

THE EUROPEAN EXTERNAL ACTION SERVICE: THE DREAM OF A COMMON EUROPEAN DIPLOMACY CAME TRUE?

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Abstract

On December 1st 2010 the European External Action Service (EEAS) came into being – the potential “unique voice” of the EU on the world stage. The creation of a body as complex as the EEAS, which was meant to re-organize the EU’s entire foreign policy machinery was a lengthy process of difficult negotiations between the institutional stake-holders. As the EU’s post-Lisbon institutional setting was unfolding, an ever more powerful Parliament, a Commission jealously guarding its prerogatives, a Council representing 27 different national interests and an ambitious High Representative fought some fierce turf wars before agreeing on the format of the EEAS. Three years later, the results are mixed.

This paper aims to provide a detailed account of the process of agreeing on the EEAS project in 2010 and an analysis of the perspectives for consolidating the EEAS three years after it was established. At the same time, in spite of the battle within the EU institutional framework reformed by the Lisbon Treaty, which might indicate little room for manoeuvre for the EEAS, this new body holds the potential for supporting the development of a genuine common European diplomacy.

Keywords: European Union, European Council, EEAS, intergovernmentalism, Lisbon Treaty, Catherine Ashton

INTRODUCTION

Considered “the natural administrative expression of the European Union’s desire to give greater force and coherence to its external policies” (House of Commons, 2008, 63), the European External Action Service (EEAS) was created in order to enable the Union to better define the common interests of the member states in dealing with third countries. From a maximalist perspective or simply an optimistic one, the EEAS is considered the core of a future European diplomatic service, capable of supporting not only “a unique voice” of the European Union (EU) in international affairs, but also an authentic foreign policy culture shared by the 28 member states, even more necessary in the case of the eventual creation of the United States of Europe. From a minimalist perspective or a rather realistic one, the EEAS represents yet another EU body, designed to undertake first and foremost

an administrative task – that of assisting the High Representative (HR) in her¹ activity of coordinating the Common Foreign and Security Policy (CFSP) - while benefitting from limited resources and minimal symbolical significance. Last but not least, from a pessimistic and Euro-sceptical perspective, the EEAS does nothing more than to make the EU bureaucracy increasingly difficult, while performing with limited efficiency because of the (big) member states' reluctance towards it and the numerous existing possibilities of rivalry and overlapping competences with the European Commission.

This paper has a double purpose. On the one hand, it aims to provide a detailed account of the process that led to the creation of the EEAS, emphasizing the institutional and decision-making stages that had to be gone through, as their evolution revealed the struggle for power within the renewed institutional framework of the EU after the Lisbon Treaty. On the other hand, it attempts to analyse its potential for becoming the core of a future common European diplomacy and explore the perspectives for its future development.

The study is based on a thorough monitoring of the institutional process of creating the EEAS, starting from the Treaty provisions and reconstructing step by step – decision by decision, agreement by agreement - the progress of the inter-institutional negotiations that took place until the new EU body became functional. It makes use of the main EU documents related to the creation of the EEAS, employing content and discourse analysis in order to highlight both the legal framework under which the new body operates and the official EU rhetoric regarding the latter's purposes and utility. The second part of the study makes critical use of the increasing body of secondary literature on this topic and focuses on the remaining institutional challenges after the EEAS became functional.

As a recent addition to the existing EU institutional architecture, the EEAS has drawn the attention of numerous scholars, who aimed to analyse the legal basis for establishing it (Blockmans and Hillion, 2013) or its symbolical value for developing a common European diplomacy (Aldecoa Luzárraga, 2011), to review the first years of its functioning and the way it integrated in the post-Lisbon foreign policy machinery Helwig et al. (2013), to present various national perspectives on the Service's creation and role EPIN (2012) and the complex interactions between national diplomacies, EU delegations and the EEAS (Balfour and Raik 2013). Older works (Crowe 2008) looked at the context in which the EEAS had to be created and provided recommendations for the designing of the Service so as to improve the Common Foreign and Security Policy existing arrangements. However, few authors researched in depth the actual stages of creating the EEAS. This paper aims to bridge that gap by providing a detailed account of how the EEAS was established, from a historical perspective. By tracing each stage of the process of designing the new body and emphasizing its importance overall, the paper is meant to highlight the intricacies of the post-Lisbon institutional

¹ The High Representative for Foreign Affairs and Security Policy of the European Union has been – since 2009 – the British Baroness Catherine Ashton.

architecture of the EU and the role each of the established institutions had to play in one of the most interesting intra-EU negotiations in the last years.

I. TREATY PROVISIONS REGARDING THE EUROPEAN EXTERNAL ACTION SERVICE

The idea of a diplomatic service of the European Union was first launched in 2000 by Joshka Fisher, the former German Minister of Foreign Affairs, but turning it into reality became possible only with the entry into force of the Lisbon Treaty in December 2009. The Treaty of Lisbon (2007) has basically absorbed the provisions regarding the EEAS from the Treaty establishing a Constitution for Europe, signed in October 2004 and rejected in the French and Dutch referenda in 2005.

The establishment of a Ministry of Foreign Affairs of the EU represented one of the most important innovations brought by the Treaty establishing a Constitution for Europe, the aim of which was to ensure the coherence and effectiveness of the Common Foreign and Security Policy, as well as to endow it with “a unique voice”. This Ministry of Foreign Affairs would have presided over a diplomatic service comprised of over 125 EU delegations in third countries. It was supposed to be named “The European External Action Service” and created by a Council decision after consulting the European Parliament and receiving approval by the Commission. Officials from the Commission and the General Secretariat of the Council, as well as seconded national diplomats, were to comprise the EEAS personnel. Moreover, the members of the EU delegations in third countries and in international organizations had to become part of the EEAS as well.

