: an independent institution, supranational by nature, enjoying exclusive rights of proposal and recommendation with regards to the other newly born, but intergovernmental, institution: the Council. Consequently, to the duties to be carried out, including relationships with external actors, the Commission had to equip itself with administrative structures, both central and exterior.

The following years were characterized by little progress in the integration mechanism, especially for what concerned foreign policy. Charles De Gaulle, at first as French Prime Minister, and later as French President, strongly opposed the supranational features of EEC, as well as UK entrance in the Community. It is therefore paradoxical that the following significant step towards a deeper political cooperation came from one of his proposals. In 1961, in facts, the Foreign Ministers of member states met each other for the first time in Paris. The idea came from De Gaulle himself, who proposed to organize periodical meetings between Foreign

Ministers in order to debate over possible further political cooperation. The French President, though, imagined a confederative union, in which each state would have retained its complete sovereignty, pushing for a mere intergovernmental coordination. His ideas were promptly condensed in the so-called Fouchet Plan, presented in 1961, alarming many “federalist” statesmen. The Fouchet plan was rejected by other member states, which turned it down in April 1962. Nevertheless, the meetings between the foreign ministers kept going on, laying the foundations for the future Foreign Affairs Council, which is now part of the Council of Ministers.

The first, relevant, testing ground was the negotiation of the General Agreement on Tariffs and Trade (GATT), held between 1964 and 1967. In this occasion, EEC had to negotiate global tariffs, representing all the six member states; the important results obtained in such a fora were greatly welcomed at home, and started narrowing the commercial gap with the U.S.

By 1969, De Gaulle was out of the picture, and his exit boosted the opening of new negotiations within the Community. That same year, in December, a meeting of the Heads of States and Government was held in The Hague, during which France finally accepted UK entrance in the EEC, and where participants agreed on opening up the floor for discussion over further political integration. The Hague Summit led to the draft of two reports: one concerning economic and monetary union, called the Werner Report, and another analyzing the possible paths for political cooperation, called the Davignon Report.

The latter was meant to give EEC a foreign policy dimension, through an agile and semi-permanent structure. The report proposed the creation of an ad hoc committee, similar to the one that drafted it, that would have had to meet at least four

times a year, and would have been helped by various working groups. Inquiries by the committee should have been submitted to the Foreign Ministers, whose meeting should have been held every six months. Member states would have been free to propose agenda items, and Commission should have been consulted only if Foreign Ministers' work should influence external activities of EEC. The nature of cooperation was to be merely intergovernmental, with the European Parliament and Court of Justice substantially excluded.

The Davignon Report was definitively adopted in October 1970, and subsequently integrated in 1973 Copenhagen Report.

This last one further increased the intergovernmental nature of the framework, by raising the number of Foreign Ministers meetings to four, and allowing for consultations between ambassadors of the member states accredited in third countries. These features, along with the need for unanimity and the absence of juridical constraints would have later on prevented EEC to undertake uniform actions, as well as compromising the capacity of taking prompt and coherent decisions.

In the 1970s, another important foreign policy actor appeared on stage, the Council of Europe. Credits for the creation of this institution must be given to Giscard D'Estaing, the newly elected French President. In 1974 he organized a meeting that saw the participation of Heads of States and Governments of the Community, alongside the President of the Commission, to discuss of foreign policy matters within the framework offered by the European Political Cooperation (EPC). During the meeting, it would have been decided to call for such a kind of summits three or four times per year, and to strictly tie them to the unanimity principle.

The cooperation mechanisms in the field of foreign policy would have been included in the treaty structure only in 1985. In December, during the intergovernmental conference held in Luxembourg, the member states adopted the Single European Act (SEA), which formalized the EPC and European Council meetings, recognizing their respective praxis. Moreover, the SEA defined the role of the Commission, of the European Parliament and of the European Council within EPC, endowing the latter with mere observer status. The Commission would have instead kept determining European interests through the rights of initiative and representation. At the same time, the country assuming the rotating chairmanship of the Council would have to preserve *different* European interests, through coordination and representation of member states in third countries. The Single European Act also called for coordination on issues concerning the safety of the Community, and encouraged member States to elaborate common positions in the international conferences and forums. For the first time, after 1985, a dual pillar structure was visible, made up by the Community itself and the European Political Cooperation.

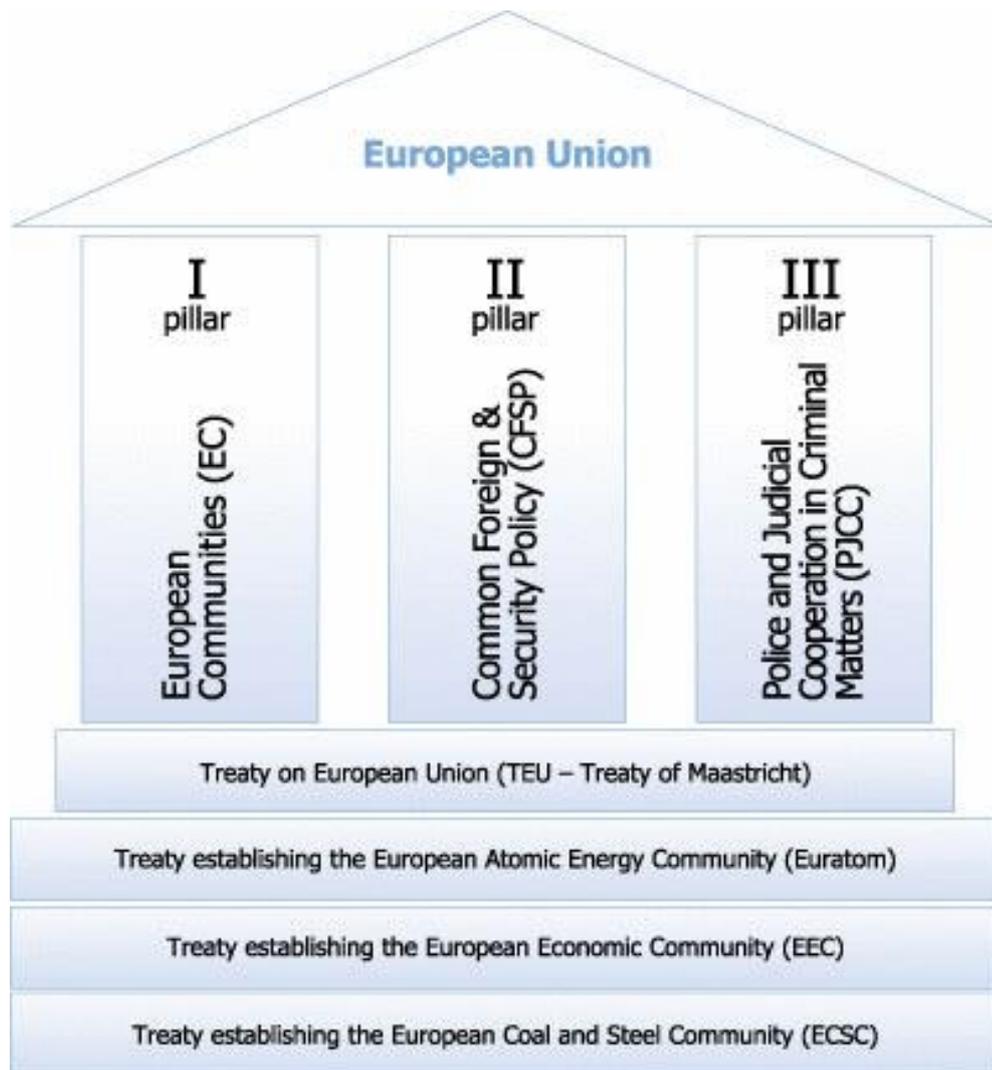
### **The Treaty of Maastricht and the creation of the Common Foreign and Security Policy**

With the coming of the 1990s, the end of the Cold War, the fall of the Berlin wall, and the collapse of the Soviet Union, the geopolitical environment changed completely. During the Cold war, Europe had always struggled to find its way into the blocs' logic, often having to limit itself to the role of glue between the Americans

and Soviets. Only sometimes trying to propose alternative ways to the Cold war logics, like the so-called Third Way.

Once the “iron curtain” had fallen, the Community’s expectations towards foreign policy rapidly leveled-up, and it partially embedded those into the 1992 Maastricht Treaty, a treaty revision which gave birth to the European Union. It was underpinned on a pillar structure divided into three pillars, one organized according to the communitarian decision-making system, the European Community, and two grounded on intergovernmental principles, embedding a precise division of competences between institutions of different natures. Cooperation in foreign policy of course fell within one of these two pillars, the second one, called Common Foreign and Security Policy (CFSP). The CFSP is exposed and described in the Title V of the Treaty, which expresses the leading principles of the policy. At a first reading, those may seem very general: the defense of common values, the strengthening of security and the achievement of a common defense policy, are all propositions of a very broad nature; but nonetheless the strides were great compared to the SEA. In particular, for the first time the treaty allocated the costs of CFSP to the communitarian budget, and gave the Commission the right of initiative, including it in all the works regarding CFSP. The decision-making process firmly remained in the hands of the European Council and the Council of ministers. The first was to devise the guidelines for Common Foreign and Security policy, while the second one was to actually implement them, through the unanimity principle. Qualified majority voting was enabled only for procedural matters and implementation measures. The Maastricht treaty provided two juridical instruments aimed at enacting the decisions taken, common positions and common actions. The responsibility to represent the

Union in the world, for matters falling under the CFSP, was once again given to the rotating presidency of the Council, whose supporting structure was enlarged. The intergovernmental nature of CFSP was thus clear. Moreover, the pillar structure compelled to address foreign policy control and management in different institutions and different structures, causing coherence and efficiency problems. Many scholars soon realized that the outcome of the decision-making process, from a purely functional point of view, would be the result of consultations and negotiations between intergovernmental and supranational institutions. This peculiarity was later defined as ‘cross-pillarization’(Stetter, 2004), meaning that in order to implement a single policy, the Union would have had to coordinate and bring together actors and issues belonging to different pillars (Novak, 2006).

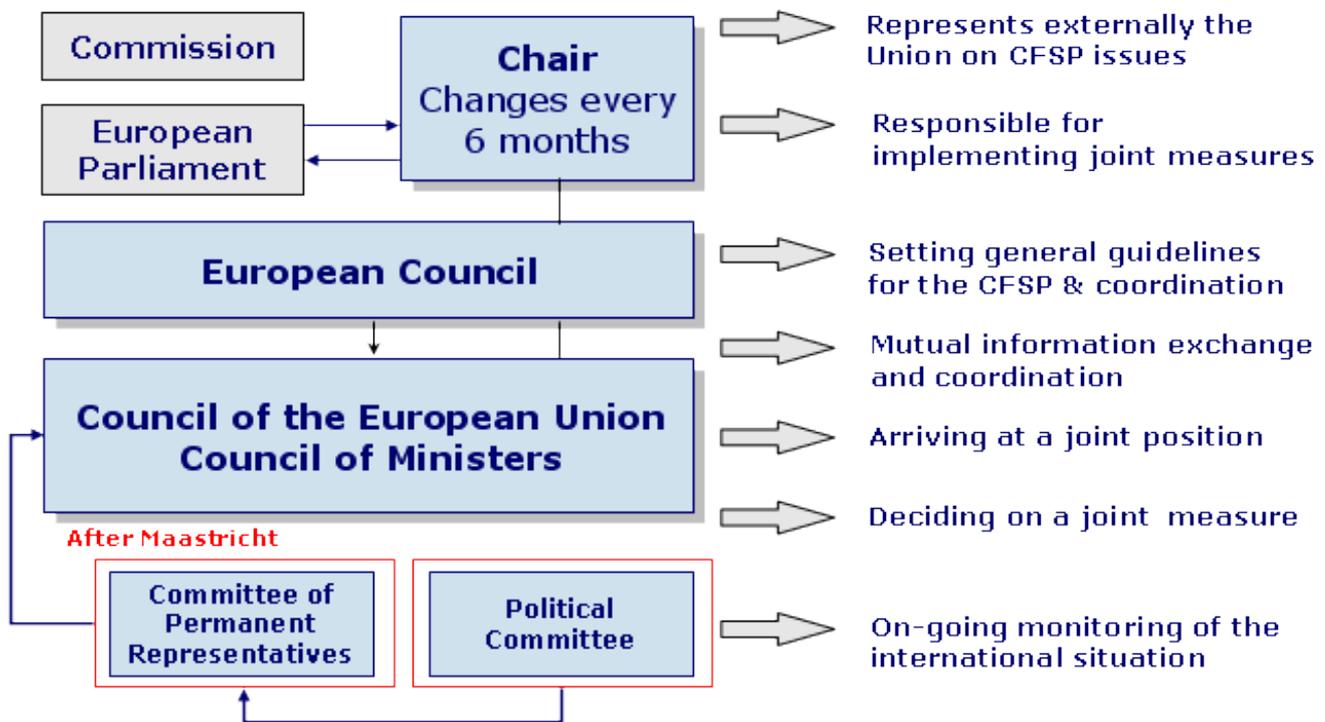


In 1994, Christopher Hill, one of the most prominent scholars in the international relations field, theorized the so-called capability-expectations gap. In his paper, he analyzed the role of the European Union in the international community, and argued that it was possible to identify a gap between what “had been talked-up to do” (Hill, 1994) and what it was actually capable to deliver. He investigated the capabilities of the Union, adopting three parameters: “the ability to agree, resource availability, and the instruments at disposal to pursue CFSP.” Hill claimed that the expectations raised after the implementation of the Single European

Market and the Intergovernmental conferences of 1991 led to a situation in which the EU was not capable to deliver what the Member states and the Commission were relying upon. The scholar asserted that if the Union was to close the gap, it would have had either to equip itself with the proper instruments, ability to agree and resource availability. According to Hill this was to be achieved through “the concession of majority voting; the bringing together of EPC and of the external relations of the Communities into the same process and under the same legal umbrella; the acceptance that defense should no longer be a no-go area for the Community” (Hill, 1994). The alternative path proposed was, of course to lower expectations. Hill was the first one to recognize such framework, and soon the academic community started pressuring for changes in the CFSP management.

In the first part of the 1990s the Commission reorganized its foreign department, creating a new *Unified External Service*. Nevertheless, it was clear that the artificial separation between political and economic aspects of foreign policy was impossible to follow in practice.

## CFSP in the Treaty of Maastricht



### **The Treaty of Amsterdam, attempts to enhance the EU's external capacity**

Only three years after the implementation of the Treaty of Maastricht, a new revision of the treaties was launched in the Turin intergovernmental Conference of 1996. The meeting was held in a totally different atmosphere compared to the previous ones on the early 1990s. The lack of enthusiasm was deeply felt, and “where the public was not skeptical, it was indifferent” (Hill & Smith, 2000). The results of the review were adopted in the 1999 Amsterdam Treaty, which only partially modified CFSP provisions. The scene was indeed obscured by the EMU, with few prospects of foreign policy changes, whose expectations had also been lowered by

the difficulties faced with Iraq, Bosnia and the Middle East. Nevertheless, it was the first real attempt to cut down wiggle room for uncoordinated action by member states, thus attempting to smoothen the decision-making process. Novelties were also introduced in order to enhance the Union's capacity to act, as well as attempting to increase synergies between different institutions.

### *Decision-Making Procedures*

In this respect, the debate focused over the possibility to introduce a mechanism of Qualified Majority Voting (QMV) in order to contrast the purely intergovernmental principle of unanimity voting (Vanhoonacker & Reslow, 2010). Negotiations on this point saw mainly two schools of thought facing each other: one, supported by countries such as the United Kingdom and France, which believe foreign policy issues are way too sensitive for national interests, and thus it would have been preferable to keep their sovereignty over such matters, retaining the unanimity principle at a European level as the only admissible one. The other opinion, pursued by Italy, Germany and Benelux countries, saw the intergovernmental approach as merely a temporary phase, and saw the need to overcome it in order to strengthen CFSP and act as one (Ibidem). The outcome of the Treaty of Amsterdam clearly shows that the line supported by France and the UK indeed prevailed, as unanimity remained the general rule for voting on CFSP issues (J.13). Nevertheless, expanded room for majority voted was created, introducing a reinforced QMV through which at least 10 favorable Member states can adopt common strategies, joint actions or common positions, but only "once a 'common strategy' has been agreed and/or joint actions and common positions agreed

unanimously” (Hill & Smith, 2000) Moreover, the Treaty allows Member States to oppose decisions taken through the QMV mechanism ‘for important and stated reasons of national policy’ (Vanhoonacker & Reslow, 2010). By the same token, the treaty brought in the chance for the member states not to participate in particular decisions, and so to express a ‘constructive abstention’, through which they can choose to ‘opt out’ of a common position, avoiding the abortion of the whole policy. In such cases, the country which expresses its constructive abstention is not bound to the policy in question, and is asked by the Union not to undertake actions that may be in opposition to or preventing to happen EU actions (Ibidem). Scholars have been calling this mechanism flexibility, but in order for it to apply there has to be at least a minimum threshold of countries that are in accordance with the policy in question, while the abstaining Member States must not represent more than one third of the votes weighted (Ibidem).

#### *The Policy Planning and Early Warning Unit*

Still in the decision-making process, other important features were added, such as the creation of the ‘Policy Planning and Early Warning Unit’ (PPEWU). It was widely believed that the Union should improve its capacity to create policy inputs for short and long term strategies. PPEWU was established under the General Secretariat, thus depending on the authority of the Secretary General and fully included in the Council administrations. “The tasks of the unit shall include the following:

- a) Monitoring and analyzing developments in areas relevant to the CFSP;

- b) Providing assessments of the Union's foreign and security policy interests and identifying areas where the CFSP could focus in the future;
- c) Providing timely assessments and early warning of events or situations which may have significant repercussions for the Union's foreign and security policy, including potential political crises;
- d) Producing, at the request of either the Council or the Presidency or on its own initiative, argued policy options papers to be presented under the responsibility of the Presidency as a contribution to policy formulation in the Council, and which may contain analyses, recommendations and strategies for the CFSP.”<sup>1</sup>

The tasks assigned to the PPEWU are of course aimed at boosting EU's capacity to frame, prepare and implement CFSP policies, but the prescribed tasks alone are not enough to ensure its proper functioning. The effectiveness of the new body is mostly anchored to the willingness of Member states to provide their inputs at the Union level, and to contribute to the creation of PPEWU staff with their own officials (Monar, 1997). As opposed to the outcomes on decision-making issues, which saw the safeguard of national interests prevailing over the Union's, the creation of the Policy Planning and Early Warning Unit clearly pursues some kind of “Brusselization” and supranationalism of CFSP (Vanhoonacker & Reslow, 2010).

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<sup>1</sup> Declaration to the Final Act on the Establishment of a Policy Planning and Early Warning Unit

### *Institutional Interactions*

Still concerning the decision-making procedures, a last point of relevance to be considered is the interaction between institutions. The European Council saw its capacity to act enhanced: in addition to its prerogative to address ‘the principles and general guidelines’ of the CFSP, the amendments to Article 13 TEU (ex J.3) conferred to it the right of decision over the above-mentioned common strategies, once they have been recommended by the Council. Basically, the last-mentioned will take ‘the decisions necessary for defining and implementing the CFSP’, hinged on the general guidelines laid out by the European Council. These innovations add selected responsibilities to the European Council, and can be seen as an attempt to move upward the decision making procedures. Nevertheless, it is hard to speak of a real improvement in the governance capacity, as unanimity still remains the rule in the European Council (Monar, 1997).

A similar discourse is applicable to the role of the Commission, which remained untouched by the provisions contained in the Treaty of Amsterdam. The only newness worth of noting is the attribution of the right to propose suggestions to the newly born PPEWU, in which it is also going to be represented (Ibidem).

Speaking of the novelties introduced by the Treaty of Amsterdam, it is very important to highlight the efforts made in order to enhance the EU’s capacity to act.

### *External Representation*

A first, significant alteration in this respect regarded the representation of the Union. It remained entrusted to the rotating presidency of the Council, which, from that point on would have not been assisted by the previous and following

presidencies anymore. The supporting structure was now to be composed by the foreign relations commissioner along with the following rotating presidency of the Council. The rotating Presidency also retained the prerogative to negotiate international agreements in the pursuit of CFSP, ‘assisted by the commission as appropriate’<sup>2</sup> (J.14) Agreements that will of course be concluded by the Council.

### *The High Representative for the Common Foreign and Security Policy*

With the Treaty of Amsterdam a new figure was created to assist the rotating presidency in carrying out its duties; indeed, the secretary general of the Council was appointed as High Representative for the CFSP (HR/SG) (J.8). His functions were set out in the new Articles 18 and 26 TEU (former J.8 and J.16). The first assigns to the HR/SG the duty to assist the Presidency in its functions of representing the European Union in situations that fall under the CFSP; and to implement common measures, such as representing the EU in international organizations. Article 26 instead enlarges the aim of the new figure, by handing over that the High Representative shall work with the Council in CFSP matters, ‘in particular through contributing to the formulation, preparation and implementation of policy decisions, and, when appropriate, acting on behalf of the Council at request of the Presidency, through conducting political dialogue with third parties’<sup>3</sup>. It is thus clear that the principal accentuation here is posed on the tasks the HR/SG shall accomplish on representing the European Union in the international arena.

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<sup>2</sup> Treaty

<sup>3</sup> Treaty

The new figure also presides the above-mentioned newborn Policy Planning and Early Warning Unit. The former NATO Secretary General, Javier Solana, was appointed as the first HR/SG.

### *A Newly Delineated Set of Formal Acts*

It is undoubted that the framing and effectiveness of CFSP's external representation, capacity to act and other activities is bounded to the nature and variety of acts it can adopt. In this respect, the new Article 12 TEU (ex J.2) lists four kinds of acts, of which the first two are completely new:

- Principal and General Guidelines;
- Common Strategies;
- Joint Actions;
- Common Positions.

The 'principles and guidelines' were not specifically described in the Article 12, which only specified that their adoption is to be carried out by the European Council in order to orientate and provide general political orientation.

The 'common strategies', also to be adopted by the European Council, are a completely new instrument, aimed at making external action more focused. They can be seen as an attempt to mitigate the cloudiness in content that has been the trademark of CFSP's acts. In fact, by definition 'common strategies' necessitate to outline "their objectives, duration and the means made available by the Union and the Member States". Howbeit, the Treaty doesn't specifically state that common strategies shall be binding for Member States.

The last two types of instruments, ‘joint actions’ and ‘common positions’ were already existing instrument which were redefined.

The ‘joint actions’ are defined in Amended Article 14 (ex J.4) TEU; they are to be adopted by the Council and shall “address specific situations where operational action by the Union is deemed to be required”. The specificity of the operational nature of the instrument is of course fruitful, as well as the list of elements it should comprise, especially emphasizing the “means to be made available to the Union”.

The closing act listed are ‘common positions’, which falls under the authority of the Council. It is described in Article 15 (ex J.5) TEU, that in its new version specifies how common positions “shall define the approach of the Union to a particular matter of a geographical or thematic nature”. Comparing this last instrument to the ones described above, it is possible see a well-defined distinction both in nature, with differences towards ‘joints actions’, and in possibility to influence the actions of the Union, compared to the ‘principles and guidelines’.

### *Treaty-Making Capacity*

There is, though, a fundamental feature that has not been taken into account in the formal acts the union can implement: treaty-making. Up to the negotiations preceding the ratification of the Treaty of Amsterdam, the Union had no possibility to get involved in the making of treaties directly; the only chance to do so was to engage in sophisticated schemes involving the various Member States. Some member countries tried to propose the inclusion of an article granting legal personality to the union, but the idea was doomed by the headstrong opposition perpetuated by Great Britain and France, champions of intergovernmentalism (Monar, 1997). It was

nonetheless clear that the Union needed some instrument that could enable it in treaty-making, so a kind of hybrid device has been introduced. Article 24 (ex J.14) TEU states that “when it is necessary to conclude agreements with one or more States or international organizations in implementation of the Common Foreign and Security Policy, the Council, acting unanimously, may authorize the Presidency, assisted by the Commission as appropriate, to open negotiations to that effect” (Hill & Smith, 2000). The Article continues by providing that “such agreements shall be concluded by the Council, acting unanimously on a recommendation by the Commission”, and that the agreements shall be properly ratified by the single Member States in order to produce binding effects on themselves (Ibidem). The whole procedure described above clearly creates an instrument which enables the Union to exercise its treaty-making capacity, but at the same time it binds this capacity to the political will of the single Member States, whose capacity to influence the outcome of possible future international agreements is enduring in the entire process. It remains a down-to-earth path to make some minimum progress in the treaty-making area, while leaving the Union’s international prestige, reputation and trustworthiness unchanged (Monar, 1997).

### *The Financing of the Common Foreign and Security Policy*

A factor that has enormously contributed to the ineffectiveness, low credibility and stature of the Union’s foreign policy has undoubtedly been the lack of clarity and definition in the financing methods. Policy makers have tried to mitigate such weakness by introducing some novelties in the Treaty of Amsterdam. Article 28

(ex J.18) TEU that regulates financing provides that both “administrative expenditure which the provisions relating to the areas referred to in Title V entail for the institutions shall be charged to the budget of the European Communities ...[and]... operational expenditures to which the implementation of those provisions give rise shall be charged to the budget of the European Communities, except for such expenses arising from operations having military or defence implications, and cases in which the Council acting unanimously decides otherwise<sup>4</sup>.” The introduction of this provision strongly helps avoiding the failures in financing of acts such as ‘joints actions’ by the Member States. A further step forward in this sense has been the adoption of an Interinstitutional Agreement involving the European Parliament, the Council and the European Commission, which meticulously disposes the budgetary procedures and relationships between institutions<sup>5</sup>. Among other things, it stipulates the creation of an annual budget for operational expenditures related to CFSP, various mechanisms to speed-up response time in case of unexpected, sudden financial fulfillments, and creates an ad-hoc harmonization practice between the Parliament and the Council<sup>6</sup>.

Adopting a holistic approach, it is possible to say that the Treaty of Amsterdam has somehow contributed in increasing the Union’s overall capacity to act, in particular for what concern its external representation with the introduction of the ‘High Representative/Secretary General’ and the financing of CFSP instruments<sup>7</sup>. However, a major role is still in the hands of the Member States, and the

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<sup>4</sup> [https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty\\_of\\_amsterdam\\_en.pdf](https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_of_amsterdam_en.pdf)

<sup>5</sup> Interinstitutional agreement between the European Parliament, the Council and the European Commission on provisions regarding the financing of the common foreign and security policy, reproduced in CONF/4001/97, 109-110. The Agreement emerged from negotiations between the three institutions during the Intergovernmental Conference.

<sup>6</sup> Ibidem

<sup>7</sup> Ibidem

interpretation they will provide to these new acts. Needless to say, the failure in granting the Union with legal personality is to be considered a complete failure.

