The High Representative of the Union for Foreign Affairs and Security Policy from 2009 till 2014

An examination about the renewed role of the High Representative after the Treaty of Lisbon

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Preface

In front of you, lies my thesis ‘The High Representative of the Union for Foreign Affairs and Security Policy from 2009 till 2014. This is my final product of the master European Studies. I decided to continue studying after I earned my bachelor degree at the Saxion University in Enschede in 2012. The choice of study fell upon the double-degree study European Studies at the University of Twente and Münster. This is the final result roughly two and a half years later. This thesis concludes a period of studying and will be the beginning as a master of science and arts in the European Studies.

This thesis is about the functioning of the renewed role of the High Representative after the Lisbon Treaty till 2014. The main inspiration of this research is the contribution of the High Representative to strengthen the EU as a global actor. The focus of this research is on the performance of High Representative Catherine Ashton in her office term from 2009 till 2014. With this research the performances are evaluated on the basis of the objectives, competences and responsibilities of the High Representative after the Lisbon Treaty.

My research has been executed internally at the University of Twente and Münster. A special thanks goes to Prof. Ramses Wessel and Matthias Freise for supervising this project. Last but not least, I want to thank my family and friends for supporting me during this research period. A special thanks goes to Jurgen Meinen, Thijs Meinen and Pim Foekens for providing feedback in the completion of this thesis.

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Bart Meinen
Summary

The Treaty of Lisbon entered in force in 2009. This treaty had to make the European Union (EU) stronger as a political and military global actor. It had to tackle its shortcomings as a global actor. The EU had the goal of improve the capacity of the EU institutional framework in order to shape globalization in the interest of all citizens. One of changes in the Treaty of Lisbon was the renewed role of the High Representative of the Union for Foreign Affairs and Security Policy (High Representative).

The High Representative was altered with more competences and responsibilities. Catherine Ashton was chosen to be the first High Representative after the Treaty of Lisbon. To examine the effect of the renewed High Representative on the EU external action in the world, this research evaluates Ashton as High Representative in her first and only office term in the period of December 2009 till November 2014. The ‘Role Theory’ is supportive in this research, to examine the correlation between the performances of the High Representative and Ashton role conception.

The following research question is examined in this research:

_Given the new ambitions of the EU as a global actor and the requirements of consistency in EU external relations, to what extent did the changes in the function of the High Representative of the Union for Foreign Affairs and Security Policy contribute to meeting these requirements?

The basic structure of this research is a qualitative program evaluation. It consists of the following steps: Establishing criteria, constructing standards, measuring performance and comparing standards, synthesizing and integrating evidence into a judgement of worth and making recommendations.

The standards of the High Representative consists of the objectives and the competences and responsibilities. The objectives of the High Representative Ashton were after the Lisbon Treaty:

1. Ensuring the consistency of the Union’s external action;
2. Giving the EU a clear voice regarding its relations with partners in the world;
3. Had the responsibility for external relations in the Commission;
4. And mandated by the Council in order of conducting the Common Foreign and Security Policy (CFSP).

The main responsibilities of High Representative Ashton were as mentioned in article 18 Treaty of the European Union (TEU): Conducting the Union’s CFSP and also the Common Security and Defence Policy (CSDP). Ashton had the job of doing this by making proposals to the development of the CFSP and implement those proposals as mandated by the Council (article 18 (2) TEU and 2 of the EEAS Decision; Presided over the Foreign Affairs Council (FAC); Vice-President of the Commission: with the tasks of ensuring the consistency of the Union’s external action and was responsible for the external relations and other relevant portfolios and representing the EU concerning the CFSP.

The main competences of High Representative Ashton were: An active chair in the Council (article 27 TEU) meaning the power of submitting initiatives / proposals, giving opinions and consultations; The right of initiative of making proposals within the CFSP, it includes the negotiation of new agreements (article 218 TFEU); The right of initiative of making initiatives under CSDP (article 42 paragraph 3 TEU); Power of submitting joint proposals together with the Commission (article 22 paragraph 2 TEU); Power of addressing / submitting questions regarding the CFSP to the Council (article 30 TEU); Right of not proposing Council decisions that are only part of the CFSP (article 42 paragraph 2 TEU); as Chairwoman of the FAC (article 18(3) TEU) she had the right of initiative in the FAC and the power of shaping the EU’s agenda in international affairs; and she had the authority over the Union delegations in international organizations and third nations and conduct political dialogue, but cannot carry out negotiations and
representational functions by herself in non-MS and international organizations (article 27 TEU and 188 TFEU).

The performance of Ashton as High Representative have been received with mixed feelings. Ashton was during her period as High Representative mostly criticized but on occasion she was praised for her appearance. She was mainly praised for her performance as international mediator in the cases of Serbia-Kosovo and Iran. She was criticized about her lack of leadership, bad appearances, bad choices, lack of strategy, her work in the Commission and the EEAS.

Ashton was able to build the EEAS in a year. She had a good relationship with the EP. She made the FAC meetings more proactive and responsive. Was one of the reasons that the EU made name as an international mediator. Made efforts improving crisis management and the institutional coherence of the EU foreign affairs. However, there were no big breakthroughs.

In her office term, Ashton had some bad appearances and – choices, she lacked leadership as High Representative and as leader of the EEAS, lacked in developing an overall strategy supporting the EU foreign policy, there was no single representation and Ashton did not performed well in the Commission due to the difficult relationship with Barroso. However, the performance of High Representative Ashton was negatively influenced by the behaviour of the Member States (MS). They interfered with the representation of Ashton and were not ready to share their legitimacy powers with the High Representative.

The contribution of this research is the confirmation that the renewed role contributed very little in making the EU a stronger global actor by improving the consistency in EU external relations. The High Representative was very dependent on the MS. The decision-making powers remained in the hands of the MS. The High Representative was able to make statements, initiatives and was present in several meetings, but she was not able to make changes in the institutional structure of the EU. The national identity won over the European identity. The Treaty of Lisbon provided too much room for MS action. The MS tried to give the EU institutions, including the High Representative, more competences but they did not wanted to lose their own competences in the process.
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1. Introduction

1.1. Situation

The European Union (EU) wants to become a stronger global actor. It is already a powerful actor on an economic level in the world but it also wants to be a strong global actor on a political level and military level.

In 2003, the institutional and political shortcomings of the EU's Common Foreign and Security Policy (CFSP) became clear. The US-led invasion of Iraq, divided the EU in three different fronts:
- France and Germany aligned with Russia, were opposed to the invasion;
- A coalition led by Britain, Italy and Spain were supporting the US;
- Neutral Countries.

This all led to difficult meetings with Russia about a strategic partnership. At that time, "the EU was an awkward foreign and security policy actor, unable to formulate a cohesive identity or credible capabilities to project itself on a world stage" (Dover, 2007). The fundamental problems however can be divided into:
- The division of responsibilities between the Commission and the Council;
- National interests above European interests;
- The clash between EU activities in different fields like conflict prevention or peace-building and trade and energy (Barber, 2010).

The EU tried to redesign the EU’s institutions with the European Constitution. The European Constitution was rejected due to the negative referenda in France and the Netherlands. The EU needed institutional reform in a way that would not provoke fears of decline of European differences as a result of the evolution of the EU (Pleszka, 2010).

A compromise was needed. The rejection of the European Constitution had little to do with the proposal about the foreign minister. As consequence the Treaty of Lisbon was created. The Treaty of Lisbon did not change the status of the European integration. Instead it had many of the features of the Constitution but it was not that farfetched. The needed institution reform had taken place due to the Treaty of Lisbon (Pleszka, 2010; Barber, 2010).

The political representation of the EU was properly displayed with Henry Kissinger’s statement: "who do I call if I want to call Europe?” (Novak, 2014). The Treaty of Lisbon was created with the intention of providing the EU with the institutional capacity to tackle its shortcomings as a global actor thus also the problem that Kissinger presented (Maragoni, 2013).

In 2007, the EU had the goal of shaping globalization in the interest of all citizens. It means that the Union had to engage in enhanced strategic cooperation with their international partners, but also working together within stronger multilateral organizations. The Lisbon Treaty was needed to improve the capacity of the EU institutional framework. The Lisbon Treaty should bring more consistency to the EU’s external action (European Council, 2007). It would provide a more stable institutional basis. The Lisbon Treaty was signed on 13 December 2007 (Pleszka, 2010). The CFSP together with the Common Security and Defence Policy (CSDP) were areas which the EU had to improve after institutional shortcomings during the US-led invasion of Iraq in 2003, already mentioned.

The Lisbon Treaty changed a lot in order to become a stronger global actor. One of those changes was the role of the High Representative of the Union for Foreign Affairs and Security Policy (High Representative). According to the EU, a criteria of becoming a stronger global actor was, changing the role of the High Representative. In this thesis the focus is on the function of the renewed High Representative of the Union for Foreign Affairs and Security Policy after the Lisbon Treaty. This research examines if the performance of Baroness Ashton as the (first) High Representative resulted in strengthening of the EU as global actor after the Lisbon Treaty. She started as High Representative in December 2009 and her period was ended on 1 November 2014.
1.2. Theory

In this thesis, the ‘Role Theory’ will be supportive in order to look at the role of the High Representative, but also to Ashton as High Representative. Role Theory ‘promises to build an empirical bridge between agent and structure in international relations’ (Breuning, 2011). Role theory focuses on the interaction between agent and structure (Breuning, 2011).

Foreign policy is both interconnected with national and/or European identity. The identity of foreign policy decides which direction the political action will be guided (Ross, 1997). It makes a big difference if the foreign policy is decided by the Member States (MS) or by the European institutions for the EU. The identity is very important for the collective mind-set of the people handling the foreign policy. It gives a sense of belonging to a group. If this group is the EU or a MS, this will determine the outcome of foreign policy in the EU. The group provides a system for self-reference and action (Ross, 1997). Is the foreign policy of the EU based upon the interests of the MS or upon the collective interests of the EU?

This thesis is focused on the High Representative and not the EU in its entirety. The identity of the MS and the European institutions is important. It can explain how the MS or European institutions act. The focus in this thesis will be on the role of the High Representative. The concept of role was developed as a sociological concept and was used in sociology and social psychology. It indicates an actor’s behaviour. In international relations theory, actor behaviour treats the role-expectations within a system (Aggestam, 1999).

Holsti (1987) introduced role theory in foreign policy analysis. The concept of role can explain foreign policy in many different ways. Role is a very broad concept. A role can be defined in three ways: role expectation; role conception and role performance. These three components of defining a role are closely interlinked but it does not mean that they concur with each other (Aggestam, 2004).

The first component is role expectation. Role expectation consists of the expectations that other actors have and prescribe to the role-beholder to enact. The second component is role conception. Role conception consists of the behaviour of the role beholder themselves in foreign policy. The last component is role performance. Role performance consists of the actual behaviour in terms of decision-making and action undertaken in foreign policy (Aggestam, 2004).

Role conceptions is divided in many categories. These categories allow a certain flexibility of interpretation. These categories have a specific guide to action depending on how they are formally institutionalized (Aggestam, 1999). A difference can be made between the position of a role and role preferences. The position of a role gives the actor a well-defined and detailed guide to action. Role preferences refers to the greater flexibility of interpretation in relationship with the meaning of the role (Barnett, 1993).

Role conflicts can occur. This appears “when role conceptions in the overarching role-set are incompatible with one another” (Aggestam, 1999). A role conflict that could be present in this thesis is the possible tension between the national generated drive for national independence and the commitment of EU members to speak with one voice in international affairs (Aggestam, 1999).

This thesis will look at the expectations, conception and role performance of Ashton as High Representative. In chapter two, the expectations will be elaborated. The conception and performances will be elaborated in chapter four. The (role) performance of Ashton will show what role conception she took but also how the role conception influenced the role performance.

1.3. Research question

The purpose of this research is to examine the effects of the changes of the role of the High Representative after the Lisbon Treaty. The role was altered with more competences, responsibilities and resources (see chapter three). Before the Lisbon Treaty, the High Representative Solana lacked institutional competences, and lacked major resources. For information the High Representative was dependent on the soft power of the Commission, on the assets and informal connections of member states (Helwig, 2014). After the Lisbon Treaty the High Representative became more powerful (see chapter three). Was the High Representative really more powerful or just in theory after the Treaty of Lisbon? The following research question will be central in this thesis:
Given the new ambitions of the EU as a global actor and the requirements of consistency in EU external relations, to what extent did the changes in the function of the High Representative of the Union for Foreign Affairs and Security Policy contribute to meeting these requirements?

To answer the research question the following sub questions are formulated:

1. What are the objectives of the European Union and the role expectations regarding the High Representative of the Union for Foreign Affairs and Security after the Lisbon Treaty?
2. What are the competences and responsibilities of the High Representative of the Union for Foreign Affairs and Security Policy after the Lisbon Treaty?
3. What are the achievements and failures of the High Representative of the Union for Foreign Affairs and Security Policy from December 2009 up to 2014 and how does the role conception influence the role performance of the High Representative?

1.4. Methodology

For this thesis, the data collection is done by document analysis. Document analysis can be defined as: “a systematic procedure for reviewing or evaluating documents, both printed and electronic (computer-based and internet-transmitted) material” (Bowen, 2009). Document analysis needs the collected data to be examined and interpreted to gain understanding, elicit meaning and develop empirical knowledge (Corbin and Straus, 2008).

To understand document analysis, it is vital to understand what a document is. “A document is an artefact which has as its central feature an inscribed text (Scott, 1990). In other words, a document is a written text. There are two types of documents, namely primary - and secondary documents. Primary documents are documents produced by experts who experienced a particular event. They are also called eye-witness accounts. Secondary documents are produced by people who received primary documents and compose these documents or only have read these documents (Bailey, 1994).

There are five specific functions of documentary material:

- First, documents can provide data which can help with the context of the research;
- Second, information can lead to questions that needs to be answered as part of the research;
- Third, documents provide supplementary research data;
- Fourth, documents can help with tracking change and development. They can give a clear picture of something over time;
- Finally, documents can verify findings or corroborate evidence from other sources (Bowen, 2009).

In order to handle the documents scientifically, Scott (1990) mentioned four criteria:

- **Authenticity:** Is about the origin of the document. It is dependable, reliable and is the evidence genuine. To guarantee the authenticity, the documents are gathered from scientific journals, like European Foreign Affairs Review and Journal of Common Market Studies; Quality papers like, the Economist and the Volkskrant; Scientific institutions/publishers like, TMC Asser Press, Springer International Publishers and Cambridge University Press; and European Institutions like, European Commission and European External Action Service.
- **Credibility:** Is about the question if the evidence is without error or distortion. It refers to the question about the credibility of the observer to what extent he is sincere and record an accurate account (Scott, 1990). Thus, are the documents consulted free from distortion? The credibility of the documents are as high as possible because of the use of articles of scientific journals, institutions and quality papers. These articles are not published without supervision and are produced by renowned researchers in their field (Gaborone, 2006);
- **Representativeness:** Is about the question if the evidence is typical of its kind. It refers to the documents representativeness regarding its subject. Thus, are documents prepared by professional researchers with accepted methods or procedures? this can be checked out
thanks to the methodological section of documents (Gaborone, 2006), like mentioned the authors of the documents are all renowned researchers;

- **Meaning**: Is about the evidence (results of the document). It is about if a document is clear and comprehensible. Is it clear what the significance and meaning is of the document? (Scott, 1990). The articles are carefully selected about their relation with the function of the role of the High Representative.

Document analysis has advantages but also limitations. The advantages are: Efficient method, availability, cost-effectiveness, lack of obtrusiveness and reactivity, stability, exactness, and coverage. Document analysis is an efficient method because it is less time-consuming in comparison with other research methods and is therefore more efficient. It does not need to collect data but select data. Availability of documents are obtainable without the authors' permission (Bowen, 2009).

According to Merriam (1988): “locating public records is limited only by one’s imagination and industriousness”. Document analysis is cost-effective because the data has already been gathered and only the quality of the documents has to be evaluated. There is a lack of obtrusiveness and reactivity with document analysis because documents do not react and are unobtrusive. This counters the concerns related to reflexivity. With observations, situations can differ because of the influence of the observations. In this way the researcher has influence on the research. This is not an issue with using documents (Bowen, 2009).

Documents are stable because of the static nature of documents. The presence of an investigator does not alter the documents being studied. It makes documents suitable for repeated reviews (Merriam, 1988). According to Yin (1994) documents are exact and have coverage. Documents are exact because of the precise names, references and details of events. Documents have coverage because they cover a long span of time, they also cover many events and many settings.

The limitations of document analysis are: insufficient detail, low irretrievability, and biased selectivity. Documents have insufficient detail because they are produced with a purpose that differs from research. Documents do not provide sufficient detail to provide an answer on the research question in the most cases (Bowen, 2009). According to Yin (1994) it is possible that documents are not retrievable or it is very difficult. Sometimes, documents may be deliberately blocked or require a certain permission to get access (Yin, 1994).

Yin (1994) also mentions that an incomplete selection of documents can cause biased selection. Biased selectivity can occur in two ways: selective deposit and selective survival. Selective deposit is about the representativeness of the used documents. Selective survival is about missing of incomplete data, for example bad publicity of an organization (Appleton and Cowley, 1997).

It makes no sense to look at the validity (“refers to the extent to which an empirical measure adequately reflects the real meaning of the concept under consideration” (Babbie, 2015) and reliability (“is the matter of whether a particular technique, applied repeatedly to the same object, yields the same result each time” (Babbie, 2015) of the research method, because it will be low in both validity and reliability. It is mainly a concept for testing or evaluating quantitative research.

In qualitative research, reliability it is about generating understanding instead of the quality (Golafshani. 2003). Reliability is according to Stenbacka (2001) not good as a criterion in a qualitative study and for validity there has to be reliability. In qualitative research it is not commonly to look at the validity and reliability but to the trustworthiness of research. It refers to the credibility, transferability, dependability, and confirmability of the research (Marshall and Rossman, 2011). It are criteria of trustworthiness as well as rigor research (Lincoln and Guba, 2007):

- **Credibility** (is an analogy to internal validity): Credibility refers to how congruent the findings are in relation to the reality (Shenton, 2004). To increase the credibility there has to be prolonged engagement, persistent observation, triangulation and negative case analysis. Prolonged engagement means lengthy and intensive contact with the phenomenon in order to identify salient features about the subject, persistent observation means in-depth pursuit of those salient features through prolonged engagement, triangulation of data means the use of different sources and methods and negative case
analysis is about the search of negative instances relation developing insights. This thesis
does not have triangulation thus it can infect the credibility of this thesis (see chapter 5.3
limitations) (Lincoln and Guba, 2007);
- **Transferability** (is an analogy to external validity): transferability refers to the question:
“whether the notion of producing truly transferable results from a single study is a realistic
aim or whether it disregards the importance of context” (Shenton, 2004). Increasing the
transferability is about thick descriptive data. The data has to be extensive about the
context so that others are capable to make the same judgments.
- **Dependability** (is an analogy to reliability): Dependability refers to “the processes within
the study should be reported in detail, thereby enabling a future researcher to repeat the
work, if not necessarily to gain the same results” (Shenton, 2004). Increasing the
dependability can be done by external audit. An external auditor can make a judgment
about the dependability (process) and about the conformability (data and reconstructions)
(Lincoln and Guba, 2007).
- **Confirmability** (is an analogy to objectivity): conformability is about the qualitative
investigator’s comparable concern to objectivity. How does the investigator prevent
researcher’s bias (Shenton, 2004)? Increasing the confirmability can be done by external
audit (Lincoln and Guba, 2007).

### 1.4.1. Structure
The structure of this thesis is based on the concept of a qualitative program evaluation. It focuses
on the processes that relate to the High Representative. Program evaluation is the process of
focusing on questions and topics of concern, in this case the High Representative, collecting
appropriate information, analysing the information and finally interpreting the information for a
specific use and purpose (Taylor-Powell, Steele and Douglah, 1996). A feature that supports the
practice of evaluation is that evaluation has a particular logic. This logic refers to specific reasoning
principles. These principles support decisions regarding the determination of the processes and
impact of a program (Preskill, 2005).

The steps that needs to be followed in an evaluation are:
- First, **Establishing criteria**: This refers to the dimensions that are important for the
evaluation to be a success. This means the areas which play a vital role in the evaluation,
what is the reason of this evaluation;
- Second, **constructing standards**: This refers to the minimum level of performance of the
High Representative regarding these dimensions. What should be the merit, worth, or
value of the High Representative in these dimensions or areas?
- Third: **Measuring performance and comparing with standards**. This refers to the actual
performance of the High Representatives regarding the standards;
- Fourth, **Synthesizing and integrating evidence into a judgment of worth**. In this stage the
merit, worth and value of the performance will be determined. Was the renewed High
Representative really more powerful than her predecessor?
- Final activity is: **Making recommendations** (Preskill, 2005).

Looking at the five stages, this thesis is divided in 4 chapters and the conclusion: the criteria or in
this case the purpose of this thesis is elaborated in the introduction; the standards will be
mentioned in chapters two and three: the objectives, competences and responsibilities; Measuring
the performance takes place in chapter four, achievements and failures; A judgment of worth
(evaluation) together with the recommendations will be mentioned in the conclusion.
2. Objectives of the European Union regarding the High Representative

In this section, the objectives of the EU regarding the renewed High Representative will be examined. It will look at the new possibilities and role expectations of the ‘new’ empowered High Representative. Further, it will look at the limitations and criticism of the role of the High Representative after the Treaty of Lisbon. The central question of this chapter is:

What are the objectives of the European Union and the role expectations regarding the High Representative of the Union for Foreign Affairs and Security after the Lisbon Treaty?

The chapter is divided in three parts: The first section will treat the stronger role of the High Representative. The second part will treat the limitations about the High Representative after the Treaty of Lisbon and the third part is the conclusion in which the central question will be answered.

2.1. The stronger role of the High Representative

The EU knew that if it wants to become a stronger political actor on a global level, its needs to change its institutional structure. After the Convention on the Future of Europe during the Treaty of Lisbon negotiations, it was clear that the EU and especially the role of the High Representative needed to be strengthened. This new position will be evaluated based on role expectations as expressed by several scholars.

In order to become a stronger political global actor, the EU established objectives regarding the position of High Representative. Four objectives were made: First, the High Representative had to ensure the consistency of the Union’s external action. Second, she had to give the EU a clear voice regarding its relations with partners in the world. Third, “the High Representative/Vice-President is responsible for external relations in the Commission and finally, she was mandated by the Council to conduct the CFSP” (European Commission, 2009).

Kaddous described it as follows: the High Representative would get a higher international profile and the High Representative would represent the EU, which should replace the difficult structure of representation divided by the European Commission (Commission) and the President of the European Council, and finally, the High Representative would get greater independence from the Council and its President (Kaddous, 2008).

The High Representative needs to deal with the EU’s external action and its security policy. Regarding the EU’s external actions, these are divided in CFSP on the one side and economic external policies on the other side. After the Lisbon Treaty, these were still separate, but in occasion they will interfere with each other (Marangoni, 2012).

According to Marangoni (2012) coherence refers to “not only the absence of contradictions between different policies but also to the creation of synergies between different policies”. It is difficult to achieve coherence between different policies, but with coherence the EU would be able to act more united and less divided. It was necessary in order to become stronger on the international stage (Marangoni, 2012).

In order to act as a whole and less divided, one of the main objectives of the institutional set-up of the Treaty of Lisbon was coherence. It is written down in article 9 (1) ‘Treaty of Lisbon’ (European Union, 2007). The creation of the renewed High Representative was an answer to the institutional dualism (the Commission and the Council of the European Union (Council), but it did not lead to standardization of the legal order. It also did not affect the decision-making regarding intergovernmental foreign and security policy or Community external policy. However, there was the possibility of improving coherence by proposing initiatives of policies of both the Commission and the Council (Trzaskowski, Osica and Popielawska, 2012).

The double-hatted post of the High Representative was an answer to institutional dualism of EU foreign policy. Because of this, Howorth (2011), Trzaskowski, Osica and Popielawska (2012), and Trueb (2012) state that this position is the key institutional innovation of the Treaty of Lisbon.

1 Appendix 1: Article 9 (1) of the Treaty of Lisbon
The main aim was "to improve the consistency, effectiveness and visibility of the EU's external action" (European Union, 2007). This was also mentioned in the Article 2 of the EEAS Decision (Council of the European Union, 2010). Gundert (2014) expressed the aim of the High Representative as follows: "to ensure continuity of European foreign policy and to enable the EU to speak with one voice in external matters". Whitman (2010) mentions that there would be no more confusing array of EU voices in third countries.

During the Lisbon Treaty negotiations, the leaders of the EU nations were determined to keep the foreign minister’s job in the Treaty of Lisbon after the failure of the European Constitution. The name was changed to the High Representative. This was already an existing job, but it was altered so that it would contain more power. This was done by combining three areas of responsibilities: those of the old High Representative, those of the European Relations Commissioner and those of the foreign minister holding the rotating Presidency (Barber, 2010). The office of the High Representative replaced the foreign affairs presidency in the Council (Trzaskowski, Osica and Popielawska, 2012).

Besides containing the function of the (old) High Representative, this function also has the role of Vice-President of the European Commission. The previous High Representative Solana tried to coordinate the cooperation in the area of foreign politics and tried to increase the joint activities in the area of external interventions. In the second function, Lady Catherine Ashton was a Commissioner of Foreign Policy. She was responsible for external relations and the coordination of other areas of external action. The external relations of the EU cover more areas. Within the European Commission, sections of the external relations have their own commissioner and portfolio retained or received (European Union, 2007; Mamadouh and van der Wusten, 2010).

The High Representative had to coordinate these sections tighter to bridge the tensions between the Commission’s external policies and the CFSP. The High Representative was able to execute these tasks because of her unique position in the Commission as well in the Council. Eventually, this must lead to the situation that all aspects of external actions are under the same principles as laid out in Article 21(2) TEU (Traub, 2012; Schmid, 2012). It is very important that the High Representative had a strong personality and institutional loyalty because of the various tactics of the European Commission and – Council (Blockmans, 2012; Craig and the Bürca, 2007).

Solana had a defined role description. It was very clear what the job asked of him. Ashton had as High Representative, a much wider and vaguely job description. Like already mentioned, she combines two already existing jobs. Both these jobs required different interpretations, expectations and interests. Not only did Ashton focused on international politics, like Solana, but she also had to focus on the EU internal dynamics (Helwig and Ruger, 2014). Instead of one fulltime job, she had three fulltime jobs. Besides the three main jobs, Ashton also had smaller side-jobs. If Ashton did not receive the support of the EU institutions, the MS nor had a clear strategy and vision, the role of the High Representative would be too big to handle. According to Blockmans, (2012), The UN Secretary General would no longer be the most difficult job in the world.

The EU wants to change the institutional structure of the EU to increase their position on the international stage. According to the EU, due to the High Representative’s powers in both the Commission and the Council, Ashton would have the possibility of creating coherence in the field of external and security policy. It sounded like an important and appreciated task. The question is whether Ashton would be allowed to create coherence by the Commission and Council. She was not the President of neither the Council nor the Commission and for that reason she was not the deciding person. This means that Ashton would have to convince the members of both the Council and the Commission. It helped that she was capable of gathering more inside information from both institutions, but was it sufficient?

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3 Appendix 1: Articles 9 E (4) and 10 A (3) of the Treaty of Lisbon
4 Appendix 1: Article 9 D(4) of the Treaty of Lisbon
5 Appendix 1: Article 9 E(4) of the Treaty of Lisbon
6 Article 21 TEU (2): The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations
The problem with the new High Representative was that it did sound like a good solution to improve the EU in becoming a stronger global actor. The question is whether the Commission and Council were prepared to give some of their influence to the High Representative? Another critical point was that the role of the High Representative seemed to be very comprehensive, which could influence her performance. If she was only working to keep up with her responsibilities, she would not have the time to improve the EU’s external action. She had to give her attention to the Commission and the Council, other councils like the FAC and among others visiting countries. It sounded like it was too much to perform for one person to properly perform this task alone.

2.1.1. Main innovation of the Treaty of Lisbon

According to many scholars (for example: Howorth, Frattini and Trueb) the High Representative was seen as the main innovation of the Treaty of Lisbon because of three reasons. The reasons were based on a political, operational and an institutional level. The political reason was the greater coordination of the foreign affairs and security policies. The operational reason was synergies between the CFSP and CSDP. The third reason was that the MS realized that effective international action of the EU required the existence of centralized decision-shaping agencies like the High Representative (Howorth, 2011).

The political reason was the greater coordination of foreign and security policies. The appointment of Ashton as High Representative could have a positive effect on the external policies of the Commission and the Council. The double position of the High Representative strengthens the institutional preconditions of more efficacies and more coherence of the European foreign policy (Koehler, 2010). Frattini (2010) was also confident about lady “Ashton, and that she was able to allow the EU to play a decisive role on the international stage”. For example, a diplomatic ambition of the EU is: “The conduct of diplomatic relations through visits and missions to third countries and international organizations by the EU’s highest political representatives” (Wessel and Van Vooren, 2010), like the High Representative. This means that the EU representatives would replace MS officials during the visits or missions, if they wanted to meet the ambition.

The double-hatted position of the High Representative had the potential of improving the flow of information between different institutions. This would improve the coordination of EU’s external action, especially between the CFSP and other EU policy sectors. However, the High Representative had to deal with the power struggles between the Council and the Commission with different agendas and priorities (Smidt, 2012).

Dykstra (2008) states that the Council would not change its role as facilitator, but instead of will take the role as guardian or monitor of the treaties (Dijkstra, 2008; Helwig and Ruger, 2014). It would be better if the Council would act as monitor instead as facilitator, due to the movement freedom of the High Representative.

An example of a lack of a coherent external policy before the Treaty of Lisbon was the definition of a crisis. This lack of agreement caused misunderstandings and led to inefficiencies. As a consequence different tactics were present on how to act when a crisis appears. With the Treaty of Lisbon, the High Representative should be a more active and visible player in the field of crisis response. The High Representative with the EEAS should become more involved in the response to crises, which should lead to more coherence in the field of crisis management (Tercovich, 2014).

The operational reason was synergies between the CFSP and CSDP. According to Dykstra (2008) the CFSP would be strengthened significantly under the Treaty of Lisbon. The coordination should become more efficient because of the High Representative. Ashton had to do this by means of her own proposals. The Treaty of Lisbon states in article 9 E (2), that the High Representative has to contribute with proposals in the CFSP and the CSDP. Another task of Ashton was to ensure implementation of the decisions approved by the Council and the European Council (European Union, 2007).

After the Treaty of Lisbon, the EU’s external action was still divided over different EU policy sectors. The CFSP was still subject to certain rules and procedures (Smidt, 2012). According to Smidt (2012), the High Representative was not able to solve all the problems, but she should have enhanced horizontal coherence between the CFSP and other policy fields.

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7 Appendix 1: Article 13a (2) of the Treaty of Lisbon
8 Appendix 1: Article 13a (1) of the Treaty of Lisbon
A section of the CFSP is crisis management. Crisis management should not be ad hoc. Operations should be embedded in a strategic outlook. It must be considered as a set of actions by the EU. The Treaty of Lisbon “provided an opportunity to remedy the deficient bottom-up approach and devise comprehensive common strategies allowing the High Representative a much more directive role” (Drent, 2011).

The contribution of the EU in the area of international crisis management was dependent on the extent of coherence among a few policy sectors. She had not only powers in the Commission and the Council, but has together with the EEAS taken over powers from different actors. But the question was if the High Representative together with the EEAS were capable of providing the EU with a greater coherence and a more effective crisis management? (Smidt, 2012).

The third and last reason is a decentralized agency as the High Representative. High Representative Ashton had the opportunity to build towards a single political strategy of the EU. To achieve a single political strategy, the High Representative had the power of initiative after the Treaty of Lisbon. Before the Treaty of Lisbon, only the MS and the President of the Council had the power of initiative (Morallis, 2012; Maragoni, 2013). The powers and responsibilities of the High Representative will be further examined in the chapter three.

To resolve the problem of Kissinger (who do you call if you want to speak with the EU), the EU had created two external representative positions: the President of the European Council and the High Representative. These were major changes with the purpose of making the EU’s foreign policy more efficient, coherent and visible. Both had different areas of responsibilities. The High Representative was responsible for the CFSP and CSDP. The President was responsible for economic relations like trade and development. In theory, this means that from a plurality of voices (MS), it was reduced to a single voice in different areas (Maragoni, 2013; Novak, 2014).

Ashton was responsible for the common foreign affairs and security policies of the EU and also had two other fulltime roles (see chapter 2.1). According to Blockmans (2012) it was an impossible mission. To make it less impossible, Ashton needed her own service, the European External Actions Service (EEAS). The service was meant to become a sort of Ministry of Foreign Affairs for the EU. The new EEAS had as main reason of existence, supporting the High Representative in her daily work. It combines officials of the Council’s General Secretariat, the European Commission and the diplomatic services of the MS (Mamadouh and van der Wusten, 2010; Keukeleire, Smith and Vanhoonacker, 2010). The EEAS and the High Representative were expected to considerably improve the EU’s profile in the world (Helwig, Ivan and Kostanyan, 2013).

The renewed role of the High Representative seems really promising because of greater coordination of foreign and security policies, synergies between the CFSP and the CSDP and more power like creating a single political strategy. In theory, it really sounds like an improvement for the EU external action. On the other side, it is most likely too comprehensive for one person to execute. Concluding, the role expectations were very high of the High Representative. According to Smidt, (2012) they were also almost impossible. The EEAS had to support the High Representative on a daily basis. The problem was that it was not built at the start of the office term of Ashton.

2.2. Limitations about the High Representative in the Treaty of Lisbon
This section focused on the criticism on the task of enhancing coherence; job description and realization; the different positions of the MS; and the appointment procedure of the High Representative.

2.2.1. Criticism about the task of enhancing coherence
In theory, the High Representative was able to increase the coherence of the EU’s external policy because of her involvement in the Commission and the Council (Trueb, 2012). According to Morallis (2012) the Treaty of Lisbon would not have a large impact on the coherence, influence and leadership in EU foreign policy.
The Treaty of Lisbon provided the High Representative with the task of ensuring the consistency of the Union's external action mentioned in article 9 E Treaty of Lisbon. However, the treaty did not explain how the High Representative had to ensure consistency. Exactly the same was mentioned in article 9 of the EEAS Decision (European Union, 2007; Council for the European Union 2010). It only mentioned that the High Representative had the task but not how to execute the task. Does she have the power to perform the task or does she perceive influence to fulfil this task?

To enhance coherence, there is the need for institutional arrangements. The problem with the Treaty of Lisbon is that, it did not provide clear solutions to the fundamental problems of the EU. It did not give clear instructions about how the High Representative had to share responsibilities with other high-level decision-makers. There was no description of the structure of the future External Action Service (EAS) under the leadership of the High Representative. Finally, it also did not describe how the EAS has to interact with diplomatic services of MS (Barber, 2010). All these responsibilities and how to deal with them were confusing and Ashton had to make it all clear (Martin, 2009).

The double-hat function of the High Representative in the Commission and Council did not guarantee coherence on an intra- and institutional level. The High Representative was not fulltime present in neither the Commission nor the Council. This could lead to a lack of trust among members of the Commission or the Council. Lack of trust, would have weakened the High Representative's capacity to enhance institutional coherence (Maragoni, 2012).

The introduction of the renewed High Representative had the possibility of creating new intra- and inter-institutional tensions. The mandate of the High Representative was very extensive. The High Representative had the task of ensuring coherence and had to do it alone. It is very unlikely that one person can make a difference, especially with a lot of other tasks to perform (Maragoni, 2012). Especially, because it was not clear how Ashton would execute this task.

The problems regarding the enhancement of coherence between the CFSP and other policy fields arise from the Treaties, because the scope of the CFSP is vaguely defined. It was argued that the Treaty of Lisbon did not support the High Representative and the EEAS in dividing the workload regarding the representation of the EU in the international arena (Smidt, 2012).

Another crucial point of criticism was about authority. The High Representative did not have authority over her colleagues in the Commission and in the Council. She was not able to demand coherence, but had to encourage it. It could have caused tensions between the Commission and the High Representative. The Secretariat General's external policies unit of the Commission had the task of ensuring that the High Representative did not overstep her competences and that the mandate of the Commission's competence were protected against any form of intrusion (Maragoni, 2012).