These provisions from the Treaty establishing a Constitution for Europe (European Union, 2004, article 296, Section 3) were not changed significantly in the Treaty of Lisbon. The EEAS is referred to in article 13a of the Treaty on the European Union, as amended by the Treaty of Lisbon. This article states that “in exercising his/her mandate, the High Representative is supported by an European External Action Service”, which “works in cooperation with the diplomatic services of the member states and is composed of officials from the relevant services of the Commission and the General Secretariat of the Council, and from seconded national experts from the diplomatic services of the member states as well” (European Union, 2007, 27). The organizing and functioning of the EEAS had to be established by a Council decision, based on a proposal by the High Representative, after consulting the Parliament and receiving approval by the Commission.

Hence, the High Representative had to advance a proposal for the establishment and functioning of the EEAS and to reach an agreement with all of the institutions involved before a Council decision was adopted. This proved to be an authentic modern odyssey of seemingly endless negotiating, extorting concessions and proposing amendments. The Service had to be established by December 1st 2010 in order to symbolically mark the first anniversary of the entry into force of the Lisbon Treaty.

II. THE ODYSSEY OF LAUNCHING THE EUROPEAN EXTERNAL ACTION SERVICE

The negotiations for creating the EEAS started soon after the Lisbon Treaty came into force, but they were prolonged until the summer of 2010 because an agreement had to be reached between several EU institutions – the Council (representing the member states), the Commission and the Parliament. Moreover, the main difficulty resided in the confrontation of two contradictory approaches to the nature of the new EU body – whether it had to be a stronghold of intergovernmentalism or, on the contrary, it had to be endowed with a more prominent community character. What was fundamentally at stake was an efficient division of responsibilities between the new body and the European Commission, especially in the field of development cooperation. This policy accounts for a considerable proportion of the budget allocated to the external action of the European Union. As a matter of fact, one of the main objectives of the Lisbon Treaty was to strengthen the coherence and effectiveness of the role played globally by the EU, which implied a better coordination of all the elements comprising its external action: from foreign policy *per se* to development cooperation, humanitarian aid, economic relations with third countries (commercial policy), promoting democracy and human rights, security policy etc.

II. 1. The launching of the initial EEAS project

On March 25th 2010 the High Representative Catherine Ashton made public her project for the organisation and functioning of the European External Action Service. The project was announced at the end of protracted preliminary negotiations between the High Representative (HR), the member states and the main institutional stakeholders: the Commission, the Council and the European Parliament (EP).

According to Catherine Ashton, the mission of the new autonomous body was “to support the High Representative in fulfilling her mandate of coordinating the Common Foreign and Security Policy and to ensure the coherence of the external action of the EU,” (Council of the European Union, 2010a). This support would be offered for her to exercise her double capacity of President of the Foreign Affairs Council (without any prejudice to the responsibilities of the General Secretariat of the Council) and of Vice-President of the Commission, and to fulfil those attributions pertaining to the external action of the EU (without affecting the regular tasks of the Services within the Commission). The European Parliament would exercise the same role of political control, budgetary and legislative authority towards the new body as well, while maintaining the practice of the EP being consulted in matters concerning the main aspects and basic options of the Common Foreign and Security Policy.

According to article 27(3) from the Treaty on the EU as amended by the Lisbon Treaty, the EEAS would be composed of officials from the Commission and the General Secretariat of the Council, as well as from seconded diplomatic personnel at the national level. The new body had to enjoy budgetary autonomy,

which in turn required the modification of the Financial Regulations so that the Commission ceased to be the sole administrator of the EU budget. The High Representative would thus become responsible for managing the share of the EEAS from the EU budget. Moreover, the functioning of the EEAS and the configuration of its personnel required several modifications in the Staff Regulations of the EU. Both sets of amendments had to be agreed upon together with the Commission and the European Parliament before the EEAS project was officially adopted.

The new body would benefit from “the necessary legal capacity so as to complete its tasks and fulfil its objectives” (*ibid.*), while having the central headquarters in Brussels and 136 delegations in third states and within international organizations. In addition to the assistance provided to the High Representative, the EEAS would also support the President of the Commission, the President of the European Council and the Commission in their external representation activities.

At the central level the EEAS would be managed by a Secretary General and two Deputy Secretaries-General; it would be organized in general directorates: a number of directorates covering all states and world regions, structured on both geographic and thematic criteria; one Directorate for Administrative Affairs (including the communication and security components) and several other existing entities, placed under the authority of the High Representative – the Directorate for crisis planning and management, the EU Military Staff, the Situational Centre, the Civilian Planning and Conduct Capability. Each delegation of the EU in a third state would be led by a Head of Mission, who would have the legal capacity to represent the EU and would be responsible to the High Representative. The decision of opening or closing such a delegation would be taken by the High Representative after consulting the Commission and the Council.

The proposal envisaged that by the time the EEAS reached its full capacity national experts seconded from the member states would have comprised one third of its personnel. However, on the short term, in order for the EEAS to become functional, its personnel had to be overwhelmingly composed of officials transferred from the relevant departments within the General Secretariat of the Council and from the Services within the Commission.

As an exception, the HR managed to obtain from the Commission the responsibility of administering the budget of the new body and that of preparing the strategic decisions of planning the financial allocations for third states included in the EU’s External Cooperation and Development Programs² as well. The management of these instruments would remain within the responsibility of the Commission, but the EEAS would contribute to the programming and implementation cycle, especially to the strategic documents for various states and regions and the national and regional Indicative Programs.

² Such as the Development Cooperation Instrument, the European Development Fund, the European Instrument for Democracy and Human Rights, the European Neighbourhood and Partnership Instrument, the Instrument for Cooperation with industrialized states, the Nuclear Safety Cooperation Instrument.