### *Enhancing External Action's Coordination*

The coherence of the European Union's external action has been a major topic for decades, and the most fingered responsible was deemed to be the lack of synergy in this kind of action<sup>8</sup>. Even though the Treaty of Maastricht had provided some regulations in order to ensure "consistency" (Tietje, 1997) to the Union's external activities, the proliferation of such actions and the growing relationships with countries from all over the world have proved that such elements are not adequate to accomplish their task. In the negotiations preceding the IGC that served as preparatory work for the drafting of the Treaty of Amsterdam, it was widely believed that in order to increase external coherence the discussion should have focused on the concertation of the Commission and the Council external activities. To this end, a specific provision was introduced, which obliges the two institutions to "cooperate"<sup>9</sup> in order to ensure consistency. Nevertheless, 'consistency' is an element that avoids the presence of contradictions in the external action undertaken by the various institutions, but it doesn't subsequently bring about synergy, intended as "coherent and mutually reinforcing external activities" (Monar, 1997). An attempt to increase this kind of relationship between the Council and the Commission was made by introducing the chance for the Council to ask for the Commission's propositions relevant for the implementation of joint actions, and also by giving the Commission

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<sup>8</sup> Reflection Group's Report, Brussels 5 December 1995, para. 148

<sup>9</sup> Treaty of Amsterdam

the right to be represented in the PPEWU. In pursuance of synergy, another important aspect is the “coherence between internal and external capacity to act in a given area” (Hill & Smith, 2000). Speaking of this, there is one important novelty that was introduced by the Treaty of Amsterdam, namely the above-mentioned treaty-making capacity, which is also composed of former third pillar parts. Nevertheless, the absence of a specific provision aimed at ensuring consistency makes it unlikely for effective synergy to happen in short time after the entering into force of the Treaty (Monar, 1997).

*Defining principles of the Treaty of Amsterdam.*

The rationale of the novelties introduced with the Treaty of Amsterdam can be resumed into four principles, which shaped the various provision contained in it. These principles are:

1. Intergovernmentalism, which keeps ruling the CFSP, provides that Member States shall retain their full sovereignty, to be exercised through the unanimity in the voting system;
2. Shared sovereignty, has found its way into the European Union for the first time, in order to smoothen the decision-making process. With the introduction of this new principle, intergovernmentalism of the EU’s foreign policy was drained;
3. A new principle brought about in the Amsterdam Treaty, and pursued in the Nice Treaty, which tries to transfer sovereignty at the EU level, thus struggling for the “Brussellization of CFSP” (Muller-Brandeck-Bocquet, 2002). Even though the term is prone to different

interpretations, here it will be used in the sense provided by Mueller, Brandeck and Bocquet in their 2002 paper, which explains how ‘Brussellization’ is meant as a process that aims at “denationalizing the CFSP by diminishing the roles of the Member States and of intergovernmentalism” (Muller-Brandeck-Bocquet, 2002). In other words, the tools and most important capacities stay in the hands of the Member States, but the “formulation and implementation of policy will be increasingly Europeanized and brusselized by functionaries and services permanently housed in Brussels” (Ibidem).

4. The supranational principle, whose elements can be found in the CFSP decision-making system. An example of the presence of this principle is the increasing de-pillarization of the EU in the pursuing of its foreign policy (Ibidem).

Intergovernmental elements present in the Treaty of Amsterdam were aimed at preserving power of decision in the hands of Member states. Provisions that go in this direction can be found in:

- a. The role of the European Council, whose importance and capacity to act was improved, while leaving unchanged the decision-making process, which keeps working by consensus.
- b. The prominent position of the Presidency of the Council, who is largely aided by his/her foreign ministry, especially in cases when bigger countries enjoy the Presidency.

c. The role of the Council, particularly the General Affairs Council, which is made up by the foreign ministers of the Member States, that decides on the “operating modalities of the joint actions and the common positions (Articles 14 and 15 TEU), and prepares the decisions on guidelines and strategies for the Union” (Muller-Brandeck-Bocquet, 2002). The decision-making procedure here remains anchored to the unanimity principle. There were 22 common positions and 18 joint actions between 1993 and 1997, but the output of CFSP rose notably subsequently:

	1997	1998	1999	2000
Statements	123	141	123	184
Common Positions	13	22	35	17
Joint Actions	5	20	20	11
Common Strategies			2	1

Source: E. Regelsberger, ‘Die GASP’, in W. Weidenfeld and W. Wessels (eds), *Jarbuch der Europäischen Integration* (Bonn and Berlin, 1998; 1999; 2000; 2001).

Aspects related to the sovereignty sharing present in the Treaty of Amsterdam are:

a. The introduction of qualified majority voting in the CFSP, which even if to be used only in few cases, still transfer some more national sovereignty to the Union (Ibidem).

- b. Quest for higher consistency in foreign affairs, such as a greater vertical coherence, that tries to impoverish intergovernmentalism<sup>10</sup>.

For what concerns elements that provide for an attempt of “brussellization” of the Union, it is possible to highlight the following ones:

- a. The figure of the High Representative, whose role answers to the long-lasting question raised by Kissinger half a century before, giving a face to the European Union’s foreign policy. An analysis of the work and activities of the first HR, Javier Solana, will be carried out in the next paragraph.
- b. The creation of the Policy Planning and Early Warning Unit, renamed Policy Unit by the HR.

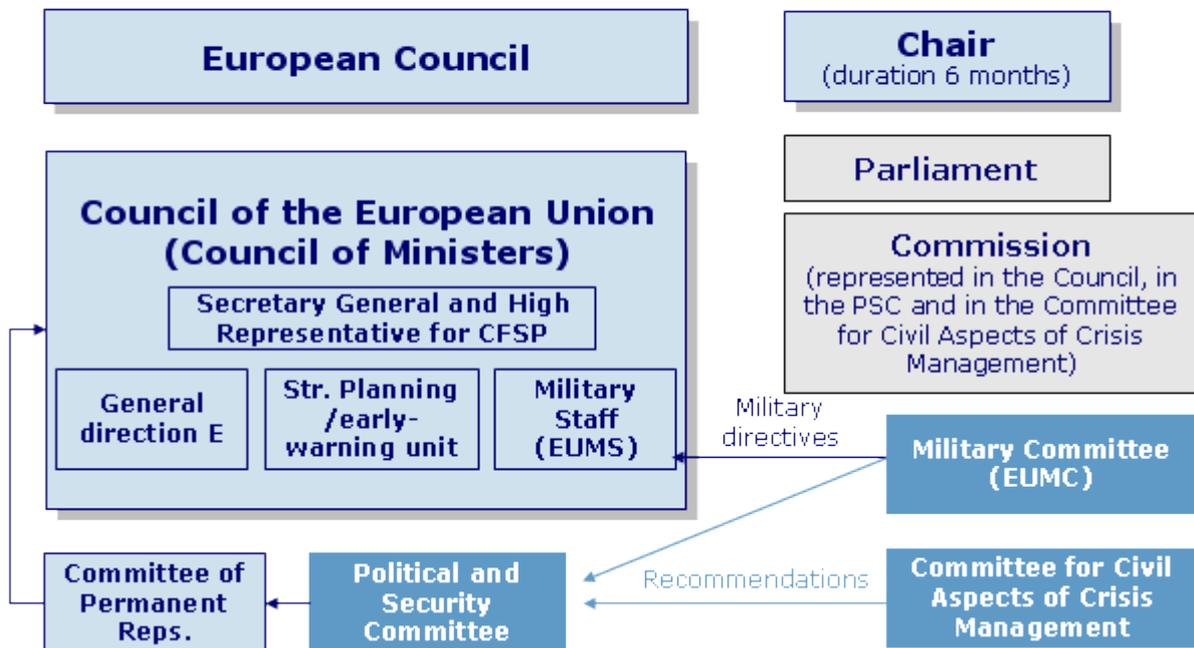
Lastly, aspects related to the supranationalization of CFSP are:

- a. The role of the Commission in the CFSP, with the establishment of the independent General Directions, the 150 representations it has worldwide, and the call by the Treaty on the Council and the Commission itself to coordinate their action in order to increase consistency (Muller-Brandeck-Bocquet, 2002).
- b. The role of the European Parliament which, even if limited to the budgetary issues, still is involved in the improvement of horizontal coherence between the European institutions.

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<sup>10</sup> Whereas Art. J1 Para. 1 of the Treaty of Maastricht said: “The Union and its Members shall define and implement a common foreign and security policy...”, the Treaty of Amsterdam states: “The Union shall define and implement...”. (Art. 11 Para. 1 TEU)

## CFSP/ESDP after Nice



### **Javier Solana, the first High Representative for the CFSP: his views and activities.**

The first appointed High Representative for the CFSP was the Spanish politician Javier Solana, who took place in his office in 1999. Solana was born in Madrid in 1942, and after graduating in chemistry and defending his PhD, joined the then illegal Spanish Socialist Party in 1964. He made his way into the first democratically elected Spanish parliament in 1977, where he kept his position until 1995. During his years in office Solana has held many important positions, such as Minister for Culture (1982-88), Minister for Education and Science (1988-92), and Minister for Foreign Affairs (1992-95). Moreover, he was the only Minister from the first Socialist government who was still in office in the last cabinet, revealing his great endurance and straight-up

statesman (Barros-Garcia, 2007). His experience in the international organizations started right after the end of his mandate as Spanish Foreign Minister, when he was appointed as the Secretary-General of the North Atlantic Treaty Organization (NATO) (Ibidem). In this period, NATO underwent a period of great activity, with the Yugoslav wars and peacekeeping missions. In 1999, Solana finally managed to get his nominee as HR for the CFSP, a position which he greatly contributed to shape and construct (Ibidem).

Even though expectations for the newly created figure were very high, the Treaties did not define clearly the tasks and instrument he would have had in order to carry out his job. This can be seen through the analysis of three elements:

1. CFSP was coming out of a period of great weakness, due to the unconsolidated institutional framework and to the huge quantity of quarrels it had undergone during the 1990s;
2. The struggle which brought about the creation of the HR saw a great opposition both from Member States and from other European Institutions. Small countries in the EU believed that the new position would pursue mainly interests of great countries. Speaking of European institutions, the Commission was hostile to the creation of the HR since it feared he could outplay the Commission in CFSP matters (Barros-Garcia, 2007).
3. In order to achieve the creation of the new post, a compromise had to be found, which led to the absence of formal powers and the lack of

material resources attributed to the HR (Buchet de Nully, 2002).  
“This ‘weakened’ HR was in fact a condition placed by several Member States on their support for the creation of a Mr CFSP: the creation of a HR was not to entail the setting up of a new institution” (Barros-Garcia, 2007).

In other words, the legal mandate on which the HR had to be based on (Articles 18 and 26 TEU) was insufficient, and his powers were limited to (i) assisting the rotating presidency through the “formulation and implementation” of CFSP decisions and (ii) representing the Council in the international arena at the Presidency’s request. What is immediately noticeable in the weakness of the role is the lack of the power of initiative, as well as the ‘cohabitation’ with the External Relations Commissioner (Ibidem). Moreover, the HR does not enjoy a great amount of resources, and he also retains the position of Secretary-General of the Council of the EU.

In spite of the gap between the expectations raised and the assets allocated, the creation of the new HR position in the European Union’s institutional framework is widely interpreted as a positive novelty for CFSP, and Solana’s understanding is deemed as a key point in such assessments (Smith, 2003). This positive perception and successful outcome is of course of great importance, especially when considering the deep gap between capabilities and expectations of the Union’s foreign policy, which had been theorized by Hill in 1994 (Hill, 1994).

### *Javier Solana's perspective on the world*

Through the analysis of Solana's public remarks, it is possible to build up his view of the world and of international relations, speaking of both his perception of the world how it is, and how it should be according to him. To carry out this analysis, the focus will be on four main areas: globalization, conflict solving, negotiation in the international arena and his role as High Representative for the CFSP.

Speaking of globalization, Solana interprets it as a great interdependence of different dimensions: economic, environmental and political. He believes that the international arena is increasingly borderless, and the way we think about sovereignty has been changing as well, since each international actor is nowadays strongly influenced by what happens outside its borders (Barros-Garcia, 2007). Solana's idea is that globalization is a separate phenomenon, which can neither be controlled or handled by single actors.

Consequences of globalizations for Solana can be divided into two main groups, namely consequences for the whole world, and consequences for Europe. Adopting a planetary approach, Solana highlights 3 major outcomes:

- a. Issues regarding foreign and security policies are gaining momentum over the other ones for all governments and people, since we 'increasingly have interests worldwide' (Barros-Garcia, 2007).
- b. Along with new possibilities, globalization also brings about fears and menaces, such as international terrorism, and Solana sees our world as 'full of suffering' (Ibidem).
- c. The speeding up of the evolution of the world; with globalizations events go by much faster than before. Nation states and international

organization are increasingly suffering for not being able to work and act at a new speed (Ibidem).

For what concerns consequences limited to Europe, Solana thinks that neither the EU nor single Member States can ignore or stop the globalizing trends; nevertheless, Europe as a whole may be able to ‘negotiate the terms of globalization’ (Ibidem). In his opinion globalization is turning nation states weak, and continental actors and big international organizations like the EU can profit from this situation, opening up the floor for worldwide cooperation (Ibidem).

When giving public remarks on conflicts, it is easy to see the interpretation Solana has of the nature of contemporary conflicts. He believes conflicts are always negotiable, and is possible to highlight three main aspects describing his view:

- a. When speaking of ‘political crises’, he decomposes every single crisis to a single, clear-cut issue, which can surely be negotiated, since every issue contains ‘elements for reaching an agreement’ (Barros-Garcia, 2007).
- b. He underlines how it is achievable to reach agreements even when issues at stake are very troubled; all the negotiators need is time and patience. In his view, the only way to reach such agreements is through multilateralism (Ibidem).
- c. Solana presents his approach towards conflicts as a ‘pragmatic’ one; he asserts to disapprove abstract speaking over such issues, and to be instead incline to step-by-step management (Ibidem).

Moving on to Solana's ideas of negotiations in such a multipolar and globalized world, the importance of multilateralism as fundamental in order to develop the world in a stable and fair way stands out. It is possible to highlight five main features of multilateralism according to Solana:

- a. No framework where the negotiations should be held stands out; even though he puts great emphasis on the UN system, he does not believe that the international organizations are the only available stage to engage in multilateral consultations (Ibidem) .
- b. In Solana's discourses is possible to underline the importance he gives to the United States and the regional powers, which he deems fundamental in multilateral talks (Ibidem).
- c. Multilateralism is recognized as one of different instruments available in order to build a 'legitimate, fair and stable international system' (Ibidem); but he realizes it is the only one that can bring about stability through diplomatic and peaceful action (Barros-Garcia, 2007).
- d. He does not consider the reaching of agreements as essential (or at least not fast agreements), it seems that what really is important is to gain the habit of consult each other on the most issues possible (Ibidem).
- e. Finally, he explicitly states that multilateralism shall be fiercely secured; he is aware of the trade-off between multilateralism and efficiency when it comes to reach short-terms results, but in the long-term, it is the only viable way, since decisions taken in multilateral

negotiations are the ones that retain major legitimation and agreement (Ibidem).

Moving on to the perception Solana has of his position as HR for the CFSP, it is possible to see how his ideas and attitude changed between his first term in office and the second one. At first, he interpreted the role as that of a bare assistant of the Presidency, stating in various occasions that his 'mandate as High Representative is to assist the Presidency and the Member States in developing a Common Foreign and Security Policy' (Ibidem). Entering in the second mandate, though, he started to change his understanding of the position, starting to actively influence the CFSP, also undertaking autonomous action, and describing himself as one of the heads of European foreign policy (Ibidem). In his last years in office, two main features of his interpretation stand out:

- a. Describes his position as a 'common denominator' of European people and institutions in foreign policy issues (Barros-Garcia, 2007), who tries to help leaders to bring to light their shared interests.
- b. He retains the reaching of consensus between Member States as his essential duty, especially when discussing of crucial foreign policy issues. In light of the above-mentioned ideas of multilateralism and negotiable conflict, it is possible to understand why Solana regards the reaching of consensus within the EU as fundamental (Ibidem).

In this chapter we have seen the historical development of the European Union, from the earliest days up to the 2000s. we have discerned the major issues faced in this period of time, with a special focus on foreign policy issues. We will now move to chapter two, analyzing the external relations features of the Lisbon Treaty, in particular those regarding the establishment of the European External Action Service.

## **2. The Lisbon Treaty and the creation of the European External Action Service**

A turning point in European Foreign Policy

### **The Lisbon Treaty: guidelines for the setting up of the EEAS**

The Lisbon Treaty was finally ratified on December, 1<sup>st</sup> 2009, overcoming almost ten years of negotiations, debates and struggles on the shape of the new European institutional reform. Reliance on the possible outcomes of the Treaty are very high, and, as put by the newly elected HR Catherine Ashton, it represents a ‘once-in-a-generation opportunity to improve the coherence of the EU’s external policies in support of common global objectives’ (Furness, 2010).

The Lisbon Treaty amended both the Treaty of Rome, renamed Treaty on the Functioning of the European Union (TFEU) and the Treaty of Maastricht, renamed Treaty on the European Union (TEU).

It is undoubted that the area of foreign policy has been the most affected by the entry into force of the Treaty. Three main changes jump out to the eye; firstly, the figure of the High Representative for Common Foreign and Security Policy, which up to that moment had been independent, has been amalgamated with the posts of Commissioner for External Relations (Commission Vice-President). This new, double-hatted position, also heading the new Council of Foreign Affairs, was created in the attempt to increment the Union’s horizontal coherence and vertical consistency. Secondly, the President of the European Council, being a permanent

representative, retains the right and duty to represent the European Union abroad, giving continuity to the external figure of the Union. Thirdly, the conferral to the European Union of a legal personality was clearly aimed at overcoming the former three pillar structure (Telò, 2013).

### **The European External Action Service, a new framework for CFSP**

One of the most important provisions of the Lisbon Treaty is of course the creation of the European External Action Service, whose aim is to narrow the ‘capabilities-expectations gap’ (Hill, 1994), at least from an institutional point of view. The provision that provides for the creation of this new instrument is contained in Article 27 TEU, which furnishes the guidelines for the setting up of a European External Action Service, by stating that: “In fulfilling his mandate, the High Representative 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 organization 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 High Representative after consulting the European Parliament and after obtaining the consent of the Commission”<sup>11</sup>.

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<sup>11</sup> Article 27, TEU.

## Key Changes to EU external policy under the Lisbon Treaty

- Former Belgian Prime Minister Herman van Rompuy has been appointed as President of the European Council for a once-renewable two-and-a-half years term<sup>12</sup>.
- The Lisbon Treaty combines the offices of Commissioners for External Relations and High Representative for CFSP. HR/VP Ashton ‘wears the hats’ of both the European Council and the Commission<sup>13</sup>.
- The Barroso II Commission that took office in February 2010 includes four Commissioners with explicit external relations roles: HR Ashton, Development Commissioner Piebalgs, Humanitarian Assistance Commissioner Kristalina Georgieva, and Enlargement/Neighborhood Commissioner Štefan Füle<sup>14</sup>.
- The High Representative will be supported by the new European External Action Service comprised of Commission, Council Secretariat and Member States’ diplomats. The EEAS will assume responsibility for much of the work of the Commission’s DG Relex and DG E of the Council Secretariat.
- A further significant change is the Treaty depowering of the influence of the EU’s six-month rotating Presidency on external policy.
- The former Commission delegations in partner countries have become EU delegations. Heads of delegations will henceforth represent the EU rather than

<sup>12</sup> One of the Council President’s roles is to ‘ensure the external representation of the Union.’ In diplomatic protocol terms, President van Rompuy is equivalent to a head of state, HR Ashton to a foreign minister

<sup>13</sup> HR Ashton is also a Vice-President of the Commission and chairs the EU’s Foreign Affairs Council (FAC), which the Lisbon Treaty establishes as a separate entity from the General Affairs Council (GAC – the two meetings were previously combined in the General Affairs and External Relations Council – the GAERC). Commissioner Piebalgs will represent the Commission at FAC meetings.

<sup>14</sup> European Commission Press Release ‘President Barroso unveils his new team,’ IP/09/1837, 27 Nov. 2009. The work of Trade Commissioner Karel de Gucht will also influence external policy, especially development cooperation.

the rotating Presidency.

- EU Delegations will also be responsible for diplomatic representation and political reporting, and many will be enlarged to cope with the increased workload.

Source: Mark Furness, *The European External Action Service: A new institutional framework for EU development cooperation*, DIE Research Project 'European Policy for Global Development', Bonn 2010

The Treaty was clearly attempting to improve external and internal coherence, both horizontally, between EU institutions, and vertically, between the EU and Member States. From the horizontal perspective, it combines the two branches of the EU foreign relations administrations and the Commission Delegations. From the vertical point of view, instead, it introduced a greater degree of centralization and coordination, whose lack had previously been pointed out as being one of the major causes of the above-mentioned 'capabilities-expectations gap' (Hill, 1994).

The Treaty-makers, though, left up to the EU institutions the duty of establishing an External Action Service, in order to try to reach the maximum consensus between parties. It was therefore HR's duty to make a proposal to the Council and Commission, which, if approved, would have led to the creation of the new institution.

### **Negotiations on the organization and structure of EEAS**

The new EU's High Representative for Common Foreign and Security Policy, and now Commission Vice-President, Catherine Ashton, decided to create an ad hoc, high level working group, whose aim was to coordinate and smoothen negotiation on

the EEAS. This group was made up by representatives from the Commission, the Council, the rotating Presidency (Spain), and some of the most relevant Member States<sup>15</sup>. The working group had to went through many difficulties, some of which had not been taken into account at the time of the drafting of the Treaty, like political sensitivity (Vanhoonacker & Reslow, 2010). Moreover, the negotiation period proved to be a strong testing ground for Catherine Ashton herself, who was expected to create EEAS, while still having to comply with the tasks expected by her post (Furness, 2010).

Aside from technicalities, the working group had to dodge attempts by key Member States to limit EEAS' sphere of influence. Germany, France and Great Britain were in fact not prone at all to give up their national interests in favor of a substantial diplomatic supremacy of the Union. They were in fact eager to retain their own diplomatic networks and bilateral relations (Lieb & Kremer, 2010). Those Member states were willing to entrust the HR and the EEAS with more power, but their goal was to anchor them to the council, in order to retain their own independence (Furness, 2010) .

On the other hand, small member states didn't just stand-by and watch this happen. They were perfectly aware of the attempt by Germany, France and Great Britain to bring about a European foreign policy dominated by them, and started lobbying in order to see their rightful weight at the highest levels of the EEAS<sup>16</sup>. With Czech Republic, Hungary, Poland and Slovakia at the helm (the Visegrad group), also pushed the negotiations towards an inclusion of consular services within the duties of the EU Delegations, which would allow them to close their own

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<sup>15</sup> European Voice, 11 Mar. 2010

<sup>16</sup> EU Observer, 10 Mar 2010

embassies. Belgium, enjoying the Presidency status in the second half of 2010, also tried to influence the outcomes of negotiations in a more supranational way, trying to abridge the rotating Presidency's impact on foreign policy issues, by converging chairmanships of all the EU Council foreign affairs working groups under the hat of the HR (Furness, 2010).

The discussion took place mostly in private sessions, avoiding leaks to the public in order to secure the smoothness and even-handedness of negotiations. The first result of the debates was presented by HR/VP Ashton on March, 25<sup>th</sup> 2010, and reflected a covenant in which Member States' requests seemed to prevail to the Commissions' ones. The proposal was analyzed and approved by the European Council in April, with very little amendments; it was the European Parliament, though, which, after a long inquiry, refused the proposal in June. EP's motivation were the lack of accountability of the EEAS towards both the Member States and the Parliament, and the great supremacy of the Secretary-General<sup>17</sup>. Howbeit, it is to be noted that the Parliament does not enjoy any rights of co-determination of the EEAS' policy decisions, since the Lisbon Treaty specifically empowered it with budgetary control issues, identical to those the EP already enjoyed towards the Commission. Nevertheless, two circumstances gave it the possibility to rightfully reject Ashton's proposal: 1. the Lisbon Treaty provided for it to be consulted in the process of creation of the EEAS; 2. Such process inevitably included alterations in the EU's budget and staff's arrangements, which directly fall under the European Parliament's competence<sup>18</sup>. Negotiations kept thus going on, in order to achieve a compromise between the HR/VP's proposal and the EP's requests; an agreement was reached on

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<sup>17</sup> Alliance of Liberals and Democrats, press release 25 Mar 2010

<sup>18</sup> EurActiv, 14 June 2010

June, 21<sup>st</sup> 2010. The most significant change was the inclusion of the setting-up of a new position of administrative Directorate-General, duty-bound to report to HR, in his newly acquired vest of Vice-President of the Commission.

### **Key features of the EEAS**

- HR Ashton will conduct ‘shuttle diplomacy’ and will be deputized as appropriate by the Commissioners Piebalgs, Georgieva and Füle. Member States’ Foreign Ministers may also perform this role where appropriate.
- The EEAS will be managed by a Secretary-General, most likely be a high-ranking civil servant from one of the larger Member States, who will be assisted by two deputies and a chief operating officer.
- The service will be organized into several directorates general, comprising geographic desks covering all countries and all regions of the world; desks managing EU relations with multilateral bodies such as the United Nations and the G-20, and thematic desks dealing with global issues such as non-proliferation, climate change, democracy promotion and human rights.
- The ‘core competency’ of the EEAS will be managing the delicate linkages between security policy and development policy, especially in fragile states.
- Most of the current DG Relex, and all of DG development’s country and regional desks will be transferred to the EEAS.
- The service will also include the Council Secretariat’s DG E, the EU’s military staff, the SitCen intelligence bureau and the Crisis Management Directorate.
- The EEAS will serve as a crucial interlocutor between Brussels and national

capitals, as at least one third of its staff will be postings from member state ministries.

- The EU's Head of Delegation and Special Representatives will report directly to HR/VP Ashton. Heads of Delegation will be responsible for the Delegation's activities, even though some delegation staff will be Commission employees.
- Although EU officials are careful to refer to the EEAS as a 'service' and not an 'institution', Ashton's proposal establishes the EEAS as an 'institution' within the meaning of Article I of the EU's financing regulation.

Source: Proposal for a Council Decision establishing the organization and functioning of the European External Action Service, revised draft of June, 21<sup>st</sup> 2010, Consolidated Version with Latest Amendments post-Quadriologue of June, 21<sup>st</sup> 2010.

### **A Legal-Institutional Analysis of EEAS**

The Lisbon Treaty has undoubtedly brought about considerable changes in the organization of the EU's external relations; it is to be analyzed, though, the width of such modification from the institutional balance perspective. A way to analyze such aspects is to evaluate the legal nature of the EEAS establishment, following the deep investigation conducted by the scholar Bart van Vooren in his article published in the *Common Market Law Review* n° 48 of 2011. The academic from the University of Copenhagen conducts an analysis of the legal nature of the EEAS using four criteria: legal personality, power to adopt acts with legal effects, the EEAS' position of

“functional autonomy” from the Commission and the Council Secretariat, and standing before the Court of Justice (Van Vooren, 2011).