Finally, the institutional changes regarding the High Representative were not clear. There was a lot of room for speculation and there were no clear solutions. It made it unnecessary difficult for Lady Ashton, because it was not clear what her relationship was with the other actors, or how to cooperate with them and the EEAS structure was not defined in the Treaty of Lisbon. These uncertainties made it very difficult for someone without experience in the field of EU external affairs and security policy (see chapter 2.2.3.). Ashton had to find out all these things by herself. It is far from ideal to start your international career within this situation.

The High Representative did not have authority to impose coherence. This in combination with the lack of authority meant that Ashton had to act as someone who perceived influence instead of having the power of implementing change. This made the role of the High Representative even more difficult. The High Representative had to give the right example and had to be persistent because she would not be able to change the coherence from one day to another or at all. She lacked real powers to enforce change, thus her relationship with the institutions was from utter importance.

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**Appendix 1**: Article 9 E of the Treaty of Lisbon

**Appendix 2**: Article 9 of the EEAS Decision
2.2.2. Criticism about the job description and realization

In the Treaty of Lisbon, the title of foreign minister was altered to that of the High Representative. Was this alteration, a move by the European leaders or was it about the agreement of the MS regarding the acceptance of this position? Everybody knew what a minister entailed and the means of it, but when it was changed to High Representative it was not directly clear what this position was supposed to do (Howorth, 2011). Why did the EU change the name of foreign minister to High Representative? Was it because the EU wanted the job as vague as possible or was it because the position already existed?

At the time that Ashton took the role of High Representative, she had to deal with a complex institutional structure. She was obliged to make this complex structure work. This complex structure was caused by an unresolved conflict about her job description. Smaller countries like Finland and Sweden saw a leading role for the High Representative and to counterbalance the leadership of the big three countries. These countries were backed up sometimes by Poland or Italy. They wanted that the High Representative would be to represent the EU and would be the driving force behind the EU’s interests and values, even if it would clash with countries short-term concerns. This would make the High Representative as a diplomatic pioneer (Helwig, 2014; Terpan, 2014).

The big three countries (Germany, France and the United Kingdom) in the EU, saw the High Representative as an agent of the MS. This would mean that the High Representative was only able to act in public when the direct involvement of the MS was deemed inefficient. The High Representative would act as a quiet diplomat in the service of the MS (Helwig, 2014). This made the role of High Representative even more difficult for Ashton, due to the different ideas how to act as High Representative. The question was if she either follow the big three countries or she took the idea of the smaller countries or some sort of combination of the two ideas?

The High Representative would be able to determine the strategic goals of the EU in foreign policy. The High Representative got assistance of a Diplomatic Service of the EU (EEAS). The same applies to the security and defence areas. In addition, the High Representative should be able to employ, the human, financial and technical resources of the Commission in the areas of trade, humanitarian aid and development, and commercial policy. But in reality, this was a really difficult task to perform with the day-to-day interference of other members of the Commission, its President, the Council’s President and the Foreign Affairs Ministers of the MS (Beneyto, 2008).

The High Representative is the chairwoman of the Foreign Affairs Council (FAC), covers both CFSP and the external actions of the European Community. This double-hatted function also raised a lot of questions regarding the right institutional setting and the effect of the presence of the High Representative in the Commission as well in the Council, because of the different nature of the Commission (supranational) and the Council (intergovernmental). The High Representative was also General Secretary of the Council, this made everything even more complicated (Beneyto, 2008; Bribosia, 2008). Ashton chaired the FAC, but that was not the case when trade and development cooperation were discussed. That was the area of the President of the European Council (Maragoni, 2012).

The High Representative does not have the power to impose certain directions to the Commission. The President was the one who laid down the guidelines for the Commission and he decided the internal organization according to article 9 D (6) Treaty of Lisbon. The High Representative only coordinates different aspects of external action according to article 9 E (4) Treaty of Lisbon (European Union, 2007).

Another point of criticism was the different opinions of the MS. The creation of a single voice did not take away the disagreement among several MS. It did not matter how much the EU is institutionalized, the national governments will always interfere when it comes to the adoption of policies (Novak, 2014). There will always be a struggle between the national identity of the MS and the European identity. This is especially the case when it comes to the representation of the EU.

According to Novak (2014) a single representative with the ability of speaking for the EU with a single voice is magical thinking. MS will corporate when the matter applies to them and not because of the pressure of a President or High Representative. Due to all the different opinions

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12 Appendix 1: Article 9 D (6) of the Treaty of Lisbon
13 Appendix 1: Article 9 E (4) of the Treaty of Lisbon
and views of the MS, it was likely that the High Representative would betray some MS as EU’s single voice on the world stage. A single representation did not change the positions of the MS to the same position of the EU (Novak, 2014).

Why did the EU decide that the role of High Representative was called High Representative instead of Foreign Minister of the EU? High Representative leaves room for speculation and the Treaty of Lisbon did not provide a clear job description. This provided the disagreement between the small countries and the big three countries. The small countries would like that the High Representative act as Foreign Minister but the big three would like the High Representative act as their servant. If the MS are not able to agree on what the role of the High Representative is, how should the world know how to see the High Representative?

On paper, the High Representative will determine the strategic goals and other decisions but it did not mean that she was able to do what she wanted. She would receive a lot of heat from several persons in the EU, if she decided to do something the MS or institutions did not like. These persons could be the President of the Council, President of the Commission, the EP, other members of the Commission and MS. To make matters worse she was not able to impose a certain direction, but was only capable to coordinate different aspects of external action. This made it very questionable, if the High Representative would have a significant impact on the EU as global actor.

2.2.3. Criticism about the MS regarding the appointment of Ashton as High Representative

The choice of Ashton as the High Representative was a surprise; even she was surprised that she suddenly would hold Europe’s highest foreign political position (Barber, 2010). The reasons were that she was little-known, she was not specialized in foreign policy nor she was a talented linguist. Indeed she was perceived as being a less ideal candidate for the job of High Representative than Solana, her predecessor. Solana was Spain’s foreign minister for three years and had also experience as NATO Secretary-General for four years before he became the High Representative. Ashton had experience as a treasurer of Britain’s Campaign for Nuclear Disarmament. Another job that she held was as former chairwomen of Hertfordshire health authority. She had performed well as EU Trade Commissioner, but she had no experience in foreign affairs or security policies (Barber, 2010).

The appointment procedure of the Lady Ashton was however questionable. According to article 9 E Treaty of Lisbon14, the European Council had to appoint a High Representative with the agreement of the President of the Commission. There had to be a qualified majority within the European Council before appointing the High Representative. Instead of choosing the most capable person for the job, the MS introduced criteria’s such as citizenship of small – or large state, Southern – or Northern state, gender and right- or left-wing political affiliation (Howorth, 2011).

Many names were mentioned as possible High Representative. Between those names there were a lot of high profile persons including women. Potential appointees were: Carl Bildt (foreign minister and Prime minister of Sweden), Jaap de Hoop Scheffer (former NATO Secretary General), Dora Bakoyannis (former Mayor of Athens and Foreign Minister of Greece) and Mary Robinson (former President of Ireland). There were a lot more names mentioned for the job. All of them are highly respected and serious players on the international stage. What does the appointment of Ashton tell about the ambitions of Europe’s leaders? Did they consider the position unimportant or did they wanted to control an unexperienced person. Another explanation could be that Ashton was a person with hidden talents nobody knew of. It could also be a period to test the role of High Representative as some sort of experiment? (Howorth, 2011).

The changes that the EU had to endure to become a stronger global actor would be easier achieved with a high profile person instead of Ashton. High profile persons have more experience and knowledge of strategic vision, issues and, formulating and pursuing available options to move forward. The appointments procedure was executed by the heads of state of the European Council. They undervalued the position of the High Representative. They made it clear that the position was necessary on both political and institutional level, but with the choice of Ashton instead of a heavyweight, they made clear that they are reluctant towards this key position (Howorth, 2011).

14 Appendix 1: Article 9 E (1) of the Treaty of Lisbon
It seems that the reasons behind her elections were inspired by pressure from political party groups in the EP and less by the admiration of her abilities. Another reason of her election was argued, that the EU leaders had to repay the Britain’s Labour government because of its decision to sacrifice the ambitions of Tony Blair as European Council President. As a result for choosing Ashton as High Representative, the EU leaders were vulnerable for criticism because they had been to unambitious (Barber, 2010).

Her predecessor was a heavyweight and when the position acquired more power and influence, the European Council did choose an inexperienced person for the job. Eventually, it was said that Gordon Brown was the main force behind the appointment of Ashton. Brown had the desire of Tony Blair becoming the President of the Council, but there were no backers anywhere else in the EU. After the failure, Brown wanted to secure a position of a top economics/commerce job for Britain. This plan of Brown also failed. With the acceptance of Merkel and Sarkozy, Brown decided to look for a British candidate for the High Representative/Vice President. His credible candidates (David Miliband for example) were uninterested or were not be accepted by both Paris and Berlin (Howorth, 2011).

Eventually, Commission President Barroso came with the name of Ashton, because she met all criteria (left-centre and of a large Northern state). It was not important that most people did not knew who Ashton was, or that she did not have experience with foreign policy or that she was never been elected for any position. It was not as important as a minor triumph for Brown. It was also a win for Barroso because he got a colleague who would not likely give him a lot of trouble. It was typical that Ashton was the most surprised person with her own election (Howorth, 2011).

Gardner and Eizenstat (2010) points out that the High Representative was not an experienced, well-respected figure, who could withstand the Commissioners and the MS. The MS choose for a relatively low profile person and by doing so they made it clear that the High Representative is their servant and not their rival. They choose for their national identity instead of the European identity.

The appointment of Ashton raised the question about the appointment procedure (Nogues, 2014). It let to bewilderment around the world. According to Parker (2009) EU foreign and security policy would stay in the hands of the MS. The appointment of Ashton was a signal to the world, that the EU would not be taking any initiatives on the world stage. The same could be said for setting any agendas. This would mean that there would be no new telephone number for Kissinger or for the current United States (US) President Obama (Howorth, 2010; 2011). The MS did not have the real desire to foster effectiveness in the Treaty of Lisbon, but that political competition shaped the attitudes. The appointment of Ashton as High Representative was based on political considerations instead of qualifications (Menon, 2011).

The MS knew the possible value of the High Representative, but they were not ready to give her a lot of powers to properly perform her role. This questions whether the MS were capable to give their opinions through the High Representative. It is also possible that the MS would interfere by giving their own opinion about certain events to the world? This leads to the notion that it is not clear whether the MS are capable to think about the European identity or if the national identity was still more important.

The appointment was clearly based on political considerations instead of qualifications of the person. That was really disappointing, because one would say that the best (wo)man for the job should be selected in order to become stronger as a global actor. This was clearly not the case in the EU. It looked like that the MS choose for the person that would not give them too much heat and trouble, but will quietly do her work as a servant. In theory, a High profile person like de Hoop Scheffer for example, would pose a bigger threat than the relatively unknown Catherine Ashton. This could be seen as a signal that the EU would not be taking any initiatives on the world stage. On the other hand, maybe because Lady Ashton was unknown she was able to surprise the world in a positive way.
2.3. Conclusion

In this section the first sub question will be answered. The first sub question is:

What are the objectives of the European Union and the role expectations regarding the High Representative of the Union for Foreign Affairs and Security after the Lisbon Treaty?

The answers to this question lays in the Treaty of Lisbon and the EEAS Decision. The objectives of the High Representative/Vice-President as formulated in the Treaty of Lisbon (article 9 E) and in the EEAS Decision (article 2 and 9) were:

1. Ensuring the consistency of the Union’s external action;
2. Giving the EU a clear voice regarding its relations with partners in the world;
3. Had the responsibility for external relations in the Commission;
4. And mandated by the Council in order of conducting the CFSP.

The role expectations regarding these objectives were the following: According to Trzaskowsky, Osica and Popielawska (2012) the renewed High Representative was an answer to institutional dualism. According to Howorth (2011), Trueb (2012) and Trzaskowsky, Osica and Popielawska (2012), for that reason it is the key innovation of the Treaty of Lisbon. It would improve not only the consistency of the Union but also its effectiveness and its visibility (article 9 E (4) and 10 A (3) Treaty of Lisbon). The High Representative would assist the Council and the Commission in ensuring consistency as mentioned in article 10 A (3) of the Treaty of Lisbon. It got three areas of responsibility and therefore it would become a more powerful figure. The double-hatted function should led to that all aspects of external actions were covered under the principles of article 21 (2) TEU.

The coordination of foreign and security policies would be strengthened and more efficient because of the proposals of the High Representative (article 9 E (2) Treaty of Lisbon). According to Smidt (2012), the High Representative also should be able of improving the horizontal coherence between the CFSP and other policy areas. According to Traub (2012) and because of the functions in the Commission and the Council (article 9 E Treaty of Lisbon), the High Representative would be able to coordinate the external actions of these institutions and she had the possibility of bridging the tensions between the Commission’s external policies and the CFSP.

According to article 9 E (2) Treaty of Lisbon, the High Representative had the opportunity of creating synergies between the CFSP and the CDSP. According to Drent (2011) the Treaty of Lisbon provided the High Representative with a more direct role and the possibility of devising a comprehensive common strategy in crisis management. In the area of international crisis management coherence was depending on few policy actors. One of these actors was the High Representative. According to Tercovich (2014), in crisis response, the High Representative should be an active and visible player. This should have resulted in more coherence in the field of crisis management.

According to Blockmans (2012) and Craig and the Burca (2007), the High Representative had to show personality and institutional loyalty in order to succeed. Two other factors were very important in order of succeeding: support of the EU institutions and a clear vision and strategy of the MS. Blockmans (2012) also mentions that if these factors were not met, the role of the High Representative would be too big to handle.

The High Representative would get a higher profile and would present the EU (article 9 B (6) Treaty of Lisbon). This would mean that the difficult structure of representation would be altered. She would replace the Commission and the President of the Council. According to Gundert, the creation of the High Representative would provide the Union the ability to speak with one voice in external matters. According to Whitman (2010), this would result in no more different messages coming from the Council and the Commission and no more confusing array of EU voices in third countries.

The High Representative had an important role and it required leadership in order to succeed. Ashton would allow the EU to play a decisive role on the international stage because of article 13a (2) of the Treaty of Lisbon. The improvement of the decisive role would be caused by the visits, missions to third countries and international organizations. According to Kaddous (2008), Helwig,
Ivan and Kostanyan (2013) the EEAS together with the High Representative should improve considerably the EU’s profile in the world.

Kaddous (2008) also mentions that due to the double-hatted function the High Representative would get a greater independence from the Council. If the Council would change its role of facilitator into a monitor or guardian, this would improve the freedom of the High Representative even more. This is not very likely.

According to scholars (Keukeleire, Smith and Vanhoonacker) it is not only important to know what the objectives and expectations were of the High Representative. It was also important to know what the limitations were. Was the Treaty of Lisbon an answer on the confusion surrounding the external presentation of the EU? Would it provide more authority and autonomy to EU institutional actors? On paper, it would appear that the Treaty of Lisbon provided the EU with a more cohesive and more transparent external presentation. It means that its communication with international partners would improve. In reality it was anything but simple. There were still many questions about the actors and how they exercised the external representation of the EU and the duties of these actors. An example of a question was: How will the new bodies (High Representative) affect the coordination of EU external action? (Keukeleire, Smith and Vanhoonacker, 2010).

The objectives for the High Representative were very promising on first sight. According to Helwig (2014) the EU wanted to improve the institutional structure and strengthening of the role of the High Representative, however, the tasks of the High Representative were very complex and requires a lot of time. The EEAS was created to support the High Representative on a daily basis. The only problem was that it was not developed in the beginning of 2010. The High Representative had to set up the EEAS herself.

The building of the EEAS went hand in hand with her other duties. According to Smidt (2012), the workload would be enormous for one person to execute. This is one of the reasons why she, presumably, was not able to be fulltime present in the Commission and/or Council. According to Maragoni (2012), the presence of Ashton in the Commission and the Council could lead to a lack of trust among members of these institutions. The lack of authority (article 9 D Treaty of Lisbon) was another factor that increases the workload of the High Representative. Instead of forcing members among the institutions to improve the coherence of external policies, she had to convince these members of improving coherence. Ashton had to perceive influence instead of decision-making powers.

According to Novak (2014) and Beneyto (2008), the different opinions on how to act as High Representative of small vs. big countries did not help the High Representative either, as well as the interference of MS, President of the Council and/or Commission and other members of the Council and/or Commission. According to article 9 B (6) Treaty of Lisbon and Maragoni (2012) Ashton was not able to impose the Commission and the Council, to move in a certain direction and this meant for example, that the institutions could thwarted her proposals and initiatives, if they wanted to.

All these problems and questions about the High Representative could have been avoided by the EU. The CFSP, the shared responsibilities of the High Representative, the structure of the EEAS or its interaction with diplomatic services of MS are a few examples of parts that were vaguely described in the Treaty of Lisbon. This was the cause of all these problems. According to Menon (2014) the appointment of Lady Ashton was presumably based on political considerations only made things worse. According to Howorth (2011) this does not give the right signal of becoming a stronger international actor in the world.
### 3. Competences and responsibilities of the High Representative

In this section the competences and the responsibilities of the High Representative will be examined. The Treaty of Lisbon provided the High Representative with new and more responsibilities and competences. This will be done based on the articles of the Treaty of Lisbon, the competences and responsibilities will be explained. The central question of this chapter is:

**What are the competences and responsibilities of the High Representative of the Union for Foreign Affairs and Security Policy after the Lisbon Treaty?**

The chapter is divided in eight subchapters: Mandate and main tasks; Responsibilities and competences in the European Institutions; Competences and responsibilities in the CFSP; Competences and responsibilities regarding the external representation; Competences and responsibilities in the EEAS; Interference with MS responsibilities; Uncertainties and possibilities and finally the Conclusion.

#### 3.1. Mandate and main tasks

Due to the Lisbon Treaty, the High Representative had acquired new competences. She was the most important person in the processes of implementation and coordination of the CFSP and other external policies of the EU (European Union, 2010). According to Article 15 Treaty of the European Union (TEU)\(^1\), the High Representative had to take part in the European Council. Article 15 (2) TEU does not specify the operational details of the promotion of inter-institutional coherence (Maragoni, 2012). However, the creation of the renewed High Representative was based on the idea that it will be a necessary link between the European Council and the European Commission (European Union, 2010).

It is important to understand what the responsibilities and tasks were of the High Representative and how she operated in relationship to the Commission, the Council and other important actors. It will be described on the basis of the associated articles of the TEU. The mandate of the High Representative is written down in Article 18 TEU:

1. “The European Council, acting by a qualified majority, with the agreement of the President of the Commission, shall appoint the High Representative of the Union for Foreign Affairs and Security Policy. The European Council may end his term of office by the same procedure;
2. The High Representative shall conduct the Union’s common foreign and security policy. He shall contribute by his proposals to the development of that policy, which he shall carry out as mandated by the Council. The same shall apply to the common security and defence policy;
3. The High Representative shall preside over the Foreign Affairs Council. EN C 83/26 Official Journal of the European Union 30.3.2010;
4. The High Representative shall be one of the Vice-Presidents of the Commission. He shall ensure the consistency of the Union’s external action. He shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union’s external action. In exercising these responsibilities within the Commission, and only for these responsibilities, the High Representative shall be bound by Commission procedures to the extent that this is consistent with paragraphs 2 and 3.”

The main task of the High Representative was conducting the Union’s CFSP as well as its CSDP\(^6\). The High Representative had to conduct the CFSP and the CSDP by her proposals. Other tasks and responsibilities were: making proposals and implement those proposals mandated by the

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\(^1\) Appendix 1: Article 15 paragraph 2 TEU

\(^6\) It is also mentioned in article 2 (1) of the EEAS Decision
Council; she presided over the FAC\textsuperscript{17}; was one of the Vice-Presidents (VP) of the Commission with the tasks of ensuring the consistency of the Union’s external action (ensuring that the Commission and the Council do not damagingly diverge from each other) and was responsible for the external relations and other relevant portfolios\textsuperscript{18}; and finally represented the EU concerning the CFSP (Smidt, 2012; General Secretariat of the Council of the EU, 2009; Wouters and Ramopoulos, 2013; Whitman, 2011).

The High Representative had three roles: VP of the Commission, High Representative for CFSP and the role of the former rotating EU Presidency (foreign minister of a specific country) which includes dealing with Foreign Affairs (Missiroli, 2010). It could be said that the High Representative had a three-hatted position. The three roles had to strengthen the High Representative responsibility to enhance coordination of EU external action. This triple-hatted function had the role of main coordinator of the EU external policy. She did this by assisting the Council and the Commission in their task to ensure consistency between different areas of the EU external action and other EU policies\textsuperscript{19}.

If the renewed position of the High Representative was properly carried out, it would lead to a more coherent and effective role on the world stage for the EU. The reason behind the renewed position was that the High Representative would make “a stronger and more independent development and implementation of the Union’s foreign, security and defence policy” (Blockmans and Laatsit, 2012).

Ashton had to face four challenges: First, she needed to mediate between the Council and the Commission. Second, she is the head of the EEAS and is responsible for its operation. Third, she has the job of convincing the EU into exercising some leverage regarding major security policy challenges. The last challenge was that she needed to develop strategic vision / direction\textsuperscript{20} (Howorth, 2011).

The EEAS was a new institution with no clear guidelines about how to operate, making it difficult to work properly. To achieve an institution that operates well, Ashton had to develop a clear and realistic strategy for the EEAS. Convincing the EU into exercising some leverage would be very difficult because of the different interests of the MS in security policy challenges. Strategic vision will be the most feasible and important challenge of Ashton. A strategic vision creates clarity on different issues. The Treaty of Lisbon is vague in different areas and performances. The strategic vision could give direction in the areas that are not clear in the Treaty of Lisbon.

\subsection*{3.2. Responsibilities and competences in the European institutions}

The High Representative as Commissioner of External Relations had to adhere to the internal workings of the Commission. Her duties in the Commission were to build bridges between the Commissioners responsible for internal policies which have their own external dimensions. It was the question to what extend this was possible because of the strengthened role of the Commission’s President (Wouters, Coppens and de Meester, 2008).

Article 17 paragraph 4 TEU specifically mentioned that the High Representative had to follow the rules of the functioning of the Commission. However, the High Representative was not the same as a common Commissioner or Vice-president of the Commission because of the fact that she was mandatory to the Council and was the President of the FAC (Gianfrancesco, 2013).

The High Representative as a Commissioner should be completely independent from the MS (Article 213 TFEU), however, this was not possible due to the involvement in the Council (Whitman and Juncos, 2009). Another difference deviating from other Commissioners was the larger occupation of staff members. A challenge was to ensure the interface between the staff and the operations of the EEAS. It had to happen in an effective and efficient way (Whitman, 2011).

Within the Commission the High Representative was responsible for the coordination of external portfolio’s and was in charge of external relations. She was not responsible for the areas of trade or development. These areas could become matters of external affairs. The reason is that it could result in clashes between the different Commissioners and the High Representative. The

\begin{itemize}
  \item \textsuperscript{17} Also mentioned in article 21(1) of the EEAS Decision
  \item \textsuperscript{18} Also mentioned in article 26(1) of the EEAS Decision
  \item \textsuperscript{19} Appendix 1: Article 10 A(3) of the Treaty of Lisbon
  \item \textsuperscript{20} Appendix 1: Article 38 paragraph 3 TEU
\end{itemize}
High Representative lacked authority over the other Commissioners. Ashton did not have for example, the power of arbitration, in order to coordinate sufficient. She also had limited resources to perform the coordination (Smyth, 2011; Maragoni, 2013).

As Vice-President of the Commission, Ashton was able to attend meetings of the Commission. Attending these meetings, would ensure that Ashton exert influence over her fellow Commissioners. It also ensured that Ashton would be informed about the activities of the Commission (Smyth, 2011).

The High Representative was also the coordinator of the Council’s work. Article 27 TEU, gave the High Representative the rights of an active chair in the Council. This means that she had the right to submit proposals, give opinions, consultations and the responsibility of ensuring implementation of policy decisions from the European Council and the Council. She was able to submit these proposals individually, as well as with the support of the Commission. The difference would mainly be how the proposal was prepared (Wessel, 2012). Article 22 paragraph 2 TEU gave the High Representative the power to submit joint proposals, in cooperation with the Commission to the Council. The legal right of initiative as VP of the Commission and as High Representative could only be used in CFSP matters (Missiroli, 2010).

The High Representative was also able to propose economic measures under Article 215 paragraph 1 Treaty of the Functioning of the European Union (TFEU). It was a shared proposal of the High Representative and the Commission (Kaddous, 2008). She could make it happen, by creating a joint proposal together with the Commission (Brkan, 2012). Article 30 paragraph 1 TEU made it possible to address questions regarding the CFSP to the Council.

Other competences of Ashton as High Representative were provided through Article 30 and 31 TEU. Article 30 TEU provides the High Representative with the power to submit questions, as well as proposals or initiatives, the right of calling extraordinary Council meetings and she was assigned as mediator in cases of disagreement with a CFSP decision (Puetter, 2012). Ashton could get a surplus of political weight if she decided to present proposals together with the Commission (Gianfrancesco, 2013). Article 42 paragraph 2 TFEU gave the High Representative the right of not proposing Council decisions that are only part of the CFSP (Wessel, 2012). It also gave Ashton the power of proposing decisions relation to the CSDP with the option of using national recourse or Union’s instruments. A combination was also possible (European Union, 2007).

Ashton had to cooperate with the European Council. After the Lisbon Treaty, the High Representative was part of the European Council. She was not a member of the European Council nor Council and for this reason she did not had a vote. The European Council was able to burden the High Representative with proposing a particular decision regarding EU action or position to the European Council (Wouters, Coppens and de Meester, 2008; Puetter, 2012). The High Representative would play an important role for connecting the European Council with the Council. The involvement of the High Representative in the European Council showed the growing importance of the CFSP (Puetter, 2012).

According to Pleszka (2010), the High Representative would be more dependent on the European Council instead of the Commission because of her role as President of the FAC. It is a limitation for her work in the Commission however. Due to the fact that, the High Representative was active in both the Commission as the Council, she may simplify inter-pillar negotiations (Pleszka, 2010).

Within the Council the High Representative had several attributions which could improve the coherence. The first attribute was that she chairs the FAC. This council is on a ministerial level. The FAC which “shall elaborate the Union’s external action on the basis of strategic guidelines laid down by the European Council and ensure that the Union’s action is consistent” (Maragoni, 2012; Burke, 2012). The High Representative had limited room for manoeuvre in the Council. This could have led to a higher appreciation of the role as Vice-president in the Commission (Gianfrancesco, 2013).

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23 Appendix 1: Article 27 TEU
24 Appendix 1: Article 22 paragraph 2 TEU
25 Appendix 1: Article 215 TFEU
26 Appendix 1: Article 30 TEU
27 Appendix 1: Article 31 paragraph 2 TEU
28 Appendix 1: Article 15 TEU
The FAC is separate of the General Affairs Council (GAC), which deals with budgetary matters relevant for the CFSP and CSDP. The High Representative was not part of the GAC. Both the FAC and the GAC are part of the Council. The GAC deals with the CFSP and with trade and development policies (Kaddous, 2008). The second attribution is that, the High Representative was capable to convene an extraordinary Council meeting. This could have happen on her request or on that of a MS. This is written down in Article 30 paragraph 2 TEU. It had to improve the coordination between the MS and the EU and provide a coherent response to certain issues (Maragoni, 2012).

Article 44 paragraph 1 and 46 TEU, is are attributions that “the High Representative had to agree on the management of a task entrusted to a group of member states and to give her opinion on the creation of a permanent structured cooperation as both delegations may impact on the EU’s external action” (Maragoni, 2012).

A successful High Representative had the difficult job of uniting the diverging interests of both the Commission and the Council. She needed to decide how to conduct policies in both institutions without creating conflicting ideas. There was no manuscript about how to execute the responsibilities as High Representative, but it required subtle manoeuvring and negotiations. According to Pleszka (2010) it was clear that the High Representative was and still is one of the most difficult functions within the institutional structure of the EU. Pleszka (2010) also mentions that it looks like it would be all or nothing. It could be a success or a failure.

According to Article 36 TEU, the High Representative had to consult the European Parliament (EP) on a regularly basis. She had to do it on the main issues of the CFSP and the CSDP (Miedzinska, 2014). She had to consider the views of the Parliament (Ghazaryan, 2012), who had the right to ask questions and make recommendations (Wouters, Coppens and de Meester, 2008). According to Article 17 paragraph 8 TEU, the Parliament was able to force the resignation of members of the Commission as well as the High Representative. The EP can do this, when it votes in favour of censure motion (Craig, 2008).

Ashton had agreed on speaking at the plenary in Strasbourg. Six times a year. Two of these sessions would also have a special question hour. Because of political accountability, the High Representative had to attend these meetings (Helwig, 2013).

The problem with Ashton’s double-hating position was loyalty or accountability. The accountability or loyalty of the High Representative / Vice-President was problematic, because of different interests of the Commission and the Council and the European Council. On the one hand, the High Representative had to defend the interests of the EU as a member of the Commission. It did not have to consider national ties. On the other hand, because of the role in the European Council and the Council, the High Representative had to defend the interests of the MS (Pleszka, 2010; Özoğuz-Bolgi, 2013). She had to perform her role without too much role conflicts between the national interests of the MS and the interests of the EU.

Ashton as High Representative was accountable to the European Council. They had the power to appoint her and end her term of office. According to the Treaty of Lisbon article 9 D (6)25, the Commission’s President had the power of forcing the High Representative to resign. He would need the support of the European Council26. It would mean, that she was forced to resign only from her position as VP of the Commission. The Court of Justice (CoJ) was able dismiss the High Representative but only from the Commission. In case of compulsory retirement or death, the new High Representative would be chosen in accordance with the appointment procedure (Pleszka, 2001).

The accountability of the High Representative is primarily to the European Council. However the Commission’s President also had some sort of power over her position. It was stated that neither the Council nor the Commission was able to dismiss the High Representative on its own stated in Article 18 paragraph 1 TEU (Pleszka, 2010; Nugent and Rhinard, 2011).

According to Article 21 TEU, due to the power struggles between the Council and the Commission, horizontal coherence was the responsibility of both institutions and the High

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25 Appendix 1: Article 18 paragraph 1 TEU
26 Appendix 1: Article 9 D (6) of the Treaty of Lisbon
27 Appendix 1: Article 17 paragraph 6 TEU
28 Appendix 1: Article 247 TFEU
29 Appendix 1: Article 246 TFEU
Representative had a supporting role. The High Representative had an assisting role in this matter (Koehler, 2010; Ghazaryan, 2012, Maragoni, 2012).

It was not easy to increase the cooperation between the Council and the Commission, especially because of the fact that the EEAS got some of the functions previous belonging to the Commission and the Council (Smidt, 2012). The role of the rotating Presidency (of the Council) was changed due to the strengthening of the High Representative. Many of the powers and responsibilities of the High Representative belonged to the rotating presidency before the Treaty of Lisbon (Cherubini, 2012).

Articles 18, 24 paragraph 1, 27 paragraph 1 and 15 paragraph 6 TEU show that it is not the High Representative that is the qualified subject regarding the decision-making of European foreign policy. The High Representative had a guiding power and not a decision-making power. The European Council and the Council had the power to decide European foreign policy, inter alia the CFSP. A capable High Representative had the opportunity to direct some of the choices of the FAC in which the Treaty foresees Qualified Majority Voting (QMV). In general unanimity is still the standard procedure for the CFSP. Ashton could take advantage of her position (Gianfransesco, 2013; Fabbri, 2014).

The High Representative was a very complex and difficult role to execute. The Treaty of Lisbon provided a picture in where, the High Representative was very important. Her responsibilities: She was the chairwoman of the FAC, she was Vice-President of the Commission and she had an active chair in the Council. Of course it was an important role because of these responsibilities, but the role was maybe not as important as it would appear. The problem was that the High Representative had no hard powers within these roles and was dependent on different factors if she wanted to make a difference.

In the Commission, she does not have authority over the other Commissioners. This made her role of coordination the external portfolios very insecure. She was not able to perform her task properly when the other Commissioners decide to ignore her. The relationship with the other Commissioners would be from utterly importance to perform her role of coordinating the external portfolios of the Commission. In the Council, it was the same as in the Commission. She was not able to make decisions or changes.

Concluding, Ashton was dependent on the willingness of cooperation of the members of the Commission and the Council in order to align the Commission with the Council in the area of foreign policy. It was really unlikely that she was able to be the bridge between the Commission and the Council. However, she could make a good example, by holding dialogues with members of the Commission and the Council, submitting proposals, giving opinions and consultations and if necessary convene an extraordinary meeting.

3.3. Competences and responsibilities in the CFSP
The strongest role of the High Representative was within the CSDP. Decisions related to crisis management can only be adopted by the Council based on proposals of the High Representative or on the initiative from a MS (Smidt, 2012). Due to Article 218 TFEU the High Representative has the power of initiative regarding the negotiation of new agreements. It relates to the area of the CFSP and there is the possibility to submit recommendations to the Council (Cherubini, 2012).

The CFSP was largely in the hands of the European Council who also sets the broad objectives (Whitman and Juncos, 2009). This meant that the representatives of the governments of the MS were in control. In theory, the implementation and orientation of the CFSP was established on the basis of the close cooperation between the High Representative, the Council and the European Council (Van Elsuwege, 2010). The decision-making was based on unanimity. The High Representative’s only way to carry out the CFSP and CSDP was by contributing through her right of initiative (Morillas, 2012).

The roles of the High Representative with various responsibilities in the CFSP and European Security and Defence Policy (ESDP) area, include the role of chairing the Boards of domain relevant agencies like the EU Satellite Centre (EUSC)32, European Defence Agency (EDA)33, the

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32 Appendix 1: article 7(2) Council Joint Action of the EUSC
33 Appendix 1: article 7(1) Council Joint Action of the EDA
European Security and Defence College (ESDC)\textsuperscript{34} and the EU Institute for Security Studies (EUISS)\textsuperscript{35} (Missiroli, 2010). Article 24 paragraph 1 TEU\textsuperscript{36} is about vertical coherence and includes the High Representative as one of the actors being responsible for putting the CFSP into effect. Together with the Council, the High Representative was also responsible to ensure compliance with the principles of the CFSP\textsuperscript{37} (Missiroli, 2010). This article also ensures that the High Representative in cooperation with the Council and the MS respected the principles of loyalty and mutual solidarity in the field of external relations (Miedzinska, 2014).

The High Representative also had the responsibility "to ensure the unity, consistency and effectiveness of action by the Union" (article 26 paragraph 2 and 3 TEU). She did it together with the Council and the MS. The executive dimension of the CFSP would be executed by the High Representative and the MS. This meant the end of the Council’s presidency in CFSP governance. Before the Treaty of Lisbon, the High Representative only assisted the Council’s presidency in CFSP matters. The new role of the High Representative meant a more pro-active role in CFSP governance (Devuyst, 2012; Ramopoulos and Odermatt, 2013).

Basically, her duties in the CFSP were preparation due to the right of initiative, management and implementation and the external representation (see article 18 TEU). The President of the European Council ensured the EU’s external representation, also in the field of the CFSP, thus the High Representative had to take every opportunity to execute the external representation. It could have caused problems between the High Representative and the President of the European Council (Wouters, Coppens and de Meester, 2013).

The High Representative had to work closely with the Political and Security Committee (PSC) according Article 43 paragraph 2 TEU. It was expected of the High Representative to make recommendations to the Council, affiliated with negotiation of international agreements on the CFSP, it was her responsibility because one of her powers was to propose, together with the Commission, the suspension of the CFSP in certain cases (Pleszka, 2010). Article 43 TEU, also provided the High Representative in close contact with the PSC, with the decision-making regarding ESDP operations and implementations between the Council and the High Representative had to ensure the coordination of the civilian and military aspects in the matter of peace-keeping missions/strengthening international security or conflict prevention (European Union, 2010).

Ashton had together with the Council, the responsibility of strategic direction and political control of crisis management operations\textsuperscript{38}. She also had the job of managing the joint disarmament operations, military advice, assistance tasks, peace-keeping tasks, humanitarian and rescue tasks, peace-making, post-conflict stabilization, combat forces in crisis management tasks and conflict prevention. She had a shared responsibility with the MS of managing these tasks\textsuperscript{39} (European Union, 2007).