In her speech before the European Parliament presenting the EEAS project, Catherine Ashton emphasized that the future body was called a “Service” not only for the simple reason that it was meant to support her activity as High Representative, but also because it would be at the disposal of the President and the Members of the Commission, the President of the European Council and the President of the EP and of the MEPs as well, Catherine Ashton (2010a). In addition, she offered a series of concessions so as to win the EP on her side, highlighting that each EU delegation in third states would have a contact point with the EP and the Heads of Mission would cooperate with the EP when the latter debates upon issues concerning the host state of the respective delegation; moreover, the EU missions would prepare the official visits of the MEPs in the respective third states and last but not least, the future Heads of Mission would, after their appointment, go to the EP for “an exchange of opinions” with the MEPs. Furthermore, through the co-decision procedure, the EP was bound to participate to the modification of the Financial Regulations and Staff Regulations, an adjustment which was absolutely necessary for creating the EEAS.

Soon after she presented her project to the European Parliament, Catherine Ashton highlighted at a press conference in Brussels that the creation of the EEAS represented a part of the response the EU had to give to the challenges of the 21st century, in light of the Lisbon Treaty goals. She argued that the EU needed a more coherent and effective global action and the EEAS would promote strategically comprehensive policies, by more efficiently combining foreign policy and development policy, for example (Catherine Ashton, 2010b).

Whilst the negotiations with the Commission were very difficult because extremely delicate concessions and administrative transformations had to be obtained by the HR, within the Council Catherine Ashton enjoyed from the very beginning the member states’ support and the debate in the EP was very relaxed. Nevertheless, the initial project of the EEAS was criticized early on by the German MEPs who considered that the future Secretary General of the EEAS was granted too much power (Mahony, 2010a).

A second reason for concern was that within the EEAS the military component pertaining to the Common Security and Defence Policy appeared to be isolated from the political decision-making (ibid.); the Civilian Planning and Conduct Capability and the Military Staff were not included in the chain of command within COPS (the Political and Security Committee), which was the highest decision-making instance after the HR in matters of crisis management, and they were made directly accountable before the Secretary General. Consequently, the CSDP was bound to perform its activity separately, having a strong military element ruled over by an almighty civil servant, which raised the question of accountability.

II.2. The member states’ approval of the project

On April 26th 2010 the HR and the Foreign Affairs Ministers of the member states attended the Foreign Affairs Council which took place in

Luxemburg. It was then that the General Affairs Council took place as well, presided over by Miguel Angel Moratinos, the Spanish Foreign Affairs Minister. The agenda of the meetings was dominated by the debate on the proposal concerning the organization and functioning of the EEAS, advanced a month earlier by the HR Catherine Ashton. The Foreign Affairs Ministers announced their support for the EEAS project as proposed by the HR, but they also advanced some minor amendments after the debate in the Council was joined by the Defence Ministers (Council of the European Union, 2010b).

It is worth mentioning that according to the Lisbon treaty the HR must preside over the meetings of the Defence Ministers as well, a duty performed by the competent Minister belonging to the country that held the six-month presidency of the Council before the entry into force of the Lisbon Treaty; in addition to this, the new treaty provided the legal framework for separate meetings of the Defence Council. Although these meetings still had to take place together with those of the Foreign Affairs Council, the Defence Ministers could adopt formal decisions.

The discussion on April 26th particularly envisaged the integration of the crisis planning and management components within the EEAS; according to the Lisbon Treaty, the units of strategic planning, intelligence (Civilian Planning and Conduct Capability, Crisis Management Planning Directorate, Situational Centre) and the EU Military Staff had to be incorporated in the EEAS, being placed under the direct authority of the HR or of a person delegated directly by the HR. This restructuring was meant to improve the coherence between the political and military operations components of the EU's external action, thus providing the EU a clear advantage of positioning itself as the only international actor capable of approaching a conflict from the initial stage (prevention) to crisis management (both civilian and military) and to the final stage (post-conflict reconstruction), together with long-term development which serves as conflict prevention tool in its turn).

The Foreign Affairs Ministers generally supported Catherine Ashton's proposal for the creation of the EEAS, but they pointed out some technical details that had to be taken care of by compromise between the member states' representatives (Mahony, 2010b). The main technical issue concerned the initial source of personnel for the EEAS, as the member states wanted to make sure that they would obtain a considerable share for their own seconded diplomats, fearing at the same time that during the first stage of its functioning the EEAS would be dominated by officials coming from the Commission and the Council. A second technical detail to be tackled was the fact that the Commission wanted to maintain its capacity of providing instructions to the EU delegations directly on those issues that fell under its competencies, while the missions were formally part of the EEAS and thus under the HR's control or of one of her delegates. Last but not least, there was also a controversy regarding the budget management of the EU delegations in third states, which was to be performed by the Heads of Mission themselves and not by the Commission as it was the case with its former delegations.

Despite these issues, all in all, the project benefitted early on from the political support provided by the member states, but it was contested by the European Parliament, the opinion of which was needed so that a formal decision could be taken within the Council. The MEPs expressed their discontent regarding the fact that the proposed structure of the EEAS undermined its accountability and promoted the return of intergovernmentalism, to the disadvantage of a concerted action supervised by the Commission. At that stage of the negotiation process, Catherine Ashton offered a significant compromise in the inter-institutional battle by proposing that the EEAS would be managed not by a Secretary General, but by a Council of three Directors.

II.3. The inter-institutional agreement for creating the European External Action Service

On June 21st the HR and representatives of the Commission, the EP and the six-month presidency of the Council met in Madrid in order to finalize negotiations for the creation and functioning of the EEAS. At the end of this reunion, it was announced that “a political agreement regarding a proposal for a Council directive regarding the organizing and functioning of the EEAS” (European Union, 2010) was reached. The agreement included two additional declarations of the HR regarding the political responsibility and the basic structure of the central administration of the EEAS too. The meeting in Madrid represented the fifth round of negotiations with the representatives of the EP, after the EEAS project had been launched in March by the HR, who later gained the support of both the member states and the Commission in mid-April.

