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The New EU ‘Foreign Policy’ System after Lisbon: A Work in Progress

ANTONIO MISSIROLI*

Abstract. This article starts with an overview of the main changes that the Lisbon Treaty brings to the domain of foreign affairs and external relations. The main focus of the analysis, however, lies in the actual implementation of the key provisions related to the role of the High Representative (HR)/Vice-President (VP) and, in particular, the set-up and functioning of the fledgling European External Action Service (EEAS). Finally, this article raises a number of questions about the way in which this new ‘architecture’ might and/or should contribute to improving on the position and action of the EU on the international scene.

I Introduction

It is not unusual for international treaties to be affected by ‘climate change’. A recent case in point was the 1998 Rome Treaty establishing the International Criminal Court: the general ‘spirit’ in which the negotiations were launched (and later finalized) evaporated just a couple of years after the signature, affecting both the treaty’s implementation and its overall impact.

It is even more frequent for European treaties to undergo a similar fate. The Maastricht Treaty, for instance, entered into force almost two years after its initial signature. In the meantime, the Exchange Rate Mechanism (ERM) crisis had dramatically broken out, changing the entire context in which European Economic and Monetary Union (EMU) had been negotiated and approved; and Yugoslavia had irremediably broken down, changing the whole framework in which the Common Foreign and Security Policy (CFSP) had been conceived and accepted.

By the same token, but on a more positive note, the Amsterdam Treaty was initialled in June 1997 and entered into force in May 1999. In this particular case, however, the two-year interval (filled *inter alia* by the escalation towards and outbreak of war in Kosovo) inspired some additional courage, convincing the EU Member States to appoint a top level political figure with impeccable credentials – former Spanish Foreign Minister and serving North Atlantic Treaty Organization

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(NATO) Secretary-General Javier Solana – to the newly created post of High Representative (HR) for CFSP, initially conceived rather for a high-level diplomat.

The Lisbon Treaty, which entered into force on 1 December 2009, is a quintessential product of political ‘climate change’. In fact, the most innovative bits of it were basically agreed upon already in late 2002 and early 2003, within the framework of the Convention on the Future of Europe, and were first incorporated in the ill-fated 2004 Constitutional Treaty. The many incidents at national level that have marked the ratification process since have partially diluted but not substantially altered the gist of the initial arrangements. What has definitely changed since the 2001 Laeken Declaration that (re)launched the EU institutional reform process, however, is the political climate in which the new provisions are being put in place as the ‘spirit’ of 2002/03 is translated into concrete structures and procedures.

This is even more true for the broader EU political agenda. In the autumn of 2009, when it became clear that the Lisbon Treaty would at last be ratified by all Member States, expectations were still reasonably high as to the beneficial effect that it could have especially on the Union’s common external action. By streamlining and partially ‘merging’ the pre-existing pillars through a personal union at the top, ‘foreign policy’¹ – such was the reasoning – could even become *the* new driver of European integration, with potential ripple effects in other areas.

Less than one year later, Europe is confronted with a less rosy picture. First came the shocking experience in December 2009 of the Copenhagen UN Conference on (real) climate change, where an ambitious EU found itself completely sidelined by the new emerging powers and incapable of getting its message across. Then, officials and observers started realizing how complex and challenging the practical implementation of the Lisbon provisions on external action would be. Last, but certainly not least, the sovereign debt crisis prompted by Greece’s fiscal problems hit the entire euro zone, highlighting internal EU divisions as well as the shortcomings and unfinished business of Maastricht-style EMU – which the Lisbon Treaty had only marginally modified.

As a result, the ‘foreign policy’ dimension seems to be retreating to the back burner, while more traditional bread-and-butter issues related to EMU, the single market, and the next EU budget are coming (back) to the fore and may well determine the direction European integration will take in the years to come.

Of course, the political climate may change again. Furthermore, the EU will be obliged in any case to get its collective act together when dealing with the

¹ It is virtually impossible to offer a stringent definition of what the expression ‘foreign policy’ may mean, both in general (if looking beyond the remit of national Foreign Ministries) and in particular with reference to the EU. The fragmentation of relevant competences across and even within the old ‘pillars’ as well as the peculiar nature of CFSP proper (and its coexistence with national policies) make it possible to speak of a ‘EU foreign policy’ only in terms of the intuitive association, combination, and (hopefully) synergy between all the various programmes, instruments, and resources for external action now at the disposal of the Union. So this is the definition that will be attributed to the expression in this article.

outside world, as a number of ongoing negotiations at the global level show. This is why analysing the way(s) in which European 'foreign' policy-making is likely to mutate in light of the new treaty remains worth the effort.

However, the mutation will not happen overnight. The analysis, in fact, is bound to be a work in progress (and, like Sigmund Freud's, potentially interminable) just like the treaty implementation itself. Indeed, the actual enforcement of the Lisbon provisions on 'foreign policy' – inasmuch as it requires additional negotiations and trade-offs both among the Member States and between all EU institutions – may prove as crucial as the original drafting of the treaty text.

In this spirit, this article represents only a first endeavour to shed light on actual developments to date and offer some insight into possible ones ahead. A preliminary survey of the main innovations enshrined in the treaty will help understand where grey areas may lie and what outcomes may be expected following the implementation period. This applies to the main players, the institutions (old and new), and the provisions themselves. Such survey and related analysis will be followed by a broader assessment of the issues involved – well beyond the strictly legal and institutional dimension.

II The Presidents

To start with, the Treaty envisages a role in this domain for the newly created *President of the European Council*. The role, however, is not spelt out in detail in the text (probably intentionally, given the lack of consensus on the actual scope of the President's future mandate). Indeed, the formulation of Article 15 Treaty of European Union (TEU)² is rather vague and leaves plenty of room for conflict with other EU players, in terms of both 'representation' of the EU in international fora and strategic orientation in matters of CFSP.

This helped fuel the controversy that erupted in the aftermath of the eventual ratification of the treaty in the autumn of 2009, over whether the appointee should be a 'President' or rather a 'Chairman' of the European Council. Both the choice of Herman Van Rompuy and the first steps he has taken in this particular domain seem to point to an intermediate option, which will be further tested in the months to come also in light of other developments.

Interestingly, Van Rompuy has tried so far to articulate an autonomous and original analysis of the new international environment in which the Union operates, especially highlighting the political effects of globalization and the challenges they pose to Europe;³ he has also sought to find his own role on the diplomatic scene,

² See the excellent work by F. Santopinto, 'Collection of Articles on the External Policy of the EU', <www.grip.org/en/siteweb/dev.asp?N=simple&O=750>.

³ See, for example, his speeches at the College of Europe (Bruges, 25 Feb. 2010) and at the Brussels Forum of the German Marshall Fund (Brussels, 26 Mar. 2010), <www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/113067.pdf> and <www.consilium.europa.eu/uedocs/csm_data/docs/pressdata/en/ec/113630.pdf>, respectively.

in particular at summit meetings, and to spur the Member States into discussing openly and at the highest level the current state and the future of EU relations with the other big global players, starting with a special European Council meeting convened on 16 September 2010.

His role clearly eats into what once belonged to the *rotating EU Presidency*, to which now the Lisbon Treaty assigns virtually no role in the domain of external action. What looks legally neat, however, is likely to prove politically hard to implement. President Van Rompuy may have to combine – at least in his first years at the helm – greed and generosity: greed when it comes to claiming and asserting his powers where they exist; and generosity in exercising them in practice – in order to leave some breathing space and moments in the limelight to the leaders of the countries holding the six-month Presidency.

Last but certainly not least, the President of the Commission will continue to play a crucial role in external relations, especially if the widening range of policy issues coming under that heading is considered. The realities of the twenty-first century make the traditional notion of ‘foreign policy’ – that of just being a combination of skilful diplomacy and military might – rather obsolete. By contrast, such issues as climate action, financial regulation, border and migration control, and international justice have climbed ever further up the global agenda. These shifting priorities are conferring on the Commission new functions in the wider realm of external policies, and on its President a key coordinating function – potentially also in terms of role to play in international bodies.