The Treaty of Lisbon strengthened the role of the High Representative with the PSC, due to the reasons that it would work closely with this committee. This committee is very important in the development of CFSP and CSDP. The High Representative had to monitor the international agenda, due to Article 38 paragraph 2 TEU (European Union, 2010) and had to deal with the contribution of the definition and implementation of policies (Morillas, 2011). She was more involved in the PSC regarding the responsibilities in this committee. She had a permanent chair in this committee with the purpose of ensuring proper coordination between the representatives of the MS and the new services of the EU\textsuperscript{40}.

Article 26 TEU demanded of Ashton that she promoted the CSDP and Article 38 TEU provided the High Representative and the Council with the responsibility of strategic guidance and control of the CSDP (Fernandez and Sola, 2013; Morillas, 2012). Article 42 paragraph 4 TEU, provided the power of making initiatives under the CSDP, according to Article 42 paragraph 3 TEU, it can only be done by a qualified majority (Smidt, 2012).

\textsuperscript{34} Appendix 1: article 53 Council Joint Action of the ESDC
\textsuperscript{35} Appendix 1: article 5(b) Council Joint Action of the EUISS
\textsuperscript{36} Appendix 1: Article 24 paragraph 1 TEU
\textsuperscript{37} Appendix 1: Article 24 paragraph 3 TEU
\textsuperscript{38} Appendix 1: Article 38(1) of the Treaty of Lisbon
\textsuperscript{39} Appendix 1: Article 28(1) of the Treaty of Lisbon
\textsuperscript{40} Appendix 1: article 31(1) of the EEAS Decision
According to Article 42 paragraph 5 and 6 TEU, the renewed role of the High Representative also means the promotion of Permanent Structured Cooperation and the creation and realization of the Petersberg Tasks: “humanitarian and rescue tasks, peacekeeping and tasks of combat forces in crisis management” (Özoğuz-Bolgi, 2013), however, it is not an easy task because of the unanimous decisions of the MS (Gianfrancesco, 2013).

The High Representative should have played a meaningful role in matters of enhanced cooperation. On the basis of Article 329 paragraph 2 and 331 paragraph 2 TFEU, she would give opinions about the enhanced cooperation with the CFSP, had to be informed by all MS who wants to join in enhanced cooperation’s, should have been advised about the criteria and could recommend adoptions of transitional provisions regarding the framework of enhanced cooperation (Pleszka, 2010). The Treaty of Lisbon also gave the responsibility to the Commission and the High Representative to inform the EP regarding developments of enhanced cooperation4 (European Union, 2007)

The High Representative had competences that related to enhanced cooperation. However, the new competences suffered from minor inconsistencies. In Article 334 TFEU about enhanced cooperation, the High Representative was not mentioned.4. This raises the question whether the High Representative is not just an assistant for the Council and the Commission? In reality, there would not have to be a problem but it does cause confusion (Pleszka, 2010).

Proposals about the financing of CFSP actions could be made due to Article 41 paragraph 3 TEU. The High Representative changed the institutional structure of the financing of the CFSP. She replaced the President of the Council, but it was not a fundamentally change, regarding the financing of the CFSP. Ashton was able to make proposals. The Council and the High Representative had to discuss the obligations regarding Article 41 paragraph 3. The voting was done by QMV. Politically, the High Representative could be strengthened within the landscape of the CFSP, due to the possibility of implementing certain funds without the Commission’s control. It could mean that the High Representative would have her own financial independence and could use it without the supervision of the Commission or the Parliament (budgetary control) (Sautter, 2012; Bono, 2011).

The High Representative did not have powerful instruments within the CFSP to bring coherence to the different areas of the EU’s external action. The MS were not able to diminish their influence in the field of CFSP. The MS decided to give the High Representative some influence in the field of EU’s external action, but they did not want to give the control to the EU (the High Representative). The national identity had to be maintained.

The responsibilities of the High Representative gives a clear picture of the control of the MS over the High Representative. The High Representative had a shared responsibility with other institutions like the Council or with the MS themselves with most responsibilities and competencies. This gives the impression that the MS would not always agree on issues but they want the best deal for their own country. That was probably the reason the High Representative was missing real change-making powers. The MS were not quite able to think with a European identity but they were looking for a way to benefit as MS.

3.4. Competences and responsibilities regarding the external representation

It did not appear that the external representation was simple after the Lisbon Treaty. There were two actors and one institution responsible for the external representation namely: the President of the European Council (Article 15 paragraph 5 and 6 TEU) the High Representative (Article 18 TEU) and the Commission (Article 17 paragraph 1 TEU).

“The President of the European Council ensured the external representation of the Union on issues concerning its CFSP. This should be done without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy. The latter conducts the Union’s common foreign and security policy. The representative contributes by making proposals for the development of that policy and acts on a Council mandate. The Commission, with the

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4 Treaty of Lisbon article 280 C(2)
4 Appendix 1: Article 334 TFEU
exception of the CFSP, and other cases provided in the Treaties, ensured the Union’s external representation” (Mangiameli, 2012). According to Wessel and Blockmans (2009) it was very questionable if this new arrangement would make the EU more visible and if it showed greater unity around the world.

According to Article 17 paragraph 1 TEU, the general external representation was the responsibility of the Commission, with the exception of the CFSP. The High Representative as Vice-president was allowed to develop a vision of the Union’s external action within the Commission. It was not a coincidence, that the coherence of the external action of the EU was a task of the High Representative / Vice-president of the Commission (Gianfransesco, 2013).

Article 27 TEU, gave the High Representative authority over the Union delegations (Article 188 TFEU) in international organizations and third nations and conduct political dialogue. The High Representative could not carry out the negotiating and representational functions by herself in all the non-MS - and international organizations. She would be assisted by the EEAS, but also by the diplomatic services of the MS. It was established by a decision of the Council. The Union Delegations would give the High Representative control over significant information resources. It meant that she was not completely dependent of the MS (Denza, 2012; Paasivirta, 2011).

The Council decision about the representation of the High Representative in international organizations was established as follows: “the Council consulted the European Parliament and needed to get the consult of the Commission” (Denza, 2012). However, the Treaty of the European Union did not indicate when the President of the Council or the High Representative had to represent the EU. According to Article 15 (6) TEU, it seems that the High Representative had the first choice of representing the EU in the world (Smidt, 2012).

According to Article 34 paragraph 1 TEU, the High Representative had the responsibility of coordinating the MS actions in international organizations and at conferences. Article 32 TEU, mentioned that, The High Representative had to coordinate the common position of the European Council or the Council, about action on the international scene, in the Council. She had to coordinate her activities together with the activities of the Foreign Affairs Ministers of the MS within the Council (European Union, 2010; Van Elsuwege and Merket, 2012).

Arrangements provided by the Treaty of Lisbon, made it possible for the High Representative to intervene on the behalf of the EU in the United Nations (UN) and especially in the UN Security Council (UNSC). The High Representative would be invited by MS to present the Union’s position about a subject (European Union, 2007). She and the President of the European Council were tasked with the representation of the EU in UN General Assembly (UNGA) debates (Emerson et al, 2011). Article 19 TEU tasked the MS of using the High Representative in the UNSC. The EU had defined a position for the High Representative (Whitman and Juncos, 2009).

The different roles of the High Representative raised a lot of issues regarding the ENP and the EU’s representation in the neighbourhood. Article 18 TEU did not provide a clear mandate of the High Representative. This article did not provide a clear answer, if the High Representative role extends beyond the CFSP. The ENP was not included in the mandate of the High Representative as decided by the President of the Commission Barroso. This complicated the representation of the EU. Normally, the President of the Council or the High Representative represents the EU, but in the case of the ENP, it could also be the President of the Commission or Commissioner Füle for Enlargement and the ENP. The international representation of the EU would not be executed by one person. Personalities and competition between all actors regarding the external representation of the EU would most likely stand in the way of a single representation of the Union (Ghazaryan, 2012).

If the EU would show unity and coherence was very questionable, because of the shared task of external representation by the President of the European Council, the President of the Commission and the High Representative. It would be very interesting to see who would represent the EU in the area of external action. The Treaty of Lisbon provided

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4 Appendix 1: Article 19 (3) Treaty of Lisbon
3.5. Competences and responsibilities in the EEAS

Article 27 TEU provides the High Representative with authority over the EEA in order to support her in her activities (Murdoch, 2012). The EEAS originated from the Directorate General for External Relations (DG RELEX). The EEAS fell under the authority of the High Representative. It was stated in Articles 18 and 27 TEU.

However, in Article 2 (2) EEAS Council Decision, it was stated that the EEAS should assist besides the High Representative. Additionally the President of the European Council, the Commission and its President are in exercise of their functions related to external relations (Blockmans and Laatsit, 2012). It was the result of the quick negotiations before the creation of the EEAS. The EU institutions and the MS had to make sure that they would get some influence on the EEAS (Blockmans, 2012). According to Denza (2012) the members of the EEAS were still servants of the High Representative, because they were only allowed to follow the instructions of the High Representative and not from somebody else.

Regarding the procedure of recruiting new members for the EEAS, Ashton was the Appointing Authority. She was not only responsible, she also had to establish the selection procedure. One of the employees of the EEAS is the Executive Secretary-General. This function was responsible for the smooth functioning of the EEAS. It also had to ensure effective coordination between all departments. The High Representative also had to appoint a Director-General. This function was responsible for the EEAS administrative and internal budgetary management. The High Representative was also responsible for adequate training for employees (Council of the European Union, 2010; Blockmans and Hillion, 2013).

The EEAS is a functionally autonomous body with several departments and functions that are transferred from the General Secretariat of the Council and of the Commission and the Commission Delegations to the EEAS. The expectations for the EEAS under the High Representative Ashton were high: “it will mark a new beginning for European Foreign and Security Policy” (Smidt, 2012). However, the creation of EEAS and the renewed High Representative created new coordination needs (Maragoni, 2013).

The main resources of the High Representative are the EEAS, the EU delegations and the special representatives. The Treaty of Lisbon equipped the High Representative with the EEAS, the necessary resources to fulfil her tasks. However, it was not clear what necessary meant, it leaves room for speculation (Paul, 2008). If needed, the High Representative and the EEAS were able to get assistance of the General Secretariat and of the departments of the Commission (Council of the European Union, 2010).

The toughest challenge was the new hybrid structure of the High Representative and the EEAS. Was it to produce added value or an increase of bureaucratic and personal infighting which would have negative consequences of the EU’s internal political climate (Missiroli, 2010)? The EEAS regarding to crisis management, consists of the following institutions, the Crisis Management and Planning Dictorate (CMPD), crisis management and planning directorates, the Military Staff of the European Union (EUMS) and the Civilian Planning and Conduct Capability (CPC). These are crisis management institutions (Drent, 2011). The High Representative had authority and was responsible for these institutions (Council of the European Union, 2010).

Article 9 (2) of the EEAS Council Decision mentions that the High Representative “shall ensure overall political coordination of the Union’s external action, ensuring the unity, consistency and effectiveness of the Union’s external action, in particular through external assistance instruments”. These instruments were the European Development Fund (EDF), the Development and Cooperation Initiative (DCI), European Instrument for Democracy and Human Rights (EIDHR), European Neighbourhood Instrument (ENI) and the Instrument for Nuclear Safety Cooperation (INS) (Blockmans and Laatsit, 2012).

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44 Appendix 1: Article 6 (4) of the EEAS Decision
45 Appendix 1: Article 6 (5) of the EEAS Decision
46 Appendix 1: Article 6 (8) of the EEAS Decision
47 Appendix 1: Article 4 (1) of the EEAS Decision
48 Appendix 1: Article 4 (3a) of the EEAS Decision
49 Appendix 1: Article 6 (12) of the EEAS Decision
50 Appendix 1: Article 8 of the EEAS Decision
51 Appendix 1: Article 4 (4) of the EEAS Decision
52 Appendix 1: Article 4 (3) of the EEAS Decision
3.6. Interference with MS responsibilities

Finally, the High Representative was mentioned in the Protocols and Declaration belonging to the Lisbon Treaty, which are mostly of a transitional nature with the exception of Declarations 13 and 14 (European Union, 2010). These Declarations underline that "the new provision on CFSP, on the creation of the function of High Representative and the European External Action Service do not affect the responsibilities of the Member States as they currently exist, for the formulation and conduct of their foreign policy nor their national representation in third countries and international organizations" (Kaddous, 2008). It also mentioned, that the security and defence policy of the MS would not be influenced by the provisions of the CFSP and it would not affect the existing legal basis, powers and responsibilities of each MS regarding to their foreign policy (Kaddous, 2008).

The MS were the key for the High Representative to succeed. They had to support the new system with the High Representative and the EEAS. As mentioned before, it appears to be that the MS were not capable to think as one (European identity) and that they were still looking for the best deal for their own MS. For this reason, it was understandable that the EU cannot interfere with MS foreign policy. However, the EU would not benefit from a missing common foreign policy. The MS had all very different national interests and therefore it would be difficult to come up with a common position as the EU.

3.7. Uncertainties and possibilities

A number of political and functional unknowns had to be answered after the creation of the Treaty of Lisbon. It was from utter importance that the actors closely involved with the High Representative would get along (Van Rompuy, Barroso and Ashton) and that they reached an arrangement allowing conflicting parties to coexist peacefully for the benefit of the EU as a whole (Missiroli, 2010).

According to Smidt (2012) the High Representative “cannot compensate for the unclear division between different Union competences under which crisis management activities can take place. When it is unclear under which provision crisis management action should take place, the EU’s response to a crisis is more likely to be delayed, incoherent and ineffective” (Smidt, 2012).

The High Representative did not have hard power resources or democratic legitimacy to active resources. It lacked structural power of the MS. This meant that the High Representative would needed the help of the Commission and of the MS (Helwig, 2013). However, compared with the old High Representative (pre-Lisbon), the renewed High Representative had new competences that would give a better position. For one, she was the only person who is capable of overseeing the integrity of the EU’s external policies. Second, she had to act in all dimensions of external policy and by doing so she was able to shape the external policies more effectively. However, she was not capable to do this alone. She would need the co-operation of other institutional bodies. There were a lot of actors involved, which could make it in certain occasions vague, unclear and could cause legal problems (Pleszka, 2010).

According to Paul (2008) the High Representative had the possibility to take initiative in EU foreign policy and she had the power to shape the EU’s agenda in international affairs. There are few reasons for this. The first one is because of her role in the FAC. She was the President and had to prepare the Council meetings and had the power to call for extraordinary meetings (article 30 TEU). Another reason was her right of initiative in the FAC. In the CFSP, this right was shared with the MS and the Commission (for support). Ashton’s role in the European Council should have given her the opportunity to shape the EU’s international agenda. However, she would not be able to introduce new topics but she was capable to prioritize the topics (Paul, 2008).

The High Representative should have played a prominent role in the EU external action policy coordination. She was responsible to build up consensus among MS, especially in the CFSP (Paul, 2008). The High Representative had to deal with horizontal and vertical consistency and coherence. The horizontal consistency was with her follow Commissioners of the Commission. Vertical compliance was related to the MS. She had the responsibility to monitor, that the MS supported the EU’s foreign policy and complied with its decisions (Paul, 2008).
Furthermore, The High Representative was responsible for the appointment of the EU special representatives and should have initiate the conclusion of international agreements. There was no instrument for these activities and the High Representative had to rely on her skills in coordination and consensus building (Paul, 2008).

The different functions of the High Representative did not lead to the merger of some policies. For that reason, “A great deal of pragmatism was needed in order to ensure coordination and coherence in external action” (Pleszka, 2010). The changes of the High Representative were not a guarantee that they would be used. Competences were limited and Ashton had to work hard to accomplish these aims (Pleszka, 2010).

By placing the High Representative at the heart of the EU external action, the expectations of the function grew at the same time. It caused a gap between the capabilities and expectations. According to Helwig (2013) this gap could not be filled with new instruments, procedures or resources. It was mainly dependent on factors as the political will of the MS. The performance of the HR depended on its policy initiatives. A solution to close the gap between the capabilities and the expectations was co-leadership between the High Representative and its EU partners with the High Representative as leader (Helwig, 2013; Wessel).

3.8. Conclusion

The conclusion will elaborate on the second sub question: What are the competences and responsibilities of the High Representative of the Union for Foreign Affairs and Security Policy after the Lisbon Treaty?

The competences and responsibilities of the High Representative Ashton can be grouped under five headings: “

1. Initiative and agenda-setting;
2. Coordination and consensus building;
3. Representation and negotiating;
4. Implementation,
5. And crisis management” (Paul, 2008).

The initiating and the consensus-building role was applicable in the FAC, the coordinating role in the Commission, managerial or operational role in the EEAS (Schmid, 2012). The main responsibility of the High Representative is:

Conducting the Union’s CFSP and also the CSDP. Ashton had the job of doing this by making proposals to the development of the CFSP and implement those proposals as mandated by the Council (article 18 (2) TEU and 2 of the EEAS Decision).

Other responsibilities are:

- Representation of the EU regarding the CFSP: Preparation, management and implementation of the external representation of the CFSP (article 27 TEU);
- Responsible for putting the CFSP into effect and ensuring compliance with the principles of the CFSP (article 24 TEU);
- Had to promote the CSDP (article 26 TEU): Developing strategic guidance / vision / direction and political control of the CSDP (article 38 TEU); Monitoring the international agenda and political control in crisis management missions/operations (article 38 TEU), also consisting of the creation and realization of Petersburg tasks;
- Ensuring coordination of the civilian and military aspects of ESDP missions in the areas of peace-keeping missions and strengthening international security or conflict prevention (article 43 TEU);
- Promoting Permanent Structured Cooperation (article 42 TEU);
- Chairwoman of the FAC (article 18 (3) TEU): Ensuring that the Union’s action is consistent (article 26 (3) TEU);
- Vice-President of the Commission: Responsibility of ensuring consistency of the EU external action in the Commission; Responsibility for the external relations and relevant
portfolio’s; Building bridges between Commissioners for internal policies with their own external dimensions; Had to follow the rules of the Commission; and had to contribute to the coherence of the external action of the EU (article 18 (4) TEU);
- Uniting the diverging interests of both the Commission and the Council and mediate between both institutions. Not only these two institutions but the whole Union (article 26 (3) TEU);
- Had to cooperate with the European Council (article 15 (2) and 27 TEU): It can burden Ashton with proposing a particular decision about EU action or about a position of the European Union; It meant ensuring implementation of policy decisions from the European Council and as well from the Council;
- Consulting the EP on a regularly basis, it would happen six times a year (article 36 TEU); Together with the Council she had to inform the EP about developments of enhanced cooperation (article 280 C (2) Treaty of Lisbon);
- Chairing the Boards of domain relevant agencies like the EUSC, EDA and ESDC (Council Joint Actions of these organizations see appendix 1: chapters 8 till 11);
- Making recommendations to the Council affiliated with negotiation of international agreements on CFSP (article 43 (2) TEU);
- Ensuring (overall political coordination) of the unity, consistency and effectiveness of action by the Union (article 9 (2) EEAS Decision and 26 (3) TEU): this meant also building up consensus among MS;
- Ensuring respect for the principles of loyalty as well as for the principles of mutual solidarity together with the Council and the MS in the area of external relations (article 24 (3) TEU), thus also convincing the EU of exercising some leverage regarding major security policy challenges;
- Responsible for the coordination of MS actions in international organizations and at conferences (article 34 paragraph 1);
- Responsible for the coordination of the common position of the European Council and the Council, regarding action on the international scene in the Council. This had to be done in combination with the coordination of her actions together with the Foreign Affairs Ministers of the MS in the Council (article 32 TEU);
- Ensuring the proper coordination between the representatives of the MS and the new services of the EU (article 31 (i) EEAS Decision);
- As Head of the EEAS: Responsible for its operating; Ensuring the interface between the staff and the operations of the EEAS (article 27 TEU) and responsible for the selection procedure as Appointing Authority (article 6 (4) EEAS Decision) that means also EU special representatives; Responsible for the adequate training for employees (article 6 (12) EEAS Decision).

The competences that the High Representative Ashton had were:

- Was capable to convene an extraordinary Council meeting with the purpose of improving the coordination between the MS and the EU (article 30 TEU);
- Active chair in the Council (article 27 TEU): Power of submitting initiatives / proposals, giving opinions and consultations; The right of initiative of making proposals within the CFSP, it includes the negotiation of new agreements (article 218 TFEU); The right of initiative of making initiatives under CSDP (article 42 paragraph 3 TEU); Power of submitting joint proposals together with the Commission (article 22 paragraph 2 TEU); Power of addressing / submitting questions regarding the CFSP to the Council (article 30 TEU); Right of not proposing Council decisions that are only part of the CFSP (article 42 paragraph 2 TEU);
- Chairwoman of the FAC (article 18 (3) TEU): The right of initiative in the FAC; Power of shaping the EU's agenda in international affairs;
- Permanent chair in the PSC;
- Enhanced cooperation: Would give opinions in cooperation with the CFSP, had to be informed by all MS wo wants to join in enhanced cooperation’s, should be advised by the
criteria and can recommend adoptions of transitional provisions regarding the framework of enhanced cooperation (article 329 paragraph 2 and 331 paragraph 2 TFEU);

- Authority over the Union delegations in international organizations and third nations and conduct political dialogue, but cannot carry out negotiations and representational functions by herself in non-MS and international organizations (article 27 TEU and 188 TFEU);

- Allowed to develop a vision of the Union’s external action within the Commission (article 17 paragraph 1 TEU);

- Right of proposing economic measures shared with the Commission (article 215 paragraph 1 TFEU);

- Possible to give opinion about the creation of a structured cooperation (article 44 paragraph 1 and 46 TEU);

- Decision-making regarding ESDP operations and implementation between the Council, the PSC and the High Representative (article 43 TEU);

- Authority over the EEAS (article 27 TEU); she had the assistance of the EEAS with the necessary resources to fulfil her tasks (article 8 EEAS Decision); had the disposal of the following instruments: the EDF, DCI, EIDHR, ENI and INS (article 9(2) EEAS Decision).
4. Achievements and failures

This chapter will elaborate on the performance of Catherine Ashton as High Representative. This chapter is divided in seven parts and two cases: The beginning of her tenure; European institutions; Building up of the EEAS; Common Foreign and Security Policy; External representation; European Neighbourhood Policy; Impact of Ashton, and the conclusion.

Ashton had some problems at the beginning of her office term: The role of the High Representative was altered and not everything was clearly defined about the competences and responsibilities of the High Representative; The EEAS had to be created in the first year of the office terms of the High Representative. These two factors could affect the performance of the High Representative. It also meant that the EEAS needed time to fully function and to be of help of the High Representative.

The cases are about the Libya crisis and about the Serbia-Kosovo conflict. The Libya crisis started in 2011. In the same year the EU got involved in the Serbia-Kosovo conflict. These cases will give an impression on how important the role of the High Representative was. The main question of the chapter is:

What are the achievements and failures of the High Representative of the Union for Foreign Affairs and Security Policy from December 2009 up to 2014 and how does the role conception influence the role performance of the High Representative?

4.1. The beginning of Ashton’s tenure

Ashton spoke of three main priorities of her mandate during two hearings with the Committee on Foreign Affairs of the EP. The three priorities were:

- “the building of the EEAS, as an efficient and coherent service;
- The improving of cooperation tools in crisis management;
- And the reinforcing of cooperation with strategic partners, especially in neighbourhood policy with southern and eastern partners” (Gianfrancesco, 2013).

The last priority of partners is delegated by the European Council instead of her own initiative (Helwig, 2013). She also spoke about her relationship with the European actors in these hearings. She had the desire to work closely with the EP regarding the central points of the CFSP (Gianfrancesco, 2013).

Her approach was based on building infrastructures of the CFSP, instead of stirring everything up within the EU Foreign and Security policy. She wanted to focus on building the core machinery of the CFSP: the EEAS. It had to be a neutral body without a preferential relationship with other European institutions (Gianfrancesco, 2013). The EEAS would also support her with an important objective of the EU namely, the Union’s representation on the international scene (Erkelens and Blockmans, 2012).

Ashton said that she was aware of her role to improve the coherence of EU foreign policy. However, she said that she would not fully embrace this role. She mentioned that she would not act as a double-hatted leader. Instead she would draw on the resources and instruments of the Commission in order to combine the MS views and the input of other actors in the process of decision-making to maximize the synergies of her role in the Commission, as well as her role in the Council. Improving coherence in a period of crisis and international turmoil was a very difficult job (Maragoni, 2012).

The reasoning of Ashton was very logical. She was not convinced that she could make significant changes in the institutional structure of foreign policy of the EU. For that reason she choose to focus on other objectives that in her opinion were more realistic to carry out. The only problem with this kind of reasoning was that the objectives of the EU regarding the High Representative after the Lisbon Treaty were different.

In the first public appearances of Ashton she seemed to reinforce the foreign policy powers of the EP. She wanted to hold CFSP and CSDP accountable before the EP (Morillas, 2012). Senior diplomats mentioned after this comment of Ashton, “that she is not an institution herself and that is why she cannot oppose what the Council had to say on foreign policy issues” (Morillas, 2012).
Ashton started her office term with the decision to choose her own private office cabinet. She took almost all members from her previous office as Trade Commissioner instead of taking specialized foreign and security policy advisors. One of the reasons behind this choice was the rejection of highly specialized foreign and security policy advisors. According to two scholars this decision outlined the image of a person with a lack of self-confidence but also with a lack of judgment (Morillas, 2012; Howorth, 2011; Howorth, 2010).

4.1.1. First hundred days
The first three months of Ashton as High Representative can be considered as not the most successful days. There was a lot of criticism about her performances, as well as bad choices of appearances (absence from significant meetings and ill-judged priorities), her lifestyle and that she only spoke one language. In March 2010, the situation became almost unbearable, so that European Foreign Ministers were concerned about the creation of the EEAS (Howorth, 2011). Cases of ill-judged priorities were the Earthquake in Haiti and the election of the new president of Ukraine in 2010 (mentioned below).

The Haiti earthquake started mid-January 2010. When the earthquake started Ashton decided to spend the weekend with her family instead of working to come up with a solution. Another option was to do the same as Hilary Clinton, who flew to Haiti. The reaction was criticism on her absence. As a response she said that she was not a fireman or a doctor but that her role was bringing together the coordination at EU level. Her presence would not make a difference in Haiti at that time. One of the first acts of Ashton as High Representative was the coordination of EU’s response to the crisis in Haiti in 2010. She acted in cooperation with the UN. In her first draft statement, she mentioned to launch a CSDP mission. A CSDP mission and operation can only be launched when every MS agreed on it. It took long negotiations about the role of the military and its assets. An initiative to launch a CSDP operation was not what the MS had in mind in this crisis management situation (Howorth, 2011; Morallis, 2012).

The EU created a cell called the EU Coordination Cell within the Situation Centre (EU SITCEN). This Coordination Cell was to assist the coordination of military assets. This decision did not have the preference of the MS. The MS had problems to follow initiatives of the High Representative in crisis management. Ashton together with Commissioner Georgieva (International Cooperation, Humanitarian Aid and Crisis Response) presented a working paper which mentioned the use of military means under CSDP in situations of crisis. Several MS had difficulties accepting the recommendations of Ashton and Georgieva (Howorth, 2011; Morallis, 2012).

The Haiti crisis showed that the MS had to share their leading role in EU foreign policy with the High Representative and the EEAS. It changed the structures of EU foreign policy. Instead of accepting the new situation, the MS reacted on the new structure by stressing the role of unanimity in the decision-making process. This rule could prevent some initiatives of the High Representative (new foreign policy structure). The MS were not very pleased with the new structure that the High Representative with the support of the EEAS would become the main actor of putting forward foreign policy initiatives (Morallis, 2011).

The Haiti crisis made clear that the MS had difficulties in following the initiatives of the High Representative in crisis management. Criticism towards Ashton was that she did not visit Haiti during the crisis. For that reason, Ashton failed to improve the EU international profile. Ashton did not agree on that because the people of Haiti, the US, the UN and others recognized the important role of the EU in the Haiti crisis (Mamadouh and van der Wusten, 2010; Morallis, 2012; Miedzinska, 2014).

It was clear that the MS did not agree on a leadership role of Ashton in the field of CFSP at the beginning. Not only Ashton had to adjust to her role of High Representative, also the MS had to adjust to the new structure with a more prominent High Representative. Because of this new change, the MS took a hostile attitude towards Ashton. They made clear that they were still in charge and that if they did not like an initiative; they would reject the initiative because of the rule of unanimity. It is very difficult to please every MS in the EU. For that reason, it looks like that smooth and quick action is not possible. In the first few months, the cooperation between Ashton and other actors (in this case the MS) was far from ideal.
In February 2010, Ashton made the decision to go to the celebration of the election of the new President of Ukraine, Yanukovitch. Due to the decision to go to Ukraine Ashton could not attend the first meeting of the Council of Defence Ministers in Mallorca after the Lisbon Treaty. It was held at the same time. According to Howorth (2011) it was a decision that her predecessor Solana never would have made. He never missed one meeting of the Council of Defence Ministers. She decided to go to the inauguration, because she saw it as her responsibility to go. It was not only different from what Ashton’s predecessor had done, but it was also important that she was present because of the discussion between the CSDP and the NATO. Due to her absence, Rasmussen (NATO) had the monopoly in the discussion (Howorth, 2011; Helwig, 2014).

This event can be seen as an unlucky choice of Ashton. It is understandable to go to the election of the new president of Ukraine, because it is one of the countries that wants to join the EU and it is located in the neighbourhood of the EU. However, Ashton did not consider the impact of the Council of Defence Ministers meeting, due with the presence of NATO. This kind of mistakes are undesirable.

4.2. European Institutions

In this subchapter, the performance of Ashton in the EU institutions will be elaborated. The rotating presidency will be mentioned because it underwent some changes regarding the EU’s foreign affairs. The Treaty of Lisbon did not solve the problems with the coherence of EU external action. What it did was that it provided the EU external action players the possibility of achieving coherence. This was done by providing the players with a framework and legal tools. However, the Treaty of Lisbon was vague formulated and that created the space for disagreements to surface. The Commission wanted to protect its realm (see 4.1.3), MS and the Council counteracted by safeguarding their own sovereignty or identity and the High Representative together with the EEAS tried to find their place within the system (Wouters and Ramopoulos, 2013).

4.2.1. European Parliament

Ashton’s first hearing was before the EP. This initial hearing was not successful on 2 December 2009. It was ill prepared and bad executed. The contents were meagre. Ashton made a bad impression because she was vague and hesitant on detail. On 11 January 2010, there was a confirmation hearing in which Ashton performed a little bit better. The EP was still not pleased with her performance. This hearing was also before the EP. These two hearings showed that Ashton still had much to learn as High Representative (Barber, 2010; Howorth, 2011).

The relationship between Ashton and the EP improved later on. She did a good job responding to the queries and recommendations of the EP. This led to that, influential parliamentarians of the EP, called for an increase of funding for the EEAS (Burke, 2012). It was agreed that Ashton would visit the EP six times a year. Her commitment towards the EP regarding the plenary was high. It was not because of the agreement that she visited the EP, but also to get support for her position. In general, she has the support of the majority of the EP regarding a strong and unified position of the EU. However, sometimes she also cannot please the Members of the European Parliament (MEPs) like in the case of Libya (see case 1). The MEPs were not pleased about the overall performance of Ashton because of the lack of initiative from Ashton (Helwig, Ivan and Kostanyan, 2013).

4.2.2. European Commission

Ashton was considered to have too much absence from the European Commission. As Vice-President in charge of external relations, she was absent around the 40 percent of the Commission meetings in the period from January 6 2010 till January 4 2011. She missed key meetings about the Commission’s external relations because of her busy travel schedule. The High Representative had to travel a lot (see 4.3.1.) and it was an essential part of her job; however it also important that she was present in key meetings (Burke, 2012).

In the period February 2010 till December 2012, Ashton was even less presence than in her first year. She attended only fifty percent of the Commission college meetings. She missed sixty-one meetings in two years. This was not a good development for the coordination between her role as
High Representative and her role as Vice-President (Helwig, Ivan and Kostanyan, 2013; Edwards, 2014; Schmid, 2012). The reason of Ashton missing meetings was her busy traveling schedule. It was something that she was not able to change and it probably will never change. It would be better that Ashton would have a deputy that can take her place in meetings when she is hindered.

Interviews with EU officials from the EEAS, Directorate Generals (DG) and other institutions and a national diplomat mentioned that Ashton was not interested in improving the coherence between the Commission and the Council. According to Christiansen (2012) the High Representative was not seen as a member of the Commission by the Commission itself. The High Representative was seen as an agent of the MS. If that was really the case it would be a difficult for Ashton to perform properly (Ramopoulos and Odermatt, 2013).

Some members of the Commission thought that the role of the High Representative should be the same as it was before the Lisbon Treaty. The potential power of Ashton was less than her predecessor Ferrero-Waldner in the area of EU’s external relations. The reason was that the Commission did not completely transfer a DG to the EEAS. Some assets stayed with the Commission like international climate negotiation (Burke, 2012). This did confirm that the High Representative was not treated as a member of the Commission.

The relationship between the Commission (DG TRADE) and the High Representative (and her team) was tense in the period of December 2010. The tension was created by the High Representative and her team because of a lack of consultation while preparing progress reports of EU’s relations with Russia, China and the US for the European Council. As a result thin reports were produced. The reports did not fully include areas of trade energy and other areas administered by the Commission. These reports were a good opportunity for the High Representative to coordinate external action, but Ashton choose something different. Another complaint of DG TRADE was the late delivery of texts for the EEAS. This provided DG TRADE little time for comments or reactions (Helwig, Ivan and Kostanyan, 2013).

Commissioner Sefcovich of Inter-institutional Relations, mentioned in a speech, that the Commission was responsible for areas out the CFSP and the High Representative was responsible for CFSP matters. The speech was held in February 2011. This speech confirmed signals of Barroso. These signals indicated that he was in charge of the coordination of the Commission’s external relations portfolio and that he also responsible was for ensuring the coherence of external policies (Nugent and Rhinard, 2011; Blockmans, 2011). He chaired most of the rare meetings of Commissioners. According to Article 18 (4) TEU, Ashton had the task of coordinating the Commission’s external relations (Helwig, 2014). According to the Treaty of Lisbon, the cooperation between the High Representative and the Commission was not as it supposed to be.

Ashton required administrative support from the Commission Secretariat-General in order to make her function as chairwoman effective. She did not receive the necessary support. Barroso chaired most of the meetings instead of Ashton. In an Information Note, Barroso made clear that he could attend any meeting and chair that meeting. Ashton accepted the situation. By chairing these meetings, the coordination powers of Ashton were returned to the Commission. Ashton was assigned by Barroso with the day-to-day coordination. As coordinator she relied on the personal relationships with other Commissioners. She had a good working relationship with Commissioner Stefan Füle. This was an important relationship because he was the Commissioner for Enlargement and European Neighbourhood Policy (Blockmans, 2012; Erkelens and Blockmans, 2012; Helwig, 2014).

Barroso gave High Representative Ashton a limited coordinating role within the Commission and he was busy with manouevring the tasks of the High Representative. As a result the EEAS was not able to support Ashton in her tasks as Vice President. According to the EEAS Council Decision, the EEAS was able to support the High Representative with normal tasks. Due to the manouevring of Barroso, the tasks of the Vice-President were not considered as normal tasks. Another result of Barroso moves was that Ashton’s cabinet suffered from under-representation of people with Commission experience (Blockmans, 2012).

Barroso stated that collegiality was important among the Commissioners and that it was the central mechanism of the functioning of the Commission. He did not mention the cooperation between Vice-President Ashton and the other Commissioners. This resulted in unspecified responsibilities of Ashton as Vice-President during the preparatory stage. Some of the tasks of
Ashton were adapted. She would replace Barroso in the Council if he was absence. Barroso later made a change so that another Vice- Presidents was his replacement. Barroso did limited the role of Ashton by taking her responsibility for the ENP from her portfolio as Commissioner of External Relations and placed it under the responsibility of the Commissioner for Enlargement. This was not motivated by Barroso (Erkelens and Blockmans, 2012).

It was important for Barroso that key instruments stayed within the Commission’s grasp. It was a sign that he was in control of everything in the Commission. He was capable of making all these changes because of Article 248 TFEU. The mandate of the High Representative (Article 18 (4) TEU) were not delegated by the President of the Commission (Nugent and Rhinard, 2011). The High Representative was perceived as a threat to the Commission regarding the actions of Barroso. It seems that the High Representative had to be a powerless as possible.