Details of the institutional agreement

The details of the agreement announced on June 21st revealed that the protracted negotiations had resulted in a compromise that allowed both parties (the HR on the one hand and the EP on the other) to claim victory (Mahony, 2010c). Basically, the two perspectives had been harmonized as the effective functionality of the future Service was at stake.

The Madrid Agreement envisaged establishing the EEAS as a unique body reuniting approximately 8 000 civil servants of which only 40% could be temporary seconded personnel from the member states, the rest of 60% being bound to originate from the Commission; the agreement stipulated that the huge number of officials from the Commission had to be gradually balanced by national experts and diplomats coming from the member states. No personnel quotas were established for the member states. The EEAS would have its own budget, separate from other institutions, but subject to the same control of the EP.

The strategic planning of the EU's relations with third states would be elaborated within the EEAS, but the final decision in this matter would remain the responsibility of the European Commission. The geographical desks within the EEAS need not be duplicated within the Commission. As far as administrative

matters were concerned, the EEAS would have a Secretary General and two deputies, as well as a General Director for Budgetary and Administrative matters.

Finally, in case the HR had a very busy schedule, she would be deputized in various contexts by the Commissioner holding the relevant portfolio or by the Foreign Affairs Minister representing the state holding the rotating presidency of the Council and not by a civil servant from the EEAS.

II. 4. Adoption of the EEAS project by the European Parliament

The continuous institutional recalibration which became visible in the aftermath of the entry into force of the Lisbon Treaty brought into the limelight the European Council and the European Parliament. While the former was acknowledged as an autonomous institution by the Treaty, benefitting from its own budget and a permanent presidency, the latter enjoyed the extension of the former co-decision, renamed “the ordinary legislative procedure”, to over 90% of the EU’s policies. At the same time, the Commission suffered a restraining of its role and prerogatives. This is how at least two fundamental issues which greatly influenced the negotiations for the creation of the EEAS can be explained. The first of them was about the determination of the MEPs to use to the utmost the extended prerogatives granted by the Lisbon Treaty to the EP; the Parliament thus had the right to participate in the co-decision procedure for modifying the Financial Regulations and the Staff Regulations, a prerequisite for creation and functioning of the EEAS. Hence, the EP basically had a veto right in this field, which it threatened to use, thus prolonging the negotiations and playing very hard so as to gain maximum concessions from the HR.

The second issue concerned the revival of the confrontation between the intergovernmental and the community perspectives in the context of the debate on the EEAS. The European Parliament was worried by the tendency of restraining the role played by the Commission, which could have led to the emergence of a vacuum of accountability, or its dispersion towards the member states. Political accountability thus became the object of a separate declaration when the Council adopted the decision for the creation of the EEAS; it had to be exercised by the HR according to the inter-institutional agreement in June. In addition to this, the EP insisted with little success that the EEAS should be subordinated to the Commission, so as to maintain the community mark on the EU’s foreign policy.

On July 8th a plenary session of the EP dedicated to the vote on the EEAS took place in Strasbourg. Scheduled two weeks after the inter-institutional agreement was reached in Madrid (which ensured the support of the Commission, the Council and of the EP negotiators for Catherine Ashton’s project of the EEAS), the voting session in the EP represented a significant milestone in the legal procedure needed for the formal setting-up of the new diplomatic service. The EEAS project was adopted with 549 favourable votes, 78 against and 17 abstentions (European Parliament 2010c). The voting was based on the report by Elmar Brok, Guy Verhofstadt and Roberto Gualtieri, the MEPs who acted as the negotiators team of the EP during the dialogue with the HR Catherine Ashton and

the European Commission; they managed to obtain a series of modifications of the initial project proposed by the HR and that helped forging the majority that passed the vote.

In her speech before the voting in the EP, Catherine Ashton highlighted both the significance of gathering together the numerous EU instruments in order to promote coherent actions in its external relations and the concern for conceiving the EEAS project so as to respect the fundamental claims of the EP (Catherine Ashton, 2010c). Among these claims, maintaining the community method in all policy fields in which it was applicable before the creation of the EEAS, the clear delineation between political and financial accountability for the new body, the balancing of various arrangements concerning the Development Cooperation policy (distributing the tasks among the Commission, which was the traditional player in this field and the newcomer, the EEAS), the composition of the diplomatic service in order to ensure gender and geographical balance, the efficient managing of the EEAS at central level and prioritizing the promotion of human rights and good governance globally were mentioned.

The voting in the EP represented the last milestone in the odyssey of creating the EEAS, although a favourable outcome was predictable because of the agreement reached in Madrid two weeks before and the strong support by the EP rapporteurs who recommended in their report the adoption of the EEAS project. Basically, the MEPs got the main concessions they asked for, but without this representing a “defeat” for the HR’s camp.

As of December 1st 2010, the EEAS was bound to benefit from a complex integrated system of external representation with 136 embassies in third states and international organizations, with a total of 800 officials, to which another 1 500 officials within the central administration of the EEAS were added. The mission of the new body was clear: to strengthen the role played by the EU on the international stage or, as Elmar Brok, one of the EP negotiators, highlighted, the EEAS had to contribute to transforming the EU into “a global player instead of payer” (European Parliament, 2010a). In other words, the EU was finally getting the instrument and the will for overcoming its awkward condition of an “economic giant and political dwarf”.