### *The Convoluted Question of Legal Personality*

Speaking of legal personality, it is arguable that the EEAS is the only EU agency which has not been granted with it, differently from all the agencies that had been previously created since the 1990s. Nevertheless, the founding document of the EEAS provides that it enjoys “legal capacity necessary to perform its tasks and attain its objectives”. It is this discrepancy between legal personality and legal capacity that sets apart the EEAS from other EU agencies (Ibidem). According to Van Vooren, “legal personality is the quality through which the entity can participate in legal life and be subject to rights and responsibilities”, while legal capacity is defined as “the denotation of the scope of the entity’s power to engage in such legal relationships”. The ambiguity in which the EEAS finds itself, being capable of bring forward legal relationships, but not enjoying legal personality is very similar to the characteristics of the EU itself prior to the Lisbon Treaty. It is to be noted, that the causes leading to the failure to confer legal personality to the EEAS are to be found in the political realm rather than in the legal one (Ibidem). The missing of such important feature of course makes the EEAS unequal to the EU’s regulatory agencies, putting it on an equal footing with entities such as the Council General Secretariat, both being shaped with the task of “providing assistance” (Ibidem).

### *Autonomy and Prerogative to Act*

Moving on to the power of the EEAS to individually address the EU's foreign policy, the analysis can be channeled in two perspectives: a substantive and a formal one. From a formal point of view, it is not possible to define the EEAS as an institution, at least not from a purely provisional perspective. This is deductible from the Treaties' articles themselves. Article 13 TEU, for example, provides a listing of the EU's institutions, specifying that they "shall be: the European Parliament, the European Council, the Council, the Commission, the Court of Justice of the European Union, the European Central Bank, and the Court of Auditors (Van Vooren, 2011). EEAS is thus not formally included.

There are of course more relevant indicators of the lack of the institutional status, one of the most important ones being the logic according to which new European institutions can only be created through the use of primary law, but such willingness is not present in the text of Article 27 TEU, which stresses the "service" nature of the EEAS, whose aim shall be "to assist" the HR (Ibidem). Moreover, the Article asserts that the "organization and functioning of the EEAS" shall be established by a Council decision, it is clear that it cannot be considered as an actual institution.

In the paper delivered by van Vooren, it is also discussed whether the power of assistance attributed to the EEAS can be considered as a delegation of power from the Council to the newly born entity, thus falling under the application of the Meroni doctrine (Ibidem). The analysis makes though clear that such doctrine is not applicable to EEAS, since it can neither produce acts as one of the regulatory agencies of the Union, nor perform on their behalf. EEAS is therefore only bound to assist the activity carried out by the HR and her offices, thus not being connected

with the institutional bodies included in the above-mentioned Article 13 TEU. In reaching this conclusion of primary importance in the definition of assistance, which is interpreted as a mere supporting scheme of the EEAS towards the HR, and whose activities are placed under the authority of Mrs. Ashton (Van Vooren, 2011).

Proceeding with the analysis of the power to adopt legally binding acts aimed at addressing EU's external relations, it is necessary to look at the substantive power EEAS enjoys. If, as seen before, it hierarchically depends from the High Representative, it is therefore unavoidable to go through the mandate attributed to it. However, the Treaties do not provide a single definition of the rights and duties of the HR, but analyzing the TEU it is possible to delineate them. The HR "shall conduct the CFSP", "shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action", "shall chair the Foreign Affairs Council", "shall contribute through its proposals towards the preparation of the CFSP". Moreover, "shall ensure the unity, consistency and effectiveness of action by the Union in the CFSP", "shall put into effect the CFSP"; "shall ensure implementation of the decisions adopted by the European Council and the Council", "shall represent the EU for matters related to the CFSP ... shall conduct political dialogue on the Union's behalf ... shall express the Union's position in international organizations"; has a heavy weight in the decision-making process of the CDSP (Van Vooren, 2011).

From such listing it is possible to outline some of the duties and functions attributed to the EEAS. First of all, it shall provide information, knowledge and dossiers to the HR; secondly, it shall be present, when not heading, in internal meetings of the Union, performing preparatory work, as well as information

gathering and submitting different policy alternatives; thirdly, it shall furnish expert advice to the various EU institutions and, finally, it shall reach a standing point between the Union's and Member States' points of view (Van Vooren, 2011). Another task is that of providing for the preparation of Commission's decisions over three strategic areas, namely "country allocations to determine the global financial envelope for each region, subject to the indicative breakdown of the multiannual financial framework; country and regional strategic papers; national and regional indicative programmes"<sup>19</sup>. It is undoubted that the attribution of such tasks to the EEAS aims at involving it in the developmental sphere of the Union, giving it great importance in the field of recognition and preeminence of funding aimed achieving the EU's far-reaching objectives in the world (Van Vooren, 2011).

It is unquestionable that there are clear limits to the activities of the EEAS, as well as unclear definition of its duties. Through the study of the HR's mandate it was possible to trace back EEAS' functions, and to assert the important influence it can exert in the shaping of EU foreign policy; nonetheless, it is also clear that the aforethought legal ambiguousness prevents it from actually adopt acts that can alone have an impact on CFSP (Ibidem).

### *The Operational Autonomy of the European External Action Service*

The following feature to be analyzed, EEAS' functional autonomy (Ibidem), is useful to figure out if the newly born entity is bound to receive instruction from institutions and offices of the EU other than those under the authority of the High Representative. As it is possible to deduct from the previous sections, such

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<sup>19</sup> Article 9 (3) of Council Decision of July, 26 2010 establishing the organization and functioning of the European External Action Service (2010/427/EU)

instructions cannot come from the Commission, the Council, the European Council or other institutions, but only from the HR. To better understand such characteristic, it is useful to compare EEAS to a EU institution which enjoys total independence from the other ones, namely the European Central Bank (Van Vooren, 2011). The ECB, according to Article 130 TFEU, “shall not seek or take instructions from Union institutions, bodies, offices or agencies, from any government of the Member States or from any other body. The Union institutions, bodies, offices or agencies, and the Member States undertake to respect this principle and not seek to influence the members of the decision-making bodies of the European Central Bank in the performance of their tasks”. Such a substantial degree of independence, is enjoyed, at least from a principle perspective, also by the EEAS. Since it pursues the greatness, coherence and widening of the EU’s external relations, it shall not be influenced by neither Member States, nor European institutions and bodies. In Van Vooren words: “it should neither be a purely intergovernmental nor a communitarian body” (Ibidem).

It is then possible to assert that EEAS, having been implanted under the jurisdiction of the HR, is actually independent from a functional point of view (Ibidem).

### *The EEAS’ activities and their accountability towards the European Court of Justice*

The last aspect to analyze in this legal perspective is the possible relationship between EEAS and the European Court of Justice. As it is clear from the analysis carried out up to this point, the EEAS does not enjoy any right to take legally binding

decisions, thus placing it a step behind the regulatory agencies. Nonetheless, it has been granted with legal capacity, in addition to the possibility to achieve so-called “service-level arrangements”; these features seem to imply that such processes could involve legal effects towards third parties, according to Article 263 TFEU, and thus allowing the EEAS to be DRAWN in ECJ proceedings (Van Vooren, 2011). The above-mentioned article does indeed provide that “acts of bodies, offices or agencies of the Union” can be subject to the ECJ review.

Some problems could arise in case of an EEAS application to the ECJ. Article 263 TFEU does in fact state that proceedings in front of the Court can be established by “any natural or legal person”; such definition would inevitably exclude EEAS, given its lack of legal personality. This could however be avoided by the ECJ, which could bypass such provision, by asserting that legal personality falls from legal capacity (Ibidem).

One last issue is the one concerning the right of EEAS to defend itself in front of the Court if another institution is to call on it, since this right is explicitly neglected to the Service by the Council Decision establishing it. If, for example, an act implemented by the Council is to mine EEAS prerogatives, it would have to be defended by an institution different from the Council (i.e. the Commission), which would contest against it in the Court. Such outcome would inevitably produce uncouth effects both from a political and legal perspective. Political, since the authority heading EEAS, the HR, has an influential role in both the institutions taking part in the proceeding (Ibidem). Legal, as it is not clear whether the EU institutions can actually represent EEAS in case of a violation of its authority.

It is clear though, that even if the Council decision establishing the EEAS specifically provides for it to be equipped with a legal office, it could not enjoy the right to actively participate in the proceedings involving EEAS before the European Court of Justice (Van Vooren, 2011).

From such legal-institutional analysis, two main conclusion can be drawn. First, EEAS can be rightfully entitled of a *sui generis* nature, as it differs from both EU agencies and institutions for what concerns its formal recognition in the Treaties, but at the same time enjoys the same prerogatives for issues that have implications for staff and budget. Second, even though EEAS has been created in order to enhance both vertical and horizontal coherence and consistency in the EU's external relations, it has at the same time created new divides and interests. It has surely contributed to the creation of linkages and junctions between EU's and Member States' diplomatic activity, as well as upholding a single European expression in the world; but at the same time, the imperfect legal and institutional novelties have opened-up the floor to further institutional schisms and uncertainties, which will require to be additionally detailed and specified in the near future (Ibidem).

#### *EEAS' Autonomy: degrees of independence from the EU Institutions*

From the perspective of a further European integration, the Lisbon Treaty as in the end acknowledged the 'functional indivisibility' of Common Foreign and Security Policy and external relations decisional process, bringing under the same hat competences that where hitherto split between the Council Secretariat and the Commission (Stetter, 2004). Nonetheless, the Treaty was not able to influence policy-making that indirectly affect external policy. During the bargaining process

for setting up EEAS, in fact, Member States and some European Agencies and Institutions, were afraid of the possible reduction of their own capabilities and prerogatives. This fears, along with the idea that a too powerful foreign policy agency could escape their control, led to the creation of a framework which would allow them to oversight to some extent the activities carried out by the newly born service. Such struggle is noticeable in the negotiation process, which, as described above, were characterized by astringent quarrels that involved Member States, the Council Secretariat, the Commission, the European Parliament and the High Level Working Group in charge of designing EEAS (Stetter, 2004). Each of the parties involved tried to play their own games to their own ends, with some of them trying to limit the acquisition of power by different actors, and others attempting to transfer as much paramountcy as possible to the EEAS.

The outcome was the above-mentioned Council Decision Establishing the Organization and Functioning of the EEAS of July, 26<sup>th</sup> 2010, which put in place the starting mandates and control mechanisms for the EEAS, with the intent of evolving such features by means of a ‘learning by doing’ scheme (Ibidem).

Since, as we debated in the previous section, EEAS is not an institution itself, but rather an agent of the Union, it naturally follows that it shall act on behalf of some principals. The following section will take in consideration the accountability framework, analyzing responsibilities of the EEAS towards the Member States. And towards the different EU institutions, namely the Commission and the Parliament.

Firstly, for what concerns the Member States, since the drafting of the Lisbon Treaty it has been clear how recalcitrant they were in handing over their external representation to the Commission; the decision to establish the EEAS, a service

which would have been easier to control than an actual, strong EU institution, went precisely in that direction (Furness, 2010). During the bargaining that led to the setting up of the Service, the main objective for Member States, and particularly for the so-called 'big threes' (Great Britain, Germany and France), was to equilibrate their own scopes in the European diplomatic framework, granting the EU an important role in the international arena, while still retaining their bilateral prerogatives and international weight. In other words, their purpose was to give credit to the HR and EEAS in order to avoid the appropriation of power by the Commission; albeit delimitating their autonomy by tightening them to the European Council (Ibidem). In spite of Baroness Ashton great activism in order to ensure France, Germany and Great Britain, that they would have been greatly represented within the EEAS, if they'd allow it to enjoy greater power, the countries at stake were too suspicious of each other to accept such arrangements. Autonomy towards the Member States thus ended up being a utopic feature, since the European Council is able to exert great control on foreign policy issues.

Secondly, the Commission, was eager to retain its powers in the foreign policy field, especially at a time when enthusiasm for Europe and further integration was at his lowest, due to the economic crisis that was investing the Euro-zone, which would have been the worst crisis of its history. The voice of the Commission during the negotiation was the one of President Barroso, who lead the process in order to protect some of the Commission's prerogatives by pushing for, and obtaining, the inclusion in the EEAS of the Commissioners for Development, Enlargement/Neighborhood, and Humanitarian Affairs (Ibidem), who should work jointly with the HR in order to 'ensure coherence in our external policy' in fields that

were now to be under the authority of the EEAS<sup>20</sup>. The Commission thus managed to retain power over the policy areas controlled by the aforementioned Commissioners, even though such fields formally fall under the competence of the EEAS. Further control was ensured through the attribution to such Commissioners of the duty to secure coherence in the external relations field.

A last, powerful element of control in the hands of the Commission, both in the short and long run, is the possibility for it to exert control on the EEAS' operational budget<sup>21</sup>. Since, as we have seen before, the EEAS does not enjoy the condition of an actual institution, but it has been designed as an 'inter-institutional service', it automatically follows that it is not allowed to carry out expenses which are not approved by the Commission (Rettman, 2012). Such authority has been later on upheld by an inter-service agreement signed in January 2012, with the aim of furtherly confirm the doctrine expressed in Article 17 TEU, which provided for the assignment of authority on the execution of the budget<sup>22</sup>.

Thirdly, the European Parliament, even not being an actual 'principal' of the EEAS, not having delegated any power to it, is still capable to bias the activity of the Service, to a higher extent than those usually enjoyed by national Parliaments in the foreign policy field. After a long struggle. It managed to retain the prerogative to conduct interviews and audits for Commissioners and for newly appointed officials of the EEAS. However, MEPs had to set aside their requests regarding an actual control of new policy orientations and supervision of the activities of the most important agents of the EEAS. This argument can be found in the preamble to the

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<sup>20</sup> J.M. Barroso, Letters to the Commissioners Piebalgs, Fule and Georgieva, Nov. 2009/Jan. 2010

<sup>21</sup> Ibidem

<sup>22</sup> European Commission Secretariat General, Working Arrangements between Commission Services and the European External Action Service in Relation to External Relations Issues, SEC (1012) 48, 15, Jan 13<sup>th</sup> 2012.

Council Decision establishing the EEAS, which provides: “the European Parliament will fully play a role in the external action of the Union, including its functions of political control as provided by Article 14 (1) TEU ... In accordance with Article 36 TEU, the High Representative will regularly consult the European Parliament on the basic choices of the CFSP and will ensure that the views of the European Parliament are taken into consideration”<sup>23</sup>. This ‘consultation’ requirement is of course related to general outlining of the CFSP, but not in single, specific issues that may arise<sup>24</sup>. Given this parliamentary right, officials of the EEAS have often taken part in the Plenary sessions of the Parliament, as well as being included into specific committees regarding foreign policy issues. The last, important prerogative of the European Parliament vis-à-vis the EEAS is the chance to review and approve the annual budget of the Service, in a procedure identical to the one the EP runs with respect to the Commission. Such instrument, though, is very powerful, and the degree of ‘political leverage’ it gives to the Parliament is not clear at all, since the refusal of approving the EEAS’ annual budget would result in the close up of the Service itself; such a scenario is of course very difficult to be foreseen, even in the worst-case scenario<sup>25</sup>.

The involvement of the European Parliament in the negotiations and setting up procedures has undoubtedly narrowed the democratic deficit alleged over CFSP before the Lisbon Treaty (Wisniewski, 2013). Even though it has no part in the actual decision-making procedures, nor in the institutional structure reserved to the Service, it managed to push for the inclusion of its views in the setting-up, thus inevitably enhancing the democratic components of EEAS and CFSP as a whole (Ibidem).

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<sup>23</sup> Council Decision establishing the organization and functioning of the EEAS, July, 26<sup>th</sup> 2010, b.

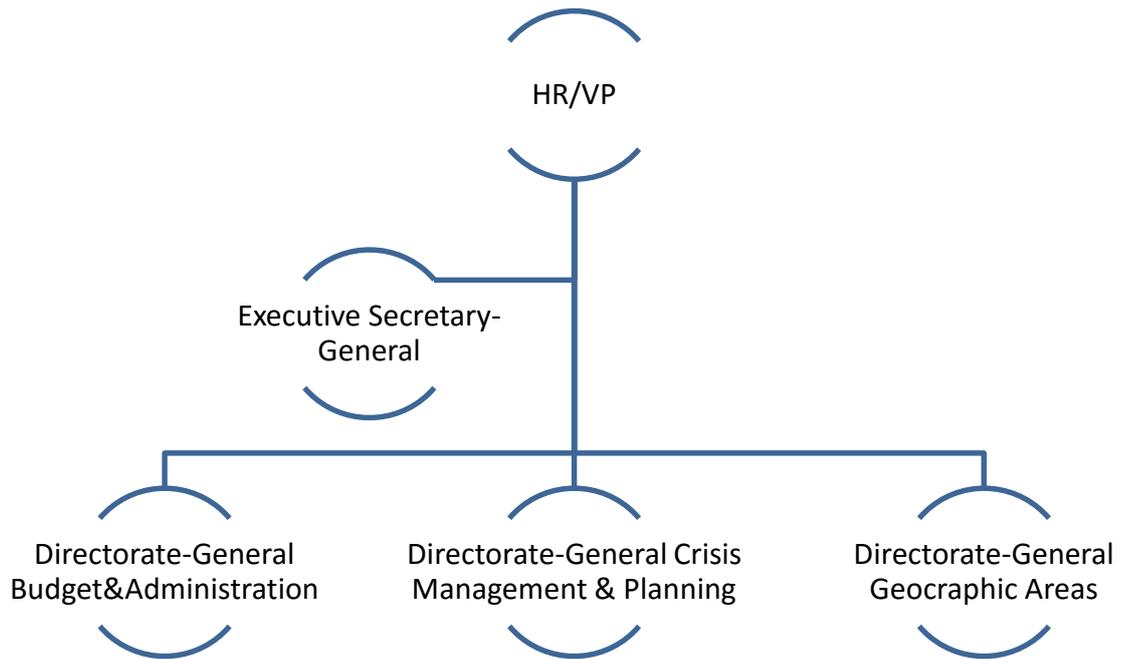
<sup>24</sup> Ibidem

<sup>25</sup> Ibidem

As we have seen up until this point, the institutional emplacement of the EEAS is the outcome of a vast number of compromises between the parties involved. As put by Van Vooren, the outcome can be described as: “functionally akin to the Commission Directorates General, without the legal advantage to be part of an institution with decision-making powers proper, accountable to Parliament, while being placed under the HR’s authority, with a broad mandate of support within the chalk lines set by the Council and the European council” (Van Vooren, 2011).

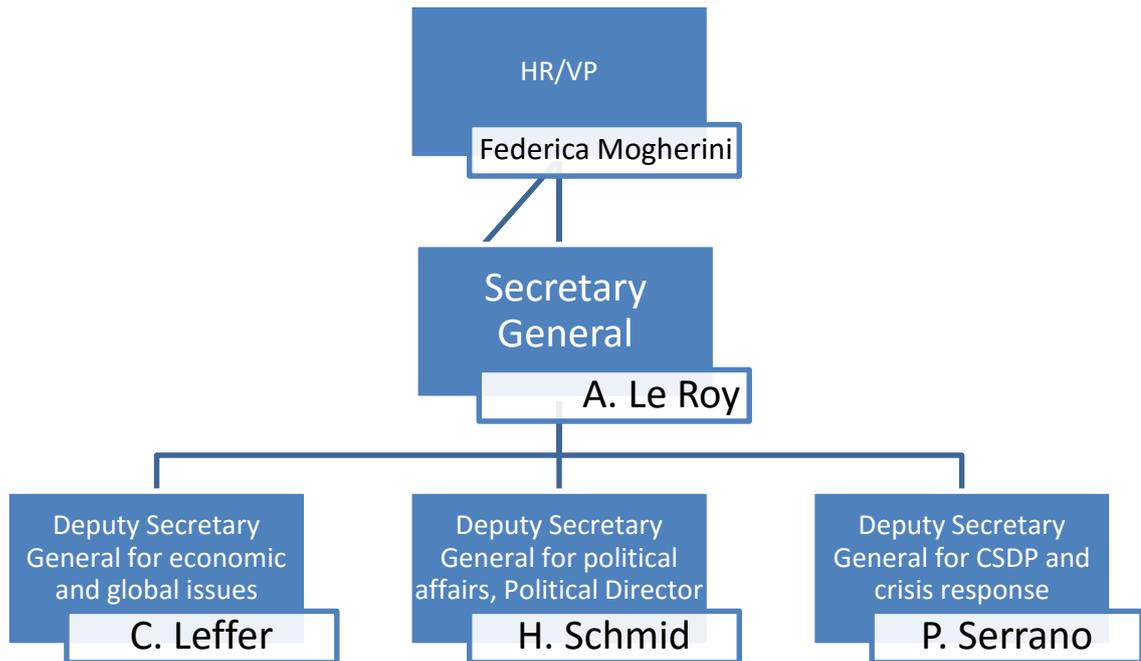
### **EEAS’ organizational structure**

To better understand what we wrote in the last paragraph, it is useful to go through the organizational structure of the EEAS, which came out of the aforementioned negotiation process. The structure is described In Article 4 of the Council Decision, which states that “the EEAS shall be managed by an Executive Secretary-General who will operate under the authority of the High Representative ... The Executive Secretary-General shall be assisted by two Deputy Secretaries-General”, and that “the central administration of the EEAS shall be organized in directorates-general”. Such directorates-general shall include one for budget and administration, one for crisis management and planning, and a number of directorates-general organized on a geographic criteria, in such a way that they shall cover “all countries and regions of the world, as well as multilateral and thematic desks” (Ibidem).



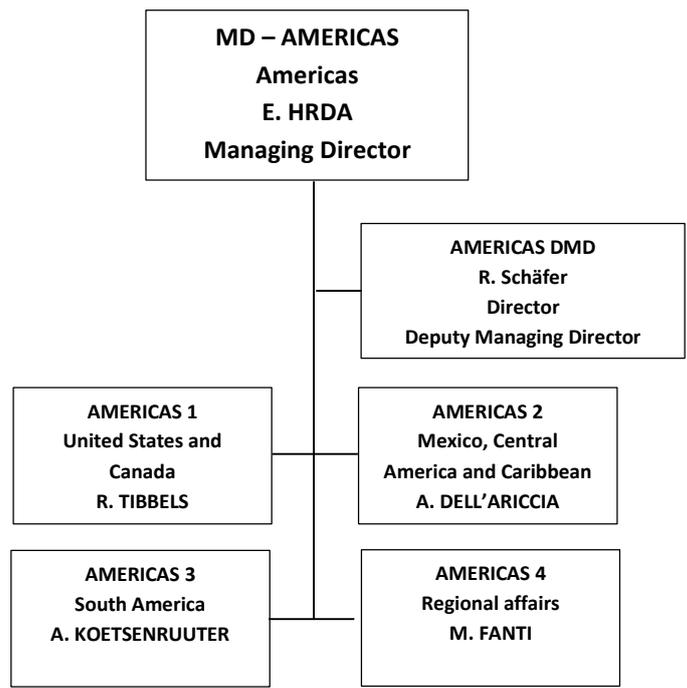
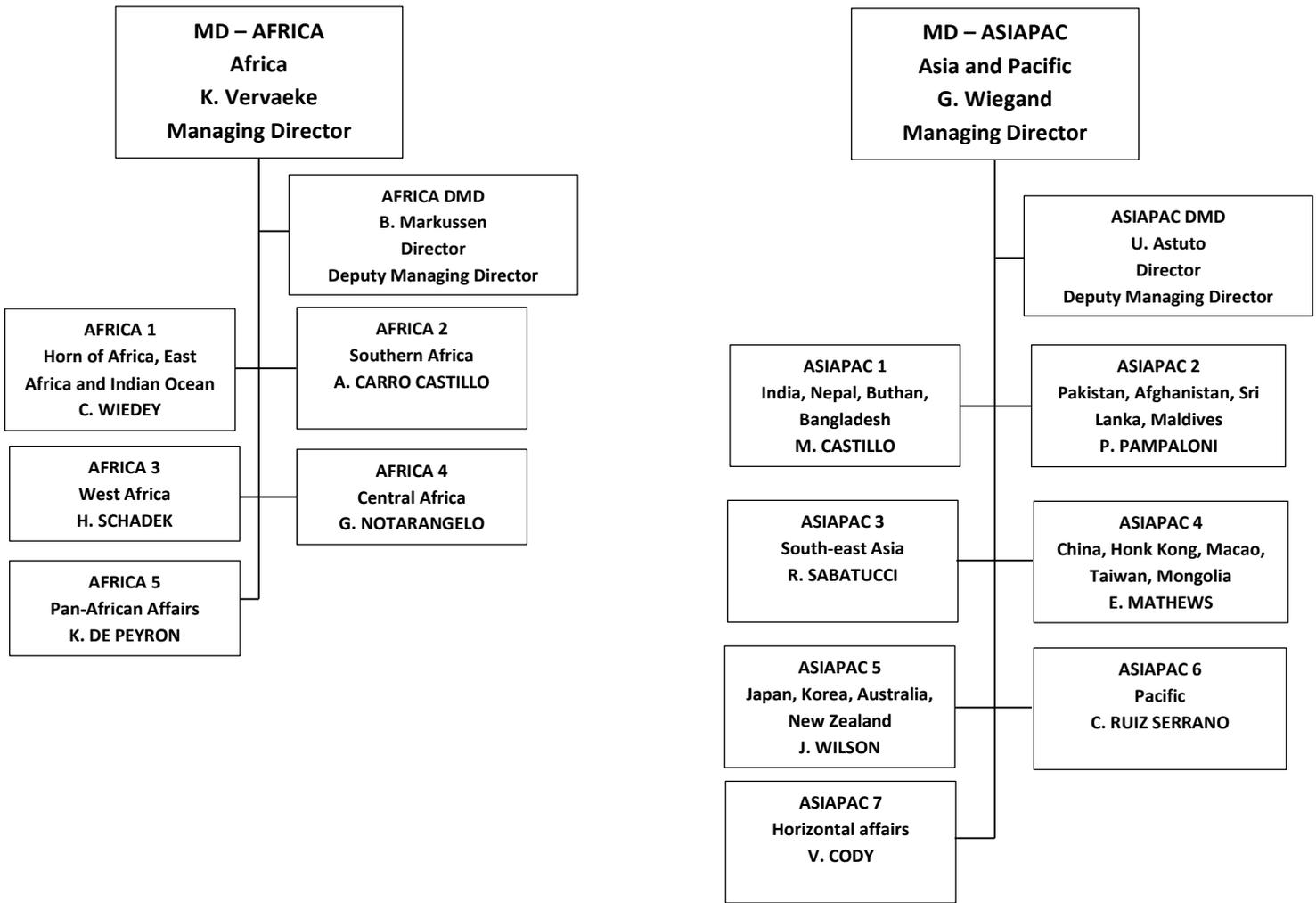
The Executive Secretary-General “shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management” and “shall ensure effective coordination between all departments in the central administration as well as with the Union Delegations” (Van Vooren, 2011). He shall work sided by a Director-General for budget and administration, in charge of the administrative and budgetary management of the EEAS. The Executive Secretary-General is also assisted by two Deputy Secretaries-General, intended to both foster administrative efficiency and to ensure a stronger equilibrium between the interests of the parties.