An example of the tensions between the Commission and the High Representative was the control of the European Policy Instrument (ENPI). Before the Treaty of Lisbon, the High Representative (Commissioner for external relations) was in control of the ENPI, but it was transferred to another Commissioner for the simple reason to protect the Commission’s competences. These power struggles within the Commission made the external coherence weak. In the end, it does not make the EU stronger as a global actor. The EU made the High Representative responsible for the coordination of coherence but she was dependent on the individual cooperation of Barroso (Maragoni, 2012).

Ashton tried to push the Commission into the CFSP/CDSP policy area, but her attempts were unsuccessful. One of the reasons for this, was the influence of the Council on the High Representative. Within the Commission the High Representative did not possess a lot of power (Edwards, 2014; Erkelens and Blockmans, 2012).

Without regular discussions between the Commissioners and chaired by Ashton instead of Barroso, it was almost impossible to reach a shared agreement regarding international political situations. However, it was very important that the Commission policies are consistent with the strategy of the European Council and the foreign ministers. The crisis in Ukraine in 2014, did show that the Commission had to cooperate intensively with the European Council (Helwig, 2014).

The High Representative was the chairwoman of the DG RELEX group. In the period of 2010 till 2012 the group only met five times. Before the creation of the EEAS and the renewing of the High Representative position, these meetings were held monthly. Most of the commissioners travel a lot and most of them did not had a good relationship with the other members. The other commissioners (Füle, Piebalgs and Georgieva) had to work closely with the High Representative as instructed by the Commission’s President. This was an attempt of the Barroso to empower the High Representative with vertical coordination powers. This did not happen. Ashton had more contact with these commissioners, but it was not in a supervisory nature. Due to the few meetings, the influence of Ashton was limited. (Helwig, Ivan and Kostanyan, 2013; Sus, 2014).

The members of the Commission thought that Ashton was more focused on her role as High Representative than her role in the Commission. A reason for this development was the difference in flexibility between the role of High Representative and Vice-President of the Commission. As High Representative, Ashton had more flexibility. For example she was able to make her own statements or had the right of initiative (Helwig, Ivan and Kostanyan, 2013).

High Representative Ashton had to battle with the Commission in many occasions. This did not lead to more coherence. She was not able to ensure coherence among the Commissioners responsible for the external relations. Neither did she make economic external policies which are influenced by a strong political framework (Zanon, 2012 Terpan; 2014).

The relationship between Ashton and the Commission was far from ideal from the beginning. The Commission saw the High Representative not as a member of the Commission. This was confirmed with the actions from Barroso and also with the statement of Commissioner Sefcovic. Barroso showed time after time, that he was in charge of the external relations portfolio of the Commission instead of Ashton, He chaired most of the rare meetings and also mentioned that the key instruments had to stay within the Commission.

Ashton could not perform her role as Vice-President as good as she wanted because of the hostile behaviour of the other Commissioners. They complained that she was busier with her role as High Representative than as Vice-President of the Commission. Ashton did not had a lot of
powers in the Commission due to Barroso. For that reason it was understandable to busier with the role as High Representative. Another reason that she choose for her work as High Representative, was that she was not considered to be a member of the Commission by the other members of the Commission, she had a lot more freedom and had more powers, for example, the right of initiative.

4.2.3. European Council
Not only did Ashton experience some limitations on the VP side of her job, she also experienced it on the High Representative side of her job. It was mainly due organizational and institutional changes (Erkelens and Blockmans, 2012). According to Erkelens and Blockmans (2012) the High Representative role of Ashton was constructed weaker as under the former TEU. They mentioned three points:

The first point was that the European Council gained the formal status of an institution of the EU. This meant that the President of the European Council had become a permanent status. One of the tasks of this President was the external representation of the EU in CFSP matters. He did this at his level (head of state or government) and had dominance in substantive CSFP matters. The big difference with the High Representative was that Ashton also took part in the meetings of the European Council, although she was not a formal member (Erkelens and Blockmans, 2012).

The second point was that there were changes in the configurations of the European Council which affected the position of the High Representative. Before the Treaty of Lisbon, the FAC and the GAERC were combined as the General Affairs and External Relations Council (GAERC). The High Representative chaired the FAC, but the GAC remained in the hands of the rotating presidency. If the High Representative could not be present in a FAC meeting, it could ask the rotating presidency as replacement. It was remarkable that the rotating presidency was the replacement of the High Representative instead of a representative of the EEAS or the Commission. The Council’s Rules of Procedures provided the rotating presidency with this responsibility (Erkelens and Blockmans, 2012).

The GAC had the responsibility to “prepare and ensure the follow-up to meetings of the European Council” (European Union, 2010). This meant basically, that the strategic CFSP guidelines were prepared by the GAC. Kaczynski and Byrne (2011) concluded that the GAC was the cornerstone regarding the work of the European Council. In reality, the GAC did not have many activities in the area of external action (Erkelens and Blockmans, 2012).

4.2.4. Foreign Affairs Council
The FAC fed the European Council with discussion points related to the EU external action. The assumption was that the GAC would take this role, but this did not happen. The FAC was the implementing vehicle of the European Council. Within the frameworks of the guidelines of the European Council, it was the FAC that elaborates the EU’s external action (Erkelens and Blockmans, 2012).

The third point that weakened the High Representative was the changed position of the High Representative in the FAC. It became a mixture of the competences of the High Representative before the Lisbon Treaty and of the position of the rotating presidency in the GAERC. The High Representative chaired the FAC, but was no member of this Council configuration. Ashton had the power of presenting proposals and of conducting the EU’s foreign policy, but she was not capable to carry out that policy on her own. She had to carry it out as mandated by the Council. It did mean that Ashton had a certain freedom of movement, but she was not really a member of the FAC. She worked on the basis of the guidelines of the European Council and on the mandates given by the members of the FAC (Erkelens and Blockmans, 2012).

The High Representative together with her cabinet tried to reduce the amount of items in the agenda of the FAC. The reason behind this action was to have more orderly and effective meetings. Some MS opposed this action of Ashton because some items were removed from the agenda. In April 2010, a meeting of FAC ended up with a discussion about Myanmar/Burma. This was an item.

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53 Article 16 (6) TEU
54 Article 18(2) TEU
that was not included on the agenda however. Ashton wanted to discuss the EU resource allocation and relationship with strategic partners. This showed that the role of the High Representative improved because of the right of initiative. An item cannot be removed from the FAC agenda if a member of the FAC request it. The decision-making in foreign affairs remains mostly intergovernmental (Morillas, 2012).

It became clear that the institutions General Secretariat of the Council and DG RELEX have increased powers. It was revealed by the PSC agenda setting. Before the Lisbon Treaty, the rotating presidency had policy initiative. Now, the initiative was in the hands of the chairwoman of the PSC and the Policy Unit of the General Secretariat of the Council. The High Representative was appointed as the chair of the PSC and has the power of agenda setting of the PSC. During the Spanish Presidency, the first half year of 2010, the leading voice of the PSC meetings was the Head of the Policy Unit and not the High Representative. MS are no longer the primary source of PSC agenda setting, but have a more reactive role (Morillas, 2012).

Once the cabinet of High Representative Ashton gave permission the MS received the FAC conclusions after a meeting during the Spanish Presidency. These conclusions were drafted in the European Commission and the European Council buildings. The input of the MS came in the process later on. This process was not perfectly running the first half year of 2010. The working papers of the FAC, sometimes came a few hours before a FAC meeting. This made it almost impossible for the MS to change their message (Morillas, 2012).

In December 2011, twelve ministers of Foreign Affairs emphasized the need for better preparation of FAC meetings. They mentioned that the High Representative together with the EEAS were capable to execute this task. These same ministers did not mention that it could also be beneficial for the European Council meeting with debates on CFSP issues. This was remarkable, because it would be better to start with an analysis and framework for action introduced by the High Representative instead of no preparation (Devuyst, 2012).

High Representative Ashton made visible impact as her role as chairperson of the FAC. It was reported that she had clashes with foreign ministers, also the ones who made the agenda. The day-by-day running of the meetings was altered due to Ashton. The meetings had improved because of the advantage that Ashton was not one of the foreign ministers. For that reason she could take a more assertive stance in discussions. Ashton also prevented foreign ministers from opening closed cases without valid reasons and she also cut interventions short if needed. The purpose of her attitude in FAC meetings was to keep the discussions focused (Helwig, Ivan & Kostanyan, 2013).

The Commission lost its right of initiative to the High Representative in CFSP matters. This was a potential for disturbing the balance between the EU institutions. The role conception of Ashton caused for some concerns. She did not push much of her own initiatives but indeed she choose to play the role of moderator in the case of conflicting interests. Her permanent chair changed the cooperation between the High Representative and the MS in the FAC (Helwig, 2014). She decided to be less of a leader and deal with the efficiency and effectiveness of the FAC.

The agenda-setting power of the chair of the High Representative was reduced because of initiatives from national administrations together with like-minded MS. Before FAC meetings, they sent letters with concrete agenda points to the High Representative. It became a very difficult task for Ashton to make a balance between the concerns of the MS and the key issues of common interest and importance. The MS tried to take leadership with these attempts of setting the agenda because Ashton acted as a moderator (Helwig, 2014; Helwig, 2014).

The Treaty of Lisbon had a positive effect on the ability of collaboration in the area of foreign affairs. The FAC was more proactive and responsive than before the Treaty. It met regularly. In this case it meant once every four weeks more often if required. The preparatory process was streamlined to address all major foreign policy issues. Even the MS were aware of the need to work together in close coordination. It was higher than before the Treaty of Lisbon. Because of the higher awareness of cooperation, the Foreign Ministers entrusted the High Representative with missions on their behalf. An example was the Ukrainian crisis. The High Representative was chairing FAC meetings in Brussel and led the discussions about sanctions and who was responsible for the violence (Sullivan, 2014).
Foreign ministers did not want to sit around the table together with members of the European Council (head of state or government). Ashton had the potential to be a valuable link between the FAC (foreign ministers) and the European Council. Before the Treaty of Lisbon, this was ensured by the rotating presidency. The years after the Lisbon Treaty, this potential was not fully realized. Some MS hoped that there would be a Council-leadership tandem between the High Representative (chairwoman of the FAC) and the European Council President. However, they did not have much common initiatives. Especially, the France and Germany wanted that the High Representative take more initiative. One of the few initiatives of Van Rompuy and Ashton failed because of the busy schedule of the heads of state or government (Helwig, 2014; Terpan, 2014).

The changes of the High Representative in the Lisbon Treaty altered the structure of the FAC. It could be said that Ashton did an excellent job as chairwoman of the FAC. She tried to change the agenda to make it more effective and efficient. This was not a completely successful, because of the initiatives of national administrations together with other MS. This reduced the agenda-setting power of Ashton. However, the meetings itself had improved. Ashton did not pick a side, played the role of moderator and kept the discussions focused. The FAC was more proactive and responsive in comparison with before the Lisbon Treaty. The foreign ministers entrusted Ashton to lead the discussions regarding the Ukrainian crisis. It was a token of appreciation.

4.2.5. Rotating Presidency

The implementation of the High Representative was during the Spanish Presidency of the Council. Spain had as main objective the full implementation of the Lisbon Treaty. This also involves acknowledging the High Representative as the new rotating Presidency. The Spanish presidency said that he would support Catherine Ashton as High Representative and would commit to the transition to the EU’s new model of external action. It had consequences for Spain, because they became some sort of test case. They had to accept a secondary role behind the High Representative, who got all policy initiatives in external affairs instead of the rotating presidency (Lazarova, 2014). This structure relieved Ashton from certain responsibilities during 2010. However, it also meant that she had to compete with the Spanish foreign minister who was now responsible for the EU’s external representation (Miedzinska, 2014).

The first presidency after the Treaty of Lisbon, did show that 2010 was a transitional year. In this period the Spanish presidency still had the job of chairing and preparing the FAC - and PSC meetings. After the office term of the Spanish Presidency ended, the role of the rotating Presidency changed in supporting the activities of the High Representative. Thus, the rotating presidency had no longer a strong foreign policy profile (Helwig, Ivan and Kostanyan, 2013).

During the Polish Presidency, the cooperation between the High Representative and the rotating presidency changed a bit. The Polish foreign minister Sikorski mentioned that he would act as a loyal deputy of Ashton. He replaced Ashton in some meetings like the EU-Georgia Cooperation Council and acted on behalf of Ashton in Brussels and abroad. They even held an informal meeting of EU ministers (Gymnich meeting) together. The changed role allowed the rotating presidency to pursue its own interests. These interests did include the European Endowment for Democracy for example. Overall, the changed structure of the rotating presidency caused little problems and it also made it interesting for the rotating presidency due to the new found possibilities. The inter-level coherence (cooperation) between the High Representative and the rotating presidency was established (Helwig, Ivan and Kostanyan, 2013; Miedzinska, 2014; Sus, 2014).

The first steps in inter-level coherence were made in 2011. All rotating presidencies declared that they were willing to cooperate closely with the High Representative and with the EEAS. In most cases the cooperation went smoothly. The MS accepted their limited responsibilities in EU foreign policy as Council Presidency. It was a change in attitude of the MS. It even led to a proposal in the Non-paper of 2013, to improve the role of the High Representative and was signed by fourteen MS. It proposed that the High Representative would take over the ENP portfolio of the Commission (Sus, 2014).
4.3. Building up of the EEAS

After March 2010, Ashton was four months busy with tackling the challenge of creating the EEAS or the Diplomatic Service. The creation of the EEAS was a challenging task for Ashton because the Lisbon Treaty did not provide a clear design of how the EEAS should look like. The EEAS brings together staff from the Council, the Secretariat and the Commission, as well as officials from foreign ministries of the MS. The difficulty with the EEAS was that it had to be approved by the Council, the Commission and the EP. Ashton had to battle with the European Commission, especially Barroso, the EP, with the MS and with the media. It was part of a decision by the Council, it needed the permission of the Commission and it had to act on the recommendations of the EP. Thus, Ashton had to reckon with these three institutions. To make matters worse, Ashton had only a year to build the EEAS (Howorth, 2011; Helwig, 2013; Burke, 2012).

Before the creation of the EEAS, there were tensions about the control over the EU development aid programs and also about the role of the EEAS in combination with the Commission, regarding EU membership possibilities for countries in Europe's neighbourhood. Barroso made his intentions very clear with the ambassador to Washington. He outmanoeuvred Ashton with his greater political experience and knowledge. He did this by appointing a fellow Portuguese called Joao Vale de Almeida. He was the former chef de cabinet of Barroso and was appointed as ambassador to Washington instead of former Irish Prime Minister John Burton. He could do this as Commission President and wanted to be the one with a direct private line to Washington instead of Ashton as head of the EEAS (Barber, 2010).

According to Erkelens and Blockmans (2012) the European Council framed Ashton regarding the creation of the EEAS from her very first day in office. The European Council provided the High Representative with guidelines on how the service had to look like. The guidelines were accepted before the Lisbon Treaty and for that reason the European Council immediately invited Ashton to work with these guidelines. Ashton was the only legal competent authority to draft the Council Decision, but because of the guidelines the European Council had also influence (Erkelens and Blockmans, 2012).

The construction of the EEAS started with Ashton in order to compose a strong high-level group of thirteen people. She decided to choose her own team, because she did not trust the existing institutional structures. These people were representatives of the Commission, Council Secretariat and of the trio presidency. This group made little progress and it was by far not a task group regarding the results. The discussions produced limited results and the deadline of April 2010 was approaching fast. Ashton had agreed to come with a proposal in April. She had to appoint a special advisor, Skytte, to meet this deadline. He composed his own task group to write a draft proposal for the Council's decision. Ashton was very busy at that time but if her schedule allowed it, she would give input to the draft regarding the basic structure of the EEAS (Helwig, 2013; Murdoch, 2012). This was a difficult period for her. She had to fulfil the functions of her predecessors Solana and Ferrero-Waldner and in the same time she had to build the EEAS (Furness, 2010).

She was more active with reaching consensus within the Commission regarding the functioning of the EEAS and its relationship with the Commission. How would the EEAS cooperate with the Commission was an important question. This process was necessary, because the right of initiative for the staff - and financial-regulations was a power of the Commission and not of the High Representative (Helwig, 2013).

A proposal for a Council Decision of Ashton was adopted about a decision on the EEAS in the General Affairs Council on 25 March 25, 2010. The task group had only used limited consultation of the EP and for that reason MEPs were not pleased with the proposal, because it was too strongly based on the European Council guidelines and threatened to veto the financial and staff regulation. The EP rejected her proposal, because of the lack of political accountability and on the internal hierarchical organization of the EEAS for example. They demanded that their views would be taken into consideration. To get an agreement about the EEAS, a dialogue was set up between the High Representative special advisor Christoffersen and representatives of the Spanish presidency, the Commission and the EP. Ashton was present in the last meeting (Erkelens and Blockmans, 2012; Helwig, 2013; Van Vooren, 2011; Missiroli, 2010).
Two MEPs generated a non-paper (Brok-Verhofstadt ‘non-paper’) which mentioned that the EEAS should be an agency of the Commission and that the EP should monitor the service. That would mean monitoring over budget, aid policy, personnel and ratification procedures. They also wanted a public parliamentary hearing to fill in the top positions. A week later, Ashton issued a counter-proposal (Wisniewski, 2013). This proposal said that the EEAS “should be an autonomous agency reporting directly to the High Representative – Vice President; that it should be equally answerable to the Council, the Commission and the Member States; and that it should have a pyramidal hierarchy headed by a powerful Secretary General” (Howorth, 2011). The MEPs did not like this proposal and threatening to veto the entire project if she did not accept their proposal (Howorth, 2011; Murdoch, 2012; Erkelens and Blockmans, 2012).

26 April 2010, Ashton won the unanimous support of the FAC. A day later, Ashton’s proposal was also approved by the European Council. However the EP declined the proposal with the reason that the Secretary General would become too powerful. According to the EP, development policy was not coherent. The problem for the EP was that they only could consult and not co-decide on what was in the proposal and what was left out. The battle between the EP and Ashton did not last and a compromise was found and adopted on 21 June 2010. After negotiations with the Parliamentary Foreign Affairs Committee (AFET) a revised proposal was released (Howorth, 2011; Van Vooren, 2011; Furness, 2010).

This compromise had three main issues: The EEAS would be an autonomous body, working close with the Commission instead of an agency of the Commission; the hierarchy of the EEAS was not in a pyramid form but was ironed out, due to the appointment of a few co-equal Directors General; and the procedure about top positions in the EEAS were held in closed-door hearings instead of public parliamentary hearings and the EP does not have decision powers (Howorth, 2011; Van Vooren, 2011). The main difference with the original proposal was the creation of the Directorate-General, an administrative post with the purpose to report Ashton in her role as Vice-President instead of in her role as High Representative for CFSP. On 8 July 2010, the proposal was approved with a vast majority in the EP (Furness, 2010). This approval could have an impact on the institutional balance in total (Erkelens and Blockmans, 2012).

The proposal of 21 June 2010, did not answer some important questions. This proposal of Ashton looked at an incomplete contract with a broad framework without all important process-related details. Two examples were: The chain of command was unclear, especially regarding the relationship between the Commission and the EEAS on development policy programming. It was vague about the roles of the EEAS and the Commission in agenda-setting. This proposal was focused on the role of the High Representative and her role of ensuring consistency of EU external action. Ashton provided a department that helps her in executing her role (Furness, 2010). Eventually, mainly by Ashton it led to the Council Decision of 26 July 2010. It was called a Guinness record for speed because this complex process took only six months (Blockmans, 2012).

Building the EEAS was a task of Ashton which was very difficult to execute. She described it herself as “trying to fly a plane while still bolting the wings on” (EEAS Review, 2013). She said on a different occasion: “Somebody might be trying to take the tail off at the same time. You are always in low turbulence but nonetheless the plane has left the runway” (Ashton, 2011). Ashton wanted to make the EEAS efficient, coherent and based on a common culture of excellence. This was very ambitious, but also impossible to achieve because of the defeat of the Constitutional Treaty (Edwards, 2014). Another factor that made the construction of the EEAS more difficult was that the financial possibilities of Ashton were limited. According to Teichau of Carnegie Europe, Ashton had outrageous little resources (Alonso, 2014).

Concluding, for Ashton, building the EEAS was very difficult. She had to deal with three institutions and with the MS as well. She showed that she was a really strong mediator and did not depart from her vision on how the EEAS should look like. She did not have experience with building an institution. In addition, the Treaty of Lisbon was vague on how the EEAS should look like. To make matters worse, she had only a year to finish the building of the EEAS. For someone with no experience and no guidelines it was a very difficult task to execute, especially, because she had other tasks to perform (in the Commission and as High Representative). She wanted to make the EEAS efficient and coherent but she did not succeed in that. However, because of the circumstances it is an impressive achievement of building the EEAS.
4.3.1. Start of the EEAS

The EEAS was launched on 1 December 2010. The staff of the EEAS consisted of a superb team of top diplomats. It was headed by Pierre Vimont, former French ambassador to the US. The credits had to go to Ashton of establishing the EEAS in one year and organizing the EEAS. The Commission and the EP wanted that the EEAS would become an agency of the Commission, but Ashton stood her ground. In the creation of the EEAS, Ashton showed that she has perseverance and bargaining skills. Another important factor of this success was that Ashton had the support of the MS. It was a crucial component to win in today's EU institutional maze. It was the first step towards becoming a major force in the world but it still has a long way to go (Howorth, 2011).

When the EEAS started to function, the EEAS had been pulled in different directions by MS and it was deprived of resources. Ashton had to face criticism about management and administrative problems (Burke, 2012). She caused “chaos in her entourage and despair among her subordinates” (Charlesmange, 2012). They demanded that Ashton would resign. The EEAS diplomats had to resolve administrative issues instead of making analyses about their host country and working together with MS diplomats (Burke, 2012).

Blaming Ashton was one of the things the MS did for the poor position of the EU in the world. According to Helwig (2014) most of the criticism addressed to High Representative Ashton and the EEAS was unfair. Ashton was not the only one who caused problems in the EEAS. Another reason was the limited nature of the resources of the EEAS. Ashton had to be creative in increasing the capabilities of the EEAS. What she did was risky but because of the budget, there were no other options. She asked EU foreign ministers and MS diplomats for EEAS tasks (Helwig, 2014).

Ashton appointed MS diplomats as EU Special Representatives (EUSRs). The risks of this appointments involved vague terms of the representatives, the representatives would be full-time EEAS diplomats besides their normal job. Additionally the authority and communication was not clear. This caused confusion about the exact authority of EUSRs (Burke, 2012). Ashton opinion about the EUSRs was that they were an anomaly post-Lisbon. Their integration into the EEAS would lead to cost reductions (Helwig, 2014).

The MS did not like the idea of giving up the diplomatic instrument of EUSR. It was their only flexible CFSP instrument. These EUSRs were appointed by the Council. The EUSR worked closely with the PSC. The MS did not have faith that the EEAS heads of delegation were capable to take over specific and political debates. It was mainly based on the resources of the EEAS. The relationship between Ashton and the MS did not improved, when Ashton decided to cut off the budget immediately of the EUSR to the Middle East in 2013. In the final decision of the EEAS review, the MS had to reply their statement of support for EUSR. They also did this during the assessment of the EUSR's guidelines in the beginning of 2013 (Helwig, 2014).

EEAS diplomats complained about the lack of leadership of Ashton as leader of the EEAS. This was a result of how Ashton saw her role as High Representative. Her role conception was that she saw herself more as a secretary than as a leader. An EEAS official said, that there was no leadership at all, even with fewer instruments Solana made a better impression than Ashton. Ashton appointed four senior-level officials which were part of a Corporate Board. They should help Ashton with a clear chain of command. However, officials of the EEAS mention there were too many leaders but that was still strategy and leadership were lacking, the latter due to communication (Juncos and Pomorska, 2014).

Institutional problems that emerge in Brussels were a big problem for Ashton. EEAS diplomats complained that it took too long before they were solved. A Council Decision of 26 July 2010, gave the High Representative the task of taking appropriate measures of providing adequate common training building (European Union, 2010). This training was not applied. The EEAS did not had a training programme when it was created. Formal training started not before the summer of 2011. According to Juncos and Pomorska (2014) the trainings were not very extensive. Only a few had training about political briefing or conflict prevention (Juncos and Pomorska, 2014). One of the main reasons the training programme took too long, was the busy travel schedule of Ashton as High Representative (Burke, 2012).

According to Ramopoulos and Odermat (2013) the performance of the EEAS could be better. The EEAS did not please the stakeholders of EU external action. Even in 2011, there was no overall
strategy supporting all levels of EU foreign policy (Ramopoulos and Odermatt, 2013). In 2012, the internal communication was still up for improvement. Examples of international communication what could be improved were: an unclear reporting system, desk officers missing bilateral meetings between the High Representative and external parties and the lack of databases for reporting. The EEAS was still very chaotic and the senior management transmitted mixed messages to EEAS staff. Information was a big problem. The distribution of information still happened at the last minute two years after the creation of the EEAS (Juncos and Pomorska, 2014).

To improve the EEAS, High Representative Ashton made several remarks about the EEAS in several reviews. These remarks were directed to the EP (Hadfield and Fiott, 2014). An statement of Ashton that summarized the effectiveness of the EEAS was made in Strasbourg in 2013: “Lisbon left the CFSP as intergovernmental and subject to unanimity decision making: in situations where there is an absence of political will or an agreement amongst the Member States there are limits to what the Service can deliver” (Ashton, 2013). The EEAS review of 2013, turned out to be a review with a low level of ambition. This low level of ambition was caused by the MS as they did not want to reopen the compromise of the EEAS decision. The MS wanted to tackle inefficiencies within the existing legal framework (Helwig and Ruger, 2014).

The European Court of Auditors stated that the performance of the EEAS was very bad. This statement was made just before the summer of 2014. In the statement it was said that the limited resources of the EEAS were not properly used. Crucial expertise was missing in many areas. Some examples are climate change, energy and cybercrime. According to Alonso (2014) the board members of the EEAS had a workload that was too high. This resulted in bad management.

The EEAS was established in a year. Because of this short period of time, there were some management and administrative problems. It was understandable that not everything was perfect from the start. It needs time to develop an institution. However, the functioning of the EEAS was still very bad in 2014. Ashton was to blame for that, because as leader she was responsible. According to Ashton it was also very important that the MS have to come to an agreement on the strategy and vision of the EEAS. She was no natural leader and was on travel for a lot of time. This was not beneficial for the development of the EEAS. The EEAS required more leadership as EEAS officials mentioned.

4.4. Common Foreign and Security Policy
The CFSP was regarded as being weak since the Lisbon Treaty. There are three reasons for this. In this research, the focus will only be on the reason regarding the High Representative. The reason was the lack of agenda-shaping impetus by the High Representative. Ashton had difficulties to define and push for a long-term CFSP agenda. The first year in office, Ashton was occupied with the creation of the EEAS. But even at the end of 2011, she did not have identified the political priorities in her area of responsibility. The same can be said about the ad hoc preparation of the meetings of the FAC (Klein and Wessels, 2013).

According to Emerson, Balfour, Corthaut, Wouters, Kaczynski and Renard (2011), the provisions in the Treaty of Lisbon to strengthen EU foreign policy were overdue. Ashton inherited a confused system regarding the CFSP. Some military or civilian heads of CFSP missions did think that they did not have to answer to the EU heads of delegations. They only responded to the High Representative though military channels or through the Civilian Planning and Conduct Capability. This was an EEAS agency (Burke, 2012).

The MS did not have much interest at the beginning of Catherine Ashton office term. The MS were more occupied by the euro crisis than investing human and political capital in CFSP. It was very crucial that MS participated in the CFSP because of its intergovernmental nature. Additionally it was subjected to unanimity decision-making. This was limiting the ability of the High Representative to make a difference (Wouters and Ramopoulos, 2013).

Further, it was very difficult to coordinate CFSP in relation with action in other EU external relations areas. To practice CFSP was also very difficult as High Representative, this was made clear in the case of Libya (see case 1). CFSP decisions were still made by the MS in the European Council. It did not mean that the High Representative did everything. Ashton did not use all of the tools at her disposal and that was the reason that she was not successful in orchestrating EU foreign policy. Twelve Foreign Ministers of MS let Ashton know that she did not a good job by
sending her a letter on 8 December 2011. The Foreign Ministers mentioned that there was the need for greater political leadership. They asked of Ashton to identify political priorities in advance of the FAC and to task the EEAS more ‘regulatory to produce preparatory policy and or decision-making papers’ (Non-Paper on EEAS, 2011).

For Ashton it was a very unlucky time to be the High Representative of the Union because of the euro crisis. The focus of the MS were on other subjects instead of the CFSP or other foreign related areas. This made it difficult for Ashton to make changes. Further, there were a lot of uncertainties about the system of the CFSP. It was not an easy environment to work in.

4.4.1. Coordination of Crisis Management
The EU had to deal with several new security and political challenges after the Lisbon Treaty. To handle these security and political challenges, different instruments and tools were brought together under the supervision of the High Representative. Most of these challenges, were treated the same as before the Lisbon Treaty. In this case there was no special role for the High Representative. For example, supporting universal accession to the relevant international treaties. In 2010, Ashton was fortunate that there were no big international crises after the Haiti crisis, which needed diplomatic skills due to her busy schedule (Howorth, 2011).

As High Representative Ashton had to give a lot of speeches and attend a lot of interventions in Brussels and Strasbourg. However she also had to travel a lot during her first eighteen months in office. She travelled four times to the Middle East (March 2010, February 2011, March and April 2011), trip to India (June 2010) several to the Balkans, a combined trip to Georgia and Kazakhstan (July 2010), China (September 2010), and finally several times to the US. She also gave speeches in some capital cities of the EU (Howorth, 2011).

At the Munich Security Conference of 2010, Ashton said that she together with the EEAS had the opportunity to build something new. She also said that she had the right tools, system and people in place to realize a more quickly and more effective crisis management. It had to go beyond the CFSP, because the speech was inspired by the lessons of the Haiti crisis (Howorth, 2011).

Ashton established the Crisis Response and Operational Coordination Department (CR&OC) with the purpose of improving the coherence and coordination of the external action of the EU in the area of crisis management. It brought together the Council and the Commission. It also had to ensure an effective horizontal comprehensive approach during natural or man-made crises. It was important that MS were involved, that the information flow between the MS was ensured and the information flow between MS and EU institutions. She decided to establish CR&OC after the Haiti crisis. (Tercovich, 2014). By creating the CR&OC Ashton responded to the limitations of the CSDP during the Haiti crisis to prevent the same problems in the future.

In 2011, she flew to North Africa. She visited Tunisia and Egypt, because of the revolutions in these countries. What could the EU do to help with bringing peace in the Middle East? Back in 2010, Ashton came up with the idea of using leverage in trade ties with Israel. This was just before her trip to Israel, Syria, Lebanon, Gaza and Egypt. Ashton had to focus her attention to Israel and its Gaza’s blockade in May 2010. The blockade resulted in the death of pro-Palestinian activists and resulted in a crisis in that area. Ashton decided to set up a Gaza Task Force. It was represented only by France however (Morillas, 2012).

The purpose of a Gaza Task Force was to explore and to reinforce the presence of the EU in the region. The task force did look for likeminded countries in order to join. The task force was not pleasing for the MS with high stakes in this conflict. These MS saw how the new foreign policy structures were able to shape the EU’s policy in the Middle East without their approval. The CSDP missions should be represented by all MS and they should participate in decisions. An example was the EU Border Assistance Mission (EUBAM) Rafah. It was a CSDP operation with the mission of monitoring the Rafah crossing point between Israel and Egypt. According to these reluctant MS, the Gaza Task Force had to be only a consultative body. EU policy initiatives should be discussed at Council bodies were all MS are present for example the PSC (Morillas, 2012).

Ashton knew that Israel wanted closer cooperation with the EU in some areas. Ashton recommended putting pressure on Israel for direct peace negotiations with the Palestinians and also about the settlement on the Jordan Valley. She made these threats because of her visit to
Gaza. There she wanted to see how the EU’s aid money was being spent. The threats had no value because the EU supported the US putting effort to re-launch negotiations between Egypt, Israel, Lebanon and Syria instead of putting pressure on Israel. She assured the US that the EU would support the efforts of the US in the New York Times. Thus, the EU had leverage but did not use it (Howorth, 2011). Ashton wanted to put pressure on Israel. However, because of the US, she decided not to do it. It could be considered as a weak moment. She did not realise what she said.

The EU did not foresee the uprisings across the Middle East. They were not prepared for the situation. According to Howorth (2011) Ashton as High Representative was not capable to lead the MS responding in the same way. Various leaders of the EU had different opinions and responses about the situation in the Middle East. Statements came from the office of van Rompuy; from the President of the EP; a joint statement of Merkel, Cameron and Sarkozy, other EU MS and also from groupings from within the EP. It was an impossible job for Ashton as High Representative to draft a common statement (Howorth, 2011).

There were different interests of MS at stake. Italy’s Berlusconi and its Foreign Minister Frattini supported Mubarak and the French Foreign Minister Alliot-Marie offered support to President Ben-Ali by supplying riot police. Ashton drafted eventually a statement but it was not a good one in the eyes of Cameron. He said that it lacked clear and strong language towards Egypt. He wanted consequences if the repression did not stop. The criticism of Cameron was just before a European Council meeting. (Howorth, 2011; Devuyst, 2012).

Ashton wanted to play it by the books and collect all opinions of the MS before she came with a statement. It was a very time-consuming task and it was very difficult to present a powerful common statement (Howorth, 2011). It can be considered as a decent move or admirable, but other actors did not play by the same set of rules and showed that the single external representation of the EU did not exist. This process took too long and was not effective.

The disturbances in North Africa made a target of Ashton in the media. Many persons had criticism about the performances of Ashton in North Africa in the media. One of those persons was Berlusconi. He said that his personal preference was a Blair-Frattini team, the EU had to settle with two ‘weak second choices’, van Rompuy-Ashton. Berlusconi said that van Rompuy did a good job but said nothing about Ashton. The situation in North Africa became even worse for Ashton when she was declined by the interim Egyptian government for a visit in mid-February and the British prime minister got an invitation to visit the Egyptian government on 27th of February. Ashton finally arranged an invitation but when Mubarak finally resigned, Ashton could not visit him, because she was not in office but with her family in London. She had to end her family visit to go to Brussels to give a short press statement (Howorth, 2011). At a later moment, she choose the side of the already deposed Morsi (Muslim Brotherhood) by visiting him in imprisonment (Eppink, 2014). It was not the smartest move of her to visit Morsi in prison. By doing that she choose the side of Morsi instead of the Egyptian people.

Ashton was the scapegoat for the lack of a joint position among MS during crises in North Africa. According to Helwig and Ruger (2014), it was obvious that the role of the High Representative was too limited and that the problem was that the MS could not find a common stance during crises like Libya (see case 1: Libya). The problem was the political will of the MS, because Ashton could only be of service when there was a common policy. This did not mean that Ashton could do more about the coherence between the MS. Her own ambitions in this area were very low. She did not had the intention of proactively forging common positions, waited till the EU governments made their statements about their positions before she would made her statement and she avoided bold initiatives (Helwig and Ruger, 2014).

One of the bold initiatives that Ashton could have done was the creation of an EU military headquarters. In 2011, twenty-six countries were in favour of a European civil-military command centre and only one country was against it. Missing out an EU military headquarter raised questions about her involvement in the CSDP. She missed a defence ministers meeting in 2010 (see 4.1.1.) and she was blamed for lacking appetite for military matters. This statement was supported by the lack of successful military missions. From 2008 till 2012, only one mission had succeeded. The blame was not only on Ashton, but also on too small budgets, lack of opportunities and interests of the MS in other subjects like the EU’s internal crisis (Helwig and Ruger, 2014).
After the events of the riots in North Africa, it could be stated that Ashton has been elected more or less as a secretary instead as a general. At the first EEAS policy-board meeting in late January 2011, Ashton said that she sees “her diplomatic function as being to promote the role of the EU as a soft power in world” (Howorth, 2011). In Budapest, Ashton emphasized that the EU cannot deploy gunboats or bombers, however, its strength lies in its inability to throw its weight around in February 2011. This statement was in line with the work done by her predecessor Solana, who tried to build up EU’s credibility and authority in the world (Howorth, 2011). The MS had the same opinion about that the EU would not turn into a military power looking at the CSDP missions from 2012 and forward (EUCAP Sahel Niger, EUTM Mali\(^5\) for example) (Helwig and Ruger, 2014).

