‘Kingdom of the middle’ - the inception, establishment and consolidation of the European External Action Service

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‘Kingdom of the Middle’ – The Inception, Establishment and Consolidation of the European External Action Service

by

Jost-Henrik Morgenstern-Pomorski

Doctoral Thesis

Submitted in partial fulfillment of the requirements for the award of

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2014

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Abstract

The establishment of the European External Action Service (EEAS) was the latest organisational innovation aimed at bridging the disjuncture between EU external relations and foreign policy structures. Almost immediately after its creation, it attracted widespread criticism of its functioning by the very same actors who had created it. This thesis develops a three-stage bureaucratic-institutionalist framework in order to explore the political contestation of this new organisation and its impact on the organisation and functioning of the EEAS. Inception, establishment and consolidation are the three phases of the organisation’s life cycle under scrutiny.

The thesis begins with the inception of the EEAS during the Convention on the Future of Europe from 2002-2003. Through the lens of rational choice historical institutionalism it analyses the positions of various actors in the Convention and the options that were considered during this phase. It then shows how disagreements between integrationist and more sceptical groups led to a vague compromise on the EEAS and its organisational design. The thesis continues with an analysis of the establishment phase, i.e. the negotiation process leading to the EEAS decision of 2010, throughout which the political conflict continued between the EU institutions on central design elements of the service such as status, scope and staffing. Theoretically, this conflict is captured through the politics of ‘Eurocratic’ structure approach. In the final consolidation phase, the EEAS started to operate as a new administrative actor, but was heavily influenced by political and bureaucratic contestation. Bureaucracy theory helps to predict the organisational behaviour of the EEAS to a degree, but the thesis shows how the organisation was also shaped by bureaucratic politics between EU institutions and member states.

The thesis concludes that a bureaucratic-institutionalist approach explains why the EEAS is a strongly contested bureaucracy and how the processes of contestation at the EU level hindered institutional design throughout the organisation’s life cycle of inception, establishment and consolidation. It reveals limitations of this approach, such as the persistence of actors, the weight of decision precedent and the permeability of organisational development phases.
Acknowledgements

There may hardly be a better time to realise that research is a social enterprise than at the end of writing a dissertation. Looking back over the past four years illustrates how many people have been involved in various ways to bring this project to fruition.

A Marie Curie Initial Training Network financed by the European Commission funded my work on this thesis. In many sessions, nearly all members of the INCOOP network will have given feedback on my work; many thanks to all of them. A special thanks, however, to the tireless network leaders Christine Neuhold and Sophie Vanhoonacker for their support to all of us. As part of the network, I had the opportunity to spend time at Maastricht University and the University of Cambridge. In both places, I felt very welcome and I would like to thank Julie Smith, Christopher Hill and Geoffrey Edwards for their comments and guidance during my stay at Cambridge. I would also like to thank Berthold Rittberger, Guy Peters, Andrea Lenschow, Renaud Dehousse and Simon Duke for their comments on various papers that have become part of this thesis. I would also like to thank all those officials and politicians who volunteered their time to answer my questions on the EEAS.

Another research community without which this thesis would have never seen the light of day is Loughborough University. I would like to thank Helen Drake for all her support, as well as Mark Webber, Lee Miles, and Rob Dover for their comments. It was a genuine pleasure to share an office with fellow INCOOP researcher Nikola Tomic and see the Boston Celtics and Baltimore Orioles with Borja Garcia Garcia.

The two central figures of my time at Loughborough have naturally been my supervisors, Dave Allen and Mike Smith, once referred to as the ‘twin pillars of Loughborough’ at an EUSA conference in Boston. Dave has been an incredible inspiration from the first day at Loughborough. While he is unfortunately not with us to see my thesis completed, I have done what I could to live up to the human and academic standards that he lived and worked by. Mike has helped enormously with his comments, his drive towards structure and meaningful arguments, as well as his keen eye for Germanisms. I owe him great thanks.

My family, old members and new additions, have patiently endured the social costs of writing a thesis and also deserve a great deal of credit. Without Grete and Rudi and their support, I would not be where I am today. Aside from academic inspiration and debates, I would like to thank Heidi and Paul for being the most supportive friends imaginable and Ariella for the invention of the Cambridge lunch club.

There is no doubt in my mind that none of the things written or experienced during the past years could have happened at all without Karolina who has motivated me to pursue my ideas long before I prepared an application to Loughborough, and ever since. Thank you.
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<th>Acronym</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>ACP</td>
<td>African, Caribbean and Pacific Group of States</td>
</tr>
<tr>
<td>AFET</td>
<td>Foreign Affairs Committee of the European Parliament</td>
</tr>
<tr>
<td>CEPAL/ECLA</td>
<td>Economic Commission for Latin American</td>
</tr>
<tr>
<td>COMECON</td>
<td>Council for Mutual Economic Assistance</td>
</tr>
<tr>
<td>COREPER II</td>
<td>Committee of Permanent Representatives II</td>
</tr>
<tr>
<td>CFSP</td>
<td>Common Foreign and Security Policy</td>
</tr>
<tr>
<td>CPCC</td>
<td>Civilian Planning and Conduct Capability</td>
</tr>
<tr>
<td>CSDP</td>
<td>Common Security and Defence Policy</td>
</tr>
<tr>
<td>CSG</td>
<td>Council Secretariat General</td>
</tr>
<tr>
<td>DG</td>
<td>Directorate General</td>
</tr>
<tr>
<td>DG RELEX</td>
<td>Directorate General for External Relations of the European Commission</td>
</tr>
<tr>
<td>DG E</td>
<td>Directorate General for External and Political-Military Affairs of the Council Secretariat General</td>
</tr>
<tr>
<td>EAC</td>
<td>European Agency for Cooperation</td>
</tr>
<tr>
<td>ECSC</td>
<td>European Coal and Steel Community</td>
</tr>
<tr>
<td>EDF</td>
<td>European Development Fund</td>
</tr>
<tr>
<td>EEAS</td>
<td>European External Action Service</td>
</tr>
<tr>
<td>EPC</td>
<td>European Political Cooperation</td>
</tr>
<tr>
<td>ESDP</td>
<td>European Security and Defence Policy</td>
</tr>
<tr>
<td>EUMS</td>
<td>EU Military Staff</td>
</tr>
<tr>
<td>HR/VP</td>
<td>High Representative for Foreign Affairs and Security Policy/Vice President of the Commission</td>
</tr>
<tr>
<td>IGC (or CIG)</td>
<td>Intergovernmental Conference</td>
</tr>
<tr>
<td>MS</td>
<td>Member state(s)</td>
</tr>
<tr>
<td>TEU</td>
<td>Treaty on the European Union</td>
</tr>
<tr>
<td>WEU</td>
<td>Western European Union</td>
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</table>
‘It [European Political Cooperation] is essentially suited to reacting to events: anything more would require a much closer harmonization of EPC and EEC activities. In the long run this would presumably require a much larger secretariat than that proposed by Carrington; it would, in fact, require the establishment of both a common foreign policy and a common European diplomatic service.’

David Allen, 1982

In memory of

Dave Allen
CHAPTER 1
INTRODUCTION

‘Administrative reorganizations are interesting in their own right. The effectiveness of political systems depends to a substantial extent on the effectiveness of administrative institutions, and the design and control of bureaucratic structures is a central concern of any polity’
(March and Olsen 1989: p. 69)

‘The game of structural politics never ends.’
(Terry Moe 1989: p. 284)

The European External Action Service was part of a package of EU institutional reforms brought about by the Lisbon Treaty. Unlike other innovations of the treaty that entered into force in December 2009, the EEAS still had to be built. The organisation was foreseen to support the reformed position of High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission, Catherine Ashton, who had taken office on the 1 December 2009. Unlike her predecessor Ashton was not tied administratively to the Council Secretariat General, but would be supported by a new organisation merged from parts of the Secretariat General, parts from the European Commission and with an added number of staff from national diplomatic services. Due to the nature of this complex merger and the fact that the preparations for the Lisbon Treaty had been made difficult by various hiccups in the ratification process, the EEAS could not hit the ground running. It was constructed in steps over a two-year period between 2009 and 2010. In 2011 most staff at headquarters had been assembled in one building at the Schuman roundabout, across from both the European Commission and the Council buildings, and the full organisation started operating. In 2013, it was tasked to deliver a review of its organisation and functioning.

Criticism of the European External Action Service, often dubbed Europe’s new diplomatic corps, together with its leadership the High Representative Catherine
Ashton started to be addressed to the new organisations very early on: ‘The European External Action Service (EEAS) certainly does not signify the advent of a new dynamism in the EU’s common foreign policy’ (Weiss 2010) and ‘Institutions wrestle over EU’s first 'foreign ministry' (euractiv 2009) were some of the headlines of the early days. These headlines are very different from the political declarations made when the idea of the new High Representative and by extension her service had been floated. In 2002, Jean-Luc Dehaene the former Belgian Prime Minister outlined the objective of the EU’s future external policies in the following way:

‘For the Union to be a global actor, to be a political power on the world stage, its actions must be guided by coherence, effectiveness, credibility and visibility. The central question is not whether Europe has a role to play at all, but how it can better defend its interests, promote its values and contribute to peace, security and sustainable development in the world’ (European Convention Verbatim Record 2002).

The EEAS was supposed to play a central role in making these improvements for the EU as a global actor. During the Convention on the future of Europe, which was held during the years 2002-2003, members considered an organisational reform essential to have Europe pull its political weight in the world and assert its role as a global player. The creation of the High Representative and the EEAS were thus part of an institutional response of the European Union to the claim that it had been an economic giant and a political dwarf (Medrano 1999: p. 155). These expectations were only eroded slowly with the difficulties in implementing the service. Strong critical press was a recurring feature of the implementation of the service and its administrative arrangements (FAZ 2010, European Voice 2011a, The Economist 2011a, The Telegraph 2011a, 2011b). Critical voices from inside the European Parliament and inside the foreign ministries of the member states added to the souring mood surrounding the service (European Parliament 2010, Le Monde 2011). The difficult and contested start of the EEAS is puzzling if contrasted with the political objectives
voiced when the EEAS first was brought onto the political agenda. The central research question guiding this thesis is thus the following: Why does an organisation with a mission and a diverse base of administrative and political resources experience opposition throughout its early period of existence from exactly those actors who originally agreed to create it?

In order to address why the European External Action Service has experienced these difficulties in fulfilling its tasks, it is necessary to answer several subsidiary questions: What are the driving forces behind the service’s creation and what are the factors inhibiting its performance? This includes answering the questions why and how it was created, and by whom. What caused this wide gap in evaluation of the service as an idea and the visible performance and operation of the EEAS throughout its early years? In order to answer these questions, it is necessary to fully understand the politics underlying the new service.

This distinction between the proclaimed political objectives of an organisation and the (difficult) administrative realities of putting it into place are at the heart of this investigation. The EEAS has been expected to increase coherence (EPC 2007), improve the relationship between EU level and national level administration (Balfour and Raik 2013), link domestic policies with EU foreign policy and more. In particular analyses from before the adoption of the Lisbon Treaty stress the huge opportunities of a newly developed structure in EU foreign policy and external relations (Avery 2008, Crowe 2007, Duke 2004). However, some commentators had already raised doubts about the positive effects that could be achieved by a such an organisation as early as 2003, highlighting the increased complexity of EU foreign policy making after the Lisbon Treaty and the particular standing of the High Representative and the EEAS in the EU political system (Allen 2005, Hill 2003, Federal Trust 2009: pp. 18f, Juncos and Whitman 2010). ‘Implementation challenges’, or worse, for the new structures were thus not entirely unforeseeable (Hill 2003, Federal Trust 2009). It was already apparent that the very general nature of the Treaty text would create difficulties in implementing the provisions on the High Representative and the EEAS (Avery 2008: p. 36-41, Duke 2004: p. 35-6, Juncos
and Whitman 2010). Already in these early pieces, there was an indication that the creation of the EEAS has had a longer history than often referred to in the public debate, and that it is shaped by broader political forces rather than merely technical, administrative arrangements. Nevertheless, these administrative arrangements have wider implications as pointed out by Hill:

‘If the Minister of Foreign Affairs finds that s/he cannot construct a foreign service with which to work effectively, [...] then s/he will be reduced to the level of one of the EU’s Special Representatives, wandering alone in purgatory while the real action, for good or ill, takes place elsewhere.’ (Hill 2003: p. 2).

The administrative structure underneath the post of High Representative, then still more grandly called Minister of Foreign Affairs, should have a direct impact on the ability of the political figurehead to deliver and be part of the ‘real action’. So while this is a study of administrative structure, its insights are directly relevant to the ‘action’, the substantive side of foreign policy and external relations.

Existing approaches to the EEAS

The first wave of literature on the EEAS was concerned with the ‘how’ of the establishment of the service (e.g. Lieb and Maurer 2007) and without clear evidence to draw on tried to speculate on its impact (e.g. Avery 2008). Theoretically guided analyses of what the service might mean for the institutional structure and operation of the EU came shortly after. Whitman and Juncos (2009) detail the implementation challenges facing the new system of foreign policy after the Lisbon Treaty. Duke (2009) has provided practical and in depth analyses of the changes in the Lisbon treaty.

With the emergence of the organisation, several theoretical pieces attempted early on to explain why the EEAS came about. These were written from a very general perspective, using established theoretical frameworks of international relations. Kluth and Pilegaard (2012) offered a neo-realist interpretation of the
establishment of the EEAS. In essence, they see the EEAS as a Franco-British creation that allows what the authors call these ‘major powers’ to control EU foreign policy machinery and to ‘to rein in the diplomatic efforts of less capable Member States in relation to global security issues’ (Kluth and Pilegaard 2012: p. 319). Their contention that the thrust behind the service was essentially British and French sits uneasily with the growing body of evidence on other member state’s as well as the EU institutions’ role in creating the new service (e.g. Raube 2011). It also ignores the fact that the original decision to create the service was opposed by British representatives and accepted by French only in a log-rolling exercise at the European Convention (see this thesis chapter 4).

An additional perspective on the EEAS has come from the study of diplomacy, which was concerned with the particular practices of EU diplomats and whether they differ from the traditional member state diplomats with a rigid career path based on competitive entrance exams and a rotation system of international postings. Adler-Nissen’s work on ‘Europe’s new diplomat’ also challenges a neorealist interpretation by seeing the EEAS as a symbolic challenge to member states’ diplomacies: ‘the EEAS represents a novelty – a quasi-supranational diplomatic corps – leading to uncertainty about the future of national foreign services’ (2014: p. 9). Lefebvre and Hillion (2010) pick up the theme of a common European diplomacy, a phrase also used by the European Parliament in its drive for the EU to be a more united international actor (European Parliament 2000). Spence (2012) has looked at the different diplomatic (or not) communities and mind-sets that found themselves inside the EEAS after its creation. He locates several distinct traditions of public service inside the EEAS and foresees some difficulty for the creation of a united service. Carta (2012) builds on these distinctions to grapple with the European diplomatic service. While largely focused on questions of diplomatic identity and developments in the Commission’s external service and the delegations in the pre-EEAS era, the author does create links to the organisational developments after the Lisbon Treaty. Maurer and Raik (2014) turn their attention to the EU delegations and the practice of diplomacy in Washington DC and Moscow with its particular challenges.
At the level of officials, the service has been analysed largely with respect to the impact the service has had on EU policy. Pomorska and Vanhoonacker studied the overall role of the EEAS and the High Representative in agenda-setting and find that results are at best mixed (2013). Juncos and Pomorska focus on individuals and their role in the service (2013). They have undertaken an exploration of the officials in the service, their interrelations as well as their perceptions on the new service with novel and detailed empirical data (Juncos and Pomorska 2013). Henoekl and Trondal (2013) look at the autonomy of the EEAS and link the service’s specific structure to a general European public administration debate, in which an emerging executive centre forms a central element of supranational governance.

There is also a growing body of literature treating the service as an institution and looking to explain the ‘organisation and functioning’ of the EEAS from this perspective. Starting out with a number of legal-institutionalist analyses (Blockmans 2012, Van Vooren 2011, Wessel and Van Vooren 2013) that largely follow the ‘sui generis’ line of argument, other authors have described the negotiations of its establishment from a political perspective (Missiroli 2010, Murdoch 2012). Vanhoonacker and Reslow analysed the service on the basis of the ‘rational design of international institutions’ approach and with knowledge of its institutional and political heritage inside the Commission and the Council Secretariat (2010, Koremenos et al. 2004). While they admit that a ‘sui generis’ argument on the EEAS is possible, they also make clear that ‘most of the design elements are not that different from those facing other international institutions.’ (Vanhoonacker and Reslow 2010: p. 17). Also some foreign policy focused analyses of the EEAS in its early phase contained an analysis of the organisational basis of achieving foreign policy objectives (Hemra, Raines and Whitman 2011: p. 16)). The authors warn of central challenges in the organisation because of compromises reflected in its organisational set-up, a line of inquiry particularly relevant to this thesis.
Related insights triggered analyses on the basis of traditional political science approaches such as Furness principal-agent analysis of EEAS control (2012). Henökl (2014) proposed conceptualising the EEAS as a case of the emerging ‘European diplomatic space’. Batora (2013) has put forward an organisation-theoretic analysis of the EEAS as ‘interstitial organisation’ put under strain by the multitude of policy fields and their conflicting sets of demands on the new service. Similarly, Smith found that the EEAS did little in regard to assuaging institutional conflicts on security and development policy. He found ‘still a high degree of uncertainty and inconsistency’ and that the EEAS’ role at first at least had been disruptive (Smith M.E. 2013: p. 13). Tannous (2013) shows the ‘dispute over the division of labour’ between the Commission and the EEAS. On a policy level, Kostanyan and Orbie’s piece looks at the autonomy of the EEAS as an agent in the European neighbourhood (2013). At least implicitly, the majority of these studies assume that if an organisation was created for a particular purpose, and that this purpose, e.g. visibility, or coherence of EU policy, should be its overarching objective.

A bureaucratic-institutionalist approach to the EEAS

The EEAS was an organisational innovation at the EU level, meant to increase the Union’s visibility and influence in international affairs. Despite these positive views, the first years of the service have turned out to be laden with criticism of its performance and role in EU politics. How can such a strong divergence between expectations and real world performance of an organisation come about? In order to address this question, it is essential to explain the political process of organisational creation. First, it is necessary to understand why the EEAS was created in the first place and how the decision to create it came about. Second, its actual establishment, or how it was created, is another element of addressing the overall research question. Finally, the question of how the service operates needs answering as well. In answering these questions, the thesis will develop a rounded picture of the EEAS and its political and administrative environment. It will allow us to gauge whether the EEAS is simply a case of an underperforming administrative body, or whether there are structural factors at play that affect all administrative organisations in similar ways.
In order to analyse these processes of creation of a new organisation at the EU level, institutional theories of political science offer a starting point for the investigation. Institutional perspectives on politics in particular tend to produce different expectations for the behaviour of bureaucracies compared to simple functionalist expectations of delivering particular outcomes. In European Union studies, one of the main arguments of analysis in the past has been about the specific nature of European integration and European institutions, often summarized by the term ‘sui generis’. And it is exactly this terminology that has been applied to the EEAS. The ‘sui generis’ nature of the organisation has been stressed repeatedly in research on the service (e.g. Blockmans and Hillion 2013) and even in official documents (Joint Progress Report 2005, European Council 2009). Naturally, this is an appealing concept for an organisation that has emerged to include national diplomats and supranational European civil servants and which is a form of diplomatic service. It is not situated at the national level, where diplomacy and foreign policy are traditionally guarded as core areas of sovereignty of the nation state. Rather it sits alongside European institutions. At the same time, it does not have traditional functions of a diplomatic service, such as consular affairs. Unlike foreign ministries at national level it does not claim a prerogative for managing all external links of the EU in the world. Unlike many diplomatic services, it contains a core military structure at headquarters rather than military attachés in the embassies. So even though its tasks are related to the external policies of the EU, it is something different from classical diplomatic services. These differences should also find their origin in the process of constructing the organisation, how it was designed and what purposes it was intended to fulfil.

Despite the potential uniqueness of the organisation, this thesis argues that the best way of approaching an analysis of a newly created European administrative organisation is via established institutional theories of political science unlike what most literature on the EEAS has offered so far. The main characteristics of the establishment of an organisation such as the EEAS should follow the general
claims made by these theoretical approaches rather than specific behaviour determined by the European nature of the organisation.

This thesis argues against an undercurrent of expectations that the EEAS was created in order to achieve a particular functional objective. As will be argued below in the analytical framework (chapter 3), research on the politics of bureaucracy suggests that this may not necessarily be so for bureaucratic organisations (Moe 1984, 1989). Instead, it proposes a political perspective in which actors have different interests and resolve the resulting political conflict in the framework of an existing institutional structure. This produces mixed outcomes. In addition, administrative or bureaucratic organisations have their own specific structure, which has an impact on their behavior. This insight challenges some of the views in the literature and can make a central contribution to our understanding of the EEAS.

Political science has various theoretical approaches to deal with new government organisations that may fit the development of the European External Action Service. When trying to analyse one particular organisation and its creation, the motivations behind it, as well as how this organisation comes about and how it operates, a detailed analysis rather than a grand theory will be able to provide a structure for analysis. The approaches available do not necessarily cover an entire lifecycle of an organisation, from idea to its functioning in administrative reality, but focus rather more precisely on specific periods of its evolution. For this reason it seems reasonable to advocate an eclectic approach firmly based in institutional theory. This does not require taking on contradictory assumptions, but rather lets the focus of analysis shift in line with the different institutional phases the new organisation finds itself in. This seems particularly apt in the case of the EEAS, in which the idea and decision to create it was separated by outside political events from implementation. After the implementation again quite some time passed before we can first speak of routine operation. It is this arch of three phases this thesis is addressing: inception, establishment and consolidation.
**Phase I: Inception - Why was the EEAS created?**

Inception describes the period in which the organisation was conceived and as written into the legal documents of the European Union. Inception in this case defines the political event of proposing a European level diplomatic service and the decision to agree to it by the political actors involved. The European External Action Service was merged from a number of organisational sources. As an organisation in the shape of a government department in the broad sense, that is a formal, hierarchical governmental organisation, it is a clear cut case for an analysis based on the 'new institutionalisms'. In the grouping of this theoretical debate, the strand being most focused on the persistence of institutional arrangements, and the influences of previous arrangements on a new set of institutions, is Historical Institutionalism. It is Historical Institutionalism that should inform us best about the reasons and processes of the inception of the EEAS. Its focus on persistence of arrangements and later theoretical struggles with the occurrence of institutional change will be the basis of analysis for the phase of inception.

**Phase II: Establishment – How was the EEAS created?**

Establishment is the time period in which the service is set up as an administrative organisation, setting its basic rules and structure by legal instrument. Rational choice institutionalists have long analysed the creation of bureaucratic organisations as a negotiation between actors with diverging interest in a setting of bargaining, or 'bureaucratic politics'. It is this perspective, including bureaucratic actors into the political bargaining equation, that is expected to explain the outcome of the second phase. The organisational politics model of bureaucratic politics addresses this diversity of vested institutional interests best. After inception, once a decision has been taken, focus shifts on the implementation of this decision, the actual establishment of the European External Action Service as a government department. Here, the group of actors shifts to include a working level of decisions that need to be taken, rather than grand systemic institutional arrangements with opportunities for grand
bargains. In addition to political actors, bureaucratic actors are needed to design and implement the new organisation.

Phase III: Consolidation – How does the EEAS operate?

Lastly, consolidation describes the new organisation’s first steps in terms of recruiting, organising itself and beginning to execute its functions. This third and final phase of the analysis has been distinguished in a different line of rational choice institutionalism, bureaucracy theory and the new economics of organisation. Intricately linked to bureaucratic politics, it takes account of the fact that the new organisation has itself become an actor with its own interests and therefore has transformed the political environment (Moe 1989). Its environment should be shaped by questions of competition with existing organisations. Its operating processes should be determined by much more traditional mechanisms of bureaucracy. Rather than being a game-changing organisation, it should display all the signs of self-interest and operation of a bureaucracy with more zeal as it competes with other, more established, actors.

With these general frameworks applied to specific periods of time in the lifecycle of an organisation like the EEAS, the thesis aims at deepening our understanding of how an organisation passes through these stages and what particular processes shape it at any given time. This analysis, being focused on a single organisation and its environment, needs specific types of evidence and methodology for collecting evidence. It needs to be suited to an analytical comparison beyond the individual case as well as being able to capture specific processes in the EU political system. The following sub-section will highlight how the thesis will approach the theoretical framing of the issue as well as collection of evidence.

Framework and methods

The empirical research presented in this thesis is based on a ‘structured and focused case’ in order to allow for potential comparison with other cases (George and Bennett 2005: p. 67). While single case studies have received criticism in the
past (George and Bennett 2005: pp. 67-9), it is possible to contribute to the accumulation of knowledge by either closely adhering to established theoretical frameworks, replication, using a particular case for theory-building, or developing multiple observations from within a case. This thesis uses a variety of these approaches to make a contribution to our general understanding of institutional change and behaviour. The research questions presented above look mainly at determining the mechanisms of particular theoretical approaches with a view to refining existing theoretical claims (Rohlfing 2012: p. 4), i.e. they seek to establish the why and how of the creation of the EEAS from an institutionalist-bureaucratic perspective. For this type of investigation of mechanisms and processes, the most suitable method is ‘process tracing’ (Checkel 2005, George and Bennett 2005). Process-tracing is a method that allows in-depth analysis of political decisions and is of particular use when looking at the ‘genetic moments’ (Capoccia and Kelemen 2007: p. 342) of organisations. It does not necessarily compare variations across cases, but can observe mechanisms of decision-making that are not detectable when analysing outcomes only (George and Bennett 2005). It is applied in this study with a strong link to previous research and theoretical approaches in order to contribute to accumulation of knowledge (George and Bennett 2005: p. 71). Process tracing is particularly relevant for this study as it covers several connected stages of an organisation’s life cycle, making time and temporal order of the events part of the object of inquiry (Buethé 2002, Hall 2003).

One strength of a process-tracing based approach is the ability to observe institutional structure and processes as well as actors and their ability to influence decision. In this thesis, despite its institutionalist analytical framework, actors and their expressed institutional preferences play a major role. The individual and collective actors that interact in the three phases of the creation of the EEAS display high levels of diversity: some are large collective actors with centralised decision making, like the European Commission and the member states, who act through representatives. Others are individual politicians such as members of national or the European Parliament.
In foreign policy, member states can be expected to play a central role in the decision making processes and their conceptualisation is thus of particular importance for the empirical study. Puchala argued that ‘the origins of this [the EU’s] governance and its future evolution certainly have much to do with the explicit interests of Member States, their initiatives and influence and asymmetries in power among them’ (Puchala 1999: p. 330). Member states act both on their own, e.g. in the European Convention, and as part of a collective actor through the Council of the EU, e.g. during the negotiation of the EEAS decision. As the focus of the thesis is on the actions of the member states’ representatives in Brussels and not on the domestic determinants of their policy, they are treated as unitary actors. This does not mean they are expected to have unitary and fixed preferences. As Moravcsik and Schimmelfennig note, the ‘fundamental goals of states- or state preferences- are neither fixed nor uniform: they vary among states and within the same state across time and issues’ (2009: p. 69). Where evidence allows, the specific contributions and expressed preferences of the individual member state is reported where the member states themselves are part of a collective decision-making. Rather than determine, however, whether it is member states or supranational institutions driving decisions, the framework allows to work with all types of actors in given negotiation situations, their expressed preferences including changes over time and their specific ability to change the outcome in their interest.

For the most part, the process tracing on the inception and genesis of the EEAS relies on semi-structured elite interviews as well as documentary analysis. A small-scale survey of officials contributes to the evidence mainly in the third empirical chapter on the consolidation of the service. The mix of the evidence base is largely determined by availability of sources and thus varies slightly across the three empirical chapters.

The elite interviews were undertaken following guiding questions on the individual’s role in the preparation of the EEAS, their relation with other actors, specific negotiation items and related questions. Since many interviewees were
involved in more than one phase of the creation of the EEAS (see below table 1),
the interviews for the most part are used in more than one chapter of the thesis.

<table>
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<tr>
<th>Interview No.</th>
<th>Date</th>
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<th>Seniority</th>
<th>Phase I</th>
<th>Phase II</th>
<th>Phase III</th>
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<td>Desk officer</td>
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</tr>
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</table>

Table 1: Overview of interviews and their relevance to phases.

The respondents that cover more than one phase as illustrated in the table above
did not necessarily keep the same institutional affiliation in each of those phases,
giving their answers particular depth. Some interviewees with a supranational
affiliation in either Commission of Council Secretariat also have worked in
national foreign services, or have changed roles between supranational
institutions. These interviewees were particularly able to identify differences in
position between institutions. Wherever available, interview evidence has been
triangulated with available procedural evidence and additional interviews.

Another important source of evidence for the three empirical parts is
documentary evidence. These documents are for the most part official

1 COM=European Commission, CSG=Council Secretariat General, MS=Member state
administration, EP=European Parliament, EuCo=European Council staff
documents of internal proceedings at the EU level, such as proceedings from the European Convention like reports, proposed amendments and verbatim records of debates. They have been published and are available printed and online. As a matter of course, they represent only the formal part of the discussions that have taken place. They are, however, a good indication of proposals and indicate change in documents over time as revisions are numbered and dated, which is of particular interest in process tracing. Amendments to Convention documents are more difficult to date and this problem is highlighted in the text where it occurs. The document trail for the Convention is strong; largely due to the nature of the proceedings and the availability of all material even a decade after the Convention took place. As the process of establishing the EEAS continues in the institutions and inter-institutional negotiations (chapter 5 and 6), the documentary evidence becomes scarcer. Preparatory documents are not generally available and have only been retrieved in a small number of cases for the Commission preparations for the EEAS (chapter 5).