It is worth mentioning that the decisions regarding the EU’s foreign policy were still supposed to be taken unanimously by the Council of Ministers, but the HR would exercise control over the EU missions abroad even though they were financed by the member states’ budgets. In addition to this, the Commission would maintain responsibility for the development policy, including the management of the 6 billion annual budget, even though the HR promised to promote more determinately the human rights and good governance agenda globally, which could trigger a series of conditionalities in the relation with third states or some clashes between EU institutions (while the goal is that of providing more coherence to the external action of the EU, although there would be two different institutions to manage it – the Commission and the EEAS).

Last but not least, the EP was granted the right to adopt or reject the annual budget of the EEAS and an informal veto right regarding the appointments for the EU missions abroad, as well as the right of access to some confidential documents of the EEAS. According to the MEPs, their objective was not to control the EU's foreign policy, but to "monitor" it and make sure that the decisions taken with respect to the budget were "rational" (European Parliament, 2010a).

The favourable outcome of the voting in the European Parliament paved the way for the Council to formally adopt the decision establishing the organization and functioning of the EEAS on July 26th. It included provisions regarding the nature and scope of the new body, its tasks, the basis for cooperation with the diplomatic services of the member states, with the General Secretariat of the Council and with the relevant services of the Commission, the central administration of the EEAS and the Union delegations it would manage, its staff, its budget, the cooperation between the EEAS and the Commission for managing the external action instruments, access to documents and data protection, together with security measures to be taken for protecting both classified information and the EEAS staff (Council of the European Union, 2010c). This decision was the result of protracted inter-institutional negotiations and little turf wars and became the legal basis for the functioning of the EEAS. Nevertheless, one more step was needed before the EEAS actually came into being: the Financial Regulations and Staff Regulations of the EU had to be modified so as to include specific provisions for the new body. The respective amendments could only be made through a favourable voting in the European Parliament, which took place after the summer break.

II. 5. The final step

On October 20th the amendments to the Financial Regulations and Staff Regulations were voted with an overwhelming majority during the EP plenary session, thus basically giving the green light for the creation of the EEAS. The voting was based on three separate reports: one concerning the Financial Regulations, the second one regarding the Staff Regulations and the third one referring to modifications of the EU budget for the year 2010; each of these reports was adopted with a majority of over 500 votes to which no more than 51 votes were opposed in each case (European Parliament 2010e).

The EP rapporteurs - Elmar Brok (EPP, Germany), Roberto Gualtieri (S&D, Italy), Bernhard Rapkay (S&D, Germany) and Guy Verhofstadt (ALDE, Belgium), who designed the reports on which the debate and voting were based, issued a joint statement the day before the plenary session. They pointed out the fact that the EP tried hard during the negotiations with the Commission, the Council and the HR to make sure that the issue of geographical balance in the future structure of the EEAS was taken "seriously and effectively" in consideration and would be included as legally binding in both legislative proposals later on (the Decision regarding the creation of the EEAS and the Rapkay Report on modifying the Staff Regulations) (European Parliament, 2010d).

Hence, the EP was taking the credit for providing the desideratum of geographical balance with legally binding value, while Baroness Ashton was supposed to ensure respect for this principle as the recruitment of personnel for the EEAS was carried on and to take corrective measures in case the first assessment of the EEAS revealed some inadvertencies from this point of view. The budgetary rules of the EEAS in the initial proposals were amended by the EP so as to ensure transparency and financial accountability. According to the amended rules, the EEAS was considered an EU institution, with its own share of the EU budget, thus necessitating a “budget discharge” from the EP. Hence, the EP had to exercise budgetary control over this body as it did over the Commission (which manages the budget of the EU).

The Staff Regulations for the EEAS were adopted by the EP on the basis of the Rapkay Report, according to which recruitment and appointments for the EEAS had to be targeted so as to provide the Service with personnel who attained “the highest standards of competency, efficiency and integrity, selected on the widest geographical bases among the citizens of the member states”. In other words, the EEAS had to be composed of “a significant and adequate number of citizens from all EU member states”. The second fundamental issue was that of ensuring gender balance, thus the report highlighted that the appropriate measures had to be taken in order to ensure equal opportunities for the gender less represented within certain working groups.

Until June 2013, the EEAS had to recruit officials from the General Secretariat of the Council, the Commission and the national diplomatic services of the member states; as of July 2013, access to EEAS jobs was granted to personnel from other EU institutions such as the EP as well. By the time the EEAS attained its maximal capacity, the EU civil servants will have accounted for 60% of AD-level personnel and at least one third of the EEAS personnel will have originated from the member states’ diplomatic services.

The favourable vote of the EP was “historical” and made an EU official from the HR’s entourage to declare to EU Observer that “we are all now one big happy family” (Rettman, 2010c). From a legal and institutional point of view, the voting in the EP paved the way for the creation of the EEAS – the diplomatic service of the EU – its official launching being scheduled for December 1st, the first anniversary of the coming into force of the Lisbon Treaty.

In the speech delivered during the debate in the EP, Catherine Ashton emphasized that she wanted the EEAS to represent an institution that “each member of the Parliament, each member state and each European Commissioner would be proud of” and “would see Europe reflected in its personnel, in the appointed ambassadors and in the people who work there” (Catherine Ashton, 2010d). She insisted that those who illustrate different (political and diplomatic) traditions and come from very diverse places will be brought together in order to create “an authentically European service” (ibid.).

The Rapkay Report which served as basis for the amendments at the Staff Regulations was initially adopted on October 18th in the Legal Affairs Committee

of the EP; it provided for the EEAS staff to comprise an "appropriate and meaningful presence of nationals from all the Member States" (European Parliament, 2010e), thus eliminating any reference to the introduction of national quotas favouring the newest member states, which are very poorly represented within the institutional system of the EU. Catherine Ashton's advisors rejected the idea of introducing a clause in order to favour the new members, arguing that recruitment for the EEAS had to be based on merit, not political correctness (Rettman 2010b).