The role conception of Ashton as a facilitator instead of a doer was not the intention of the enhanced mandate of the High Representative. It was not for nothing that she has been given the power of making initiatives but she choose not to. Ashton as High Representative had to be a post holder which exercise some measure of leadership and had a responsibility to coordinate. However, Ashton did not like the attention and avoided it as often as possible. The Brussels media often accused her of being invisible (Howorth, 2011). A leader cannot be invisible but had to take the responsibility of providing the information the people need.

It did not mean that the High Representative did not had any initiatives. Together with the Commission, she set out a comprehensive strategy regarding the security of energy supply for EU’s external relations (Pirozzi, 2013). Ashton tried to coordinate the different aspects of crisis management. She tried it by contributing to the coordination of the sustenance of this culture. Ashton calls this contribution, the comprehensive approach (Ashton, 2010, 2011). In the aftermath of the Arab Spring, the High Representative established a new crisis management board. Ashton also introduced the concept of crisis platform. The purpose of this board and platform were to respond to specific conflicts or natural disasters (Burke, 2012). The crisis management board coordinates measures that relates to preparedness, crisis prevention and response capabilities regarding to crisis of all types. The crisis platforms consists of services of the EEAS, Commission and the Council Secretariat. The aim of these platforms was, the exchange of information between key EU actors. It had to create coherence in EU external crisis action (Blockmans, 2012).

The first steps were made towards a Comprehensive approach. However, it was too early to predict if these changes were effective and sustainable. It was very important that the EEAS confirms its position within the EU structures, regarding crisis response and management. The other EU institutions were still busy with a turf war and with their rivalries among each other. The EU institutions and actors still needed to define clear terms about what a crisis/ crisis response or complex crisis implies. If the EU institutions cannot set aside their differences the comprehensive approach will fail (Tercovich, 2014).

According to Helwig (2014) Ashton could have done more with the Commission instruments after a crisis. She could offer development aid in order to help out an area that was affected by a crisis. The added value of the High Representative did not lie in rapid made decision-making, but in long term involvement with partners after crises. The rapid decision-making was not possible with twenty eight MS (Helwig, 2014).

The High Representative was praised for her diplomatic missions. In diplomacy it can be very important that an actor is silent and manage it process instead of influencing the process with personal thoughts. Ashton showed that she was really good in summarizing, synthesizing and putting forward ideas for the next step. These are the qualities of an excellent diplomat on the highest level (Miedzinska, 2014).

The crisis of Ukraine in 2014 begs the question: How important are EU institutions in crisis management? The crisis management in Ukraine, was done by the MS. The making of sanctions was a slow and difficult process because of the different interests of the MS. According to Techau of Carnegie Europe, the MS eventually took action together. It was surprisingly strong and one-minded. EU institutions did not had a role to play in this case. The key player was Germany. This crisis showed that the EU was not capable to act cohesively, unitedly and efficiently as a single state. This did not mean that the EEAS with its crisis management can be terminated. According

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\(^5\) Europe has numerous interests in the region, ranging from combating security threats, terrorism, organised crime and illegal migration to assuring energy security in the Sahel region (EEAS, 2015) and a trainings mission in Mali (EEAS, 2015)
to Techau, MS are really good in solving urgent problems, but they are not good in making long-term achievements in crisis management (Alonso, 2014; Helwig, 2014).

In crisis-time, during the decision-making, the spotlights were mostly on the head of state or government instead of the High Representative. The head of state or government are part of the European Council. They did not only take the spotlights on economic situations but also in Ukraine and northern Africa (Helwig, 2014).

It can be considered that Ashton preferred to work from the background instead of getting all the attention. However, she tried to improve the crisis management. She made a comprehensive strategy, established a crisis management board, established the CR&OC, but she played it safe instead of making bold initiatives like the military headquarter. In addition, she had to be a leader and gave statements of crises. In this area, she was not always even convincing, especially in Northern Africa.

4.4.2. European Security Strategy

The last time that the 2003 European Security Strategy (ESS) was revisited was in 2008. It was not adjusted to the Lisbon Treaty. It needed an update, and Ashton sought to overcome this lack of strategy. She tried to overcome this lack of strategy by appointing three policy priorities which are previous mentioned:

- Creation of the EEAS;
- Focus on the ENP;
- And the relationship with Strategic Partnerships (High Representative, 2010).

These objectives did not provide a systematic direction to EU foreign policy. The European institutions are limited regarding rewriting the ESS or creating a comprehensive European strategy. The MS decided if there would be a new strategy or not. There was not much support for updating the ESS. Only four supporting MS made their voice heard. An initiative of the foreign ministers of four countries (Sweden, Poland, Spain and Italy) formulated a new European Global Strategy (EGS) (Helwig, 2013).

It was announced at a press conference just after the July 2012 FAC meeting. Ashton had some opening words welcoming the initiative. The words of Ashton of welcoming the initiative cannot be seen as the endorsement of the High Representative, but more as a diplomatic reaction from the High Representative of being confronted with an ambitious initiative of four MS. This EGS would change the approach of the EU and the High Representative. The approach they used was the fix it approach, which is for the most part based on action-reaction. (Helwig, 2013).

According to Vanhoonacker, Pomorska and Maurer (2011) Ashton mainly profiled herself as a facilitator instead of somebody who gave direction. This also counted for the EU security culture. According to Zanon (2012) Ashton did not have the authority, but it was possible that she also did not had the aspiration to shape a common EU security culture. Ashton did not only decided to be a facilitator but also to act as a secretary instead of a leader. The lack of support from the MS did not motivated Ashton in making initiatives (Novak, 2014).

4.4.3. Iran

During the Iran crisis Ashton acted as a quiet diplomat. High Representative Ashton was mandated by the E3 (France, Germany and UK) +3 (China, Russia and US) to have a dialogue with Iran about finding a solution for the case of Iran sanction issue. The sanctions were agreed on 9 June 2010 (Emerson et al., 2011). One of the sanctions was to freeze Iran most contentious elements of its nuclear activities for six months (Hadfield and Fiott, 2014). These sanctions would hurt Iranian - but also Syrian interests. Ashton was praised for her role in the Iran nuclear programme. She chaired the talks. The Iran nuclear programme was seen as a very difficult and urgent challenge to international security (Burke, 2012).

During the meetings with Iran about the sanctions regarding its nuclear programme Ashton visited the religious leader of Iran, Al-Khamenei. It was a trick of the ayatollahs (religious Islamic movement), according to Al-Khamenei, the highest purpose is the destruction of Israel. Ashton
could not handle the cultural and political differences between the Middle East and the West. She wanted to help the people with gifts and nice words because of feelings of guilt (Eppink, 2014).

The role of Ashton in the case of the Iran nuclear programme was a defining moment as High Representative / Vice-President. At the beginning, she was criticized, because of her quiet diplomacy. At the end she was praised, because of her quiet diplomacy. If the circumstances were right, Ashton was able to play an effective role. In this case, the people of Iran wanted to get rid of their isolation of the rest of the world. That was why they choose for a different President (Rouhani). The EU as moderator in the talks between Iran and the E3+3, created the right conditions for a deal. It was a combination of Ashton’s leadership with her down-to-earth diplomacy and a dogged persistence of the E3+3 to avoid conflict with Iran (Hadfield and Fiott, 2014).

She was praised for “her patience her handling of people and her ability to be frank but never aggressive” (Spiegel, 2013; Cooper, 2013). She is discrete and perspective but also tenacious. According to Lambsdorff, an MEP and also member of the Committee on Foreign Affairs, these abilities make Ashton the ideal negotiator (Helwig and Ruger, 2014).

It can be considered that Ashton performed her role of mediator of the talks with Iran really well on behalf of the E3+3. It was a very difficult challenge because of the attitude of Iran. After a new president in Iran, things changed in the discussions. Iran wanted to get rid of their isolation from the rest of the world. Ashton was excellent because she showed patience and tried to avoid conflict between the E3+3 and Iran. It turned out that Ashton was an excellent negotiator. A windfall was that Iran wanted to make a deal and that made the situation a lot easier.

4.5. External representation

According to Keukeleire, Smith and Vanhoonacker (2010) it was clear that the external representation of the EU led to much confusion during the first EU summit in Madrid in May 2010. The Lisbon Treaty should led to the reduction of players who could be called for matters of the EU. However this was not the case, because some head of state or government could not accept the new situation that the President of the European Council and the High Representative were responsible for the external representation. At the Summit, the Spanish Presidency, the European Council President, the Commission’s President and the High Representative gave speeches and made statements (Keukeleire, Smith and Vanhoonacker, 2010; Trueb, 2012).

Eventually, instead of only two phone numbers there were two additional phone numbers to call. The problem with a single phone number does not mean that the High Representative can be everywhere at once (Denza, 2012).

Foreign policy competences were still divided among different institutions in the EU: the European Council, The Commission, and the Presidency of the EU, the High Representative and also the MS. The Treaty of Lisbon, gave the idea that there was from that point in time, a single representation, however, that was not true. In terms of Kissinger, the telephone of the EU was being answered by the European Council President van Rompuy. High Representative Ashton was also able to represent the EU if she had an agreement with van Rompuy. The High Representative was rather a weak actor if it comes to the representation of the EU (Bendiek, 2012).

Ashton was not present in some situations or international forums, in some of these occasions she was expected to represent the EU during her first year in office. It was possible that she had good reasons not to come, for example clashing schedule or that the responsibilities of the High Representative are too much for one person to execute. Ashton was criticized for not attending a conference in Montreal in 2010, regarding the coordination of international aid to Haiti. The absences did not help in shaping the functions of EU’s external representation (Johansson-Nogues, 2014).

After the first year in office, it could considered that the biggest challenge of EU’s external representation was, “to ensure that EU institutions and Member States alike, sing from the same hymn sheet, also in bilateral contacts” (Blockmans, 2012). Especially, the big MS refused to concede to the High Representative the responsibilities they granted the High Representative in the Treaty of Lisbon and the TEU (Blockmans, 2012).

The EU and the High Representative received criticism about the fact that they were not able to speak with one voice regarding the revolutions in Egypt and Libya (see case 1). The inability of
speaking with one voice had negative effects on the EU as actor in non-proliferation. The High Representative had to contribute to a stronger voice in international politics (Zwolski, 2011). Ashton was not able to give a strong political message regarding the North Africa region. One of the reasons for this was, that the EEAS was still not fully functioning (Pirozzi, 2013).

Another reason was that the MS reacted in different ways on the events in North Africa. The statements of the President of the European Council, the EP’s president and the FAC were inconsistent with that of French Foreign Minister Alliot-Marie, Italian Prime Minister Berlusconi, and its Foreign Minister Frattini. The MS undermined the ability of the EU as credible crisis manager (Pirozzi, 2013). Other actors like the President of the European Council and the Commission’s President were also not able to stand in the shadows of the High Representative in the field of EU foreign policy. The single representation of the EU did not exist and it provided the rest of the world only with more confusion after the Lisbon Treaty (Denza, 2012). High Representative Ashton had often mentioned a process of headline grabbing desperation (Watt, 2011).

The MS wanted that they would be heard about several issues. The MS had different opinions and national interests among each other. Additionally some EU actors ignored the objective of the Treaty of Lisbon: Speaking with one voice. The MS and these EU actors made statements before the High Representative. It can be considered that it was at the expense of the credibility of the High Representative.

National identity won over the European identity. According to Özoğuz-Bolgi (2013) MS tried to give the EU institutions more competences but they were not capable of doing that. The fear of losing their presence in the world and the fear of losing their competences to the EU institutions won in the end. The Lisbon Treaty gave too much room for MS actions. The bigger MS were not willing to accept that the EU speaks on their behalf. They wanted to speak for themselves. Another example of the national identity in foreign and security policy matters, was the unanimity rule in the CFSP. Decision-making was becoming more rapid than ever at a global scale. However, the improvements of the Treaty of Lisbon were not enough to increase the speed of the decision-making of the EU in the international sphere (Özoğuz-Bolgi, 2013).

A development was taken place after the Lisbon Treaty. This development was that the statements of the High Representative were more often used than CFSP declarations. Ashton had issued a lot more statements in comparison with the EU, regarding the CFSP. Before 2009, it was normal to use declarations. After 2009, High Representative Ashton used statements instead of declarations. The reason for the use of statements was that it was more efficient, because there was no lengthy consultation. The Arab spring was an event that triggered the increase of statements from the CFSP instead of the use of declarations. The use of statements could increase the reputation of the High Representative as an international figure in the future. Statements were not without political risks of making a statement, without the approval of the MS. Ashton had to find the right balance between the position of the MS and the ambition of the EU of becoming a stronger global actor (Helwig, Ivan and Kostanyan, 2013).

An example in which other EU actors made a statement before Ashton was after the killing of Bin Laden in May 2011 (Helwig, Ivan and Kostanyan, 2013). It can be considered that the Lisbon Treaty did not have a lot of value in the area of EU’s external representation. In many cases, the Commission’s President, President of the European Council but also the President of the EP ignored the Treaty of Lisbon, in order to make name for themselves in the international sphere.

Ashton had the responsibility of informing the press about meetings of the Council. However, she did not make a lot of speeches to opinion-makers in Europe or the US. The reason for this was her role conception of a quiet diplomacy (Edwards, 2014). According to Terpan (2014) Ashton had to be more visible. However, the big three MS tried to resist any evolution which would result in providing Ashton with true leadership. She did not coordinate much with national foreign ministers. It was said that the coordination was more efficient during the office term of Solana when he was High Representative (Terpan, 2014).

According to Wouters and Ramopoulos (2013) “It was a common observation that the responsibilities attached to the post of the High Representative/Vice-President appear too challenging for a single individual to fulfil. In reality, High Representative Ashton asked many EU officials to represent her on different occasions. She asked foreign ministers, fellow
Commissioners or MS to represent her while she had other things to do. For example in case of issues regarding the ENP or Eastern countries, David O’Sullivan (Chief Operation Officer) replaced Ashton as representative for the EEAS. (Wouters and Ramopoulos, 2013; Sus, 2014).

In the summer of 2014, Ashton was not present during the crisis in Iraq and Syria (there was no coherence between the big three countries regarding the EU’s arms embargo), about the Islamic State (IS), rocket fire between Israel and Gaza and the crisis in Ukraine. Ashton choose to go to Vietnam, the Philippines, Palau and Burma. At the times that she was present, she made obvious and not very interesting speeches. She said about the situation in Ukraine: it is very serious and worrying. She was accompanied by two other Commissioners at a meeting with Russian President Poetin. Not one single voice but three voices (Alonso, 2014; Eppink, 2014). According to Helwig and Ruger (2013) Ashton as person was media shy and very insecure in her overall performance. It can be considered that Ashton was not the right person for the title of High Representative in the area of external representation.

According to the mandate of Barroso, regarding to the Eastern Partnership (EaP), he together with van Rompuy represented the EU, as President of the Commission and President of the European Council, in external relations on the highest level. He represented the EU on many occasions like the EaP Summit in Warsaw or the EU-Ukraine Summit. The other two actors (Ashton and Commissioner Füle of Enlargement and ENP) represented the EU interests in the Eastern - (Füle) and the Southern neighbourhood (Ashton). This divide worked well for Ashton and Füle. The problem was that Füle represented the EU for many times in meetings and gave speeches. It weakened the role of Ashton and the EEAS in the EaP (Sus, 2014).

Ashton and van Rompuy had a good understanding. They did not interfere in each other’s work. The representation of the tasks of CFSP matters was executed more or less like in the Treaty of Lisbon. Van Rompuy represented the EU on the heads of state or government level and Ashton did it on the level of foreign ministers. The lack of competitiveness between these two actors was mainly because of the leadership style of van Rompuy and Ashton, but also because van Rompuy was busy with the euro crisis (Helwig, 2014). However, they both lack visibility and did not have charisma. Ashton also did not issued declarations that would improve her visibility as High Representative (Miedzinska, 2014).

According to Novak (2014) both the High Representative and European Council president failed in representing the EU’s foreign affairs and security policy. Novak mentioned that it was not because of their personalities that they failed but because of the following assumption: “the EU should be charismatically embodied or personified in order to play an active role on the world stage” (Novak, 2014).

The Treaty of Lisbon had to provide more coherence towards the positions of Van Rompuy and Ashton on the world stage. According to Smith (2013), instead of providing coherence, the Treaty of Lisbon only caused more confusion. The Treaty of Lisbon was vague about who was responsible for what part of the EU’s external representation regarding the CFSP and related areas and that was the reason that it causes more confusion. The Treaty of Lisbon should have provided the EU with one speaker. However, it led to three potential speakers (High Representative, European Council President and President of the Commission) (Novak, 2014). Novak (2014) mentions that assuming that a single representative would accomplish a single voice was unrealistic.

Ashton’s performance showed that the need for a stronger external representation of the EU was needed (Novak, 2014). It can be considered that because of Ashton’s attitude and absence, other actors took the role of representatives of the EU.

The creation of the renewed post of the High Representative had the intention of putting a name and face on the EU policy in the world. It had as purpose of helping the EU becoming a capable, coherent and strategic global partner. It was the intention that the national foreign minister would act as especial envoy on the High Representative behalf. Ashton agreed on this statement, as long as they had spoken with one voice. However, it became clear that the High Representative was not the person that Henry Kissinger was waiting for or will be in the nearest future (Miedzinska, 2014).

The development of the representation between the High Representative and the President of European Council was not clearly described in the Treaty of Lisbon. Due to the personalities of van Rompuy and Ashton the relationship between them worked. Although they had a good
understanding, it can be considered that both failed in representing the EU on the world stage. During important events, it were the MS that represented themselves instead of a common representation of the EU.

4.5.1. UN

In organizations like the UN and the Organization for Security and Cooperation in Europe (OSCE), the EU had been less active because of the clash between the MS and the EU. In theory, the High Representative would represent the EU regarding CFSP matters. It would supposedly led to an increased participation of the EU in international organizations. However, there were no clear-cut delimitation of competences between them. The statements of the EU in organizations like the UN did not always comply with the interests of the MS. For that reason, the EU were not always able to make their statements heard. It was a result of its legal and competence issues (Vara, 2014; Maragoni, 2013).

The MS were divided about how the EU had to represent itself in areas of shared competence. The MS wanted to retain their presence on the world stage, but they also wanted a united presence (Maragoni, 2013). Ashton mentioned that it was a temporary reduction of EU statements in organizations like the UN and the OSCE in her report on the EEAS (EEAS Report, 2011). This was also a sign that the MS said that they wanted a stronger EU in the world, but as long it was not detrimental of their own competences and interests.

The High Representative was only possible to speak to the UNSC when she was invited by the MS. 4 May 2010, Ashton made her first statement regarding the cooperation between the EU and UN. The statement was to the UNSC and was about the cooperation in the area of peace and security (Emerson et al., 2011). In most of the cases, it would appear that MS deliberately were not able to find a common position in the European Council. If the MS had a common position, the MS that are part of the UNSC, had to request that the High Representative would be invited, to present the EU’s position. According to Verhofstadt MS violated Article 34 TEU. The European Council did not had the ability of presenting a common approach on time in many cases (Devuyst, 2012).

The Treaty of Lisbon did not change the representation of the EU at the United Nations framework on Climate Change Convention (UNFCCC) Conference of the Parties (COP). The MS did not allow the High Representative, or in their vision, the Commission to negotiate at the UNFCCC COP. They gave the EU Council Presidency the power to represent the EU instead of the High Representative (Groen and Niemann, 2012).

Yet again, the MS preferred somebody else above the High Representative. It was very difficult for the MS to give the High Representative some of their powers (in this case the possibility to negotiate with the UNFCCC COP or speaking with the UN in general). Ashton could only present a common position of the EU. The MS were capable of violating the TEU as long the High Representative did not present within the UN. The reasoning of the MS was that she was part of the Commission and the MS were not capable of giving powers to the EU. If the MS wanted the EU of becoming a stronger global actor it had to give powers to the EU. In this case, a possibility of speaking on international events like UN meetings.

4.6. European Neighbourhood Policy

The EU wanted to be a major political and security player on the world stage, however it was not as powerful as they wanted to be. According to Ashton (2013), the reason behind this failure was a lack of collaboration between the MS, due to of the dangers of fragmentation, duplication and inefficiency (Ashton, 2013). The MS were not willing “to give real authority over foreign and security policy to EU institutions” (Menon, 2014). A related issue was the differing attitudes of MS towards challenges they confront (Menon, 2014).

According to Balfour and Kristi (2013) a good example of the EU not having real authority in foreign and security policy was the EEAS. Its mandates were contradictory. It was tasked with the coordination of policy and providing leadership, but it had to respect the sensibilities of the national governments. It was not able to interfere with national diplomacies or with national priorities and interests (Balfour and Kristi, 2013). Delayed reactions or inadequate responses of Ashton were the result of consultations with national capitals before acting (Menon, 2014).
This had its impact on other policies. Regarding the ENP, there was no design of cooperation between ENP and other EU instruments in that region (Bendiek and Kramer, 2010). Strategic partnerships of the EU were only partially the result of strategic planning by the EU. (According to Ramopoulos and Odermatt (2013) these partnerships still needed to be complemented by certain objectives, structures and content. Ashton did not introduced specific strategic orientation in these policy areas (Ramopoulos and Odermatt, 2013).

Ashton tried to improve the coherence in the ENP. She developed together with Commissioner Füle the practice of delivering joint documents. Joint Statements and Joint Staff Working Papers regarding the Eastern neighbourhood became a rule. It started with a renewed approach towards the neighbourhood. It resulted in a comprehensive strategy: “the March 2011 Partnership for Democracy and Shared Prosperity with the Southern Mediterranean and the May 2011 Review of the European Neighbourhood Policy” (Blockmans, 2012). The joint statements and – working papers made clear that the EEAS was only responsible for the multilateral framework of the EaP. The cooperation between the EEAS (Ashton) and the Commission (Füle) worked smoothly (Sus, 2014).

Ashton had created high-level task forces with the purpose of dealing with third country governments in the European neighbourhood. The task forces were a combination of personal from the Commission, European Investment Bank (EIB), EEAS, European Bank for Reconstruction and Development (EBRD) and other agencies. They made assistance proposals, solving problems with foreign partners and monitoring progress. According to Burke (2012) Ashton succeeded in expending the mandate of the EBRD. Ashton also developed other comprehensive strategies in cooperation with the Commission: the June 2011 Comprehensive Approach to Sudan, the March 2011 strategy for the Sahel and another approach the strategy November 2011 Strategy for the Horn of Africa. These three approaches were attempts of Ashton to establish better institutional coherence between the Commission, EEAS and the MS (Burke, 2012; Blockmans, 2012).

The Comprehensive Approach to Sudan consisted of an inter-service task force several departments of the EEAS and the Commission together (CMPD, CPCC of the EEAS and the DGs ECHO and DEVCO of the Commission). The aim of this approach was exchanging information. It was a short-term strategy and was never made public or adopted. The Strategy for the Sahel was a security and development strategy for the Sahel region. It was a geographic strategy that merged the concerns about security and development. It was about tackling trafficking and Al Qaeda. Horn of Africa strategy was more an academic paper than a strategy. Ashton was determined that there would be an Action Plan with the strategy. It was focused on piracy (Blockmans, 2012).

When you are losing power, it is very important to have good relationships with other countries. Ashton prioritizes one-on-one relationships with key individuals because of a personal approach to political challenges. Due to this one-on-one approach she developed a good relationship with Hillary Clinton and Dai Bingguo. He was the Vice Minister of Foreign Affairs of China. According to Helwig and Ruger (2014) it made her visit more effective to China in September 2010. What added value this relationship produced was hard to gauge. According to Francios Godement, the founding director of Asia-Centre and also a member of the European Council on Foreign Relations, claimed that Ashton made a difference (Howorth, 2011). She also developed good relationships with the U.S. Foreign Ministers Clinton and Kerry (Helwig and Ruger, 2014).

The EU was becoming less significant in the world. It was one of the reasons that the Treaty of Lisbon was established. It wanted to become a stronger international actor. However, according to Ashton and Menon, the Treaty of Lisbon was not successful, because the EU institutions did not get real authority to make a difference (like the EEAS), the EU was fragmented and the MS did not have the same values and opinions about certain topics. The MS complained if Ashton did something, they did not like. However, it was not possible to please all members of the EU.

It can be considered that China is one of the most powerful countries in the world and a good relationship with China cannot hurt the business of the EU. Thus, without making big differences on a global scale, Ashton did a good job establishing a good relationship with China. She also tried to improve the institutional coherence with her task forces and with her three approaches (Sudan, Sahel and Horn of Africa). However, she did not make a design to improve the cooperation between the ENP and other EU instruments and she did not introduce strategic orientation in the
fields of ENP and the strategic partners. Ashton did not contribute to a better institutional EU regarding the ENP.

4.6.1. Strategic partners
According to Ashton, the European Neighbourhood became more unstable. Ashton mentions that the world of conflict increases volatility, complexity and uncertainty (Ashton, 2013). Ashton had the desire strengthening the relationships with the partners around the world. These partnerships included: India, Brazil, Mexico, Indonesia, China and South Africa. These countries were no longer only economic powers but they were also major political and security players. The EU had to adjust to that picture (Ashton, 2010; Helwig, 2013).

After the climate change conference in Copenhagen, van Rompuy organized a special meeting consisting of the head of state and government and the foreign ministers of the MS. The purpose of this meeting was to improve the engagement with strategic partners. This meeting was in September 2010. After this meeting, the High Representative got the task of preparation and implementation of reviewing these nine strategic partnerships. It was a task delegated from the European Council to the High Representative (Helwig, 2013).

As High Representative she delivered a first report on the relations with all strategic partners. This first report was presented at the European Council in December 2010. The strategic partners were also present at this meeting. According to Devuyst (2012) the report was weak in substance, however, the European Council did not provide the High Representative with guidelines for the following reports. The European Council gave the High Representative the task to continue in her work about the strategic partners. If needed the European Council could make orientations and there would be a meeting one per year. In 2011, the European Council was not able to give attention to the reflection of that year (Devuyst, 2012).

With the mandate from the European Council Ashton started the evaluation with three counties: China, Russia and the US. In 2011, it was expended to Brazil, India and South Africa. The strategic partnerships appeared more than once on the agenda of the FAC and the European Council after the special meeting. However, according to Helwig (2013) there are doubts that the evaluation of strategic partnerships does not provide sufficient input from relevant actors because of a poor organizational structure (Helwig, 2013).

The strategic partners Brazil, India and South Africa were discussed in the Gymnich meeting in the autumn of 2011. According to Helwig (2013) the MS officials were not pleased how the organization of this meeting took place. Reasons for this discontent were: discussions were not focused and the papers were circulated just before the meeting. Until late 2013, “the implementation of the strategic partnership review has, so far, not always made full use of the competences of the High Representative” (Helwig, 2013). It was questionable to what extend these reviews translates into concrete policies.

The focus on strategic partnerships became stronger, especially with the UN. The EU had acquired a stronger role in both the General Assembly and the Security Council. They had obtained this role by intervening on behalf of the MS. A new routine as developed. This routine was a yearly in-depth exchange of views between the High Representative and the Security Council. They exchanged information for example about peace-keeping operations or crisis management missions (O’Sullivan, 2014). During the negotiations regarding the Arms Trade Treaty (ATT) not High Representative Ashton represented the EU, but her Personal Representative on Non-Proliferation of Weapons of Mass Destruction (Giannella) (Blockmans, 2012).

According to Helwig (2013) Ashton did not take initiative to make a strategy document regarding her priority of strengthening the relationship with strategic partners. An own strategic document should have made the High Representative enthusiastic, however Ashton was hesitant to put such process forward (Helwig, 2013).

It could be considered that Ashton should have been a key player in promoting and providing strategic outlook. However, her report regarding the strategic partners was also not very pleasing and there were also complaints about the organization of the evaluations of the strategic partners. It could be considered that Ashton did not had the knowledge of making the environment efficient
regarding the strategic partners. A strategy with some guidelines and objectives, could have helped her.

4.7. Reflection of Ashton

The competences and responsibilities of the High Representative were a lot and even before the start of the first term of the renewed High Representative, it was very doubtful that the function could be performed by one person. According to Missiroli (2010) and Hillion (2008), even with the help of the EEAS, this function was too much demanding for one person. However, Ashton failed especially in one very important aspect. It was asked of Ashton to be a leader in EU foreign policy. She was not able to provide leadership and strategic orientation. In 2010, there was still no comprehensive strategy and there were almost no clear long-term goals regarding EU foreign relations (Bendiek and Kramer, 2010).

The first year practically consisted solely of criticism. Ashton did not only showed bad thing that year. According to some scholars “Ashton was a quick learner, studied her briefs effectively, was a strong chairwoman of tense meetings and exuded personal charm” (this was shown for example in FAC meetings) (Howorth, 2011).

A positive element of Ashton is that she was courageous. In one of her invited speeches she pushes for a longer term strategic approach of tackling the main problems in the world. This speech was in Athens in July 2010 (Howorth, 2011).

4.7.1. Depending on the Member States

A problem with the MS, were the bigger MS. The High Representative was present during meetings of the European Council. However, it did not had the desired effect of an overarching European diagnosis. This diagnosis had to lead to discussions resulting in a common vision in EU’s external affairs. The MS prevented a European diagnosis. The bigger MS threatened the High Representative as a mere official with one purpose only: they could use and abuse her when they needed a scapegoat because of the lack of EU action. Stefan Lehne56 mentioned that the big countries were more active in criticizing and undermining the High Representative than before the Lisbon Treaty. The reason for this was the legitimacy of speaking and acting on behalf of the EU. He also argued that the Lisbon Treaty made European foreign policy weaker instead of stronger (Devuyst, 2012).

Looking at the coherence between the different EU external policies. Coherence was possible but only when the MS were united. However, in practice, they were strongly divided. The differences that the MS had among each other were caused by their history and that had an effect on their interests and national foreign policy. The differences were based in the nature of the MS. It was very difficult to get an agreement with the EU institutions or other MS. It can be concluded that, the EU is an economic giant but at the same time a military and political dwarf in international relations (Miedzinska, 2014).

The EU had a lot of state-like characteristics but its foreign, security and defence policies were still in the hands of the MS. There had to be unanimity among the MS before action could be taken. International interaction asked sometimes for rapid reactions and the EU was incapable of doing that. The MS were seeing foreign policy as a national prerogative and EU action was an extension of the legitimacy of the MS. As long as the role and activity of the High Representative was being challenged by the MS, Ashton’s authority was weakened and her legitimacy as authoritative interlocutor undermined (Edwards, 2014; Helwig and Ruger, 2014).

The relationship between the High Representative and the MS changed, because of the addition role of the High Representative as member of the Commission and as head of the EEAS. However, the intergovernmental nature of the European foreign policy stayed the same as before the Lisbon Treaty. The High Representative was still very dependent on the willingness of the MS. The CFSP was still intergovernmental instead of supranatural. The Libya crisis (see case 1) showed that the High Representative can be easily side-lined if the MS decided to do that. Even in the field

56 Director General for Political Affairs at the Austrian Ministry for European and International Affairs
of strategic planning, the MS were in power. It was very difficult for an EU institution to create common priorities or visions (Helwig, 2014; Dijkstra, 2011).

According to Helwig (2014) “the EU will always fall short of being as cohesive, united and efficient as a single state. For that reason, the High Representative had other criteria or standards were judged on than a Foreign Minister of a country. The High Representative was dependable of the collective political will of the MS (Helwig, 2014).

Crises showed the real nature of the role of the High Representative. The MS “might force the High Representative to act as a quiet diplomat” (Helwig, 2014) regarding foreign policy matters but it also presented opportunities for the High Representative. It did not mean that the role of the High Representative is dispensable. A skilled and well-connected diplomatic pioneer is capable “to sharpen the foreign policy profile of the EU and work on new strategic initiatives together with member states” (Helwig, 2014).

The MS have to transfer foreign policy autonomy to the EU before something more of the High Representative can be expected (Gundert, 2014). The EU is at its strongest when it is united. Success within the UN or with the strategic partners comes more rapid when it already have reached a consensus among its MS. Unity of purpose is an important factor. To reach consensus between the MS, leadership is required (Whitman, 2010). However, Ashton did not performed well in her role of taking leadership, especially, when it came to reaching consensus between MS.

4.7.2. Impact of Ashton

High Representative Ashton mentioned that her dual-hatted function as High Representative and Vice-President of the Commission ‘naturally contributes to the consistency of the EU’s external actions’ (EEAS Report, 2011). Not only was the High Representative important in contributing to the consistency of the EU external actions, but also to the EEAS, the Commission as well the Commissioner for Enlargement and European Neighbourhood Policy and the President of the European Council. According to Ramopoulos and Odermatt (2013) these functions were important but to ensure consistency in EU external relations, great political leadership was required.

One of the objectives of the High Representative was to create a constructive bridge between the Commission and the intergovernmental Councils (European Council, the Council, and FAC). Ashton was too weak in comparison with the single MS representatives in reality. The role of the representative of the EU was on many occasions already occupied by the President of the European Council and the President of the Commission. Barroso and Van Rompuy had many conferences in different locations (Quaglia, 2014).

According to Howorth (2011), it was clear from the start that the job of High Representative was an impossible job and would only lead to disappointment. Especially, due to the person they elected as High Representative. The MS choose a person who lacked charisma. However, the job also lacked real power which the EU needed if the EU wanted to act as a global leader (Novak, 2014).

It was the question if somebody else instead of Ashton would have made much difference. The problems that the EU had to face were too complex for one person to solve (Barber, 2010). The possibilities of the High Representative were limited right from the start. Due to the limited possibilities the role of the High Representative did not end intergovernmental hegemony in the area of foreign policy (Gundert, 2014).

According to Gundert (2014) a different High Representative would not have much influence on the performance of the High Representative. The reason behind this statement was that in crises, the MS have a “strong tendency to protect national prerogatives in foreign policy” (Gundert, 2014). With a stronger High Representative the lack of united foreign policy in the EU, would most probably be even more painfully obvious (Gundert, 2014).

It can be considered that Ashton failed to live up her goals envisaged at the Lisbon Treaty. She failed mostly because of the lack of leadership she provided the EEAS, but also because of a lack of initiative regarding the EU foreign policy without a strategic compass. The problems that the Treaty of Lisbon had to tackle, are still not solved in the area of EU foreign policy. According to Gundert (2014) it was just not realistic to expect that the High Representative would be able to make these changes single-handedly. It was, however, also a work in progress and is not
immediately solved after the entry into force of the Lisbon Treaty (Ramopoulos and Odermatt, 2013).

Her abilities as a negotiator had proven to be an asset to the EU. She also tried to improve the Mediterranean region. She promoted peace and economic development in that region. As an appreciation for her effort, she received the Business Med Blue Award (Miedzinska, 2014). The award showed that Ashton was an excellent mediator and promoted peace and economic development. However, there were no breakthroughs (Alonso, 2014).

A possible explanation of the lack of breakthroughs were the responsibilities of Ashton. The responsibilities of the High Representative were enormous. It was a huge and relentless workload for one person (De Baere and Wessel, 2015).

In 2013 and 2014, the criticism towards Ashton performance decreased. It had two reasons. The first reason was that the expectations were tempered. It became clear that the High Representative was limited in the current CFSP framework during crises. The second reason was, that Ashton achieved some of her expectations (Helwig and Ruger, 2014).

4.8. Case 1: Libya

The performance of High Representative Ashton was criticized by the media but also by MEPs. The crisis in Libya started early 2011. The time between the first riots in Libya and the first airstrikes of the NATO partners was very short. It took little more than a month. The EU MS condemned the use of force and would like to see reforms in Libya and increased the pressure by pro-active sanctions policy (Smidt, 2012).

The Libya crisis showed that the function of the High Representative had a strong impact on the European crisis management missions. European crisis management had a very complex decision-making process. It begins with monitoring in most cases together with a fact finding mission. The fact finding mission was focused on the living conditions of the people of Libya (Smidt, 2012).

In March 2011, High Representative organized an extraordinary informal FAC meeting. The purpose of this meeting was an assessment of the ongoing development in Libya and also to send a technical fact finding mission to Libya (Smidt, 2012). The FAC meeting resulted in joint EU action like the opening of the EU office in Benghazi. Ashton inaugurated the office. It would send a powerful message of support to the local population. It was one of the first international missions there. The EEAS was very popular in Libya, because of the opening of their office in Benghazi and Secretary General Vimont praised Ashton for this achievement (Tercovich, 2014; O’Sullivan, 2014; Miedzinska, 2014).