Because of the recent and sensitive nature of the negotiations on the establishment of the EEAS, process-tracing these negotiations faces particular challenges. The public document trail is limited, as files on negotiations are not made public, with the exception of a number of interim reports submitted to the Council. These reports provide a basic temporal structure, but political shifts among and between the different actors as well as individual proposals cannot be traced in a complete and precise manner. Sometimes the material is able to construe the substantive movements of discussion, but without a date. On other occasions, the date is clear but material on the substance is absent. On the basis of the publications dates of public documents, a small number of internal drafts and interview material, as well as other academic work tracing the negotiations (Missiroli 2010, Murdoch 2012: p. 1016-1018), it is possible to outline the positions of the main actors and their shifting positions over time. Interview evidence thus takes centre stage, but is triangulated from documentary sources.

Reconstructing the more recent processes where documentary evidence is absent is based on evidence taken from interviews and interviewees’ recollection.
of events, in particular for the early part of the process. Wherever possible, evidence is triangulated from as many sources as available. The interview and documentary evidence is extended from the European level into the member states in chapters 5 and 6 by the results of two freedom of information requests to two member states’ governments, the United Kingdom and Germany, on the position of the government on the EEAS. This material is used to illustrate concerns and interests of two major member states in the negotiations. Even though these requests seem similar, they contain different information. In the case of the UK, the request is dated 2013 but refers to documents held on the British position on the EEAS during the year 2009. The nature of these redacted documents varies. They contain parliamentary speaking notes for ministers, instructions to negotiators and the UK permanent representation including ‘lines to take’ as well as public contributions to parliamentary questions. In the German case, while again referenced with 2012, information consists of a letter stating some elements of the German position during the EEAS negotiations 2009-2010 as well as the official ministerial order circulated to German representations abroad with regards to the cooperation with the EEAS after its creation. Together with the available interview evidence and public documents, this material adds to a partial but more nuanced picture of the role of the member states and Council in the EEAS negotiations. In particular, the later stages of the negotiation from 2009 onwards have received scholarly attention and are comparatively well described (Erkelens and Blockmans 2012, Lefebvre and Hillion 2010, Missiroli 2010, Murdoch 2012).

In relation to the final, third stage of institutional consolidation, the methodological set-up changes slightly. Bureaucracy theory has developed clearer expectations of behaviour and internal processes (see for example, Downs 1967). For these reasons, expectations of findings are more precise and a plausibility probe of these predicted findings more appropriate. The chapter on the consolidation of the EEAS (chapter 6) is aimed at a ‘plausibility probe’ (Eckstein 1992) of ‘multiple complementary hypotheses’ (Rohlfing 2012: 41) to determine whether general bureaucracy claims have an added value in analysing the European External Action Service. In order to formulate conclusions about
the validity of bureaucratic approaches to the operation of the EEAS, the first substantive section of chapter 6 will continue the process tracing developed in earlier chapters. In addition to interviews with officials in the EEAS, it is based on interviews with civil servants from the European Commission, the Council Secretariat as well as the cabinet of the President of the European Council. It also relies on documentary evidence from the organisations involved, in particular agreements specified between the EEAS and its parent organisations, the European Commission and the Council Secretariat General. Evidence on the internal functioning of the EEAS is drawn from a number of sources.

The first source is evidence from a standardized online survey sent out to a random selection of desk officers in the EEAS in 2013. Despite the response rate of 15 surveys from 60 delivered, i.e. a rate of 25%, the results can at the very least illustrate the larger mechanisms at work. This limited response may also be related to the fact that EEAS management had taken a defensive view of research on the service and discouraged officials to participate. A more detailed description of the data shows that there are no major distortions in the respondents’ group that could negatively impact the survey results.

The respondents to the elite survey answered a number of general questions about themselves in order to categorize their answers and to check that they do not represent a disproportionate sub-group. 11 of the respondents were male, 4 female, an imbalance that is roughly reflecting the (im)balance in the EEAS more generally (Formuszewicz and Kumoch 2010: p. 24; European Parliament 2013: p. 46). Most joined the EEAS directly from the European Commission (6, or 40%) but a surprisingly high percentage in the sample already came from national diplomatic services (5, or 33%)². Only one respondent came from the Council Secretariat, which will exaggerate the general trend caused by the lower numbers of staff transferred from there to the EEAS. Long-term diplomatic training has been taken only by about a fifth of respondents. In terms of national origin, the sample does not cover all of the member states, but cuts across a

² This is exactly the percentage of staff the member states are supposed to furnish, an accidental but welcome distribution of respondents.
number of usually used divisions such as northern vs. southern member states and new vs. old member states. They respondents originate from Austria, Denmark (2), Greece, Hungary, Italy, The Netherlands (2), Poland, Portugal, Slovenia, Spain (2) and Sweden (2). It is important to stress that member states with major interests in shaping the service are not included in this list. The majority of respondents had work experience in national administration, the vast majority due to having joined from a diplomatic service. But several other national ministries were listed as previous employers, illustrating that desk officers in the EEAS have administrative experience as a strong joint background.

The analysis will also compare these results with the other surveys on the EEAS (Juncos and Pomorska 2013, Henoekl and Trondal 2013) as well as insights from the literature on the functioning of the EEAS (Balfour and Raik 2013, Batora 2013, Blockmans and Hillion 2013, Cross 2011, Furness 2013, Helwig et al 2013, Juncos and Pomorska 2013, Laursen 2012, Murdoch 2012, Murdoch et al. 2013, Raube 2012, Smith M.E. 2013, Spence 2012, Tercovich 2014). It will also draw on a second source, i.e. qualitative evidence from the semi-structured interviews described above as well as reporting and analysis on the first years of operation of the EEAS up to the EEAS review in 2013. With these varied sources, a more complete picture of the EEAS’ operation will emerge.

<table>
<thead>
<tr>
<th>Research Question</th>
<th>Why does a new administrative organisation with a purpose and a diverse base of administrative and political resources experience strong opposition from the actors who created it?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subsidiary research questions</td>
<td>Why and by whom is the organisation conceived? How is the organisation established? How is the organisation consolidated?</td>
</tr>
<tr>
<td>Theoretical focus</td>
<td>Rational choice historical institutionalism Politics of bureaucratic (’eurocratic’) structure Bureaucracy, bureaucratic politics</td>
</tr>
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<td>Stage of evolution</td>
<td>Inception Establishment Consolidation</td>
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<td>Objective</td>
<td>Theory refinement Plausibility probe</td>
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<td>General type of cases</td>
<td>Sovereignty-related government organisations Bureaucratic organisations</td>
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<tr>
<td>Evidence</td>
<td>Documentary sources; elite interviews Elite interviews; documentary sources Survey evidence; elite interviews; documentary sources</td>
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Table 2: Structure and objectives of research
From Table 2 it becomes apparent that in sum, the first two phases use an institutionalist analytical framework with the objective of refining our understanding of what processes shape the creation of an organisation. The evidence used for the exploration of these phases is a mix of documentary sources and elite interviews. In the first phase, documentary sources are more widely available and elite interviews are used to gauge informal aspects of the processes taking place. In the second phase, there is less documentary evidence and elite interviews take a more prominent role. This mix is entirely due to availability of evidence for more recent and highly political processes. The third phase introduces another analytical approach for EU institutions, public choice bureaucracy theory and bureaucratic politics. The focus of the approach on both internal functioning and external control is still firmly rooted in institutionalist analysis. A plausibility probe whether this approach can give insights into the functioning of this ‘sui generis’ EU organisation is the main objective of this part of the empirical analysis.

Structure of the thesis

The argument starts with a survey of institutional development in EU external relations and foreign policy in chapter 2. Tracing the evolution of the organisational sub-units in both the European Commission and the Secretariat General of the Council of the European Union highlights the “longue durée” of institutional development in this area and puts the creation of the EEAS into perspective. Member states and European institutions have displayed relatively consistent preferences over time. This setting of preferences has been punctuated by external events and changes in the decision making system, e.g. in treaty negotiations. This historical trajectory sets the scene for the application of historical institutionalism and its insights into institutional change.

The thesis then turns to the analytical framework in chapter 3, discussing institutional approaches to institutional creation and change, the nature and operation of public bureaucracies, and the application of these frameworks to the political environment of the European Union. This chapter prepares the ground for the empirical analysis of the inception, establishment and
consolidation of the European External Action Service based on institutionalist approaches. As argued earlier in this Introduction, different institutionalist approaches distinguish distinct phases in the creation of a new administrative actor. First, there is the decision to create an organisation and the necessary political coalition of those supportive of the organisation (Lindner and Rittberger 2003). Historical forces as well as the self-interest of actors involved shape this phase. As a next phase, the implementation of this decision by actors charged with the administrative political decision is conceptualised here as an EU-version of the politics of bureaucratic, or ‘eurocratic’, structure (Kelemen 2002). These two phases are linked but distinguishable by the nature of the two coalitions necessary to find agreement. Decisions in the first phase, pre-determine some of the decisions taken in the second or establishment phase. In the third or consolidation phase the nature of interaction changes as the new bureaucratic organisation becomes an actor in its own right (Moe 1989). Questions of competition and control become central to the consolidation of the service. These changes of focus structure the following empirical part of the thesis in chapters 4, 5 and 6.

Chapter 4 is the first empirical chapter, which serves to explain the origins of the European External Action Service. At the Convention on the Future of Europe, the EEAS appeared in name and general shape. A coalition of integrationist MEPs and member states’ representatives flanked by a Franco-German agreement on institutional reform managed to insert a basic consensus on a European diplomatic service into the Treaty proposal. It subsequently survived an intergovernmental negotiation and entered into the legal acquis of the EU as part of the Lisbon Treaty.

Chapter 5 turns to the establishment of the service, in which a flurry of inter-institutional negotiations started to determine its more concrete administrative structure, but clearly following the path set at the Convention. In line with the ‘politics of eurocratic structure’ approach (Kelemen 2002), bureaucratic and political interests interact and compete in order to find a final organisational
form for the new service. The final compromise offers each party a core result in the form of access to or control of the new administrative structure.

In chapter 6, the focus turns to the consolidation of the EEAS. Once the Service had been put into place, it faced an uphill struggle of expectations and environmental challenges. This final empirical chapter explains how the EEAS operation at the beginning of its life as independent institution was determined largely by its bureaucratic characteristics in interaction with its environment. On the basis of elite interviews, documentary evidence and a standardised questionnaire, evidence is presented suggesting the EEAS is first and foremost a classic bureaucratic actor.

Finally, the concluding chapter 7 reminds the reader of the arguments presented and reviews the evidence. It evaluates how well the bureaucratic-institutionalist analytical framework presented here captured the evolution of the EEAS and derives some conclusions on the fit of the model. The chapter concludes with a view on the weight of the past in the EEAS’ present and the game of structural politics in its future.
CHAPTER 2
THE EVOLUTION OF EU EXTERNAL RELATIONS AND FOREIGN POLICY STRUCTURES

‘Who cares whether it is the Treaty of Rome or Political Cooperation – I am the Foreign Minister’
Quote ascribed to UK Foreign Minister Douglas-Home

2.1 Introduction

Whether the creation of the European External Action Service was in fact a sea change for European diplomacy is a question that cannot be answered without looking at the history of EU external relations and EU foreign policy organisations first. The EEAS was explicitly not newly created in a kind of ‘institutional void’ (Riker 1998), but merged from distinct organisational sources. The Treaty on European Union (TEU) spells out in art. 27 that it ‘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.’ Understanding the organisational landscape before the creation will provide the background on the basis of which the EEAS was built and thus provide a baseline for an appropriate evaluation of the EEAS as a case of institutional change.

The purpose of this chapter is thus threefold: First, it is to trace the organisational capacity in external relations in the European Commission. Second, it will do the same for the Council Secretariat’s administrative organisation for foreign policy. And third, it will analyse the divergent views on these structures present in the member states and the European institutions in the decade before the creation of the EEAS. It begins by tracing the organisational landscape in EU external relations and foreign policy that existed until the creation of the EEAS. The two organisational sources that provided the immediate administrative backbone of the EEAS had evolved to fulfil separate tasks and had developed quite distinct identities. The chapter will first highlight the primary role the European Commission played in developing a network of delegations and the multipolarity of the external relations’ structure inside the Commission headquarters in Brussels. It will then turn its attention to the
The idea of a European diplomatic service, or a European foreign ministry, led by a European Foreign Minister has been part and parcel in nearly all noted federal visions of European integration put forward during or just after the Second World War. The concept of a federal foreign policy competence seems to be an integral part of draft constitutions that many different organisations and individuals prepared at a similar time. Maybe most notably, the proposals of the Swiss Europa-Union in 1940, of Altiero Spinelli in 1941, and the Pan-Europa Union’s “Draft Constitution for a United States of Europe” in 1942 all contained foreign policy as a competence for a European federation (Lipgens 1986). From the history of European integration we know that in their time, these proposals have remained visions or political pamphlets. They haven’t translated easily into the institutional reality of the European Union. Even with the creation of the European External Action Service (EEAS) the current institutional structure bears only a very abstract resemblance to these plans. The path to the creation of this latest organisation has been a long chain of changes in the practice and later institutional structure of the European Communities and then European Union. It is the purpose of this chapter to highlight the institutional development in EC external relations and EU foreign policy since the beginning of European integration in the 1950s.

While the EEAS is often called the European diplomatic service, it is not the beginning of external representation and foreign policy at the European level.
The organisational roots of foreign policy services in the broadest sense in the EU lie in the European Commission.

2.2 The European Commission’s External Service – Developing and Trading up

The EU, or at the time the EC, started already in their first years to develop a system of representation abroad, which was reflected in a much later stage also in an external relations structure at the headquarters level. This system’s growth was anchored on the one hand to the US, with a pioneering role for the Washington delegation, and in the former colonies of the member states, where numbers of missions were largest. The roles of the offices were at first purely informational, or in the case of former colonies focused on technical assistance programming and implementation of the European Development Fund. Staff structure and staff privileges reflected the nature of the representation service and were far removed from diplomatic standards of the member states.

Building the Commission’s external representation 1954-1993

The EU’s fluid evolution has made it very hard to clearly time individual moments or steps of development. Usually for the EU, organisational and legal changes are catching up with established structures of practice. This is also the case when looking at EU diplomacy and in particular its external representation. Bruter (1999: p. 183) identified as first delegation for the European Coal and Steel Community (ECSC) the ‘full diplomatic mission’ (European Commission 2004) that opened in London in 1956, while the Commission’s External Relations Directorate-General (DG RELEX) itself traced its roots back to the Washington information office established in 1954 (European Commission 2004). The opening of the then European Coal and Steel Community office under George Ball (Burghardt 2004) deviated from established diplomatic practice in a variety of ways, which account for the difficulty in classification. Firstly, the ECSC was not a state with all the ensuing consequences in diplomatic status and practice (Bruter 1999). Secondly, the head of the office was neither an ECSC official envoy nor a diplomat from the member states, but rather a US citizen, Leonard Tennyson.
Thirdly, from the very beginning it was set out to be first and foremost an information office due to the lack of diplomatic status. This is a role still kept by today's EU delegations albeit just as one out of a variety of tasks. Despite these intricacies, it is clear that the intention of the then High Authority was to reciprocate the diplomatic recognition it had received from the United States of America. The US sent the first ambassador to the ECSC in 1952.

Irrespective of which office was first, 1954 is the starting point for the multiplication of such offices, representing the High Authority and later the European Commission, abroad. The European Community was from the beginning an enterprise with links to the rest of the work and 'a complex set of external relations has been an integral part of its evolution' (Smith 2006: p. 313). This evolution is visible in the development of the delegation network as well as by changes in the headquarter organisation with in the Commission in Brussels. The expansion of network of external representations has continued to this day; the count of European Union delegations and offices has reached 139 (European External Action Service 2014a). This growth has been structured over time largely by mirroring the domestic and external competences of the EU itself (Smith 2006: p. 315-322). It has also been a reflection of the difficulty to determine the 'boundaries of external relations in terms of policy as much as in terms of organisational responsibility (Smith 2006: p. 314). It has not, at least for the longest part of time, been the result of a deliberate strategy to develop a diplomatic network across the world. Or as Spence has put it: ‘it has grown [...] with neither strategy nor even declared intention playing a serious role’ (2004: p. 63).

The EC opened an office in Santiago de Chile in 1956 as the seat of the Economic Commission for Latin American (CEPAL/ECLA), which had set out to develop a potential Latin American common market. A strong presence in former colonies of the member states, in particular in African and Caribbean (ACP) countries, is another pattern that emerged early on in the development of the external service (Bruter 1999, Edwards 2005: p. 43). At headquarters level, the service that was most involved in the increase of the network of delegations was the Directorate
General for Development in order to implement the precursor to the European Development Fund (Spence 2006: p. 401). Management of overseas aid was done via an agency at first, the European Agency for Cooperation (European Commission 2004: p. 15). The bulk of the Directorate General VII for Development retained the focus on project management and the disbursement of the European Development Fund, an official history of the European Commission noted (Dumoulin 2007: pp. 377-390). In the 1960s, the management of delegations was still outsourced to an agency, which reported to the Commission (Spence 2006: p. 402). An increase in numbers and in tasks beyond pure technical assistance under the revised external assistance framework of Lomé prompted administrative reforms (Spence 2006: p. 402; European Commission 2004: p. 19). Delegations started to include more permanent Commission officials and member states development officials (Spence 2006: p. 403).

Since trade took centre stage in the Community external relations (Smith 2006: p. 316), it also meant that some missions abroad were managed by the Directorate General for External Economic Relations, or DG I, rather than DG Development (Spence 2006: p. 403). In 1965, DG I acquired the central management of external representations, an essential part of the future organisation of external relations in the Commission. These later types of delegations were built according to a more diplomatic approach, focussing on information and representation as well as cooperation with member states (European Commission 2004: p. 24). This amounted over time to an ‘extensive mechanism of international representation and reporting’ (Smith 2006: p. 321). Two of DG I’s directorates merged in 1967 to create a new Directorate-General DG XI for Trade and relations to the United States, Canada, South Africa, Australia, New Zealand, Japan, the Far East and the members of the COMECON (Bossuat and Legendre 2007: p. 341). These wide responsibilities illustrate the internal organisational dynamics and the need for coordination between different parts of the European Commission. Smith has compared the role of DG I at the time to the US Trade Representative in that it was ‘trying to coordinate and moderate the needs and interests of powerful internal baronies without possessing a great deal of coercive power’ (Smith 2006: p. 321). In addition,
member states were watching the increased visibility of these trade representatives with cautious eyes, and in particular France was opposed to strengthening the diplomatic influence of the delegations and their heads (Bossuat and Legendre 2007: p. 344).

The continuing expansion of offices and delegations across the world of course coincided with an expansion of tasks as the EC expanded domestically. Achieving full diplomatic status for its missions was part of the Commission’s objective for of this growing organisational structure (European Commission 2004: p. 36). Here, it is again the office in Washington D.C. that is claimed to have gone first (European Commission 2004). It and its staff were extended all diplomatic privileges and immunities by President Nixon through Executive Order 11689 (United States Code 2014). Clearly, also from a legal point of view, it is possible to speak of diplomatic representation by the EU from this point onward. Still, the focus of both the staff concerned as much as headquarters was the execution of European external policies, trade and in particular the implementation of the European Development Fund (Interview, Senior Commission official, 2011; Bruter 1999; European Commission 2004; Spence 2004). The majority of staff who were development experts rather than officials or diplomats received instructions from DG VIII, i.e. the Development Directorate-General in this first period. The Commission’s official history acknowledges the variance between delegations’ roles: ‘from the EAC-run ACP missions with their mainly contracted staff and modest political profile, through to the Washington delegation, which by now was virtually a fully accredited diplomatic mission’ (European Commission 2004: p. 25).

In the 1980s, a marked shift was observed, insomuch as delegations outside of the ACP were concerned. Spence describes the shift of reporting lines towards the Commission’s nucleus external relations Directorate-General DG I (2004: p. 66). He also notes the vast differences in staff between ACP delegations and others, the former being staffed by development experts, the latter by Commission officials (Spence 2004: p. 67), but asserts this was to an extent solved by a change in administrative status in 1987. Equally in 1988, a unified
system of administration for the delegation was merged from the two previous organisations (European Commission 2004: p. 33; Spence 2006: p. 404). It is unlikely that the formal extension of status will have done much to change the nature of the service in ACP countries in general, which was very much focused on development aid and bound into a hierarchical structure with the Directorate-General VIII responsible for Development. Nuttall gives a detailed insight into the very limited organisational resources specifically addressing European Political Cooperation within the Commission and the limitations placed on them in the 1980s (2006: p. 351).

With an ever-growing number of information offices, and later diplomatically accredited missions abroad, the first mover in the EC’s external representation was thus the European Commission. The organisational development started with the expansion of its missions, or delegations, rather than with a centrally designed structure at headquarters. In terms of policy, it was two Commission policy services, Trade and Development, that were largely responsible for a growth in the number of representative offices abroad. Both the services for Trade and Development had a direct functional link to countries outside of the EU. An official Commission history of its own development tellingly describes the evolution of trade policy and representation in a chapter on ‘The Commission’s role in external relations’ (European Commission 2007: p. 339-343).

In addition to the development and trade services, parts of an external relations headquarters service of the European Commission started to take shape in several Directorates-General. The Commission had a role to play in foreign policy as well, as Edwards observed: ‘As a driver of foreign policy integration, it had the advantage, at least from the mid-1980s on, of being able to bring the economic and political aspects of policy together’ (2005: p. 52). The Commission’s service dealing with European Political Cooperation was refashioned in 1993 as Directorate General DG Ia for political external relations (European Commission 2007: p. 407, Nugent 2001: p. 301). This DG acquired also the central management of delegations (European Commission 2007: p. 407).
After a wave of organisational reform regarding headquarters’ structure, staff rules and management of delegations at the beginning of the 1990s (European Communities 2004, Spence 2004, 2006; Smith 2006: p. 339), the European Commission’s Directorate-General for External Relations, or DG RELEX, considered itself to be at the helm of a European ‘diplomatic service avant la lettre’ (Interview, Senior Commission official, 2011). The official history of the Commission’s external delegations underlines this self-image with a quote from a report written by Adrian Fortescue to the European Council from 1982: ‘The Commission has the nucleus of a foreign service. Its external delegations are doing work directly comparable to Member State embassies’ (European Commission 2004: p. 29). From 1995, there were four external relations Directorates-General, DG1 Commercial Policy, DG IA External Relations, CFSP and missions, DG IB External Relations with the Southern Mediterranean, Middle East, Latin America, South-East Asia and DG VIII Development (Nugent 2001: pp. 301-302).

In 1996, the Williamson Report, or more correctly the ‘Report on the longer-term requirements of the External Service’ proposed a unified structure of delegations and headquarters services including a rotation system for external relations staff (European Commission 1996). It was tellingly based on a comparative study of member states’ diplomatic services (European Commission 1996: Annex I). The same year also marked the beginning of regular reports by the European Commission to both the European Parliament and the Council of the EU on the management and development of the external service (European Commission 2004: p. 50). Despite being inconsistently named, these regular communications on the ‘multiannual plan to allocate External Service Resources’ (European Commission 1998), ‘The Development of the External Service’ (European Commission 1999) and ‘concerning the development of the external service’ (European Commission 2000) specified in considerable detail the reorganisation taking place in the external service. In line with general Commission administrative reform, it consisted not only of rationalisation of staff numbers and delegations in relation to tasks (European Commission 1998: p. 3), but also implemented a reorganisation to balance the Commission’s representation in
regions across the world and in particular in the former Soviet Union, Warsaw Pact countries and Yugoslavia (e.g. European Commission 1998: p. 5). The Commission also streamlined the administrative structure of the ‘Unified External Service’, e.g. by creating ‘a single pool of posts’ managed by ‘a single department’ (European Commission 2002a: p. 2, European Commission 2002b). From this department’s purview only two types of staff were excluded: humanitarian aid staff in order to ensure that they would be perceived as neutral and apolitical in the field. Staff from loan to the external service by other directorates-general also did not fall under its administrative powers. A steering committee for the external service was endowed with a wider mandate (European Commission 2002a: p. 22). At headquarters level, and to a limited degree in delegations, the administrative distinction between development, trade, aid implementation and external relations remained within the so-called ‘famille RELEX’.

The European Parliament may not have believed that the Commission was already in possession of a diplomatic service in the 1990s, but it certainly supported the expansion and reorganisation on the side of the Commission at the time. In the annual report on CFSP, the Matutes Report, in 1995, the EP expressed its position clearly:

‘[the EP] believes that it is essential for the European Union to have a diplomatic apparatus of its own; is of the opinion that the Commission’s delegations to non-member countries should be upgraded to embassies of the European Union’ (European Parliament 1995a: p. 238).

In an opinion on the treaty reform debate led in the following year, the EP also stated its unequivocal support for a strong role of the Commission in the Common Foreign and Security Policy:

‘The Commission should be fully integrated into the definition and elaboration of CFSP, with a right of initiative. It should be given implementing power. In order to rectify difficulties that have emerged in
the field of policy design and formulation, a joint Commission-Council planning and analysis unit should be established’ (European Parliament 1995b).

During the later stages of this evolution in the Commission’s external service, political demands for stronger collaboration with national diplomatic services appeared. Laursen and Vanhoonacker reproduced a Belgian proposal expressing an interest in developing ‘a better mix between expertise and diplomatic information from the Member States and the Commission’s experience’ (Laursen and Vanhoonacker 1992: p. 273). Spence quotes a Belgian demand in 1996 for a coordinated use of diplomatic resources (2006: p. 408). By the late 90s, the Commission attempted to build stronger links to the diplomatic community of the member states by inclusion of seconded diplomats (European Commission 1999: p. 7-9). The Commission also noted that so far none of the nine staff participating in the scheme had been a serving member of a member state diplomatic corps (European Commission 1999: p. 8). The Commission was thus actively looking for a stronger link to the member states’ diplomatic services already in the late 1990s, albeit with limited success.

The Commission and its increasingly unified external service was only one aspect of the EU’s relations to the world. In addition to the Community fields of trade, development and other internal competences with relevance to other countries, member states were slowly collaborating in more traditional foreign policy. This cooperation in the Council also had administrative repercussions, which are the focus of the next section.

2.3 The Organisation of European Political Cooperation

The Community side of EU external policy was after the first decade of European integration followed by increased coordination attempts on so called high politics of foreign policy and defence. From purely inter-governmental beginnings and at very slow pace, a second source of organisational structures at the EU level came into being. Once more formally established, European Political
Cooperation and later the Common Foreign and Security Policy became the second organisational heritage of EU foreign policy.

Looking for the organisational roots of the EPC machinery seems futile at first as the process started out as intergovernmental ministerial and committee meetings (Nuttall 1992: pp. 52-73). Wallace and Allen describe clearly the absence of strong institutional characteristics at the beginning of political cooperation: ‘it had no definite institutional basis; it had no secretariat; it had, at best, tenuous links with the existing institutions of the European Communities’ (Wallace and Allen 1977: p. 227). The reasons for the lack of institutional underpinning of the foreign policy coordination process, however, are a good illustration of the typical conflicts the member states found themselves part of. Attempts in the 1950s to integrate more deeply on defence failed as the French parliament did not ratify the European Defence Community. While in the 1960s regular meetings between foreign ministers started to take place, underlying disagreement between the member states on these arrangements remained.

France in particular was a strong proponent of a purely intergovernmental arrangement with a political secretariat in Paris, not in Brussels (Allen and Wallace 1982: p. 22, Nuttall 1992: pp. 71-2). Smaller member states like the Netherlands and Belgium supported the founding of such a secretariat only in Brussels in order not to lose the connection to the Community institutions (Allen and Wallace 1982: p. 22-3, Nuttall 1992: p. 72). Both views were unacceptable to the respective other side and left the EPC in its early years without any permanent administrative support (Juncos and Pomorska 2010: p. 8). This disagreement persisted throughout the 1960s and only in 1970, a compromise could be found and European Political Cooperation begin. The compromise itself found in the Davignon Report was based on very loose arrangements and was intergovernmental in nature (Davignon Report, 27 October 1970). It consisted of meetings of foreign ministers, the creation of a political committee of senior diplomats and, if necessary, working groups underneath this structure (Allen and Wallace 1982: p. 24). The meetings were to be held in the capital of the presidency rather than in Brussels (Allen and Wallace 1982: p. 24).
Recent leaks of diplomatic cables of the United States including diplomatic assessments of the US staff in host countries provide some additional anecdotal evidence for this development.\(^3\) One document indicates that a Belgian paper dealing with ‘Administrative problems involved in exercising the Presidency’ was making proposals towards the creation of a Secretariat (US Diplomatic Cable 1973c: No. 08154) after a German proposal had been presented and withdrawn that year (US Diplomatic Cable 1973a: No. 07202). A proposal to detach an official for purposes of administrative support in the embassy of the state holding the presidency was seen as best feasible option. This ‘Ersatz’ or ‘rolling secretariat’ was acceptable also to the French who otherwise staunchly separated the EC and political cooperation (US Diplomatic Cable 1973b: No. 07203). If leaked US diplomatic cables are to be trusted, the French blocked further discussion of a Secretariat, after its location in Paris had been rejected (US Diplomatic Cable 1973a: No. 07202). The French difficulty with a rapprochement between Community institutions and foreign policy is well documented (see e.g. Allen and Wallace 1982: pp. 24-25). In 1973, the foreign ministers approved the Copenhagen Report setting out the practices already achieved, rather than genuine new proposals (Allen and Wallace 1982: pp. 25-6; Copenhagen Report, 23 July 1973). In addition to the ‘rolling secretariat’, several working groups, a ‘Group of Correspondents’ in the Foreign Ministries was set up in order to ‘follow[ing] the implementation of political co-operation and of studying problems of organisation and problems of a general nature.’ (Copenhagen Report, 23 July 1973).