This means that the external dimension of hitherto primarily internal common policies (single market, justice and home, affairs, environment, energy, and of course trade) may well come to represent simultaneously an enrichment and/or a complication for the new institutional ‘system’ created by the Lisbon Treaty.

III The HR/Vice-President (VP)

The cornerstone of the new EU system in the domain of external action is the creation of the position of HR of the Union for Foreign Affairs and Security Policy. This is a hybrid institutional figure combining: (a) the pioneering role previously played by Javier Solana as HR for CFSP (1999–2009); (b) that of a Vice-President (VP) of the Commission in charge of external relations and coordinating other relevant portfolios; and (c) the role hitherto played by the Foreign Minister of the country holding the rotating EU Presidency – which includes chairing the Council formation dealing with Foreign Affairs at large (Articles 17–18 TEU)

To these various responsibilities in the Common Foreign and Security Policy/European Security and Defence Policy (CFSP/ESDP; now Common Security and Defence Policy (CSDP)) area should be added chairing the Boards of domain-relevant agencies such as the European Defense Agency (EDA), the EU Satellite Centre (EUSC), the EU Institute for Security Studies (EUISS), and the European Security and Defense College (ESDC).

The new HR/VP, however, is no longer also the Secretary-General of the Council of the EU. Indeed, this is a function that Solana hardly carried out himself in practice during his ten-year mandate, preferring to leave this to his long-time deputy, Pierre de Boissieu.⁴

Nor is the new HR/VP – contrary to Solana – also the Secretary-General of the Western European Union (WEU), if anything because the new Commission 'hat' makes that impossible.⁵

Finally, the new HR/VP has a legal right of initiative both as HR only (in strictly CFSP matters) and as double-hatted VP (Article 22.2 TEU). Similarly, the HR/VP has also dual loyalties and accountabilities, appointed as s/he is first by the European Council (as HR) then, as a member (and VP) of the new Commission, by the European Parliament.

Such a multi-hatted position represents a unique opportunity to bring coherence to the Union's 'foreign policy' – but also a daunting challenge for the post holder, especially the first one. When Baroness Catherine Ashton accepted the European Council's nomination to the HR/VP post on 19 November 2009,⁶ she probably did not realize how intractable the job description was to become. A few months into it, she must now be aware of the urgent need to put in place a structure that would allow her to delegate administrative, operational, and even representational tasks to a number of deputies (*de facto* if not *de jure*), leaving her more free to concentrate on policy coordination and strategic leadership.

Her beginnings in the new job have indeed been a bit shaky. To start with, the Haiti earthquake caught her in the middle of the transition to the new job and, therefore, unable to react with the readiness and technical knowledge that the situation required. Furthermore, the packed agenda engendered by her multiple 'hats' obliged her to make painful choices, some of which – such as the decision to attend

⁴ De Boissieu was indeed appointed Council Secretary-General in November 2009 and will stay in office until June 2011. He will be succeeded by Uwe Corsepius, a close aide to German Chancellor Angela Merkel.

⁵ For WEU, a pragmatic solution was adopted, whereby the Head of the Residual Secretariat in Brussels, Arnaud Jacomet, was appointed Acting Secretary-General, while the Ambassadors to the EU Political and Security Committee from the ten WEU full members (Belgium, Britain, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, and Spain) have kept their second 'hat' as Ambassadors to WEU.

⁶ After UK Foreign Secretary David Miliband declined the offer to take up the post, in late October 2009, the British government came up with three names: Business Secretary Peter Mandelson (also former European Commissioner for Trade), former Defence Secretary Geoff Hoon, and notably Baroness Ashton, who had replaced Mandelson in the Commission a year earlier and, therefore, was already a member of the College. Art. 18 TEU would have allowed a ballot by QMV, but the appointment – which included Van Rompuy's – was consensual. Ashton started right away as HR but had to wait until the parliamentary confirmation of the whole new Commission to exercise fully her VP function, although she 'switched' her Commission portfolio with that of the outgoing Commissioner for External Relations Benita Ferrero Waldner almost immediately. See i.a. <www.consilium.europa.eu/uedocs/csm_data/docs/pressdata/en/ec/111343.pdf>.

the inauguration ceremony for the new Ukrainian President in Kyiv rather than a meeting of EU defence ministers in Spain – raised a few eyebrows among colleagues and observers. On top of that, a marked tendency to resort to generalities when confronted with specific questions gave the impression of a steep learning curve awaiting her in the new post.

Of course, her own (and her old cabinet's) lack of experience in diplomatic affairs and CFSP matters – along with the institutional and procedural vacuum into which she was catapulted after Solana's departure – did not help and made her 'baptism of fire' particularly difficult. Yet she was little familiar also with the Commission's external relations (RELEX) and foreign aid machineries, despite her symbolic decision to set up her provisional office in the Berlaymont (where the College of Commissioners is based) rather than the Justus Lipsius building (home to the Council). In other words, while some of the criticism she initially received was quite unfair, she had to cope with the daunting complexity of her job description without a significant record in the field and a clear strategic compass.

This is also why the establishment of the European External Action Service (EEAS) has taken centre stage since and become the bedrock of the new 'system' as well as the quintessential catalyst of all the issues that have haunted European 'foreign policy' for its first two decades. Incidentally, following arrangements made after the entry into force of the Lisbon Treaty, the service is also expected – at least in principle – to support both President Van Rompuy and President Barroso (along with the whole Commission) in their external functions. Still, it cannot be ruled out that both Presidents develop their own structures – albeit on a much smaller scale and with much less visibility – to meet their own specific needs in this domain.

1. *Inside the College*

The HR/VP is a full member of the *European Commission* and is expected to generate policy coordination and coherence not only within the College – albeit under the control of President Barroso – but also at Directorate-General (DG) level. When the new Commission was nominated by the President (27 November 2009) and later appointed by the European Parliament (9 February 2010), Catherine Ashton was conferred the role of a *prima inter pares* – if anything, by virtue of her double 'investiture' – among her fellow College members dealing with external policies proper.

Interestingly, she was called upon to 'coordinate' the Commissioners for Enlargement and Neighbourhood Policy (Stefan Füle), for Development (Andris Piebalgs), and for International Cooperation, Humanitarian Aid, and Civil Protection (Kristalina Georgieva).⁷ The EU treaties do not allow for a formal hierarchy among Commissioners (bar the President), but Ashton's special place has to some

⁷ <<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1837>>.

extent been acknowledged. For his part, Commissioner Piebalgs (the only one among those to have already served a full mandate in the Barroso-I College) was designated to represent the Commission proper on the Foreign Affairs Council now chaired by the HR/VP.

Further details as to exactly how such 'coordination' could work in practice were left to subsequent decisions, including those regarding the EEAS. It is worth mentioning here that the new Trade Commissioner (Karel de Gucht) was explicitly exempted from such coordination, thus leaving the President of the Commission (and the College as a whole) the ultimate task of bringing about coherence across the entire range of EU common policies with external ramifications.

Catherine Ashton is not the only VP of the new Commission: there are six others. However, she stands out as the most senior one, in part also thanks to her participation in the meetings of the European Council (Article 15.2 TEU) which, in turn, puts her also above the twenty-seven Foreign Ministers, who are no longer entitled to attend them on a regular basis.

It is nevertheless worth noting that on 16 April 2010 the College approved the creation of a series of 'Groups of Commissioners', starting notably with one on external relations chaired by Ashton and encompassing not only Piebalgs, Fuele, Georgieva, but also de Gucht and the Commissioner for Economic and Monetary Affairs Olli Rehn, with the possible association of others at a later stage⁸.

IV The EEAS

The establishment of the EEAS – as foreseen by the Treaty (Article 27 TEU) – and its precise nature, status, scope, and set-up were to (and have indeed) become the object of additional negotiations. Their outcome will inevitably mark the direction the EU will take in its external action in the next decade. Three paradoxes deserve therefore to be highlighted in this respect.