To this date, the organization chart is the following:

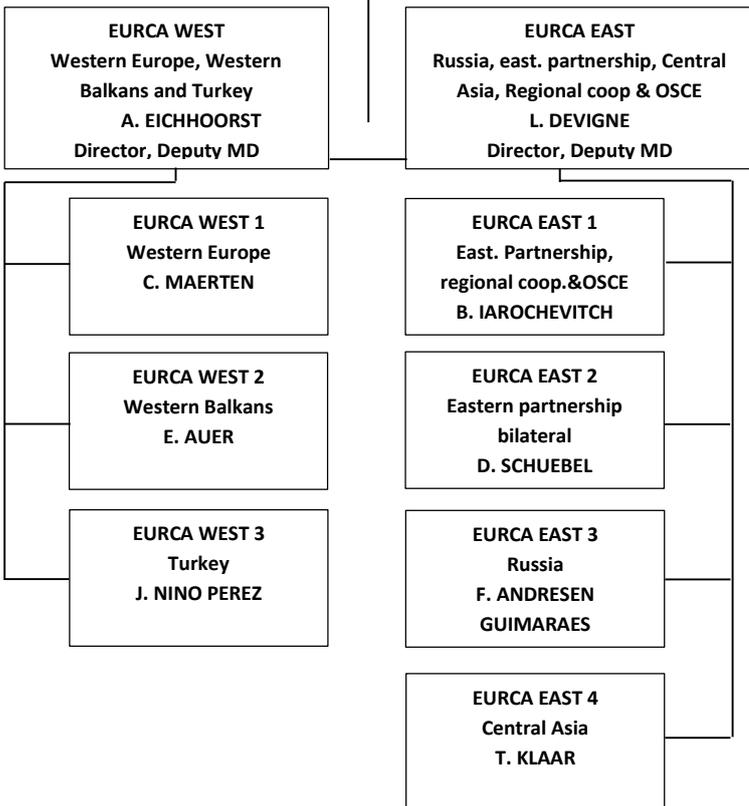


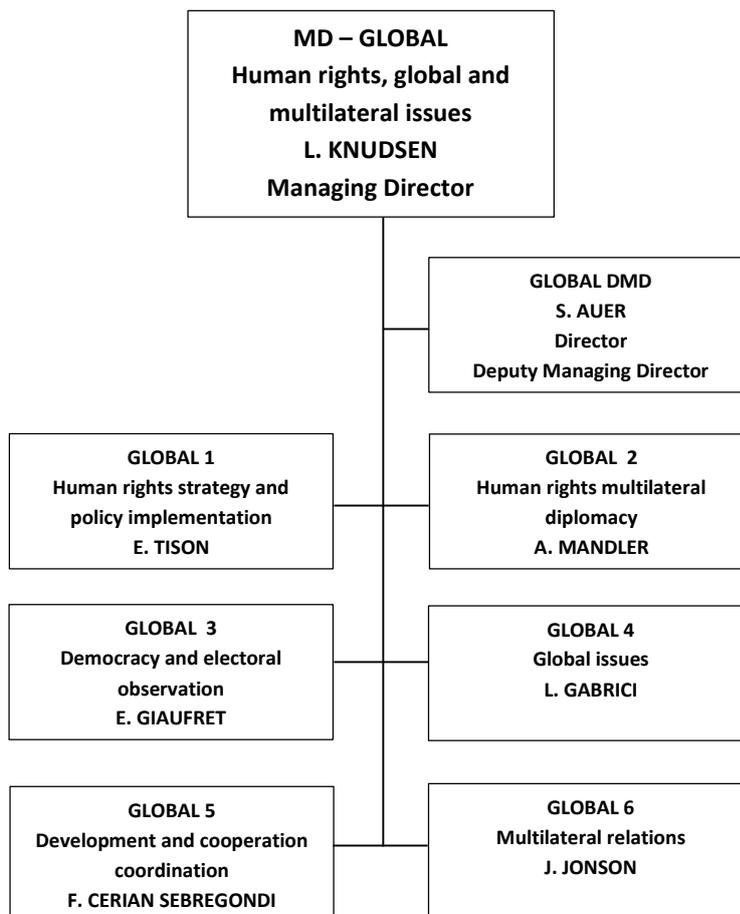
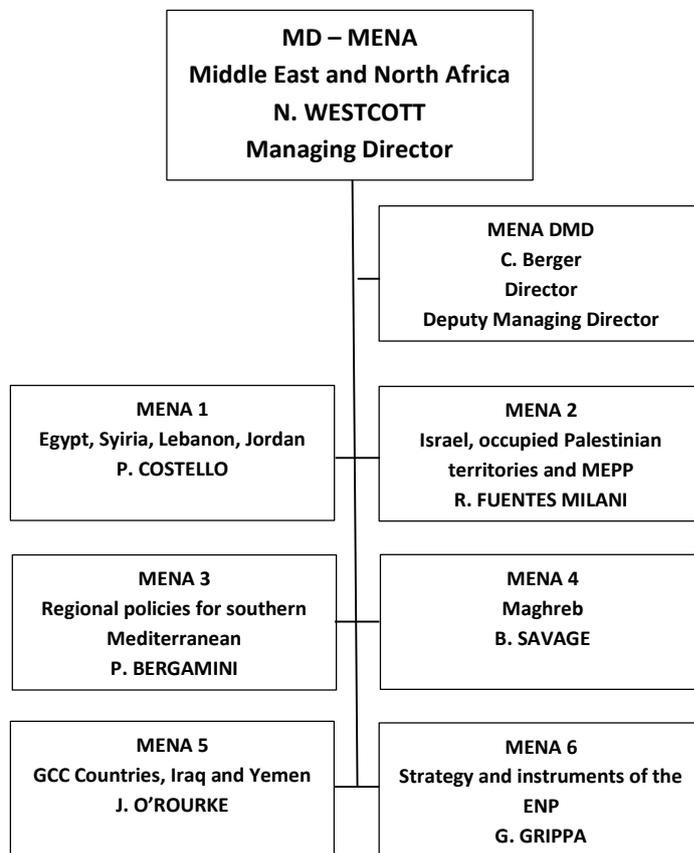
The central administration of the EEAS is located in Brussels, and it is articulated in Directorates-General, inspired by the model used for the Commission. The DGs, which today are referred to as Departments, include 5 large ones that cover all the different areas of the world: Asia-Pacific, Africa, Europe and Central Asia, the Greater Middle East and the Americas. One, bigger, Department, organized in sub-Depts, covers global and multilateral issues including, human rights, elections and development, response to crises, and administrative and financial matters.

All the DGs directly respond to the central administration. The majority of functionaries working in those Directorates-General are provided by the Commission, and are mostly taken from the extinct Dg Relex, and from Dg Devco, which saw many of its bureaucrats transferred to the EEAS. For what concerns the DG-Eco and the DG-CDSP, instead, agents have mostly been drawn from the Council secretariat.



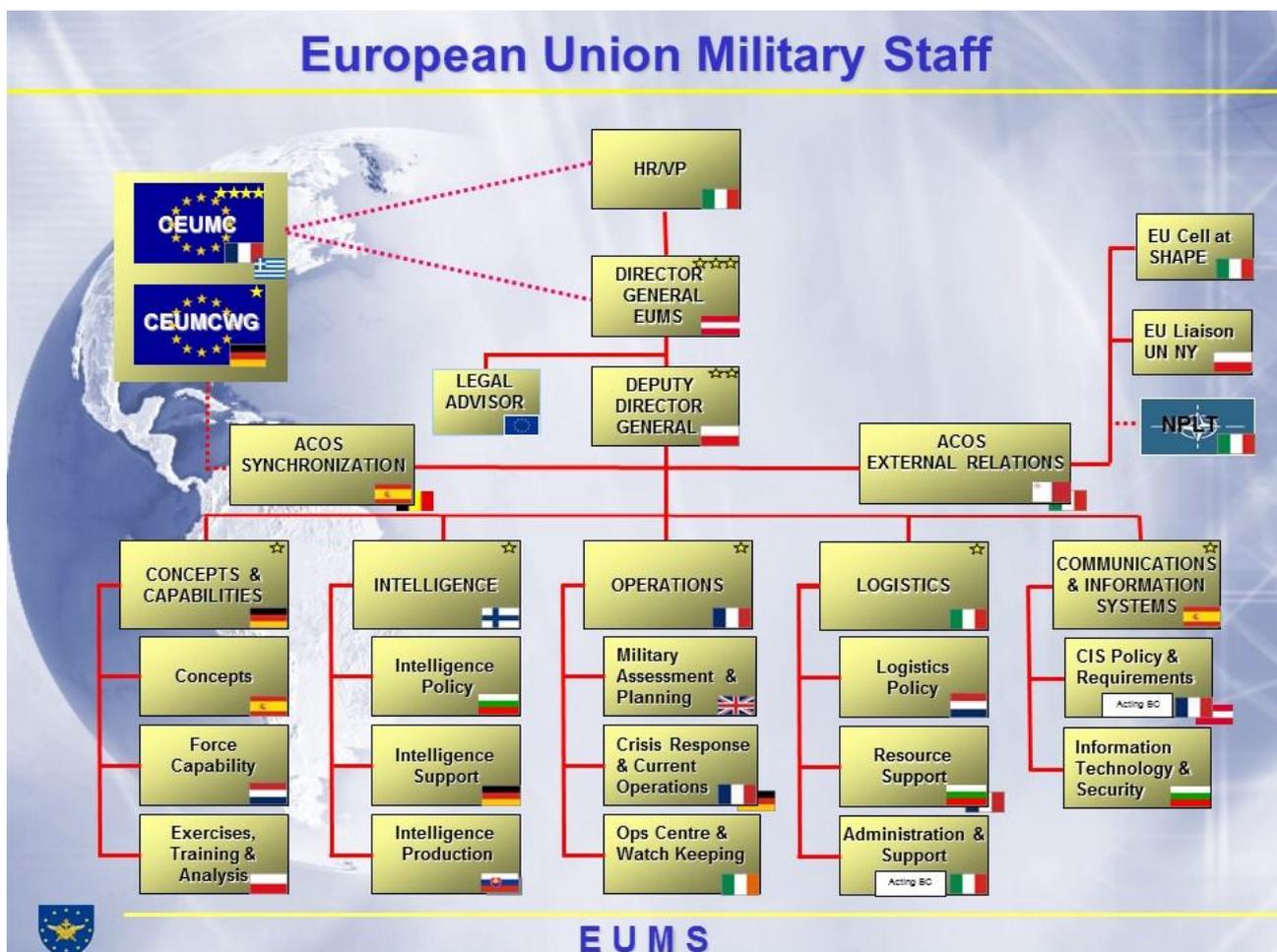
**MD – EURCA**  
**Europe and Central Asia**  
**T. MAYR HARTING**  
**Managing Director**





Moreover, the EEAS reunites the crisis management structure that were formerly entrenched with the Council, such as:

- Crisis Management and Planning Directorate (CMPD);
- European Union Military Staff (EUMS);
- Civilian Planning and Conduct Capability (CPCC);
- EU Intelligence and Situation Planning (IntCen);
- Security Policy and Conflict Prevention (SecPol).



All these bodies, that operate under the authority of the HR/VP, carry out mandates relative to the Common Security and Defense Policy, and cooperate with

the Council, or its secretariat, in compliance with Article 40 TEU, which ensures the application of the communitarian competences.

CMPD, whose aim is to coordinate civilian and military aspects in the management of EU's missions, is responsible for the strategic planning of civil, military and integrated civil-military operations, and of interinstitutional coordination of CDSP.

EUMS is made up of 200 military experts, who operate under the direction of the EU Military Committee<sup>26</sup>. They provide the military expertise in the evaluation of potential or real crises, in the strategic planning of missions, early warning, identification of national and multinational forces for the operations and relationship with the NATO.

CPCC is comprised of 60 experts, of which half are Council functionaries with CSDP experience, whilst the others are detached national experts, mainly police functionaries, law, finance and logistics experts. Among other functions, it contributes to the planning and management of CSDP civil missions, and provides assistance and consulting to the HR.

IntCen provides for 24/7 early warning, analysis and intelligence service. It produces medium-run analyses on geographic and thematic areas of interest for the EU, such as terrorism prone areas, or zones which may be sensitive for nuclear proliferation. It is made up by agents from both the Council secretariat and the Member States.

Finally, SecPol, takes care of conflict prevention, basing its functioning on early identification of risk of violent conflict, and closing the gap to early action;

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<sup>26</sup> The EU Military Committee is the military apex of the Union. It operates in the Council framework, and pulls together the military Chiefs of Member States, represented in the weekly reunions by their military delegates.

improving understanding of conflict situations (root causes, actors and dynamics); enhancing identification of the range of options for EU action; conflict-sensitive programming of external assistance. It is also composed by functionaries from the Member States and the Council Secretariat.

EEAS' central administration also comprehends a political affairs department and a legal office, which strictly cooperates with the corresponding offices of the Council and the Commission. In addition, there also are departments in charge of interinstitutional relations, information and public diplomacy, internal audit and inspections, and personal data protection<sup>27</sup>.

Also the four agencies instrumental for the implementation of CFSP are part of the EEAS, and directly controlled by the HR. These are:

- European Defense Agency (EDA);
- European Union Satellite Center (EU SatCen);
- European Union Institute for Security Studies (EU-ISS);
- European Security and Defense College (ESDC).

EDA, is engaged in projects across the defence spectrum that help deliver the results and capabilities of the Member States. It acts as a catalyst, promotes collaborations and introduces solutions to improve defence capabilities<sup>28</sup>. It comprises around one hundred officials, organized in four departments and multidisciplinary groups.

EU SatCen provides early warning of potential crises, and crises monitoring to the HR, supplying satellite images and control. It is made up of one hundred fourteen agents and is located in Torrejòn, Spain. Also the Commission, Member

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<sup>27</sup> Art. 4, par 3, b Council Decision

<sup>28</sup> Eda.europa.eu

States and International Organizations may request information from the SatCen, as long as they are capable to grant the proper security<sup>29</sup>.

EU-ISS deals with the analysis of foreign, security and defence policy issues. It draws up research documents, organizes conferences and maintains relationships with other institutes and reflection groups. In accomplishing its duties, the ISS also acts as an interface between European experts and decision-makers at all levels<sup>30</sup>.

ESDC provides strategic-level education to civil and military staffing of the Member States. Its scope is to provide Member States and the EU with “knowledgeable personnel able to work efficiently with CSDP matters. In pursuing this objective, the College makes a major contribution to a better understanding of CSDP in the overall context of CFSP and to promoting a common European security culture”<sup>31</sup>.

Lastly, special representatives of the EU and the Service for Foreign Policy Instruments are also to be considered as associated to the EEAS. The last of these, is actually managed and composed by officials of the Commission, but its structure is included in the EEAS. The FPI is actively involved in the legal/financial and institutional negotiations, and sets up the necessary financial implementation structures. Moreover, it prepares a budgetary impact statement for each EUSR and CSDP mission, and presents it for the approval of Member States in the RELEX Counsellors Group<sup>32</sup>.

The organizational chart of the EEAS is reported in graph in the following page.

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<sup>29</sup> [Europa.eu/european-union/about-eu/agencies/satcen\\_en](http://Europa.eu/european-union/about-eu/agencies/satcen_en)

<sup>30</sup> [Iss.europa.eu/about-us](http://Iss.europa.eu/about-us)

<sup>31</sup> [Eeas.europa.eu/cdsp/structures-instruments-agencies/european-security-defence-college/index\\_en.htm](http://Eeas.europa.eu/cdsp/structures-instruments-agencies/european-security-defence-college/index_en.htm)

<sup>32</sup> [Ec.europa.eu/dgs/fpi/what-we-do/common\\_foreign\\_and\\_security\\_policy\\_en.htm](http://Ec.europa.eu/dgs/fpi/what-we-do/common_foreign_and_security_policy_en.htm)

### *The transfer of central offices*

The first, concrete step towards the institution of the new structure had surely been the transfer of the offices from the Commission and the Council secretariat. We've already spoken of the *sui generis* nature of the EEAS, and of its triple-hatted composition, that provides for the combination of agents transferred from the Commission and the Council, as well as detached personnel of the Member States' diplomatic services. As it had been expected, once the EEAS has become fully operational, officials from the EU institution account for 60% of the total agents,



whilst the remaining 40% is made up of detached Member States'
functionaries. The following table shows the administrative agents that have been
transferred from the Commission and the Council to the EEAS.

**1. General Secretariat of the Council**

• **Policy Unit**

• **CSDP and crisis management structures**

- Crisis Management and Planning Directorate (CMPD)
- Civilian Planning and Conduct Capability (CPCC)
- European Union Military Staff (EUMS)
  - Departments under the direct authority of DGEUMS
  - Concepts and Capability Directorate
  - Intelligence Directorate
  - Operations Directorate
  - Logistics Directorate
  - Communications and Information Systems Directorate
- EU Situation Center (SITCEN)

Exception:

- Staff in the SITCEN supporting the Security Accreditation Authority

**Directorate-General E**

- Entities placed under the direct authority of the Director-General
- Directorate for the Americas and the United Nations
- Directorate for the Western Balkans, Eastern Europe and Central Asia

- Directorate for non-Proliferation of Weapons of Mass Destruction
- Directorate for Parliamentary Affairs in the area of CFSP
- New York Liaison Office
- Geneva Liaison Office

**Officials of the General Secretariat of the Council on secondment to  
European Union Special Representatives and CDSP Missions**

**2. Commission (Including Delegations)**

- **Directorate-General for External Relations**
  - All hierarchy posts and support staff directly attached to them
  - Directorate A (Crisis Platform and Policy Coordination in CFSP)
  - Directorate B (Multilateral Relations and Human Rights)
  - Directorate C (North America, East Asia, Australia, New Zealand, EEA, EFTA, San Marino, Andorra, Monaco)
  - Directorate D (European Neighborhood Policy Coordination)
  - Directorate E (Eastern Europe, Southern Caucasus, Central Asia Republics)
  - Directorate F (Middle East, South Mediterranean)
  - Directorate G (Latin America)
  - Directorate H (Asia, except Japan and Korea)
  - Directorate I (Headquarter resources, information, interinstitutional relations)

- Directorate K (External Service)
- Directorate L (Strategy, Coordination and Analysis)
- Task Force on the Eastern Partnership
- Unit Relex-01 (Audit)

Exceptions:

- Staff responsible for the management of financial instruments
- Staff responsible for the payment of salaries and allowances to staff in delegations

**External Service**

- All Heads of Delegation and Deputy Heads of Delegation and support staff directly attached to them
- All political sections or cells and staff
- All information and public diplomacy sections and staff
- All administration sections

Exceptions:

- Staff responsible for the implementation of financial instruments

**Directorate-General for Development**

- Directorate D (ACP II – West and Central Africa, Caribbean and OCT)  
Except OCP task force
- Directorate E (horn of Africa, East and Southern Africa, Indian Ocean and Pacific)
- Unit CI (ACP I: Aid programming and management): Staff responsible for programming
- Unit C2 (Pan-African issues and institutions, governance and

migrations): Staff responsible for Pan-African relations

- Applicable hierarchy posts and support staff directly attached to them.

Source: Council Decision establishing the organization and functioning of the EEAS, July, 26<sup>th</sup> 2010, b.

All the subjects mentioned in the table above found a new place in the EEAS organization chart. Former Commission officials have been transferred to regional and thematic DGs, while former agents of the Council are now located in the Global DG, as well as in the crisis management structures.

The transfer of functionaries to the specific DGs and Offices is described in the following table.

DG Relex	DG Devco	Council	Delegations
585	93	411	436

Source: EEAS

the numbers reported in the table above serve very well to illustrate how the fundamental elements of European diplomacy are the central administration in Brussels, as well as the Delegations. With the establishing of the EEAS, all the Commission's Delegation became EU diplomatic missions, and are incorporated in the Service. They took on the responsibilities which formerly belonged to the rotating Presidency in matters of positioning coordination, local representation and EU's declarations and initiatives.

To this date, EU delegations around the world are 139. It is useful to remind that the setting up of new delegation is a duty of the HR, whom shall be in

accordance with the Commission and the Council. Each Head of Delegation is also nominated by the HR, and exerts his/her authority on all the Delegation's personnel, as well as all the activities it undertakes. Moreover, the Heads of Delegation are bound to report to the headquarters in case of coordination problems with the Commission<sup>33</sup>. This happens since, along with the Delegation's staff, a number of Commission's functionaries still remains active in foreign countries, with the aim of carry on duties that do not fall under the competence of the EEAS. In cases that fall under such circumstances, the Commission is allowed to give instructions to the Head of Delegation, whom otherwise responds solely to the HR.

The duties carried out by the Delegations are different, and are bound to respect the addresses and political choices taken by the EU processes, of which the HR is part.

Member states are allowed to ask for the assistance of EU delegations in their diplomatic activities in third countries, as well as in their function of consular protection of citizens. Moreover, the EU Delegations are bound to respond to other EU institutions' requirements, especially EP's, in their relationships with International Organizations and third countries.

The arrangements on diplomatic privileges and immunities are concluded by the HR directly, whom makes sure to adopt all the necessary measures to ensure the immunities and privileges, equivalent to those provided by the Vienna Convention, are granted to the EU Delegations, their staff and goods.

The functioning of each Delegation is periodically evaluated by the Executive Secretary-General, through financial and administrative audits.

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<sup>33</sup> HR, 2011, par. 18

Probably, the most important innovation of the post-Lisbon diplomatic representation, along with the constitution of EU Delegations, is their growingly strict cooperation with the national diplomatic services of the Member States, of which we will discuss in Chapter 4.

### **3. Institutional Nature of the EEAS, its limits and a look towards the future.**

The Treaty of Lisbon entered into force on December 1<sup>st</sup>, 2009. It is made up of different amendments to the previous treaties, in particular the 1957 Treaty of Rome and the 1992 Treaty of Maastricht, as well as including the Charter of Fundamental Rights approved in the 2001 Treaty of Nice. The Lisbon Treaty has attempted to overcome the pillar structure that had characterized the EU since 1992, by granting legal personality to the Union in the exercise of its functions at an international level (Devuyst, 2012). However, even if formally providing for the abolishment of the pillar structure, it has entrenched in the Union a double decision-making system: supranational and intergovernmental (Fabbrini, 2015). Where the supranational system recognizes a decision-making procedure that involves the sharing of the power to make decisions between four institutions, namely the Parliament, the Commission, the Council and the European Council; the intergovernmental regime instead foresees a system in which the decision-making power is concentrated into just two of these institutions, namely the European Council and the Council, which are expression of the Member States' will (Fabbrini, 2015).

#### **The Supranational stance**

The Lisbon Treaty has given life to a system of democratic government, through the demarcation of legislative and executive powers of the Union. As Fabbrini puts it, it is possible to assert that the Treaty has led to completion the long

process of recognition and separation of the executive and legislative sections of the Union (Fabbrini, 2013). With the solemnization of the co-decision procedure as “the ordinary legislative procedure”, the crystallization of the a lower and a higher chamber, the first being the European Parliament, representing the citizens who elect it, and the latter being the Council, which represents the Member States’ governments (Ibidem). These two institutions shall, according to Article 289 TFEU, jointly adopt the regulations, directives or decisions, once those have been proposed by the Commission. The aforementioned maturation process regards in particular the European Parliament, which sees its weight enhanced according to the growing importance it has earned during the last decades (Ibidem). The process has also involved the elevation of the European Council to the institutional level, entrusting it with the duty of outlining the general political guidelines and priorities of the Union, thus converting it into an actual executive power of the EU (Ibidem). Consequently, the European Council cannot be thought as being an agency directly related and dependent from the Council, since they are now entrusted with two different functions, executive the former, legislative the latter (Nurin & Wallace, 2008). It is possible to say that the Lisbon Treaty has formalized a four-faced institutional framework, which includes two executive bodies and a bicameral legislative structure.

The four bodies are different from each other from various perspectives. They represent different interests and are set up according to divergent procedures. However, they are interconnected by many check and balances systems that are embodied in the Treaty. For what concerns representation, the Council and European Council are of course the European face of the Member States and their

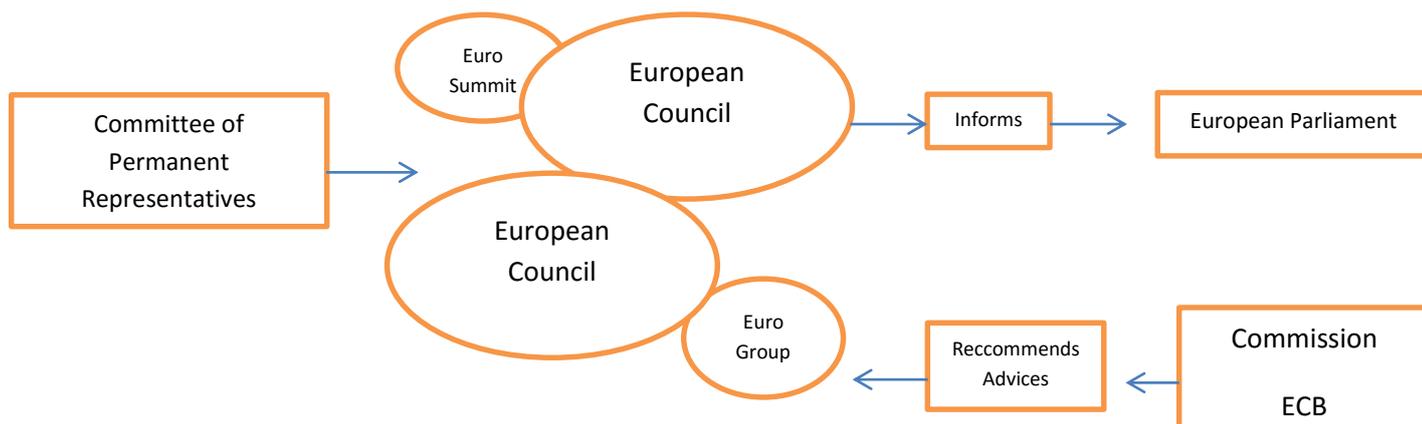
governments, while the EP is elected, and consequently represents, the European electorate which votes to elect them. The abovementioned, new, ordinary legislative procedures provide for the EP and the Council to act together, on the Commission's proposals, thus securing a democratic legitimacy. Also the Commission has to undergo a similar procedure, in particular its President, whom is nominated by the European Council, but has to pass under the voting of the Parliament. The same reasoning is true for the Commissioners. Also for what concerns the political guidelines and priorities of the Union, the two executive branches, Commission and European Council, shall work together as they're both entrusted with such duty; the former providing for technical consulting, and the latter for political addressing. Of course, Article 294 TFEU states that the legislative proposals shall be advanced exclusively by the Commission, which is the only institution entrusted with the capability to propose the adoption of an act to the EP and the Council. Nevertheless, in carrying out such duty the Commission shall indeed respect and reflect the political inputs provided by the European Council. Such a decision-making process aims at ensuring a high degree of effectiveness and legitimacy of the EU. The former through the antagonistic concurrence of the Commission and the European Council, the latter by the legislative performances of the EP and the Council (Fabbrini, 2015). All this process is of course supervised and legally granted by the ECJ, along with the Member States' constitutional courts.