Establishing the principle of geographic balance truly represents an innovation, but it neither provides the opportunity for the new member states to overcome their personnel deficits in the EU foreign policy machinery, nor guarantees that such practices as appointing heads of EU delegations abroad on the basis of the particular links (mostly historical ones) shared between their country of origin and the host state for the EU delegation would no longer be promoted.

December 1st 2010 marked the first anniversary of the entry into force of the Lisbon Treaty, which was adopted with the goal of making the functioning of the EU more efficient and of reducing its much criticized "democratic deficit", among others. Hence, December 1st also had to mark the launching of the EEAS as an innovative body introduced by the Treaty and designed to function as a Ministry of Foreign Affairs of the EU, the main task of which was to enhance a unitary diplomacy and the promotion of a long-desired "unique voice" of the EU on the international stage. But none of the two "events" benefitted from an official highlight at the level of the EU; the lack of celebrations was actually in tune with the economic difficulties undergone by the Eurozone.

However, December 1st did mark the rather theoretical launching of the EEAS. At that time, it did not have neither a budget, nor headquarters, but it had a clear leadership made up of Catherine Ashton together with the earliest appointed officials - Pierre Vimont, Helda Smidt and Maciej Popowski – and an even more clear mandate: to facilitate the promoting of a unique voice for the EU in the international arena.

III. CHALLENGES AND PERSPECTIVES

As the EEAS was designed to support the HR/VP's activity, who shares the main tasks of external representation of the EU with the President of the European Council and with the Commission, a question mark can be raised concerning the role left for the presidency of the Council, which used to have a very important say in matters of foreign policy and even ESDP/CSDP.

It can be argued that within the current institutional framework, the Council Presidency has no significant political stakes; in a EU composed of 28 member states (for the time being), each one of them gets the chance to hold the rotating presidency once every fourteen years, and when it does, the prerogatives are very much restrained after the Lisbon Treaty. Actually, the rotating presidency of the Council prepares the agenda for the Council meetings and presides – through its ministers – the various Council configurations with the exception of the Foreign

Affairs Council (permanently presided by the HR). The external representation of the EU, which used to be the responsibility of the prime-minister of the state holding the Council presidency, is now performed by the President of the European Council. This leaves the respective head of government with the limited role of presenting before the EP the objectives and the accomplishments of his country's Presidency of the Council, in the beginning and at the end of the six-month mandate.

Even the Minister of Foreign Affairs of the state holding the Council presidency was left with no visibility, since its former mission was completely taken over by the Office of the HR. In other words, the mandate of president of the Council could transform into an administrative burden for the big states (which already have other means of influencing the agenda and decision-making in the EU) and into a worthless trophy for the small states (precisely because of the huge administrative effort needed and of the limited agenda-setting capacity entailed by this position). A solution for "revitalizing" the rotating presidency can be that of delegating power, an arrangement under which foreign ministers could act as special envoys in "hot spots" around the globe, replacing the current practice of assigning this kind of tasks to diplomats (Joint Study, 2010, 71). But the solution itself poses a dilemma – should this privilege be granted only to the Foreign Affairs Minister of the state holding the rotating Presidency or could it be extended to all Ministers, as a possible compensation for the fact that they have lost the right of taking part in the European Council together with their Heads of State/Government? If the second option is preferred, it could be justified by the desire to capitalize on a particular member state's experience or historical and cultural connection with certain parts of the world (third states, regions).

But the Foreign Affairs minister of the state holding the rotating Presidency may still have a chance of making himself or herself useful: according to a concession granted by Catherine Ashton to the EP during the negotiations for the creation of the EEAS, in case of her absence, she can only be represented by the Commissioner holding the relevant portfolio or by the Foreign Affairs Minister from the six-month Presidency (hence under no circumstances by a civil servant from the EEAS). In addition to this, according to the Council's Rules of Procedures – article 2(5) – the HR can be replaced as chair of the Foreign Affairs Council only by the representative of the six-month Presidency (*ibid.*). This is why it has been argued that the rotating Presidency's role would not be a passive one, but rather an auxiliary one, with the focus shifting from the political and institutional limelight to a more functional background (Joint Study, 2010, 71).

Spain was the first state to hold the Council Presidency during the transitional period and because it had started to prepare for this before the Treaty entered into force and the EEAS was created, the Spanish representatives occasionally tried to steal the limelight, the more so because they were still chairing the Foreign Affairs preparatory working bodies and the Political and Security Committee. The next two presidencies – Belgian and Hungarian – respected the new rules which limited their role to a supportive one, thus

successfully concluding the transition (Helwig et al. 2013, 23). The Polish presidency during the second semester of 2011 sought a more visible foreign policy profile and managed to establish a “division of labour” with the HR, resulting in the Polish diplomats – led by Foreign Affairs Minister Radoslaw Sikorski – representing the EU on official trips. Radoslaw Sikorski went to Afghanistan, Pakistan and even Libya, his presence there encompassing more than just a representational role – the Polish presidency managed to get more involved in policy-definition (Helwig et al. 2013, 23). Nevertheless, this did not set a trend for a “resurgence” of the Council Presidency and the following ones – held by Denmark, Cyprus and Ireland – kept the same low profile dictated by the new rules.