First, while the broad traits of the EEAS had already been agreed upon in early 2003 (within the framework of the Convention on the Future of Europe), concrete talks over its actual implementation started only in early 2010. Thus, many years were lost without engaging in serious discussions. The few preparatory meetings devoted to the EEAS in early 2005 (right before the failed referenda on the then

⁸ The Groups of Commissioners are established to ensure an effective preparation of certain key initiatives. Each Group is chaired by a lead Commissioner and meant to work on the basis of a mandate from the President setting out its purpose and the 'products' to be delivered. Groups are not to take decisions but to prepare for collegiate deliberations, and they will include the President's Cabinet and the Commission's Secretariat-General. See Note d'information de M. le Président, SEC (2010) 475, 16 Apr. 2010 – revised on 21 Apr. 2010.

Constitutional Treaty in France and the Netherlands brought them to a halt) produced very little indeed.⁹

Similarly, the further paralysis generated by the first Irish referendum on Lisbon in June 2008 put all relevant talks on ice until the autumn of 2009. As a result, by early 2010 all players were under huge pressure to deliver quickly on an issue that raises intricate and at times intractable problems. The main institutional players, however, had used those five ‘wasted’ years to consolidate, even reinvigorate their bureaucratic (red) lines of defence and resistance to change.

Second, the relevant provisions in the Treaty have proved to be, at the same time, too specific and too vague: too specific when the one-third rule of the thumb was laid down whereby the EEAS should come to incorporate, in roughly equal shares, staff from the relevant Commission DGs, the Council General Secretariat (CGS), and the Member States’ foreign ministries; and too vague regarding the possible nature and location of the EEAS in the EU ‘system’.

On top of that, the array of players involved in making the relevant decision(s) is unusually wide, encompassing not only the EU-27 and the Commission (through the Committee of Permanent Representatives (COREPER), the Council, and the entire College in its own right) but also the European Parliament – in particular regarding staff regulations and budgetary procedures (both subject to co-decision) – thus generating potholes and roadblocks rather than paving the way for progress.

Third, and the final paradox: in late October 2009, a somewhat artificial deadline (30 April 2010) was set for the ‘founding’ Decision on the EEAS. However, while it was expected that the EEAS be launched as soon as possible, its actual implementation and development will inevitably require constant monitoring, review, and, quite possibly, further legislative and organizational adjustments in a few years. In other words, while the EEAS can only take shape gradually and as part of work in progress, its foundations had to be laid down in a hurried and one-off legislative procedure.

To sum up, the sheer complexity of the issues to be addressed to make the service work properly demands time and adequate preparation. However, paradoxically, any major delay to its launch and implementation is likely to be (and has already been) seen – both inside and outside the Union – as evidence of infighting, disarray, and lack of strategic vision.

1. The Making

The main steps in the establishment of the EEAS since the entry into force of the Lisbon Treaty (or, more precisely, since the ‘Yes’ vote in the second Irish

⁹ The resulting papers can be consulted in the Annex to G. Avery & A. Missiroli (eds), ‘The EU Foreign Service: How to Build a More Effective Common Policy’, EPC Working Paper 28 (Brussels: European Policy Center, November 2007), 82 ff., <www.epc.eu>.

referendum, on 2 October 2009, that paved the way for its eventual ratification) have been the following:

- on 20 October, Member of the European Parliament (MEP) Elmar Brok presented the first draft Report on the institutional aspects of the creation of the EEAS. The main emphasis in both the Report and the ensuing discussion was on the (desirable) proximity of the new service to the Commission – with some MEPs arguing for its full inclusion in it – and on tight parliamentary control over its personnel and budget, especially regarding development aid policy. Slightly differing views were also expressed on the possible full incorporation of the existing politico-military structures in the EEAS. The report was eventually adopted in the European Parliament (EP) Plenary Session on 22 October 2009 by 424 votes to ninety-four;
- on 23 October, in turn, the Swedish EU Presidency came up with its own Report, as broadly agreed upon in the COREPER (after preliminary talks at Antici Counsellors' level). Although not strictly binding for the HR/VP and future deliberations, the Presidency Report set the stage for the ensuing debate by addressing the scope of the EEAS' activities, its legal status, staffing, financing, and the organization of EU Delegations abroad. It also mentioned 30 April 2010 as a tentative deadline for finalizing the relevant decision at General Affairs Council level, building on a draft proposal to be put forward by the new HR/VP;¹⁰
- to this end, once Catherine Ashton was appointed and later confirmed by the European Parliament as a member of the new College of Commissioners, a dedicated 'High Level Group' was formed to support the HR/VP in her initial task.¹¹ Shortly afterwards, a Special Adviser was also appointed to assist the HR/VP in her preparatory work, namely the former Danish Permanent Representative (and former Commission official) Poul Skytte Christoffersen;
- the following phase, from early February onwards, was characterized by the circulation of a number of draft documents (from the HR/VP-led steering group),¹² position papers and statements (mostly from MEPs), and media

¹⁰ The full text is available at <<http://register.consilium.europa.eu/pdf/en/09/st14/st14930.en09.pdf>>. The April deadline was probably dictated also by concerns about a possible change of government in the United Kingdom (following parliamentary elections due in May 2010) and its repercussions on the whole Lisbon foreign policy 'package' – although Conservative leaders later gave assurances as to their compliance with EU decisions in this domain.

¹¹ Chaired by Ashton, the group encompassed the two Secretaries-General, Catherine Day and Pierre de Boissieu; the two relevant Directors-General, Joao Vale de Almeida (DG RELEX) and Robert Cooper (DG E); the Heads of the respective Legal Services; Patrick Child (Head of all EC/EU Delegations in third countries) and Helga Schmid (Director of the Council's Policy Unit); James Morrison, Ashton's Head of Cabinet; and representatives of the 'trio' presidencies involved in the Council negotiations (Spain, Belgium, and, from January 2011, Hungary) – that is, all the key players but the EP, whose formal role in shaping the decision was not on the same footing as Council and Commission.

¹² In mid- to late February, for instance, separate drafts were circulated on the 'vision', the functioning, and the organizational structure of the EEAS: they still presented alternative options for the most controversial points in the ongoing talks.

articles that conveyed an impression of lingering confusion and ongoing turf battles.¹³ The general climate was hardly helped by the Commission's unilateral appointment, on 17 February 2010, of Joao Vale de Almeida (a close aide to President Barroso) as new Head of the EU Delegation to Washington, DC. The appointment, although legally legitimate at that stage, was in fact seen as a sort of pre-emptive strike and raised loud political criticism from Member States;

- next, on the occasion of the 25 March General Affairs Council, the HR/VP tabled a 'proposal for a Council Decision',¹⁴ subsequently followed on 26 April by some amendments that reflected the outcome of further negotiations between EU bodies and among Member States. On the basis of this blueprint, formal consultations were opened with the European Parliament in the context of the so-called 'quadrilogue' involving Ashton's aides, the Commission proper, the Spanish EU Presidency, and an EP informal delegation including MEPs from the three main party groups (Elmar Brok for EPP, Roberto Gualtieri for S&D, and Guy Verhofstadt for ALDE);
- finally, on 21 June in Madrid, an agreement was reached between the four parties that included a number of amendments to the previous proposal as well as two separate Declarations by the HR/VP: one on political accountability and another on the basic structure of the EEAS central administration.¹⁵ The agreement was then submitted for approval – as a joint report by Brok and Verhofstadt – to the EP Plenary on 8 July. An overwhelming majority of MEPs supported it – with 549 votes in favour, seventy-eight against, and seventeen abstentions – and everyone hailed the Madrid agreement as 'historic'.

The very last stage in this process includes the request by the Council (13 July) to the Commission to give its consent; the subsequent unanimous act by the College of Commissioners (20 July); and the formal approval of the Decision by the General Affairs Council (26 July), exactly four months after the presentation of the initial 'proposal' by the HR/VP.