### **The Intergovernmental stance**

The new codecision legislative procedure is thus not the only one contemplated by the Lisbon Treaty, which saw the preservation of the Member

States' historical prerogatives. These include what may be considered the most sensitive issues in the contemporary years. Economic and financial policies, welfare, foreign policy and military and security policy all fall within this range of issues.

Even if abolishing the three-pillar structure of the EU, the Lisbon Treaty still recognizes a dual decision-making procedure, the supranational and the intergovernmental, which represent the two constitutional logics present in the Union: the multilateral and the unilateral. The multilateral one comprises both the intergovernmental and the supranational institutions, while the unilateral is the expression of the unilateral logic, meaning that it is based on the sole intergovernmental institutions, and that comprehend the aforementioned issues. As Allerkamp (2009) helps to understand, the intergovernmental decision-making procedures are based on : (a) “policy entrepreneurship coming from some national capitals and active involvement of the European Council in the setting of the overall direction of policy”; (b) “the predominance of the Council of Ministers in consolidating cooperation”; (c) “the limited or marginal role of the Commission”; (d) “the exclusion of the EP and the ECJ from the circle of involvement”; (e) “the involvement of a distinct circle of key national policy-makers”; (f) “the adoption of special arrangements for managing cooperation, in particular the Council Secretariat”; (g) “the opaqueness of the process to national parliaments and citizens”; (h) “the capacity on occasion to deliver substantial joint policy”. The following graph helps to better understand the intergovernmental decision-making procedure, highlighting the central role played by the Council and the European Council, which are direct expression of the national governments' interests.

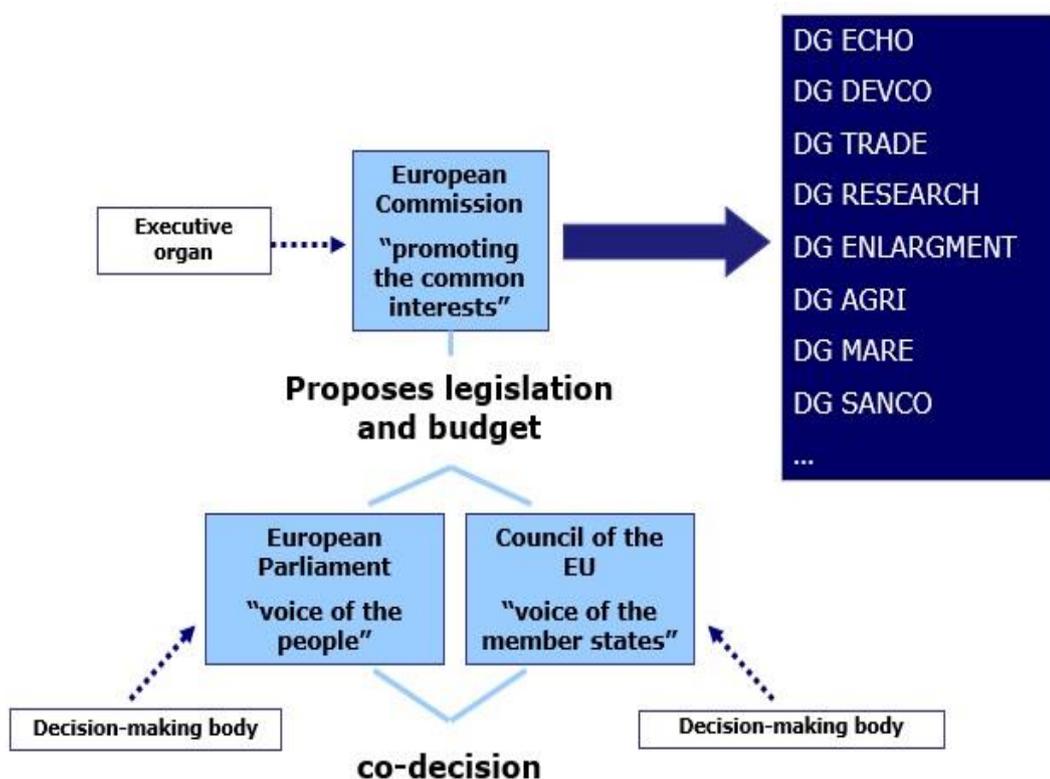


Source: Fabbrini, *Intergovernmentalism and its Critics*, 2010.

Especially for what concerns European Monetary Union and CFSP, the Lisbon Treaty has abandoned the principle according to which such policies should evolve only according to binding legislative acts, thus moving these issues under the hat of soft law. Regarding CFSP, for example, the Treaty specifically states, in Article 24 TEU, that “the adoption of legislative acts shall be excluded”, thus leaving the policy implementation to the actions and positions. Such argument clearly excludes the European Parliament from the process. The EP is not the only institution which does not find its place in the implementation of CFSP, as Article 25 TEU specifies that “the Court of Justice of the European Union shall not have jurisdiction with respect to these provisions”, except, of course, cases in which foreign policy acts go against the fundamental principles and rights mentioned in Articles 2 and 3 TEU.

It is true that the EP could be participating in CFSP in a roundabout way, namely through the linkage it has with the HR. In fact, in the attempt to give more legitimacy and to add a political role to the post, the Lisbon Treaty has provided for

the HR a ‘double-hatted’ position, according to which he or she shall be also a commission vice-president, and not just the head of the Foreign Affairs Council (Art. 18 TEU). Having enhanced the HR’s role, whom is now an effective player in both legislative and executive institutions, the Treaty has consequently provided for a political legitimation of the post. The HR is indeed nominated by the European council, in accordance with the President of the Commission; however, he or she is subject to the approval of the EP. This new, multi-institutional based role of the HR was aimed at arching over the supranational side of the Union, of which the Commission is the highest representative, to the intergovernmental side, represented in this case by the European Council (Fabbrini, 2013). Nonetheless, the CFSP functioning has until now kept going on the basis of the intergovernmental practices so beloved by the Member States.



A coinciding logic can be found in the organization and functioning of the European economic and financial policy, especially in the European Monetary Union (Heipertz & Verdun, 2010). Even if it is true that monetary policy has been placed under the authority of the supranational European Central Bank, the actual economic and financial policies strictly remained linked to the authority of the Member States, through the actions of the Council. The Treaty, in Article 119 TFEU, states that “the adoption of an economic policy (...) is based on the coordination of Member States’ economic policies”. Moreover, also for what concerns the Stability and Growth Pact (SGP), it is the Council which retains exclusive decision-making powers. Article 126 TFEU provides that “the Council shall, acting unanimously in accordance with a special legislative procedure, and according with the European Parliament and the European Central Bank, adopt the appropriate provisions” in order to give execution to the assented economic guidelines. Nevertheless, such obligation to consult the EP is purely formal, since it cannot prevent the Council to adopt decision on which it has reached unanimity (or qualified majority, according to the policy issue being discussed). The intergovernmental nature of these policy issues is this unmistakable.

In the following paragraph I will move the focus specifically to the CFSP, with a special focus on the EEAS, trying to highlight the intergovernmental and supranational elements, in order to define the institutional nature of the body, and to look for eventual amendments that could enhance the supranationalism in the EEAS.

### *EU Foreign Policy: An Intergovernmental machine*

The Lisbon Treaty gives a definition of the EU's foreign policy aims and interests, and gives a direction of the role the EU shall play in the global framework. Since the aim of the EU shall be to enhance its international role, and become a relevant player in the global arena, it is necessary to adopt a holistic perspective in the pursuing of such foreign policy goals (Radtke, 2012).

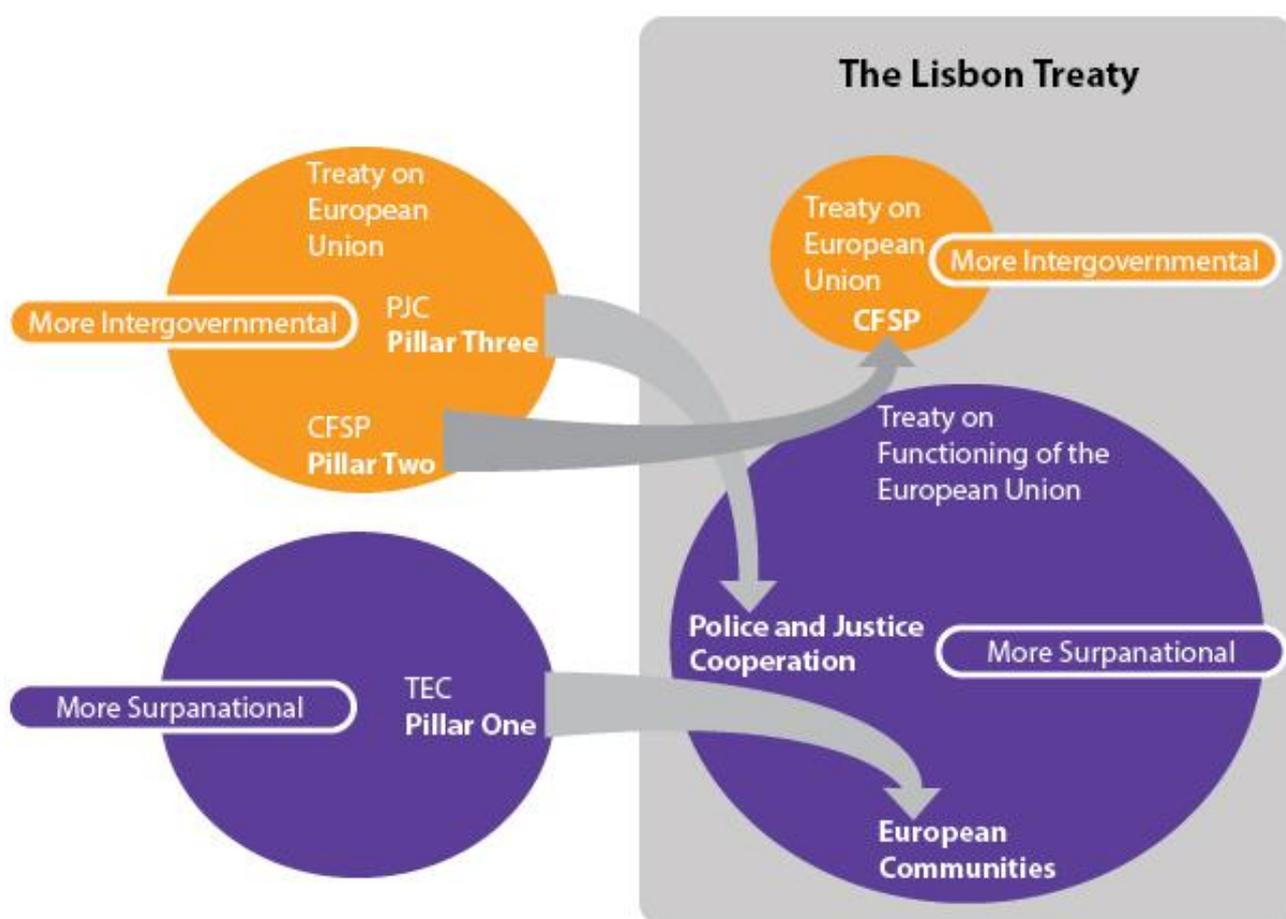
In the last years, the Union has gone through major progresses for what concerns the instrument and resources at its disposal. Such advancement seemed to be a great deal in order to finally overcome the more-than-20-years old "capabilities-expectations gap", theorized by Hill in 1994 (Hill, 1994). Nevertheless, such instruments and resources cannot have an actual impact on the EU role, given the inconsistency that reigns between the desire it has to play a determinant role in the global field, and the substantial internal situation it lives, with the continuous disharmony between the institutions and between the Union and the Member States.

The issue concerning coherence in the EU's external activities include two facets: horizontal coherence and vertical coherence (Nuttall, 2005). Speaking of horizontal coherence, the attempt to give concordance to the different voices of the Union was made by adding up to the role of High Representative, the one of vice-president of the Commission. Nevertheless, such position has revealed to be ambiguous (Fabbrini, 2013). Vertical coherence, instead, was pursued by conferring to the European Council the duty to define the EU's general policy directions, including those in CFSP. Article 26 TEU does in fact state that "the European Council shall identify the Union's strategic interests, determine the objectives of, and define general guidelines for the Common Foreign and Security Policy, including for

matters with defensive implications. It shall adopt the necessary decisions”. Moreover, the European Council also retains the power to significantly define the conditions for the employment of qualified majority voting in the CFSP (Radtke, 2012). Concurrently, the European Council is also bound to insure the consistency of the EU’s external features (Wouters, Coppens and De Meester 2008).

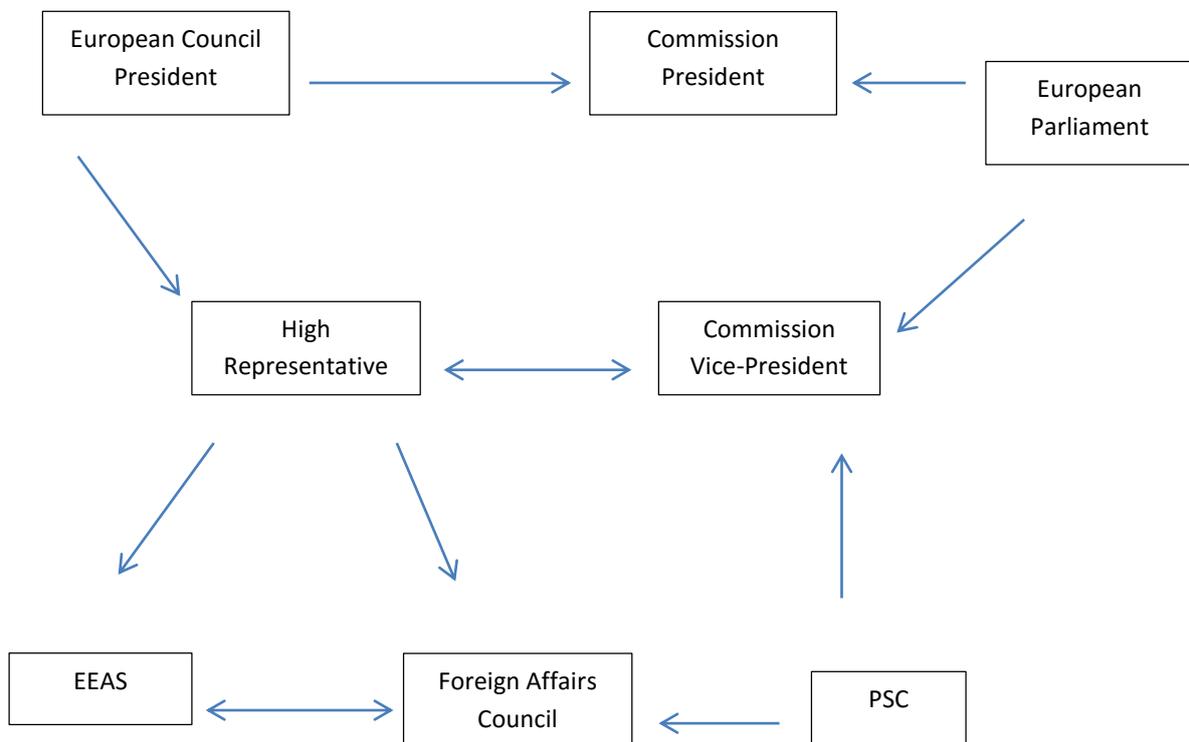
## Pre-Lisbon Pillar Structure

## Post-Lisbon Structure



Since the European Council is the institution which mostly embodies the interests and wills of the Member states, and given the importance it enjoys in the addressing of the policy issues regarding CFSP, the intergovernmental nature of such issues is therefore crystalline. To this extent, it is possible to say that vertical coherence exerts great influence on the achievement of horizontal coherence. In fact, even though there have been attempts to enhance the harmonization between the various EU institutions, the attribution of such a great degree of power and importance to a body like the European Council, whose main feature is the representation of national interests, makes it difficult, at least, to achieve coherence between supranational and intergovernmental institutions.

The intergovernmental constitution: foreign policy-making structure:



Source: Fabbrini, *Which European Union?* Cambridge, 2015

This scheme furtherly allows to understand the degree of intergovernmentalism of the decision-making process in the CFSP.

A further mutation is the one concerning the defence and security policy is the inclusion of issues falling under such area in the enhanced cooperation process; Protocol 10 of the Lisbon Treaty brought about the formation of the Permanent Structured cooperation (PSC). This tool puts in the hands of Member States new chances to form consistent and shared views, with the aim of cooperating in the defence field, and in the enhancement of armaments, issues which were excluded from the Treaties prior to Lisbon. This type of cooperation could undoubtedly foster cooperation and further integration between the Member States (Radtke, 2012).

Provisions in the Lisbon Treaty, namely Article 42 TEU, speak of CSDP as “an integral part of the Common foreign and security policy”. Nonetheless, Member States have always been very susceptible of issues related to security and defence, given their proximity to the core national interests. Such reluctance to transfer issues that fall under this area to the Union is expressed in Article 333 TFEU, which provides for the impossibility to use qualified majority voting (QMV) by the Council for such themes. Moreover, Article 42 TEU explicitly states that since Member States already provide for the setting up of a common defence under the hat of NATO, the agreements reached in the EU framework shall be coherent with those reached under the NATO. It follows that the above-mentioned inclusion of defence and security issues in the enhanced cooperation process, with the subsequent mutation from CSDP to CSDP, assumes a mere symbolic value (Ibidem).

A further element that at first sight seemed to be enhancing the degree of integration is the introduction of QMV in issues related to CFSP. Nevertheless, scholars were able to rapidly recognize that such expectations were not met (Ibidem). The main reason being the failure in adopting such decision-making procedure as the normal one.

Moreover, there have not been transfers of competences to supranational degree. We have instead witness to come kind of rearrangement of competences, particularly for what concerns the shift of CFSP issues in the hands of the High Representative. It is possible to assert that the core of CFSP has stayed intergovernmental, since the Member States still enjoy a leading position (Radtke, 2012). Therefore, the Treaty provisions related to this area are nothing more than a “compromise between the objectives of preserving the sovereignty of Member States, and the need to improve the Union’s capacity to act” (Ibidem). Such compromise is also echoed by the arrangements in external action which are kept separated by those of CFSP, and are included in the TFEU instead. Such move proves the hesitancy of the Member States to provide for a supranational basis as the central aspect of external action (Ibidem). The double legal basis of external action (present in both TEU and TFEU), “structurally constitutes a clear signal against the EU’s coherent capacity to act” (Ibidem). Further authority to this claim is given by the Declarations 13 and 14 of the Final Act of the Treaty. In spite of the efforts made to harmonize and supranationalize the CFSP, it has kept functioning in conformity with the model of “intensive trans-governmentalism” as it was defined by Wallace and Wallace (2007): “a model that expresses an intergovernmental logic, although it

fosters a process of socialization between national civil servants and ministers engaged in this policy realm at the Union level” (Fabbrini, 2015).

### **The drawbacks of the Post-Lisbon period**

In the following section we will try to analyze the shortcomings that have contributed to the disenchantment towards the Lisbon Treaty’s CFSP provisions. In carrying out such analysis I will use the definitions provided by Telò (2013). These weaknesses are (a) the lack of political EU’s leadership, (b) the weakening of Europe’s traditional military power and (c) a debilitating economic crisis.

- a) At a global level, the European Union is fingered for its incumbency in the unsteady international management of the Mediterranean area. The divisions inside its ranks over issues concerning Palestine and the Arab springs were consistently enhanced by the outbreak of the Libyan crisis. The international arena expected an action by the EU, which was prevented to do so by the vertical divide among Germany and France. Prompt repercussions of the Libyan crisis comprehended a reanimation of the NATO, as well as a movement towards renationalization of the defence policies. Politically speaking, this was the outcome of a German confirmation of its low-profile international shape. Even though the NATO intervention in Libya enjoyed a proper international legitimacy, having also been accepted by the UN, through the 1973 resolution, the EU did not follow up such endorsements, not being able to set in motion neither its civilian approach, nor the ‘responsibility to protect’ and ‘responsibility to

rebuild' doctrines. France and the UK directly took part in the international mission, while Italy and other Member States furnished their support. Such combination of elements allowed the international mission to steer towards a regime-changing mission, once the most important threats for population had been defused. This kind of missions are not contemplated by the Union, and this gave rise to many questions on the Lisbon Treaty's extent to uphold both Member States' loyalty and the EU's international profile (Telò, 2013).

- b) The Libyan crisis also brought to light two major concerns relative to the prominent Member States' situations. On one hand, we have spoken about the confirmation of Germany low international profile; on the other hand, UK and France have proved their military inconsistency. This point is of extreme importance, since the most accredited of the EU's civilian power are based on the importance of the strength of the two greatest nuclear powers of the continent. Nevertheless, such defying features were not displayed after the end of the conflict. In 2011, UK and France signed a bilateral defence cooperation, which mirrored their consciousness of such weakening of their military capacities. The media spoke of a European victory right after the end of the crisis, but it would have probably been more proper to talk about such drawbacks and start a proper analysis of how to respond to those. Notwithstanding such shortcomings, the further increase of military budget for military seems not foreseeable at this moment (Telò, 2013).

c) The economic crisis which has been gripping the EU since 2008 is having a great impact on the military budgets of the Member States. Starting from Germany, the only country in the Union that was able to avoid recession, all the countries have followed in cutting down their military expenses. Even France and the UK had to back down on such issue. The reason for this is the combined pressure from international markets, along with social demands coming from national electorates and the adoption of a German-proposed 'fiscal pact' aimed at the equilibration of national budgets. Such combination of factors has unavoidably led to budget-cutting procedures in all of the Member States. The crisis was at the beginning stimulating deeper European integration, but as time goes by, greater gains can be seen by Euroscepticism. This crisis is not only touching the EU's power as a whole, but also its foreign policy. The main influence and predominance the EU enjoys at international level are given by the Euro, and by the socioeconomic unity, and the shrinkage of those is inevitably affecting the international image of the Union. The European Council has tried to mitigate such pressures by the institution of regular strategic summits, but such tool does not seem to be lowering the negative perceptions on the Union from an international perspective (Telò, 2013).

Reasons for these drawbacks are both of structural and transitional nature. There is now proof that the High Representative is not properly equipped to act in

her dual role, and practice seems to exacerbate that her role as vice-President of the Commission is the one suffering of such shortcomings. As a consequence, there is a lack of coordination with the Commission, that still enjoys important external competences. These outcomes can be better understood when analyzing provisions of the Lisbon Treaty. In fact even though the legal/institutional framework has evolved compared to the Maastricht Treaty, it has fundamentally been left unchanged for the foreign policies issues (Telò, 2013). It does in fact push for a greater role for political cooperation and includes various provisions aimed at reaching coherence between the different actions and policies included in the external action. At the same time, though, the Treaty goes in a direction that enhances complexity by allowing for derogations, opt out clauses and exceptions which concur in making the framework impervious and less transparent (Ibidem).

The Lisbon Treaty, does classify the EU as an organization for peace, and provides for a list of principles guiding the action of the Union. The EU shall contribute to peace, security, sustainable development, solidarity and mutual respect between peoples, free and fair trade, elimination of poverty, protection of human rights, particularly of children, and respect and development of international law, notably of the UN Charter Principles. Those contained in Article 21 are explicitly entrenched with the carrying out of external relations, and include democracy, rule of law, indivisibility and universality of human rights, fundamental freedom and human dignity, basing all of its internal and external relations on such principles. The EU is explicitly indicated as a policy-maker in Article 21, which also calls for policy coordination in the external action, requiring to the Commission, the Council and the HR to ensure coherence of the external action. Such international objectives should,

in theory, be the centerpiece for all of the EU institutions, and shall enjoy a binding status, given the large galaxy of bodies that contribute to the formation and implementation of external action policies (Ibidem). As an example, the respect of these founding principles shall be followed even when speaking of culturally and socially sensitive issues, like migration policies and anti-terrorism policies.

In defiance of this, we often witness to the growing number of exceptions, defections and internal differences, which inevitably affect vertical and horizontal coherence. Such intricacy is in continuous growth, and this can be particularly noted when the intergovernmental method is used to take decisions. “Complexity is increasingly becoming – with the expanding of external actions and relations – a very long lasting characteristic of the EU’s institutional set of foreign policies” (Telò, 2013). It seems more proper to speak about the continuing evolution of a greatly complex foreign policy system, rather than the consolidation of its maturity. Four points can be made:

1. Intricacy of inter-institutional relations is continuously increasing, and there are still great difficulties in reaching a steady equilibrium between the new power poles: HR and EEAS, the Commission and the Presidency of the European Council. Moreover, the possibility of internal ‘variable geometry’ has effects on the intergovernmental practices, and limits the inclination towards centralization (Ibidem).
2. The EEAS is a body that has no similar precedents in the history of the Union. It furnishes great advantages for what concerns information gathering and coordination, but it does not seem to be in a good stage of advancement in its identity building process. The

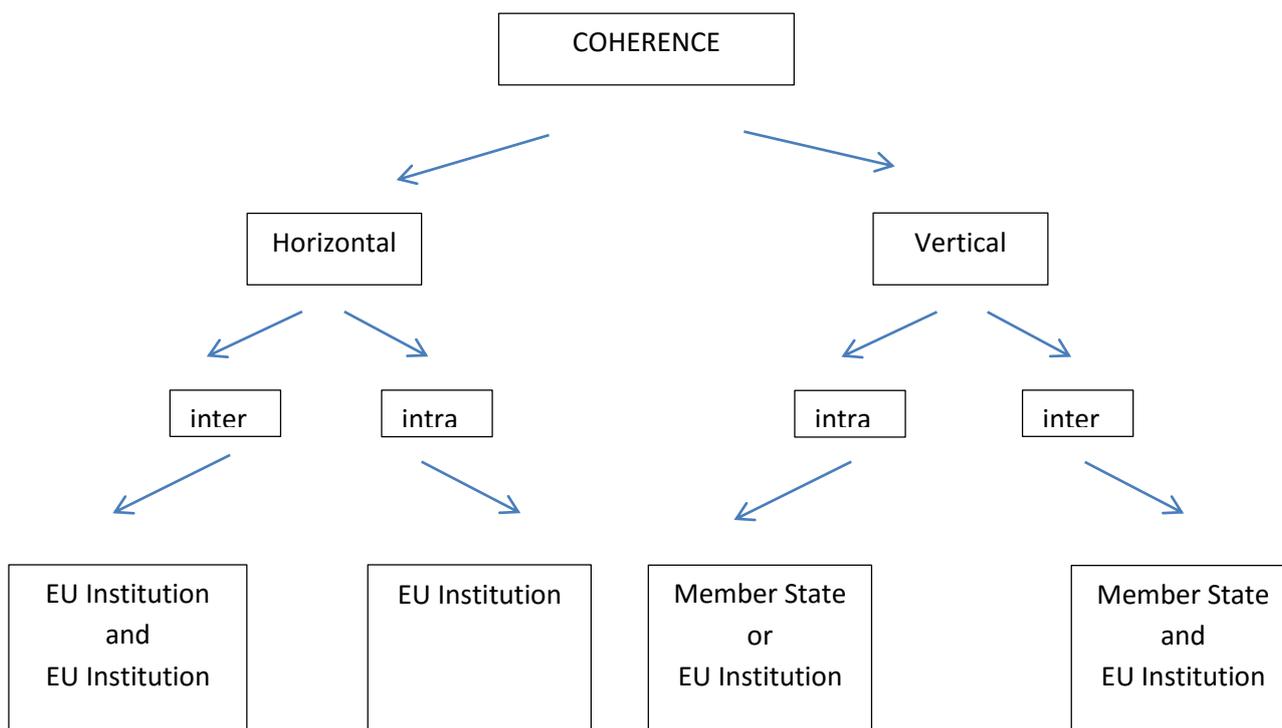
assessment of a proper, unique European identity is still far from being put in place and its different features remained chained to various EU institutions which suffer from lack of coordination (Ibidem).