The attempt by the member states to keep the European Commission at arm’s length, yet still relying on its input and recognizing the need for coordination with it, formed part of the contradictions of European political cooperation from

\(^3\) The documents referred to here are part of the Wikileaks disclosure. The specific documents quoted here do not include material of recent or security-related nature, and are used merely to enrich the illustration of the political divisions in European capitals. Effects on diplomatic relations from these historic reports are not likely. Since they have been used in large numbers by the press e.g. [http://www.theguardian.com/world/the-us-embassy-cables](http://www.theguardian.com/world/the-us-embassy-cables), they can be considered part of the public domain. In the academic debate, Drezner has pointed out that ‘scholars will need to exercise care in putting the WikiLeaks documents in proper perspective’ (2010), a call heeded here by very limited use.
the very beginning (Nuttall 1992: pp. 59, 65, 74). Already in these beginnings of EU foreign policy, intergovernmental political and supranational economic aspects of relations with the rest of the world were not neatly separable. The Tindemans Report of 1975 called for ending the differentiation between foreign policy cooperation and regular Council meetings without changing the process behind it (Allen and Wallace 1982: p. 26). But the report ‘merely gathered dust on the shelf’ (Edwards and Pijpers 1997: p. 6). Observers of EPC also hinted at another problem in the high politics side of EU foreign policy: that it merely created ‘procedure as substitute for policy’ (Wallace and Allen 1977). The ability to manage every day foreign policy activities jointly for European countries was already then seen as requiring in the long run ‘the establishment of both a common foreign policy and a common diplomatic service’ (Allen 1982: p. 175). But the step-by-step approach to integration would also be followed in political cooperation.

In 1981, the ‘London Report’ strengthened the role of the rotating chair, the Presidency, in running European Political Cooperation. It also introduced a new type of administrative support in the form of the Troika Secretariat, i.e. seconded national officials from the preceding and succeeding Presidencies (London Report, 13 October 1981; Nuttall 1992: p. 179). This small team of officials almost immediately proved their worth in successive political crises (Nuttall 1992: p. 201). At the same time, the European Commission was to be ‘fully associated’ with the EPC. An initiative by the German and Italian Foreign Ministers, the Genscher-Colombo initiative, made the argument for stronger political cooperation in Europe and more Community involvement in external affairs, but led only to a limited ‘Solemn declaration’ in Stuttgart 1983 (Edwards and Pijpers 1997: p. 6). This is an example of a less successful step towards further institutionalisation and at the same time highlights the nearly continuous attempts at moving forward in this ‘institutionalisation of cooperation’ (Smith 2004). Foreign ministries in the member states had increasingly become enmeshed in a continuous dialogue, not only about policy (Hocking 2002: p. 277), but also about the organisations of this process. Without central offices
that could develop independent proposals, it was the foreign ministries themselves who were responsible for coming up with reform proposals.


In response to the external shocks, such as the fall of the Berlin Wall and the ousting of Communist regimes in Central and Eastern Europe, the member states embarked on discussions about the reform of the European foreign policy structures. These were part of a wider discussion leading up to a new treaty on creating a ‘Political Union’ to complete the economic integration of the member states. While always only one aspect of negotiations, external action and its impact always remained an element of the large scale ‘institutional relaunch’ of the EC proposed by Belgium (Laursen, Vanhoonacker and Wester 1992: pp. 5-6). During the negotiations, a Belgian proposal also included an

‘initial experiment in synergy by setting up a “special task force” made up of some diplomats specialising in Eastern Europe and who would be seconded by the Member States and some Commission officials’ (Laursen and Vanhoonacker 1992: p. 273).
An adapted Franco-German proposal for a Common Foreign and Security Policy went through several variations (Nuttall 2000: pp. 114f) and in the negotiations for a new treaty member states were faced with widely varying objectives and interpretations of it. Some, including the UK and Denmark, wished for a continuation of EPC ‘along existing lines’ (Nuttall 2000: p. 150). Germany, the Benelux and Italy wanted to align it with Community procedures (Nuttall 2000: p. 150), while the French wanted an improved common policy but with stronger links to the European Council (Nuttall 2000: p. 150). In the end, Treaty on the European Union built a Common Foreign and Security Policy, brought the former EPC closer to the Community with a single institutional framework at ministerial level. It also maintained the intergovernmental nature of decision-making as well as the apparatus below ministers in the Council (Nuttall 2000: p. 182).

In administrative terms, the resulting Treaty on the European Union merged the Troika Secretariat of seconded officials with the Council Secretariat (Nuttall 2000: p. 183). In the Council Secretariat, the external relations tasks were joined in a Directorate General, the so-called DG-E, with two major elements, one the services for the Common Foreign and Security Policy, the other dealing with external economic relations (Nuttall 2000: p. 251, Juncos and Pomorska 2010: p. 9). It maintained a strong element of national seconded officials among its staff, but now included also a number of European officials (Dijkstra 2013: p. 54). While servicing the Council meetings and working groups like all other parts of the Secretariat, the CFSP part began slowly to take on more substantive tasks. Because of the limited role of the Commission in CFSP, it started to assist ‘the Presidency to write its own proposals’ (Nuttall 2000: p. 253). Despite these developments towards organisational unification on the Council side, European policy was still off the mark in terms of visibility and the ability of the EU to act not only jointly, but also effectively. In the mid-1990s, the next round of institutional reform ideas circulated, this time focusing on an institutional change at the top rather than the machinery. The ideas floated, however, bear a close resemblance to those discussed in the early 1990s, in particular the Deputy
Secretary General of the Council for Foreign Policy found in the Belgian memorandum (Laursen and Vanhoonacker 1992: p. 273).

In order to look more closely at the discussion surrounding the leadership and structure of the EU foreign policy machinery, the following section will analyse in more detail the individual positions expressed by member states and European institutions in the treaty reform discussions of the 1990s. It will also describe the administrative changes these expansions of foreign policy architecture at the EU level brought with them. The views presented are relevant to the Council structure, as this section has shown the reluctance of member states to develop stronger structures while at the same time the steady trajectory towards such stronger administrative structures. A clear overview of the views of member states in the 1990s may provide clues as to what created the opportunity structure for the decision to create the EEAS in the 2000s.

2.4 Member States and the Re-organisation of European Foreign Policy

Since the roots of European Political Cooperation lay in purely intergovernmental coordination meetings, the central role member states played in the evolution is unsurprising and well documented in the literature (Allen et al 1982, Edwards and Pijpers 1997, Hill 1996). Changes in the organisational structure underpinning this cooperation needed agreement by all governments. Member states did not agree completely on objectives, methods, nor on the substance of policy. This is illustrated well by the professed preferences on the revision of EU foreign policy structures on the Council Secretariat’s side in the run up of the 1996 Intergovernmental Conference. The 1996 IGC, which was already foreseen in the Treaty of Maastricht, had a particular focus on institutional balance, foreign policy, economic union and enlargement. The organisational structure of future EU foreign policy was part of this negotiation.

In 1994, a high level group of experts on CFSP at the request of European Commissioner for external relations Hans van den Broek spelled out proposals with a clear integrationist twist (High Level Group 1994). With regards to the
organisational structure, the High Level Group ‘advocate[d] (without awaiting 
the outcome of the IGC) the immediate establishment of a genuinely independent 
permanent central analysis and evaluation capability in Brussels’ (High Level 
Group 1994: p. 8). It should retain expertise from the Council, Commission and 
the Western European Union and should be led by a special advisor nominated 
by the European Council (Reflection Group 1994: p. 9). A year later, another 
group of experts working under the sponsorship of the Bertelsmann Foundation 
in collaboration with the European Commission’s planning staff came to similar 
conclusions: ‘There is an urgent need, therefore, for a European Planning Staff, 
which should be a joint Commission-Council body.’ (Working Group 1995: p. 
13).

In 1995, a reflection group mandated by the European Council and chaired by 
Carl Westendorp in its 'Progress Report from the Chairman of the Reflection 
Group on the 1996 Intergovernmental Conference' included a similar proposal: 
'The Group agreed that an analysis, forecasting, planning and proposal unit or 
body should be set up for the common foreign policy.' (Reflection Group 1995: p. 
29). The group also discussed two options for the CFSP 'figurehead': one option 
was 'locating the unit at the General Secretariat of the Council, with its facilities 
strengthened and the Secretary-General raised in rank to ministerial level', 
favoured also because this solution would 'highlight the desirability of placing 
the unit at the Council, on account of the central role played by States with CFSP' 
(Reflection Group 1995: p. 29). The second option was a new figure, a 'High 
Permanent Representative for CFSP, appointed by the European Council' 
(Reflection Group 1995: p. 29). This new figure would have as tasks to chair the 
Political Committee and have at his disposal a 'tri-partite body, made up of 
Member States, the Council and the Commission' as planning and analysis unit 
(Reflection Group 1995: p. 30). The concept of merging the three sources of 
organisations involved in foreign policy for joint planning and analysis had 
already strongly made its appearance in the preparation of the 1996 IGC, but 
also highlighted the division of opinions in which approach to take. This division 
was a reflection of the diversity of views present in the member states at the
time. Sources from the preparation of member states in 1995 give an impression of the diversity of views prevalent in the capitals at the time.

<table>
<thead>
<tr>
<th>Member state</th>
<th>Position CFSP integration</th>
<th>Organisational Structure</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finland</td>
<td>-</td>
<td>CFSP Secretary General would not help</td>
<td>Retain rotation of Presidency</td>
</tr>
<tr>
<td>Austria</td>
<td>(+)</td>
<td>'Creation of planning cell from representatives of Council Secretariat, Commission, and Member States', not new CFSP Secretariat</td>
<td>Possibly led by 'personality' nominated by European Council, retain rotation</td>
</tr>
<tr>
<td>Netherlands</td>
<td>-</td>
<td>CFSP unit in CSG to play greater role in policy preparation; a separate organisation would need to include Commission and member states</td>
<td></td>
</tr>
<tr>
<td>Luxembourg</td>
<td>+</td>
<td>Analysis and planning capacity in CSG</td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>-</td>
<td>Improved structure for policy analysis and preparation</td>
<td>Retain rotation</td>
</tr>
<tr>
<td>France</td>
<td>(+)</td>
<td>Extend presidency term and right of proposal</td>
<td>Chairman of the European Council for 3 years</td>
</tr>
<tr>
<td>Germany</td>
<td>+</td>
<td>Working unit for analysis and planning led by a political Secretary for CFSP/bring together the capacities in Commission, Council and WEU</td>
<td></td>
</tr>
<tr>
<td>Belgium</td>
<td>+</td>
<td>Commission as catalyst and coordinator of external action, exchange of personnel with MS</td>
<td></td>
</tr>
<tr>
<td>UK</td>
<td>-</td>
<td>Develop WEU</td>
<td>CFSP strictly intergovernmental</td>
</tr>
</tbody>
</table>

Table 3: Selected member states positions on CFSP integration. Own analysis based on EIPA 1995.

Table 3 above shows the focus of member states on different organisational issues. Germany and Austria already in the mid-1990s looked very much to a analysis and planning unit to improve the functioning of CFSP. Belgium without being too overtly pro-integrationist as may be expected, was looking to enhance the role of the Commission. France on the other hand preferred a much stronger, almost hierarchical role for the European Council. After a first round of negotiation and continued consultation of the experts, the positions of
governments shifted more closely around a partly integrationist centre, without losing entirely their specific stance.

<table>
<thead>
<tr>
<th>Actor</th>
<th>Stance on CFSP (+ = more integration, - = less integration/Status quo)</th>
<th>Organisational Structure</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>EP</td>
<td>+</td>
<td>Joint Commission-Council planning and analysis unit</td>
<td>Union diplomatic apparatus; 'Parliament rejects [...] the idea that there should be a &quot;High Representative&quot; for the CFSP.'</td>
</tr>
<tr>
<td>Commission</td>
<td>+</td>
<td>Increased practical cooperation; joint troubleshooting machinery; joint analysis unit COM and MS</td>
<td>'firm opposition to appointment of a Mr CFSP'</td>
</tr>
<tr>
<td>High Level Group 2nd report</td>
<td>+</td>
<td>'New structure, in the form of a tripartite central analysis and proposal capacity and a CFSP High Representative', functional link with COM</td>
<td></td>
</tr>
<tr>
<td>Belgium</td>
<td>+</td>
<td>Analysis and planning unit with MS, COM and WEU, headed by senior official</td>
<td></td>
</tr>
<tr>
<td>Denmark</td>
<td>-</td>
<td>Analysis and planning unit under Council of Ministers</td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>(+)</td>
<td>'Face and voice' for CFSP, permanent analysis and planning unit, headed by Mr./Mrs. CFSP, staff from MS, COM and CSG</td>
<td></td>
</tr>
<tr>
<td>Greece</td>
<td>+</td>
<td>Gradual approach, stronger COM role</td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>+</td>
<td>Analysis, foreseeing, early warning &amp; planification cell with CSG, w/o right of initiative</td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>+</td>
<td>Appointed representative</td>
<td>Strong role European Council</td>
</tr>
<tr>
<td>Ireland</td>
<td>(+)</td>
<td>Central planning and analysis unit at the service of the Presidency and the Council</td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td>+</td>
<td>Mr CFSP, permanent secretariat appointed by Council, or elected Presidency for 2-3 years</td>
<td></td>
</tr>
<tr>
<td>Luxembourg</td>
<td>+</td>
<td>Analysis and planning unit, with MS, COM and WEU</td>
<td></td>
</tr>
<tr>
<td>Austria</td>
<td>+</td>
<td>Planning unit in CSG</td>
<td></td>
</tr>
</tbody>
</table>
Table 4: Selected member states' views on organisation structures in CFSP. Own compilation based on European Parliament 1997

Tables 3 and 4 illustrate the diversity of opinions present among member states, from the maintenance of strict intergovernmental cooperation to more integrationist changes in the organisation and decision-making processes. After the first round of consultations, most member states supported the creation of an ‘analysis and planning’ organisation within the realm of the Council Secretariat General (see above, Table 4). Some member states also wanted the staff of this body to be drawn from a variety of organisations. Individual member states also noted the need for better external representation, or for diplomatic resources. France still sought to strengthen the European Council, even if it did agree to the ‘face and voice’ (European Parliament 1997) of a ‘Mr. CFSP’ (Table 4, European Parliament 1997). These preferences are naturally only one element of the discussions and are also informed by the wider discussions about the EU’s institutional architecture in the 1990s (Laffan 1997).

All the High Representative’s men

The appointment of a figurehead for EU foreign policy, the High Representative for the Common Foreign and Security Policy, in 1999 after the Amsterdam revisions to the Treaties and the war in Kosovo, proved an administrative watershed for the Council Secretariat (Christiansen and Vanhoonacker 2008). Javier Solana, a former Spanish Foreign Minister is credited with shaping not
only his own job description but also the institutional features relating to it (Duke 2011). In the ten years from his appointment on, administrative structures of European foreign policy grew noticeably (Duke 2011: pp. 35-37). The Policy Planning and Early Warning Unit (PPEWU, later known as Policy Unit) under the High Representative was often seen as epitomizing this change. Staffed mostly with seconded officials, its role resembled more closely the tasks of administrations engaged in foreign policy. It was to identify risks, provide analysis and assessment of and for foreign and security policy at the EU level (Duke 2011: p. 42). The Policy Unit was also tasked with providing policy options for EU action in different countries or regions around the globe (Duke 2011: p. 44). The policy unit was an interesting organisational experiment, including national diplomats in an otherwise European institutional environment, the Council Secretariat.

The growing structure in EU foreign policy associated with the Council Secretariat also included growth in more defence and security related policy areas. In 1998, the St Malo British-French declaration gave the impetus for a build up of more defence related policy structures. The Nice Treaty revision included its message towards ‘progressive framing of a common defence policy’ (Keukeleire and Macnaughtan 2008: p. 174), or the European Security and Defence Policy (ESDP). With the creation of military structures and linkages to NATO, the ESDP started to develop organisational structures at the Council Secretariat (Allen and Smith 2001: pp. 98-99; Keukeleire and Macnaughtan 2008: pp. 179-185). The Council Secretariat grew to include an EU Military Staff (EUMS), Civilian Planning and Conduct Capability (CPCC) for civilian crisis management as well as a crisis management and planning directorate (Allen and Smith 2001: p. 99; Duke 2011: pp. 50-61, Juncos and Pomorska 2010: p. 11, Vanhoonacker et al. 2011: pp. 8-12). In addition, the Council Secretariat acquired administrative resources through the setting up of a Situation Centre out of the Policy Unit (Duke 2011: p. 45). The Situation Centre (SitCen), an intelligence analysis and crisis monitoring body also includes seconded staff from the member states’ national intelligence services (Duke 2011: pp. 45-46). The development of these security and military structures was based on delicate
negotiation and necessitated also adjustments in the physical organisation of the administration as these matters required higher standards of security than other elements of foreign policy. The military staff and several central systems were thus housed separately from the other Council structures and have remained so even after the creation of a new merged service (Allen and Smith 2001: p. 100).

The external relations part of the Council Secretariat was constituted from the very beginning by a different type of staff and had to fulfil functions that were fundamentally different from the ones executed in other parts of the Council Secretariat (Interview 2, Senior Council Official, 2011, Interview 15, Senior Council Official, 2012). They were usually seconded from national foreign services and considered more flexible and political (Interview 2, Senior Council Official, 2011, Interview 15, Senior Council Official, 2012, see also Juncos and Pomorska 2010). Later, they were to include military, intelligence and crisis management staff, making for an unusually diverse workforce for strategic analysis of and response to international political and security situations. Because of this difference in staffing Solana could claim that the new ‘elements have helped create a new culture of real time foreign policy making’ (European Convention 2002 WG VII WD 8: p. 6).

With this administrative structure, at least in part engaged in the high politics of foreign policy, the Council Secretariat and its officials as well as the seconded national diplomats must be considered one of the legacies in the administrative structure of European foreign policy. The Secretariat grew in size and remit from a small support team, made up of seconded national officials, into a meaningful administrative presence of several hundred administrators. Table 5 below illustrates the slow institutionalisation process, in which at first reports to the member states recommended an increase in the number and type of meetings at political level as well as organisational changes to the support structures. The organisational pinnacle in this instance is the creation of a permanent secretariat based in Brussels by the Single European Act.
<table>
<thead>
<tr>
<th>Year</th>
<th>Title</th>
<th>Political</th>
<th>Organisational</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>Luxembourg Report</td>
<td>Ministerial meetings once every 6 months, Political Committee at least 4 times a year, Working Groups</td>
<td>Host state will provide secretarial services; nominate one foreign affairs official as correspondent</td>
</tr>
<tr>
<td>1973</td>
<td>Copenhagen Report</td>
<td>Ministerial meetings 4 times a year, Political Committee as frequently as necessary, Group of European 'Correspondents', Working Groups</td>
<td></td>
</tr>
<tr>
<td>1981</td>
<td>London Report</td>
<td>Ministerial meetings, informal Gymnich meetings, Political Committee, Correspondents’ Group, Working Groups</td>
<td>'Presidency assisted by a small team of officials from the preceding and succeeding Presidencies', officials remain in home diplomatic service at the embassy in Presidency</td>
</tr>
<tr>
<td>1983</td>
<td>Solemn Declaration on the European Union</td>
<td>Regular EPC working meetings at the Community seat &amp; meetings in capitals</td>
<td></td>
</tr>
<tr>
<td>1985</td>
<td>Report of the Ad Hoc Committee on Institutional Affairs (Dooge) Report</td>
<td>‘Creation of a permanent political cooperation secretariat (...); the secretariat would to a large extent use the back-up facilities of the Council and should help to strengthen the cohesion between political cooperation and the external policies of the Community’</td>
<td></td>
</tr>
<tr>
<td>1986</td>
<td>Single European Act</td>
<td>Ministerial meetings, also discussions in Council, Presidency of EPC = Presidency of Council, Political Committee, European Correspondents’ Group, Working Groups</td>
<td>A secretariat based in Brussels shall assist the Presidency in preparing and implementing the activities of EPC and in administrative matters. It shall carry out its duties under the authority of the Presidency, members have same status as members of diplomatic missions of member states</td>
</tr>
</tbody>
</table>


The growth phases were influenced largely by two factors. On the one hand, they were shaped by the conflict between the intergovernmentalist and supranationalist views on European foreign policy prevalent in the member states. On the other hand, they were driven by external events such as the fall of the Berlin wall and the wars in the Balkans, which helped to galvanise further
integration. The underlying political disagreement between intergovernmentalist and supranationalists, but also the more nuanced differences between member states of each camp, are nowhere more apparent than with regards to organisational arrangements in EU foreign policy. It is the politics of organisational structure that determine to a large degree the development in EU foreign policy over the decades of EPC and CFSP. In many ways, the Council Secretariat’s role in CFSP was already a merger of traditions considering the important role played by seconded officials. Looking at the member states is undoubtedly of greatest relevance for the evolution of Council structures as parliamentary scrutiny was virtually non-existant. The Commission’s own internal evolution has been illustrated above (see section 2.2 this chapter). The Commission's interaction with the foreign policy mechanisms of the member states has been subject to repeated analysis with regards to the EPC (Nuttall 2006) to the CFSP (Spence 2006). The EP's role is less directly relevant for changes in the beginnings of EU foreign policy, but understanding the view of the EP completes the picture of Brussels' actors.

2.5 Parliamentary Activism over Two Decades

Member states were not the only actor voicing views on the need for change in the organisation of European foreign policy cooperation. European institutions were part of this debate as well. The European Parliament, with a low level of formal powers in this particular policy area, used the EU reform debates of the 1980s and 1990s to express its opinion on how the EU should proceed. In particular the first directly elected European Parliament in 1979 felt the need to press for a ‘political union’, which included stronger foreign policy cooperation (Alonso Terme 1992: p. 269). The following depiction of selected EP reports on European Political Cooperation and CFSP illustrates the EP’s strongly integrationist views.
<table>
<thead>
<tr>
<th>Year</th>
<th>Title</th>
<th>Organisational</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 January</td>
<td>Haagerup Report</td>
<td>No recommendation on new institutions (security)</td>
<td>Increased cooperation</td>
</tr>
<tr>
<td>17 May</td>
<td>Bourlanges and Martin Report on the functioning of the European Union with a view to the 1996 IGC</td>
<td>Joint Commission-Council planning and analysis unit; own diplomatic apparatus for Union</td>
<td>Parliamentary supervision of CFSP</td>
</tr>
<tr>
<td>18 May</td>
<td>Matutes (Own Initiative) Annual Report on progress in the field of CFSP</td>
<td>Risk Analysis and evaluation center, diplomatic apparatus including European Union embassies</td>
<td></td>
</tr>
<tr>
<td>21 February</td>
<td>Opinion of the Committee on Foreign Affairs, Security and Defence Policy (draftsman: Mr Goerens) on the assessment of the work of the Reflection Group</td>
<td>Central analysis and planning unit; links with Council, COM and WEU; headed by the Commissioner responsible for external relations, responsible for external representation in the area of the CFSP.</td>
<td></td>
</tr>
<tr>
<td>13 March</td>
<td>Dury and Marj-Weggen Report on the evaluation of the work of the Reflection Group</td>
<td>Joint analysis and planning unit (staff from CSG and COM) under authority of Commission, Commission should represent in CFSP/no Mr CFSP</td>
<td></td>
</tr>
<tr>
<td>24 July</td>
<td>EP resolution on the establishment of a common diplomacy for the European Union (Galeote I)</td>
<td>Professional, permanent Community diplomatic service, enhanced delegations</td>
<td>College of European Diplomacy; effective bridging system between MS and Community diplomatic services, hearing of heads of delegation in EP</td>
</tr>
<tr>
<td>30 May</td>
<td>Report on the Commission Communication on the development of the External Service (Galeote II)</td>
<td>Supports COM reform of external service, more staffing, training</td>
<td>Delegation support MEPs, links to EP formalised</td>
</tr>
</tbody>
</table>


Recurrently, the EP insisted on an expansion of political cooperation and an increase in capacity at the EU level. Table 6 gives an overview of the incessant engagement of the European Parliament in the organisation of EU external affairs.
affairs, despite or maybe rather because of its lack of legislative power and its growing appetite to increase it. During the 1990s, the European Parliament was getting more involved in the structure of the Commission’s external service via its budgetary powers and achieved an appearance before Parliament by new heads of delegations (Spence 2006: p. 408). Some evidence suggests that the more detailed demands were in fact derived from informal discussions between Members of the European Parliament and relevant Commission staff and represented what the Commission thought it needed in the first place (Interview 9, Senior Council official, 2011). By that time, an overhaul of the institutional system of the European Union was already on the horizon.

But the EP also expanded its vision of the organisation of EU foreign policy cooperation. The European Parliament in 2000 called for the first time for a ‘common Community diplomacy’ in the Galeote I Report of 2000 (European Parliament 2000). The report demanded a common training path, better cooperation between national diplomatic services and the EU level and a clearer role for Commission delegations. It also spelled out clearly some of the demands the EP has consistently held since then regarding a European diplomatic service: creation of a European diplomatic service linked to the diplomatic services of the member states (European Parliament 2000: pp. 6, 12), a diplomatic college and increased diplomatic training for officials (European Parliament 2000: pp. 6, 12), an upgrade of Commission delegations to embassies and a hearing of heads of delegations before the EP (European Parliament 2000: p. 7, pp. 12-13). The EP sought political visibility in the nomination of heads of delegations:

‘[the EP] proposes that provision be made for heads of delegations to appear before the European Parliament’s Committee on Foreign Affairs as a matter of course before taking up their duties, in order to outline and discuss their work programme’ (European Parliament 2000: p. 7).

This is a position it would maintain right through the negotiations on the creation of the European External Action Service (European Parliament 2000,

Just a year later, the Galeote II report (European Parliament 2001) reiterated some of these demands and expressed more strongly its position for a growth of the external service in size and powers (European Parliament 2001: p. 8). Most organisational innovations, like a common diplomacy and a College of European Diplomacy are accompanied by a clear expansion of EP rights in the area of CFSP. As in all cases, it is also important to recall the institutional characteristics of the actors involved and that unitary actions are only possible to a certain degree in such collective bodies, like the European Parliament. A close look at Table 6 also illustrates that the EP is not completely unitary, despite its clear integrationist leanings. From the Committee Opinion in 1996 and its subsequent plenary report, it is possible to deduce an internal divergence. The EP committee responsible for foreign affairs was more integrationist than the whole of the EP.

The development on both sides of the Rue de la Loi in Brussels, inside the European Commission’s unified external service and the former EPC turned CFSP machinery in the Council Secretariat, was always just one element in a larger sequence of institutional reforms. In the later stages from the Single European Act onwards, organisational change in these areas was closely linked to overall Treaty reform. This was equally the case in 1999 and after. An additional Treaty revision preparing for enlargement, the Nice Treaty was already in itself seen as temporary fix, setting the stage for a new attempt at grand institutional reform of the EU. The Treaties created to fix problems were found wanting and triggered the next phase of rethinking the institutional structures of the EU.

The member states’ Heads of State and Government set off on a slightly different process of institutional revision in the Laeken declaration (European Council 2001) by setting up a Convention to prepare the next Intergovernmental Conference. This Convention on the Future of Europe turned out to be a milestone in the evolution of EU external affairs administration. The fact that the
EP called in early 2000 for a common European diplomacy (European Parliament 2000, 2001) is of particular relevance to this analysis as members of the European Parliament played a relevant role in the European Convention on the Future of Europe. The Convention was a new version of treaty reform, which was called upon by the member states in December 2001 in order to provide for a wider political and societal discussion on the future of Europe and its organisation. The political views of the EP became relevant for institutional reform alongside those of the European Commission and the member states. Because of its profound, and at the time unexpected, impact on the EU external relations and foreign policy structures, the Convention merits a thorough analysis, which will be conducted in chapter 4 with a specific focus on the organisational arrangements in external action.

2.6 Conclusion

From this broad overview of the external policy parts of the Commission, the Council Secretariat as well as the views present in the member states and the European Parliament, a rich empirical ground for the study of institutional development and change becomes visible. The European Commission started developing a sort of external service fragmented across policy areas like information services, development and trade, which was mirrored by its spread across different organisational sub-units. Over time, and most notably in mid-1980 and again in the 1990s, the Commission undertook reforms to create a ‘Unified External Service’ within the ‘Famille RELEX’, the departments responsible for the implementation of various external policies. Nevertheless, the multiple administrative power bases in the Commission remained divided with trade, development and humanitarian aid services remaining separate at headquarter’s level from the general external relations directorate general.