The adoption of the Financial Regulation and the Staff Regulations is expected to follow after the summer break, according to the co-decision procedure, but the groundwork has already been laid down during the 'quadrilogue' talks – as is the case with the inter-inter-institutional agreement on budgetary discipline.

¹³ In particular, MEPs Elmar Brok (Foreign Affairs Committee) and Guy Verhofstadt (Constitutional Affairs Committee) co-signed on 18 Mar. 2010 a 'non-paper' demanding i.a. a status for the EEAS that would still make its link with and eventual integration into the Commission possible, and the creation of three 'political' deputies for the HR/VP alongside the three Commissioners Fuele, Piebalgs, and Georgieva. Other MEPs demanded at some stage the separation between ACP countries (to remain with the Commission) and the other geographical desks (to be moved to the EEAS). Extensive reporting on these developments can be found in <www.europeanvoice.com>, <www.euobserver.com>, <www.europolitics.info> and <www.euractiv.fr>.

¹⁴ <http://eeas.europa.eu/docs/eeas_draft_decision_250310_en.pdf>.

¹⁵ The relevant official joint statement (IP/10/771) can be found in the EU RAPID system.

2. *The Design*

After the inter-institutional deal of late June 2010, the likely *chassis* of the EEAS – defined in the draft decision as ‘a functionally autonomous body’ – would consist of a *sui generis* stand-alone structure, separate from both the Commission and the Council, that is, a ‘service’ in its own right whose status and *modus operandi* will be original and distinct from existing models, and whose budget would be comparable to that of an ‘autonomous institution’.

As the tentative chart reproduced below tries to explain (Figure 1), such a structure will have an organizational ‘cockpit’ encompassing the HR/VP as the ‘appointing authority’ and a sort of ‘quadrumvirate’ including:

- (a) an Executive Secretary-General (following the example of most national foreign ministries), in charge of key ‘horizontal’ and management functions,¹⁶ flanked by deputies;
- (b) two deputy SGs, whose precise and respective tasks are not spelt out in the Decision, although some options were discussed inside the ‘High Level Group’;¹⁷
- (c) at the insistence of the EP delegation, a Director-General for Budget and Administration, who will oversee all financial, budgetary, and auditing procedures in close cooperation with the relevant bodies and under EP scrutiny.

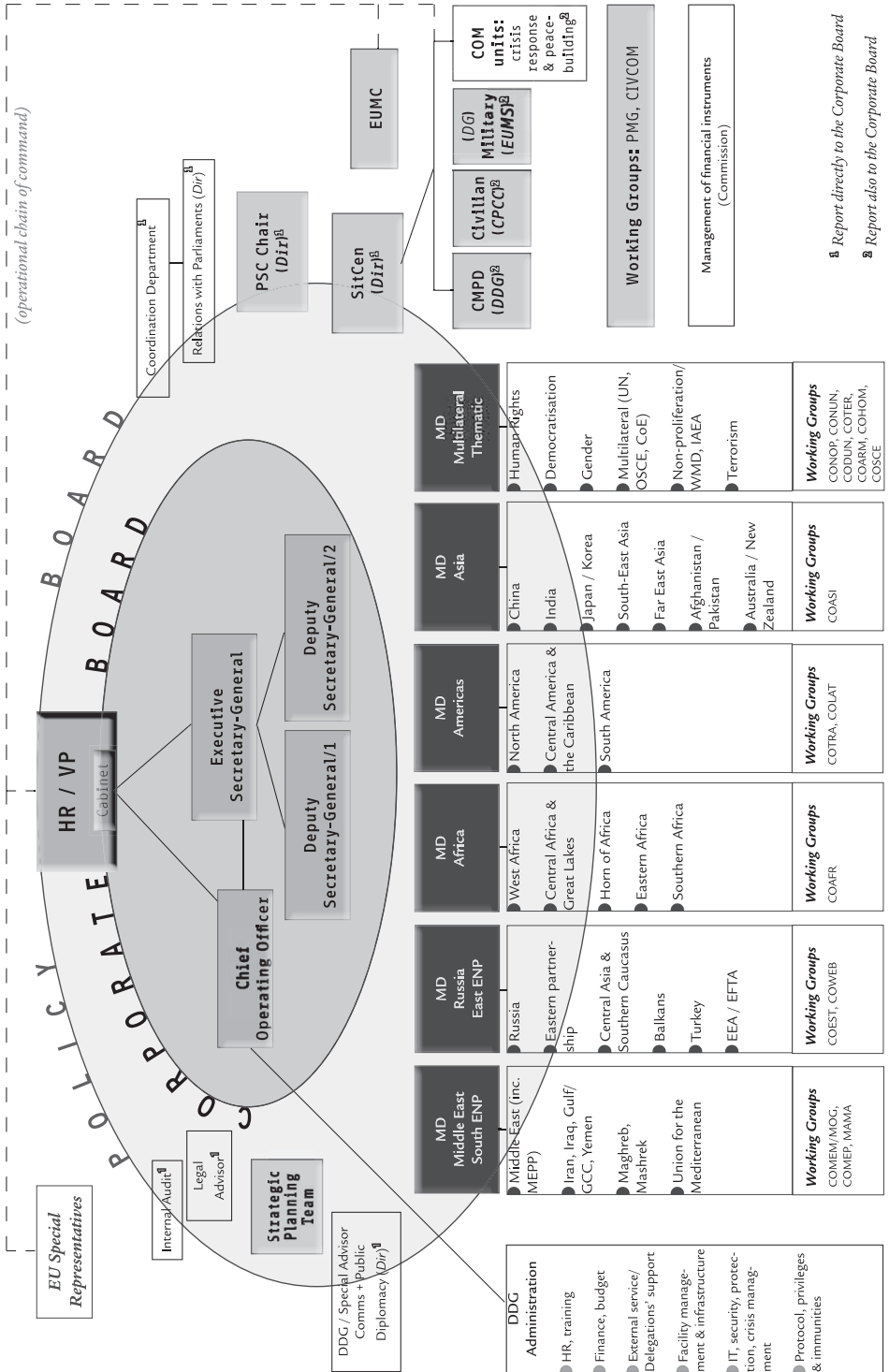
Of all the members of this ‘quadrumvirate’ (initially only a ‘triumvirate’), the fourth is the one that is most likely to come from the top ranks of the Commission. In the business language Catherine Ashton has deliberately chosen, s/he would be the EEAS’ Chief Operating Officer, while the Executive SG would be its Chief Executive Officer.

Still, within such ‘cockpit’ no rigid or formal hierarchy would be established, although the Executive Secretary General (SG) would act as a ‘*primus inter pares*’ (for instance, by deputizing for Ashton in her absence). With them, the HR/VP would form a sort of ‘Corporate Board’ including also her Head of Cabinet. It remains to be seen exactly where the Political and Security Committee (PSC) Chairperson (who, according to Article 38 TEU, must be a representative of the HR) and the Head of the new Strategic Planning Team (that will incorporate, *inter alia*, the Council’s Policy Unit) might be placed. This could well depend also on the personal record and standing of the first holders of those posts.

¹⁶ The 25 March proposal mentioned simply a ‘Secretary-General’ ‘assisted’ by two deputies, but especially MEPs objected that only institutions (such as the Council and the Commission, but also, for example, NATO) have a proper SG. Some Member States also disliked such a pyramidal structure – typical for instance of the Quai d’Orsay – with an all-powerful administrative figure at the top.

¹⁷ One of these entailed a distinction between a sort of Political Director and a Director of Operations, another one a separation between the geographical and the operational desks. In all likelihood, the division of labour will stem also from the specific profiles of the candidates for each job and the resulting balance between nationalities as well as institutions.

Figure 1



¹ Report directly to the Corporate Board

² Report also to the Corporate Board

Underneath them, a 'Policy Board' would encompass a number of specialized DGs, each led by a Managing Director (MD): there will be geographic ones (between three and five),¹⁸ a thematic one, another devoted notably to budgetary and administrative matters, and a number of horizontal 'departments': for strategy and analysis, information and public diplomacy, and (yet again at the MEPs' insistence) inter-institutional relations and coordination.