Before the FAC meeting in March 2011, Ashton spoke with the NATO Secretary General to see of both the EU and NATO had the same intentions of crisis management and were complementary to each other. At the FAC meeting, Ashton indicated what the plans were of EU humanitarian mission and the planning of the economic sanction programme (Smidt, 2012).

The High Representative played a role by making and achieving agreement on two declarations forms on behalf of the EU, which demanded the immediate end of the use of force. According to Koenig (2014) these declarations were strong diplomatic declarations. The EEAS prepared sanctions before the UNSC. It was based on the UNSC resolution 1973. Ashton reminded Gaddafi of taking this resolution into account. Further, Ashton mentioned that Gaddafi had to comply with the demands of the international actors and especially, comply with the demands of the Libyan people (Helwig, 2014).

The EU was the first with sanctions against the Libya regime. In the early stage of the crisis of Libya, Ashton could play a central role due to her post of High Representative. She had the task of keeping contact with relevant international partners, like Ban Ki-Moon (UN) or Rasmussen (NATO) (Helwig, 2013).

MS positions did not match regarding the issues of “recognizing the opposition in Libya and the possibility of a military intervention” (Helwig, 2013). There was no vertical coherence between the MS. The decision-making level in the MS was changed from the foreign ministers to the heads of state and government. The High Representative chaired a meeting with the foreign ministers on EU level, but they were no longer in charge of the decision-making. The responsibility moved to the European Council for that reason. Ashton mentioned that there were big differences
between the MS on how to act. There was no consistency between the MS. The European Council would determine what to do at that point. From that moment the head of state and government took the attention of the media. The big three countries did not had the same viewpoint on how to act. France and the UK wanted a No-Fly-Zone but Germany had concerns among others (Howorth, 2011; Helwig, 2013; Helwig and Ruger, 2014).

Another issue was the recognition of the National Transitional Council (NTC) in the role as political interlocutor in Libya. Ashton did not take a clear position about the National Transitional Council in the beginning. She did not want to publicly meet them in Strasbourg on 9 March 2011. Cameron and Sarkozy backed the recognition of the NTC and the European Council did the same two day later. She met with the NTC on 17 March, this was after the Committee was authorized by the UN (Howorth, 2011; Helwig, 2013).

Ashton did not take the initiative, but let the MS made the decision without her doing about the NTC. In the same extraordinary Council, the Head of States and Government, demanded that Gaddafi stepped down and discussed about a No-Fly-Zone (Koenig, 2014). Ashton was resistant toward the No-Fly-Zone during a European Council meeting at 11 March. She was resistant because it could lead to a large number of civilian deaths (Nicolas and Traynor, 2011).

Another reason was that some of the MS did not preferred a leading role, especially a military one. Ashton mentioned that the EU would take a back seat and let the international community decide to act. After this decision, France and the UK together with Italy allied with the US in imposing a No-Fly-Zone. Ashton’s had a formal initiative, it consisted of an EU military operation to support humanitarian aid and was accepted by the Council on 1 April 2011. This was only a success on paper, because the EU did not get the permission of the UN, specifically the Office for the Coordination of Humanitarian Aid (Howorth, 2011; Helwig, 2013; Smidt, 2012).

The Libya crisis made clear that the role of the High Representative was limited as crisis manager. When immediate actions and decisions were required, the MS were the ones in control. The High Representative was capable to show a high profile when it comes to traditional EU-level instruments, like sanctions and also in the case of permission between the MS, for example statements and diplomacy (Howorth, 2011).

Ashton was more focused on playing an active role coordinating in the areas of sanctions and humanitarian aid instead of the CSDP. This could explain why Ashton did not see CSDP as a top priority. Civilian and long-term assistance mirrors the wider range of instruments that Ashton has at her disposal (Howorth, 2011). The High Representative was a link between the Commission and the Council. It was likely that with the help of the High Representative the flow of information between both actors would improve. However, Ashton did not had influence on the unclear delimitation of the Union competences (Smidt, 2012).

Ashton has the opinion that the EU is not a traditional military power. Officials in the EEAS and also in the Council Secretariat were used to the leadership of Solana. He was in favour of that the EU would have a visible civilian and military crisis management role during crisis situations. A member of the EEAS stated (11 April 2013) that the EU Military Staff (EUMS) wanted to justify its existence during the Libya crisis. A European diplomat mentioned that “the EU should either wage a war or not react at all” (Koenig, 2014).

“The improvement of institutional coherence therefore was depended on the will of the institutions involved in crisis management, to cooperate with each other in order to achieve timely decisions and to avoid duplication of resources. The different crisis management actors needed to be encouraged to develop clear guidelines on what legal basis crisis management should be adopted if several Union competences seemed suitable (Smidt, 2012).

It can be considered that the High Representative lacks hard powers to act upon. Ashton had the role of convincing actors involved with crisis management to work together. In the case of Libya, Ashton did not live up the expectations. The MS had different opinions, how to act as the EU, but also among each other. France and England wanted a military role but some of the small countries did not had the desire of taking a leading role. Ashton led the MS do their own thing and did not picked a side. By doing this other actors took the spotlight and Ashton did not contributed much in order to solve the Libya crisis. It did not meant that she did not do anything: She opened an EU office to show her support for the people of Libya; she helped develop two
declarations and played a central role regarding the sanctions. It can be considered that Ashton was not a leader in crisis management during this crisis.

4.9. Case 2: Serbia and Kosovo
Ashton developed a good relationship with Serbian President Tadic. Ashton was responsible in getting Serbia to drop a plan regarding the nullifying of the independence of Kosovo. This was the start of EU-mediated talks between Serbia and Kosovo. It had to be said that it was not clear how much can be attributed to Ashton or to London, Berlin and Washington.

According to Blockmans (2013) the greatest success in EU diplomacy is the ‘First Agreement on Principles Governing the Normalisation of Relations’ between Serbia and Kosovo (Blockmans, 2013). Commission President Barroso spoke of a historical moment (Hunin, 2013). This agreement was concluded on 19 April 2013. It was signed in the EEAS headquarters in Brussels (The Economist, 2013; Blockmans, 2013). It happened late at night, after both Dačić and Thaci arrived in Brussels after mentioned going back home (Dempsey, 2014).

Beforehand, experts in the Kosovo - Serbian issue did not expect an agreement between the two parties (Cooper, 2013). The talks between Kosovo and Serbia started in 2011. At that time, almost all Europe’s leaders had no hopes of a success. It was a relief that Ashton wanted to accept the responsibility of the talks, because Ashton would get the blame if the talks did not work out (Dempsey, 2014).

It was a very difficult issue because of mutual distrust. The war of the late 1990s was always in the background. The NATO bombing of Serbia in 1999, was also not forgotten by the Serbs. It gave the Serbs a sense of humiliation (Dempsey, 2014).

The Serbia-Kosovo conflict was a very difficult dilemma for the EU. In the EU not every MS accepted Kosovo’s independence. With the arrival of the renewed High Representative, the EU wanted to have a single representation for external policies. In 2009, only twenty-two of the twenty-seven MS had recognized Kosovo (Džihić and Kramer, 2009). Because of the fact that not every MS accepted Kosovo as a country, it was very difficult to come up with a common approach in the Serbia-Kosovo conflict. In spite of the differences, the EU still wanted to be involved as one unified actor (Ernst, 2014).

The EU is a very attractive for countries of Eastern Europe. This was a fact that was easily forgotten by Western Europeans. As for Serbia, like many other Eastern European countries wanted to join the EU. The Serbia-Kosovo conflict was standing in the way of accession negotiations. Because of this fact, the most powerful foreign policy tool of the EU was: accession (Ernst, 2014). Ashton was able to talk about the prospect of accession because of the cooperation with the Commission and the MS, especially Germany. The main incentive for Kosovo was a Stabilization and Association Agreement (Burke, 2012; Blockmans, 2013).

The EU was involved in the Serbia-Kosovo conflict in an EU-facilitated dialogue. In 2013, Ashton’s office had been a middleman about the day-to-day issues for years. An example of an issue was the border between Serbia and Kosovo. In 2012, Ashton had a big breakthrough when she arranged a meeting between both countries Prime Ministers Dačić (Serbia) and Thaci (Kosovo) (Burke, 2012). It was very special to get these two persons in the same room. Dačić was a former spokesman of Milošević (late Serbian President), the person who went to war in Kosovo back in 1998 and he fought against NATO in Kosovo in 1999. The partner of Dačić at the meeting was Aleksandar Vucic. Vucic was once an extreme nationalist. Thaci, was part of the Kosovo Liberation Army and was a former guerrilla leader against the Serbs (Blockmans, 2013; the Economist, 2013).

In 2012, the negotiations were on the highest level. After 6 months, Serbia and Kosovo made a milestone deal. This happened on 19 April 2013. The deal which was made, included some promises from both countries. It led to dead threats and accusations of treason. However, most of the people of Kosovo and Serbia had faith in their leaders, that they did the right thing (The Economist, 2013). Kosovo is exhibited mostly by ethnic Albanian. It declared independence in 2008. Serbia did not and still does not recognize Kosovo as an independent country (The Economist, 2013).

Both countries had to promise “not to stand in the way of each other’s participation in international organizations and commits Belgrade to restrain from maintaining parallel structures in mostly Serb-inhabited Northern Kosovo in return for Pristina’s promise to grant far-reaching
autonomy to the area (Ernst, 2014). Other issues that were negotiated were: free movement of goods and people and the recognition of Kosovo by Serbs. Another promise that was made was that Serbia accepted the authority of Kosovo’s government in the region Kosovo and granted Kosovo largely authority to Serbs living in the northern part of Kosovo. It did not mean that the army of Kosovo would be deployed in that region. It was decided that the army of Kosovo would stay, where it already was (The Economist, 2013; Dempsey, 2014).

The 45,000 Serbs living in the northern part of Kosovo were not happy with this decision. After the Kosovo war, these Serbs lived for the most part without state authority. This was a reason that smuggling was highly present in that region. In 2012, the Serbs living in the northern part of Kosovo had a referendum about their relationship with Kosovo. They voted that they did not wanted to have anything all to do with Kosovo. They wanted to join Serbia. However, Serbia demanded of them to comply with the agreement. It had advantages for the Serbs living in the northern part of Kosovo because of subsidies from Serbia, Kosovo and the EU. They would get more money than before the agreement for education, health and other public services (The Economist, 2013).

How do Kosovo and Serbia saw the agreement? Kosovo saw the agreement as an insurance that the territorial integrity of Kosovo was secured. It means that the so called parallel structures are abolished. It also means that Northern Kosovo with its Serbian population would be fully integrated by means of the constitution of Kosovo. Serbia did not see the agreement the same as Kosovo. Serbia sees the agreement as that a new Serbian institution would be created, which should be recognized by Kosovo and the EU. The newly created institution allowed Serbia to protect and influence its population in Kosovo. Serbia saw the agreement as more Serbia into Kosovo. Serbia called the Serbian community in Kosovo, a kind of entity, but Thaci saw it as an NGO (Ernst, 2014).

According to Dačić, the recognition of Kosovo by the Serbian people was one of the most difficult things. Serbs did not see Kosovo as a nation, but as a breakaway region, which still belonged to Serbia. Dačić had to make clear that the time of negotiation had come. Thaci, expired the deal with Serbia as an end of the uncertainty since the war. The beginning of the dialogue was the biggest victory of Kosovo and the agreement was a confirmation (Dempsey, 2014).

This agreement was vaguely defined, because of its different interpretations of Kosovo, Serbia and the EU. The reason for this vaguely defined agreement was the pressure of achieving a success. For Kosovo and Serbia the agreement was a pre-condition, a step closer to be admitted to the EU. For Ashton a success was really welcome in her role as High Representative. An agreement between Kosovo and Serbia would be historic and would improve her achievements (Ernst, 2014).

The EU MS were reluctant of supporting Serbia’s accession in the EU. The MS were afraid that Serbia would boycott Kosovo’s EU membership in the future. The parallel structures in Northern Kosovo, prevent Kosovo from building state buildings and they brought instability to the region. They foster ethnic separation. It was important that it stopped and that it not continued in the future, when Serbia was a member of the EU (Ernst, 2014).

The deal made a strong signal to the rest of the world: the EU was serious about stabilizing its neighbourhood. It achieved the 2012 Nobel Peace Prize. Much credit of the dialogue between Serbia and Kosovo had to go to Ashton. It was her dedication and leadership that were of utter importance in the dialogue. However, Ashton did not do this alone. The first nine meetings were held by Robert Cooper. These meetings were held between March 2011 and March 2012. At that time, Cooper was a counsellor of Ashton. There were also various working groups which had to deal with technical agreements like the recognition of car plates in Kosovo (Blockmans, 2013).

The Commission recommended the MS to give a date to open membership talks with Serbia three days after the agreement. It also recommended formal talks for Kosovo. Implementation of the accession of Serbia will be critical (The Economist, 2013). It was and still is only possible when Serbia recognized Kosovo as nation. This demand should be a prerequisite for Serbia in order to become an EU member (Ernst, 2014).

The common external action of the EU was a major problem because of the different viewpoints in the EU about Kosovo. This disagreement in the EU was presented by the High Representative Ashton. She had decisive diplomatic success by presenting this problem. The different opinions in the EU had helped the progress more than it harmed it. The different opinions of the EU made
the EU neutral in this conflict. Ashton could not represent a position in this conflict. No position in this conflict, could also not alienate one of the sides (Ernst, 2014).

Both Dačić and Thaci praised Ashton for her role in the talks between Kosovo and Serbia. They praised her for her endurance and persistence and that the talks led to a deal in 2013. According to Dačić, Ashton did not demand things of me or Thaci and also did not impose things on us (Dempsey, 2014).

It was known that Ashton spoke for an EU without a common opinion. This provided Ashton the possibility, to become actively involved in finding a technical solution for this conflict. Ashton used accession as leverage in finding a solution. She could use accession because of her role in both the Council (vote on the accession of new members) and the Commission (have the duty of reporting and making recommendations on the status of possible MS). Ashton had to deal with different stances which cancelled each other out. This was the reason that Ashton did not had to talk about politically charged debates on principles. She did not had to talk about Kosovo’s status (Ernst, 2014).

The different voices within the EU came as an advantage (Ernst, 2014). In conflicts were the situation demanded neutrality, the High Representative could make progress were single nations were not capable to do that. Another important reason behind the success of the agreement between Serbia and Kosovo was, that the EU had something to offer that both Serbia and Kosovo wanted: the promise of a possible accession to the EU. Ashton did an excellent job in reaching the agreement but it was the question if accession was not on the table, how the talks between Serbia and Kosovo would have ended. For the remainder of the negotiations, it can be considered that Ashton did a fine job being neutral and patient. It was still not an easy job to complete, especially, because of the hostile attitude of the citizens from both Serbia and Kosovo. She showed she was a good negotiator just like in the cases of Iran and of the creation of the EEAS.

4.10. Conclusion
The conclusion of this chapter will elaborate on the performances of High Representative Ashton. She performed some tasks well and other tasks less well. The tasks that she performed well, will be called achievements and the tasks she performed less well, will be called failures. This section will also focus on how the role conception influenced the role performance. The third sub question is:

What are the achievements and failures of the High Representative of the Union for Foreign Affairs and Security Policy from December 2009 up to 2014 and how does the role conception influence the role performance of the High Representative?

The achievements of High Representative Ashton are:

- **The relationship with the EP**: At the beginning the relationship with the EP was not very good. They were not impressed with her initial hearing and there was also disagreement how the EEAS should be build. However, the relationship improved later on. It even led to an increase of the EEAS budget. She responded well onto the queries and recommendations of the EP. Ashton’s commitment regarding the plenary was high;

- **Chairwoman of the FAC**: She improved the FAC meetings. The meetings became more proactive and responsive. She prevented members of the FAC to open closed cases without valid reasons. It was an advantage that she was no foreign minister and for that reason she was neutral in the discussions. She played the role of moderator when there were conflicting interests. Even the awareness among MS that they have to cooperate with each other was never higher;

- **The role of the rotating presidency**: In the beginning of Ashton term as High Representative, it was a transitional period. The Spanish presidency had to support Ashton but it still had the job of chairing the FAC - and PSC meetings. It was still another competitor regarding the external representation. During the Polish presidency things changed. Polish foreign minister acknowledged Ashton and mentioned that he would be a loyal deputy. Due to this development the inter-level coherence was established. The MS accepted their limited responsibilities in EU foreign policy;
- **Building the EEAS**: Ashton stood her ground while three institutions and the MS had an opinion on how to build the EEAS. Everyone had a different view and opinion on how the EEAS should look like. Eventually, it was built in a year. The proposal was not perfect but it was a start, considering the financial possibilities, that she had no experience with building an institution or guidelines (Treaty of Lisbon) how to build an institution;

- **Improving crisis management**: Ashton experienced the limitations of crisis management especially with the CFSP. She wanted to improve crisis management by means of different instruments. She established the CR&OC, a crisis management board, the 2011 Comprehensive Approach for Sudan, Comprehensive Approach for the security of energy supply, a strategy for the Sahel and the Horn of Africa;

- **The EU made name as international mediator**: In though cases as Iran and the Serbia/Kosovo case the EU showed to be an excellent mediator, with a leading role for Ashton. She showed patience and determination. In the case of Serbia/Kosovo she performed well by not choosing a side;

- **Using statements instead of declarations**: Ashton used a lot of statements of the High Representative instead of CFSP declarations. Before 2009, it was normal to use declarations. The advantage of statements is that it is a lot more efficient than declarations because there are no lengthy consultations;

- **Good relationships with important international actors**: Ashton developed in her time as High Representative good relationships with the foreign ministers of the US (Hilary Clinton) and of China (Dai Bingguo);

- **Made effort of improving the institutional coherence of the EU foreign affairs**: She developed task forces that would support different institutions in working together in dealing with third country governments. These task forces exists of members of the Commission, EIB, EEAS and EBRD. The institutional coherence of the Commission, EEAS, and the MS had to be improved with the 2011 Comprehensive Approach to Sudan, Comprehensive strategy regarding the Southern Mediterranean, Review of the European Neighbourhood Policy and with the strategies of the Horn of Africa and the Sahel;

The failures of the High Representative are:

- **Bad appearances**: Ashton did not performed well in public every time. She had some weak performances during her time as High Representative. It started with a weak performance at the initial hearing. She decided to visit Morsi in prison. This gave the idea that she choose the side of Morsi instead of the people of Egypt. Finally, during the recommendations meeting regarding strategic partners, she delivered a weak report on the relationship with the strategic partners;

- **Bad choices**: She decided that she did not had to visit Haiti, because she could not help the people over there. It was a wrong decision because it was all about showing support. She decided to go to the election of the Ukrainian President instead of going to a Defence ministers meeting. The meeting was extremely important because the NATO was present. In 2014, she decided to go on an Asia tour instead of concerning with Ukraine, Islamic State in Syria/Iraq and with the rocket fire in Israel/Gaza;

- **Relationship with the MS**: The Haiti crisis showed that MS had a very difficult time of accepting the new role of the High Representative. They did not wanted to share their leading role with Ashton and for that reason had a hostile attitude towards her. It was the same in the UN. If the MS had a common position on a subject, the High Representative would represent this position in the UN. If there was no common position, the High Representative would not represent the EU, but the MS would represent themselves. The MS preferred to represent themselves. In 2014, the MS did not include the EU institution (also the High Representative) regarding sanctions in the Ukraine crisis;

- **Lack of leadership**: Ashton was not a natural leader. She preferred the role in the shadows. However, as High Representative she had some tasks to fulfil. She could have performed better in certain cases. Ashton did not developed a guiding strategy in EU foreign policy. She also did not used all her instruments as High Representative and regarding the EEAS, she lacked
in making initiatives. She saw herself as a facilitator instead of a doer, which resulted in no clear guidelines for the members of the EEAS;

- The EEAS: Ashton faced criticism about management and administrative problems. It was mentioned that she caused chaos and despair. The EEAS diplomats had to resolve administrative issues instead of making analyses. Not all the criticism was justified. She was not the only one or factor that caused problems in the EEAS. The MS blamed everything that went wrong as a failure of Ashton but the resources were very limited. However, it was a lack of leadership of Ashton which caused a lack of communication. There was no strategy that gave the EEAS some sense of strategic direction. Institutional problems took too long before they were solved. The EEAS had too many leaders. An overall strategy was missing and the EEAS employees did not receive necessary training. Even in 2014, the functioning of the EEAS was bad. Even the little resources the EEAS had were not properly used. Expertise was missing, board members were overworked, which eventually led to bad management.

- Relationship with the Commission: Ashton had a very difficult relationship with the members of the Commission with the exception of Commissioner Füle. According to Christiansen, the members of the Commission did not saw Ashton as a part of the Commission but as an agent of the MS. This was confirmed with the actions of Barroso. He had a very hostile attitude towards her. He showed her that he is in charge of the external relations portfolio. He led almost every meeting and made that clear in an Information Note. He also limited the role of the EEAS in the Commission, what resulted in under-representation of Ashton’s cabinet. He took the responsibility of the ENP and gave it to the Commissioner for Enlargement. One positive point was that, Ashton had a good relationship with Commissioner Stefan Füle. The battles with the Commission did not led to more coherence among the Commissioners responsible for external relations. She also did not place strong economic external policies which were influenced by a strong political framework;

- The role of the High Representative was weakened by the European Council: The European Council achieved the status of an EU institution which led to a stronger representation role of the President of the European Union (van Rompuy) in comparison with Ashton. The rules about the replacement of the High Representative regarding the FAC were not in favour of Ashton. The rotating presidency replaced her instead of someone of the Commission. The GAC had the power of preparing the strategic guidelines of the CFSP instead of the High Representative. It did not happen in reality but it was possible. The High Representative became weaker because of her role in the FAC. She chaired the FAC but she was not a member of the FAC; She also did not met her potential of being the valuable link between the FAC and the European Council;

- Single representation: It was impossible to perform the task of single representation of the EU in foreign affairs or security policy. Some actors ignored the Treaty of Lisbon by making statements when it should be the High Representative who should make the statement for the EU. It was directly clear that actors choose themselves instead of the Treaty of Lisbon during the EU summit in Madrid in 2010. Not the High Representative had speaking rights, but also the Spanish Presidency, European Council President and the Commission’s President. They all made statements and gave speeches. During the riots in the Middle East, some MS (Italy, France made statements because of their interests in that area). By making statements these MS undermined the ability of the EU as crisis manager (especially undermined Ashton). During the Libya crisis, the MS also made statements before Ashton could make a statement. They demanded sanctions and ignored the role of the High Representative yet again. However, it were not only the MS that made statements also actors from the EU institutions ignored the Treaty of Lisbon (like Barroso and van Rompuy). Ashton was not capable of giving a strong message regarding the North African region because her methods took too much time and her message was not sufficient enough;

- Representation in the UN: The High Representative was possible to speak before the UN when the EU had a common position. In most cases, it was not possible to present a common position. The MS also did not allowed the High Representative to represent them. They preferred the European Council President instead of Ashton;
- **Making statements:** It is already mentioned, but the statements of Ashton took too much time. The reason behind the slow process of making statements is that Ashton wanted to know the opinions of every MS before she made a statement. It is righteous of Ashton, but sometimes a statement had to be released quickly. When Ashton took too much time releasing a statement, others did it (in her place);

- **EU institutions did not had real authority to make a difference:** the real authority was owned by the MS. Looking at the High Representative, she can make initiatives and statements but she was really dependent on the MS for cooperation. In almost everything that she does the MS were able to interfere, with the exception of her tasks within the Commission. The EU will not become a strong actor on a global scale if they are dependent of the MS. Eventually, the EU will need their own real powers delegated by the MS;

- **Lack of overall strategy:** There was no overall strategy supporting all levels of EU foreign and security policy. There was no comprehensive strategy with clear long-term goals about the EU foreign relations. She made (comprehensive) strategies for specific regions like the Sahel and the Southern Mediterranean, but not for specific EU external action. For example, a strategy about how to interact with strategic partners and how to safeguard interests in the world. The EEAS did not make any effort of making a strategy regarding the strategic partners. Looking at the ESS, it needed to be updated. It seemed that Ashton did not had the aspiration of shaping a common EU security culture;

- **Lack of common vision regarding foreign affairs:** The reason why there was no common vision developed were the MS. The MS were not ready to share their legitimacy powers with the EU. The bigger MS were more active in criticizing and undermining the High Representative than before the Treaty of Lisbon. It can be considered that if the High Representative would acquire more competences and responsibilities the resistance of the MS would also grow.

Ashton spoke of three main priorities of her mandate: “the building of the EEAS, as an efficient and coherent service; the improving of cooperation tools in crisis management; the reinforcing of cooperation with strategic partners, especially in neighbourhood policy with southern and eastern partners” (Gianfrancesco, 2013). The building of an efficient and coherent EEAS was not succeeded because of the institutional problems within the EEAS with the result of a bad functioning service. Ashton made an effort in improving the cooperation tools in crisis management. She did this by creating several instruments. Time will tell if these instruments helped improving the crisis management of the EU. The cooperation with the strategic partners could be better. Ashton did not made a strategy on how to act with the strategic partners. As a consolation price, she had good relationships with two of the most important nations of the world: China (Dai Bingguo and the US (Hilary Clinton and John Kerry).

Role conception influencing the role performance

Role conception consists of the behaviour of the role beholder themselves in foreign policy. The role conception influences the role performance. Role performance consists of the actual behaviour in terms of decision-making and action undertaken in foreign policy (Aggestam, 2004). The role conception of Ashton as High Representative was clearly visible. Ashton saw herself as a moderator, facilitator and as a secretary instead as a leader.

Ashton’s approach was focused on building infrastructures of the CFSP instead of picking a fight with EU institutions or MS in order to achieve changes. She mentioned that she would not act as a double-hatted leader, but would draw on the resources and instruments of the Commission. For that reason, she did not fully embrace her role of improving coherence. Ashton’s conception was received with mixed feelings. In most cases it led to criticism, but it also led to compliments.

First, the enhanced role of High Representative provided Ashton with competences to make the EU more present in the world. However, she did not like the spot lights and for that reason she did not make a lot of speeches to opinion-makers in the world. According to Terpan (2014) she had to be more visible. However, she did not issued declarations in order to improve her visibility as High Representative. The role of High Representative was supposed to be a leader of
foreign affairs of the EU and that meant to be visible and take responsibility in providing information and coordination.

Further, the role conception of Ashton did not fit with the purpose of the enhanced role of the High Representative. The High Representative was supposed to make initiatives and take leadership in EU external action. Ashton was not experienced enough to deal with all the responsibilities and tasks of the enhanced role of the High Representative. She thought that she could handle the job with her quiet approach, but it can be considered that she failed in delivering some very important aspects of her role as High Representative, like developing long-term goals of EU foreign relations.

The EU is at its strongest when it is united. To reach consensus in the EU regarding foreign policy leadership was needed to unite the different actors. Ashton was not able to reach consensus in different situations. An example was the Libya case (see case 1), when the MS decided how to act. It led to the individual approach of MS instead of a united EU approach.

Ashton had to play a prominent and important role in the Commission. She had to coordinate the external relations portfolio and had to ensure the coherence of external policies of the Commission. However, Barroso decided that he was in charge of these tasks and responsibilities. Ashton accepted this situation because of her personality or role conception. She preferred to avoid conflicts if possible. Ashton did not play the prominent role in the Commission as hoped for in the Treaty of Lisbon.

Ashton’s lack of leadership was most missed in the EEAS. The reason of the lack of leadership was communication of Ashton as leader of the EEAS. As leader, she had the responsibility of making a strategy for the EEAS and for the CFSP, only she did not make a strategy what resulted in the bad functioning of the EEAS. Ashton was able to use her right of initiative in order to optimize the EEAS. Another tool what she could have used was publishing official documents with her view on foreign policy. However, she did not make much initiatives to improve the EEAS. Ashton had to show more initiative in order to become more successful in her role of leader of the EEAS.

In the area of EU security policy, she profiled herself as a facilitator. The MS had the authority regarding shaping common EU security policy, but Ashton did not acted as a leader that tried to come up with initiatives to change this policy. She acted more as a secretary of the MS.

It was very difficult to coordinate the CFSP due to the final decision was made by the MS. According to twelve foreign ministers of MS, in order to successfully coordinate the CFSP, there was great political leadership needed. Ashton was not a natural leader and in some circumstances it was required. It can be considered that she did not a good job of leading due to the lack of coordination between her and the MS foreign ministers.

Furthermore, Ashton had many delayed – or inadequate responses. That was a result of first consulting with national capitals before acting. She respected the national diplomacies, – priorities and – interests. It caused for some concerns. She did not push own initiatives when there were conflicting interests among the MS. It was the same in the FAC. The MS took leadership because they decided what was on the agenda of the FAC. However, due to her role as moderator instead of leader of the FAC, the FAC meetings became more efficient and effective.

Ashton’s quiet diplomacy paid off. In some diplomatic missions it was important that the mediator was silent and only managed the process instead of giving their own opinion in order to solve the mission. Ashton made clear that the EU was a good mediating institution to the world, with herself as driving force.

Finally, Ashton would be less criticized if she choose to be more of a leader. The role of the High Representative was based on being a leader in the area of EU external action. Most criticism was based on the invisibility of Ashton in different areas of EU foreign affairs and security policy. The Treaty of Lisbon had a vision of the High Representative as more or less a foreign minister of the EU. In reality, other actors took in different occasions the attention instead of Ashton who accepted that reality.
5. Conclusion

This chapter will answer the central research question of this thesis. This chapter will also elaborate on the limitations of this research; will provide recommendations regarding the role of the High Representative and suggestions for further research. In the answering of the research question, role theory will be implemented.

5.1 Research question

Given the new ambitions of the EU as a global actor and the requirements of consistency in EU external relations, to what extent did the changes in the function of the High Representative of the Union for Foreign Affairs and Security Policy contribute to meeting these requirements?

The EU had certain expectations from the renewed position of the High Representative. In order to judge these expectations it is important to know what the objectives are that are formulated in the Treaty of Lisbon. Article 9 E of the Treaty of Lisbon formulated four objectives for the High Representative: (1) Ensuring the consistency of the Union’s external action; (2) Giving the EU a clear voice regarding its relations with partners in the world; (3) The responsibility for external relations in the Commission and (4) was mandated by the Council in order of conducting the CFSP.

To get a clear picture on how realistic these objectives are, the ‘role theory’ is used. It consists of three steps. The first step is the role expectations. This step entails expectations of other actors about the role of the renewed High Representative. The role expectations were positive but also negative about the contribution of the High Representative towards making the EU stronger as a global actor. According to Howorth (2011), Frattini (2010), Trueb (2012) and Trzaskowski, Osica and Popielawska (2012), the role of the High Representative is the key innovation of the Treaty of Lisbon. According to Trzaskowski, Osica and Popielawska (2012), the reason is that it provides an answer to institutional dualism. According to Gundert (2014), it did not only improve the consistency but also the effectiveness and visibility of the EU. This is being described in article 9 E (4) and 10 A (3) of the Treaty of Lisbon.

According to Dijkstra (2008) and in article 9 E (2) Treaty of Lisbon the right of making proposals should make the CFSP stronger and more efficient. Another reason that could improve the role of the High Representative could improve was the double-hatted role of the High Representative in the CFSP. According to Traub (2012), Ashton should be able to coordinate the external action of both the Commission as the Council. In addition, she should be able to create synergies between the institutions. This will create a bridge between the two institutions and the Commission’s external policies and the CFSP.

In the field of crisis management there were also big expectations of the High Representative. According to Tercovich (2014), The High Representative would be an active and visible player. The Treaty of Lisbon provided the High Representative with a more directive role. According to Drent (2011), He or she would be able to develop a comprehensive common strategy in crisis management.

Article 9 B (6) Treaty of Lisbon should give the High Representative a higher profile in the world. She would be representing the EU. According to Whitman (2010), this would stop the different messages of the Council and Commission and there would be no more confusing array of EU voices in third countries or the world. Article 13 a (2) Treaty of Lisbon provided the High Representative with a more decisive role on the international stage. This decisive role would mean visits and missions to third countries and international organizations. According to Helwig, Ivan and Kostanyan (2013), the High Representative would improve the EU’s profile in the world.

There were also negative expectations (criticism) regarding the renewed position of the High Representative. The tasks of the renewed High Representative were probably too comprehensive. According to Helwig (2014) the tasks were very complex and time consuming. As support, she had the EEAS. Before she could use the EEAS, it first had to be designed and developed EEAS. According to Smidt (2012), would cause difficulties in the schedule and commitments of the High Representative what would result in absence in the Commission and the Council. According to
Maragoni (2012), the absence would lead to a lack of trust among members of the Commission as well of the Council.

Maragoni (2012) also mentions that the High Representative did not have formal authority. It meant that she could not force members of the EU institutions to change but she had to convince them. This would even further increase the workload. According to Maragoni (2012) and article 9 D Treaty of Lisbon the High Representative had no powers to force the Council and/or the Commission to move in a certain direction. The EU institutions and the MS were able to thwart all efforts of the High Representative in the area of EU foreign and security policy.

These role expectations were based on the responsibilities of the High Representative. The responsibilities together with the new competences had to ensure an improvement of consistency within the EU. The criticism about the enormous workload was also based the amount of responsibilities. The main responsibility of the High Representative was conducting the Union’s CFSP and also the CSDP. Ashton had the job of doing this by making proposals to the development of the CFSP and implement those proposals as mandated by the Council (article 18 (2) TEU and 2 of the EEAS Decision).

Other important responsibilities relate to double-hatted role of the High Representative, the EP and the EEAS. The triple-hatted role included the areas of the CFSP, FAC, Commission and European Council. As chairwoman of the FAC she had to ensure that the Union’s actions were consistent. The Union’s actions includes the CFSP/CDSP and the ESDP. The High Representative was responsible for the representation of the CFSP (article 27 TEU), putting it in effort and ensuring the compliance of the CFSP (article 24 TEU), promoting the CSDP (article 26 TEU), developing strategic guidance/vision/direction and political control of the CSDP in crisis management missions/operations (article 38 TEU), monitoring the international agenda (article 38 TEU) and ensuring coordination of the civilian and military aspects of ESDP missions in the areas of peace-keeping missions and strengthening international security conflict prevention (article 43 TEU).

As Vice-President of the Commission she had the responsibilities mentioned in article 18 TEU: ensuring the consistency of the EU external action in the Commission, was responsible for the external actions and relevant portfolio’s, building bridges between the Commissioner for internal policies with their own external dimensions, was bound by the rules of the Commission and had to contribute to the coherence of the external action of the EU.

In the European Council, she had the responsibility of ensuring the implementation of policy decisions from the European Council (article 15 TEU) and the Council (article 27 TEU). She could also be burdened with proposing a particular decision about EU action or about the position of the EU (article 15 TEU). She had to make recommendations to the Council regarding negotiations of international agreements on CFSP (article 43 TEU). She was responsible for the coordination of the common position of the European Council and the Council regarding action on the international scene. It had to be done in combination with her actions as well of the actions of the foreign affairs ministers of the MS (32 TEU). In the EP, she had the responsibility of consulting (article 36 TEU) and informing the EP (article 280 C (2) Treaty of Lisbon).

In addition, the High Representative had the responsibility of ensuring overall political coordination of the unity, consistency and effectiveness of EU action (article 9(2) EEAS Decision and 26 TEU). Especially uniting the diverging interests of the Commission and the Council and mediate between both institutions. She also had to ensure respect for the principles of loyalty as well for the principles of mutual solidarity in the area of external relations (article 24 TEU).

As head of the EEAS she was responsible for its operation. This meant ensuring the interface between the staff and the operations (article 27 TEU), responsible for the selection procedure as Appointing Authority (article 6(4) EEAS Decision). This was also the case with EU special representatives and was responsible for adequate training for employees (article 6(12) EEAS Decision).

Finally, she was responsible for the coordination of MS actions in international organizations and at conferences (article 34 paragraph 1 TEU) and ensuring the proper coordination between the representatives of the MS and the new services of the EU (article 3(1) EEAS Decision).