3. The aforementioned doubtfulness of course have effects on the EEAS' consolidation process. There is for example reluctance to comply with the new hierarchies, with the smaller states being afraid of their under representation, and the bigger states fearing the pressure of newcomers. A further challenging item is the creation and making of a self-identification process. Lastly, the EEAS has to cope with the lack of explicit command chains, especially those concerning shared competencies, which affect the implementation process (Telò, 2013).
4. There still are other institutions which enjoy a right of saying in external actions, like the six-month rotating presidency of the Council, that howbeit retains the prerogative to set the Council agenda and identify priorities. Or the European Parliament, which even if being formally excluded from the formulation of foreign policy has been capable to exert influence on such provisions, like for examples in the debate over the organization and budgetary measures for the EEAS.

“Paradoxically, both the trends towards clarity and simplification, and institutional complexity, are increasing with the new Treaty and its implementation. The financial mechanism (Foreign Policy Instrument) confirms this tendency. Enhanced coherence, combined with increasing complexity and fragmentation, look to many as the paradoxical but quasi-final features of a mature EU policy” (Ibidem).

## **Coherence and the EEAS**

In this part of the chapter we will focus on the contribution given by the EEAS to the EU's external policy coherence. Harmony in the management of international relations is one of the main objectives that the EU has set itself, and it simultaneously represents a great challenge for the future of the integration process (Duke, 2011). In the previous sections, coherence has been defined as the lack of contradictions, or more specifically the harmonious action of the different components which compose the EU. Moreover, a distinction has been outlined, between horizontal and vertical coherence. The former refers to the uniformity of the Union's external action between the different EU institutions, while the latter indicates the absence of inconsistency between the Union's and Member States' foreign policy. Such definitions can be furtherly broadened if taking in consideration also the internal coherence of the analyzed subjects, instead of stopping at the one between the subjects. The internal consistency of a State or an institution is also of great importance in the achievement of a global coherence.



Coherence Levels

The concept of coherence, relatively to the European diplomatic service, was at first invoked in the final report of Group VII of the European Convention. In par. 7 of such report, the possibility to create a European diplomatic service was proposed, with the aim of enhancing coherence and efficiency of external representation. The coherence theme will later on be summoned in 2010, in the first political agreement over the EEAS structure, and in the words of the HR that paved the way to the end of negotiations.

The European Parliament as given importance to this issue as well. The Brock report, in which the views of the Foreign Affairs Committee were expressed, the need for unity and efficiency in external relations had been highlighted. The report proposed to reach such goals through the empowering of the Commission, and the introduction of a political responsibility of the EEAS vis-à-vis the European

Parliament. With the Lisbon Treaty, the quest for coherence has become a central theme. Article 21 (3) TEU and Article 7 TFUE explicitly provide for the obligation of horizontal coherence between the institutions. At the same time, Articles 21 (2), and 24 (3) TUE, along with Article 4 (3) TFUE more implicitly invoke vertical coherence.

Where the duty to fulfill horizontal coherence was univocally accepted, the same can't be said for the one concerning vertical coherence. Member States were in fact afraid to lose spheres of national sovereignty in policy areas that are deemed vital to the life of a state. Such a loss of sovereignty was unconceivable to many Member States, as it is explicated in the Declarations 13 and 14 of the Final Act of the intergovernmental conference where the Lisbon Treaty was adopted.

Specific provisions that ask the EEAS to comply with such coherence are nonetheless vague. From Articles 18 (4) and 27 (3) TUE, it is possible to understand that the Service assists the HR/VP in coordinating the aspects of the external action, while cooperating with the Member States. The assistance of EEAS towards the HR/VP, in her triple-hatted position as High representative, vice-President of the Commission and President of the Foreign Affairs Council is furtherly pointed out by the Council decision establishing the organization and functioning of the EEAS: "The EEAS will support the High Representative, who is also a Vice-president of the Commission and the President of the Foreign Affairs Council, in fulfilling his/her mandate to conduct the Common Foreign and Security Policy ('CFSP') of the Union and to ensure consistency of the Union's external action as outlined, notably, in Articles 18 and 27 TEU. The EEAS will support the High Representative in his/her capacity as President of the Foreign Affairs Council, without prejudice to the normal

tasks of the General Secretariat of the Council. The EEAS will also support the High Representative in his/her capacity as Vice-President of the Commission, in respect of his/her responsibilities incumbent on it in external relations, and in coordinating other aspects of the Union's external action, without prejudice to the normal tasks of the Commission services".

The Decision goes even further, providing for it to assist the President of the European Council, the Council, and the Commission in the exercise of their respective external action functions (Telò, 2013). Moreover, it states that the EEAS shall cooperate with national diplomacies, with the General Secretariat of the Council and the Commission's bodies "in order to ensure consistency between the different areas of the Union's external action, and between those areas and other policies".

EEAS' duty to cooperate with bodies which are entrusted with the guarantee of coherence at different levels in a significant feature, as it suggests the introduction of a possible coordination aimed at eliminating inconsistency. It remains to be seen how EEAS shall actually bear coherence in these levels.

Speaking of horizontal coherence, and focusing on the interinstitutional level, it is possible to analyze the relationship between EEAS and the two key institutions in external relations, namely the Council and the Commission.

According to Article 3, par 2 of the decision establishing the organization and functioning of the EEAS, the latter and the services of the Commission "shall consult each other on all matters relating to the external action of the Union in the exercise of their respective functions, except on matters covered by the CSDP. The EEAS shall

take part in the preparatory work and procedures relating to acts to be prepared by the Commission in this area”.

The right of consultation concerns all the issues with external relations implications, notwithstanding the belonging of many of them in the exclusive competences that shall be exercised by the Commission’s DGs. In this case it is not clear how such right is to be exercised (Duke, 2012). From Article 3 seem to be excluded the “ordinary functions of the services of the Commission”, which are nonetheless not listed. Such a problematic issue falls from the aforementioned twin-track approach to foreign policy, which leads to an artificial division of competences between the Council and the Commission.

Another area in which the EEAS actively pursues the achievement of horizontal coherence is the one concerning the external assistance instruments. The Commission manages various instruments and funds dedicated to development and cooperation, which are administrated by the different DGs. The EEAS contributes to the preparation of their programming cycles, thus earning the chance to actively participate in the definition of a significant element of the EU’s foreign activities. The connection between policy objectives and the instrument aimed at their achievement finds an important element of coherence in the EEAS, which accompanies the work of the Commission both in the planning and in the implementation.

A further area in which the EEAS can bring about more coherence is the Common Security and Defence Policy. The crisis management structures (CMDP, EUMS, CPCC, IntCen) that were previously related to the Council Secretariat are now incorporated in the Service, which also includes a DG for crisis management

and operational coordination. It is thus probable that future military operations and, particularly, civil missions, may enjoy greater coordination. It is undoubted, though, that the performance of the HR/VP, in his role as President of the FAC and immediate superior of the Union's military committee, still remains of great importance in enhancing coherence, both at a decisional and at an implementation level.

Moving on to intra-institutional horizontal coherence, it is possible to identify a great number of different mechanisms. Within the Council and the Commission, the HR/VP has the necessary powers to seek for decisional coherence between the bodies. In the EEAS, instead, the whole administrative board is responsible "for the smooth functioning of the Service, while a wider Policy Board will ensure general coherence (under the HR/VP) and make sure that the global and multilateral issues are reflected in the geographical and regional concerns and vice-versa"<sup>34</sup>.

Unified positions in the single bureaucrats' jobs is sought and implemented in a different way. The theme regarding socialization between the functionaries is one of great importance. The EU is not a state, neither a normal international organization. There are many supranational elements, but still those working in the European bureaucracy have their own nationalities, working culture and vision of the EU and of its institutions. Differences on these issues manifest themselves in a diverse way of interpreting a role, and this can in turn positively or negatively influence the internal coherence of an office, of a DG, or of an entire institution. Past studies concerning this issue have mostly focused on the Council and the Commission, whose daily interaction gave life to various discussion inputs. Studies

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<sup>34</sup> HR/VP nda

regarding the Commission, such as those carried out by Hooge in 2001 and by Carta in 2011, have taken into consideration different aspects such as the geographical composition and ideas of the functionaries on the Union, its representation and its international role<sup>35</sup>. This question undoubtedly carries with it important implications for a diplomatic service. Since it includes functionaries from the Council, the Commission and the Member States, the EEAS find itself in a more heterogeneous position than those of the Council and the Commission alone, with possible implications for the bureaucratic-administrative coherence. It is the entire performance of the Service to be threatened.

Being able to pull together the three different souls of European diplomacy is not an easy task, and will surely require time and appropriate tools. Common European training programs are one of these. Knowing the colleagues, sharing ideas, opinions or working methods while acquiring the necessary competences required to run the EU, are all phases of a process which is instrumental to the construction of an *esprit de corps*<sup>36</sup>. The lack of such cohesion might result in the pursuance of individual trends carried out by those who, working inside the EEAS, want to support its national state or the body it works for. Suspicions and mistrusts do exist between diplomats, and it will be important to foster the internal socialization and identity building within the EEAS.

Speaking of vertical coherence, the only extent important to the EEAS is the one concerning the EU institutions and Member States. Intra-state coherence is a realm of exclusive national sovereignty where the EU does not play any role.

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<sup>35</sup> Hooge, Carta

<sup>36</sup> *Ibidem*

The contribution of the EEAS to this type of coherence had been outlined in two ways: through the presence of national diplomats in the diplomatic service and through the duty of cooperation between the EU Delegations and those belonging to the member States. It is an entanglement that involves both the headquarters in Brussels and the Delegation in third countries, and it is to be added to the coordinating action carried out by the HR.

The presence of national diplomats in the EEAS is, theoretically, instrumental to the achievement of vertical coherence between national diplomatic services and the EU's external representation. National functionaries are integrated in the EEAS structure for a maximum period of ten years, and should carry out their duties enjoying full independence from their national states, pursuing the exclusive interests of the European Union. What is expected from such mechanism is that once those diplomats go back in their national diplomatic services they bring about their new competences, knowledges and *modus operandi*, positively conditioning the relationship between the two diplomacies. A longer period of assignment to the EEAS would have probably had greater effects, but at the same time it may have possibly be thwarted by the Member States (Duke, 2012). Moreover, speaking of smaller Member States which do not possess a large number of diplomats, the prolongation of such period would have been unfeasible from a human resources perspective.

The extensive quest for coherence at all levels of the EU's external action seems to suffer from the lack of a strategic approach, which should be the guiding principles of the European policies. A deficit that is attributable to the lack of political will by the Member States, who are not prone to impose themselves strict

coordination constraints, in an institutionalized way. EEAS is the instrument aimed at pursuing this sought harmonization.

Further analysis of the relationship between the EEAS and the national diplomatic services will be carried out in the fourth chapter.

### *Increasing coherence and slight moves towards supranationalism*

It is possible to identify three main paths to work on for the improvement of concreteness and coherence in the realm of EU's international actorness and, its 'Multilaterability', which are: (a) the EU's International 'Procedural Identity', (b) the Position of Associated member States and Regions, and (c) the pursuance of a Closer Cooperating Hard Core (Telò, 2013).

- a) Increasing the EU's 'multilaterability' walks, first of all, through its international 'procedural identity', which is directly dependent on both internal and external elements. Possible EU Treaty revisions could provide for the implementation of furtherly institutionalize coherence in the external action, as well as introducing strict loyalty clauses for the Member States. Nonetheless, the latter's obstructionism to a single representation still is too big to be set aside. All the same, if the Union wants to play a central role in global politics, the Member States shall lower discrepancies between their multilateral internal practices and claimed multilateral identity on one

side; and their overrepresentation in the international organizations on the other, by allowing a formal EU representation (Ibidem).

- b) Further steps forward could be made in the area of the positions of associated states and regions. To this extent, a barrier to the achievement of such goal is represented by the prolonged opposition demonstrated by the UN and other international organizations in recognizing and accepting regional entities as full members. Moreover, strategic partnership need to be improved, since its lack is capable of having effects on both the EU's diplomatic action and structural foreign policy (Ibidem).
- c) Since the EU's institutional framework does concede the opportunity to proceed in flexible and differentiated ways in the integration process, it would be desirable that Member States which promote shared vision engage in closer cooperation, strengthening integration by including CFSP (Telò, 2013).

Some kind of supranationalization inputs have also been given by the work of the Commission, especially in practical matters such as the establishment of the EUMSS. Some studies have highlighted how the role of the Commission went beyond the one of being an agent of the Member States, resulting in effects that were not expected such an intergovernmental system. In the EUMSS case, the Commission pursued an active position, applying its veto on the starting of the negotiation process, until it was capable to enjoy the support for the approach it was proposing, namely a cross-sectorial one. This was possible since the singular

institutional framework of the EU, along with the obligations contained in the Treaties to coordinate external actions between different policy realms, give rise to a demand for services from the Commission (Dijkstra, 2012). At the same time, though, it gives the Commission the possibility to ‘evade’ the intergovernmental decision-making procedures which are imperative for the security and defence issues. After gaining access to de facto decision-making arenas, it was able to persuade EEAS and the Member States of the validity of its proposals. These studies are still at a preliminary phase, and taking into account just few case-studies, it is thus not possible to use them as an empirical evidence. Notwithstanding, there are some implications that follow from such behavior. Firstly, it is clear the EU does not operate as a typical international organization, as the CFSP is somehow going beyond intergovernmentalism, as policy-making is not fully concentrated in the hands of key Member States. Secondly, such analysis makes it clear that a single-issue rational approach is not feasible at a EU level, and there is the need for further theoretical approach, which could in turn lead to an institutionalization of such practices. Thirdly, by outlining the Commission’s factual influence these studies expose how factors which usually are not properly taken into account, such as informal cooperation, expertise, and the capability to elaborate convincing arguments are all elements that are capable of producing integrative outcomes, even in areas where the Member States defend strong interests.

Nevertheless, such small progresses seem to be even smaller if looked from the perspective of the crisis the continent is going through. Crisis are usually an important framework for change and fostering, but even if the EU confronted itself with multiple crises in recent years, those did not bring about any significant

institutional change. The majority of old breaches between Member States have remained stable, along with usual concerns about national sovereignty, and recent studies have highlighted a “pathetic lack of ambition” in the Member States’ attitude towards the shaping of foreign policy at the Union level (Mueller, 2016).

As we have seen in the previous sections, the creation of the EEAS has been through various, strongly felt, negotiations and turf wars between the parties at stake. Simultaneously, many Member States expressed their unwillingness to transfer competences to the EEAS.

Also for what concerns the defence area, Member States found it hard to go towards enhanced cooperation. EU institutions tried to provide inputs for further integration, especially in a period characterized by economic austerity. The EP, for example, proposed to use the financial crisis “as an impetus for finally creating and implementing ambitious reforms in the making” (Mueller, 2016). Other suggestions included better coordination of defence planning, the pooling and sharing of certain military capabilities, enhancing cooperation in research and technological development, facilitating industrial collaboration on defence and optimizing defence procurement through measures such as the removal of market barriers (Ibidem). Nevertheless, inhibition on sovereignty, along with direct interests of single Member States have prevented the adoption of ambitious CFSP and CDSP reforms. This point can be highlighted by analyzing the case of Permanent Structured Cooperation (PSC) (Ibidem). This tool was created with the Lisbon Treaty, and provided a framework, within TEU, to allow Member States’ voluntary cooperation in the development of capabilities. The framework also included a top-down element, the European Defence Agency, which would have had to assess the performance of the

participating states based on commonly agreed binding principles (Ibidem). Member States were very reluctant on this last point, and thus preferred engaging in cooperation in areas they retained necessary, limiting the use of EDA as much as possible, treating it as a mere information exchange platform.

These multiple crises did not just stimulate the discussion over the advancement of EU's institutional capacity as a foreign policy actor, but they also gave life to observations on strategic priorities. These have, in turn, led the European Council to entrust the High Representative, Federica Mogherini, with a formal mandate to prepare an 'EU global strategy on foreign and security policy', which has been delivered by the HR in June 2016.

The European Union Global Strategy (EUGS), has introduced a new comprehensive approach to foreign and security policy, which seems to be aware of the EU's own limits due to its capabilities, and of the uncontrollability of other countries. This resulted in a more modest strategy than the European Security Strategy implemented in 2003, which can be described as standing mid-way between isolationism and interventionism, that has brought back Realpolitik<sup>37</sup> in Europe (Biscop, 2016).

This approach is represented by the fact that EUGS represents the first European document to ever list the Union's vital interests, which must be jointly pursued by both the EU and the Member States. The document states that "there is no clash between national and European interests", since the vital interests that it lists are of paramount importance to the Member States as well. Those are: the security of EU citizens and territory prosperity; democracy; and a rules-based global order to

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<sup>37</sup> Realpolitik is here intended in the original sense of the term, as intended by the German liberal Ludwig von Rochau, whom in 1853 coined the term. It is intended as a rejection of the liberal utopianism, but not of liberal ideas themselves. It is a vision of the future, that provides a guide to reach it in a realistic way.

contain power politics. In outlining such interests, which flew from the analysis of the global environment that the HR handed to the European Council in 2015<sup>38</sup>, the EUGS defines five priorities: (a) the security of the EU itself, (b) the security of the neighborhood, (c) how to deal with wars and crises, (d) stable regional orders across the globe, and (e) effective global governance.

The methods exposed to achieve the first three priorities evidently go after the aforementioned realism, which is also entrenched in the so-called “principled pragmatism”. The underlining the EU security, the neighborhood and hard power, and by no longer putting the accent on democratization.

Firstly, a strong emphasis is posed on the EU’s security and on the neighborhood’s: “we will take responsibilities foremost in Europe and its surrounding regions, while pursuing targeted engagement further afield”. In the wake of Brussels and Paris terroristic attacks, the addressing of internal and border security had to be a focal point in order for the EUGS to be taken seriously.

Secondly, emphasis on democracy has been greatly reduced. In concordance with the Joint Communication on the future of the European Neighborhood Policy (ENP), democratization is not a mandatory part of the kit. The EU will of course give support to democracies where they should come to life, since “their success ... would reverberate across their respective regions”. Nevertheless, EUGS recognizes that many countries are willing to enter relationships with the EU, without having to undergo a democratization process. In these instances, the scope will be to increase the resilience of the population and society, especially in the fights against poverty

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<sup>38</sup> F. Mogherini, the European Union in a changing Global Environment. A more Connected, Contested and Complex World, Brussels, EEAS, 2015.

and inequalities, in order to foster long-term home-grown positive changes (Biscop, 2016).

Thirdly, it is possible to witness to the increasing awareness of the cruciality of a trustworthy military instrument. As Mogherini stated in the foreword: “Soft and hard power go hand in hand”. This does not represent a rediscovering of geopolitics by the Union, but rather the recognition that some countries do not hesitate in using unfair means to pursue their foreign policy objectives. From this falls the ambition “to protect Europe, respond to external crises, and assist in developing our partners’ security and defence capacities”. To this extent, the Union’s endeavors “should enable the EU to act autonomously, while also contributing to, and undertaking actions in cooperation with NATO”. The extents to which such “strategic autonomy”, as defined by Mogherini, shall apply, are distributed in the whole text. First, “this means living up to our commitments to mutual assistance and solidarity”. Second, where there are ongoing conflicts, the Union should “protect Human lives, notably civilians”, and “be ready to support and help consolidate local ceasefires”. This represents an important and ambitious engagements, since it presumes the deployment of troops on the ground, with proper fire-power, to be backed up by qualified air support and steady reserves (Biscop, 2016). Third, the EU “is seeking to make greater practical contribution to Asian security”, including the maritime areas. Lastly, the EU “could assist further and complement UN peacekeeping”, as a proof of belief and commitment to the UN as “the bedrock of the multilateral rules-based order”.

The features of the EUGS discussed up to this moment are enough to understand the ambition of such Global Strategy as military level, sectoral strategy,

which should trigger enhanced cooperation, and provide for integration in the military area. The EUGS, moreover, provides for guidelines aimed at pursuing such integration, by proposing to institute “an annual coordinated review process at EU level to discuss Member States’ military spending plans”, which could in turn result into some kind of European semester on defence.

Fourthly, the pinpoint on “cooperative regional orders” is a further element reflecting the awareness of the ongoing geopolitical competition between different global and regional powers (Ibidem). There are several conflicts going on in areas which fall under the EU neighborhood, and in which the Union is bound to take responsibility, also engaging in cooperation with Russia.

Lastly, the fifth priority definitely brings back global governance in the EU agenda, after “effective multilateralism” had actually been taken out of it. The EUGS desirously points out “to transform rather than simply preserve the existing system”, which will howbeit be indispensable to prevent “the emerging of alternative groupings to the detriment of all”.

Nevertheless, the EUGS does include some deficiencies as well, the first of which is the lack of ambition in the diplomatic field, especially when dealing with conflicts and crises. In spite of the novelties introduced by the military implications it carries, the EUGS appears poorly reactive on the diplomatic side.

The EUGS gave life a new line to follow in CFSP, and also provides for the suggestion to set up a proper systematic process of implementation and review. It calls for a rapid decision on “clear procedures and timeframes”, announces an annual reflection on the state of play “pointing out where further implementation must be sought”, and asserts that “a new process of strategic reflection will be launched

whenever the EU and its Member States deem it necessary”. The inputs provided by the EUGS are very clear, and strongly push towards further integration and delegation of competences to the Union. Nonetheless, in order to produce the expected effects, it will have to be institutionally anchored, not only in the EEAS, but also in the Commission and the European Council.

In this chapter we have seen a detailed analysis of the Lisbon Treaty, of its intergovernmental and supranational sides, of the EEAS of the main features and characteristics of the EU’s Common Foreign and Security Policy. We went through positive and less positive outcomes, proposing some possible changes that might enhance coherence in external action, one of the main objectives of the Treaty itself. We will now move on to a more specific analysis, concerning the EEAS, the EU Delegations and the National Ministries of Foreign Affairs.

## **4. EEAS and National Diplomacies**

### **The relationship between EEAS and national ministries of foreign affairs**

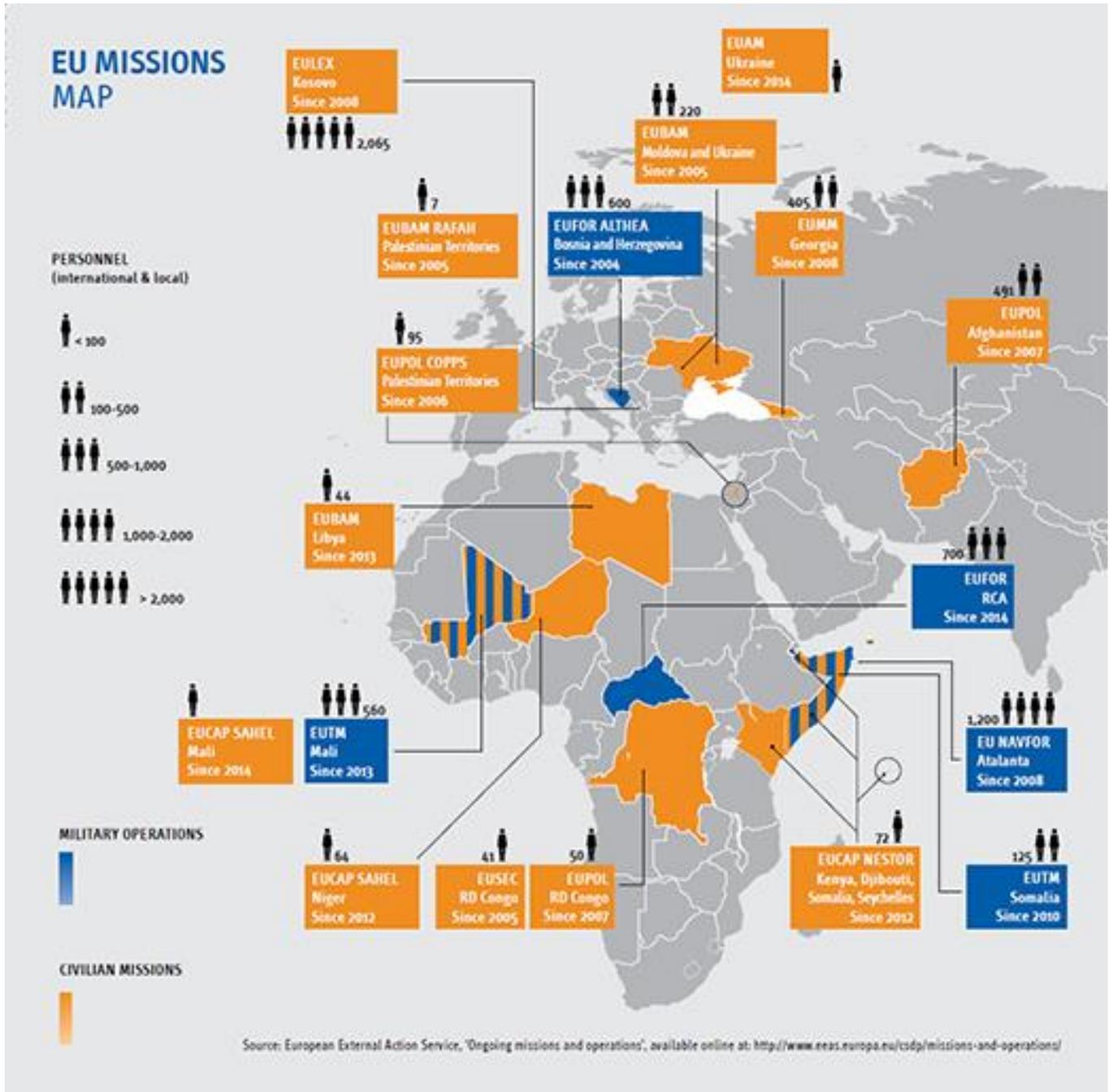
The creation of the EEAS has inexorably changed the interconnection between EU and national foreign policies, whose final result shall be a new framework capable to administer the EU's activities all over the world.

Up to this moment, there hasn't been a path which has led such relationship, since neither partnership nor conflict has stepped out as the prevailing feature. From the moment of its establishment, the EEAS has scrupulously highlighted the fact that its duty is not to take the place of the ministries of foreign affair of the single Member States, but rather to help developing the European diplomacies by delivering value added. The creation of the EEAS has caused a movement towards defensive positions by the foreign bodies of Member States, which have felt the necessity to furtherly assert their fundamental role in promoting national interests and safeguarding national sovereignty. The concept of complementarity has been of crucial importance in this phase, allowing to disperse mistrust and hype the legitimacy of the new body.