The array of structures and bodies operating in the domain of crisis management and civil-military planning are also all expected to be brought within a dedicated DG, but the Decision does not specify what chain of command and what reporting lines may be established – especially with reference to the 'corporate board' and its members.

In terms of staffing, officials from the Council Secretariat (especially Directorate-General E (DG E) and the Commission (mostly DG RELEX, plus some from DG DEV) will maintain their status and privileges, although some issues related to the mobility of Commission officials remain open. Interestingly, the one-third share laid down in the treaty will be implemented more flexibly, in the wake also of the negotiations with the EP. In fact, once the service is up to full speed (by 2013), EU officials proper 'should represent at least 60% of all EEAS staff at AD level' (including those diplomats from the Member States who will have become EU officials), while national diplomats should amount, in turn, to 'at least 33%'.

The remaining gap between the two targets is probably meant to help manage the transition and deal with current temporary agents and especially with Seconded National Experts (SNEs), who were initially expected to play a bigger role in the overall set-up of the service yet are now being considered, instead, only for 'specific cases' and in 'a limited number'.

All EEAS officials, however, will serve under the same rules and obligations. Especially, those from the Member States who are not to be transferred *en bloc* to the service will be selected on the basis of 'merit whilst ensuring adequate geographical and gender balance', as the HR/VP Report reads. This means that 'the staff of the EEAS shall comprise a meaningful presence of nationals from all Member States' – a formulation that is now also included in the Decision, after lengthy and detailed negotiations within the 'quadrilogue'.¹⁹ For them, tours of

¹⁸ One way of clustering the existing desks in both the Commission and the Council is to resort to a purely geographic criterion (as in Table 1). Another is to group them, for instance, under Organisation for Economic Co-operation and Development (OECD) countries, developing ones, and EU neighbours. Both options have pros and cons. At this stage, however, the former seems to be the preferred one.

¹⁹ The initial wording in the draft decision referred in fact to 'the broadest possible geographical balance' among the Member States, which is also the formula enshrined in the staff rules of both the Commission and the Council. The term 'adequate' implies a less strict adherence to the principle of equality among the EU-27; also, no formal country quotas will be discussed or negotiated. The HR/VP, on the other hand, is committed to reporting every year on 'the occupation of posts in the EEAS' to the Council and, now, also to the European Parliament. A comprehensive review is foreseen in 2013, including 'suggestions for additional specific measures to correct possible imbalances' – as requested in particular by the new Member States (EU-12).

duty in the service should, in principle, not exceed two four-year terms although, in exceptional cases, an extra two years can be granted. Yet mobility and rotation will be also ensured *within* the EEAS, in particular between the Brussels ‘head-quarters’ and the EU Delegations abroad.

In the initial phase, recruitment for the service will take place only from within the ranks of the three ‘founding’ components, whereas after 2013 other officials and experts (including from the EP) will also be entitled to apply. In terms of timing, the EEAS is expected to start with an immediate block transfer of some 800 AD level officials from both the Commission (three quarters) and the General Secretariat of the Council (one quarter, including the current Policy Unit). Some 100 new posts (twenty in Brussels and eighty in the Delegations) may be added shortly – for a draft 2010 amending budget of roughly EUR 9.5 million, as agreed with the EP²⁰ – and some 300 more from 2011, for a total staff of 1,200.

The actual start of the EEAS – and the termination of DG RELEX as we know it – is therefore foreseen on 1 January 2011, namely one year (and one month) after the entry into force of the Lisbon Treaty.

Included in the EEAS will be also the 135-plus EU (formerly EC) Delegations in third countries and international organizations – although the Lisbon Treaty is hardly explicit about this. The Heads of such Delegations will be directly accountable to the HR/VP (Articles 32 and 35 TEU) and her ‘corporate board’. While a single chain of command is expected to be in place in each Delegation, further arrangements have been hammered out regarding the position of those officials belonging to Commission DGs (such as trade or development) that are not under Ashton’s coordinating authority and who have (and may wish) to receive separate instructions flowing down from their direct Brussels hierarchy. A similar procedure has been agreed for expenditure, combining the preservation of the Commission’s own primary responsibility for its execution with the possibility of special transfers of power to Heads of Delegation whenever required.

The Council Decision on the establishment of the EEAS also includes an Annex with a detailed list of the existing departments and functions to be transferred directly to the service, including the Council’s Policy Unit, most of the Commission’s DG RELEX, the ACP-related geographic directorates of DG Development (DEV) – but not those in charge of budget execution, which remains a Commission prerogative, and neither Europaid nor ECHO (the EC Humanitarian Office).

Indeed, the EP has extracted some important concessions from the Council in this domain: the annual spending programmes in the development and humanitarian aid sectors will be mainly drafted by the relevant DGs in the Commission, for instance, and the Commissioners themselves will have a substantial say at all

²⁰ In the initial stages of the drafting of the Decision, much emphasis had been put on the principle of ‘budgetary neutrality’ (no new/extra expenditure in the EU budget). This soon proved unrealistic in light of the need to bring on board diplomats from the Member States and create new temporary EU posts for them.

stages (this, in turn, may have repercussions within the Commission and impinge upon Ashton's role). Furthermore, the Parliament has obtained scrutiny not only (as expected) over the EEAS' operational budget but also – albeit to a lesser extent – over its administrative budget proper.

Finally (and once again at the insistence of the EP, broadly favourable to a 'big' EEAS), the 'support staff' in the Delegations will also be part, eventually, of the external service. This may be the reason why media reports in the wake of the Madrid agreement went as far as to mention an eventual overall size of up to 8,000 officials for the service. Size and figures, however, will inevitably depend on both the initial implementation of the EEAS and, above all, the direction that future negotiations over the next Multi-Annual Financial Framework (MFF) for the EU budget – due to start in late 2011 and be concluded by 2012 – will take.

3. *The Questions*

The 'design' that has emerged from the 'quadrilogue' negotiations will have to be tested – and probably adjusted – over time in light of its gradual implementation. As was to be expected, in fact, it does not solve all the potential functional problems generated by the creation of the EEAS. In some cases, it even creates some that did not exist in the previous 'dual' structure.

To start with, the bureaucratic separation between geographic and operational DGs will facilitate the transfer of staff from the Council and the Commission and also help reduce duplication and competition, but it risks setting up new barriers that go against the logic – inherent to the very concept of the EEAS – of an integrated and comprehensive policy approach. In other words, such compartments should not become silos, and ad hoc horizontal joint task forces may have to be established to fill possible gaps.

This is, incidentally, an area where a specific role could be found for the Special Representatives (Article 33 TEU) and/or dedicated Special/Personal Advisors. Yet neither the Treaty nor the Decision clarifies what their status and role should resemble. Over the past decade, in particular, these have varied enormously in terms of profile, mandate, resources, and timelines. In a couple of recent cases, interestingly, EU Special Representatives (EUSRs) were 'double-hatted',²¹ but it remains unclear where they could be placed (and what for) in the new 'system'.

Similarly, the functioning of the Council Working Groups that have existed so far has not been addressed (yet): exactly who is going to chair them is an unsolved issue at this stage – although the HR/VP is confirmed as the 'appointing authority' – as is their precise number and scope in the new post-Lisbon 'comitology' framework.²²

²¹ On the EUSRs, see G. Grevi, 'Pioneering Foreign Policy: The EU Special Representatives', Chaillot Paper 106 (Paris: EUISS, October 2007), <www.iss.europa.eu>.

²² The formats of such Working Groups/Parties (currently more than twenty) have varied a lot over time – some were chaired by the rotating Presidency, others by EU officials – and some reorganization may prove necessary anyway.