In order to execute these responsibilities, the High Representative had acquired several competences. Ashton had acquired rights that the High Representative did not had before the
The High Representative had required competences like: power of submitting initiatives (article 218 TFEU, 42 TEU), proposing economic proposals in the Commission (article 215 TFEU), the authority over the EEAS (article 27 TEU) and was capable of convening an extraordinary Council meeting (article 30 TEU). However, the High Representative did not acquire real decision-making or voting powers. It made the High Representative dependent on the cooperation of others actors like the MS and the European Commission.

The performance of Ashton as High Representative provided the answer on the question if the MS choose the right person for the position of High Representative. Step two and three of the role theory are: role conception and role performance. The role conception is intertwined with the role performance. The role performances of Ashton in her role as High Representative give an answer on the question if the renewed High Representative had achieved the objectives due to her responsibilities and competences. The objectives would make the EU stronger as a global actor. Was Ashton able to meet the expectations or were the critics right about her functioning as High Representative during her first and only office term? Sadly, it was mostly the latter.

Ashton failed partially to ensure the consistency of the Union’s external action. In different roles, she had to ensure the consistency of the Union’s external action. One of these roles was as chairwoman of the FAC. She had to monitor the international agenda. As chairwoman of the FAC she had the possibility of setting the agenda. However, because of her role conception of moderator, the MS took that power away and decided what was on the agenda. The meetings were more effective in the FAC under the leadership of Ashton. Due to her role of moderator she did not had a big impact on the content of the meetings.

The High Representative had a three-hatted role that all had to contribute to the consistency of the EU’s external affairs and security policy. The consistency of the EU improved a little, because of the inter-level coherence regarding the role of the rotating presidency. The MS accepted the High Representative as rotating presidency and accepted their limited responsibilities in EU foreign policy at the end of Ashton’s office term. She tried to improve the institutional coherence of EU foreign affairs with task forces and some approaches as the Comprehensive Approach to Sudan and the Review of the European Neighbourhood Policy.

Important to increase the consistency of the EU was an overall strategy supporting all levels of EU foreign policy. Ashton did not develop a comprehensive strategy with clear long-term goals about the EU foreign relations and how to safeguard the interests of the EU. The same applies to the EU security culture. It appeared to be that Ashton did not had the aspiration of shaping a common EU security culture.

Further, it can be considered that Ashton failed to give the EU a clear voice regarding its relations with partners in the world. She had to provide the EU with a clear voice through representing the CFSP. She had to ensure the proper coordination between the representatives of the MS and the new services of the EU. It was not possible for Ashton as High Representative to give the EU a clear voice. The Treaty of Lisbon did not make one but three actors responsible for the representation of the EU. In addition, there were actors (mainly MS) that made statements before the High Representative did and by doing that they ignored the Treaty of Lisbon. The High Representative received a lot of criticism because of the EU’s inability to speak with one voice on several occasions.

The main problem regarding to the proper coordination between the MS representatives and the EU institutions were that not all MS respected the responsibilities of the High Representative. They gave the High Representative these responsibilities, meanwhile, they do not acknowledge these responsibilities. The MS mostly think of their own interests instead of the strengthening of the EU. The MS dealt with the dilemma of retaining their own presence on the world stage, but they also want the EU as stronger actor on the world stage. According to Ashton, they only wanted a stronger EU if it did not harm their own national competences and interests.

Especially during a crisis, it became clear that Ashton was not able to provide the EU with a clear voice and with the proper coordination between the EU and the representatives of the MS.
In several occasions she was side-lined by other actors. She did not wielded the right approach and her statements were not sufficient enough.

The coordination in international organizations and at conferences was also very difficult to orchestrate. Ashton was able to speak before the UN, but only when the MS had a common position. In many cases it was not possible to present a common position. The preference of representation of the MS was not Ashton but Van Rompuy. The MS wanted to represent their selves in the UN or during a conference and they wanted to prevent that the High Representative would do the representation. For that reason, some MS did not present a common position. The EU was not very active in the UN or OSCE, because of the clash between them and the MS. It was not possible for Ashton to make more out of this situation because the real powers lay with the MS.

Ashton had a good understanding with Van Rompuy regarding the external representation of the EU. Both were actors that could represent the EU and they made a divide between the level of the heads of state or government (Van Rompuy) and foreign minister level (Ashton). However, both actors failed in representing the EU foreign affairs and security policy. The reason was that the Treaty of Lisbon caused only for more confusion instead of coherence in the field of external representation.

The EU had to be charismatically embodied if they wanted to play a role on the world stage, but both Ashton and Van Rompuy lacked charisma. A stronger actor was needed. Others took the role of representative of the EU instead of Ashton in several occasions. The renewed High Representative had the intention of putting a name and face on the EU policy in the world. The EU had to become a capable, coherent and strategic global partner. However, the High Representative is not the person that Henry Kissinger was waiting for or will it be in the near future.

One thing that she did excellent was the development of her relationship with the foreign ministers John Kerry and, his predecessor Hilary Clinton of the US and with Dai Bingguo of China. The US and China are two of the most important global actors in the world.

A critical remark is that it can be considered that Ashton also failed in taking the responsibility for external relations in the Commission. It was her duty to ensure consistency regarding EU external action in the Commission; she was responsible for the external action and relevant portfolios. Ashton failed in the Commission because of her relationship with the members of the Commission and especially, its president Barroso. Barroso made it clear that he was in charge by taking the responsibility of the external relations portfolio. In the Commission, she also had to contribute of the coherence of the EU’s external action. Barroso led almost every meeting of the Commission. He took away the responsibility of the ENP of the High Representative and gave it to the Commissioner for Enlargement and he limited the role of the EEAS in the Commission. Ashton did not had enough power in the Commission to improve the coherence or to make a difference.

Further, she had to build bridges between Commissioners associated with EU external action. The members did not saw the High Representative as a member and Barroso was very hostile towards her and for that reason it was almost impossible to build bridges between the Commissioners. However, she had a good relationship with Commissioner Füle for Enlargement and the ENP. Together with him, she made a review for the Southern Mediterranean. Ashton had too little power to increase the consistency of the EU foreign policy in the Commission.

Finally, it can be considered that Ashton failed in conducting the CFSP. With conducting the CFSP, it was the intention that Ashton would make proposals to the development of the CFSP, she also should implement these proposals and ensure the compliance of the CFSP. Ashton lacked in making initiatives to improve the CFSP because of her role conception of facilitator. Ashton had no decision-making powers because of the unanimity rule in the CFSP. One no vote and an initiative of the High Representative was rejected. To matter on the global scale, decision-making had to be rapid in some cases. With the unanimity rule, decision-making took too long and that did not increase the decision-making of the EU in the international sphere.

Ashton had to promote the CSDP but also develop strategic vision/ direction and had political control of the CSDP (in crisis management missions/operations). Ashton did not make a guiding
strategy for the EU foreign policy. Due to lack of guiding strategy, there were no clear guidelines of EEAS members.

In the field of crisis management, Ashton should be a visible and active player. It can be considered that she failed in being a visible player, because the MS took the spot lights during crisis (see the Libya case, North Africa and Ukraine). Ashton experienced limitations with the CSDP. She was active by developing some instruments to improve the coordination and coherence of crisis management. It is too early to tell if the developed instruments improve the crisis management of the EU, but it shows that Ashton took initiative in order to improve the crisis management. Ashton was able to do more after a crisis. She had the possibility of using Commission’s instruments to help out an area that is affected by a crisis. An example of an instrument is development aid.

She had to coordinate the civilian and military aspects of the ESDP mission in the areas of peace-keeping missions and strengthening international security conflict prevention. Ashton tried to find a solution for the Gaza-Israel conflict but was not successful. She received a lot of criticism about her task force and eventually there was no worth mentioning result. The riots of the Middle East were an impossible task to manage for Ashton. Many MS had different opinions and interests in the Middle East. Ashton could only be of worth, when there was a common position and that was not the case. Especially, this was obvious in Libya were the big three MS had different opinions on how to act.

The military aspects of the ESDP mission were not very successful under the leadership of Ashton. In the period of 2008 till 2012, only one mission was successful. It appeared to be that Ashton did not have an appetite for military matters. This was especially the case, because of her statement that the EU is a soft power instead of a military power in the world. Few examples that confirmed her statement, were the opportunity of creating an EU military headquarters what she did not do and missing a defence ministers meeting in 2010.

Besides the objectives, the High Representative had also the responsibility of the EEAS and its operating. The EEAS should be an asset in supporting the High Representative if it functioned well. Ashton build the EEAS within a year as planned. The proposal was not perfect but it was a start. Especially, if you consider the experience of Ashton and that the Treaty of Lisbon did not provide guidelines.

Ashton received a lot of criticism about the EEAS. The EEAS had management and administrative problems. According to members of the EEAS, these problems were created because of Ashton. One of the responsibilities of the High Representative was to provide the members of the EEAS with training if necessary. The EEAS members did not receive the necessary training, even though it is mentioned in the EEAS Decision. Training could help to resolve some problems, it is a missed opportunity. The EEAS should support Ashton with her role of making the EU a stronger actor in the world. However, it was not possible because of all the problems within the EEAS.

The EU became stronger as global actor in the field of international mediator. In the difficult cases of Iran and Serbia/Kosovo, Ashton showed that the EU was capable of being a strong mediator in negotiations. The EU can be neutral and most countries do not have that ability. In combination with Ashton as a patience but determined mediator the EU booked successes, even ones that were not expected. However, it is very important that the EU have something to offer like ascension, like in the Serbia/Kosovo case. Ashton was praised for her diplomatic mission.

The renewed High Representative contributed very little in making the EU a stronger global actor and improving the consistency in EU external relations. The High Representative was very dependent on the MS. The power was still with the MS. The High Representative was able to make statements, initiatives and was present in several meetings but she was not able to make changes in the institutional structure of the EU. The national identity won over the European identity. The Treaty of Lisbon provided too much room for MS action. The MS tried to give the EU institutions, including the High Representative, more competences but they did not wanted to lose their own competences in the process.
5.1.1. Concluding Remark

The role of High Representative was a very demanding job. It was way too much for one person to execute. For that reasons, Ashton focused on her strong points and on realistic targets. She did choose to be a moderator or facilitator instead of a leader. This was a choice of least resistance. When she would act more as a leader, she would had more struggles and disagreements with the MS. At the beginning of her office term, she said that she would less focus on institutional coherence and instead she would focus on three priorities like the creation of the EEAS.

Under the leadership of Ashton the EU made name as an international mediator. She achieved this status by well-managing the dialogues between Iran and the G3+3 and with the Serbia-Kosovo dialogue. She led the FAC meetings and made it more efficient and effective. She did it again by mediating between the different actors within the FAC. She showed that she can manage meetings in the right direction. Ashton is also the main force behind the EEAS. Even though it lacks leadership and a strategy. However, it was never meant that the EU would make for herself as mediator. It was a positive side effect.

The EU wanted to be a stronger global actor. The Treaty of Lisbon would provide the renewed role of the High Representative with competences that would contribute in achieving this goal. Sadly, the guidelines in the Treaty of Lisbon are vaguely and not clearly described.

Ashton had a difficult time in changing the EU foreign policy. She was criticized on different things almost all time. The main problem was the position of the MS. They did not want to lose national sovereignty. They choose for Ashton because they hoped that she would not be a threat. This came true because she acted as a secretary instead of a leader creating troubles for the MS. Due to the personality and role conception of Ashton the EEAS lacked leadership and there was no strategy regarding EU’s external foreign affairs and security policy. It appeared that the MS choose Ashton because of their own national interest instead of the EU interests of becoming a stronger actor.

One of the main objectives of the renewed role of the High Representative was improving the institutional coherence. The problem with this objective was that the Treaty of Lisbon only gave the opportunity to improve the institutional coherence instead of enforcing it. For that reason Ashton focused her attention to other subjects like the EEAS.

Ashton was not the leader everybody hoped for but with her personality and experience nobody expected it from her. The MS first have to change their attitude before the High Representative can play a crucial role in strengthening the EU as global actor.

It has to be taken into consideration that Ashton was the first High Representative in her new role as member of the Commission and in the Council. All actors in the EU had to get used to this institutional change. With time, the role of the High Representative has the possibility of becoming more important on the international stage. The MS already accepted the changed role of the Rotating Presidency of the Council and that is just the first step.

5.2. Recommendations

The recommendations are based on the findings of this thesis:

- **Convincing the importance of the role of the High Representative to the MS**: The main problem with the role of the High Representative is that it lacks real powers. It has so-called guiding powers (Maragoni, 2012; Gianfransesco, 2013). The MS are in control and the High Representative is depending on the political will of the MS (Ashton, 2013). The renewed High Representative was strengthened with a reason in the Treaty of Lisbon. For that same reason the MS have to acknowledge the High Representative and give it more freedom and powers;
  - **Providing the High Representative with decision-making powers**: The High Representative has the right of initiative but cannot implement initiatives or make a decision about it. If the High Representative has the authority of making decisions or she would be able to make a difference. A benefit of transferring decision-making powers to the High Representative would be that the decision-making would be a lot quicker. At the moment, rapid decision-making is not possible because of the 28 MS;
- **Clarification of representation of the EU in the Treaty of Lisbon**: The Treaty of Lisbon is vaguely defined and leaves too much room for interpretation. The EU must change the Treaty with
specific and clear articles. It should be understood who represents the EU and when an actor represents the EU. It gives clarity to the actors involved and gives the world a better picture who to contact;

- **Reducing the powers of the Commission’s President**: The situation between Barroso and Ashton made it very obvious that the President of the Commission has total power in the Commission. Barroso claimed the external relations portfolio and the responsibility of ensuring coherence of external policies (Blockmans, 2011). Although the High Representative have some responsibilities in the Commission, Ashton was not capable to execute these responsibilities properly. Barroso made all decisions in the Commission and Ashton had to accept the situation. The power of the Commission’s President has to be reduced if the High Representative wants to play a significant role in the Commission;

- **High profile candidate**: One of the problems with the EU was that it was not clear who to contact (Kissinger: who to call the EU) in the EU. The High Representative had to be the answer but sadly Ashton was not the answer. She was not a match for the MS and some other EU actors (Especially Commission’s President Barroso). A stronger and more experienced person knows better how to deal with this kind of situations. Before the EU speaks with one voice, there has to be a strong and experienced person taking the role of the High Representative, at least someone who prefers to be a leader.

- **Right person for the job**: The person chosen for the job has to possess the right qualification in order to execute the tasks as good as possible. If the job requires leadership, it cannot be that the person chosen for the job prefers to be a moderator instead of a leader. Another important factor is the role conception of this person. The role conception has to be consistent with the objectives of the EU. The ‘Role Theory’ shows that the role conception of Ashton had a negative influence on her role performance. There was a conflict between the role conception and the objectives of the EU.

- **New formal deputy for the function of the High Representative**: the High Representative had a really huge and relentless workload (Smidt, 2012). In releasing the pressure of the workload a deputy could be the answer. The deputy would remain in Brussels to represent the High Representative when it is away in the Commission as well in CFSP matters. That would mean that the TEU needs to be altered in order to create a position that is able to represent the High Representative in both the Commission as in CFSP matters. A negative element regarding this recommendation is, that there were already initiatives to install a formal deputy. However, these initiatives came up against opposition. Thus, there is not a lot of support for this recommendation.

### 5.3. Limitations

This subchapter elaborates on the limitations of this thesis. The limitations are based on the kind of research that is used in this thesis (qualitative program evaluation) and trustworthiness. A program evaluation or in this case a function evaluation is very difficult to measure because there are no tests involved.

- A possible limitation of this thesis can be the **lack of triangulation**: Triangulation increases the trustworthiness of a research or evaluation. Mathison (1988) mentions that “Triangulation has risen from an important methodological issue in naturalistic and qualitative approaches to evaluation in order to control bias and establishing valid propositions”. Triangulation strengthens a study by combining methods or using different data sources (observations, interviews and document analysis). This thesis only made use of document analysis and therefore it has no triangulation. Triangulation leads to a more valid, reliable and diverse construction of realities (Golafshani, 2003). Due to the lack of triangulation the credibility of this thesis is not as high as possible. There is prolonged engagement, persistent observation and negative case analysis but no triangulation;

- Another possible limitation of this research is the **dependability**: It refers to “the processes within the study should be reported in detail, thereby enabling a future researcher to repeat the work, if not necessarily to gain the same results” (Shenton, 2004). The structure of this thesis is mentioned but not in too much detail. It cannot be guaranteed that a future
researcher produces the same results if it would repeat the work, because it is dependable on
the documents that are used in the future work;
- **Confirmability** is also a possible limitation: In this thesis there are a lot of opinions of different
researchers about the functioning of the High Representative. An important part of this thesis
is the opinion of the researcher. It is possible that unknowingly the researcher was influenced
by the opinions of other researchers, especially because of the use of document analysis and
its limitation of bias selectivity;
- This thesis is not **generalizable**: This research only has added value to the role of the High
Representative. It is not generalizable to other functions or institutions in the EU. The reason
is that it is a qualitative research about the renewed role of the High Representative and it did
not had the intention of making statements about a bigger population.

5.4. Further research

In the conclusion, it became pretty obvious that the role of the High Representative had some
major defects, like the power of the MS and overfull agenda of the High Representative. Further
research can be done to give some answers on the shortcomings of the High Representative:

- **Research about the real intentions of the Member States regarding to the Treaty of Lisbon**: This
research showed that MS were not ready to share their legal powers with the EU. In the Treaty
of Lisbon, it appears to be that the EU had required more powers to compete with other
leaders in the world. However, the MS still had the decision-making power. It would be
interesting to find out what the real intentions were of the MS regarding to the Treaty of
Lisbon. Did the MS had the intention of strengthen the EU or was it just a justification of their
membership of the EU towards their citizens?
- **Influence economic crisis on the functioning of the High Representative**: It was mentioned a few
times that the MS did not had a lot of interest in EU foreign affairs because of their problem
with solving the economic crisis. What effect had the economic crisis on the performance of
High Representative Ashton?
- **Research about the examination to strengthen the High Representative**: Is it possible to
strengthen the position of the High Representative within the structure of the Treaty of
Lisbon? If it is not possible, what changes has there to be made to provide the High
Representative with more powers?
- **Evaluation of the second office term of the High Representative (Mogherini)**: Does the High
Representative experience the same problems and difficulties as Ashton in her office term as
High Representative? What significant changes did the EU make in order to tackle the
problems during the first office term of the High Representative?
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Appendix one: Articles

The articles are from the official journal of the European Union:


**Treaty of Lisbon**

**Article 9**

1. The Union shall have an institutional framework which shall aim to promote its values, advance its objectives, serve its interests, those of its citizens and those of the Member States, and ensure the consistency, effectiveness and continuity of its policies and actions. The Union's institutions shall be:
   - the European Parliament,
   - the European Council,
   - the Council,
   - the European Commission (hereinafter referred to as “the Commission”),
   - the Court of Justice of the European Union,
   - the European Central Bank,
   - the Court of Auditors.

2. Each institution shall act within the limits of the powers conferred on it in the Treaties, and in conformity with the procedures, conditions and objectives set out in them. The institutions shall practice mutual sincere cooperation.

3. The provisions relating to the European Central Bank and the Court of Auditors and detailed provisions on the other institutions are set out in the Treaty on the Functioning of the European Union.

4. The European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions acting in an advisory capacity.

**Article 9 B**

1. The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions.

2. The European Council shall consist of the Heads of State or Government of the Member States, together with its President and the President of the Commission. The High Representative of the Union for Foreign Affairs and Security Policy shall take part in its work.

3. The European Council shall meet twice every six months, convened by its President. When the agenda so requires, the members of the European Council may decide each to be assisted by a minister and, in the case of the President of the Commission, by a member of the Commission. When the situation so requires, the President shall convene a special meeting of the European Council.
4. Except where the Treaties provide otherwise, decisions of the European Council shall be taken by consensus.

5. The European Council shall elect its President, by a qualified majority, for a term of two and a half years, renewable once. In the event of an impediment or serious misconduct, the European Council can end the President’s term of office in accordance with the same procedure.

Article 9 D

1. The Commission shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them. It shall oversee the application of Union law under the control of the Court of Justice of the European Union. It shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions, as laid down in the Treaties. With the exception of the common foreign and security policy, and other cases provided for in the Treaties, it shall ensure the Union’s external representation. It shall initiate the Union’s annual and multiannual programming with a view to achieving inter-institutional agreements.

2. Union legislative acts may only be adopted on the basis of a Commission proposal, except where the Treaties provide otherwise. Other acts shall be adopted on the basis of a Commission proposal where the Treaties so provide.

3. The Commission’s term of office shall be five years. The members of the Commission shall be chosen on the ground of their general competence and European commitment from persons whose independence is beyond doubt. In carrying out its responsibilities, the Commission shall be completely independent. Without prejudice to Article 9 E(2), the members of the Commission shall neither seek nor take instructions from any Government or other institution, body, office or entity. They shall refrain from any action incompatible with their duties or the performance of their tasks.

4. The Commission appointed between the date of entry into force of the Treaty of Lisbon and 31 October 2014 shall consist of one national of each Member State, including its President and the High Representative of the Union for Foreign Affairs and Security Policy who shall be one of its Vice-Presidents.

5. As from 1 November 2014, the Commission shall consist of a number of members, including its President and the High Representative of the Union for Foreign Affairs and Security Policy, corresponding to two thirds of the number of Member States, unless the European Council, acting unanimously, decides to alter this number. The members of the Commission shall be chosen from among the nationals of the Member States on the basis of a system of strictly equal rotation between the Member States, reflecting the demographic and geographical range of all the Member States. This system shall be established unanimously by the European Council in accordance with Article 211a of the Treaty on the Functioning of the European Union.

6. The President of the Commission shall:
   a. lay down guidelines within which the Commission is to work;
   b. decide on the internal organisation of the Commission, ensuring that it acts consistently, efficiently and as a collegiate body;
   c. appoint Vice-Presidents, other than the High Representative of the Union for Foreign Affairs and Security Policy, from among the members of the Commission. A member of the Commission shall resign if the President so requests. The High Representative of the Union for Foreign Affairs and Security Policy shall resign, in accordance with the procedure set out in Article 9 E(1), if the President so requests.

7. Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he does not obtain the required majority, the European Council, acting by a
qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure. The Council, by common accord with the President-elect, shall adopt the list of the other persons whom it proposes for appointment as members of the Commission. They shall be selected, on the basis of the suggestions made by Member States, in accordance with the criteria set out in paragraph 3, second subparagraph, and paragraph 5, second subparagraph. The President, the High Representative of the Union for Foreign Affairs and Security Policy and the other members of the Commission shall be subject as a body to a vote of consent by the European Parliament. On the basis of this consent the Commission shall be appointed by the European Council, acting by a qualified majority.

Article 9 E
1. The European Council, acting by a qualified majority, with the agreement of the President of the Commission, shall appoint the High Representative of the Union for Foreign Affairs and Security Policy. The European Council may end his term of office by the same procedure.
2. The High Representative shall conduct the Union’s common foreign and security policy. He shall contribute by his proposals to the development of that policy, which he shall carry out as mandated by the Council. The same shall apply to the common security and defence policy.
3. The High Representative shall preside over the Foreign Affairs Council.
4. The High Representative shall be one of the Vice-Presidents of the Commission. He shall ensure the consistency of the Union’s external action. He shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union’s external action. In exercising these responsibilities within the Commission, and only for these responsibilities, the High Representative shall be bound by Commission procedures to the extent that this is consistent with paragraphs 2 and 3.’

Article 10 A
1. The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law. The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.
2. The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:
   a. safeguard its values, fundamental interests, security, independence and integrity;
   b. consolidate and support democracy, the rule of law, human rights and the principles of international law;
   c. preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;
   d. foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;
   e. encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;
   f. help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development;
g. assist populations, countries and regions confronting natural or man-made disasters; and
h. promote an international system based on stronger multilateral cooperation and good global governance.
3. The Union shall respect the principles and pursue the objectives set out in paragraphs 1 and 2 in the development and implementation of the different areas of the Union’s external action covered by this Title and by Part Five of the Treaty on the Functioning of the European Union, and of the external aspects of its other policies. The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect.

Article 13a
1. The High Representative of the Union for Foreign Affairs and Security Policy, who shall chair the Foreign Affairs Council, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall ensure implementation of the decisions adopted by the European Council and the Council
2. The High Representative shall represent the Union for matters relating to the common foreign and security policy. He shall conduct political dialogue with third parties on the Union’s behalf and shall express the Union’s position in international organisations and at international conferences.
3. In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission.’

Article 19 shall be amended as follows:
(a) in paragraph 1, the words ‘the common positions’ shall be replaced by ‘the Union’s positions’ in the first and second subparagraphs and the following sentence shall be added at the end of the first subparagraph: ‘The High Representative of the Union for Foreign Affairs and Security Policy shall organise this coordination.’;
(b) paragraph 2 shall be amended as follows:
   i. in the first subparagraph, the words ‘Without prejudice to paragraph 1 and Article 14(3),’ shall be replaced by ‘In accordance with Article 11(3),’ and the words ‘the latter’ shall be replaced by ‘the other Member States and the High Representative’;
   ii. in the second subparagraph, first sentence, the words ‘and the High Representative’ shall be inserted after ‘the other Member States’; in the second sentence, the word ‘permanent’ shall be deleted and the words ‘ensure the defence of the positions’ shall be replaced by ‘defend the positions’;
   iii. the following new third subparagraph shall be added: ‘When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the High Representative be invited to present the Union’s position.’

Article 21 shall be amended as follows:
(a) the first paragraph shall be replaced by the following: ‘The High Representative of the Union for Foreign Affairs and Security Policy shall regularly consult the European
Parliament on the main aspects and the basic choices of the common foreign and security policy and the common security and defence policy and inform it of how those policies evolve. He shall ensure that the views of the European Parliament are duly taken into consideration. Special representatives may be involved in briefing the European Parliament.

(b) in the second paragraph, first sentence, the words ‘and to the High Representative’ shall be inserted at the end; in the second sentence, the words ‘It shall hold an annual debate’ shall be replaced by ‘Twice a year it shall hold a debate’ and the words ‘, including the common security and defence policy’ shall be inserted at the end.

Article 28 C
1. Within the framework of the decisions adopted in accordance with Article 28 B, the Council may entrust the implementation of a task to a group of Member States which are willing and have the necessary capability for such a task. Those Member States, in association with the High Representative of the Union for Foreign Affairs and Security Policy, shall agree among themselves on the management of the task.
2. Member States participating in the task shall keep the Council regularly informed of its progress on their own initiative or at the request of another Member State. Those States shall inform the Council immediately should the completion of the task entail major consequences or require amendment of the objective, scope and conditions determined for the task in the decisions referred to in paragraph 1. In such cases, the Council shall adopt the necessary decisions.

Article 280 C
1. When enhanced cooperation is being established, it shall be open to all Member States, subject to compliance with any conditions of participation laid down by the authorizing decision. It shall also be open to them at any other time, subject to compliance with the acts already adopted within that framework, in addition to those conditions. The Commission and the Member States participating in enhanced cooperation shall ensure that they promote participation by as many Member States as possible.
2. The Commission and, where appropriate, the High Representative of the Union for Foreign Affairs and Security Policy shall keep the European Parliament and the Council regularly informed regarding developments in enhanced cooperation.

Treaty of the European Union (TEU)
Article 15
1. The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions.
2. The European Council shall consist of the Heads of State or Government of the Member States, together with its President and the President of the Commission. The High Representative of the Union for Foreign Affairs and Security Policy shall take part in its work.
3. The European Council shall meet twice every six months, convened by its President. When the agenda so requires, the members of the European Council may decide each to be assisted by a minister and, in the case of the President of the Commission, by a member of the Commission. When the situation so requires, the President shall convene a special meeting of the European Council.
4. Except where the Treaties provide otherwise, decisions of the European Council shall be taken by consensus.
5. The European Council shall elect its President, by a qualified majority, for a term of two and a half years, renewable once. In the event of an impediment or serious misconduct, the European Council can end the President’s term of office in accordance with the same procedure.
6. The President of the European Council:
a. shall chair it and drive forward its work;
b. shall ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council;
c. shall endeavour to facilitate cohesion and consensus within the European Council;
d. shall present a report to the European Parliament after each of the meetings of the European Council. The President of the European Council shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy. The President of the European Council shall not hold a national office.

Article 17

1. The Commission shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Treaties, and of measures adopted by the institutions pursuant to them. It shall oversee the application of Union law under the control of the Court of Justice of the European Union. It shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions, as laid down in the Treaties. With the exception of the common foreign and security policy, and other cases provided for in the Treaties, it shall ensure the Union's external representation. It shall initiate the Union's annual and multiannual programming with a view to achieving inter-institutional agreements.

2. Union legislative acts may only be adopted on the basis of a Commission proposal, except where the Treaties provide otherwise. Other acts shall be adopted on the basis of a Commission proposal where the Treaties so provide.

3. The Commission's term of office shall be five years. The members of the Commission shall be chosen on the ground of their general competence and European commitment from persons whose independence is beyond doubt. In carrying out its responsibilities, the Commission shall be completely independent. Without prejudice to Article 18(2), the members of the Commission shall neither seek nor take instructions from any Government or other institution, body, office or entity. They shall refrain from any action incompatible with their duties or the performance of their tasks.

4. The Commission appointed between the date of entry into force of the Treaty of Lisbon and 31 October 2014, shall consist of one national of each Member State, including its President and the High Representative of the Union for Foreign Affairs and Security Policy who shall be one of its Vice Presidents.

5. As from 1 November 2014, the Commission shall consist of a number of members, including its President and the High Representative of the Union for Foreign Affairs and Security Policy, corresponding to two thirds of the number of Member States, unless the European Council, acting unanimously, decides to alter this number. The members of the Commission shall be chosen from among the nationals of the Member States on the basis of a system of strictly equal rotation between the Member States, reflecting the demographic and geographical range of all the Member States. This system shall be established unanimously by the European Council in accordance with Article 244 of the Treaty on the Functioning of the European Union.

6. The President of the Commission shall: (a) lay down guidelines within which the Commission is to work; (b) decide on the internal organisation of the Commission, ensuring that it acts consistently, efficiently and as a collegiate body; (c) appoint Vice-Presidents, other than the High Representative of the Union for Foreign Affairs and Security Policy, from among the members of the Commission. A member of the Commission shall resign if the President so requests. The High Representative of the Union for Foreign Affairs and Security Policy shall resign, in accordance with the procedure set out in Article 18(1), if the President so requests.
7. Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure. The Council, by common accord with the President-elect, shall adopt the list of the other persons whom it proposes for appointment as members of the Commission. They shall be selected, on the basis of the suggestions made by Member States, in accordance with the criteria set out in paragraph 3, second subparagraph, and paragraph 5, second subparagraph. The President, the High Representative of the Union for Foreign Affairs and Security Policy and the other members of the Commission shall be subject as a body to a vote of consent by the European Parliament. On the basis of this consent the Commission shall be appointed by the European Council, acting by a qualified majority.

8. The Commission, as a body, shall be responsible to the European Parliament. In accordance with Article 234 of the Treaty on the Functioning of the European Union, the European Parliament may vote on a motion of censure of the Commission. If such a motion is carried, the members of the Commission shall resign as a body and the High Representative of the Union for Foreign Affairs and Security Policy shall resign from the duties that he carries out in the Commission.

Article 18

1. The European Council, acting by a qualified majority, with the agreement of the President of the Commission, shall appoint the High Representative of the Union for Foreign Affairs and Security Policy. The European Council may end his term of office by the same procedure.

2. The High Representative shall conduct the Union’s common foreign and security policy. He shall contribute by his proposals to the development of that policy, which he shall carry out as mandated by the Council. The same shall apply to the common security and defence policy.

3. The High Representative shall preside over the Foreign Affairs Council.

4. The High Representative shall be one of the Vice-Presidents of the Commission. He shall ensure the consistency of the Union’s external action. He shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union’s external action. In exercising these responsibilities within the Commission, and only for these responsibilities, the High Representative shall be bound by Commission procedures to the extent that this is consistent with paragraphs 2 and 3.

Article 19

1. The Court of Justice of the European Union shall include the Court of Justice, the General Court and specialised courts. It shall ensure that in the interpretation and application of the Treaties the law is observed. Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law.

2. The Court of Justice shall consist of one judge from each Member State. It shall be assisted by Advocates-General. The General Court shall include at least one judge per Member State. The Judges and the Advocates-General of the Court of Justice and the Judges of the General Court shall be chosen from persons whose independence is beyond doubt and who satisfy the conditions set out in Articles 253 and 254 of the Treaty on the Functioning of the European Union. They shall be appointed by common accord of the governments of the Member States for six years. Retiring Judges and Advocates-General may be reappointed.

3. The Court of Justice of the European Union shall, in accordance with the Treaties:
   a. rule on actions brought by a Member State, an institution or a natural or legal person;
b. give preliminary rulings, at the request of courts or tribunals of the Member States, on the interpretation of Union law or the validity of acts adopted by the institutions;

c. rule in other cases provided for in the Treaties.

Article 21

1. The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law. The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.

2. The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:

   a. safeguard its values, fundamental interests, security, independence and integrity;

   b. consolidate and support democracy, the rule of law, human rights and the principles of international law;

   c. preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;

   d. foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;

   e. encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;

   f. help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development;

   g. assist populations, countries and regions confronting natural or man-made disasters; and

   h. promote an international system based on stronger multilateral cooperation and good global governance.

3. The Union shall respect the principles and pursue the objectives set out in paragraphs 1 and 2 in the development and implementation of the different areas of the Union’s external action covered by this Title and by Part Five of the Treaty on the Functioning of the European Union, and of the external aspects of its other policies. The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect.

Article 22

1. On the basis of the principles and objectives set out in Article 21, the European Council shall identify the strategic interests and objectives of the Union. Decisions of the European Council on the strategic interests and objectives of the Union shall relate to the common foreign and security policy and to other areas of the external action of the Union. Such decisions may concern the relations of the Union with a specific country or region or may be thematic in approach. They shall define their duration, and the means to be made available by the Union and the Member States. The European Council shall act unanimously on a recommendation from the Council, adopted by the latter under the arrangements laid down for each area. Decisions of the European Council shall be implemented in accordance with the procedures provided for in the Treaties.
2. The High Representative of the Union for Foreign Affairs and Security Policy, for the area of common foreign and security policy, and the Commission, for other areas of external action, may submit joint proposals to the Council.

Article 24 (ex Article 11 TEU)
1. The Union’s competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union’s security, including the progressive framing of a common defence policy that might lead to a common defence. The common foreign and security policy is subject to specific rules and procedures. It shall be defined and implemented by the European Council and the Council acting unanimously, except where the Treaties provide otherwise. The adoption of legislative acts shall be excluded. The common foreign and security policy shall be put into effect by the High Representative of the Union for Foreign Affairs and Security Policy and by Member States, in accordance with the Treaties. The specific role of the European Parliament and of the Commission in this area is defined by the Treaties. The Court of Justice of the European Union shall not have jurisdiction with respect to these provisions, with the exception of its jurisdiction to monitor compliance with Article 40 of this Treaty and to review the legality of certain decisions as provided for by the second paragraph of Article 275 of the Treaty on the Functioning of the European Union.

2. Within the framework of the principles and objectives of its external action, the Union shall conduct, define and implement a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States’ actions.

3. The Member States shall support the Union’s external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union’s action in this area. The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. The Council and the High Representative shall ensure compliance with these principles.

Article 25 (ex Article 12 TEU)
The Union shall conduct the common foreign and security policy by:
   a. defining the general guidelines;
   b. adopting decisions defining:
      (i) actions to be undertaken by the Union;
      (ii) positions to be taken by the Union;
      (iii) arrangements for the implementation of the decisions referred to in points (i) and (ii); and by
   c. strengthening systematic cooperation between Member States in the conduct of policy.

Article 26 (ex Article 13 TEU)
1. The European Council shall identify the Union’s strategic interests, determine the objectives of and define general guidelines for the common foreign and security policy, including for matters with defence implications. It shall adopt the necessary decisions. If international developments so require, the President of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union’s policy in the face of such developments.

2. The Council shall frame the common foreign and security policy and take the decisions necessary for defining and implementing it on the basis of the general guidelines and strategic lines defined by the European Council. The Council and the High Representative of the Union for Foreign Affairs and Security Policy shall ensure the unity, consistency and effectiveness of action by the Union.
3. The common foreign and security policy shall be put into effect by the High Representative and by the Member States, using national and Union resources.