The Council Secretariat’s foreign policy organisation on the other hand started evolving more gradually, starting notably only after the Single European Act in 1986 as a secretariat to support the member states in their efforts to coordinate foreign policy. It slowly accrued stronger organisational units on foreign policy
analysis and forecasting units, largely dominated by member states diplomats. Additional organisational resources were added to the Council Secretariat with the establishment of the European Security and Defence Policy. In 1999, a figurehead for EU foreign policy was created in the High Representative for Common Foreign and Security Policy. Nevertheless, Council resources always lagged considerably behind the number of staff and funding levels of the European Commission and were less focused on implementation and administration of tasks. The Council Secretariat’s role was supporting foreign policy by developing proposals, analyses and compromise solutions.

The fundamentally divided administrative structure of EU external relations, with the Community side dominated by the European Commission and the foreign policy element dominated by the member states and supported by the Council Secretariat, has been a long-standing feature of the institutional arrangements in external policy. This chapter has shown that attempts to overcome these divisions have been the driving force of institutional developments for several decades. Member states’ views on how foreign policy should be conducted differ greatly, as do their preferences on the type of administrative structure through which it should be channelled. The reform debates throughout the 1990s illustrate the divisions between those wanting stronger institutions at the EU level in Brussels, others who opposed it as well as a variety of views in between. As the overview of proposals and positions from the 1996 IGC showed, a small merged organisation derived from the Commission and the Council was on the table, but never managed to reach the threshold of unanimous agreement among the member states. Some member states were very resistant to any movement towards Community influence on foreign policy decisions. The view on institutional structure appears to correspond to the divisions between supporters of deeper integration or those more sceptical of overall European integration. Considering the need for unanimity among the member states for the introduction of such a significant change in the institutional structure of the EU, the most likely outcome from an institutionalist perspective would be to retain the status quo and make slow progress through an institutionalisation of informal practice. Nevertheless, the EU has repeatedly
introduced organisational changes, despite disagreements. But if incremental additions of tasks to organisations are the main characteristics of the evolution of EPC and CFSP, as the overview of institutional reforms in this chapter suggests, why did a relatively large organisational change take place in EU foreign policy and EU external relations on the basis of the Lisbon Treaty?

Consequently, a central question arising from the historical material is what exactly made this institutional change possible. The apparent change in institutional structure despite a tendency towards stability needs an analysis that can take into account the historical administrative divisions in EU external relations and foreign policy as well as the nature and process of change in general government organisations. It also needs to take into account the fact that the views among member states are in many ways primary, but it is at the same time not sufficient to merely consider inter-state bargaining as decisive. After a treaty revision, there are decisions to be taken at the EU level in terms of secondary legislation and administrative rules. Any decision at this level will receive input from and need an implementation by European institutions, bringing in a supranational element and the views of the European Commission and the European Parliament. This means the institutional development of EU external action appears to include distinct decision-making phases, at the level of treaty making as well as at the level of EU legislation and administrative acts. These are still distinct from the actual operation of the new organisation when concrete political and policy pressures arise in earnest. An in-depth analysis of the institutional change must also take into account these changing dynamics across different stages of decision-making and administrative operation.
CHAPTER 3
ANALYTICAL FRAMEWORK: APPROACHES TO INSTITUTIONAL EMERGENCE AND CHANGE

The understanding of ‘administrative institutions’ was one of the main drivers behind the work that is often said to have ushered in the ‘new institutionalism’ (March and Olsen 1989). The institutions in EU external relations and foreign policy have a long history of slow and incremental changes together with steps of ever-increasing administrative structures, which has been illustrated in the previous chapter. How this creation of administrative structure has come about is one of the central concerns of institutional analysis, both in general and at the EU level more specifically. This chapter highlights how different institutionalist approaches deal with the challenges of administrative organisation and re-organisation. First, the chapter turns to analysing the new institutionalism and the relevance of historical institutionalism for looking at institutions and institutional change over time. Second, it outlines the role that other institutionalist frameworks, namely the politics of bureaucratic structure approach, bureaucratic politics and bureaucracy theory, play in the analysis of institutional establishment and consolidation. Third, it suggests a framework that combines these approaches in a sequential manner in order to analyse three distinct phases of evolution for a bureaucratic organisation. Fourth, it shows that an application of these phases to the EU political system is possible and can give specific insights for the evolution of the EEAS.

Explaining the design, emergence and behaviour of a new bureaucratic organisation is the focus of a variety of theoretical approaches. One of the most pertinent frameworks is the new institutionalism, which is commonly divided internally into several sub-strands. The approach that has most confronted institutional change as a phenomenon over long time horizons is historical institutionalism (HI). It originally focused on institutional stability over time, and thus has been criticized for its lack of explanations for change. This later led its proponents to confront change within its theoretical framework in ever more detail. Its strength, however, compared to more pure rational choice approaches
such as the rational design of institutions debate (Koremenos et al. 2001a, b, 2004), has been its ability to discern political conflict, power, and the role these forces play in relation to institutional change. The new institutionalism is an adaptable framework that allows for some flexibility in the definition of institution ranging from party systems to individual administrative agencies. Historical Institutionalism can thus provide an important temporal perspective of the evolution of an organisation, but at the same time may say less about the specifics of a government agency’s behaviour. The bureaucratic politics paradigm developed in the 1970s has used the insights of the analysis of bureaucracies to explain their impact on foreign policy (Allison 1971, Allison and Halperin 1972, and later Allison and Zelikow 1999). This perspective allows for an acute observation of inter-organisational relations and conflict and thus presents an intermediary between the high level institutional change analysed by Historical Institutionalism and the micro-level functioning of a specific organisation.

Theoretical work on this narrower institutional focus, looking specifically at the emergence and operation of government administrations, has an even longer research tradition. These bureaucracy theories deal mainly with the operation of new administrative organisations, or in the terminology used in most of the studies, bureaucracies. One of the central advances in studying bureaucracy was Anthony Downs’ ‘Inside Bureaucracy’ (1967), still a point of reference for the workings of these organisations some four decades later on. It is of limited concern to the study of inception and establishment of a new bureaucracy, but more relevant when it comes to its functioning and evolving relations with its environment.

In European Union Studies, institutional emergence is more commonly dealt with either at the grand level of the causes of European integration or at the level of major changes at the treaty level of the EU, such as changes in powers of the European Commission and European Parliament. Within the EU’s institutional structure, the administrative literature focuses largely on the creation of more or less independent agencies at the EU level with some notable exceptions
concerning work on the Council Secretariat and its civil servants, the emerging bureaucratic landscape in security and defence policy and an overall evolution of an EU executive. This eclectic analytical standpoint is expected to provide more nuances on the different stages of evolution of an administrative organisation as different phases are interrogated with specific questions and the conceptual tools to provide relevant answers. If the lessons of the historical evolution developed in chapter 2 are any guide, the differences in these phases ought to be captured not by one grand theory of institutional behaviour. This should particularly hold true where it concerns different actors taking decisions under varying institutional rules, and where these shifting conditions can be expected to result in different outcomes. With this approach, the thesis can explore whether such an eclectic view of institutional evolution captures specific insights into processes of institutional and administrative change.

3.1 The New Institutionalism and the Emergence and Change of Institutions

The ‘new institutionalism’ combines within it a variety of approaches to explaining politics by focusing on institutional arrangements, their emergence and evolution as well as their impact on actors and political outcomes. March and Olsen (1989) called for a new analytic approach to political science, which moved the focus from individuals and large social aggregates to the collective organisations that shape political life (March and Olsen 1989: pp. 4-6; Peters 2005: 18). Institutions according to the ‘new institutionalism’ are a form of collective organisation created in order to achieve varying levels of predictable behaviour (March and Olsen 1989: pp. 4-6). And while the three main sub-branches of the new institutionalism, rational choice, sociological and historical institutionalism are distinct, they share a common focus and theoretical concepts (Immergut 1998: p. 5). All three branches depart from the notion that individual behaviour alone accounts for political outcomes (Immergut 1998: p. 6). They see institutions as an intermediary between behaviour and political outcomes, restricting and shaping the behaviour of people interacting with the institution. Their differences can be observed in the details of this conjecture. Rational choice institutionalism sees actors interacting with an institution and its rules
strategically in order to satisfy particular interests. Sociological institutionalism models actors as boundedly rational and whose interests are structured by the institutions they interact with. Historical institutionalism puts the focus on the historical element of structuring effect of institutions on actors’ behaviour.

March and Olsen describe explicitly the duality of political institutions:

‘Bureaucratic agencies, legislative committees, and appellate courts are arenas for contending social forces, but they are also collections of standard operating procedures and structures that define and defend values, norms, interests, identities, and beliefs’ (1989: p. 17).

While they don't give an exact definition of their understanding of what institutions are, they are rather clearer on the type of institution their focus rests on: ‘[we] wish to explore some ways in which the institutions of politics, particularly administrative institutions, provide order and influence change in politics’ (March and Olsen 1989: p. 16). Their seminal contribution ‘Rediscovering Institutions: The Organizational Basis of Politics’ (March and Olsen 1989) is often referred to as ushering in the ‘new institutionalism’, but its role as a study in administrative or bureaucratic change has been neglected:

‘Administrative reorganizations are interesting in their own right. The effectiveness of political systems depends to a substantial extent on the effectiveness of administrative institutions, and the design and control of bureaucratic structures is a central concern of any polity’ (March and Olsen 1989: p. 69).

March and Olsen focus on change caused by institutions, but also present theoretical aspects of how institutions themselves change, ‘an institutional perspective on institutional change’ (March and Olsen 1989: p. 53). They argue that ‘efforts to reform political institutions are often unsuccessful in accomplishing precisely what was intended’ and stress the difficulty of ‘intentionally transforming’ state institutions (March and Olsen 1989: pp. 65-66).
These observations are based on premises that differ from the other institutional approaches, such as assuming limited rationality of actors and a temporal and accidental approach to problem solving (March and Olsen 1989: pp. 11, 28-29). Tracing the attempts at the reorganisation of the US federal government in the 20th century, March and Olsen conclude that individual steps of reorganisation failed, while the collection of attempts actually led to fundamental changes in the bureaucratic landscape of the US political system (March and Olsen 1989: pp. 84-86). They find that ‘the long run development of political institutions is less a product of intentions, plans and consistent decisions than incremental adaptation to changing problems with available solutions within gradually evolving structures of meaning’ (March and Olsen 1989: p. 94). While this appears largely to contradict rational theories of institutions, it is not in all aspects contradictory. The normative institutionalism of March and Olsen does acknowledge the importance of resources and power in shaping outcomes (March and Olsen 1989: pp. 152, 163). Change in the bureaucratic landscape has not only been at the centre of the beginning of the new institutionalist research agenda, but also is a recurring debate within and between the sub-strands of the new institutionalism. This change doesn’t take place in a vacuum: ‘no institution is created de novo’ or in some kind of ‘institutional void’ (Riker 1998: p. 123). Thus, change over time needs to take into account the historical legacies of institutions.

**Institutional change, historical institutionalism and path dependence**

Historical institutionalism like all research strands is not a unitary approach to the study of institutions. It has developed out of the analysis of large-scale structural transformations in societies and states, but now equally encompasses studies of political structures, and even individual institutions (Thelen and Steinmo 1992: p. 2). Ikenberry in a study of American Foreign Economic Policy identifies these three levels as ‘institutional structures’ encompassing a procedural level, a structural level within the state and a level of the ‘normative order between state and society’ (1988: p. 227). The organisational level of the state, individual government departments or the ‘centralization and coherence of bureaucracy’ (Ikenberry 1988: p. 227) is thus largely confined to the mid-range
of this scale. On all three levels, the focus of the analysis in historical institutionalism is on the constraints of past institutional arrangements on today’s actors, or ‘that policy choices made when an institution is being formed [...] will have a continuing and largely determinate influence [...] far into the future’ (Peters 2005: p. 71).

The fact that choices at the beginning of an institution or policy have major impact in the long run of the institution’s life cycle is usually referred to as ‘path dependence’ or ‘path dependent’ processes (David 1985: p. 332, Hall and Taylor 1996: p. 941, Immergut and Anderson 2008: p. 354f, North 1990: p. 115, Pierson 2000a: p. 251ff). These arguments are aimed at backing particular assertions about political reality over time:

‘Specific patterns of timing and sequence matter; starting from similar conditions, a wide range of social outcomes may be possible; large consequences may result from relatively “small” or contingent events; particular courses of action, once introduced, can be virtually impossible to reverse; and consequently, political development is often punctuated by critical moments or junctures that shape the basic contours of social life’ (Pierson 2000a: p.251)

As these arguments are largely derived from economics and economic history (Pierson 2000aa: p. 253-256, North 1990), their underlying mechanisms are economic in nature. Pierson sees the main argument for path dependent processes in ‘increasing returns’ (Pierson 2000aa: p. 253). The abstract process is based on random and unpredictable individual events, combined with a decision rule, which leads to increased inflexibility as time passes (Pierson 2000aa: p. 253). Events early in the process have a larger impact than similar events later on and may in the end lead to a less efficient outcome than other alternatives (Pierson 2000a). Douglas North (1990) first applied these concepts to the study of institutions from an economic perspective. Of course, ‘politics differ from economics in many ways’ (Pierson 2000a: p. 257), but once economic
arguments are adapted to the realm of politics, they can and have been used as a source of theory also in political science (Moe 1984: p. 739, 758-762).

In the case of increasing returns, it is argued that the cost of creating an institution is high and that its benefits derive largely from repeated use and learning (Pierson 2000a: p. 254). Pierson also argues that it is precisely those aspects that make institutions useful in a political system, by overcoming collective action dilemmas that make them hard to change (Pierson 2000a: p. 259). Outside the realm of political science, David has pioneered this concept of path dependency to explain the success of the QWERTY keyboard over more efficient rival arrangements (1985). David’s work also illustrates that path-dependent processes do not favour useful or ideal outcomes, but rather explain why established decisions stick whatever their subsequent evaluation (1985).

Political institutions, and in particular government bureaucracies, are oriented towards the status quo (2000a: p. 262, March and Olsen pp. 34-35), in turn increasing the static logic of the approach. When applying the increasing returns logic of economics to political science, the outcome is a theoretical approach focussed firmly on stability and rigidity of institutional structures rather than dynamic changing ones. This ‘overly static view’ (Pierson 2000a: p. 265) has been debated within the historical institutionalist research agenda as a major difficulty for the approach (Hall and Taylor 1996: p. 942, Pierson 2000a: p.265, Thelen and Steinmo 1992: pp. 13-14). In order to explain change, something must interrupt the ‘increasing returns’ (Pierson 2000aa), ‘mechanisms of reproduction’ (Collier and Collier 1991: p. 30) or ‘positive feedback loop’ (Pierson 2000a: p. 265) observed in historical analyses of political institutions.

This particular moment of change and the political processes within it that are at the core of this analysis. Starting the analysis with the moment of inception of a new administrative body should allow us to understand firstly in how far institutionalist explanations hold and secondly how politics and differing political views impact on any new organisation. However, because institutional stability and institutional change sit uneasily as concepts, a close look at what mechanisms connect them from an institutionalist perspective becomes essential.

After an analysis of why change is a difficult concept for Historical
Institutionalism, the main arguments that had been levied against HI’s explanations of change will be discussed.

*Change from a historical-institutionalist perspective: critical junctures*

The prevalent model of dealing with change in Historical Institutionalism has been borrowed from evolutionary biology, ‘punctuated equilibrium’ (Eldridge and Gould 1972). A ‘punctuated equilibrium’ in biology describes the assumption that evolution is generally in equilibrium but turns critical at certain moments in time when rapid change happens (Eldridge and Gould 1972). Krasner uses this concept as analogy to illustrate the logic of institutional change (1988: p. 77-79). At the same time, he expresses caution of confounding institutional change too much with the biological concept (Krasner 1988: p. 79) but remains adamant that the inclusion of environmental factors as well as characteristics of the actor needs to be considered in an explanation of change (Krasner 1988: p. 79). The concept and term of ‘punctuated equilibrium’ became the most accepted model of change in Historical Institutionalist research (Thelen and Steinmo 1992: p. 15) and has continued to be refined. As seen below in the conception of these critical moments, or junctures, in particular the notion of external shocks or environmental factors has been at the heart of the debate (Peters 2005: p. 77). A distinct line of thought, mainly outlined by Streeck and Thelen (2005) has argued that a crisis is not necessary for ‘transformative change’, but that endogenous factors and gradual adaptations can have a similar effect (Mahoney and Thelen 2010). Mahoney and Thelen focus their analysis on combining factors of different groups of actors with an environmental context (2010: pp. 15-32). While presenting an intriguing argument about how both structural and actor-centered factors of endogenous change combine towards a particular type of institutional change, their approach is more easily applicable in situations of domestic political systems. Adapting it to the variance in actors between different fora at the EU level, from convention to intergovernmental conference to inter-institutional decision-making would result in an overly complex model. At the same time, several of the insights of the their work are relevant for this study, e.g. the notion that institutional rules within which decisions are taken are fundamentally ambiguous and the object of political contestation (Sheingate
The particular environment of (re-) negotiation of existing rules at the EU level, or treaty reform, appears to be more fittingly captured by the concept of ‘critical junctures’ (Collier and Collier 1991) and the implied flexibility of institutional rules, in which decisions are taken. As this concept has been used very broadly, this study follows a more circumscribed version of it, outlined below.

When faced with change rather than stability, historical institutionalist scholars have resorted to introducing external factors into their equation for an explanation. These factors appear similar to what economists have called external shocks, i.e. forces with major impact on a given model but not conceptualised within it. These shocks provided an explanation of the impetus for change in many historical institutionalist studies. However, while external shocks are usually a single factor, in historical institutionalism, a broader concept has taken the fore. Usually, these exogenous forces have been construed around a certain number of events, or at least periods of time considerably shorter than the observed time-period of the study (Capoccia and Kelemen 2007). The term for these time periods is ‘critical junctures’, a concept elaborated by Collier and Collier (1991: p. 27-39) in their large-scale study of Latin American states and their relation to the labour movements. Collier and Collier use the expression on the basis of work done by Lipset and Rokkan on ‘crucial junctures’ for the development of voting behaviour (1967: p. 37) and see them as ‘period of significant change, which typically occurs in distinct ways in different countries (or in other units of analysis) and which is hypothesized to produce distinct legacies’ (Collier and Collier 1991: p. 29). Because the use of the concept is tied largely to “macrohistorical” analyses, the focus has often been the period after the establishment of a new institution or policy rather than the critical juncture itself (Capoccia and Kelemen 2007: p. 342). Often, these studies have explained the critical juncture itself by external factors, or ‘antecedent conditions rather than from actions and decisions that occur during the critical juncture itself’ (Capoccia and Kelemen 2007: p. 342; Hall and Taylor 1996: p. 942). Capoccia and Kelemen advance a new definition of critical junctures, which is considerably more focused towards institutional analysis:
‘In institutional analysis critical junctures are characterized by a situation in which the structural (that is, economic, cultural, ideological, organizational) influences on political action are significantly relaxed for a relatively short period, with two main consequences: the range of plausible choices open to powerful political actors expands substantially and the consequences for the outcome of interest are potentially much more momentous.’ (Cappocia and Kelemen 2007: p. 343)

They also determine clear conditions of what characterizes a critical juncture. The time period of the juncture must be short in relation to the period of observation and the options available to actors within the juncture must be larger as well as the impact of choices stronger during than before and after the classified time period (Capoccia and Kelemen 2007: p. 348).

Instead of focussing on the ‘positive feedback loop’ (Pierson 2000a: p. 265), or the ‘mechanism of reproduction’ (Collier and Collier 1991: p. 30), i.e. the mechanisms that lead to a path dependent process (Pierson 2000a: p. 265), Capoccia and Kelemen shift the focus to tracing the process during the critical juncture (2007: p. 343). In particular, they stress the need to ‘reconstruct, in a systematic and rigorous fashion, each step of the decision-making process, identify which decisions were most influential and what options were available and viable to the actors’ (Capoccia and Kelemen 2007: pp. 354-355). These methodological concerns echo the importance of sequence and context that had been voiced in earlier historical institutionalist research (Collier and Collier 1991, Pierson 2000a, Pierson 2004). This necessary attention to sequence and context is reflected in the methodological choices for this research as set out in chapter 1. If both sequence and context are central to the argument of institutional evolution, process tracing becomes the observation method of choice (George and Bennett 2004, Hall 2012, Kittel and Kuehn 2012). Process-tracing will allow the identification of influential actors, diverging opinions, and the role of the institutional environment in determining specific outcomes in the empirical chapters of this thesis.
Other modes of change in historical institutionalism

Despite the debates presented above, the question whether historical institutionalism can by itself account for change in an institutional setting, has been contested. Hall and Taylor argue that for historical institutionalist research existing institutions ‘give some actors more power than others over the creation of new institutions’ (1996: p. 21). The approach does not, however, describe mechanisms to explain the relaxation of the existing power relations, nor does it determine in which direction change will move. Hall and Taylor also argue in their later work that historical institutionalist research has devoted too little effort to ‘developing the micro-logic that links institutional structures to action’ (1998: p. 958, see also Immergut and Anderson 2008: p. 361). Historical institutionalism remains the approach most attuned to find effects of preceding institutional arrangements on current structures and thus provide the best starting point for an explanation of creating a new organisation out of a mixed institutional heritage. Peters has argued that despite not being explicit on the question about how institutions are designed, it is an essential element of historical institutionalism as so much focus is put on the effects of early decisions in an institution’s life cycle (Peters 2012: p. 84-85).

It is precisely in response to this difficulty of conceptualising change that the approach has generated a wealth of research on ‘institutional genesis and change’ (Immergut and Anderson 2008: p. 354, 355f). Streeck and Thelen (2005) have for example argued for a more sophisticated and gradual model of institutional change. While their discussion of change develops interesting conceptual categories, it follows a complex logic of actors and categories that appears difficult to transpose to the policy area and institutional structure under investigation. Closely related to this debate is the argument about the nature of change. Is change gradual and incremental, or is it large-scale and watershed-like? Both concepts have followers in the historical institutionalist camp. Mahoney and Thelen present a theory of ‘gradual institutional change’ (2010), which echoes the incremental adaptation already argued by North (1990: p. 83, pp. 86-7) to be the norm of institutional change. North however also already analysed
the potential for revolutionary, or discontinuous, change (1990: p. 89-90), in a way similar to the concept of ‘critical junctures’ (see above section 3.2). While empirical evidence can be found for both, the main difficulty is to determine the scope of both gradual and discontinuous change. In particular in the analysis of the development of the EU, discontinuous change is hard to find in its pure form, while gradual change might seem to preclude certain leaps of institutional development that have been identified in chapter 2. At the same time, chapter 2 also gives some indication that the creation of the EEAS appears to be a deviation from established institutional pathways. This would create additional difficulties for a gradual approach to change.

Recurring criticisms of historical institutionalism have been its use of an inductive logic (Aspinwall and Schneider 2000: p. 24, Thelen and Steinmo 1992: p. 12,) as well as being a theoretically eclectic approach, appearing at times to be either sociological or rational choice (Hall and Taylor 1996: p. 940, Peters 2005: p. 85). At the same time, it is this eclecticism that has allowed for adapting historical institutionalism to a variety of situations. The importance for a micropol logic and detailed narrative has more recently dominated the theoretical discourse about historical political research and its methods (Buehle 2002: p. 482, 487f, Capoccia and Kelemen 2007: p. 357). The strength of such an approach, methodologically tied closely to process tracing, has been settled as being able to identify ‘causal mechanisms and proximate causal relationships and thus not falling prey to the correlation-causation fallacy’ (Kittel and Kuehn 2012: p. 2). Since that is the central objective of the research question on the causes and mechanisms behind the creation of the EEAS, process tracing is the method used to varying degrees in all three empirical chapters (see chapters 4, 5, 6).

*Rational Choice Historical Institutionalism as an approach to explain change*

The lack of mechanisms available to historical institutionalist arguments about critical junctures, i.e. the processes during a critical juncture, has been approached in one line of research by inserting elements from rational choice institutionalism (e.g. Katznelson and Weingast 2005). In this line of argument,
rational choice perspectives on decision-making, including the importance of decision-making rules on the outcome, the preferences of actors, as well as the role of veto-players in shaping outcomes, are central to overcoming historical institutionalism’s lack of expected processes in a critical juncture. These elements are relevant for this analysis because of the attention paid to diverging preferences of actors and the processes by which these differences are overcome. Because historical institutionalism does not prescribe a particular logic to actors, it is open to be used with competing sets of logics. The focus of this debate has been between a logic of rational calculation of interests based on the actors' preferences and a cultural, or appropriateness logic. The latter focuses more strongly on concepts closer to those of sociological institutionalism, such as the influence on and shaping of preferences by institutions, and ideas as drivers for change. With regard to rational choice institutionalism, Thelen and Steinmo insisted still in 1992 that the fact that historical institutionalism includes the preferences of actors into the model remains a fundamental difference (p. 9). But later research has also addressed this distinction and shown the usefulness of a merged understanding of these two approaches (Aspinwall and Schneider 2000, Katznelson and Weingast 2005, Mahoney 2005, Peters 2005, Mahoney and Thelen 2010).

Historical institutionalism has a good conception of the constraints of actors in a given decision making moment, based on the distribution of power among actors and institutions derived from past situations (Thelen and Steinmo 1992: p. 14). Rational Choice Institutionalism has a clearer conception of the interaction of actors with given preferences within those constraints (Aspinwall and Schneider 2000). This is a relevant analytical feature when studying the decision making processes of EU institutions. Adapted versions of rational choice like the ‘rational design of international institutions’ approach argue that negotiators can bargain for the type of features they desire in an international institution (Koremenos et al. 2001a, b). In this conception, there is less room for historical legacies shaping institutional outcomes as pointed out by Duffield (2003: p. 418), or indeed political compromises with outcomes only very partially desired by negotiators (Pierson 2000a: p. 477). But historical legacies weigh heavily in a treaty- and
rule-based system such as the EU and are thus necessary to be included in the analysis.

While historical institutionalism focuses the attention of institutional analysis on effects over time, rational choice institutionalism on the other hand focuses on the mechanisms or institutional rules for resolving political disagreement. In combination, they should be bringing together the evolution of political positions and the institutional rules leading to a particular institutional settlement. But because the nature of institutional decision-making rules differs so widely between treaty making on the one hand and the inter-institutional decision-making on the other, a further specification is necessary. Also, approaches to the creation of a new institution have rarely taken into account the second level establishment of detailed institutional rules. This is less a phase of critical juncture and more regular politics setting ground rules for the establishment of a new organisation. In order to answer that question of institutional design and the organisational characteristics more precisely a related institutional approach, the politics of bureaucratic structure, offers potential avenues.

3.2 The Politics of Structural Choice

In the 1980s, a new wave of academic interest in public organisations and their role in the political process turned to an interdisciplinary approach to understand these organisations’ creation and behaviour in the US political system. This analysis of the creation of new administrative organisations offers potentially relevant insights into the second phase of institutional creation when political actors interact in a given decision-making system to set up a new administration. Under the catch phrase of the ‘new economics of organization’ (Moe 1984), a group of scholars in the US went about analysing bureaucracies by a, thoroughly adapted, economic understanding of organisations. Their main objective was to explain the existence of bureaucracies, how superiors in a bureaucracy control their inferiors but also how politicians could control bureaucracies (Moe 1984: p. 758). In their explanation, they turned a logic derived from economics entirely into politics. Bureaucracies, the proponents of
this approach argued, are created not because they produce a public good or service, even though they may do that as well, but because they have a positive effect for those politicians that create it (Moe 1984: 761). They are expressions of ‘special interest more than of general welfare’ (Moe 1984: p. 762). Their efficiency was consequently based on political considerations, not the efficiency of the market (Moe 1984: p. 762): ‘Structural choices have important consequences for the content and direction of policy, and political actors know it.’ (Moe 1989: p. 268). Within the debate, researchers have disagreed about who or what is the essential driving force of creation and control of an agency and have come to differing perspectives. Some have argued for the role of interest groups (Moe 1989), for the President’s role (Bendor and Hammond 1992, Krasner 1972), and for Congressional control (Weingast and Moran 1983, Weingast 1984). Later research has focused on the dynamic interactions between different institutions in attempts to control bureaucratic agencies (Whitford 2005: p. 44).

What brings the research agenda together is the focus on the ‘politics of structural choice’ (Moe 1989), i.e. the awareness that decisions on administrative or bureaucratic arrangements are fundamentally political decisions. They represent a coalition of interests that win out over others, not all members of the coalition necessarily even sharing the intent to create the same thing (Moe 1984: p. 328-329). William Riker in a study of the creation of US system of government also reminds us that ‘there is no reason to expect internal consistency from a reform carried out by a group’ (1998: p. 121). Similarly, Shepsle argued that it was necessary to dissect the notion of a unitary intent of Congress in laying down legislation (Shepsle 1992: p. 241-242). Decisions to create a new body in the political system do not have a singular intent behind them, irrespective of what is claimed by politicians. As has been shown above, in observing these political processes of creating a new organisation, process tracing allows for the plurality of preferences of the involved actors and a varying institutional framework.

It is the serious application of Kenneth Arrow’s insights on the cycling of collective decisions outcomes (Arrow 1963) that makes the politics of
bureaucracy literature a relevant part of the debate about institutional emergence and change over time. It highlights three particular issues of relevance for studying the emergence of bureaucratic structures: Firstly, there is a need to distinguish different sets of interests in a decision to create a new administrative organisation, the distribution of power at the time, and the decision making rules. Secondly, the contest over the agency’s shape and function continues in different stages and with different actors:

‘The game of structural politics never ends. An agency is created and given a mandate, but in principle at least, all of the choices that have been made in the formative round of decision-making can be reversed and modified later’ (Moe 1989: p. 284-285).