Moreover, some of the budgetary and auditing procedures inserted into the final version of the Decision on the basis of the ‘quadrilogue’ deal appear cumbersome and potentially intricate. Hailed by the MEPs as a victory, they may turn out to be a complicating factor in terms of decision- and policy-making (and a source of turf wars inside Brussels).

Finally, it is not fully clear what balance will eventually emerge between effectiveness and accountability. It is certainly true that the EP has scored some important points in this domain. For one, Catherine Ashton will have to submit a first report on the functioning of the EEAS – by the end of 2011 – not only to the Council, as initially foreseen, but also to the Commission and the European Parliament. This will further consolidate a *de facto* practice of co-decision for all things ‘architectural’ related to the service.

It is also true that the EP has forced the HR/VP to make it explicit that, when addressing the plenary in Strasbourg, she can be ‘deputized’ only by fellow Commissioners or, when the agenda is CFSP/CSDP-related, by a serving Foreign Minister, either from the current Presidency or from the so-called ‘trio’ of rotating Presidencies.²³ Indeed, MEPs had spoken out firmly against the possibility that, where the HR/VP is unable to attend, ‘unelected officials’ fill in for her.

Regarding top appointments in the EEAS (and other posts in the CSDP domain), however, the wording of the HR/VP Declaration on ‘political accountability’ is much less firm. Hearings at and briefings to the EP and its relevant Committees by appointed representatives in the EU Delegations and/or CSDP operations can be requested and, arguably, granted. Still, the text (whose legal value is hardly comparable to that of the Decision proper) stops short of defining the level at which an obligation to do so may begin or end.

Once again, in the months and years to come, concrete practice will probably establish quasi-legal precedents to this effect. It is also desirable that it generates on all sides an adequate ‘etiquette’ for such sensitive inter-institutional relations. Both EU institutions and Member States should indeed bear in mind that, when all is said and done, the strategic rationale and ultimate ambition behind the establishment of the EEAS was (and still is) the creation of a common culture and practice among European officials and diplomats. In other words, beyond the current turf battles and bureaucratic politicking, the service is meant to become an instrument for the cross-fertilization of foreign policy-making across the EU and the interchangeability between national and European administrations.

The adjustments that the Decision on the EEAS introduces with respect to the strict ‘one-third’ rule of thumb enshrined in the Lisbon Treaty reflect the sheer fact that, if one looks at the rough figures on the relative size of the three main

²³ This formulation is meant to leave some flexibility for those cases in which the country holding the rotating EU Presidency may find itself in an awkward legal and political situation: in 2012, for instance, the EU Council will be chaired by Denmark (which has an opt-out clause on defence policy) and Cyprus.

components of the service, DG RELEX and the Delegations far outnumber the relevant staff from the CGS (the ratio is in the region of 5:1 or higher) – with the arrival of a significant number of diplomats from the EU-27 inevitably putting additional pressure on the EEAS budget.

There are, however, huge imbalances also among the Member States, in terms of both quantity and quality of eligible personnel. The pool of available officials varies enormously between, say, Germany and Malta, and so does their level of experience and expertise. As a result, the procedure of selecting national diplomats 'fit for the service' is likely to be subject to innumerable factors and variables. This will prove particularly tricky especially in the start-up phase, when differences in background, culture, approach, and also benefits – not only among the EU-27 but also between them and EU officials – will be biggest. Over time, as the EEAS develops and grows, such imbalances and differences are bound to narrow. Common training²⁴ and rotation on the job should contribute to reducing them further.

This is why it is certainly wise to plan – as has already been done – a first Report on the implementation of the EEAS already in 2011 (and not in 2012, as originally stated) and a more substantial and stringent review (possibly leading to a new Decision) by the end of 2013 – which would also fall within the context of the new MFF for the post-2013 budget.

Furthermore, any initial decision cannot possibly enshrine all the 'evolutionary' aspects of the service – regarding, *inter alia*, recruitment and training requirements, career patterns inside and outside the EEAS proper, rotation between the Brussels 'headquarters' and the Delegations – which are likely to trigger additional attempts to modify the overall structure in the months ahead.

The launch and development of the EEAS, in other words, will probably occupy the entire term of *all* post-Lisbon institutions and possibly turn into one of the most important tests of their successful action and interaction.

V The New System

Apart from and beyond the EEAS set-up, a number of political and functional unknowns still linger over the new external action 'system' created by the Lisbon Treaty.

As already mentioned, some have to do with the internal functioning of the Commission and the overall scope of the Union's external action. Some others have to do with personalities, that is, whether Van Rompuy, Barroso, and Ashton

²⁴ Here, too, the European Parliament has been pushing for the creation of a sort of single European Diplomatic Academy – but has encountered strong opposition from both the Commission and the Member States, especially those keen on preserving or even enhancing their national 'champions' in this domain. It seems therefore likely that, at least initially, the example of the ESDC be followed, with specific modules being offered by different national and also EU centres (such as the College of Europe in Bruges/Natolin and the European University Institute (EUI) in Florence) on a rotational and 'virtual' basis.

will get along (or not), and especially whether they will achieve a *modus vivendi* that is sustainable and, above all, beneficial for the EU as a whole.

There are unknowns regarding the Foreign Ministries of the Member States, who will be confronted with new challenges in terms of both influence and staffing. Some of them will face up to painful dilemmas: should they send ‘the best and the brightest’ to the EEAS or keep them, and with what incentives in either case?

All of them will have to be offered terms of engagement conducive to making them responsible stakeholders in the new system. This will, of course, not apply only to the institutional set-up. In and of themselves, the HR/VP and the EEAS will not generate a common EU policy vis-à-vis, say, Russia or China: at best, they will facilitate its shaping and implementation. It is the Member States who must ‘buy’ into the new system politically. Incidentally, this issue could become evident also in the field, notably in those third countries where some EU members have strong interests while others do not (and may not even be represented diplomatically), and it could end up affecting significantly the way in which the local Heads of Delegation operate.

Some additional problems may still lie with the residual role and competences of the rotating EU Presidency. While the new system, once fully in place, will be entirely ‘Brussels-ized’, in terms of both location and impulse, individual Member States will still be chairing on a six-month rotational basis both the COREPER and some Council formations that may be relevant for the Union’s external action. This will demand the highest degree of inter-institutional coordination.

Politically also, as already mentioned at the beginning, a ‘niche’ role may have to be devised – whether on an ad hoc basis or more systematically – for the Prime Minister, where applicable the President, and the Foreign Minister of the country holding the six monthly presidency in order, once again, to keep them on board and give them a degree of responsibility and visibility without renegeing on the political rationale that led to the new treaty provisions in this domain.²⁵

For its part, the European Parliament has already become a much more important institutional player in external action and foreign policy at large. Not only is it setting conditions on the establishment and further development of the EEAS proper, but it is also trying to have an ever bigger say on expenditure, appointments, and policy guidelines. Its clout in adjacent policy areas has also increased, be it internal security (as the dispute over SWIFT has proven), trade (the EP has acquired the right to approve or reject agreements), energy, and even agriculture (now subject to co-decision).

²⁵ The Foreign Minister could for instance – the possibility has already been floated and partially tested during the Spanish Presidency – deputize for the HR/VP whenever her agenda makes attending a given event impossible. If turned into a formal rule, however, this could give the impression that the ‘old’ system is still in place.

Only time will tell whether all of this is transforming the Strasbourg Assembly into a sort of 'EU Congress', with all the repercussions that this could have in terms of inter-institutional relations and policy-making.

1. *Tests and Trends*

In terms of policy, it is still uncertain how the CSDP (formerly ESDP) dimension of the Union's external action may develop. The Lisbon Treaty creates a more 'permissive' framework in this domain, where a number of enabling clauses would permit new arrangements and initiatives to be put in place.