Nonetheless, the processes of reciprocal action between Brussels and the national capitals are way more complicated, and it is not possible to frame them in the concept of complementarity. In pursuance of the full utilization of the EEAS' capacity, Member States' shall undergo the effort of going beyond complementarity, and start re-thinking burden-sharing as well as the separation of work between EU and national-level diplomacy.

The EEAS is capable of ensuring value added to national diplomacies at two layers. First, at a political layer, via the empowerment and multiplying effect the Member States could enjoy if they are capable of acting together and speak with a single voice. Second, at a practical level, the EEAS might be helpful in accomplishing bureaucratic tasks, thus complementing the activities of national ministries of foreign affairs.

# EU Missions



Rosa Balfour and Kristi Raik (2013) in carrying out their research projects on the EEAS have identified four kinds of relationship that may occur between the Service and national foreign policies: uploading, downloading, offloading and cherry-picking.

Firstly, the uploading relationship is one where Member States transfer national priorities in foreign affairs to Brussels, with the aim of profiting from the EU engagement, commitment and resources. It is a type of situation in which Member States, particularly the small ones, can encounter a substantial multiplying effect by the transformation of national priorities in EU policies. For example, countries like Sweden and Poland by capitalizing the Union's commitment to democracy, have been able to create the European Institute of Peace, by transferring policy ideas that were already embedded in their national foreign policies, but would have had little international resonance if not included in the EU policy (Balfour & Raik, 2013).

The EU has also been a great power multiplier for big Member States, like France, which tried to upload its national foreign policy aspirations into the Union, in order to keep secure its position as a strong global actor.

In addition to fostering and multiplying the small national projects at a global level, the EU also provides for a shielding function, especially in cases in which finding solutions passes through negotiations with difficult partners, or in situation of crisis (Balfour & Raik, 2013).

Of course, uploading is not a one-way path, but involves the reshaping of national priorities and opinions in order to make them satisfactory for the EU as a whole. The example of the Europeanization of the Mediterranean question can be taken as a good example. In any case, for the majority of Member States, the Union is an opportunity to gain a greatly enhanced global outreach, compared to the one attainable through national diplomacies (Ibidem).

Secondly, downloading relationship is the one which entails the adaptation of national policies to the ones built up at the EU level.

Thirdly, offloading relationship occurs when the Member States decide to hand over to Brussels some of their competences in specific areas of international relations, which they are not able or not willing to carry out.

Lastly, cherry-picking goes hand in hand with the pursuance of the best possible gains, by using the EU resonance only in specific cases, when deemed useful (Ibidem).

A further distinction to be made is the one between high-priority and low-priority policy areas. For what concerns high-priority issues, Member States are usually reluctant to empower the EU, thus preferring to limit its role to the minimum. In other key issues, Member States recognize the importance the EU can have at a global level, but they use it as a resonating chamber, without enabling it to directly represent them. Speaking of low-priority issues, instead, national governments are usually prone to allow for a greater EU role, especially when speaking of geographically remote areas. Lastly, a third type of priorities are the so-called declaratory priorities, which enjoy a high level status on the agenda, but in the pursuance of which the Member States are completely willing to pass their load to

the EU. This kind of relationship, through which Member States offload their interests to the Union, is easily found in values-based issues, such as those directly involved with democracy and human rights (Balfour & Raik, 2013).

There is still a lot of work to be done in the institutionalization of such processes, as well as in the empowering of the EEAS, and the financial crisis we are undergoing is certainly not helping. Many countries have in fact approved cuts to their budget in diplomacy and/or are undergoing restructuring processes.

Moreover, national defence of the sovereignty area relentlessly continues, along with fears of the possible disappearance of national ministries of foreign affairs, thus posing further barriers to the improvement of burden-sharing procedures. Nevertheless, the austerity times in which we find ourselves imposes to seriously enhance efficiency, given the budgetary pressures. Efficiency thus has a strong part to play in the building-up and legitimizing the role of the EEAS versus national diplomacies (Ibidem).

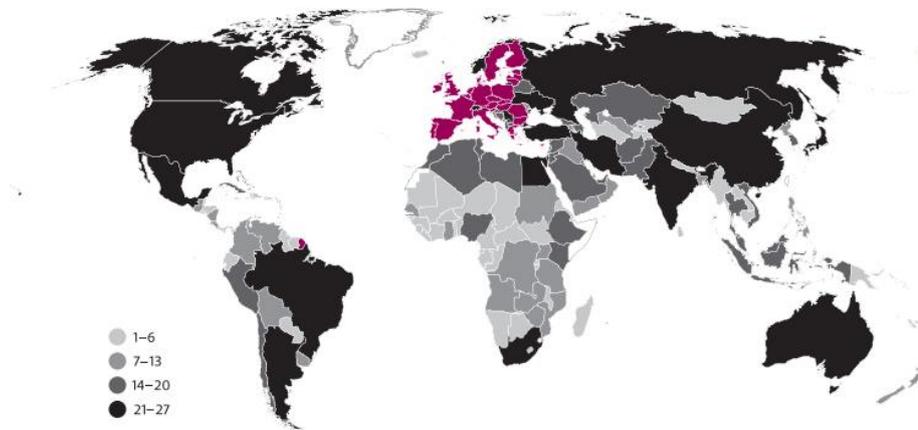
Up to this moment, the widely spread unwillingness of the Member States to consider the translation of functions from national ministries to the EEAS has proved to be an insurmountable obstacle to the affirmation of the Service. The good news, though, is that such reluctance has in some cases started to be questioned, given the potential economies of scale that Member States could gain by relying on the EEAS and its wide range of delegations. As it is possible to imagine, such shift in the line of thought is not prompted by desires of integration, but rather by budgetary pressures. Countries like Spain have for example had the necessity of shutting down embassies; in doing so, they have found the help of EEAS to manage the diplomatic services it had to address.

From a purely pragmatic point of view, EEAS constitutes an important occasion for national foreign ministries to achieve more results with less effort. In Member States want to enhance their operational capacity and be able to perform at a global level, they must engage with different stakeholders and re-assess their functions (Hockin et al., 2012). The EEAS has not established its role in the changing configuration of actors yet, but it is one of the few bodies that has the capacity to assume some of the core functions of diplomacy, to be added to its attitude toward representing an innovative, global policy entrepreneur, exploiting the Delegations all over the world (Balfour & Raik, 2013)

### **The EU Delegations**

The most palpable innovation that has brought about value added to national diplomacies has surely been the entrenchment of former Commission Delegations in the EEAS, as EU Delegations. To this this date, EU Delegations amount to 139 all over the world. The strength of such bodies is also enhanced by the legal status they enjoy representing the Union, as well as the duty to coordinate themselves with the embassies of Member States in third countries.

This global reticulation is not only providing for the implementation of external assistance and managing trade issues, but is also the face of the Union in the places where they arise. They maintain political, economic and civil contacts with a multitude of actors, and are capable of gathering information on developments which take place all over the world (Balfour & Raik, 2013).



Map 1. The density of EU member states' embassies outside the Union.



Map 2. EU Delegations cover most of the world.

Source: R. Balfour and K. Raik, *Equipping the European Union for the 21<sup>st</sup> Century*, 2013

For what concerns the staffing of Delegations, the goal of incorporating functionaries coming from national diplomacies up to one third of total staff has been achieved. Such process has of course brought about a great enhancement of knowledge, skills and working culture of the Delegations, enabling them to be

properly equipped to act as the principal interlocutor of third countries. In some cases, national military staff has been attached to the Delegations (i.e. New York, Pakistan), while bigger Delegations have experienced the attachment of officials delegated to the management of cross-cutting issues (Balfour & Raik, 2013).

### Member States Diplomats as a proportion of AD staff

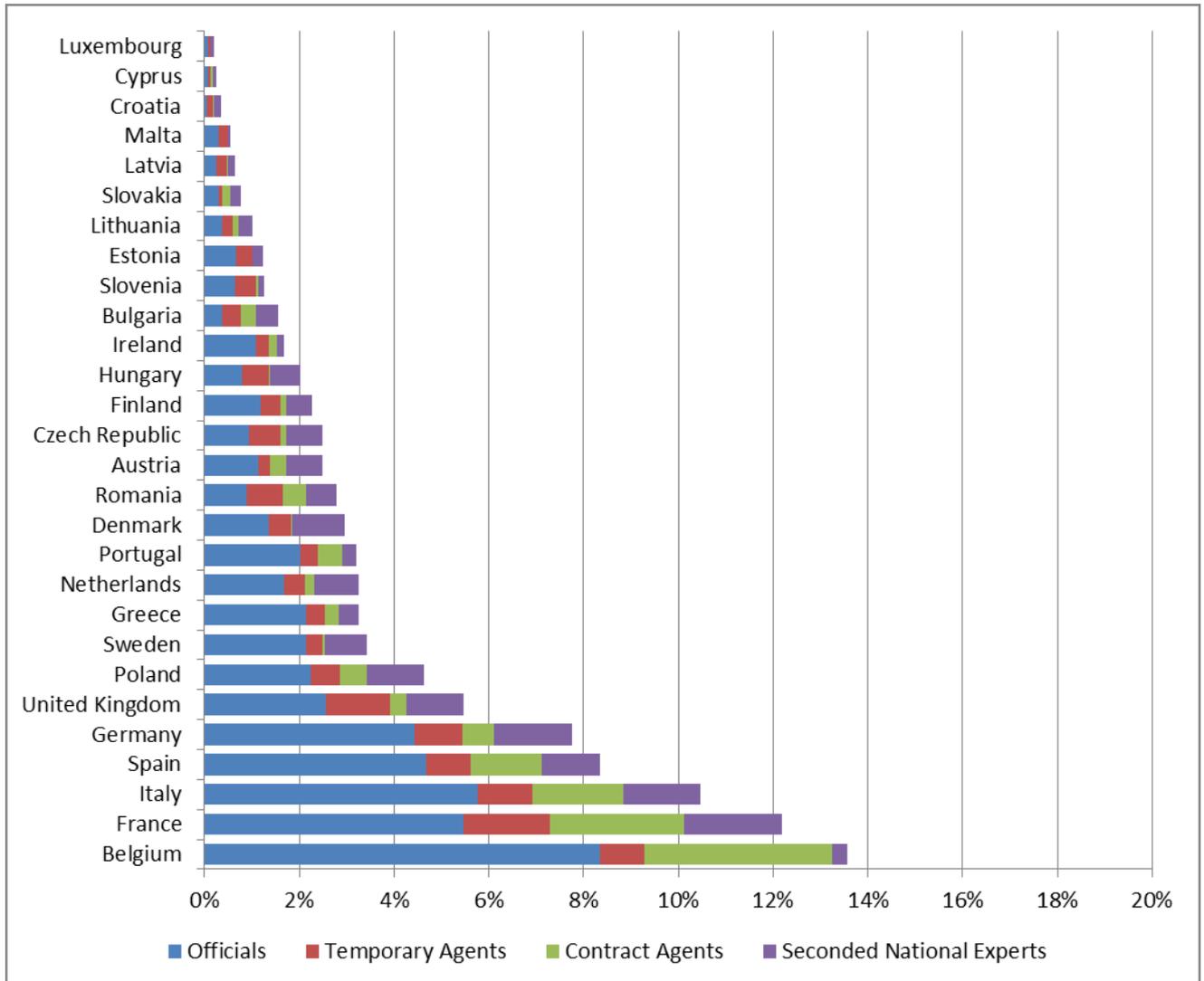
	Country Population	%	AD Officials	% of Total Officials	Other AD Temporary Agents*	% of Total other TA	Member States Diplomats	% of Total MSD	Total AD staff	% of Total AD per nationality
Austria	8,443,000	1.7%	18	3%	1	14%	4	1%	23	2%
Belgium	11,095,000	2.2%	50	8%	1	14%	15	5%	66	7%
Bulgaria	7,327,000	1.4%	4	1%	0	0%	8	3%	12	1%
Croatia	4,280,000	0.8%	1	0%	0	0%	3	1%	4	0%
Cyprus	862,000	0.2%	2	0%	0	0%	1	0%	3	0%
Czech Republic	10,505,000	2.1%	10	2%	0	0%	13	4%	23	2%
Denmark	5,581,000	1.1%	17	3%	0	0%	11	4%	28	3%
Estonia	1,340,000	0.3%	5	1%	0	0%	8	3%	13	1%
Finland	5,401,000	1.1%	11	2%	0	0%	9	3%	20	2%
France	65,328,000	12.9%	81	13%	4	1%	37	12%	118	13%
Germany	81,844,000	16.1%	72	12%	1	14%	22	7%	95	10%
Greece	11,290,000	2.2%	21	3%	0	0%	9	3%	30	3%
Hungary	9,958,000	2.0%	9	1%	0	0%	12	4%	21	2%
Ireland	4,583,000	0.9%	15	2%	0	0%	6	2%	21	2%
Italy	60,821,000	12.0%	90	15%	2	29%	17	6%	109	12%
Latvia	2,042,000	0.4%	2	0%	0	0%	5	2%	7	1%
Lithuania	3,008,000	0.6%	4	1%	0	0%	4	1%	8	1%
Luxembourg	525,000	0.1%	2	0%	0	0%	1	0%	3	0%
Malta	418,000	0.1%	3	0%	0	0%	5	2%	8	1%
The Netherlands	16,730,000	3.3%	21	3%	0	0%	10	3%	31	3%
Poland	38,538,000	7.6%	25	4%	0	0%	14	5%	39	4%
Portugal	10,542,000	2.1%	19	3%	0	0%	9	3%	28	3%
Romania	21,358,000	4.2%	5	1%	0	0%	14	5%	19	2%
Slovakia	5,404,000	1.1%	2	0%	0	0%	2	1%	4	0%
Slovenia	2,055,000	0.4%	3	0%	0	0%	11	4%	14	1%
Spain	46,196,000	9.1%	62	10%	0	0%	22	7%	84	9%
Sweden	9,483,000	1.9%	27	4%	0	0%	7	2%	34	4%
United Kingdom	62,990,000	12.4%	39	6%	2	29%	28	9%	69	7%
<b>Total</b>	<b>507,945,000</b>	<b>100.0%</b>	<b>620</b>	<b>100%</b>	<b>7</b>	<b>100%</b>	<b>307</b>	<b>100%</b>	<b>934</b>	<b>100%</b>

In 2013, good progress was made towards the objective of reaching the 1/3 target for Temporary Agents from national diplomatic services in AD posts. This target was achieved in July 2013, since then the overall proportion of Member States Diplomats within EEAS AD staff has been approximately 33%. In December 2014 this percentage grew to 33.8%, and in December 2015, the percentage of Member States Diplomats within the AD population slightly decreased to 32.9% due to a limited number of unforeseen departures.

Source: EEAS Human Resources Report 2015

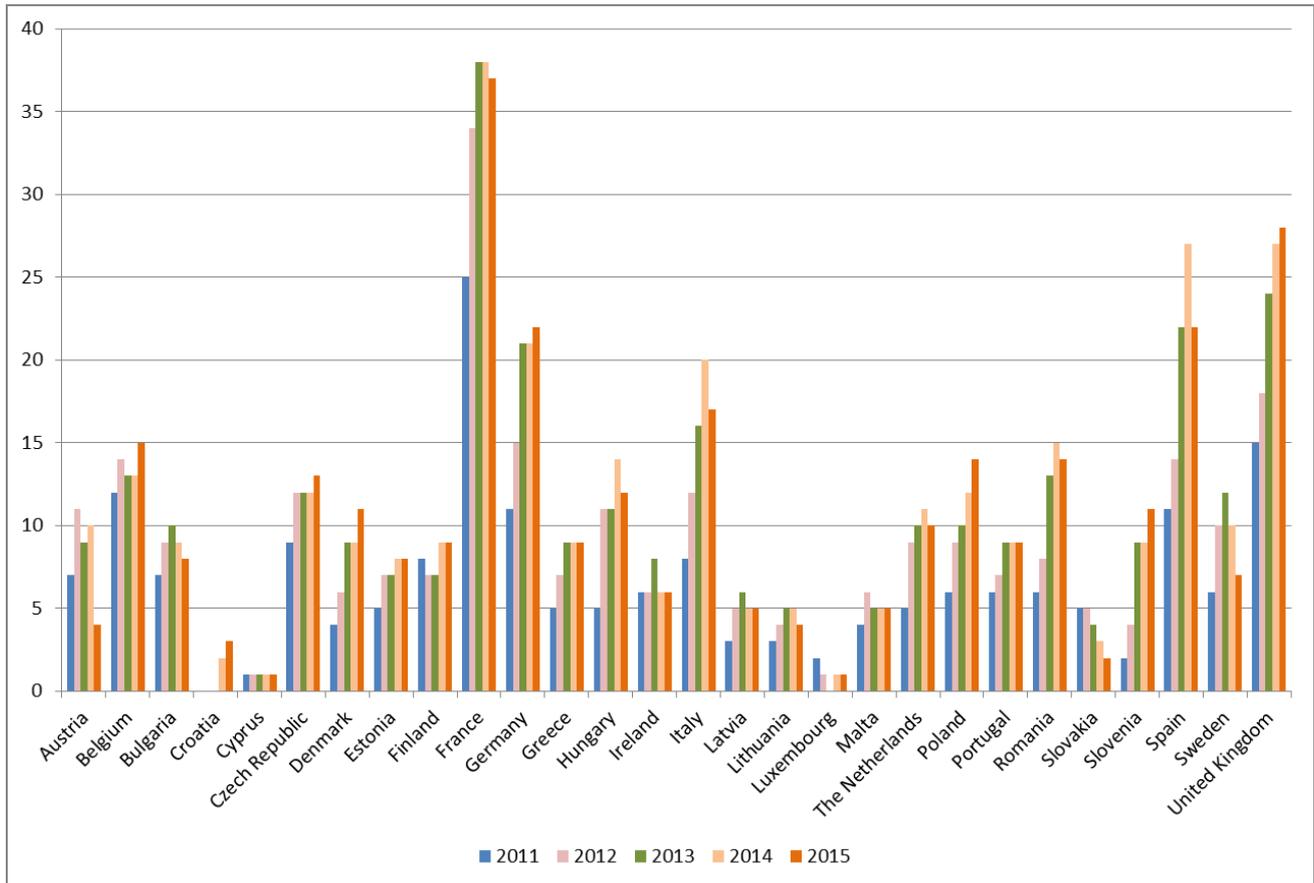
The starting phase, that saw the empowerment of EU Delegations, has been successful, and the majority of Member States has accepted the coordinating role they carry out. Nonetheless, such acceptance is strictly related to the locations in which the Delegations arise. The variation is also closely linked to the differences between the Heads of Delegations, their background, experience and level of enterprise. Moreover, the diplomatic environment changes when location changes. These variables make it difficult to advance generalizations. There, though, commonly shared achievements, such as the adoption of the ACID information-sharing system, which has been introduced in the EU Delegations, and that also serves to bring local diplomatic networks together (Ibidem).

## EEAS Staff distribution per nationality



Source: EEAS Human Resources Report 2015

### Member States Diplomats evolution per nationality (2011-2015)



France, UK, Spain and Germany were by far better represented by the MSD than other countries. In 2015 the number of MSD decreased particularly for Austria, Hungary, Italy and Sweden, and grew for Belgium, Denmark, Poland and Slovenia.

Source: SYSPER, December 2015

Not surprisingly, the establishment of EU as a coordinator and representative has been easy enough to achieve in places that are located more peripherally and where political and economic interests of the Member States are not much strong, thus facilitating their acceptance of the EU Delegations' role. These Delegations provide access and information, and allow Member States to use them as

prolongations for the pursuance of national foreign policies (Ibidem). Simultaneously, they are not in competition with national embassies, almost totally falling under the aforementioned complementarity principle.

The most challenging test for the EU Delegations' ability to bring together the different Member States is to be capable to reach such merger in key places, where national diplomacies have high stakes at play, and where national representation is deemed essential. In international organizations like the UN and FAO, for example, representation is firmly kept in the hands of the rotating Presidency of the Council, which represents a giant step back to before the Lisbon Treaty. In locations such as Washington, Moscow and Beijing, it is a great deal for the EEAS to fulfill its mandate, and not be merely recognized on a par with Member States. In such places instead, the activities and benefits of the EEAS shall not be underestimated, since it is exactly where coordination and ambition play a greater role and pay higher dividends (Balfour & Raik, 2013).

Member States have different points of view on how desirable the policy initiatives and judgements by the Delegations are. Some of them tend to highlight the importance of national diplomacies to define the principle and guidelines inspiring their external action, while others are more willing to give the EEAS a free path, sustaining and appreciating the proposals brought about by the Delegations. The EEAS has been quite slow in fully involving the Delegations in policy-making. Moreover, contradictive expectations have arisen, with some Member States worrying about the Delegations carrying out EU representation without having a rightful mandate to do so, and others complaining about the scarcity of activity (Ibidem). These opposed expectations don't give much room to the EEAS to affirm

itself and assert its authority, which will have to be build up step-by-step, gaining trust and faith of the Member States.

In spite of the fact that Member States have all recognized EEAS and EU Delegations, none of the ones that underwent a reorganization of national diplomacy has done so in the light of the existence of the Service. Prior to the Lisbon Treaty no one would have imagined the possibility of having EU Delegations around the world, so this item played actually no role in the national planning. Since the creation of the EEAS, though, national priorities and needs have continued to be the driving force for Member States in foreign policy (Balfour & Raik, 2013). Nevertheless, the Service has managed to find its way in the thoughts of the national governments when it started proving its utility in budget-saving and burden-sharing. Taking in consideration a case in which a Member State, for budgetary reasons, is obliged to shut down an embassy in a place where an EU Delegation is standing, it can lean on the Delegation itself for gathering information, maintaining contacts and access to local players. Furthermore, in places where a State has no representation, the EU Delegation can act as an intermediary and facilitator (Ibidem).

### EEAS Management staff distribution per nationality, December 2015

Nationality	Middle Management	Senior Management	Total	%
Austria	6	5	11	4%
Belgium	16	3	19	7%
Bulgaria	4		4	1%
Croatia	2		2	1%
Cyprus			0	0%
Czech Republic	3		3	1%
Denmark	8	2	10	4%
Estonia	3		3	1.1%
Finland	4	2	6	2%
France	26	3	29	10%
Germany	21	6	27	10%
Greece	5		5	2%
Hungary	4	1	5	2%
Ireland	9	1	10	4%
Italy	38	4	42	15%
Latvia			0	0.0%
Lithuania		1	1	0.4%
Luxembourg			0	0%
Malta	1		1	0%
The Netherlands	11	2	13	5%
Poland	6	2	8	3%
Portugal	7	2	9	3%
Romania	2	1	3	1%
Slovakia	1		1	0.4%
Slovenia	3		3	1.1%
Spain	26	4	30	11%
Sweden	8	2	10	4%
United Kingdom	20	7	27	10%
<b>Total</b>	<b>234</b>	<b>48</b>	<b>282</b>	<b>100%</b>

Member States that were better represented at the management level were: Italy (15%), Spain (11%), France, UK and Germany (10% each). Together they represented 55 % of EEAS management staff. The Member States that joined the EU after 2004 represented only 12 % of EEAS management staff. Cyprus and Luxembourg did not have any staff members in management functions.

In comparison with the overall country population, Belgium, Ireland and the Netherlands were better represented at the management level, while Poland and Romania were underrepresented in that category of staff.

Source: EEAS Human Resources Report 2015

There is substantial interest in both the EEAS and the Member States in co-location arrangements, especially for what concerns placing national ‘laptop diplomats’ in EU Delegations offices. As an example, the UK Ambassador to Morocco, who is also the non-resident Ambassador to Mauritania, uses the EU Delegation in Nouakchott when he has to go there. It is a kind of practical partnership rather than of actual policy integration (Ibidem). Member States use such opportunities to save budget, as the ‘laptop diplomats’ remain fully in service of their originating national ministry of foreign affairs, with all duties and responsibilities their role entails. Nevertheless, such practical arrangements may be in time able to generate propulsion in boosting relationships between national and EU diplomats, dazzling the frontier between national and EU action (Balfour & Raik, 2013).

A further shape that burden-sharing can embody is that of joint Embassies sites. For example, starting from a British proposal, the EU, the UK, the Netherlands and Germany are now sharing housing in Tanzania. Countries like Spain and Luxembourg are instead sharing location with the EU Delegations in Yemen and Ethiopia respectively.

Burden-sharing could moreover gain important momentum in the developing of the EEAS’ consular capacities, an issue-area in which many Member States seem to be strongly interested. Notwithstanding, the developing of such features necessitates of great amounts of resources, whose lack makes it difficult to foresee a consistent advancement, as the Delegations are already experiencing an overstretching of their capacities (Ibidem).

As a matter of fact, the reinforcement of EU Delegations goes on at the expenses of the visibility and connections of the Member States’ embassies. It is

undeniable that the presence of high level EU Ambassadors is bound to overcome those of Member States, and this is particularly true for smaller states. The latter have indeed contributed to the reinvigoration of the rotating Presidency representation system, which allows them to gain consistent opportunities to enhance their international profile. Member States shall accept to sacrifice these individual opportunities, if they are willing to be included in the common EU representation. Everything included, the EU Delegations are capable of offering substantial political benefits, as they are able to exploit common representation and outreach, access to local players and information sharing. Moreover, they have the capability to give rationality to European diplomacy, and of turning it into a cost-effective machine, enabling Member States to aim their attention and budget to major national priorities, and to lean on the EU Delegations in other locations (Balfour & Raik, 2013).