Thirdly, a new bureaucratic body that is created in a political system acts as a new force in that system with particular interests. This approach distinguishes the individual political factors driving institutional design and is central to analysing the emergence and shape of a new body at the EU level.

At the same time, the literature on the politics of bureaucratic structure gives little indication of direction of these dynamics barring the knowledge of the interests of the actors involved. Beyond the fundamental rational choice assumption of self-interest applied to individual institutional settings, it is left to the individual case study to determine the opposing forces of political conflict (e.g. Moe 1984: pp. 300f). Despite its focus on the political aspects of the creation of an administration, it is the historical institutionalist research that appears more sensitized to the distribution of power across actors in the existing system. In some ways, the politics of bureaucratic structure offer the mechanisms of interaction and lines of conflict without the preferences and structural limitations of the moment of bureaucratic creation. It also does not need the specific requirements of a critical juncture as environment, but rather operates on the assumption of regular political processes resulting in an organisation that is also a political outcome. Research into the establishment of EU bureaucratic actors has been informed by these insights (e.g. Kelemen 2002, 2011), but has
needed considerable adaptation from the US model with its particular political set up as explained in more detail below in section 3.5.

The politics of bureaucratic structure offers insights into the creation of new organisations in a political process, but is less concerned with the analysis of the new organisation itself. While the politics of bureaucratic structure can be expected to inform the setting up of the administrative organisation, or the establishment, once the new administrative actor is created, the organisation will operate on different principles. In order to understand this functioning of a new organisation and its developing self-interest in a system replete with other actors, a third set of theoretical approaches offers deeper insights. Bureaucracy theories and bureaucratic politics are two approaches that focus on the inside of public organisations and on the relationships between different organisations of the state. They can be expected to provide insights into the third phase of institutional evolution, the consolidation of the new administration. Where the politics of structural choice are about decisions concerning institutions, bureaucracy theories are about the driving forces within these administrative organisations.

### 3.3 Bureaucracy Theories and Bureaucratic Politics

The study of a particular type of institution, in this case public administration or bureaucracies, has its foundation in economic approaches to political science that took hold from the 1960s onwards. As a basic tool for analysing governmental organisations, however, bureaucracy theories can still deliver comparative tools to further our understanding of public bureaucracy across regional and national political peculiarities. The study of bureaucracy is considerably older than this wave of political economy studies; the origins of modern studies of bureaucracy go back as far as Max Weber’s ‘Wirtschaft und Gesellschaft’ (1922: pp. 650f) and Woodrow Wilson’s treatise on what he called the ‘most obvious part of government’ (1887, reprinted in 1997: p. 197-222). But it was the first group of political economists like Anthony Downs (1967) and Gordon Tullock (1965) that asserted that bureaucracies are a specific type of
institution governed by rules that fundamentally differ from a prototypical ‘firm’ of neoclassical economics. They also theoretically distinguished the bureaucracy from political bodies like a parliamentary committee or the government. Despite being based on economic reasoning, this led to particular conclusions about the political role of bureaucracies and their behaviour in the political arena. The overall research agenda has been referred to as a ‘public choice’ approach to bureaucracy (Wade 1979: p. 344). Downs’ seminal work on bureaucracies ‘Inside Bureaucracy’ is often quoted and presented as simple rational choice analysis of the preferences, incentives and structures of bureaucracies in the US context (Downs 1967). On closer inspection, Downs develops much more than a basic model of bureaucrats and bureaucracies.

*Budget maximisation and bureau-shaping*

So what is a bureaucracy according to this public choice approach? Anthony Downs (1967) reasoned that a bureaucracy is defined by the following characteristics: it is necessarily a) large, b) professional and merit-based organisation whose ‘output is not directly or indirectly evaluated in any market external to the organization’ (Downs 1967: pp. 24-25). Downs was adamant that his usage of the word bureaucracy and his general conjectures about it were analytical and carried no pejorative or political implications with them (Downs 1967: p. 1). Contrastingly, Tullock’s analysis in ‘Politics of Bureaucracy’ (1965) was not only rhetorically harsher, but ended with a call for reform of the ‘inefficient’ bureaucracy in the US (Tullock 1965: p. 221). Both types of studies tell us little about the emergence of a bureaucracy as they fundamentally adopted a functionalist model (Downs 1967: p. 5) or were silent about the emergence of the organisation as such (Tullock 1965). Both took the bureaucracy as an established fact and were considerably more concerned with the mechanisms inside the organisation. Tullock focused on the hierarchical relationships between individuals in a bureaucracy (Tullock 1965: p. 11) and the relationship with politicians (Tullock 1965: p. 51ff). Nevertheless, they did establish assumptions for early behaviour of bureaucratic actors. Downs explained that upon establishment a bureau, i.e. an administrative organisation, was expected to ‘go through an early phase of rapid growth’ and ‘immediately
begin seeking sources of external support’ (Downs 1967: p. 5, 7). It would at the same time seek to develop a range for autonomous action (Downs 1967: p. 6). This high wire act between autonomy and support would be an essential element of a new organisation’s life according to Downs. From the perspective of the political administrative system, these are questions of control. While the new organisation tries to establish itself, other organisation and political bodies will attempt to control its behaviour.

The fundamental assumption shared by other researchers of the rational choice tradition was that bureaucracy as an organisation and bureaucrats as individuals would be fundamentally self-interested and would maximise utility in given choices. What that utility would look like was not uniformly agreed among rational choice bureaucracy scholars. Tullock asserts the simplest career centred assumption of self-interest (1965: p. 29), while Downs developed the image of groups of ideal type bureaucrats whose motivations differed greatly (Downs 1967: pp. 88ff). Individuals in these groups ‘maximize utility’ (Downs 1967: pp. 81ff) on the basis of different motivational characteristics. On this fundamental basis of self-interest, Downs developed several sets of hypotheses about bureaucracies’ internal functioning (Downs 1967: pp. 49ff) and their relations to other actors (Downs 1967: pp. 212ff). The sheer scale of the study and the number of issues addressed in the book and expressed in the form of hypotheses has led to an immediate criticism: it was nearly impossible to observe and measure on any one case the immense amount of data necessary to test the hypotheses (Crecine 1968). While this holds true for the study in its entirety, the approach can be used to define expectations of bureaucratic behaviour, e.g. the drive to expand the size of the organisation, shape its structure as well as the relationships with other actors in its policy area. Bureaucracy theories focus the analysis on the driving forces of the organisation proper and on the countervailing pressures from competing actors. It is these factors in particular, which raise questions about how the organisation operates and attempts to develop autonomy. Bureaucracy theory also raises inter-linked issues about the possibility of control and how outside pressures affect the newly built organisation.
The search for the internal drivers of bureaucratic behaviour has led to competing visions. Some proponents of a public choice approach to public bureaucracies have operationalised the notions of organisational self-interest as meaning simply the maximisation of an organisation’s budget, also called the ‘budget maximization’ thesis (Niskanen 1971: pp. 36-42). In many ways this is similar to Downs’ concept of the organisation’s search to ‘expand’ (Downs 1967: p. 16). Because a new organisation needs support as much as it needs to expand, the basic expectation is that it will attempt to increase its budget as well as devote resources to the service of the budgetary authority. This also illustrates how external actors, i.e. those organisations that support or control the organisation, have an indirect impact on the internal structure of the new organisation.

At the same time, the budget alone is a crude measure. It is also shaped by other drivers such as the type of task an organisation is involved in. Developing on this line of thought, Dunleavy later argued that budget maximization does not include a realistic assumption of bureaucrats’ motivation (Dunleavy 1991: pp. 200-208). Rather, bureaucrats in high echelons of the hierarchy are interested in shaping the set-up and tasks of their organisation to their liking, they engage in ‘bureau-shaping’ (Dunleavy 1991: p. 208). If bureau-shaping is a process that determines the early life of bureaucratic organisations, it can be expected that the organisation’s leaders attempt to change the organisation’s structure in line with their preferences (Dunleavy 1991). Since it is not possible in an individual case to predict the preferences, they need to be induced from the evidence gathered. This then needs to be checked against both successful and unsuccessful change processes within the organisation.

*Inter-organisational relationships: competition and control*

An additional external factor that adds to Downs relevance for studying bureaucracy at the EU level is that he is also fundamentally concerned with the inter-relations that exist between different types of bureaus (Downs 1967: p. 212, see also Dunleavy 1991: p. 171). While this specific focus derives from the pluralist American political tradition and appears inherent in the US system, it is
of equal relevance in an institutional environment replete with bureaucratic actors such as the European Union. These interrelations between ‘bureaus’ are at the core of the study of bureaucratic politics. The debate about bureaucratic politics also is a central area where the study of bureaucracy and the study of foreign policy interact systematically for the first time.

In addition to the internal functioning, ‘a great deal of dynamic activity of nearly every bureau involves its relations with other bureaus’ (Downs 1967: p. 211). These inter-relations between administrative organisations, or in the language of Downs, bureaus, are not seen as smooth and cooperative. It is rather a mix of cooperation and competition that characterizes them. Bureaucratic politics refers to the central conflict as ‘turf wars’ (Allison and Zelikow 1999). Downs also already presented this spatial view of an organisation’s autonomous remit, at the borders of which conflicts with other bureaus occur. He calls this view of the policy space and the actions of the bureaus within it ‘bureau territoriality’ (Downs 1967: p. 211). Because the need to occupy a specific policy space is ingrained in an organisation, if another actor becomes active in the same space, the outcome is conflict. Naturally, if relations to other bureaus are one part of the environment relevant to a new organisation, relations to political bodies and clients form another element of this environment. Bureaucratic politics uses these basic insights to connect the internal functioning of an organisation with its wider environment and relations with other ‘bureaus’. Because a bureaucratic organisation is created to serve political bodies, it is likely that this conflict will focus on the ability to control the organisation.

Bureaucratic politics

At the heart of the bureaucratic politics approach lies an understanding that bureaucratic organisations act not as mere technocratic sources of advice. Rather, bureaucracies have their own organisational interests. This is at the same time one of the core insights of the rational choice strand of the new institutionalism. In its most famous incarnation, the three models of governmental decision making by Allison and Zelikow (1999), several relevant insights for the EU decision-making system can be found. The recognition that administrations are
by themselves actors in the decision-making process and its application to foreign policy led to resurgence in bureaucracy studies in the US debate. The objective of these scholars was to break open the assumption that foreign policy outputs are the result of actions of a unitary actor, i.e. the state. Rather, they saw the output of the decision-making process largely determined by behaviour of organisations inside the state and driven by interests of different factions within these organisations (e.g. Allison 1971, Allison and Halperin 1972, Allison and Zelikow 1999, Destler 1992, Halperin 1974, Hilsman 1987).

Allison and Zelikow discuss three models in the ‘Essence of Decision’ (1999). First, they discuss a rational actor model, which is a stylized version of typical scholarship in traditional international relations research. It treats the state as a unitary actor, or ‘black box’ whose decisions are often implicitly or explicitly equated with national interest (Allison and Zelikow 1999: pp. 5, 24-25). Their second model, the ‘organizational behaviour’ model departs from these assumptions on a variety of levels. The behaviour of a state is conceptualised as an output provided by a large organisation that operates under certain habitual procedures (Allison and Zelikow 1999: pp. 143, 147-148). In many ways, the model draws on concepts of the sociological variant of the new institutionalism, such as routines and the logic of appropriateness as decision guide (March and Olsen 1989). It also stresses that the choice of available options is largely determined by the routines available to the organisations involved (Allison and Zelikow 1999: p. 164).

Allison and Zelikow’s third model is based on the observation that foreign policy decisions are not fundamentally taken by an individual or even unitary actor, but rather that the interaction of several actors is needed for a decision and its implementation (Allison and Zelikow 1999: p. 257). This view of the decision-making process highlights the role of bargaining between actors with different interests as well as the difference in power each of these actors brings to the interaction (Allison and Zelikow 1999: p. 160). Allison and Zelikow argue that it is these ‘governmental politics’ or ‘bureaucratic politics’ that have a large impact on the eventual output (Allison and Zelikow 1999: p. 295).
This ‘bureaucratic politics’ model has been questioned in the US context on the basis of both substantive and conceptual concerns. Krasner argued already in 1972 that the ability for bureaucratic politics to dominate foreign policy decision-making depended largely on the president’s involvement (p. 168-169). In the end, Krasner took issue with the lack of room for agency and moral responsibility in Allison’s model Krasner 1972: p. 179). Similarly, Bendor and Hammond argued that bargaining was not necessary for decision-making in US foreign policy (Bendor and Hammond 1992: pp. 313-314) and that the governmental politics model was too complex to be useful (Bendor and Hammond 1992: p. 318, see also Stern and Verbeek 1998). Art criticised the bureaucratic politics approach to foreign policy making for not specifying clearly enough how much difference the bargaining between bureaucratic actors actually had on the policy (Art 1973: p. 474) and that it was unclear what role their bureaucratic position played in this compared to their policy orientation (Art 1973: p. 472-473). While these lines of criticism are valid, they are fundamentally shaped by the discussion of US foreign policy and its decision-making process. Therefore, most of the substantive arguments centred on the role of the US President and Congress in this process do not apply once the model is lifted from its US context.

*Observable bureaucratic politics? Inter-organisational competition and control*

Most of the study in the ‘bureaucratic politics paradigm’ is concerned with individual decisions of foreign policy, e.g. the explanation of a crisis and its handling (Stern and Verbeek 1998). Rosati (1981) has argued that routine operations are the area where its tenets should be most observable. In addition to routine operations, the consolidation phase is also a period that should be strongly determined by bureaucratic politics as in it decisions on the resource base as well as its autonomous remit and relations to other organisations are settled for the first time. When an organisation is establishing its own policy space and building an organisational structure and standard operation procedures, it should be more concerned with its own position and power. But
how can these relations to other bureaus and other actors be observed and analysed from an institutional perspective?

Bureaucratic politics has never developed its own coherent set of indicators or even categories of observable behaviour that should enable researchers to clarify the expectations for the impact of bureaucratic politics on the institutional process of establishing a new bureaucracy. This lack of structured empirical evidence has been criticised as an expression of the still under-developed nature of the paradigm (Welch 1998, Stern and Verbeek 1998). In order to address this lack of operationalization of bureaucratic politics, this thesis relies on a different subset of institutional politics with established categories of control relationship between political and bureaucratic actors. Principal Agent (PA) approaches have a long-standing history in institutional analysis of politics and are particularly apt at categorising control relationships between political and bureaucratic actors. As Moe has put it, at the core of PA are ‘issues of hierarchical control in the context of information asymmetry and conflict of interest’ (Moe 1984: p. 757). These issues of hierarchical control capture the essence of competition about resources and influence that this phase of the institutional emergence seeks to address.

These analytical categories, highlighted in more detail below, will give a clearer structure to the analysis of conflicts surrounding the establishment of a bureau and its struggle in relation to its political masters as well as its bureaucratic competitors. It will be able to show the development of bureaucratic politics as well as political conflict between political bodies and administrative organisations. But because of the specific focus on a delegation relationship, PA is not universally applicable to all relationships between organisations. This means that its direct applicability to the type of administrative system under investigation is limited. Nevertheless, it has the most established categories of control, which is a useful starting point for the analysis of inter-organisational relationships. On the basis of these indicators, it may also be possible to determine who retains control over an organisation, even if no delegation relationship exist.
In order to determine primacy in inter-organisational relationships, control and autonomy are analysed as central concepts to consider. PA is concerned largely with delegation, an uneven relationships between different types of political actors. It aims at explaining regular patterns of control and service between these two actors. Congress, for example, was analysed the principal who delegated specific tasks to the agencies as agents (McCubbins and Schwartz 1984). At the same time, PA assumes that self-interested agents, because of the specific nature of their tasks, gain an informational advantage over their principal and want to exploit this situation (Moe 1984: p. 756, McNollgast 1998).

PA has also developed indicators of power relations between political bodies, or principals, and administration, or agents, in the form of control mechanisms. These instruments of control are central to principal agent analysis. A number of mechanisms of control have been identified (e.g. McCubbins, Noll and Weingast 1987, McCubbins and Schwartz 1984). Detailed prescription of the agent’s mandate or administrative procedures are among the most typical ex-ante control mechanisms to be observed (McCubbings, Noll, Weingast 1987, 1989, Balla 1998). In addition, the principal can use the nomination of staff as a means of controlling the direction an agent takes (McCubbins, Noll and Weingast 1989: p. 435). Among ex post control mechanisms are scheduled and detailed reporting and review requirements, which may alert the principal to unintended activity (McCubbins and Talbot 1986: p. 177). Linked to this mechanism is the possibility of budget revisions, to reward agents who are seen to act appropriately and punish those who are not (McCubbins and Schwartz 1984: p. 166, McCubbins and Talbot 1986: p. 177). All of these are classical means of political oversight, known as ‘police patrol’; they are very costly to the principal (McCubbins, Noll and Weingast 1987: p. 244). Another set of mechanisms identified by McCubbins and Schwartz is ‘fire alarm’ monitoring, which relies on outside groups to respond when they are harmed in their interests (1984: p. 177). With these tools of control, it will be more easily possible to categorise the different ways in which political masters may wish to assert themselves over bureaucratic organisations, and they may also be useful in analysing inter-bureau
relationships at the same time. On the basis of this, bureaucratic politics would expect conflict between political and bureaucratic bodies and the new organisation alike. This conflict would be expressed in strong attempts to exert control over the new organisation and through increased formalisation of interaction.

In combination, bureaucracy theory gives a rational account of internal functioning of bureaucratic organisations and some general concepts of a ‘bureau’s’ relationship with other bureaucratic actors. Bureaucratic politics focuses on these relationships and the role and impact a bureaucracy has in political decision-making processes. Both share the assessment that new bureaucratic organisations seek to survive and establish autonomy from external control. Thus, both approaches relate to questions about the consolidation of a new organisation, i.e. what drives functioning and how it is embedded in relations with other actors.

3.4 Three Phases of Institutional Emergence:

On the basis of the institutionalist frameworks introduced above, a sequential analytical framework of institutional approaches to the creation of a new bureaucratic body can be assembled. An analytical framework covering three stages uses the strength and focus of each of these approaches for the appropriate phase in the institutional creation and in that way gives a more complete understanding of what forces shape a new administrative actor. The three phases consist of the inception of the new organisation, i.e. the general political decision that a particular new body will be created. Next, a more specific set of political decisions are part of a phase labelled establishment for the purpose of this analysis. Finally, once the new organisation takes up its work, a phase of consolidation will be subject of inquiry, where the development of internal functioning and relations to other actors of this new organisation takes centre stage. Each of these phases gives rise to typical processes and alignments, which will be detailed below.
Inception and the enacting coalition

Institutional approaches to political science have shown the particular relevance of specific moments in the decision-making process. In order to understand the changes in institutional constraints that enabled this next step in institutionalisation, it is necessary to ‘go back and look’ (Pierson 2000a). In the case of creating a new institution, this means to look at the ‘moment of institutional formation’ (Capoccia and Kelemen 2007: p. 342) in order to ‘reconstruct, in a systematic and rigorous fashion, each step of the decision-making process, identify which decisions were most influential and what options where available and viable to the actors who took them’ (Capoccia and Kelemen 2007: p. 354-5).

‘Researchers must not stop with simply identifying the critical juncture but must instead deepen the investigation of the historical material to identify the key decisions (and the key events influencing those decisions) steering the system in one or another direction, favoring one institutional equilibrium over others that could have been selected. Particular attention should be paid to the alternative choices that were available to the decision makers, as those can be reconstructed from the available record.’ (Capoccia and Kelemen 2007: p. 369)

Because of the different processes in the stages of decision-making, Lindner and Rittberger (2003) analyse the creation of a new organisation by distinguishing two political coalitions. In the phase of institutional inception, the ‘enacting coalition’ is the set of actors that comes to the decision to set up the organisation (Lindner and Rittberger 2003: pp. 448f). This process is referred to as inception in this thesis. It contains the decision to create a new rule or a new organisation. This takes the form of an agreement of abstract nature during the time in which institutional rules are sufficiently relaxed to open a window for the creation of a new rule by actors involved in the decision. In terms of historical institutionalisms, the first phase can be considered a ‘critical juncture’, which initiates a separate organisational path. As we have seen above, the critical junctures concept rests on specific essential claims, such as the limited duration
of this period, the relaxation in decision-making rules, and the relative impact of the decisions taken (Capoccia and Kelemen 2007). The enacting coalition is in essence the political consensus that is needed to create a new organisation in this specific period. The difference between this first decision and later decisions is important for the analysis of an institution. For both phases, conflict over institutions exists:

‘Because institutions affect policy outcomes and the policy-making powers held by organizational actors, these actors not only have preferences over institutions, but also compete to bring about their preferred versions of them. Institutions are thus contested.’ (Stacey and Rittberger 2003: p. 861)

In order to understand the dynamic and direction of a critical juncture, i.e. to explain why a new institution was set up and has taken a particular shape, tracing this contestation about preferences over institutions is key. Capoccia and Kelemen (2007) have specified the basic objectives of such an analysis and rational choice historical institutionalism provides us with the tools to analyse the involved actors, their preferences and the extraordinary decision-making process. Peters et al. (2005) have also highlighted the role of political conflict in determining change in a historical institutionalist framework. For this phase of inception, the expectation is thus one of political conflict, which if resolved by an agreement, will result in an institution reflecting the actors’ preferences. The question why an institution was created or changed and why it took a particular shape can be answered by detailed analysis of the preferences of actors and process-tracing of what happened in this decision period.

The level of detail of the first decision determines to a large degree the level of room for manoeuvre in the second phase, creating a link between the two. The higher the level of conflict in the first phase, the more vague its decision (Lindner and Rittberger 2003: pp. 450-451). This in turn will result in stronger distributional conflicts in the second phase. This theoretical distinction between these phases is very pertinent to the EU institutional structure as will be shown
below, where under normal circumstances governments negotiate a change in
the basic rules and institutions and another set of collective actors adopt
legislation on the basis of these rules. It is this second phase, which involves
another set of actors and processes to determine the details of institutional
establishment.

*Establishment and the executing coalition*

In addition to these large-scale negotiations and re-negotiations of the
institutional rules as well as basic rules of policy, there is an additional layer in
the creation of these rules. It consists of specifying detailed institutional rules,
about the institutional set-up of a new organisation and its role and functioning.
This process is characterised by a different context, decision-making process,
and different actors. It centres on the formation of an executing coalition within a
set of institutional constraints (Lindner and Rittberger 2003). The process also
focuses on the practicalities of setting up the organisation, but nevertheless
includes political decisions. Lindner and Rittberger refer to this process as
implementation (Lindner and Rittberger 2003), but for the purpose of this thesis
it will be referred to as establishment of the organisation. Because the
organisation in question is not yet operating, this terminology more accurately
reflects the stage in the organisation’s evolution. In particular at the level of
government department, a political decision to create an organisation only sets
off a process (Lindner and Rittberger 2003). In this second stage, a different set
of actors translates the first decision into an administrative reality. The new
organisation is thus created in a political and administrative process (Lindner
and Rittberger 2003: pp. 451ff). These decisions are taken by a different set of
actors, referred to as the ‘executing coalition’ (Lindner and Rittberger 2003: p.
453-454).

While the awareness of the two stages of institutional creation provides for an
essential analytical distinction, a further look into the second stage of
establishment is necessary. Rule-setting change as has been argued above can be
captured by the concept of ‘critical juncture’ when for a distinct period of time
treaty reform is negotiated. The second phase of implementing these rules or
institutions is likely to be dominated by different dynamics. This approach takes
the analysis further away from an international organisation approach, where
states bargain to create institutions (e.g. Koremenos et al 2004), and rather
moves the analysis towards a comparative politics approach. It describes the
coalitions necessary for the adoption of detailed institutional rules, which allow
for the operation of a new organisation. Just like the first phase, the
establishment phase is characterised by negotiation among actors, but it has
more institutional constraints. First, it is constrained by the first order decision
to create the organisation. Second, it forms part of a pre-defined decision-making
process based upon treaty rules much like any adoption of secondary legislation
at the EU level. This process sets out who participates in the process, determines
their relative influence and offers other means of achieving a decision than
negotiation, e.g. voting (Elgström and Smith 2000). Precedent limits the
implementation by the executing coalition, without pre-determining it. It is a
narrower process, because some elements of decision are likely to have been
taken in the earlier phase. How much narrower a process it is, depends largely
on the level of detail of the first decision. Lindner and Rittberger (2003: p. 451)
argue that actors are likely to specify detailed rules where they are interested in
specific redistributive policy outcomes and less so where they negotiate
diverging ideas on a polity. Even so, some elements, such as for example the type
of organisation, its location in the overall institutional structure and similar
issues may be pre-determined by the first decision.

This secondary nature of the establishment process ties neatly into a path
dependent framework as discussed above. At the same time, it is a decision-
making process concerning the establishment of a new bureaucratic actor,
following many of the same rules as regular decision-making. The analytical
approach for this phase must take into account these two characteristics, i.e. a
level of path dependence and new institutional rules that constrain or enable
new actors. Because of this change in institutional constraints and actors, it is
bound to differ in the concrete expression of its negotiation format. This is also
the case as the 'effects of institutional decisions on distributive outcomes become
more visible’ (Lindner and Rittberger 2003: p. 452). Because of this more direct
visibility of effects, i.e. the gain and loss of budget, legal instruments or other political resources, the interests of the involved institutions are likely to be more pronounced. This conflict about organisational substance is a characteristic that distinguishes in this analysis the process of institutional creation from policy processes. While individual decisions on policy may have large effects on business or social groups, decisions on organisational substance are most likely to have the largest effect on the other organisations in this decision-making process, the administrative organisations themselves. In order to take account of these effects, it is particularly relevant to consider theoretical approaches that focus on these types of decision-making processes and the actors within them.

The application of American approaches of the politics of structural choice to the EU, i.e. the politics of Eurocratic structure (see below, Kelemen 2002), has merged political and bureaucratic competition in a useful framework. The empirical questions can be answered again by detailed tracing of processes leading up to decisions as well as the evolution of the opinions of constituent parts. Process-tracing, as in the rule making phase, is key to determining the origins of outcomes of the establishment phase, too. It will also allow for the distinction between bureaucratic interests and political ones, depending on the actor in question and their internal decision-making process. Lindner and Rittberger call this implementing stage the ‘institutional operation’ phase of an institution (2003: p. 451). While consistent for their analysis, this study argues that an additional distinction needs to be made. The implementation of the new organisation is still a phase of creation, not operation. The new organisation does arguably not exist yet. Setting out the detailed rules of the organisation’s functioning and structure, or the detailed substance of a piece of legislation on policy, cannot be considered regular operation. The phase of setting the detailed institutional rules remains a period of establishment. Once the organisation starts to operate, a new phase is ushered in.

Consolidation of a new bureaucracy: from coalition to competition

The politics of structural choice approach implies that the political system itself changes upon creation of a new administrative body or bureaucracy. As soon as a
new agency is created, it becomes a self-interested, active part of the political system into which it was born (Moe 1989: p. 282). This insight is particularly relevant for distinguishing the creation or implementation phase from what follows. Once an organisation is established and starts functioning, it is possible to speak of an operational public administration or bureaucracy. This phase is the final building block for explaining the evolution of a bureaucratic organisation, in which its internal processes and external relations are set up and develop into routine (inter)actions. In order to avoid confusion, the final stage, which concerns the period of time immediately after the organisation's establishment and when it starts fulfilling its organisational mandate will be called consolidation.

The consolidation phase signals a final stage in the creation of an organisation. This phase can be distinguished from the first two by the mere existence of the new organisation, but equally by the fact that it will take up the duties that have been ascribed to it in its mandate. Because this does not happen in an empty space, but in a political and administrative system, this phase will be characterised by factors both internal and external to the organisation: its relationships to already existing organisations and structures as well as its internal functioning. The literature on institutional emergence has largely overlooked this phase. Only in traditional studies of public bureaucracies do we find the early operation of a new organisation as a central analytical and empirical concern. Bureaucratic politics and bureaucracy theory both argue that there are specific organisational characteristics of ‘bureaus’ and that these have an impact on the policy outcome (Welch 1998: p. 213). Where bureaucracy theory looks at the internal organisation, bureaucratic politics focuses on the ‘political interactions between organizations and officials’ (Welch 1998: p. 216). This means that both perspectives contribute to a complete analysis of bureaucratic emergence and operation, one focusing more on the internal characteristics, the other more on the necessary relations with other actors.

Most institutional analyses focus on the reorganisation of governmental structures at the level of the political system. As the focus of this thesis is a
specific part of government executive, a diplomatic service at the supranational level, it needs to continue the analysis on the level of government department. The study of bureaucracy is the main approach in this area, focusing on the operation of administrative bodies as much as their effects on public policy outcomes.

3.5 The Three Stages of Institutional Development and the EU

Institutional approaches to change and creation of new organisations have been used above to create a three stage analytical framework of this process of institutional creation within an existing institutional and political structure. But how do these processes relate to the creation of a new body at the EU level? Applying the framework to the EU political system more specifically will highlight the value of the original institutional analysis in an eclectic and sequential model. Any approach to institution building at the EU level necessarily needs to be open to existing structures because of the long-standing evolution of external relations services at the EU level (see chapter 2), the role of EU institutions in the institutional design process and the specific decision-making modes at the EU level. Stacey and Rittberger consequently argued for a Rational Choice Historical Institutionalism with a particular focus on the EU, focussing on inter-organisational decision-making at the EU level (Stacey and Rittberger 2003). How the three stages of an institution’s creation relate to EU politics is detailed below.