Interestingly, the only case so far in which the new provisions have already had an impact is the decision, taken through a unanimous Declaration by the ten Ambassadors sitting on the WEU Council on 31 March 2010, to 'terminate' the organization as an indirect consequence of the entry into force of Article 42 TEU, which enshrines a qualified mutual defence clause.²⁶

Apart from this, most new treaty articles basically envisage actions and developments that have already been launched well ahead of the entry into force of the Treaty, be it the expansion of the scope of the so-called 'Petersberg tasks' (Article 43), the conduct of EU peace-building operations by only some Member States (Article 44), or the establishment of the EDA (Article 45, already launched in 2004). For its part, the scheme envisaging 'permanent structured cooperation' (PESCO) in defence matters (Articles 42.6–46 TEU and related Protocol) represents a novelty that will put the willingness of the Member States to cooperate and integrate further in this domain to a decisive test. In all likelihood, much will depend on the views that will prevail next in Great Britain – without whose full engagement and commitment CSDP would be hard to pursue effectively, both politically and functionally.

This said, the Lisbon Treaty does offer a unique opportunity to generate not only better coordination and coherence, but even synergy between all the different aspects of the Union's external action: within CSDP, between its civilian and military spheres; in the wider domain of 'security', *inter alia*, through the new so-called 'solidarity clause' (Article 222 TFEU), which establishes an operational link between its *internal* and the *external* dimensions; within CFSP, between diplomacy and crisis management proper; and, more broadly, between all the various levers and instruments of external action and 'foreign' policy that the Union has, in principle, at its disposal.

²⁶ The decision had been already floated by the Dutch government in 2003 (when it chaired both the EU and WEU Councils) in anticipation of the expected entry into force of the Constitutional Treaty, then put on ice until late 2009. Its actual implementation, however, may still take until late 2011, due especially to the complications related to the dismantling of the WEU Parliamentary Assembly based in Paris.

A key test of the post-Lisbon system will indeed be the actual functioning of these new 'hybrid' structures and figures, starting with the HR/VP and the EEAS. They represent the biggest innovation in the Treaty and, arguably, also its toughest challenge. Failure to produce significant added value or, worse still, an increase in personal and bureaucratic infighting would cast a gloomy shadow over the Union's international image and action, and it would also have negative repercussions on the broader EU internal political climate. Conversely, if the new system proves capable (over time) of improving on the effectiveness and also legitimacy of the Union on the international stage, the 'hybrid' model could even be extended, both downstream and upstream.

Moreover, it is already apparent that both international relations at large and EU policy-making are becoming increasingly 'presidential': the key decisions are taken by the Heads of State and Government, in line also with domestic developments. This is why another big test for the Lisbon Treaty will be the interplay between the two Presidents, Van Rompuy and Barroso; the way in which they will cooperate and/or compete; the way in which their role(s) will be perceived both internally and externally; and the extent to which they will rely (or not) upon the EEAS structures.

VI The New Environment

This being said, the ultimate test will probably come from outside the Union. The new Treaty and the resulting structures are only a necessary but still insufficient condition for a more effective external action of the EU. Their impact on the system remains difficult to assess in full, yet their implementation will not occur in a vacuum: it will be significantly influenced and shaped by external challenges.

Paradoxically, after fostering interdependence as a peace project (such was the essence of European integration over the past half-century), the EU now feels vulnerable to interdependence at the global level. Interdependence, however, exists not only between different areas of the world: it is growing also between policy issues, both within and across regions. Action against climate change cannot be effectively coordinated worldwide without addressing also energy- and trade-related problems. Regulation of financial markets in only one country (or continent) is virtually impossible, and at any rate it requires tightly coordinated intervention on a large scale. Migration flows cannot be governed without adequate development and human security-related actions. Nuclear non-proliferation initiatives need to be credibly linked to shared global approaches to energy security. In addition, durable peace cannot be secured without justice and reconciliation.

In other words, external and 'foreign' policies are no longer what they used to be. For their part, the existing international institutions seem incapable of connecting all the dots: multilateral bodies are too specialized and

too fragmented. The EU could make such connections, at least in theory, as it does have both tested and fresh mechanisms to do precisely that. However, in virtually all these bodies and fora, Europeans are largely over-represented, making for up to one-third of UN Security Council and G-20 seats as well as voting weights in the IMF and World Bank. They are also, more often than not, underperforming, at least as a Union. All this contributes to weakening the multilateral system, as most emerging powers no longer accept the credibility of the current set-up.

1. Too Many Europeans, Too Little EU

A more effective 'Europe' in the world needs the Lisbon Treaty as its starting point. Yet a more effective multilateral system needs fewer Europeans and more EU: in order to retain (or regain) its influence, Europe must streamline its presence. This is not simply a matter of quantity but also of quality, and it requires sensitive and sensible trade-offs both inside and outside the EU.

The Lisbon Treaty provides some building blocks, and the HR/VP and the EEAS are important cornerstones of the new edifice. The recent arrangement between Barroso and Van Rompuy on G-8/G-20 summits – whereby the EU as such will be represented by a single delegation²⁷ – is a small constructive inter-institutional step in that direction, although it leaves some grey areas that could lead to new frictions sooner rather than later. Still, it may help pave the way for bigger and bolder ones in other international bodies.

In terms of protocol proper, the fact that the EU has at long last acquired full legal personality in its own right (Article 47 TEU) has changed little so far in terms of substance. Before Lisbon, for example, Ambassadors seeking accreditation to the EU presented letters of credence both to the President of the Commission (EC and Euratom) and to the rotating Presidency (EU proper), while only the Commission President signed the letters of credence and recall for Heads of EC Delegations abroad. Now Ambassadors continue to present their letters of credence to Barroso – accrediting them to the EU (into which the EC has been subsumed) and Euratom – but do the same also with Van Rompuy *instead of* the rotating Presidency.

The situation is much less clear and automatic when it comes to the Union's representation in international organizations and conventions. True, the nameplate 'European Union' is now replacing that of 'European Community' in various fora. Beyond the symbolism, however, a maze of very different arrangements governs the international presence of the EU proper.

²⁷ Each will speak on matters pertaining to his own legal and political competence. In principle, therefore, Van Rompuy is expected to be 'first' President in the G-8, while Barroso continues to be spokesperson for issues falling under Commission competence (and 'first' President) in the G-20.

In most multilateral bodies, all Member States are represented and the EC/EU has only observer status;²⁸ in the World Trade Organization (WTO) and the Food and Agriculture Organization (FAO), the Commission has full status alongside the Member States; in a few highly specialized international agreements (on agricultural goods or metals), the EC/EU is a full contracting party on behalf of all the Member States: in the World Bank or the IMF, finally, the EU has no status whatsoever, while some Member States are ‘clustered’ in ad hoc groups.

As Table 1 tries to show, such a ‘patchwork’ Europe²⁹ is the combined result of pre-existing legal competences, political constraints, simple precedents, special agreements, administrative inertia as well as widespread reluctance to overhaul this state of affairs. Addressing it requires both pressure from outside and determination from inside. The external pressure already exists in abundance. On the other hand, a gradual upgrading and streamlining of the international presence of the Union (which often languishes with the rank of observer even where its competences may be substantial) should be on the agenda of European policy-makers and diplomats in the years to come.³⁰

Yet again, the Lisbon Treaty does offer a much better basis for this. Even with it, however, the EU will probably still have no single telephone number, nor will it speak with one voice. Still, a common, well-functioning, Brussels-based switchboard (connecting also Catherine Ashton and the EEAS) may prove crucial in helping the Europeans get their act together and may possibly contribute to shaping a better international system in line with the realities of the twenty-first century.

²⁸ The way in which the Member States coordinate (or not) within such bodies varies a lot already among those – like the OSCE or the Council of Europe – where the EU-27 alone make for nearly half of the overall membership. The most intricate case in point is arguably that of the United Nations (UN), where the Union is considered an international organization in its own right. As a result, any possible enhancement of its status is seen as a precedent for others (e.g., the Arab League), and thus blocked. See, for example, K.V. Laatikainen & K. Smith (eds), *The European Union at the United Nations: Intersecting Multilateralism* (Basingstoke: Palgrave Macmillan, 2006).