In the same manner, tensions could emerge at some point between the HR and the President of the European Council, since the latter performs, besides his main prerogative of coordinating the activity of the institution he rules over, “at his level and in this capacity, the external representation of the EU in matters pertaining to the Common Foreign and Security Policy” (European Union 2008, article 15(6) of the TEU). Taking into consideration that the President of the European Council will be in most cases a former head of state or government, it is possible that he or she would want to contribute significantly to the foreign policy of the EU, as facilitated by the contacts established with other heads of state or government (in third states), a level which is generally beyond the access of the HR. Consequently, the stakes would be to avoid competition between the two offices and the mutual undermining of each other’s activity. Moreover, it is vital to avoid the creation of a second foreign policy bureaucracy for serving the President of the European Council, since the EEAS will have both the task and the competence (due to its composition and expertise) to provide advice and support to the HR first and foremost, and to other institutions as well, when it comes to the foreign policy of the EU. Hence, two very important results would be obtained:

- the EEAS would not be duplicated by an extended bureaucracy of foreign policy advisers for the President of the European Council;
- the coherence of the EU’s external action would be enhanced, by promoting a unique and clear message at the level of all EU institutions.

Last but not least, as far as political accountability is concerned, the situation remains somewhat complicated: the EEAS will receive instructions from, and report to, the HR who, in her turn, will be accountable to different institutions for different policies, because her office is double-hatted:

- to the Council in matters regarding the Foreign and Security Policy;
- to the College of Commissioners for the component of external relations of the EU;
- to the European Parliament, as a member of the Commission, in areas managed by the latter.

And when it comes to the European Parliament, who fought so vigorously to preserve the Commission’s rights – as the illustration of the community method - during the negotiations for the creation of the EEAS, this is only the beginning.

As the Treaty of Lisbon extended its institutional prerogatives, although not formally in the realm of foreign affairs (European Union 2010a, 435)³, the European Parliament has the ambition to make its presence felt anyway, the more so because it can count on new allies – the national Parliaments of the member states. Since the latter were granted a consolidated role in the functioning of the EU by the same Treaty, it is in this context that the EP's determination "to reinforce its cooperation with national parliaments of member states as required by the Treaty, in the area of the Union's external action, and especially concerning the CFSP and the CSDP" can be understood. This idea was highlighted in the EP legislative resolution of 8 July 2010 on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service (second paragraph) (European Parliament, 2010b). It remains to be seen what results will this "reinforced cooperation" provide, but it seems that new institutional actors have entered the stage. Anyway, the EP maintains its right of being informed and consulted on "the main aspects and the basic choices" of CFSP and CSDP by the High Representative, who will also make sure that "the views of the European Parliament are duly taken into consideration" (European Union 2008, article 36 TEU).

The last but not least institutional novelty refers to the transformation of the Commission's former missions in third countries and to international organizations into full-fledged EU embassies abroad, coordinated by the European External Action Service. Due to the fact that these new embassies will be in the first line of the improved representation apparatus of the EU in third states, they will have to cooperate closely with the national embassies of the member states in those respective host countries (House of Lords 2008, 197). It is in this field that the extent to which the EU member states are willing to implement and support a common foreign policy and diplomacy - coordinated in Brussels by what is desired to be a genuine EU Ministry of Foreign Affairs - will become clear. Moreover, as in the case of traditional embassies, those of the EU will have to perform the traditional diplomatic duty of providing information to the central headquarters (in Brussels), thus becoming the HR's "eyes and ears" abroad. It is obvious that, once created, these embassies of the EU would have to be used to their maximum potential and efficiently as instruments of managing the EU's relations with third states (Crowe 2008, 9). This implies avoiding, as far as possible, the risk of an unproductive rivalry with the national embassies; another risk to be avoided would be that of maintaining them as bureaucratic and decorative organisms, without any real contribution to designing and implementing the EU's foreign policy.

In the context of creating the new EU embassies, the HR envisaged eliminating the EU Special Representatives in various countries or regions, since the Heads of Missions could take on their responsibilities. The appointment of the

³ Declaration no. 14 concerning the common foreign and security policy annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon states that "the provisions covering the Common Foreign and Security Policy do not give new powers to the Commission to initiate decisions nor do they increase the role of the European Parliament".

EU Special Representative in Afghanistan as the Head of the EU Commission's delegation in Kabul in April 2010 sets a trend that will become the general rule in the future (Rettman, 2010a). The EU Special Representatives in Bosnia and Herzegovina and Kosovo are in a similar situation and they are – together with the Special Representative in Afghanistan – the only EUSRs who reside in the state where they exercise their mandate, while the other EUSRs do it from Brussels (Tolksdorf, 2010, 2). Consequently, if maintained, the office of EU Special Representative will cover a broader geographical area and not just a single state as was the case with the EUSRs for the Republic of Moldova or the Former Yugoslav Republic of Macedonia (FYROM). This approach was illustrated by the appointment of a EU Special Representative for the South Mediterranean, in the context of the popular uprising taking place in Tunisia and Egypt, then Libya; Bernardino Leon's mandate – starting in July 2011 – envisaged consolidating the EU's visibility within the international reaction to the Arab Spring, with the aim of facilitating EU participation to the transition and democratization processes taking place in the Middle East and North Africa (Council of the European Union, 2011). Hence, the appointment of EU Special Representatives will only be justified where a regional approach is needed – like in the Caucasus, Central Asia or the Middle East and North Africa. Also, Special Representatives could be appointed for performing diplomatic “shuttles” in various negotiation contexts which claim a lower level of representation than that of the HR herself.

Before concluding, another point must be made in this regard. The Lisbon Treaty only states that “the Council may, on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy, appoint a special representative with a mandate in relation to particular policy issues (...) who shall carry out his mandate under the authority of the High Representative” (European Union 2008, article 33 TEU), thus allowing the HR to use this instrument of diplomacy and civilian crisis management as she considers best for the EU's foreign and security policy. This is one of the most interesting novelties brought by the Lisbon Treaty, since placing the EUSRs under the exclusive and direct authority of the High Representative meant depriving the member states – which used to appoint the EUSRs – of a useful and flexible instrument for providing foreign policy guidelines. Moreover, as the EUSRs have not been integrated in the European External Action service, in time this autonomy from the EEAS could create “competence conflicts” between the two institutions, resulting in the lack of coherence in the EU's crisis management efforts, for example (Tolksdorf, 2012, 2).