Inception: treaty reform and the enacting coalition

The phase of treaty making is the one where the institutional structure of the EU is agreed and potentially a new organisation can be created. The distinction of treaty change versus inter-institutional decision-making has become an almost intuitive element of analysing the EU. The processes of intergovernmental treaty change have provided a steady strand of research (e.g. Beach 2003, Christiansen, Christiansen and Reh 2009, Edwards and Pijpers 1997, Devuyst 1998, Falkner 2002, Falkner and Jorgensen 2002, Moravcsik 1998). Finke has shown the domestic determinants of government positions in intergovernmental
conferences (IGCs) (Finke 2009a). In a later study, he also showed how IGCs represent a bargain between all member states, rather than merely the most influential ones (Finke 2009b). He went on to demonstrate the difference between regular IGCs and the European Convention reform process in the early 2000s (Finke 2009b). For EU foreign policy and external relations, the dual nature of the institutional environment outlined in chapter 2 also remains a relevant factor in the process of institutional change. Arrangements in EU foreign policy developed first based on intergovernmental agreement alone and only later turned into institutional structures at the EU level (chapter 2, Smith 2004). The development of EU external relations inside the European Commission was by nature based on EU treaties and legal bases for their action.

Despite representing possibly the most intergovernmental setting from the ‘diversity of negotiation contexts’ (Elgström and Smith 2000: p. 674), the study of treaty change has not exclusively focused on member states. The role and influence of EU institutions has also been scrutinized (Christiansen 2002, Beach 2004, Falkner 2002a, b). Highlighting the avenues for influence from the EU institutions, however, does not negate the centrality of member states as negotiators. It remains the core feature of treaty-making decisions, largely sustained by the required unanimous agreement.

The European Convention has also received a lot of scholarly attention as something of an outlier of treaty reform mechanism (Finke 2009b, Finke et al. 2012). The Convention and its changed procedural constraints on the treaty reform outcome are to play a central role in the inception phase of the EEAS as we will see in chapter 4. The EU’s internal process thus provides for a distinct process of institutional inception, the treaty revision process. The application of a critical juncture concept to EU treaty reform appears simple. By definition, treaty reform is a temporary phenomenon, which opens up the policy space available to the creation of new rules on new policies, or institutions. At the same time, it cannot be merely assumed to be a critical juncture but rather categorised as such according to the standards defined by Cappoccia and Kelemen (2007). Nevertheless, EU treaty reforms are also linked to each other in sequence, and
while there is a theoretical possibility of complete change, change occurs usually along the lines of the established institutional structure of the EU. Treaty change by definition also has an impact on the institutional constraints of the second order decision, as it is the Treaties that determine the actors’ roles in the EU decision-making process, making path dependence an additional analytical concern for this phase. The unanimous agreement needed also brings up the question why a new merged structure should have been created in the first place when traditionally EU foreign policy institutionalisation had been slow, piecemeal and kept at a distance of the Community’s external relations operations.

After the treaty-setting, the EU in its second order decision also has its specific version of the establishment process for building a new EU level organisation based on the general rules adopted through the treaty. This EU decision-making process is governed by standard rules of EU law-making and includes European level actors as well as member states, thus considerably altering the dynamics of the political process from treaty change. What impact this has on the establishment of a new organisation, will be explained with related institutionalist analytical tools. Using process-tracing to detail the decisions that led to the adoption of the EEAS will thus show the political forces that had an impact in the shaping of the organisation and what impact it had on later stages of the creation of the organisation.

*Establishment: EU decision-making and the ‘politics of eurocratic structure’*

Already before Trondal diagnosed the “public administration turn” in studying the EU (Trondal 2007), it had developed into a relevant stream of EU research. While the terminology differs from US research into ‘bureaucracy’, the abstract focus and object of inquiry is very much shared between the different traditions: the organisation of public administration. Under different key terms and foci, researchers have looked at administration in the EU and at the EU level. Kelemen argued that the
'institutional structure of the EU differs from that of the US in important respects [but], many of the same factors influence the politics of agency design in both polities' (Kelemen 2002: p. 94).

Trondal also identified the core areas of interest: focus has been on the Commission and its internal administrative reform (Kassim and Menon 2003, Bauer and Knill 2009, Schoen-Quinlivan 2011) or on regulatory agencies at the EU level (e.g. Kelemen 2002, Majone 1997, 2001, Thatcher 2002, Wonka and Rittberger 2010), because of the specific nature of EU integration. Moving beyond a dominant functionalist explanation for delegation at the EU level (Pollack 1997), Kelemen identified the specific politics of ‘Eurocracy’, or ‘politics of Eurocratic structure’ (Kelemen 2002). The ‘politics of Eurocratic structure’ approach, is a European adaptation of a rational choice approach to institutional behaviour and control of institutions, the politics of structural choice’ (Moe 1989). Looking at the politics between the European Commission, the European Parliament and the member states and how their interactions shape the nature of EU regulatory agencies (Kelemen 2002: pp. 97-99), Kelemen stressed that there was a specific distribution of preferences between the EU decision-makers, the Commission, the Parliament and the Council, and that these were largely stable. He argued that the European Commission generally sought to expands its powers and resources. Kelemen stated this clearly: ‘The Commission is a well-known self-aggrandiser’ (Kelemen 2002: p. 98).

The European Parliament sought to expand its area of legislative influence and opportunities for oversight. The EP has however undergone a significant transformation, from an ally of the Commission for more integration, to a more assertive role as overseer (Kelemen 2002: p. 97). This is only likely to have become stronger with the transfer of additional legislative powers by the Lisbon Treaty. Meanwhile, the Council seeks to minimize the bureaucratic independence of supranational institutions and maintain control over their actions (Kelemen 2002: p. 97). This means that for the phase of institutional creation at the EU level, the analytical framework based on the politics of Eurocratic structure will be the dominant framework for explaining the outcomes of the inter-institutional
decision-making. As an EU-specific application of a general institutionalist research agenda, it appears the strongest approach for this particular phase.

Consolidation: bureaucracy, bureaucratic politics, and the EU

The most pertinent approach to understand the behaviour of a new organisation at the EU level will be the one looking at its most basic and dominant characteristics. In this case that is first and foremost the organisation’s characteristic as a bureaucracy. It is bureaucracy theory, taken from a US context and transferred to the EU, which will be the first point of call for identifying dominant factors for the new organisations’ functioning and behaviour. Competition and control become central concepts of the consolidation phase. Control can in many ways be seen as an indicator for autonomy of the organisation and its success in shaping its environment. The stronger control is exercised over a bureaucratic organisation, the less autonomous the organisation is able to act. In a mix of political and inter-organisational relationships, which establish control over the new organisation is relevant in understanding the way the organisation functions.

In a sense, what makes bureaucratic politics and bureaucracy theory difficult to apply in a purely American context - the central unifying role of the President - could make it rather more useful in a European environment where leadership and executive power are dispersed more widely. European decisions are almost always collective in nature and will be more prone to incorporate contradicting interests of politicians and implementing officials. This is the case in regular decision-making of the implementation phase in particular, with central involvement of the European Commission, i.e. an independent collegiate body drawing up legislative proposals and implementing policies, an independently elected European Parliament without right of legislative initiative and the Council, which assembles the representative of the member states. Without the ultimately unifying decision capability of the US Presidency, insights from bureaucratic politics cover the inter-organisational relationships inside the EU’s decision-making process. In other words, because there are no single unitary actors, each position must be the outcome of an internal decision making process.
as well as a decision-making process that needs the agreement of all these collective bodies.

Because of the general applicability of these control mechanisms to public organisations, international, supranational or national, the control mechanisms of principal agent approaches have been imported into a variety of other sub-fields including European politics (Pollack 1997; Thatcher 2002; Kassim and Menon 2003, Dehousse 2008). They have proven useful in grappling with the relationships between European actors as well as between member states and the EU institutions. They also have been used to describe the institutional characteristics of EU external relations and foreign policy (Damro 2007; Dijkstra 2009; Wagner 2003) providing a reference point to the previous institutional structure. This previous research has illustrated the compatibility of PA analysis with the EU political system and led to some research analysing the PA relationships of the EEAS (Furness 2013, Kostanyan and Orbie 2013). At the same time, principal agent approaches have specific requirements, i.e. an act of delegation that not all of the EEAS’ relationships fulfil. PA indicators can thus partially plug a gap in the observable relationships of the EEAS, but are not the only expression of control and competition in this environment. Together with the categories developed in PA, bureaucratic politics will provide the basis to analyse the competitive relations of a newly emerging administrative actor and will allow comparison to other administrative arrangements.

3.6 Conclusion: A Three-Stage Framework for Bureaucratic Emergence

Institutional approaches to building a new administrative organisation have identified several phases of creation as has been shown above. The first is an inception phase taking place in a critical juncture, relaxing the constraints on policy makers and opening the possibility for institutional change. The outcome of this phase leads to a second phase of institutional creation where the detailed rules and structure of the new organisation are decided upon by a different set of actors. Here struggle for influence and resources, as explained by bureaucratic
politics and elements of negotiation theory come to the fore. This thesis argues that an additional third phase needs consideration, which is the consolidation phase. During this phase, internal and external operation of the new bureaucratic actor is explained by two approaches: the internal operation is characterised by public choice bureaucracy theory, while the relations of the new actor to the existing institutional environment will be determined by bureaucratic politics.

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<td>Short-term change in institutional rules; Political disagreements over outcome result in vague compromise</td>
<td>Conflict among bureaucratic actors as well as conflict between political bodies and bureaucratic actors; Negotiated outcome of implemented organisation</td>
<td>Budget maximisation and bureau shaping Attempts of control of established actors and resistance by new organisation; Negotiated or enforced cooperation</td>
</tr>
<tr>
<td>EU-specific analytical approach</td>
<td>Politics of Treaty reform</td>
<td>Politics of Eurocratic structure</td>
<td>Politics of Eurocratic structure, BP, EU public administration</td>
</tr>
<tr>
<td>Key EEAS-specific questions</td>
<td>Why is the organisation shaped in such a specific way, including a break with its organisational past?</td>
<td>What determines its final organisational or administrative shape?</td>
<td>How does the EEAS take up its role in EU administrative and political environment?</td>
</tr>
</tbody>
</table>

Table 7. Overview of analytical framework

Table 7 gives an overview of the shifts in perspective and main arguments of these strongly related institutional approaches to institutional change and
emergence. In combination, they provide a framework attuned to the changing set of rules applicable to each stage of the emergence.

In the first phase, historical institutionalism expects a relaxation of institutional constraints in a critical juncture that lead to the (potential) forming of an enacting coalition, which agrees to create a new organisation. With an analytical focus on the critical juncture and the specific role of actors in it, it will allow to explain the ‘why’ of the creation of a new organisation in a much more nuanced way. Rather than retreating to a functional explanation of why an organisation exists, it can uncover the political mechanisms that lead to the decision to create an organisation. It can also answer why one kind of organisation was chosen over another. Chapter 4 will investigate the moment of inception of the EEAS with this focus on the actors who created the EEAS, the process by which they reach agreement as well as the institutional framework in which they take decisions.

In a second phase, the focus turns to the executing coalition, i.e. another group of actors that negotiate the implementation of the decision. The executing coalition implements the decision by agreeing to the detailed institutional set-up of the new organisation and is thus constrained by its framework. The analytical focus on the actors involved and their preferences within an EU-specific set of decision-making rules allows to trace the political motives behind the organisation’s set-up. With respect to the research questions guiding this thesis, this analytical approach is used to answer how the new organisation is created, what forces drive the setting up of the organisation and in how far it is (path)- dependent on the set of decisions taken earlier. Chapter 5 will proceed to apply this in the analysis of the administrative set-up of the EEAS, in particular its status, scope and staffing. By looking at the actors involved, what their preferences for the service are, and how they manage- or not- to imprint their vision on the new organisation, it addresses the second set of questions.

Finally, in the third phase, the new organisation is established and begins operating as a new bureaucratic actor. In this phase, bureaucratic politics or
inter-organisational competition about resources and power become the dominant dynamic of operation between the organisations involved. The focus of analysis here shifts from the setting-up of an organisation to its operation and how emerging relationships with other political and bureaucratic actors shape its own structure and ability to act autonomously. This consolidation is at the heart of the last empirical chapter. Chapter 6 has thus at its core the analysis in how far the EEAS behaves like a bureaucracy as well as what impact outside pressure has on its organisation and operation.
CHAPTER 4
THE SHAPE OF THINGS TO COME: THE INCEPTION OF THE EUROPEAN EXTERNAL ACTION SERVICE

4.1 Introduction

The dynamics of conflicting interests in creating joint structures at the EU level (and in Brussels) had not changed dramatically since the mid-1990s despite the presence of new actors (cf. chapter 2 this thesis, Edwards and Pijpers 1997). Chapter 2 has illustrated how in the early- to mid-1990s a small ‘merger’ of Commission staff into a Council foreign policy structure was seen as a possible solution to Europe’s foreign policy problems, but could not in the end be agreed on. What then created the conditions for the creation of a new service that was based in Brussels and combined within itself the foreign policy structures developed in the Council Secretariat and the Community external relations? And how did we arrive at this organisation merged from three sources in the Commission, the Council Secretariat and the member states’ diplomatic services?

This chapter will trace the inception of the EEAS and its most basic organisational structure across the debates of the European Convention from 2001 to 2003. After highlighting the background and organisation of the European Convention, it will analyse the various actors and positions through the working group and then the plenary of the Convention. It will then show how the EEAS was conceived in an environment of large-scale renegotiation of the EU’s structure. The chapter concludes with an analysis of how the events of the Convention shape the EEAS in the later stages of its development and how far institutional logic explains the inception of the service.

For the EEAS, this institutional formation is to be found in the political processes at the European Convention: It is the decisions taken at the Convention, which provided for a sea change in the process of connecting external relations and foreign policy in the EU and the creation of a new, third body between the European Commission and the Council Secretariat. In order to answer the first of
the key questions for this study as outlined in the analytical framework, i.e. to answer why the EEAS was created, and why it took a specific form (see chapter 3), it is essential to look at the Convention in more detail. What happened at the Convention with regards to the external action of the EU? Was there political conflict and how was an enacting coalition built in the process? By working out the role of the deliberations of the Convention, how and when the EEAS was entered into the text of its Treaty proposal, we will get a better understanding of the first stage of institutional creation.

4.2 The European Convention: Background, Organisation and Objective

In order to trace the process of the creation of the basic structure of the EEAS at the European Convention, it important to understand the political environment as well as the institutional organisation of the European Convention itself. Institutional structures, such as decision-making procedures, favour some actors over others and allocate resources differently between groups. This section introduces the Convention with a view to highlighting the different actors and the institutional rules applicable to their decision-making, the political orientation of the overall constitutional debate, and the substantive focus of reform debate in external action.

The Convention on the Future of Europe did not come out of nowhere. The European Union in the late 1990s and early 2000s was in a process of continual discussions on its institutional structure. Because of the prospect of enlargement, a number of new Treaties never quite provided the institutional answer to the political challenges of the time, such as enlargement. The Treaty of Nice was to change the institutional set up, and resolve the ‘Amsterdam leftovers’ (Shaw 2003: p. 219). It did not live up to its expectations and in a declaration to the treaty, the Heads of State and Government called for a more fundamental debate ‘on the future of the Union’ (Declaration no. 23, Treaty of Nice 2001). This was to include a process wider in participation than an intergovernmental conference and ultimately lead to a new intergovernmental conference in 2004. In 2001, the member states should agree in more detail on how this process should look like.
The Laeken declaration (see below) was in many ways already foreseen and postponed by the Nice Treaty. The way the Convention was set-up and organised contributes to the weight its decisions continued to have even after it had disbanded and its end product, the Constitutional Treaty, had been rejected.

The European Convention was a new mechanism of Treaty reform for the European Union. At least in its form, it attempted a ‘grand bargain’ of European Treaty reform, which was to be the basis of all future development of the EU institutional and policy set-up. Prior to the Convention, reform discussions had taken place in a ‘Group of Wise Men’ nominated by the European Council (Group of Wise Men Report 1999). On the basis of this report, the Commission had contracted the European University Institute to draw up a revised Treaty addressing some of the issues such as lack of clarity in the treaty structure (European University Institute 2000: p. 1). Its proposal of a revised treaty structure with one Basic Treaty of the European Union and a consolidated Treaty on establishing the European Community has some resemblance to the outcome of the treaty changes to come, even if its authors could hardly have foreseen all of the political reverberations of the time.

Institutional reform was clearly on the agenda of the Heads of State and Government of the time. It was the European Council, which called for the Convention to be established in the Laeken declaration of 2001 (European Council 2001). The Laeken European Council saw the EU as in need of changing in order to face internal and external challenges (Allen 2004: 19). It was to constitute the EU in a time when frictions between integrationist and more intergovernmentalist were added to by disputes along the lines of smaller versus larger member states (Allen 2004: p. 21). It was also seen as a new way to find a compromise, where the old ways in the form of the Intergovernmental Conference had failed: ‘we had to succeed where the 27 Foreign Ministers had failed and even the 15 Ministers had failed in 2000 […] it is because they failed to get unanimity among themselves that the Convention was set up’ (Interview 05, Convention member, 2011). And while the reality of the Convention for procedural reasons was not an exercise in a genuine deliberative setting (Allen
2004: p. 23-24), it allowed for the negotiation of a broader consensus than an intergovernmental conference. Some scholars have called this the ‘Convention paradox’ (Magnette and Nicolaidis 2004: p. 382).

The Convention’s mandate was deliberately left open to leave room for a variety of interpretations in order to allow for the diverse opinions of the member states on what it should do (Magnette and Nicolaidis 2004, Magnette 2005). For those member states sceptical of the Convention method for treaty reform, its objective was to present several options to governments before the intergovernmental conference. For those seeking a grand bargain, it was to present clear, legally framed recommendations to the European Council (Magnette 2005). It was part of a two-stage process and tasked with ‘pav[ing] the way for the next Intergovernmental Conference as broadly and openly as possible’ (European Council 2001: p.24). Magnette and Nicolaidis illustrate how the broad mandate and reference to an intergovernmental conference were intended as safeguard against any ‘constitutional ambition’ of the Convention (2004: p. 388). The final outcome of the Convention would still represent a step forward rather than a grand federal bargain. The questions it was to address were by nature of the Convention much larger than the organisational set up of EU external relations, but institutional questions in external relations were on the agenda of the Convention. A closer look at the distribution of views, but also the institutional advantages and resources across actors, is necessary.

**Actors of the Convention**

The Convention’s delegates were 15 representatives of the member states’ governments, another 13 represented the governments of the candidate states, 30 members of national parliaments, 16 members of the European Parliament and two representatives from the European Commission (see figure 1 below). The Convention operated under the leadership of a praesidium, the three members of which were nominated in the Laeken declaration, Valery Giscard d’Estaing as chairman, and Giuliano Amato and Jean-Luc Dehaene as deputies. The praesidium exercised a strong and central role over the course of the Convention (Interview 16, Convention Secretariat Official, 2012), but research
has suggested as the Convention continued the room for substantive influence was reduced (Kleine 2007). This praesidium was supported in its task by a Secretariat whose officials were European and national officials and did most of the drafting of the legal text.

Figure 1: Convention structure and membership

These procedurally privileged actors clearly envisioned a much stronger role for the Convention than some member states’ governments and even some members of the Convention. One senior Convention member presented the objective as follows:

‘Namely that the group as such decided notwithstanding the fact that the mission statement referred that we could express different opinions, the group from the beginning said, no, we will to have consensus. Rather than
give two or three contradictory schemes of concepts we will try to have consensus. And even more we will try to translate into proposal for a Treaty. The result of that is that and that is also the reason why we did it, we perfectly knew that we have to report to the Council and that then will start the classical intergovernmental conference. But we also knew if we deliver by consensus a Treaty text, they would have no other choice then to say well we start the IGC on the basis of that text. And from that moment you can change some elements but you are in the framework that you don’t come out and that’s what happened.’ (Interview 05, Convention member, 2011)

This approach narrowed the objective of the Convention considerably towards presenting at least a draft of treaty text in order to lock-in as many changes as possible before the draft would be returned to the exclusive negotiation of the member states. In the end, it locked in substantive changes to the EU structure not only for the subsequent IGC, but also for the treaty review period after the rejection of the Constitutional Treaty by referendum in two member states. In many ways, it framed the Lisbon Treaty, which was to be the basis of creation of the EEAS (see below and chapters 5 and 6).

The Convention was of course not just an idealized deliberative setting, but a political body with some of the same pressures regarding time, information and political influence as other assemblies. The praesidium played a large role because it represented a clearinghouse of constant negotiations alongside of the public negotiations in the Convention plenary and working groups. Because of the diverse nature of the conventioneers, the role of more experienced international politicians and permanent members of the Secretariat were augmented (Interview 01, 03, Secretariat Officials, 2011; Interview 16, Secretariat Official, 2012; Interview 05, Convention Member, 2011; see also Deloche-Gaudez 2004). Magnette and Nicolaidis have pointed out that in addition, the Convention was working ‘in the shadow of the IGC’ and yet manage to push the boundaries of compromise (2004: p. 382). The Secretariat in turn did most of the drafting and even prepared the background documents on which the
debates e.g. on external action would be based (Interview 03, Secretariat Official, 2011). A Secretariat official also noted that ‘it had a certain dynamic, we had to go through the motions, but we started writing the articles very early on’, lending support to the idea that the Secretariat had an influence on the outcome of the Convention (Deloche-Gaudez 2004). At the same time, they could not oppose an emerging consensus, as the case of the double-hatted High Representative illustrates below.

Among the Conventioneers, there was not only a division among those with a formative role in the Convention, i.e. members of the praesidium or chairmen of the working group, but also varying levels of expertise. It was perceived by both members of the Convention as well as officials in the Secretariat that Members of the European Parliament played a dominant role in the discussions, in particular at the beginning of the Convention.

‘There was a serious imbalance in the level of expertise in the Convention, in that the block of MEPs were far more knowledgeable about the way the European Union worked and as a consequence far more able to propose far-reaching proposals and be able to justify them than certainly national parliamentarians.’ (Interview 16, Secretariat Official, 2012)

The Members of the European Parliament also seemed a relatively cohesive group in terms of their outlook on the reforms debated: ‘The Convention was, in terms of content, often driven by MEPs (who) were well prepared, those actually had all a very communitarian approach’ (Interview 05, Convention Member, 2011). However, this advantage appears to have diminished over time, and MEPs were making particular efforts to include national parliamentarians in the deliberations (Interview 25, Convention member, 2012).

Overall, 28 Conventioneers were direct government representatives for the member states in order to ensure that consensus on the Convention floor would reflect also their wishes. At the same time, the Convention also operated under the ‘shadow of an IGC’ (Magnette and Nicolaidis 2004) and member states did
actively shape its outcome (Allen 2004). In addition, member states representatives could rely on institutional support by national ministries, often putting them into a better-resourced position than national parliamentarians and even MEPs. Their role in the Convention increased over time, as the outcome of the Convention became more concrete treaty proposals and evaluations of the ability to re-negotiate changed. Early in the Convention, a lot of member states operated under false assumptions:

‘A number of member states felt from the outset that there is no point in creating too many waves on this or raising too many questions on how this is all going to work, (...) in any case, we can change it all later when we get to the Intergovernmental Conference, which of course turned out not to be the case at all’ (Interview 16, Secretariat Official, 2012).

The appearance of Foreign Ministers, e.g. of France and Germany, at the Convention plenary illustrated that the stakes had increased.

With this variety of actors, it is clear that while not perfectly coherent, certain groups had stronger status than others. MEPs were a driving force behind a lot of ideas of the Convention and while they lost some of their advantage over the duration of the Convention, individual MEPs were at the center of the debate on external action till the very end of the Convention. Member states representatives varied in relevance and gained stronger influence over time as the Convention continued. Even with largely cohesive groups, the debates in the Convention were shaped largely by divisions on the views on the purpose and *finalité* of European integration. These views translated into concrete manifestations in terms of institutional preferences, or what some have called ‘polity ideas’ (Lindner and Rittberger 2003: p. 450). The next section will analyze the fundamental disagreements in the Convention and how they shaped the debates around the institutional structure in external action.
Fault lines of the Convention: solutions to the EU’s external action dilemma?

The deliberations in the Convention were alternating between debates in the plenary and work in working groups. The first plenary debate on external action took place on 11 July 2002. Plenty of options for reorganizing EU external relations and foreign policy were put on the table, even if often in very general and ad hoc terminology. The divisions in the Convention resembled the spread of views in an Intergovernmental Conference, but included more variety in terms of backgrounds and experience. It was generally perceived as conflicts between intergovernmentalists, or sovereignists (Magnette and Nicolaidis 2004: p. 388), and federalists (Allen 2004, Magnette and Nicolaidis 2004, Magnette 2005, Rueger 2011). This is not merely an academic analysis, but represented the experience of the people actively involved in the Convention as well:

‘it was not according to the spectrum of the traditional political parties, it has more to do with the division between people who saw European integration as an objective itself and those who saw European integration as a means to act better’ (Interview 03, Secretariat Official, 2011).

In External Action, this division between these two views on European integration expressed itself in various levels of abstraction in the discussions about foreign policy and external relations policy making, the design of the office of the High Representative as well as in the administrative arrangement in this policy area. Relations between the High Representative and the Commissioner for External Relations turned out to be a focal point for the institutional debate (see below).

In the foreign policy debates, focusing on the EU’s problems of consistency and coherence in external action, this divergence of views alongside the integrationist – intergovernmentalist spectrum was very visible. One recurring proposal to increase coherence was to propose the introduction of qualified majority in foreign policy decision-making. An alternate member of the Convention made several proposals in order to ‘promote the Community method in the External actions of the EU’ (Working Group VII, Working Document WG VII
These proposals were met with scepticism not only by other members of the Convention, who attempted to make the member states central to EU external action (e.g. WG VII WD 40), but also by the advisory backbone of the Convention:

‘Many people in the Convention thought, CFSP doesn’t work because it is intergovernmental, so if there is more decision by the EU, then everything will be fine. But, of course, it’s not like that.’ (Interview 03, Secretariat Official, 2011)

This illustrates the division on a more general matter of decision-making, but the divergences continued all the way through to the institutional structures of EU external action. The central argument in both Working Group and Plenary was about how to connect the institutionally divided policy arenas of foreign policy and EU external relations for more political impact in the world. The main focus turned out to be the role and status of the High Representative in the new Treaty.

**Linchpin in external action? The High Representative’s hats?**

The debate around the highest external representative of the EU, following in the footsteps of the High Representative Javier Solana, was at the heart of institutional reorganisation. Most contributors to the debate focused on the relations between the High Representative and the European Commissioner for External Relations. Also in the role of the HR, reform offers varied between federalist and intergovernmentalist vision in the Convention. The most common proposal for change was some form of merger of the two posts, varying in detail and in final location of the office. A good number of MEPs, e.g. Elmar Brok and Rene van der Linden from the European People’s Party (EPP), were proposing a merger into the Commission. Brok and the Swedish Parliament’s representative Lennmakers also insisted on a single administrative centre:

‘When it comes to the decision-making procedures, it is time we no longer had three units: the Commission, the Council and the foreign office of the presidency. It is time to merge them into one. We cannot have three
Goeran Lennmaker, Verbatim Record, European Convention, 7 July 2002

The German government’s representative later in the debate also suggested this and stated the need for an ‘effective diplomatic service’ forged from three elements (Verbatim Record, European Convention 7 July 2002).

MEP Bonde on the other side of the spectrum of the debate insisted on the continuation of cooperation procedures between ‘sovereign nations’ (Verbatim record, European Convention, 7 July 2002). Even Peter Hain, the British government’s representative proposed that the High Representative chair the Foreign Affairs Council and be given the right of initiative. While this did not amount to a fundamental change, it was still a more reserved step towards integration. The French representative Moscovici insisted the diplomatic arrangement be located in the Council.

Despite the nuances, the majority of contributors to the debate supported a stronger push towards a reorganisation of EU external action structures, at least at the highest level. In this overall climate of the debate, it was up to a working group to develop a more structured and coherent proposal that could be the basis of a compromise. Working Group VII under the chairmanship of former Belgian Prime Minister Jean-Luc Dehaene was concerned with External Action and thus covered not only external action policy and its legal framework but also institutional questions. It met for the first time on 24 September 2002 after having been given a mandate by the plenary (European Convention CONV 252/02). The working groups, after the first round of plenary discussions worked independently on a report with specific suggestions for changes in EU external action.
4.3 Agents at Work? Working Group VII on External Action

Working Group VII on External Action was expected to give recommendations that might remedy perceived shortcomings in this policy area, for example the perceived incoherence and ineffectiveness of EU external action. Its remit did exclude security and defence policy, which was to be considered in another working group. The big debates in the Working Group were clearly more about the decision making process in external relations and about the apex of the administrative bodies, the future shape of the office of High Representative for Common Foreign and Security Policy. But discussions about organisational structure were predominantly held in Working Group VII. As the concept of a European External Action Service appeared in a draft report of this group, the analysis of the Convention in external relations will focus on this particular part and the actors in it.