²⁹ I am grateful to Michael Emerson and Piotr Maciej Kaczynski (CEPS) for allowing me to use this table (reproduced in BEPA Monthly, no. 38 (June 2010)), which is part of a broader research project carried out jointly by CEPS, EPC, and Egmont. See also S. Gstoehl, “‘Patchwork Power’ Europe: The EU’s Representation in International Institutions”, *European Foreign Affairs Review* 14, no. 3 (2009): 385–403.

³⁰ The UN will represent – once again – a key test. Recently, the previous EC Delegation to the UN was merged with the Office of the CGS created a few years ago and put under a single ‘double-hatted’ Head. Moreover, an ad hoc arrangement with the Spanish EU Presidency and the other EU members sitting on the Security Council allowed Catherine Ashton to take the floor there on behalf on the Union in early May (not an absolute premiere, as Javier Solana had done that already, but certainly one for the HR/VP). On the other hand, a first (and possibly hurried) attempt to enhance the EU’s observer status at the UN General Assembly, in September, had to be postponed due to heterogeneous but widespread opposition from a number of non-European countries.

Table 1. EU Representation in International Bodies

Competences	Organizations and Conventions	Status of EC and Member States
Foreign, security, and defence policies (including general political affairs)	UN General Assembly	EC observer, Member States (MS) members
	UN Security Council	Two MS perm. + up to three MS rotating
	Organization for Security and Co-operation in Europe (OSCE)	EC observer, MS members
	NATO	Twenty-four MS
	Non-Proliferation Treaty	EAEC signatory and MS
1. Exclusive (Art. 3)	Council of Europe	EC observer, MS members
	G7/8/20	EC participant, some MS
	World Customs Organization (WCO)	Member
	World Intellectual Property Organization (WIPO)	Observer
	Bank for International Settlements (BIS)	European Central Bank (ECB) observer, MS members
A. Customs union	IMF	ECB on Board, some MS
	OECD	EC observer, twenty-one MS members
B. Competition policy	Convention on Fishing and Conservation of the Living Resources of the High Seas	EC and MS members
	UN Conference on Highly Migratory Fish	EC and MS members
C. Monetary policy (for euro zone)	Multiple regional fisheries organizations: Mediterranean, NE Atlantic, NW Atlantic, SE Atlantic, Antarctic, Western and Central Pacific	EC Member and some MS
	Organizations for species: tuna, salmon	EC signatory and some MS
D. Fisheries and marine biological policies		

Continued...

Table 1. *Continued*

Competences	Organizations and Conventions	Status of EC and Member States
E. Trade policy	WTO	EC and MS members
2. Shared (Art. 4)	UN Commission on International Trade Law (UNCITRAL)	EC observer, some MS members
A. Internal market	International Standards Organization (ISO)	EC cooperation, MS members
B. Social policy	Codex Alimentarius Commission	EU and MS members
C. Cohesion (regional)	International Labour Organization (ILO)	EC observer, MS members
D. Agriculture and forestry	FAO	EC and MS members
IFAD	Multiple product organizations: olive oil, sugar, cocoa, coffee, jute, tropical timber, rubber, grains, new varieties of plants	EC observer, MS members
E. Environment	UN Environmental Programme	EC observer, some MS members
UN FCCC (Framework Convention on Climate Change; climate change)	Kyoto Protocol	EC and MS members
UN Conference on Environment and Development	Convention on Law of the Sea (UNCLOS)	EC and MS full participants
International Tribunal of the Law of the Sea	International Seabed Authority	EC and MS members
Protection Marine Environ. of N. Atlantic	Protection of the Danube River	EC and twelve MS members
F. Consumer protection		EC and six MS members

G. Transport	International Civil Aviation Organization (ICAO)	EC observer, MS members
	International Maritime Organization (IMO)	EC observer, MS members
	Eurocontrol	EC and twenty-one MS members
H. Trans-Eur. Networks		
L. Energy	International Atomic Energy Agency (IAEA)	EC observer, MS members
	International Energy Agency (IEA)	EC participates, seventeen MS members
	Energy Charter Treaty	EC and MS members
J. Freedom, security, and justice	International Court of Justice (ICJ)	–
	International Criminal Court (ICC)	EU cooperation agreement
	European Convention of Human Rights	EU and all MS acceding parties
	UN High Commission for Refugees	EC observer, MS members
	World Conference against Racism/Racial Discrimination	EC and MS full participants
	Fourth World Conference on Women	EC and MS full participants
	UN Convention against Illicit Drugs Traffic	EC and MS full members
	UN Convention against Transnational Crime	EC and MS full members
K. Public health and safety		
L. Research, technology, and space	International Telecommunications Union (ITU)	EC sector member, MS members
	Outer Space Treaty	
	World Summit on the Information Society	EC observer, most MS members
	International Fusion Energy Organization (ITER)	EC and MS full participants
	Science and Technical Center in Ukraine	EURATOM and EC member, no MS

Continued...

Table 1. Continued

Competences	Organizations and Conventions	Status of EC and Member States
M. Development and humanitarian aid	World Bank	—
	World Food Programme (WFP)	EC and many MS donors
	UN Development Programme (UNDP)	EC observer, MS members
	UN Conference on Trade and Development (UNCTAD)	EC observer and partial member
	World Summit on Sustainable Development	EC and most MS full participants
	UN Conference on Least Developed Countries	EC and most MS full participants
	World Food Summit	EC and most MS members
3. Coordination (Art. 5)		
A. Economic policies	European Bank for Reconstruction and Development (EBRD)	EEC and MS shareholders
B. Employment policies	OECD	EC observer, twenty-one MS members
	ILO	EC observer, MS members
C. Social policies	ILO	EC observer, MS members
4. Supplementary (Art. 6)		
A. Human health	World Health Organization (WHO)	EC observer, MS members
B. Industry	UN Population Fund (UNFPA)	EC observer, MS members
	UN Industrial Development Organization (UNIDO)	Partnership, most MS members
C. Culture	Multiple Organizations for commodities: nickel, copper, lead, and zinc	EC and some MS members
	UNESCO	EC observer, MS members
D. Tourism	UN World Tourism Organization	Most MS members
E. Education, training, youth, sport	UNESCO	EC observer, MS members
	UNICEF	EC observer; MS members

AIMS

The aim of the *Review* is to consider the external posture of the European Union in its relations with the rest of the world. Therefore the *Review* will focus on the political, legal and economic aspects of the Union's external relations. The *Review* will function as an interdisciplinary medium for the understanding and analysis of foreign affairs issues which are of relevance to the European Union and its Member States on the one hand and its international partners on the other. The *Review* will aim at meeting the needs of both the academic and the practitioner. In doing so the *Review* will provide a public forum for the discussion and development of European external policy interests and strategies, addressing issues from the points of view of political science and policy-making, law or economics. These issues should be discussed by authors drawn from around the world while maintaining a European focus.

EDITORIAL POLICY

The editors will consider for publication unsolicited manuscripts in English as well as commissioned articles. Authors should ensure that their contributions will be apparent also to readers outside their specific expertise. Articles may deal with general policy questions as well as with more specialized topics. Articles will be subjected to a review procedure, and manuscripts will be edited, if necessary, to improve the effectiveness of communication. It is intended to establish and maintain a high standard in order to attain international recognition.

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Manuscripts should be submitted to the Editorial Assistant at the Editorial Office. The manuscript should be accompanied by a covering letter stating that the article has not been published, or submitted for publication, elsewhere. Authors are asked to submit two copies of their manuscript as well as a copy on computer disk. Manuscripts should be 6,000-8,000 words and be typed, double spaced and with wide margins. The title of an article should begin with a word useful in indexing and information retrieval. Short titles are invited for use as running heads. All footnotes should be numbered in sequential order, as cited in the text, and should be typed double-spaced on a separate sheet. The author should submit a short biography of him or herself.

BOOK REVIEWS

Copies of books sent to the Editorial Assistant at the Editorial Office will be considered for review.