## EEAS AD staff distribution per nationality, split by HQ and DEL

% of AD is **In line** with the share of the country's population within EU

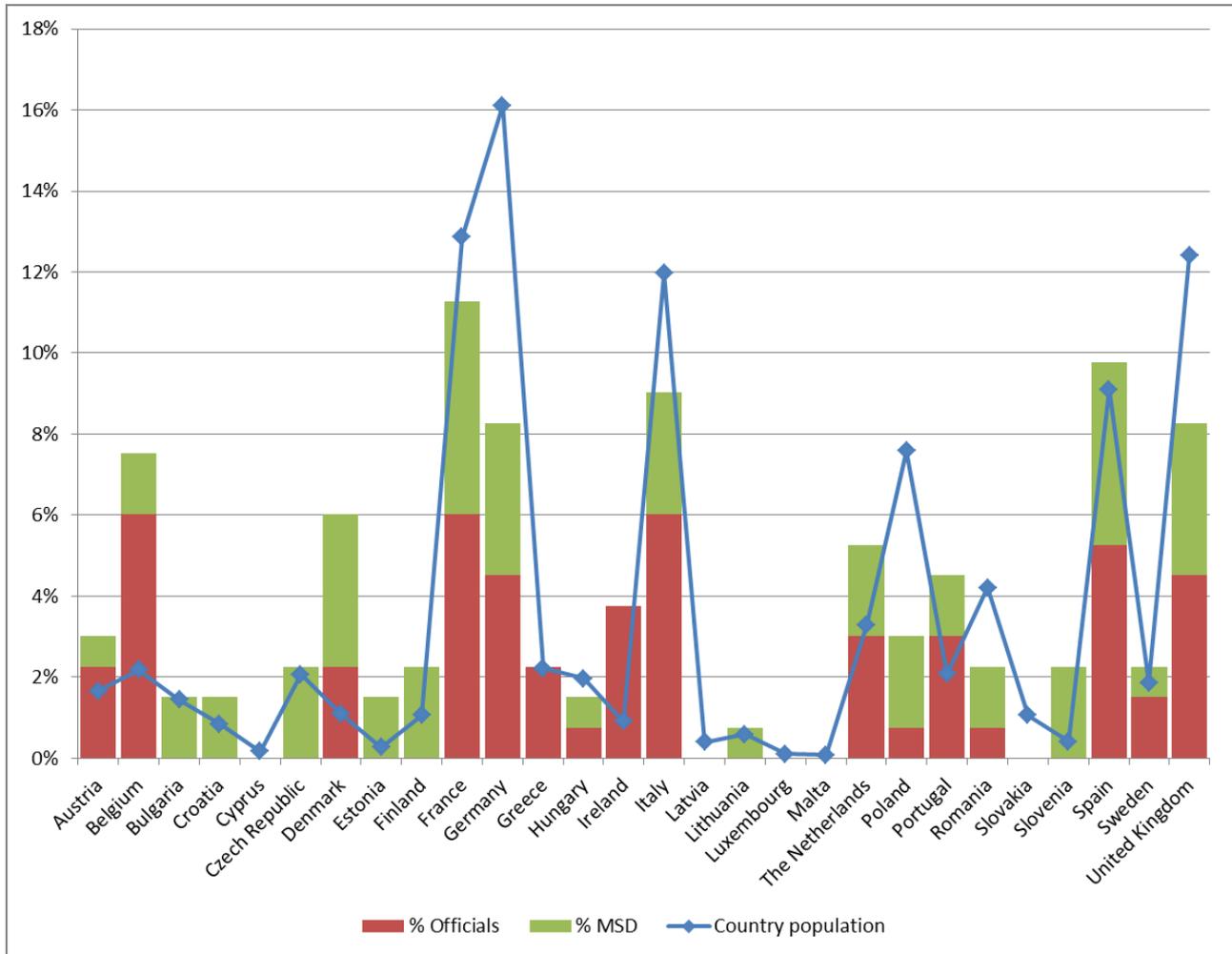
% of AD is **Above** the share of the country's population within EU

% of AD is **Below** the share of the country's population within EU

Nationality	Population	%	HQ AD staff	DEL AD staff	TOTAL
			% of Total AD at HQ	% of Total AD at DEL	per nationality
Austria	8,443,000	1.7%	2.4%	2.6%	2.5%
Belgium	11,095,000	2.2%	7.1%	7.0%	7.1%
Bulgaria	7,327,000	1.4%	1.5%	1.0%	1.3%
Croatia	4,280,000	0.8%	0.2%	0.8%	0.4%
Cyprus	862,000	0.2%	0.4%	0.3%	0.3%
Czech Republic	10,505,000	2.1%	2.0%	3.1%	2.5%
Denmark	5,581,000	1.1%	2.6%	3.6%	3.0%
Estonia	1,340,000	0.3%	0.9%	2.1%	1.4%
Finland	5,401,000	1.1%	2.0%	2.3%	2.1%
France	65,328,000	12.9%	13.7%	11.2%	12.6%
Germany	81,844,000	16.1%	11.3%	8.6%	10.2%
Greece	11,290,000	2.2%	3.1%	3.4%	3.2%
Hungary	9,958,000	2.0%	2.7%	1.6%	2.2%
Ireland	4,583,000	0.9%	2.4%	2.1%	2.2%
Italy	60,821,000	12.0%	12.4%	10.6%	11.7%
Latvia	2,042,000	0.4%	0.5%	1.0%	0.7%
Lithuania	3,008,000	0.6%	0.2%	1.8%	0.9%
Luxembourg	525,000	0.1%	0.5%	0.0%	0.3%
Malta	418,000	0.1%	0.7%	1.0%	0.9%
The Netherlands	16,730,000	3.3%	3.1%	3.6%	3.3%
Poland	38,538,000	7.6%	4.4%	3.9%	4.2%
Portugal	10,542,000	2.1%	2.6%	3.6%	3.0%
Romania	21,356,000	4.2%	2.4%	1.6%	2.0%
Slovakia	5,404,000	1.1%	0.4%	0.5%	0.4%
Slovenia	2,055,000	0.4%	1.6%	1.3%	1.5%
Spain	46,196,000	9.1%	8.6%	9.6%	9.0%
Sweden	9,483,000	1.9%	4.4%	2.6%	3.6%
United Kingdom	62,990,000	12.4%	6.2%	9.1%	7.4%
<b>Grand Total</b>	<b>507,945,000</b>	<b>100.0%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Source: EEAS Human Resources Report 2015

## EEAS Heads of Delegation distribution per nationality



The chart above demonstrates that the nationality distribution of Heads of Delegation followed the same pattern as overall management staff distribution. Seven Member States counted for over 60% of Heads of Delegation: France, Spain, Italy, Germany, United Kingdom, Belgium and Denmark.

Source: SYSPER, December 2015

## **The quest for a common external identity**

With respect to the building of a European foreign policy identity, the objective of the EEAS shall be to build up the sense of control and fidelity at the hands of the Member States, and to conduce to a shared foreign policy identity for Europeans, that shall be fortified alongside national identities (Ibidem).

Winning trust and legitimacy of the Member States, especially amid national officials, is a primary issue. Nonetheless, given the contradictory and unconvincing impressions uncovered in the national foreign ministries, it is possible to draw some generalizations on the lack of trust, pleasant remembrances of the rotating presidency, and aversion of the Commission's role (Juncos & Pomorska, 2011).

Attitudes about the EEAS appear to be different from the earlier ones detected towards the rotating presidency and the former DG for external relations of the Commission.

The rotating presidency was seen by many national ministries of foreign affairs as being 'one of us', while the EEAS isn't seen as such. Presidencies were recognized as being open to the proposals and influence of Member States, whereas access to the EEAS, particularly to the top levels of the Service, is sensed to be more difficult, apart from bigger Member States. This actually changed the motif of uploading. Prior to the Lisbon Treaty, Member States' were used to build alliances with the presidency when they were eager to push for placing their priorities on the agenda of the Union. At this moment, smaller Member States are forced to organize themselves in coalitions of like-minded countries if they want to be capable of bringing their case to the EEAS. Member States often feel that a major degree of equality was guaranteed when external representation used to be in the hands of the

rotating presidency. Nevertheless, the continuity that EEAS is capable of offering is positively valued by the Member states (Balfour & Raik, 2013)

Besides being criticized for being less responsive to national priorities than the presidencies were, EEAS is also seen as not protecting the common interests of Europe, at least not as the Commission does. The trust enjoyed by the Commission by many Member States has not automatically been translated to the EEAS<sup>39</sup>. On the other hand, newly assumed position of Commission and of former Commissioners in the EEAS has been strongly attacked for the great influence it is able to exert (Juncos & Pomorska, 2011). The greater part of the EEAS' staff enjoy a background of working in the Commission, this gives an explanation of why the working culture in the Service is so much Commission-biased<sup>40</sup>.

Many Member States lament a deficit in transparency and information-sharing as the greatest problem which brought about suspicions concerning the dominance of the three largest Member States on the agenda setting. However, complains do not just concern the “big-three issue”, as various complains have been recorded about scope and timing of EEAS information-sharing. Many member states did in fact complain, especially in the early stage of EEAS, about the limited quantity of information related to CFSP they received (Adler-Nissen, 2014). On the subject of timing, the habit to distribute important documents just little time before the meetings has been greatly criticized by the Member States. Indeed, such a practice is prone to be used as a tool of power, particularly in cases where larger Member States

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<sup>39</sup> It should be highlighted that the trust in the Commission has suffered a decrease during the Eurozone crisis.

<sup>40</sup> Initial staff included 2805 people transferred from the Commission (including 1084 local agents) (Source: European External Action Service, Report by the High Representative to the European Parliament, the Council and the Commission, 22 December 2011). In comparison, the number of EEAS in June 2012 totaled 3346 (European External Action Service, Staffing in the EEAS, June 2012).

are included in informal negotiations that precede such meetings while smaller are excluded. The limited chances small Member States have to access high levels of the EEAS is another facet of this problem (Balfour & Raik, 2013).

For what concerns positive aspects, informal relationships among national foreign ministries and the EEAS at lower level are going on fairly well. Member States' diplomats seem to be reasonably satisfied about the receptiveness and broad-mindedness of their counterparts in the Service, when speaking of informal consultations. This is valid for both the central administration in Brussels and for the EU Delegations all over the world.

The substance of the activities carried out by the EEAS is playing a role in the question of the lack of trust. The Service has received critics for not drawing up decisions and meetings with acceptable substantive analysis, for not behaving satisfactorily strategically, and for not being audacious enough in undertaking initiatives. This has been in part caused by the tribulations encountered in the start-up period, when the establishment of the Service, the recruitment of staff and other matters of practical nature took the most of the time (Ibidem).

The national ministries of foreign affairs are not comfortable with the EEAS as a new figure that both is in competition with them and questions their traditional position. Despite of warranties on the nature of the Service, whose aim is not to take the place of national ministries of foreign affairs, the latter need to redress to the new body, and manage the burden of accepting scaled down visibility. This entails challenges at two different levels. Firstly, in so far as the EEAS carries out the same functions as the national ministries of foreign affairs, those suffer from the centralization and rationalization waves. Secondly, given the unprecedented nature of

the EEAS, which does not find a place in any of the old categories (Balfour & Raik, 2013), it constitutes a core gauntlet to the national ministries of foreign affairs, as it aims at smoothen inter-state relationships. “In this sense, the EEAS is an additional existential challenge to national MFAs that have been struggling with a decline in traditional diplomacy for years” (Ibidem). Lastly, the general atmosphere in the Union, and the level of trust Member States have in the EU inescapably pours out to all the common institutions, including EEAS. Since the establishment of the Service, Euroscepticism and nationalism rose uncontrollably; declining faith in the Commission and bolstered influence of larger Member States went along, contributing to a gargantuan atmosphere for building up the Service.

The staff rotation among national diplomatic services and the EEAS in an element of paramount importance for both the Service itself and for the effort it undertakes in creating a sense of loyalty and trust between Member States. It relies on the experience of taking part in CFSP institutions, that has worked rather successfully in the socialization of national officials to the Union’s structure.

In the long term, there are expectancies that the staff rotation system will help fostering a European foreign policy identity, as well as the outbreak of a European, supranational, diplomatic class. If this should happen, it could be the counterweight to the intergovernmentalism that reigns on CFSP at the moment, and which is strenuously carrying out the defence of national interests (Cross & Mai’a, 2011).

In spite of the tenseness that surrounded the recruitment process, EEAS was capable of reaching the goal of having one-third of staff members coming from national diplomatic services. The upcoming challenges are to harmonize staff coming from disparate backgrounds, pulling them in a common culture and regularizing the

rotation mechanism as to create an uninterrupted circle between national capitals and Brussels.

The staff that has been moved from the Council and the Commission to the EEAS is highly motivated and committed to the common EU foreign policy quest, even though they are the same who were greatly skeptical in the early days of the Service (Juncos & Pomorska, 2014).

Even though formal national quotas have not been created, national parliaments and national ministries of foreign affairs have taken note of the quantity of their respective national officials that work and have worked in the EEAS, taking in particular consideration those enjoying high-level roles. The Service has indeed an interest in having Member States' diplomats as its assets. They can in fact convey knowledge of national priorities to the Service, a strongly valued item in the policy-making process when it comes to the inclusion of national interests in the EU ones, to enhance policy legitimacy.

In order to use the full capacities of the strongly stimulated and professional staff, an investment in the building up of an esprit de corps is deemed to be fundamental. Nevertheless, efforts up to this moment have not been productive in the way it was expected. A substantial esprit de corps amidst EEAS ranks is sure to enhance the internal coherence of the Service, since it simplifies internal coordination and cross-sectorial cooperation. By fostering positive consequences in the organization's commitment and recognition, staff preservation and productivity, an esprit de corps is capable of enhancing the effectiveness of EEAS and, in turn, that of the whole EU foreign policy (Juncos & Pomorska, 2014). Furthermore, organizational esprit de corps is able of providing a "unifying force for the team"

(Boyt et al, 2005). Strong esprit de corps is of particular importance for institutions in periods of crisis, and would thus surely have positive effects on the EEAS nowadays.

Nevertheless, if having a look at the studies carried out by scholars, who eviscerated and analyzed the components that are relevant to the creation of an esprit de corps, it is easy to see how EEAS was not capable of carrying out a proper work.

### Antecedents of Organizational Esprit de Corps

Factor	Hypothesis	Relevance	Performance in EEAS
Leadership	Positive perception of a leader facilitates esprit de corps	Leader to develop and communicate organizational goals; and to reduce uncertainty	Negative: lack of strategic vision and leadership
Communication	Perceptions of open communication in an organization facilitate esprit de corps	Communication crucial for socializing newcomers; informal and two-way communication crucial for internal management	Improved, but still largely negative: no feedback loops, lack of clear procedures and transparency

Public image	Positive public image facilitates esprit de corps	Positive public image increases commitment vis-à-vis organization	Negative, but officials cautious on this factor's relevance (contextual factors also relevant)
Mutual trust	Perceptions of mutual trust within an organization facilitate esprit de corps	Trust facilitates information sharing, cooperation and risk-taking	Mixed: potential obstacles due to different institutional background of officials
Training	Team training increases intensity and speed of development of an esprit de corps	Training provides opportunities for interaction and communication between officials	Negative: lack of a clear training strategy; short duration of training; different sources of training

Source: A. Juncos, K. Pomorska, *Manufacturing Esprit de Corps: the case of the European*

*External Action Service, Journal of Common Market Studies, JCMS 2014 Volume 52 Number 2*

Even though it could be possible for someone to draw the conclusion that it is too early for the EEAS functionaries to develop it, time is not seen as a precondition for the generation of an esprit de corps. According to Boyt et al (2005) “it could be evident even in a newly formed group, if member agree about the roles and values of

the group”. In the situation of the EEAS, such an agreement was not present, thus inhibiting the materialization of an esprit de corps.

Laying out on the findings of Juncos and Pomorska (2014), the overall issues to be taken in consideration are three: leadership, communication and training.

Firstly, in pursuance of substantial strategic leadership, internal structure must be enhanced, especially by outlining more precise and up-to-date reporting lines. Secondly, such expedients shall also spill over to increased quality of internal communication. Notwithstanding, further efforts should be undertaken by the High Representative in order to enhance coordination with the Commission.

Lastly, ongoing efforts targeting the establishment of a common training system are going to need continued support, particularly in order to provide the necessary resources available. Up to this date, such priorities have not been attributed the proper importance, impairing the staff morale and the capacity to foster an esprit de corps (Ibidem).

Notwithstanding the EEAS succeeding in developing a consistent esprit de corps, and subsequently a supranational diplomatic class, there still is the menace that the Service will stay isolated from national foreign policy institutions.

It is also questionable that a possible strengthening of the EEAS could help developing a new shared foreign policy identity between the Member States. There are many proofs of the Europeanizing effect of Brussels experience at the functionaries’ level, but there isn’t an unequivocal connection between the socialization of single diplomats to the Union’s structure, and the orientation towards the EU of national foreign policies (Juncos & Pomorska, 2014).

A good-working, run-in rotation scheme of national officials between the EEAS and national ministries of foreign affairs could be one way, even if not sufficient alone, to strengthen the aforementioned connection, and to lower tensions between national and European foreign policies (Ibidem).

## **Conclusion**

The objective of this dissertation was to carry out an analysis of the evolution of the European foreign policy that went on during the last 60 years, with a special focus on the 2009 Lisbon Treaty and the novelties it brought about. Such analysis was carried out in order to point out and discuss the eventual changes produced by the Treaty, especially concerning the underlying intergovernmental rationale of Common Foreign and Security Policy. In doing so, the contribution has been divided into four chapters.

First, an historical analysis was carried out, undergoing the main historical developments that took place in the XX century. Moving the first steps in the 1950s, the Union managed to enlarge itself widely in the decades, including at first the Western nation states, and the Eastern and Southern in the second place. During these 50 years, different approaches on foreign policy were proposed, and fierce battles were carried forward. In analyzing the most important historical, political and legal happenings in the establishment and evolution of both European foreign policy and of the Union as a whole, the prominence of the intergovernmental principle stepped out in foreign policy.

Secondly, the focus was shifted on the EEAS itself. As the ratification of the Lisbon Treaty raised expectations regarding a more effective and coherent European Foreign Policy, to be apparently achieved through the establishment of a more supranational framework of activities, the chapter went through the key features of such novelty, addressing the characteristics of the newly reformed post of High Representative for Common Foreign and Security Policy (HR/VP) and its supporting body, the European External Action Service (EEAS). The section went through the organizational phase,

focusing on the most important changes brought about in CFSP, the adjustment of the post of the High Representative for CFSP, the establishment of the European External Action Service, the guidelines for the establishment of the Service contained in the Treaty, the negotiation process, and the outcome of such process.

Following this section, the chapter discerned the key features of the EEAS, studying it in detail from a legal-institutional point of view, and from the perspective view of its composition. Such analyses allowed to conclude that the creation of the new external service undoubtedly pushes in the right direction for the EU's external relations, as it provides for coordination and coherence quest. Nevertheless, its mainly intergovernmental nature still poses some limits to the actual integration of Member States' cooperation with the Service, and to the convergence of national foreign policies into a common, European one.

Thirdly, the Lisbon Treaty was analyzed highlighting the evolution of Common Foreign and Security Policy, as well as the changing nature of the Union. I focused on the double institutional nature of the Treaty, considering both the supranational and the intergovernmental paths, discerning the major features of both. I then moved on to the shortcomings and drawbacks related to the implementation and the first years of application of the Treaty. An analysis of the major factors of incoherence was undertaken, such as the lack of political leadership, the weakening of the EU's military power, and the effects of the greatest economic crisis since 1929. In the last part of the chapter an analysis of the main objective of the new Treaty, of its coherence, was carried out in all of its aspects. In the final part, some suggestions towards further enhancement of coherence were made, namely through the enhancement of the EU's 'Multilaterability', at the hands of the increasing of its international procedural identity; the strengthening of strategic partnerships with associated states, regions and international organizations; the establishment of a closer cooperating

hardcore. Especially this last possibility deserves to be furtherly investigated, and possibly undertaken in a short period of time. Notwithstanding the introduction of a new Treaty, it would be desirable to constitute a ‘Union inside the Union’, made by the Member States that are more politically willing to supranationally cooperate at a higher level, leaving fears about national sovereignty and national interests aside for the greater good of a globally recognized, strong Europe.

Lastly, the discussion moved on to the relationship between the EEAS and national diplomacies of Member States, especially with national ministries of foreign affairs. In the first part of the chapter, an analysis of the different kinds of the possible relationships observed between EEAS and national ministries of foreign affairs was carried out. Four possible types of relations emerged, namely uploading, downloading, offloading and cherry-picking. Slight differences between these different relationships were pointed out, even though the rationale seemed to be the same: using the global resonance of the EU to achieve national interests and priorities. In the second part, the EU Delegations were taken in consideration, focusing on the main positive and negative features, and their relationship with Member States’ embassies in third countries. Finally, in the third section of the chapter the discourse focused on the necessity to develop of an esprit de corps in the EEAS, with the aim of bolstering socialization and knowledge within the individual officials working in the Service, whose provenience varies greatly. Highlights were set on the main characteristics which indicate the emergence of an esprit the corps in general, analyzing whether such indicators are positive or negative in the case of the EEAS. The results clearly showed that the development of an esprit the corps in the Service is far to be achieved, since only 2 of the 5 factors taken into account had few positive matches in the EEAS. An esprit the corps is fundamental in the fostering of internal relationships and socialization of individual

functionaries. Moreover, it is necessary in order to spread in the Union the belief that the EEAS is working for Member States, and not vice-versa. Creating a common view between diplomats and functionaries, and let it spread out in the national ministries of foreign affairs is of paramount importance for the improvement of the EEAS' capacities as well as for the enhancement of coherence in the whole CFSP mechanisms.



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“The European Union is the result of the evolution and transformation of a historic agreement among, first, the Western European nation states and then the Western and Eastern plus the Southern parts of Europe, aimed above all at bringing to a close a long sequence of hot and cold war” (Fabbrini, 2015). The ethical origin of European integration is to be found in the necessity to prevent additional wars and ideological conflicts on the region.

Despite the failures experienced in the very first years of the establishment of the European project (as for example the failure in setting up a European Defence Community in 1955), national and supranational elites were able to gather together nation states with different historical, geographical and political background. At first this happened for the sake of a peaceful continent, while in more recent years the aim has moved to the

establishment of a common European voice at a global level, as to ensure Member States an international influence that they wouldn't enjoy if not through being part of the EU.

In the middle there have of course been a number of processes that helped establishing and strengthening the Union in the first place, and evolving it in the second place.

This contribution has taken in consideration the steps that have led to the Lisbon Treaty and thus the reformulation of both the nature of the Union and of European Foreign Policy, starting from the dawn of European integration, up to this date.

The objective of this dissertation is to carry out an analysis of the evolution of the European foreign policy that went on during the last 60 years, with a special focus on the 2009 Lisbon Treaty and the novelties it brought about. Such analysis was carried out in order to point out and discuss the eventual changes produced by the Treaty, especially concerning the underlying intergovernmental rationale of Common Foreign and Security Policy. The special focus of the dissertation is the European External Action Service, whose organization, features and institutional nature are analyzed.

In doing so, the contribution has been divided into four chapters.

First, an historical analysis has been carried out, undergoing the main historical developments that took place in the XX century. Moving the first steps in the 1950s, the Union managed to enlarge itself widely in the decades, including at first the Western nation states, and the Eastern and Southern in the second place. During these 50 years, different approaches on foreign policy were proposed, and fierce battles were carried forward. In analyzing the most important historical, political and legal happenings in the establishment and evolution of both European

foreign policy and of the Union as a whole, the prominence of the intergovernmental principle stepped out in foreign policy.

Secondly, the focus has been shifted on the EEAS itself. As the ratification of the Lisbon Treaty raised expectations regarding a more effective and coherent European Foreign Policy, to be apparently achieved through the establishment of a more supranational framework of activities, the chapter goes through the key features of such novelty, addressing the characteristics of the newly reformed post of High Representative for Common Foreign and Security Policy (HR/VP) and its supporting body, the European External Action Service (EEAS). The section goes through a) the organizational phase, focusing on the most important changes brought about in CFSP; b) the adjustment of the post of the High Representative for CFSP; c) the establishment of the European External Action Service; d) the guidelines for the establishment of the Service contained in the Treaty; e) the negotiation process; and f) the outcome of such process. Following this section, the chapter discerns the key features of the EEAS, studying it in detail from a legal-institutional point of view, and from the perspective view of its composition. Such analyses allowed to conclude that the creation of the new external service undoubtedly pushes in the right direction for the EU's external relations, as it provides for coordination and coherence quest. Nevertheless, its mainly intergovernmental nature still poses some limits to the actual integration of Member States' cooperation with the Service, as well as to the convergence of national foreign policies into a common, European one. Moreover, the abovementioned analysis has been instrumental to the recognition of the European External Action Service as a body of the EU, setting aside issues that pushed towards the understanding of the Service as a proper institution.

Thirdly, the Lisbon Treaty has been analyzed highlighting the evolution of Common Foreign and Security Policy, as well as the changing nature of the Union. I focused on the double institutional nature of the Treaty, considering both the supranational and the intergovernmental paths, discerning the major features of both. The chapter then moves on to the shortcomings and drawbacks related to the implementation and the first years of application of the Treaty. An analysis of the major factors of incoherence has been undertaken, such as the lack of political leadership, the weakening of the EU's military power, and the effects of the greatest economic crisis since 1929. In the last part of the chapter an analysis of the main objective of the new Treaty, of its coherence, has been carried out in all of its aspects. In the final part, some suggestions towards further enhancement of coherence have been made, namely through the enhancement of the EU's 'Multilaterability', at the hands of the increasing of its international procedural identity; the strengthening of strategic partnerships with associated states, regions and international organizations; the establishment of a closer cooperating hardcore. In particular, this last possibility deserves to be furtherly investigated, and possibly undertaken in a short period of time. Notwithstanding the possible introduction of a new Treaty, it would be desirable to constitute a 'Union inside the Union', made by the Member States that are more politically willing to supranationally cooperate at a higher level, leaving fears about national sovereignty and national interests aside for the greater good of a globally recognized, strong Europe.

Lastly, the discussion moves on to the relationship between the EEAS and national diplomacies of Member States, especially with national ministries of foreign affairs. In the first part of the chapter, an analysis of the different kinds of the

possible relationships observed between EEAS and national ministries of foreign affairs has been carried out. Four possible types of relations emerged, namely uploading, downloading, offloading and cherry-picking. Slight differences between these different relationships have been pointed out, even though the rationale seemed to be the same: using the global resonance of the EU to achieve national interests and priorities. In the second part, the EU Delegations have been taken in consideration, focusing on the main positive and negative features, and their relationship with Member States' embassies in third countries. Moreover, with the help of graphs and charts it has been possible to have an overview of the nationalities of functionaries working in the EEAS and in the EU Delegations abroad, which show the preeminence of some Member States vis-à-vis the others. Finally, in the third section of the chapter the discourse has focused on the necessity to develop of an esprit de corps in the EEAS, with the aim of bolstering socialization and knowledge within the individual officials working in the Service, whose provenience varies greatly. Highlights have been set on the main characteristics which indicate the emergence of an esprit the corps in general, analyzing whether such indicators are positive or negative in the case of the EEAS. The results clearly showed that the development of an esprit the corps in the Service is far to be achieved, since only 2 of the 5 factors taken into account had few positive matches in the EEAS. An esprit the corps is fundamental in the fostering of internal relationships and socialization of individual functionaries. Moreover, it is necessary in order to spread in the Union the belief that the EEAS is working for Member States, and not vice-versa. Creating a common view between diplomats and functionaries, and let it spread out in the national ministries of foreign affairs is of paramount importance for the improvement

of the EEAS' capacities as well as for the enhancement of coherence in the whole CFSP mechanisms.

To conclude, it is possible to state that Common Foreign and Security Policy in general, and the European External Action Service in particular, still respond to a mainly intergovernmental logic, leaving few space to the application of supranational principle. Nevertheless, the activism of the Commission towards a step-by-step approximation to supranational practices may create some room for future enhancement of supranationalism in the EEAS and in CFSP. Notwithstanding such practices, or the introduction of a new Treaty, it would be desirable to constitute a 'Union inside the Union', made by the Member States that are more politically willing to supranationally cooperate at a higher level, leaving fears about national sovereignty and national interests aside for the greater good of a globally recognized, strong Europe.

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