After a first deliberation in plenary, a mandate gave the group the general outline of its expected output to be referred back to the plenary (European Convention 252/02). It included questions on how to define the Union’s interest in EU external affairs, how to ensure coherence of its diverse actions in trade, development and other international policy areas and how to improve the external representation of the EU abroad (European Convention 252/02: p. 2-4). Even though this appears more abstract than the administrative set-up in EU external affairs, the issue of administrative organisational structure formed a substantive part of this reform debate. It features on the one hand in debates about the High Representative; in the discussions about the administrative support this role should have, but also in the debate about the Unions external representation (see Annex 1). In the summaries of the first debates written by the Convention’s Secretariat, the diplomatic service is actually only mentioned explicitly once (European Convention 342/02). But this is not a good measure of the saliency of the issue. Looking at the contributions to the debate gives a better picture of the variety of opinions and contributions on structuring the EU’s diplomatic efforts in the future.
In the working group debates in autumn 2002, a full range of options appears. Elmar Brok, the conservative German MEP contributed first in a letter to the Chairman of the group, proposing a ‘Commissioner for Foreign Relations’ (WG WD 2). As one of the most outspoken MEPs participating in the Convention, he then advocated also in debates a merger of the High Representative office with the External Relations Commission into the Commission (WG WD 17). This new ‘double-hatted’ figure would be supported by the European Commission (WG WD 17). This arrangement was supported by other members of the group, e.g. Adrian Severin, a Romanian parliament representative who advocated a transfer of the Council Secretariat staff and establishment of a ‘diplomatic service inside the Commission’ (WG WD 11). The former Belgian Foreign Minister, Louis Michel, called for a reinforced Policy Unit of the Council at the service of both institutions. It would serve a High Representative who had been integrated into the Commission (WG WD 4).

The proposal of the double-hat position was regarded very critically in the Convention Secretariat. The seconded diplomats had experience in member states diplomacy and European foreign policy and were thus acutely aware of the differences in methods and tools in comparison to the Commission (Interview, Convention Secretariat official). Across all debates in the Working Group, the Secretariat was still an actor in its own right (Allen 2004: p. 24; Deloche-Gaudez 2004; Interview 03, Convention Secretariat Official, 2011), largely also because the Secretariat did most of the drafting. Despite this initial opposition in the Secretariat, German representatives Pleuger and Bury are on record as repeatedly expressing the strong support of the German government for the double-hatted position leading the EU’s external action while maintaining separate administrative structures (European Convention 2002 WG VII WD 17: p. 3). But the German government also wanted a reinforcement of the existing Council structure, in the form of a ‘European Foreign Policy Unit’ (WG WD 17). Irish delegate Bobby McDonagh voiced a similar position, however also mentioned the need for common services between Commission and Council Secretariat (WG WD 16). Between these options, a preliminary draft report outlined three choices for the question of the High Representative post: practical
measures to improve coordination, full merger into the Commission or a ‘double-hat’ EU Minister of Foreign Affairs (WG WD 21).

The group also heard evidence from the individuals holding the offices in question at that time, i.e. the High Representative Javier Solana, the Deputy Secretary General of the Council Pierre de Boissieu, the Commissioner for External Relations Chris Patten, as well as Commissioners for Trade Pascal Lamy and Development Poul Nielsen. Neither the HR and his Deputy, nor the RELEX Commissioner showed any support for the integrationist position, nor did they support the merger of the tasks of HR and RELEX Commissioner:

‘The Commission and High Representative have distinct responsibilities: merging these functions would, in my view, create more confusion than synergy.’ Javier Solana, Speech before the External Action Working Group 15 October 2002.

While Solana may not have entirely disagreed with the ultimate aim of some of the more federalist members of the Convention, he voiced his preference for a more moderate approach to development by ‘such pragmatic pooling of resources (that) offers the potential to develop a ‘European Foreign Ministry’ at a pace and in a manner the Member States feel comfortable with.’ (European Convention 2002 WG VII WD 8: pp. 9-10). In contrast, both the Commissioners for Trade and Development supported the creation of ‘one centre of gravity’ in EU external relations (European Convention 356/02), Nielson even going so far as to place that centre in the European Commission. The ‘one centre of gravity’ expression was also the key message of the Commission's first input to the Convention (European Commission 2002c). Only in December 2002 the Commission’s position would include an explicit reference to a ‘single administration resourced from the General Secretariat (…), the Commission and the Member States’ (European Commission 2002d: p. 13).

Despite developing these options, the debate continued on a similar spectrum in November. MEP Brok reiterated his position with the catchphrase ‘one person,
one administration’ (WG WD 26). Together with Convention members Severin, Lamassoure and van der Linden, he proposed an integrationist solution, creating a ‘Foreign Minister of the European Union FMEU’ (WG WD 30). A day after this contribution Czech government representative Jan Kohout repeated the more moderate improvement of the Policy Unit in the Council (WG WD 33), which was also still maintained by German government representatives (WG WD 28). Portuguese representative Ernani Lopes issued the most strongly worded caution from the intergovernmentalist side, considering ‘premature the setting up of a EU diplomatic service’ (WG WD 34). Lopes equally had ‘reservations on the idea that delegations of the Commission should become EU embassies’ (WG WD 34). UK government representative Hain also contributed to a more intergovernmental view of the reforms by asking to delete references to a Foreign Minister and the idea that delegations would service the member states (WG WD 40). The British position included the need to use ‘existing resources’ and ‘avoid duplication’ (WG WD 40), which were to reappear in later stages of the discussions even long after the Convention.

Several variations existed between these different poles. A French parliament representative proposed a Foreign Minister post but with separate structures in the administration (WG WD 49). The Dutch government representative did not want references to a Foreign Minister, but supported opening the diplomatic service of the Commission to staff from the Council Secretariat (WG WD 47). In this variety an Austrian proposal included the merger of either ‘some substructures’ of the administrations of Council and Commission (WG WD 36) with a view to creating a ‘Foreign Service’ (WG WD 36). Danuta Huebner who represented the Polish government saw it as an opportunity:

‘I would also like to stress that the double-hatting exercise will do away with the discrepancy between the two services - DG Relex and Secretariat General of the Council – creating an opportunity for establishing a Foreign Policy Commission. A single diplomatic service drawing heavily on seconded officials from the member-states as well as services of the Commission will not only allow to optimise the available resources but
will also create the basis for greater unity of ideas and values.’ (WG WD 51)

The ‘Foreign Policy Chief’ would be a facilitator between these two different institutional logics (WG WD 51).

These different positions were not easily reconcilable. An overview of the variety of option discussed at this point (see Table 8 below) illustrates at least five categories of proposals. All of the most favoured options were integrationist to varying degrees. Only individual government representatives were supporting the status quo arrangements between Commission and Council and even fewer attempted to work for a slight repatriation of powers to the national level.

<table>
<thead>
<tr>
<th>Integration level</th>
<th>Org. element</th>
<th>Federalist</th>
<th>Integrationist</th>
<th>Limited integration</th>
<th>Status quo</th>
<th>Status quo 'minus'</th>
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<td>Foreign Minister</td>
<td>European External Representative</td>
<td>High Representative</td>
<td>HR and separate Commissioner</td>
<td>HR in Council</td>
<td></td>
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<td>Political</td>
<td>Political + Community deputies</td>
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<td></td>
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<td>Commission</td>
<td>Commission/ new entity</td>
<td>New entity</td>
<td>Status Quo (SQ)</td>
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<td>Delegations under COM</td>
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<td>Merger of 3</td>
<td>Additional nat'l diplomats</td>
<td>SQ</td>
<td>SQ</td>
<td></td>
</tr>
</tbody>
</table>

Table 8: Categories of reform considered during Convention. Own compilation.

While the table above shows the variety of options available to Conventioneers, it also clearly illustrates the integrationist leaning even in the institutional arrangements in foreign policy. The status quo, or indeed any renationalisation of roles in foreign policy, was a minority view and did not receive serious consideration during the debates. Nevertheless, this did not pre-define the precise nature of institutional change. The course of debates in working group and plenary highlights in more detail how a specific compromise on institutional change was entered into the overall draft.
A tableau of options

At the end of November, the Secretariat and Group leadership had revised the Draft final report to take into account the evolution of the debate. It did so mainly by incorporating the wide differences in a set of options presented in a structured manner. The revised draft final report subsequently presented an increased number of options, both on the question of the HR and on the question of the administrative support structure (WG WD 21/1). These ranged from (a) simple practical measures to support the separate functions of the HR, (b) a full merger of administrative structures into the Commission, (c) a ‘double-hatted’ merger with a variety of titles, (d) a double hatted merger with deputies for CFSP and Community policies, to (e) an EU Foreign Minister under the President of the European Council (WG WD 21/1). With regards to the administrative support, any double-hatted arrangement would include a ‘joint service of DG RELEX officials, the Council Secretariat, and seconded staff from national diplomatic service’ or keep ‘distinct administrations with separate merged service for CFSP with a joint Private Office’ (WG WD 21/1). By the end of November 2002, the structure was still disputed but a new merged organisation was on the table of the working group.

There was also a clear link between this option and the double-hat arrangement of having a High Representative also in charge of the Commission portfolio of External Relations. This sentiment of a direct link between the double-hat figure at the helm of EU external action and a joint service below was mirrored in an interview with a senior Convention member:

‘It was also a concern that we needed a service, and naturally, when we came up with the idea of the double hat with the Commission, immediately the idea of one service for the two functions was raised. So in the discussions, we had also lots of discussions with Patten (...). At the start he was very near to the position of Solana, but following our discussions he evolved and was very supportive for what the working
group had proposed. Solana never accepted completely what we proposed.’ (Interview 05, Convention Member, 2011)

The majority of amendments supported a double-hatted arrangement and differed only on the question whether this should be supported by a single administration or not. The German delegation still went into more detail of what a double-hat arrangement would entail in order to convince sceptics (WG WD 53). Only a week after the first revision of the report in November 2002, a second version included a much more clear recommendation: at the head of the external representation of the EU should be the double-hatted ‘European External Representative’ and this office should be supported by the ‘creation of one joint service (European External Action Service) composed of DG RELEX officials, Council Secretariat officials and staff seconded from national diplomatic services’ (WG WD 21/2). It was in this revised version of the report that the European External Action Service was named. From here on, it would become one of the standard elements in the discussion of the EU’s organisational architecture in foreign policy and external relations. At the same time, its report on the discussions continued to reflect the diversity of proposals that had been presented in the working group.

A third revision of the Draft Final Report in early December 2002 did nothing to fundamentally alter the shape of the recommendations (WG WD 21/3). It did however spell out additional details, which included the creation of a ‘diplomatic service’ and a ‘EU diplomatic academy’ (WG WD 21/3). The report also specified some decision-making changes, which included the proposal to have the European External Representative chair the Foreign Affairs Council and allow the post holder to coordinate external relations portfolios inside the European Commission (WG WD 21/3).

A few days after the third revision, on 12 December 2002, another round of proposed changes was brought forward. The Finnish representative asked to insert the long-term goal of integrating the service into the Commission (WG WD 61), while Peter Hain, the UK’s government representative, repeated his
opposition to the double-hat position as well as the creation of a diplomatic service or EU embassies (WG WD 66). A Swedish representative (WG WD 68) and French government’s representative (WG WD 72) echoed this criticism of the ‘double-hatted post’. More generally, member state representatives from states with strong traditions of independent diplomacy and large member states proved more sceptical about such a merger. Support for the institutional arrangements proposed in the report came from MEPs Elmar Brok, Pervenche Beres and John Cushnahan (WG WD 70, WG WD 71). The German position evolved in the process, embracing the merger approach of bringing together staff from different sources. The first step in adaptation was to maintain DG RELEX but develop ‘a consolidated foreign policy unit (“European Foreign Policy Unit”), which should consist of those parts of the Council Secretariat currently responsible for foreign policy (…) and of civil servants seconded for a certain period from the member states and the Commission’ (European Convention 2002 WG VII, WD 28: p. 3). The main element of interest next to the double-hat arrangement seems to have been that:

‘the person holding the function of HR, it was essential for him/her to have sufficient staff at his/her disposal in Brussels, and underlined the importance of strengthening his/her staff with seconded diplomats and officials of the Commission and the Council Secretariat.’ Amendment by Hans Martin Bury, 12 December 2002, WD 63, WG VII: p. 20.

The French government’s representative Dominique du Villepin inserted amendments entering into the debate the position of a EU Foreign Minister, placed organisationally under the President of the European Council, but did not specify organisational arrangements underneath the new post (WD 52, WG VII). In that sense, the French and German positions were largely compatible. On the other side of the debate on the double-hat, the representative of Finland repeatedly deleted reference to the double-hat in various versions of the draft final report (European Convention 2002 WG VII WD 61). From these contributions it becomes clear that even the more basic shape of the new external relation organisation was still in dispute by the end of 2002.
Nevertheless, even the more critical voices did generally not question the need for some kind of new institutional arrangement. An exception to this general trend was the British position, which was expressed by Peter Hain:

‘One final point: of course it makes sense to increase contact between Commission, Council Secretariat and Member State diplomats working on EU external policy. But greater coherence is not the same as merger. Why create new institutions such as an EU Diplomatic Service and EU Embassies when we can cooperate much better in more practical ways?’

(P. Hain, Intervention 20 December 2002)

This pragmatic line of keeping two separate organisational entities with separate leadership was, however, not supported by the majority in the group and also not by the chairman of the group. The majority of conventioneers in the working group supported the double hat arrangement as a ‘compromise between intergovernmentalists and integrationists’ (Rueger 2011: p. 208). Most strongly expressed support came from representatives of the European Parliament and the German government. It was equally accepted in the process that a joint administrative arrangement would be supporting the new office:

‘Someone said, now we’ve got this single post of High Representative we can’t continue to have two separate administrations. We need to bring these administrations together. And in a sense it looked so obvious at the time I don’t recall anyone seriously challenging that, not necessarily as a bad idea per se, but at least saying well, but how is this going to work? What are the issues that this is going to throw up? I don’t think we had that discussion really at all. It was one of those proposals within the Convention that extremely rapidly just became acquis within the Convention. Yes, you know the big issue was the High Representative, there were discussions around that, but once that had been proposed, it seemed to flow quite naturally that following on from that there should be a joint administrative structure for the high representative.’ (Interview 16, Secretariat Official, 2012)
The working group in the end settled for a mix of the positions discussed above (see also Annex 2), with a clear tilt towards the federalist vision of a Foreign Minister supported by a single organisation, the European External Action Service. It committed itself to creating a new organisation, with staff from the Commission, the Council Secretariat and the member states’ diplomatic services. It also agreed on the at that stage much less controversial issue of EU delegations. On 16 December 2012, the working group issued its Final Report, which included the ‘European External Representative’ as single post covering both the tasks of the High Representative and the European Commissioner for External Relations (European Convention 459/02). It also foresaw the ‘establishment of one joint service (European External Action Service) composed of DG RELEX officials, Council Secretariat officials and staff seconded from national diplomatic services’ (European Convention 459/02). The additional elements added in the second revision, i.e. a diplomatic academy as well as a diplomatic service with EU embassies, were equally retained (European Convention 459/02). A journalist observing the Convention later evaluated the working group report: ‘It was a skillfully drafted work that glossed over divisions inside the group.’ (Norman 2003: p. 112). He observed that

‘the report’s significance lay in the way it maximized partial agreement in the working group to push an integrationist agenda. Its conclusions were a synthesis between the community and intergovernmental method of running an area of policy where, in the previous ten years, considerations of national sovereignty had meant little movement away from the system agreed at Maastricht’ (Norman 2003: p. 114)

From working group to plenary

The working group’s report then made its way back to the plenary of the Convention on 20 December 2002. The contributions to this debate highlight how far the discussions in the group had come to gather support for the structure recommended (see Annex 1). More than thirty speakers professed varying levels of enthusiasm for the double-hat solution of merging the High
Representative's office with the office of Commissioner for External Relations (Verbatim Record, European Convention, 20 December 2002). Criticism of the double hat arrangement was not only voiced by intergovernmentalists, but also by more federalist minded members of the Convention. An intervention by Andrew Duff in the December plenary debate illustrates some of the concerns of the Convention members on this point:

‘In fact increasingly as the debate proceeds I begin to feel fairly sorry for the European External Representative. There is still a certain clumsiness in the relationship between the Commission and the Council. It is not impossible to serve two masters, but it is improbable. I find especially worrying the fact that the person will be a full member of the Commission with a mandate from the Council. He will be able to act without the authority or even the agreement of the Commission. It is a recipe for a fraught relationship with the President of the Commission, and he could easily be seen to be a Council cuckoo in the Commission's nest. My own preference is firmly for option two, as summarised in the Dehaene report.’ European Convention Verbatim Record 20 December 2002 (emphasis added).

Of course, this does not mean that support was unanimous. Several members of the Convention, including the British government representative Hain, Swedish government representative Hjelm Wallen, Estonian Parliamentarian Tunne Kelam, as well as Peter Skaarup from the Danish Folketing expressed concerns about this arrangement. Also the Spanish government representative Dastis and Portuguese Parliamentarian Azevedo urged to use more caution and study these options in more detail before committing to them (Verbatim Record, European Convention, 20 December 2002). Nevertheless, these opposing, or at least more cautious voices, were vastly outnumbered in the debate.

As the joint service had by this point in the debate become almost a necessary next step from the double hat position, it received only a few mentions of specific
support in this debate. But the question of the service would resurface almost at the very end of the Convention.

4.4 Plenary Struggles and Intergovernmental Agreements

Both documentary evidence and interviews show that the final agreement on the institutional structure in external relations was also dependent on the settlement of other, at the time of debate, open institutional questions like the European Council Presidency. One aspect mirrored in the debates of the Convention was the relationship between the permanent President of the European Council and the High Representative/Union Minister for Foreign Affairs. Many members in the WG on External Action were against the creation of such a permanent post at the helm of the EU. Later in the process the chairman of the working group turned this juxtaposition of views into a bargaining tool. In negotiations with the Chairman of the Convention, an ardent supporter of the post of President, an agreement was reached that included both positions in the final text coming out of the Convention (Interview 5, Convention Member, 2011). This also reflected the Franco-German agreement, which was published in early 2003 and included an EU foreign minister together with a more permanent president for the European Council. The Franco-German proposal, at least in terms of symbolism, went a bit further than other proposals with respect to the external service, referring to a ‘Europäischer Diplomatischer Dienst’ (‘European Diplomatic Service’) in capital letters. The organisational structure, however, was the same: DG RELEX with parts of the Council Secretariat and the member states diplomatic services.

When a bilateral understanding on institutional questions had been found between the German and the French delegates, the institutional set up of the EU according to the Convention began to take a more reliable shape. This included not only the double hat of an EU’s external representative, but also a ‘double presidency’ with an elected president of the European Council alongside the

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4 The contribution (in German) is difficult to trace among official documents, but can be found archived on the world wide web [http://www.constitutional-convention.net/bulletin/archives/000297.html](http://www.constitutional-convention.net/bulletin/archives/000297.html), retrieved 13 April 2011
Commission President. The final version of the institutional arrangement found at the Convention also left a loophole for further institutional consolidation at the helm of the EU: while the President of the European Council was precluded from holding a national office, the Draft Constitutional Treaty remained silent as to whether he may hold another European office to allow for a merger with the position of President of the European Commission (Interview 5, Convention Member, 2011).

Nevertheless, the institutional set-up in external action did not naturally find unanimous approval. Commission representatives O'Sullivan and Ponzano repeatedly entered amendments making the Commission the sole representative of the Union for Union matters, leaving the new Foreign Minister to be responsible for CFSP only (O'Sullivan and Ponzano am to art. 35). They also introduced amendments aimed at keeping the delegations within the Commission system, rather than in the new service with an amendment to art 36 of the draft treaty:

‘Union delegations, which are part of the services of the Commission, shall operate under the authority of the Union's Minister for Foreign Affairs. These delegations and Member States’ missions in third countries shall cooperate closely, and in close cooperation with Member States’ missions’

The purpose for this amendment was to ‘clarify that the 128 delegations of the Commission, which will become Union delegations, will continue to be managed administratively by the Commission’ (O'Sullivan and Ponzano am to art. 35). While the precise timing of the amendments cannot be ascertained from the archives of the Convention, the thrust of Commission amendments is clear: that since there will not be one centre of gravity inside the Commission, the new service should largely be a CFSP organisation.

The text of the draft treaty including the EEAS struggled to find a fixed place in the drafting of the overall document. It was only specified later in a declaration
on the service. Text on the EEAS had not been entered into the Convention draft treaty at the beginning. Only after several amendments tried to rectify this, the first mention of the service was entered into a footnote to article 1-27 only in May 2003. By May, institutional discussions had entered plenary in full swing. Despite following a general trend, details like the title of the double-hatted post were still to be ironed out, but the institutional settlement had gained acceptance. Proposed amendments included terms such as ‘Secretary of Union’ (Duff +5 am.11); ‘European External Representative’ (Hain am.16); ‘Foreign Representative’ (Huebner am. 21); ‘Foreign Minister’ (“Aussenminister”) (Kaufmann am. 22); ‘Minister for Foreign Affairs’ (Kelam et al. am. 19); ‘External Representative of the European Union’ (Liepina et al. am. 28); ‘European Representative for External Relations’ (Queiro am. 34); ‘Union Minister for Foreign Affairs’ (Roche et al. am. 34) or ‘Member of the Commission’ (Helle am. 18). France’s representatives also still attempted in vain to subordinate the Foreign Minister to the new President of the European Council (de Villepin am. 10). Joschka Fischer still added some fine details to the draft, e.g. that the Political and Security Committee be chaired by a representative of the Foreign Minister (am. 2). Other proposals, such as the creation of at least two deputies for the two policy arenas the Foreign Minister will deal with, also failed to gain traction in the Convention (Huebner am. 21, Liepina et al. am. 28, Roche et al. am. 35).

There were also continued amendments deleting references to a Foreign Minister and other elements that presented an integrationist advance in foreign policy, such as creating a permanent chair of the Foreign Affairs Council or independent actions of the Union Minister (Bonde amendments to art 35; Hain amendment, Heathcote-Amory amendment to art 36). Nevertheless, the documentary evidence is overwhelmingly on the side of deeper integration. The settlement found was a double-hatted post with extended competences. Because of the way some amendments have been archived, it is not possible to date them precisely. But since they refer to draft versions of the constitutional treaty, they must have originated in the later stages of the Convention. This highlights the
underlying conflicts surrounding some of the compromises coming out of the working groups as well as the drafts on treaty text deriving from them.

At the end of June 2003, Foreign Minister Fischer proposed to add a declaration on the service to the annex of the treaty draft (European Convention 821/03, see also Norman 2003: p. 295-296). A month later, joint amendments were proposed by Elmar Brok, Andrew Duff and Giuliano Amato to bring the service firmly into the Commission’s fold (European Convention 829/03), but failed to secure support. The political conflict has not completely been settled. Due to the nature of the Convention, nothing was agreed until everything was agreed. But the combined efforts of several different actors showed the need for at least some elaboration of administrative detail on the service. The EEAS was entered into the second draft constitution through a sub-paragraph on the Foreign Minister, a footnote and a declaration in the annex (European Convention 836/03). Dissatisfied, the Commission representatives Barnier and Vitorino added an amendment introducing the ‘Joint European External Action Service’ as a headquarters organisation in the European Commission (European Convention 839/03). This amendment failed to gain support and the draft remained substantially unchanged.

Another attempt to include the EEAS into the Commission

Towards the end of the Convention, in July 2003, final discussions on the external action package came to a head. Amendments to the drafts presented by the chairman and the Secretariat show the vast differences between members of the Convention, spanning the European divide between integrationist, pragmatist and to a lesser extent euro-sceptic positions. Members of the Convention were unhappy at the drafting of the text on the European External Action Service. The debate, which had been rehearsed already half a year earlier, resurfaced quickly. Brok argued again for an explicit inclusion of the service in the European Commission, rather than creating the service ‘in a footnote’ (Verbatim Record, European Convention, 4 July 2003):
'I think it is not right to create through a footnote in part III and a declaration a new external Service, which could be interpreted in a way that it is a third organisation between Commission and Council.'

'We cannot allow that de facto a new administration exists under the Foreign Minister, that the President of the Commission and the Commission exist only as single market machine and thus create a restriction of the rights of the European Parliament'.

European Convention Verbatim Record, 4 July 2003 (Own translation)

A lot of voices re-appeared arguing for the inclusion of the service into the Commission. It was the then German Foreign Minister Fischer who was defending the vague agreement found in the Convention with expressed but lukewarm support from the French government representative (Verbatim Record, European Convention, 4 July 2003). Fischer specified that the new service would remain governed by the conditions of employment of the Commission:

‘There will be a unitary external representation, with regards to conditions of employment it will remain part of the apparatus of the Commission. It will thus far also be under the budgetary control and the overall political control of the European Parliament. I could wish for more. This is only to maintain a balance between the double hat functions, which are attached on the one hand to the Council and on the other to the Commission.’

‘The control remains in a unitary administration with the Commission; it remains a unitary European administration. It is controlled, of course, where Parliament has rights of control, as far as it concerns control of the Commission and it will be then a part of a common external service, while naturally the other parts of the Commission also continue to exist’
European Convention Verbatim Record, 4 July 2003 (Emphasis added; own translation)

Brok responded directly to FM Fischer’s remarks, complaining in particular about the openness to interpretation of the agreement.

‘If all of the things that he has said were in the text that he has put forward, I could move in his direction. But since all of that is not there, most interpret the text the way I did. Thus, it is either a bad text, or it has been manipulated on purpose. I ask the praesidium for these reasons to look at it intensively again, so that we can have clarification, because this formula is not even the opinion of Minister Fischer. It is for that reason necessary to prevent that this third bureaucracy, this kind of kingdom in the middle, will be constructed.’ European Convention Verbatim Record, 4 July 2003 (Original in German. Emphasis added; own translation)

Several speakers in the debate argued for a need to be more precise on the service, like the Italian parliamentarian Dini:

‘There must be a clarification of the relationship between the European Union diplomatic service and the Commission. We debated that this morning, with an exchange of views between Mr Fischer and Mr Brok. We believe that we ought to revise the wording to make sure that we do not create a body that is entirely unique, autonomous and independent of the Commission, but one that has some relationship.’ European Convention Verbatim Record, 4 July 2003 (Emphasis added)

Brok and Fischer were left to work on a joint text on the details of the service during the debate (Verbatim Record, European Convention 4 July 2003). Unsurprisingly considering the differences on the floor and the agreement between governments, the final outcome still remained relatively far from concrete organisational proposals. The issue of the European diplomatic service
and its structure were thus only settled on an abstract level. While it was regretted in the Secretariat that there had not been enough time to ‘work out a better plan for the EEAS’, it was also acknowledged that further discussions on details ‘would have destabilized the agreement’ (Interview 3, Convention Secretariat official, 2011). The EEAS was thus left without a clear structure or indication which part of the EU institutions would enter into it. This vagueness would of course have knock on effects in later stages of the creation of the new service, when exactly these conflicts resurface during the establishment of the EEAS (see chapter 5).

4.5 A Stable Compromise: The Fate of the Draft Constitutional Treaty

The European External Action Service was finally entered into a paragraph in the second chapter of Title V on Common Foreign and Security Policy of the Constitutional Treaty and a declaration as to its composition and creation. This less than prominent positioning had to do with the central focus on the foreign minister role and would come back to be used as evidence of the service’s minor institutional role.

The draft Constitutional Treaty was then put forward from the Convention to an Intergovernmental Conference, which took place between October 2003 and June 2004. As members of the Convention had guessed, member states found themselves in a bind over the substance of the treaty. A careful balance of compromise had been created at the Convention, which proved difficult to change at the IGC. This is illustrated by the German government’s rather rigid position stating that the result of the Convention ‘should not be questioned’ and that ‘whoever brings up a question also carries the responsibility of finding a new consensus’ (German Delegation 2003 CIG 14/03). A Presidency document highlighted that in particular the position of ‘Union Minister of Foreign Affairs’ was ‘widely considered to be one of the main achievements of the Convention’ (Presidency CIG 2/03). The Note continues: ‘The concept of double-hatted Foreign Minister has not been called into question by any delegation’ (Presidency CIG 2/03). This of course is only the precursor to highlight those
more specific issues that delegates of the IGC did find troublesome, such as the standing of the foreign minister in the European Commission (Presidency CIG 2/03: pp. 1-2).

Despite these discussions and subsequent changes in Treaty text regarding, e.g. the specific rules of resignation of the Union Minister and the post’s role in chairing the Foreign Affairs Council, the organisational characteristics remained stable across the different versions of the Draft Constitutional Treaty. Annex 4 shows that the IGC merely moved text from a declaration into the treaty leaving only procedural points on the establishment of the service in the Declaration on the EEAS. Because of the stable nature of the Union Minister double-hat arrangement and its direct linkage to the EEAS, the service survived the IGC unchanged. Annex 4 also shows how diligently the treaty text had been transposed after the rejection of the Constitutional Treaty in the Netherlands and France. The wording of the Lisbon Treaty on the service corresponds perfectly to the wording of the earlier IGC text. Despite changing the symbolic title of ‘Union Minister’ back to High Representative, no major substantive changes were introduced in the future organisational structure of the EU in external action.