The supporters of the idea of a federal future for the EU hail the EEAS as the core of a European diplomacy – full-fledged, integral, different from that of the member states, functionally autonomous and led by a genuine federal Minister of Foreign Affairs (Aldecoa Luzárraga, 2011, 20). At the same time, while being an illustration of a common European diplomacy, it does not (nor aspires to) create a unique one, since it is functioning in parallel with the national diplomacies of the member states, without threatening them (Aldecoa Luzárraga, 2011, 20).

The features of the EEAS as the core of a common European diplomacy – as encompassed by the Treaty of Lisbon, the Council Decision of July 26th 2010 and the practice so far - have been highlighted by the Spanish Professor Francisco Aldecoa Luzzárraga, a well-known federalist. First of all, the EEAS entails a common diplomacy for three main reasons: because it reunites representatives from both the Commission and the Council, under the leadership of the High Representative; because it also has to comprise national representatives of the member states (making up to a third of EEAS personnel) and because the EEAS has the obligation to cooperate with the member states' national diplomacies (Aldecoa Luzzárraga, 2011, 34). Secondly, the EEAS was entrusted with all the functions of the classical diplomacy – external representation (through the EU embassies abroad), negotiating powers, consular protection and information (theoretically the EU embassies have to cooperate and share information with the national diplomatic services of the member states, hence providing information to the High Representative) (Aldecoa Luzzárraga, 2011, 34). Last but not least, it entails many more areas of external action than the traditional foreign affairs ministries of the member states since it includes trade, security and defence and even the external dimension of the Area of Freedom, Security and Justice (Aldecoa Luzzárraga, 2011, 35).

These arguments are sound and can stand by themselves, but even if the EEAS seems to illustrate an emerging common European diplomacy, it remains a rather technical instrument since the real decision-makers in EU foreign policy are the member states. Or, as Brian Crowe puts it: “Much of the discussion about the EEAS seems to assume that it is an independent actor with a will and decision-making power of its own. It is not, any more than any foreign service of any country is: it is always the voice of its master and the implementer of its master's instructions” (Crowe, 2011, 45-46). In other words, despite its concrete pragmatic value - which should translate into a more coherent EU foreign policy – the EEAS cannot assume a responsibility that goes beyond its scope. While it may be true that a diplomatic service is involved in both the *formation* and *implementation* of foreign policy, in the case of the EU, policy formation will most often mean translating the lowest common denominator of member states' positions into an EU official stance, with the EEAS then required to implement it.

CONCLUSION

In the aftermath of the Treaty of Lisbon, the European Union benefits from a renewed set of tools in order to forge a stronger common foreign policy and contribute to international peace and security. These are diplomatic tools (now including EU delegations worldwide with an enhanced political role, more EU Special Representatives and political dialogue undertaken by the High Representative with third parties), civilian and military CSDP missions, financial instruments for external assistance and technical mechanisms for early warning and conflict assessment (the Situation Centre within the European External Action Service - EEAS and other crisis management structures), together with the

European External Action Service itself, which is meant to provide coordination to all of the above. During the first three years of its existence, the EEAS (under the High Representative's leadership) obtained a few notable results such as the Serbia/Kosovo agreement in the EU-mediated dialogue, the drafting of the Sahel Security and Development Strategy and the Comprehensive Approach to Sudan and South Sudan, thus confirming to a certain extent its utility and potential for overall improving of EU performance in foreign policy.

The discussion about the EEAS can serve for fuelling (at least) two separate debates: one regarding the extent to which the Lisbon Treaty has altered the institutional landscape of the EU in general and its foreign policy machinery in particular and another one focusing on the EEAS itself in order to analyse its potential and goals, together with the political, diplomatic and symbolic significance it entails. In this paper I have chosen to follow the first path, but inevitably some elements of the second one have been touched upon as well. There are several questions that guided this approach.

The first question was why the EU needed the EEAS. The official rhetoric states that the main purpose was to build a stronger foreign policy of the EU and endow it with a unique voice. The EP even recommended that the HR should develop the EEAS as a "community instrument" and use it as an integrated platform for promoting the interests and the values of the EU. The second question referred to why the process of creating this new body was so complicated. The answer lies in the institutional intricacies of the EU. As the post-Lisbon institutional framework of the EU unfolded, an ever more powerful Parliament, a Commission jealously guarding its prerogatives, a Council representing 27 different national interests and an ambitious High Representative negotiated fiercely before agreeing on the current format of the EEAS. Although the European Council had no formal role in this process, its permanent presidency might later complicate the landscape of external representation of the EU. The last question refers to what the EEAS can do and whether it is endowed with symbolical significance. It can be argued that the EEAS will have the opportunity – as well as the task - to harmonize diplomacy at national and European level and to implement an EU foreign policy which aims to become more coherent and proactive. This could be done by combining the political, diplomatic, trade, aid and development components under the authority of the HR and with the approval of the member states, within an institutional framework significantly altered by the Lisbon treaty, even more important in a constantly changing world.

For some, this meant that the EEAS would become the materialization of the concept of a "common European diplomacy", the federal nature of which leaves no doubt as to the future of the EU (Aldecoa Luzzáruga, 2005, 32). For others, there is nothing more to the EEAS than a pragmatic approach dictating the creation of a common culture and practice of the European officials and diplomats, in order for it to become an instrument for the cross-fertilization of foreign policy-making across the EU and the inter-changeability between national and European administrations (Joint Study, 2010, 154).

Either way, the creation of the EEAS remains one of the most significant turning points in the short history of the Common Foreign and Security Policy and an excellent case-study for the institutional reconfigurations in the post-Lisbon environment within the European Union.

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