Article 27
1. The High Representative of the Union for Foreign Affairs and Security Policy, who shall chair the Foreign Affairs Council, shall contribute through his proposals towards the preparation of the common foreign and security policy and shall ensure implementation of the decisions adopted by the European Council and the Council.

2. The High Representative shall represent the Union for matters relating to the common foreign and security policy. He shall conduct political dialogue with third parties on the Union’s behalf and shall express the Union’s position in international organisations and at international conferences.

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

Article 30 (ex Article 22 TEU)
1. Any Member State, the High Representative of the Union for Foreign Affairs and Security Policy, or the High Representative with the Commission’s support, may refer any question relating to the common foreign and security policy to the Council and may submit to it initiatives or proposals as appropriate.

2. In cases requiring a rapid decision, the High Representative, of his own motion, or at the request of a Member State, shall convene an extraordinary Council meeting within 48 hours or, in an emergency, within a shorter period.

Article 31 (ex Article 23 TEU)
1. Decisions under this Chapter shall be taken by the European Council and the Council acting unanimously, except where this Chapter provides otherwise. The adoption of legislative acts shall be excluded. When abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration under the present subparagraph. In that case, it shall not be obliged to apply the decision, but shall accept that the decision commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States shall respect its position. If the members of the Council qualifying their abstention in this way represent at least one third of the Member States comprising at least one third of the population of the Union, the decision shall not be adopted.

2. By derogation from the provisions of paragraph 1, the Council shall act by qualified majority: — when adopting a decision defining a Union action or position on the basis of a decision of the European Council relating to the Union’s strategic interests and objectives, as referred to in Article 22(1), — when adopting a decision defining a Union action or position, on a proposal which the High Representative of the Union for Foreign Affairs and Security Policy has presented following a specific request from the European Council, made on its own initiative or that of the High Representative, when adopting any decision implementing a decision defining a Union action or position, — when appointing a special representative in accordance with Article 33. If a member of the Council declares that, for vital and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. The High Representative will, in close consultation with the Member State involved, search for a solution acceptable to it. If he does not succeed, the Council may, acting by a qualified majority, adopt the decision.
majority, request that the matter be referred to the European Council for a decision by unanimity.
3. The European Council may unanimously adopt a decision stipulating that the Council shall act by a qualified majority in cases other than those referred to in paragraph 2.
4. Paragraphs 2 and 3 shall not apply to decisions having military or defence implications.
5. For procedural questions, the Council shall act by a majority of its members.

**Article 32 (ex Article 16 TEU)**
Member States shall consult one another within the European Council and the Council on any matter of foreign and security policy of general interest in order to determine a common approach. Before undertaking any action on the international scene or entering into any commitment which could affect the Union’s interests, each Member State shall consult the others within the European Council or the Council. Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. Member States shall show mutual solidarity. When the European Council or the Council has defined a common approach of the Union within the meaning of the first paragraph, the High Representative of the Union for Foreign Affairs and Security Policy and the Ministers for Foreign Affairs of the Member States shall coordinate their activities within the Council. The diplomatic missions of the Member States and the Union delegations in third countries and at international organisations shall cooperate and shall contribute to formulating and implementing the common approach.

**Article 34 (ex Article 19 TEU)**
1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union’s positions in such forums. The High Representative of the Union for Foreign Affairs and Security Policy shall organise this coordination. In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union’s positions.
2. In accordance with Article 24(3), Member States represented in international organisations or international conferences where not all the Member States participate shall keep the other Member States and the High Representative informed of any matter of common interest. Member States which are also members of the United Nations Security Council will concert and keep the other Member States and the High Representative fully informed. Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter. When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the High Representative be invited to present the Union’s position.

**Article 36 (ex Article 21 TEU)**
The High Representative of the Union for Foreign Affairs and Security Policy shall regularly consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and the common security and defence policy and inform it of how those policies evolve. He shall ensure that the views of the European Parliament are duly taken into consideration. Special representatives may be involved in briefing the European Parliament. The European Parliament may ask questions of the Council or make recommendations to it and to the High Representative. Twice a year it shall hold a debate on progress in implementing the common foreign and security policy, including the common security and defence policy.

**Article 38 (ex Article 25 TEU)**
Without prejudice to Article 240 of the Treaty on the Functioning of the European Union, a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering
opinions to the Council at the request of the Council or of the High Representative of the Union for Foreign Affairs and Security Policy or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the powers of the High Representative. Within the scope of this Chapter, the Political and Security Committee shall exercise, under the responsibility of the Council and of the High Representative, the political control and strategic direction of the crisis management operations referred to in Article 43. The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant decisions concerning the political control and strategic direction of the operation.

Article 41 (ex Article 28 TEU)
1. Administrative expenditure to which the implementation of this Chapter gives rise for the institutions shall be charged to the Union budget.

2. Operating expenditure to which the implementation of this Chapter gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council acting unanimously decides otherwise. In cases where expenditure is not charged to the Union budget, it shall be charged to the Member States in accordance with the gross national product scale, unless the Council acting unanimously decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a formal declaration under Article 31(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. The Council shall adopt a decision establishing the specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of the common foreign and security policy, and in particular for preparatory activities for the tasks referred to in Article 42(1) and Article 43. It shall act after consulting the European Parliament. Preparatory activities for the tasks referred to in Article 42(1) and Article 43 which are not charged to the Union budget shall be financed by a start-up fund made up of Member States’ contributions. The Council shall adopt by a qualified majority, on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy, decisions establishing:
   a. the procedures for setting up and financing the start-up fund, in particular the amounts allocated to the fund;
   b. the procedures for administering the start-up fund;
   c. the financial control procedures. When the task planned in accordance with Article 42(1) and Article 43 cannot be charged to the Union budget, the Council shall authorise the High Representative to use the fund. The High Representative shall report to the Council on the implementation of this remit.

Article 42 (ex Article 17 TEU)
1. The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civilian and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.

2. The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements. The policy of the Union in accordance with this Section shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation (NATO), under the North Atlantic
Treaty and be compatible with the common security and defence policy established within that framework.

3. Member States shall make civilian and military capabilities available to the Union for the implementation of the common security and defence policy, to contribute to the objectives defined by the Council. Those Member States which together establish multinational forces may also make them available to the common security and defence policy. Member States shall undertake progressively to improve their military capabilities. The Agency in the field of defence capabilities development, research, acquisition and armaments (hereinafter referred to as 'the European Defence Agency') shall identify operational requirements, shall promote measures to satisfy those requirements, shall contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, shall participate in defining a European capabilities and armaments policy, and shall assist the Council in evaluating the improvement of military capabilities.

4. Decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council acting unanimously on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy or an initiative from a Member State. The High Representative may propose the use of both national resources and Union instruments, together with the Commission where appropriate.

5. The Council may entrust the execution of a task, within the Union framework, to a group of Member States in order to protect the Union's values and serve its interests. The execution of such a task shall be governed by Article 44.

6. Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. Such cooperation shall be governed by Article 46. It shall not affect the provisions of Article 43.

7. If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States. Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

Article 43
1. The tasks referred to in Article 42(1), in the course of which the Union may use civilian and military means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.

2. The Council shall adopt decisions relating to the tasks referred to in paragraph 1, defining their objectives and scope and the general conditions for their implementation. The High Representative of the Union for Foreign Affairs and Security Policy, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

Article 44
1. Within the framework of the decisions adopted in accordance with Article 43, the Council may entrust the implementation of a task to a group of Member States which are willing and have the necessary capability for such a task. Those Member States, in
association with the High Representative of the Union for Foreign Affairs and Security Policy, shall agree among themselves on the management of the task.

2. Member States participating in the task shall keep the Council regularly informed of its progress on their own initiative or at the request of another Member State. Those States shall inform the Council immediately should the completion of the task entail major consequences or require amendment of the objective, scope and conditions determined for the task in the decisions referred to in paragraph 1. In such cases, the Council shall adopt the necessary decisions.

Article 46

1. Those Member States which wish to participate in the permanent structured cooperation referred to in Article 42(6), which fulfil the criteria and have made the commitments on military capabilities set out in the Protocol on permanent structured cooperation, shall notify their intention to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy.

2. Within three months following the notification referred to in paragraph 1 the Council shall adopt a decision establishing permanent structured cooperation and determining the list of participating Member States. The Council shall act by a qualified majority after consulting the High Representative.

3. Any Member State which, at a later stage, wishes to participate in the permanent structured cooperation shall notify its intention to the Council and to the High Representative. The Council shall adopt a decision confirming the participation of the Member State concerned which fulfils the criteria and makes the commitments referred to in Articles 1 and 2 of the Protocol on permanent structured cooperation. The Council shall act by a qualified majority after consulting the High Representative. Only members of the Council representing the participating Member States shall take part in the vote. A qualified majority shall be defined in accordance with Article 238(3)(a) of the Treaty on the Functioning of the European Union.

4. If a participating Member State no longer fulfils the criteria or is no longer able to meet the commitments referred to in Articles 1 and 2 of the Protocol on permanent structured cooperation, the Council may adopt a decision suspending the participation of the Member State concerned. The Council shall act by a qualified majority. Only members of the Council representing the participating Member States, with the exception of the Member State in question, shall take part in the vote. A qualified majority shall be defined in accordance with Article 238(3)(a) of the Treaty on the Functioning of the European Union.

5. Any participating Member State which wishes to withdraw from permanent structured cooperation shall notify its intention to the Council, which shall take note that the Member State in question has ceased to participate.

6. The decisions and recommendations of the Council within the framework of permanent structured cooperation, other than those provided for in paragraphs 2 to 5, shall be adopted by unanimity. For the purposes of this paragraph, unanimity shall be constituted by the votes of the representatives of the participating Member States only.

Treaty of the Functioning of the European Union

Article 188 (ex Article 172 TEC)
The Council, on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee, shall adopt the provisions referred to in Article 187. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, shall adopt the provisions referred to in Articles 183, 184 and 185. Adoption of the supplementary programmes shall require the agreement of the Member States concerned.

Article 215 (ex Article 301 TEC)
1. Where a decision, adopted in accordance with Chapter 2 of Title V of the Treaty on European Union, provides for the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries, the Council, acting by a qualified majority on a joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission, shall adopt the necessary measures. It shall inform the European Parliament thereof.

2. Where a decision adopted in accordance with Chapter 2 of Title V of the Treaty on European Union so provides, the Council may adopt restrictive measures under the procedure referred to in paragraph 1 against natural or legal persons and groups or non-State entities.

3. The acts referred to in this Article shall include necessary provisions on legal safeguards.

**Article 218 (ex Article 300 TEC)**

1. Without prejudice to the specific provisions laid down in Article 207, agreements between the Union and third countries or international organisations shall be negotiated and concluded in accordance with the following procedure.

2. The Council shall authorise the opening of negotiations, adopt negotiating directives, authorise the signing of agreements and conclude them.

3. The Commission, or the High Representative of the Union for Foreign Affairs and Security Policy where the agreement envisaged relates exclusively or principally to the common foreign and security policy, shall submit recommendations to the Council, which shall adopt a decision authorising the opening of negotiations and, depending on the subject of the agreement envisaged, nominating the Union negotiator or the head of the Union’s negotiating team.

4. The Council may address directives to the negotiator and designate a special committee in consultation with which the negotiations must be conducted.

5. The Council, on a proposal by the negotiator, shall adopt a decision authorising the signing of the agreement and, if necessary, its provisional application before entry into force.

6. The Council, on a proposal by the negotiator, shall adopt a decision concluding the agreement. Except where agreements relate exclusively to the common foreign and security policy, the Council shall adopt the decision concluding the agreement:

   a. after obtaining the consent of the European Parliament in the following cases:

      i. association agreements;
      ii. agreement on Union accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms;
      iii. agreements establishing a specific institutional framework by organising cooperation procedures;
      iv. agreements with important budgetary implications for the Union;
      v. agreements covering fields to which either the ordinary legislative procedure applies, or the special legislative procedure where consent by the European Parliament is required. The European Parliament and the Council may, in an urgent situation, agree upon a time-limit for consent.

   b. after consulting the European Parliament in other cases. The European Parliament shall deliver its opinion within a time-limit which the Council may set depending on the urgency of the matter. In the absence of an opinion within that time-limit, the Council may act.

7. When concluding an agreement, the Council may, by way of derogation from paragraphs 5, 6 and 9, authorise the negotiator to approve on the Union’s behalf modifications to the agreement where it provides for them to be adopted by a simplified procedure or by a body set up by the agreement. The Council may attach specific conditions to such authorisation.

8. The Council shall act by a qualified majority throughout the procedure. However, it shall act unanimously when the agreement covers a field for which unanimity is required for the adoption of a Union act as well as for association agreements and the agreements
referred to in Article 212 with the States which are candidates for accession. The Council shall also act unanimously for the agreement on accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms; the decision concluding this agreement shall enter into force after it has been approved by the Member States in accordance with their respective constitutional requirements.

9. The Council, on a proposal from the Commission or the High Representative of the Union for Foreign Affairs and Security Policy, shall adopt a decision suspending application of an agreement and establishing the positions to be adopted on the Union’s behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.

10. The European Parliament shall be immediately and fully informed at all stages of the procedure. A Member State, the European Parliament, the Council or the Commission may obtain the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the Treaties. Where the opinion of the Court is adverse, the agreement envisaged may not enter into force unless it is amended or the Treaties are revised.

Article 329 (ex Articles 27a to 27e, 40 to 40b and 43 to 45 TEU and ex Articles 11 and 11a TEC)

1. Member States which wish to establish enhanced cooperation between themselves in one of the areas covered by the Treaties, with the exception of fields of exclusive competence and the common foreign and security policy, shall address a request to the Commission, specifying the scope and objectives of the enhanced cooperation proposed. The Commission may submit a proposal to the Council to that effect. In the event of the Commission not submitting a proposal, it shall inform the Member States concerned of the reasons for not doing so. Authorisation to proceed with the enhanced cooperation referred to in the first subparagraph shall be granted by the Council, on a proposal from the Commission and after obtaining the consent of the European Parliament.

2. The request of the Member States which wish to establish enhanced cooperation between themselves within the framework of the common foreign and security policy shall be addressed to the Council. It shall be forwarded to the High Representative of the Union for Foreign Affairs and Security Policy, who shall give an opinion on whether the enhanced cooperation proposed is consistent with the Union’s common foreign and security policy, and to the Commission, which shall give its opinion in particular on whether the enhanced cooperation proposed is consistent with other Union policies. It shall also be forwarded to the European Parliament for information. Authorisation to proceed with enhanced cooperation shall be granted by a decision of the Council acting unanimously.

Article 331 (ex Articles 27a to 27e, 40 to 40b and 43 to 45 TEU and ex Articles 11 and 11a TEC)

1. Any Member State which wishes to participate in enhanced cooperation in progress in one of the areas referred to in Article 329(i) shall notify its intention to the Council and the Commission. The Commission shall, within four months of the date of receipt of the notification, confirm the participation of the Member State concerned. It shall note where necessary that the conditions of participation have been fulfilled and shall adopt any transitional measures necessary with regard to the application of the acts already adopted within the framework of enhanced cooperation. However, if the Commission considers that the conditions of participation have not been fulfilled, it shall indicate the arrangements to be adopted to fulfil those conditions and shall set a deadline for re-examining the request. On the expiry of that deadline, it shall re-examine the request, in accordance with the procedure set out in the second subparagraph. If the Commission considers that the conditions of participation have still not been met, the Member State concerned may refer the matter to the Council, which shall decide on the request. The Council shall act in accordance with Article 330. It may also adopt the transitional measures referred to in the second subparagraph on a proposal from the Commission.
2. Any Member State which wishes to participate in enhanced cooperation in progress in the framework of the common foreign and security policy shall notify its intention to the Council, the High Representative of the Union for Foreign Affairs and Security Policy and the Commission. The Council shall confirm the participation of the Member State concerned, after consulting the High Representative of the Union for Foreign Affairs and Security Policy and after noting, where necessary, that the conditions of participation have been fulfilled. The Council, on a proposal from the High Representative, may also adopt any transitional measures necessary with regard to the application of the acts already adopted within the framework of enhanced cooperation. However, if the Council considers that the conditions of participation have not been fulfilled, it shall indicate the arrangements to be adopted to fulfil those conditions and shall set a deadline for re-examining the request for participation. For the purposes of this paragraph, the Council shall act unanimously and in accordance with Article 330.

Article 334 (ex Articles 27a to 27e, 40 to 40b and 43 to 45 TEU and ex Articles 11 and 11a TEC)
The Council and the Commission shall ensure the consistency of activities undertaken in the context of enhanced cooperation and the consistency of such activities with the policies of the Union, and shall cooperate to that end.

Article 246 (ex Article 215 TEC)
Apart from normal replacement, or death, the duties of a Member of the Commission shall end when he resigns or is compulsorily retired. A vacancy caused by resignation, compulsory retirement or death shall be filled for the remainder of the Member’s term of office by a new Member of the same nationality appointed by the Council, by common accord with the President of the Commission, after consulting the European Parliament and in accordance with the criteria set out in the second subparagraph of Article 17(3) of the Treaty on European Union. The Council may, acting unanimously on a proposal from the President of the Commission, decide that such a vacancy need not be filled, in particular when the remainder of the Member’s term of office is short. In the event of resignation, compulsory retirement or death, the President shall be replaced for the remainder of his term of office. The procedure laid down in the first subparagraph of Article 17(7) of the Treaty on European Union shall be applicable for the replacement of the President. In the event of resignation, compulsory retirement or death, the High Representative of the Union for Foreign Affairs and Security Policy shall be replaced, for the remainder of his or her term of office, in accordance with Article 18(1) of the Treaty on European Union. In the case of the resignation of all the Members of the Commission, they shall remain in office and continue to deal with current business until they have been replaced, for the remainder of their term of office, in accordance with Article 17 of the Treaty on European Union.

Article 247 (ex Article 216 TEC)
If any Member of the Commission no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct, the Court of Justice may, on application by the Council acting by a simple majority or the Commission, compulsorily retire him.

Declarations

13. Declaration concerning the common foreign and security policy

The Conference underlines that the provisions in the Treaty on European Union covering the Common Foreign and Security Policy, including the creation of the office of High Representative of the Union for Foreign Affairs and Security Policy and the establishment of an External Action Service, do not affect the responsibilities of the Member States, as they currently exist, for the formulation and conduct of their foreign policy nor of their national representation in third countries and international organisations. The Conference also recalls that the provisions governing the Common Security and Defence Policy do not prejudice the specific character of the security and defence policy of the Member States. It stresses that the European Union and its Member States will remain bound by the provisions of the Charter of the United Nations and, in
particular, by the primary responsibility of the Security Council and of its Members for the maintenance of international peace and security.

14. Declaration concerning the common foreign and security policy

In addition to the specific rules and procedures referred to in paragraph 1 of Article 24 of the Treaty on European Union, the Conference underlines that the provisions covering the Common Foreign and Security Policy including in relation to the High Representative of the Union for Foreign Affairs and Security Policy and the External Action Service will not affect the existing legal basis, responsibilities, and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organisations, including a Member State’s membership of the Security Council of the United Nations. The Conference also notes 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. The Conference also recalls that the provisions governing the Common Security and Defence Policy do not prejudice the specific character of the security and defence policy of the Member States.

EEAS Decision

**Article 2 Tasks**

1. The EEAS shall support the High Representative in fulfilling his/her mandates as outlined, notably, in Articles 18 and 27 TEU: — in fulfilling his/her mandate to conduct the Common Foreign and Security Policy (‘CFSP’) of the European Union, including the Common Security and Defence Policy (‘CSDP’), to contribute by his/her proposals to the development of that policy, which he/she shall carry out as mandated by the Council and to ensure the consistency of the Union’s external action, — in his/her capacity as President of the Foreign Affairs Council, without prejudice to the normal tasks of the General Secretariat of the Council, — in his/her capacity as Vice-President of the Commission for fulfilling within the Commission the responsibilities incumbent on it in external relations, and in coordinating other aspects of the Union’s external action, without prejudice to the normal tasks of the services of the Commission.

2. The EEAS shall assist the President of the European Council, the President of the Commission, and the Commission in the exercise of their respective functions in the area of external relations.

**Article 3 Cooperation**

1. The EEAS shall support, and work in cooperation with, the diplomatic services of the Member States, as well as with the General Secretariat of the Council and the services of the Commission, in order to ensure consistency between the different areas of the Union’s external action and between those areas and its other policies.

2. The EEAS and the services of the Commission shall consult each other on all matters relating to the external action of the Union in the exercise of their respective functions, except on matters covered by the CSDP. The EEAS shall take part in the preparatory work and procedures relating to acts to be prepared by the Commission in this area. This paragraph shall be implemented in accordance with Chapter 1 of Title V of the TEU, and with Article 205 TFEU.

3. The EEAS may enter into service-level arrangements with relevant services of the General Secretariat of the Council, the Commission, or other offices or inter-institutional bodies of the Union.

4. The EEAS shall extend appropriate support and cooperation to the other institutions and bodies of the Union, in particular to the European Parliament. The EEAS may also benefit from the support and cooperation of those institutions and bodies, including agencies, as appropriate. The EEAS internal auditor will cooperate with the internal auditor of the Commission to ensure a consistent audit policy, with particular reference to the Commission’s responsibility for operational expenditure. In addition, the EEAS shall
cooperate with the European Anti-Fraud Office (‘OLAF’) in accordance with Regulation (EC) No 1073/1999 (1). It shall, in particular, adopt without delay the decision required by that Regulation on the terms and conditions for internal investigations. As provided in that Regulation, both Member States, in accordance with national provisions, and the institutions shall give the necessary support to enable OLAF’s agents to fulfil their tasks.

Article 4 Central administration of the EEAS

1. The EEAS shall be managed by an Executive Secretary-General who will operate under the authority of the High Representative. The Executive Secretary-General shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management. The Executive Secretary-General shall ensure effective coordination between all departments in the central administration as well as with the Union Delegations.

2. The Executive Secretary-General shall be assisted by two Deputy Secretaries-General.

3. The central administration of the EEAS shall be organised in directorates-general.

   a. It shall, in particular, include: a number of directorates-general comprising geographic desks covering all countries and regions of the world, as well as multilateral and thematic desks. These departments shall coordinate as necessary with the General Secretariat of the Council and with the relevant services of the Commission, a directorate-general for administrative, staffing, budgetary, security and communication and information system matters, working in the EEAS framework managed by the Executive Secretary-General. The High Representative shall appoint, in accordance with the normal rules of recruitment, a Director-General for budget and administration who shall work under the authority of the High Representative. He/she shall be responsible to the High Representative for the administrative and internal budgetary management of the EEAS. He/she shall follow the same budget lines and administrative rules as are applicable in the part of Section III of the Union’s budget which falls under Heading 5 of the Multiannual Financial Framework, the crisis management and planning directorate, the civilian planning and conduct capability, the European Union Military Staff and the European Union Situation Centre, placed under the direct authority and responsibility of the High Representative, and which shall assist him/her in the task of conducting the Union’s CFSP in accordance with the provisions of the Treaty while respecting, in accordance with Article 40 TEU, the other competences of the Union. The specificities of these structures, as well as the particularities of their functions, recruitment and the status of the staff shall be respected. Full coordination between all the structures of the EEAS shall be ensured.

   b. The central administration of the EEAS shall also include: a strategic policy planning department, a legal department under the administrative authority of the Executive Secretary-General which shall work closely with the Legal Services of the Council and of the Commission, departments for inter-institutional relations, information and public diplomacy, internal audit and inspections, and personal data protection.

4. The High Representative shall designate the chairpersons of Council preparatory bodies that are chaired by a representative of the High Representative, including the chair of the Political and Security Committee, in accordance with the detailed arrangements set out in Annex II to Council Decision 2009/908/EU of 1 December 2009 laying down measures for the implementation of the European Council Decision on the exercise of the Presidency of the Council, and on the chairmanship of preparatory bodies of the Council (2).

5. The High Representative and the EEAS shall be assisted where necessary by the General Secretariat of the Council and the relevant departments of the Commission. Service-level arrangements may be drawn up to that effect by the EEAS, the General Secretariat of the Council and the relevant Commission departments.
Article 6 Staff

1. This Article, except paragraph 3, shall apply without prejudice to the Staff Regulations of Officials of the European Communities ('Staff Regulations') and the Conditions of Employment of Other Servants of those Communities ('CEOS'), including the amendments made to those rules, in accordance with Article 336 TFEU, in order to adapt them to the needs of the EEAS.

2. The EEAS shall comprise officials and other servants of the European Union, including personnel from the diplomatic services of the Member States appointed as temporary agents. The Staff Regulations and the CEOS shall apply to this staff.

3. If necessary, the EEAS may, in specific cases, have recourse to a limited number of specialised seconded national experts (SNEs). The High Representative shall adopt rules, equivalent to those laid down in Council Decision 2003/479/EC of 16 June 2003 concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council (1), under which SNEs are put at the disposal of the EEAS in order to provide specialised expertise.

4. The staff of the EEAS shall carry out their duties and conduct themselves solely with the interests of the Union in mind. Without prejudice to the third indent of Article 2(1) and Articles 2(2) and 5(3), they shall neither seek nor take instructions from any government, authority, organisation or person outside the EEAS or from anybody or person other than the High Representative. In accordance with the second paragraph of Article 11 of the Staff Regulations, EEAS staff shall not accept any payments of any kind whatever from any other source outside the EEAS.

5. The powers conferred on the appointing authority by the Staff Regulations and on the authority authorised to conclude contracts by the CEOS shall be vested in the High Representative, who may delegate those powers inside the EEAS.

6. Recruitment to the EEAS shall be based on merit whilst ensuring adequate geographical and gender balance. The staff of the EEAS shall comprise a meaningful presence of nationals from all the Member States. The review provided for in Article 13(3) shall also cover this issue, including, as appropriate, suggestions for additional specific measures to correct possible imbalances.

7. Officials of the Union and temporary agents coming from the diplomatic services of the Member States shall have the same rights and obligations and be treated equally, in particular as concerns their eligibility to assume all positions under equivalent conditions. No distinction shall be made between temporary agents coming from national diplomatic services and officials of the Union as regards the assignment of duties to perform in all areas of activities and policies implemented by the EEAS. In accordance with the provisions of the Financial Regulation, the Member States shall support the Union in the enforcement of financial liabilities of EEAS temporary agents coming from the Member States' diplomatic services which result from a liability under Article 66 of the Financial Regulation.

8. The High Representative shall establish the selection procedures for EEAS staff, which shall be undertaken through a transparent procedure based on merit with the objective of securing the services of staff of the highest standard of ability, efficiency and integrity, while ensuring adequate geographical and gender balance, and a meaningful presence of nationals from all Member States in the EEAS. Representatives of the Member States, the General Secretariat of the Council and of the Commission shall be involved in the recruitment procedure for vacant posts in the EEAS.

9. When the EEAS has reached its full capacity, staff from Member States, as referred to in the first subparagraph of paragraph 2, should represent at least one third of all EEAS staff at AD level. Likewise, permanent officials of the Union should represent at least 60% of all EEAS staff at AD level, including staff coming from the diplomatic services of the Member States who have become permanent officials of the Union in accordance with the provisions of the Staff Regulations. Each year, the High Representative shall present a
report to the European Parliament and the Council on the occupation of posts in the
EEAS.
10. The High Representative shall lay down the rules on mobility so as to ensure that the
members of the staff of the EEAS are subject to a high degree of mobility. Specific and
detailed arrangements shall apply to the personnel referred to in the third indent of
Article 4(3) (a). In principle, all EEAS staff shall periodically serve in Union delegations.
The High Representative shall establish rules to that effect.
11. In accordance with the applicable provisions of its national law, each Member State shall
provide its officials who have become temporary agents in the EEAS with a guarantee of
immediate reinstatement at the end of their period of service to the EEAS. This period of
service, in accordance with the provisions of Article 50b of the CEOS, shall not exceed
eight years, unless, it is extended for a maximum period of two years in exceptional
circumstances and in the interest of the service. Officials of the Union serving in the EEAS
shall have the right to apply for posts in their institution of origin on the same terms as
internal applicants.
12. Steps shall be taken in order to provide EEAS staff with adequate common training,
building in particular on existing practices and structures at national and Union level. The
High Representative shall take appropriate measures to that effect within the year
following the entry into force of this Decision.

Article 8 Budget
1. The duties of authorising officer for the EEAS section of the general budget of the
European Union shall be delegated in accordance with Article 59 of the Financial
Regulation. The High Representative shall adopt the internal rules for the management
of the administrative budget lines. Operational expenditure shall remain within the
Commission section of the budget.
2. The EEAS shall exercise its powers in accordance with the Financial Regulation applicable
to the general budget of the European Union within the limits of the appropriations
allocated to it.
3. When drawing up estimates of administrative expenditure for the EEAS, the High
Representative will hold consultations with, respectively, the Commissioner responsible
for Development Policy and the Commissioner responsible for Neighbourhood Policy
regarding their respective responsibilities.
4. In accordance with Article 314(1) TFEU, the EEAS shall draw up estimates of its
expenditure for the following financial year. The Commission shall consolidate those
estimates in a draft budget, which may contain different estimates. The Commission may
amend the draft budget as provided for in Article 314(2) TFEU.
5. In order to ensure budgetary transparency in the area of external action of the Union, the
Commission will transmit to the budgetary authority, together with the draft general
budget of the European Union, a working document presenting, in a comprehensive way,
all expenditure related to the external action of the Union.
6. The EEAS shall be subject to the procedures regarding the discharge provided for in
Article 319 TFEU and in Articles 145 to 147 of the Financial Regulation. The EEAS will, in
this context, fully cooperate with the institutions involved in the discharge procedure and
provide, as appropriate, the additional necessary information, including through
attendance at meetings of the relevant bodies.

Article 9 External action instruments and programming
1. The management of the Union’s external cooperation programmes is under the responsibility
of the Commission without prejudice to the respective roles of the Commission and of the
EEAS in programming as set out in the following paragraphs. 2.
2. The High Representative shall ensure overall political coordination of the Union’s external
action, ensuring the unity, consistency and effectiveness of the Union’s external action, in
particular through the following external assistance instruments: — the Development

3. In particular, the EEAS shall contribute to the programming and management cycle for the instruments referred to in paragraph 2, on the basis of the policy objectives set out in those instruments. It shall have responsibility for preparing the following decisions of the Commission regarding the strategic, multiannual steps within the programming cycle: (i) country allocations to determine the global financial envelope for each region, subject to the indicative breakdown of the multiannual financial framework. Within each region, a proportion of funding will be reserved for regional programmes; (ii) country and regional strategic papers; (iii) national and regional indicative programmes. In accordance with Article 3, throughout the whole cycle of programming, planning and implementation of the instruments referred to in paragraph 2, the High Representative and the EEAS shall work with the relevant members and services of the Commission without prejudice to Article 1(3). All proposals for decisions will be prepared by following the Commission’s procedures and will be submitted to the Commission for adoption.

4. With regard to the European Development Fund and the Development Cooperation Instrument, any proposals, including those for changes in the basic regulations and the programming documents referred to in paragraph 3, shall be prepared jointly by the relevant services in the EEAS and in the Commission under the responsibility of the Commissioner responsible for Development Policy and shall be submitted jointly with the High Representative for adoption by the Commission. Thematic programmes, other than the European Instrument for Democracy and Human Rights, the Instrument for Nuclear Safety Cooperation and that part of the Instrument for Stability referred to in the seventh indent of paragraph 2, shall be prepared by the appropriate Commission service under the guidance of the Commissioner responsible for Development Policy and presented to the College of Commissioners in agreement with the High Representative and the other relevant Commissioners.

5. With regard to the European Neighbourhood and Partnership Instrument, any proposals, including those for changes in the basic regulations and the programming documents referred to in paragraph 3, shall be prepared jointly by the relevant services in the EEAS and in the Commission under the responsibility of the Commissioner responsible for Neighbourhood Policy and shall be submitted jointly with the High Representative for adoption by the Commission.

6. Actions undertaken under: the CFSP budget; the Instrument for Stability other than the part referred to in the seventh indent of paragraph 2; the Instrument for Cooperation with Industrialised Countries; communication and public Diplomacy actions, and election observation missions, shall be under the responsibility of the High Representative/the EEAS. The Commission shall be responsible for their financial implementation under the authority of the High Representative in his/her capacity as Vice-President of the Commission. The Commission department responsible for this implementation shall be co-located with the EEAS.

Council Joint Action of the EDA

CHAPTER II ORGANS AND STAFF OF THE AGENCY

Article 7 Head of the Agency

1. The Head of the Agency shall be the SG/HR for the CFSP.

2. The Head of the Agency shall be responsible for the Agency’s overall organisation and functioning and shall ensure that the guidelines issued by the Council and the decisions of the Steering Board are implemented by the Chief Executive, who shall report to him/her.

3. The Head of the Agency shall present the Agency’s reports to the Council as referred to in Article 4(2).
4. The Head of the Agency shall be responsible for the negotiation of administrative arrangements with third countries and other organisations, groupings or entities in accordance with directives given by the Steering Board. Within such arrangements, as approved by the Steering Board, the Head of the Agency shall be responsible for establishing appropriate working relations with them.

Council Joint Action of the ESDC
CHAPTER II ORGANISATION
Article 5 Network
1. The ESDC shall be organised as a network bringing together civilian and military institutes, colleges, academies, universities, institutions and other actors dealing with security and defence policy issues within the Union as identified by Member States and the EU ISS (‘institutes’) to support the conduct of training activities in the field of CSDP.
2. The ESDC shall establish close links with the Union institutions and relevant Union agencies, in particular with the European Police College (CEPOL).
3. The ESDC shall work under the overall responsibility of the High Representative of the Union for Foreign Affairs and Security Policy (‘High Representative’).

Council Joint Action of the EUISS
Article 5 Board
1. The Institute shall have a Board that approves its annual and long-term work programme and the appropriate budget. The Board shall be a forum for discussing issues related to the Institute’s mission, tasks, functioning and staff.
2. The Board shall be chaired by the HR or by the HR’s representative. The European External Action Service (EEAS) shall carry out the functions of secretariat of the Board.
3. The Board shall be composed of one representative designated by each Member State. Each member of the Board may be represented or accompanied by an alternate. The Commission, which participates in the work of the Board, shall also designate a representative.
4. The Director of the Institute, or the Director’s representative, shall, as a rule, attend Board meetings. The Director General of the Military Staff and the Chairman of the Military Committee, or their representatives, may also attend Board meetings.
5. Decisions of the Board shall be taken on a vote by the representatives of the Member States by qualified majority, the votes being weighted in accordance with Articles 16(4) and 16(5) of the Treaty on European Union (TEU), without prejudice to Articles 11(2) and 11(3) of this Decision. The Board shall adopt its rules of procedure.
6. The Board may decide to create ad-hoc working groups or standing committees, dealing with specific subjects or issues within its overall responsibility and acting under its supervision. The decision to create such a working group or committee shall set out its mandate, composition and duration.
7. The Board shall be convened by the Chair at least twice a year. It shall also be convened at the request of at least one third of its members.

Council Joint Action of the EUSC
Article 7 Board
1. The Centre shall have a Board that approves its annual and long-term programme of work and the appropriate budget. The Board shall be a forum for discussing issues related to the Centre’s functioning, staff and equipment.
2. The Board shall be chaired by the Secretary General/High Representative or, in the event of that person’s absence, by his or her representative. The Secretary-General/High Representative shall report to the Council on the work of the Board.
3. The Board shall be composed of one representative appointed by each Member State and one appointed by the Commission. Each member of the Board may be represented or accompanied by an alternate. Letters of appointment, duly authorised by the Member
State or the Commission, as appropriate, shall be directed to the Secretary-General/High Representative.

4. The Director of the Centre or its representative shall, as a rule, attend Board meetings. The Director General of the Military Staff and the Chairman of the Military Committee, or their representatives, may also attend Board meetings.

5. Decisions of the Board shall be taken on a vote by the representatives of the Member States by qualified majority, the votes being weighted in accordance with Article 23(2), third subparagraph, of the Treaty on European Union, without prejudice to Article 13(2) of this Joint Action. The Board shall adopt its rules of procedure.

6. The Board shall be convened by the Chairman at least twice a year and at the request of at least one third of its members.

7. The Board may decide to create ad-hoc working groups or standing committees with the same format as the Board dealing with specific subjects or issues within its overall responsibility and acting under its supervision. The decision to create such a group or committee shall set out its mandate, composition and duration.