The IGC thus adopted the elements of external action substantially unchanged. This holds equally true for the subsequent rebranding of the draft constitutional treaty into the Lisbon treaty. In the end the Convention consensus narrowed the available policy space considerably, determining that the external relations structure would be run by one individual with two functions and supported by an independent service merged from the European Commission, the Council Secretariat and the member states diplomatic services. Of course, these are only general elements and do not settle precise terms of the creation of the new external service. This was to be negotiated at a later stage between another set of actors (see chapter 5). At the same time, the basic understanding of the EEAS as a ‘tripartite’ organisation that was not fully integrated into one of the existing institutions was a basis that would not be changed in the implementation process.
4.6 Conclusion

Tracing the process of decision-making in the Convention on the Future of Europe reveals the origin of the European External Action Service as a political organisation. While its organisational roots may lie with the Council Secretariat’s structures and the European Commission’s external service, its political roots are in the European Convention. Previous attempts at creating a merged administration linking EU foreign policy with EU external relations had failed (see chapter 2). The Convention, however, provided an arena that allowed the institutional rules of treaty change to be stretched, opening up something of a critical juncture for institutional change. Due to the inclusion of various groups, MEPs, national parliamentarians and representatives of candidate states, a wider bargain was found than could have been possible in an intergovernmental conference.

In the case of the EEAS, the driving force in the Convention was the political conflict between integrationists and intergovernmentalists. Both camps naturally had a variety of individual opinions. Only in a broad compromise pushed forward by MEPs and the praesidium, did the Convention create a double-hatted figure of ‘High Representative’ or ‘Foreign Minister’, who would be supported by a new tripartite organisation, the EEAS. The wording with regards to the new organisation was deliberately vague so as to allow for a number of possible interpretations, much to the chagrin of several MEPs. In particular Elmar Brok’s vision that the new service ought not to be a third organisation in addition to Commission and Council Secretariat was disappointed.

In these negotiations, actors found a compromise, which did not resemble the preferred shape of any particular individual or group, but rather represents an amalgam of interests of the member states, MEPs, national parliamentarians and European institutions. The political conflict that drove the direction of the Convention discussions was between integrationist-federalist Convention members and those that supported more intergovernmental solutions. Because of this political conflict, the Convention set out only the most general rules
regarding the new service, avoiding detail where agreement could not be found. As a result, while deciding on the creation of the EEAS and setting the ground rules for the EEAS, it left the duties, functioning and organisation characteristics to be worked out later.

This broadest of possible enacting coalitions was driven by the Praesidium’s intention to present a coherent treaty text by the entire Convention rather than present a study of a variety of options. It was championed in the Convention by a group of integrationist MEPs in conjunction with the leadership of the Convention, who left a central imprint on the institutional design. In a sub-group of the Convention, the working group on external action, the EEAS was conceived and supported by a majority of the members and the group’s influential chairman. The EEAS was nevertheless contested also in plenary by a number of actors, including the European Commission whose representatives first tried to bring it into its structure and later attempted to remove elements from the service. The EEAS only entered the treaty proposal firmly at the end of the drafting period. The service and its very basic structure were entered into this draft treaty through something that resembled a logrolling process: some members of the Convention and Member States accepted each other’s demands in exchange for acceptance to their ideas on the new EU external action structure. A Franco-German institutional reform agreement backed up the compromise. It included a double-hatted ‘foreign minister’, strongly supported by the German government and many MEPs in the Convention - as well as a permanent President of the European Council, which many MEPs had objected to vigorously. The shape of this enacting coalition is thus very diverse. Due to the differences between the actor’s views, the institutional compromise remained vague. This had knock on effects in the subsequent building of an enacting coalition as illustrated in chapter 5. But it is clear that it was the political compromise in the Convention that can claim the inception of the EEAS.

This consensus draft treaty was later more or less rubberstamped by an intergovernmental conference, merely removing titles and language that resemble a state-like structure in external action. The fact that most of the
substantial agreements, however vague, made it past two intergovernmental negotiations showed in many ways how surprisingly stable the compromise was. Member states, despite having veto powers over treaty change, find themselves unable to stop an integrationist push and merely manage to enter superficial changes. The institutional structure of the Convention in combination with the drive by the Convention leadership to produce treaty text produce a lock-in, which is hard to unpick even when the opportunity arises theoretically. It also gives an indication of the importance of path dependency in the process of institutional change as the outcome of the Convention completely structured the debate in the following implementation of the revised Lisbon Treaty. Not all issues were settled, but member states did not renege on the overall structural design. They and other actors in the Convention would, however, return to contesting the details of the new organisation during its establishment (chapter 5) and consolidation (chapter 6).
CHAPTER 5

5.1 Introduction

Agreeing to create an institution is one step, actually implementing a new bureaucratic or administrative arrangement quite another. The establishment of the EEAS as a new administrative organisation will be the focus of this chapter. It will focus on the negotiations inside and across those institutional actors who created the new body. Since agreement on the most general issue of the institution’s existence had been found earlier, this is the story of negotiating the details of an administrative arrangement among a variety of actors with diverging interests and agendas. It will move from the enacting coalition deciding on the EEAS to the executing coalition, i.e. the coalition of actors implementing through legislative acts what the service will look like. As the decision-making shifts from Convention to inter-institutional decision-making at the EU level, the analytical perspective changes. Inter-institutional processes for the establishment of new administrative actors have been approached through an EU-specific adaptation of the ‘Politics of Bureaucratic Structure’ (Moe 1989) to European regulatory institutions, namely the ‘Politics of Eurocratic Structure’ (Kelemen 2002, Kelemen and Tarrant 2011). While remaining firmly embedded in the institutionalist approach, it takes account of the specificities of the EU political system and the different preferences of the actors within it. It will be the main approach used to address the questions of how the organisation was created, and more specifically what determined its final administrative or organisational shape.

The politics of Eurocratic structure approach discussed in more detail in chapter 3 leads to certain expectations about actors preferences in the decision-making process: It sees member states in the Council cautious about transferring powers to a new body and seeking avenues to limit the authority of the new organisation and insert monitoring mechanisms. It sees parliament as seeking public
oversight processes, while the Commission will be less likely to favour transfers of competences to outside bodies where it concerns key competences (Kelemen 2002). These standard patterns of preferences interact with the institutional structure to produce an organisational form and operation that responds to the interests of the actors involved in the creation and their relative weight in the decision-making process. This is relevant also in the case of a non-regulatory organisation such as the EEAS. As will be illustrated below, despite the fact that the EEAS decision was to be adopted by the Council with consent of the Commission, the European Parliament created leverage over the outcome by using its powers from shared legislative areas.

From the official record, it is clear that the negotiations inside the European Commission started in 2004 and continued in 2005. Member states were particularly involved in discussions in 2005. After the failure of the Treaty through referenda, negotiations halted until 2008 when the Council restarted the debate under the Slovenian Presidency. After several meetings, the preparations had to be abandoned because of the failure to ratify the Lisbon Treaty in Ireland. Only with the imminent ratification of the Lisbon Treaty would the member states’ preliminary agreement be revived for concrete preparation of the new service. The outcome of those negotiations would not steer far from this early developing equilibrium of positions of member states, the Commission and the EP (Erkelens and Blockmans 2012, Murdoch 2013, see below). In between 2005-2008, negotiations on the salvaging of the substance of the Constitutional Treaty between member states touched upon external relations and the High Representative and EEAS, but did not make substantive changes or further specifications to the structure (Council of the EU 2007). The chapter covers the timeframe of the beginning of administrative preparations in 2004 up to the adoption of the EEAS decision in 2010.

When looking at the organisational set-up three items stand out for particular political relevance for the actors involved in the negotiation: the status of the new service as an EU body, the scope of the administration in terms of policy areas and topics included and the staffing of the organisation. While there were
other areas of political interest, these were the issues most directly concerned
with the administrative structure of the EEAS and thus most directly relevant for
this research. These core themes will structure the discussion of all three groups
of actors in this chapter. The following sections will illustrate how the three core
actors, the Council and the member states in it, the European Commission, and
finally the European Parliament developed their views on the EEAS and
negotiated specific rules of the organisation’s set-up. In addition to these three
central themes of an administrative organisation such as the EEAS, the sub-
sections discuss other central issues specific to each actor. Because of the nature
of the politics of Eurocratic structure approach, i.e. its focus on positions and
inter-institutional decision-making rules, the importance of the temporal
dimension is less pronounced for the outcome of the bargain. The actors’
positions and their institutional capacity to enter them into the outcome is the
central concern. The analysis will highlight the relative stability of preferences of
the main actors involved and how a compromise was reached among them.

5.2 All About Access: Member States and the EEAS Negotiation

Because the EEAS was intended to be an organisation in foreign policy, it
touched directly on prerogatives of the member states and their administrations,
which made it a core concern for all of the EU’s member states. An official
described the level of interest in negotiations on the EEAS: ‘Everyone was
extremely interested in this dossier. Not necessarily in the same things. Everybody was very much involved in this.’ (Interview 1, Council Secretariat
official, 2011). Discussions among the member states about the core areas of
setting up the new service started in 2005, and were revived in 2008/2009 when
the Treaty implementation became a more concrete task. In 2009 and 2010, the
main negotiations on the legal document took place (see Murdoch 2012).

Status

Under the leadership of the Luxembourg Presidency in the first half of 2005 and
following the demands of the draft Treaty at the time, first rounds of discussions
took place between the Commission and the Council Secretariat (Interview 6,
Senior Commission official, 2011.). The Presidency undertook bilateral meetings with member states in order to involve them in the preparatory discussion as well as develop an idea of individual positions. While it has so far been accepted in the literature that the preliminary discussions in 2005 produced very little (Missiroli 2010: p. 434, Murdoch 2013: p. 1015), this section will illustrate how they essentially narrowed the options available during the later rounds of discussions. In a preliminary survey of member states delegations in 2005 by the Luxemburg Presidency, key concepts, such as the ‘sui generis’ nature of the ‘autonomous’ new service appear already (Luxembourg Presidency 2005: p. 3.). The option to create the EEAS as an agency was dismissed by the member states, largely because it implied subordination to the Commission (Interview 1, Council official, 2011).

An indication of the sensitive nature of the preparations was the fact that institutional discussions were led by the Committee of Permanent Representatives COREPER II rather than a working group level meeting (Interview 1, Council official, 2011). Additional difficulties arose from the rejection of the treaty in Ireland, which again nearly stopped preparations. Only a procedural trick in the Council made continuing discussions on the implementation of the Lisbon Treaty provisions possible. Because early on in 2008, COREPER II could not discuss informal documents for political reasons, the Council Secretariat rebranded the discussions as ‘meetings of Permanent Representatives’ instead (Interview 1, Council official, 2011). The elements on the institutionalisation of the EEAS were thus discussed and prepared in the Antici group5 (Interview 18, Council official, 2012) and then settled in COREPER II meetings (Interviews 1, Council official, 2011, 18, Council official 2012, 16, Senior Council official, 2012). Similar observations regarding the decision-making at the top of the hierarchy are seen in the other institutions’ dealing with the EEAS set-up (see below 5.4 on the European Commission, also Missiroli 2010, Murdoch 2013): the EEAS dossier in the Commission was handled exclusively at cabinet level (Interview 6, Senior Commission official, 2011).

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5 The Antici group is the group of national officials preparing the meetings of the Permanent Representatives of the EU member states COREPER II.
On the question of the institutional status of the new service, agreement could be found only on the expression of ‘sui generis’ nature (Interview, Senior Commission official, 2011), which was derived from the Issues Paper published as an attachment to the Barroso-Solana report of 2005 (Joint Progress Report 2005: p. 4). The Barroso-Solana Report itself was the first step in the stop-and-go negotiations, written after the Convention on the future of Europe and trying to join up thinking on the EEAS between the European Commission and the Council of the EU and its foreign policy apparatus. While the sui generis expression does not say much in terms of concrete legal expectations, it precludes options that have established concepts in EU institutional terminology. The Issues Paper appears to leave the location and status of the service open: ‘The question arises as to whether this should be an autonomous service, neither in the Commission nor in the CSG, or whether it should be partly attached to either or both’ (Joint Progress Report 2005: p. 9). It is doubtful whether it was an equally open question for member states. A Council official recounts: ‘In 2005 and 2008 there was an option of putting it on the same level as an agency of the Commission, but that the member states never agreed to’ (Interview 1, Council official, 2011).

When the discussions on the EEAS were reactivated in the process of preparing the overall implementation of the Lisbon Treaty, member states returned to the state of discussions of 2005 to continue to work out their positions. A Slovenian Presidency progress report to the European Council in June 2008 directly acknowledged the preparations and discussions undertaken in 2005: ‘discussions began on the EEAS, with reference to the very useful work already undertaken in 2005’ (Council of the EU 2008: p. 9). Three formal discussions had gone into the report on 10 April, 13 May and 11 June (Council of the EU 2008: Annex). It went on to summarize the most recent discussions: the sui generis status had been accepted but needed additional detailing (Council of the EU 2008: p. 9).

The lack of fit with existing institutional arrangements such as a European agency or Commission service derived precisely from the majority view of the member states that foreign policy could not be transferred too close to the
Commission. ‘That was a condition for member states accepting that the whole security and defence part in the CSG became part of the service, that there should be autonomy’ (Interview 8, Senior diplomat, 2011). In legal and organisational terms, such autonomy could only be achieved by treating the EEAS as a so-called assimilated institution for the staff and financial regulations, while at the same time member states were stopping short of making it one: ‘But this [the autonomy on budget and staffing] never meant that the EEAS was meant as an independent institution.’ (Interview 8, Senior diplomat, 2011). The fine line that needed to be maintained is illustrated well by the amended wording of the draft Council decision on the EEAS from June 2010:

‘In order to ensure the budgetary autonomy necessary for the smooth operation of the EEAS, the Financial Regulation should be amended in order to treat the EEAS as an "institution" include the EEAS within the meaning of in Article 1 of the Financial Regulation, with a specific section in the Union budget’ (Emphasis and corrections in original, Council of the EU 2010a: p. 4)

It was essential not to call the EEAS an institution, but ensure it could behave like one. A look at the German government’s position further illustrates the contradiction in which the member states found themselves:

‘in the implementation of the Lisbon Treaty, it was particularly important for Germany that the [EEAS] would be independent from member states, Council Secretariat, and Commission and on the other hand would allow for a tight interlocking [“enge Verzahnung”] with the member states. Member states have asserted their position on this point and have been able to create a new sui generis organisation.’ (Auswaertiges Amt 2012: p. 2, own translation).

This quote highlights the apparent contradiction that member states saw the need for the EEAS to be independent- not only from other EU institutions, but also from other member states - yet at the same time working to ensure a close
link to the national system. It is these types of contradictions that become a recurring feature in the negotiations on the new organisation and in the first operational phase that will be discussed in chapter 6 below.

The subtle agreements on organisational status became finally more reliable with the Swedish Presidency and its report on the progress on the EEAS (Council of the EU 2009). The report states:

'It [the EEAS] should have autonomy in terms of administrative budget and management of staff. The EEAS should be brought within the scope of Article 1 of the Financial Regulation.' (Council of the EU 2009: p. 6).

An official describes it as a final lock-in of the agreement:

'[the document] was endorsed by the European Council, not adopted, that is not its role, but it had its blessing. You cannot really depart from this report as it had the blessing of the prime ministers and the member states agreed on the principles.' (Interview 1, Council official, 2011).

It also had another knock on effect for the negotiations:

'On the EEAS decision, the EP was only consulted. We had to have an opinion but we didn’t have to listen to it. But in order to make of the EEAS what the member states wanted to make of it, a quasi institution, what we call an assimilated institution in the sense of article 1 of the financial regulation', the European Parliament had to agree rather than merely being consulted (Interview 1, Council official, 2011).

When continuing to ‘design’ the EEAS between 2008 and 2010, the core issues resurfaced. And while member states did reopen the debate anew, they continued from 2008 to clarify the basic understanding of the service they had developed in 2005. The unique status, the ‘sui generis’ nature of the EEAS had been agreed on earlier, but needed a clear interpretation of what it actually
entailed. Thus, member states were required to develop additional detail in terms of defining the relations with the other institutions, inserting the service into the EU’s legal rules on operation and financial processes as well as integrating their staff into the civil service structure of the EU. In fact, member states agreed to treat it as an institution for all functional purposes, without using the term. In addition to determining its administrative status, which parts of the existing machinery would enter the service, or the service’s scope, was another core concern in the negotiations.

**Scope**

The scope of the EEAS as an organisation would determine, which elements of the existing institutions would be transferred to the new organisation. The agreement found in the Convention had been specific only in naming the three sources, the European Commission, the Council Secretariat and the diplomatic services of the member states (see above chapter 4) without specifying organisational parts. While an equal balance may have been the original intention, it was accepted by all sides that the Council Secretariat simply in terms of numbers of staff would not be able to carry one third of the new organisation.

Already in 2005, the component parts of the new service were seen by most delegations as encompassing the Council Secretariat’s DG-E and Policy Unit as well as DG RELEX of the Commission together with relevant geographical desks of other Commission services (Luxembourg Presidency 2005: p. 4.). While most delegations agreed already that Trade was considered outside the organisational purpose of the EEAS, ‘many argued that development aid (‘a major element of EU foreign policy’) should be included’ (Luxembourg Presidency, 2005: p. 3.). In the Joint Progress Report, support for this position had shrunk to ‘a few’ delegations (Joint Progress Report 2005). This resembles quite strongly, albeit not perfectly, the final shape of the EEAS set out in more detail five years later by Council Decision of 26 July 2010.

Another Slovenian Presidency progress report to the European Council in June 2008 detailed that some aspects of the organisation’s scope should be focused
around the policy unit and DG-E (External policies) of the Council Secretariat and DG RELEX of the European Commission (Council of the EU 2008: p. 10). It mirrored the earlier documents cited above by not including development and trade and reported the insistence of ‘some delegations that the establishment of the EEAS should aim at budget neutrality’ (Council of the EU 2008: p. 10). While upholding the previously discussed positions, it does also foreshadow additional demands, which would come to the centre of negotiations again in 2009-2010. No fundamental surprises in terms of scope may have happened between 2005 and 2010. At the same time, this is not to suggest that no disagreements existed on the issue. Far from unanimous, divergences were quite visible. While it was generally accepted that ‘[o]ne of the principal aims of the EEAS is to remove the duplication of tasks inherent in the current structures by merging the Council Secretariat positions with their counterpart in the Commission’ (Foreign and Commonwealth Office 2013: p. 2), which positions would be entered into the merger was not clear.

The German government supported the inclusion in particular of the European Neighbourhood Policy and its funding into the EEAS: ‘Neighbourhood Policy remained in the Commission, even though it represented from a German point of view a central element of the EU’s external action and should have sensibly been integrated into the EAS’ (Auswaertiges Amt 2012: p. 2). The UK government represented a similar position in discussions in Council in 2009, but relating to a different policy area: ‘We don’t want to continue with the present split between DGs Development and RELEX (with the latter becoming the EAS)’ (Foreign and Commonwealth Office 2013: p. 1). But a split between member states in the Council prevented them from finding agreement on including further elements of EU external action into the EEAS. In particular programming and implementing financial instruments in development policy were contentious:

‘[Some said] the purpose of EEAS is to have entire external action in EEAS so it [development] should be too. And in the end you will see it is half-half, the mainline of divergence.’ (Interview 1, Council official, 2011).
Since the complete inclusion of development did not materialise, evidence from the UK government highlights the shifting nature of government positions on the fluid matter of the EEAS decision: The UK then focused on a ‘strong Development Commissioner’ (Foreign and Commonwealth Office 2013: p. 13) together with a ‘EEAS role in the strategic allocation of assistance funds’ (Foreign and Commonwealth Office 2013: p.20). At least the last point would become an essential element of the early operations phase of the EEAS (see chapter 6). Partially contradictory demands like these appeared repeatedly in the negotiations of governments, which have to represent multiple domestic audiences and interests and react to changing majorities in Council.

One major difficulty in the determination of the EEAS’ scope was the refusal of the French government to let military and defence structures, which had developed over time in the Council Secretariat, be transferred to the new service (Interview 4, EEAS official, 2011).

‘There was disagreement. It was solved at the stage of the report in October. About the military structure, the military staff, planning of operations, you have a chapter in the report about this. All the structures that deal with ESDP, CSDP there was a divergence of views. There was not a divergence of views like half-half, everybody was more or less OK that these structures should be in EEAS, as the EEAS is about CSFP including ESDP, only the French had difficulties with this. They agreed in the end, provided structures are under direct authority of the HR. That’s why you see some strange formulations in the decision. Again it is mainly about structures and administrative arrangements than about substance.’ (Interview 1, Council official, 2011, similar Interview 4, EEAS official, 2011)

These comments by a Council official highlight how in this setting administrative structures are actually substantial and substantive policy choices and governments consider what precedents agreements to institutional structures may create. French fears over the inclusion of military matters into the EEAS
were thus only alleviated once it had been made clear that these structures would remain under the direct authority of the High Representative rather than being fully integrated into the service’s wider organisational structure. With these general organisational principles on the table, another element was to become the main concern in all member states: the question of access of member states staff to the EEAS and its senior positions.

**Staffing**

Member states’ concern with staffing of the EEAS surfaced first in the preparatory rounds of 2004/2005. The Joint Progress Report stated:

‘As its staff will be drawn from three sources (Council Secretariat, Commission and Member States), Member States underlined the importance for them of having a sufficient number of national diplomats in the EEAS and in a range of positions at all levels.’ (Joint Progress Report 2005: p. 6).

Far from being just another point of discussion among many, it developed into a core demand of the member states vis-à-vis the Commission and the High Representative. Directly linked to this demand was the position of member states that diplomatic personnel sent to the EEAS should be ‘temporary agents rather than seconded national experts to ensure that all staff in the EEAS had the same status and conditions of employment’ (Joint Progress Report 2005: p. 6). From this early mention in the 2004/2005 discussions, the staffing question gains centrality like no other individual issue area for the member states. The ‘importance of ensuring an adequate number of diplomats from the Member States participating in the Service at all levels’ is equally repeated in the 2008 Presidency Report (Council of the EU 2008: p. 10) and remained the central point of contention for member states throughout the setting up of the service. The questions were to return repeatedly in the negotiations, but these basic positions of direct and deep access to the EEAS and the status of member states’ staff were not revised since 2005. These demands, however, created the need to adapt EU legislation on the civil service to take into account the new staff. This
meant the revision of financial and staffing regulations to include the EEAS and its staff from three different sources. And while vague agreement on a principle like ‘sui generis’ could be found, the negotiations about detail were more complex than simple amendments to existing legislation.

Managing the financial and staff regulation through the Council was described as ‘very painful’, as it ‘touched directly upon member states’ (Interview 18, Senior Council official, 2011). Member states realised that because of their nature as specialised administrations in Brussels, both the European Commission and the Council Secretariat would be ‘in first, which triggered the mistrust’ (Interview 18, Senior Council official, 2011). Staffing became thus a major element for member states to keep a close eye on the new organisation and in many ways anticipated issues of control that were to resurface in the operation phase discussed in chapter 6. Despite disagreements over other issues, this staffing dilemma proved to be at the core of the negotiations for member states:

‘The member states also didn’t negotiate very well, by the way, because their attention was disproportionately on numbers, again: how do we get in? At what level, with how many people? They were putting in second order the structure and the functioning. They (the member states) were not worried about the Council Secretariat, they were worried how they could get into the system’ (Interview 2, Council official, 2011).

This emphasis on a narrow issue had a negative impact on the strength of the member states’ negotiation position in addition to the challenges that the Council’s negotiated position presented vis-à-vis the European Commission’s centralised decision-making (Murdoch 2013). The focus on personnel numbers and hierarchy levels relegated other important elements of the decision to a less essential status. It did, however, present an issue in which member states were not divided in their negotiations. Even in the final rounds of negotiations in 2010, small coalitions of member states addressed the need to create entry points for national staff. A joint letter from the British and Swedish Foreign Ministers Miliband and Bildt to Catherine Ashton from 3 March 2010 states:
‘There must be a concerted effort to bring temporary agents at all levels, including delegations, into the EAS at the beginning’ (Miliband and Bildt 2010: p. 2, underlined emphasis in original). They also express the worry described by an official above (this section), that the EU institutions would use the interim period to fill interesting, and open, posts in the absence of an agreement on the EEAS:

‘We are concerned with the fact that both the Council Secretariat and the Commission continue to fill such appointments in the interim period, or that in some cases they are being moved outside of the scope of the EAS altogether; this is not the way it should be.’ (Miliband and Bildt 2010: p. 3).

The UK government also continued to press for setting up a new recruitment system to the EEAS after a short transitional period with the Commission system (Foreign and Commonwealth Office 2013: pp. 2, 7, 42). Other concerns in the UK documents relate to the speed with which member states are notified of open positions (Foreign and Commonwealth Office 2013: p. 7) and EU-typical language requirements (Foreign and Commonwealth Office 2013: p. 7), favouring officials from the institutions. Member states perceived getting into the EEAS as a major challenge, despite the fact that their diplomatic services were supposed to supply one third of EEAS staff.

A relevant sub-element of this discussion in Council is the status of national diplomats as temporary agents, which was also reflected in the German position on the matter. The German Foreign Office, or Auswaertiges Amt, stressed that it

‘insisted during the negotiations that they [national diplomats] would be treated equally to EU civil servants and can fill any function in the service (as temporary agents) and are not limited to desk officer jobs like seconded national experts’ (Auswaertiges Amt 2012: p. 2).

The document continues to highlight the need for diplomatic expertise and that only national diplomats would be able to guarantee ‘a tight interlocking with
national capitals’ which should create ‘ownership’ in the member states (Auswaertiges Amt 2012: p. 2, own translation). These are indications that member states realised that the organisation could become more independent than the name service implies and that having control of staffing in the service may be the more effective way of influencing it once operational. This concern for operational control played out more directly in the next phase of institutional creation discussed in the following chapter 6.

Other topics of negotiations: when policy meets institutional design

While the scope, structure and staffing of the EEAS were the core themes of negotiations, they were not the only points of contention in the negotiation. Various quasi–institutional arrangements, such as the chairing of the different Council preparatory bodies were of some concern to the member states as well. Member states in Council also started to dissect the chairing arrangement, clearly being hesitant to hand over chairmanship of all Council preparatory bodies to a permanent EEAS chair (Council of the EU 2008: p. 11). From the documentary evidence from the UK and Germany, it is also clear that at least some of the issues discussed in form of an institutional choice were of a substantive foreign policy nature. The UK, for example, looked beyond the creation of the EEAS to restructure the EU’s administration in relation to the importance of certain regions and countries: ‘Building up capacity in EU delegations.’; ‘targeted reinforcement in places like Beijing and Washington’; plugging geographical gaps in the EEAS: e.g. need for a ‘proper Turkey desk’ (Foreign and Commonwealth Office 2013: p. 31). It also started interrogating potential issues that would arise after the Council decision, such as the capacity of the EEAS to work on external effects of internal policies, the handling of crisis management in EEAS senior management and ‘the relationship between the very top team’ (Foreign and Commonwealth Office 2013: p. 30). These notes highlight the fact that institutional choices with regard to the EEAS were seen as policy choices and that negotiators were consciously discussing on that basis. A particular institutional settlement– the non-inclusion of a policy area under the HR, for example- would mean a policy run differently and thus with potentially different outcomes or attention. Equally, the creation of an additional layer of
hierarchy enabled immediate insertion of member states' diplomats, something that may have been made slower and more difficult by retaining the original hierarchical layers without managing directors.

As member states were so directly concerned and very interested, their preferences played a major role in the negotiations. An important element of structural politics at the EU level is that while mechanisms exist to find internal agreement, factors external to each of the EU institutions are brought in during the internal negotiations. In this case, member states could not settle on a final opinion before having to take into account the opinions of the other actors. As per the Treaty changes, the European Commission had a veto on the changes taking place, as ‘agreement’ by the Commission was established in the text.

5.3 Protecting Prerogatives: The European Commission

In the negotiations on the EEAS, the European Commission was always positioned as a central actor. Both the original mandate of the Constitutional Treaty and the mandate of the Lisbon Treaty demanded the agreement of the Commission for the decision establishing the EEAS by mandating that the Council needs to ‘obtain the consent of the Commission’ (Council of the EU 2009). This veto power made any agreement dependent on how the European Commission envisaged the new service as well. The Commission was thus always a party to the negotiations, both for practical reasons due to its role in EU external relations as well as the procedural requirements of the legal text. The Commission had also been party to the discussion that created the EEAS in the European Convention as highlighted in chapter 4 and continued to develop a strategy on what type of administrative organisation to build to further its own interests.

Status

In the early preparations, before even the publication of the Solana Barroso Progress Report, the Commission was already developing its position on the scope of the EEAS. For the Commission this was perhaps the most essential part
of the negotiations as it would determine which parts of the institution were to be transferred to the new service. The nature of these early discussions between the Commission and the Secretariat around that time was characterized ‘not only by the negative fearful attitude of my side, the Commission, but by the way in which, in the Council Secretariat also, this was seen very much as a struggle for power’ (Interview 6, Senior official, DG RELEX, 2011; similar in Interviews 2 and 16 Senior Council officials, 2011, 2012). The Commission was notably absent from this inter-institutional dispute and never for one moment supported the Parliament’ in positioning the service in the Commission (Interview 6, Senior official, DG RELEX, 2011, Council Secretariat official 2012, Interview 23, Senior EEAS official, 2012, EP Assistant 2012). The reason for this was at the time seen in the upcoming renomination of Barroso as Commission President (Interview, Senior Commission official, 2011). Despite appearing surprising, the position is consistent with some of the positions taken by members of the Commission during the Convention as has been demonstrated in chapter 4. Already in the Convention, the Commission stressed the need for a single institutional source, but did move away from the position that the ‘centre of gravity for policy initiative and for ensuring coherent action should therefore lie within the Commission’ (European Commission 2002a: p. 13) to a weaker one ‘benefiting from the administrative infrastructure of the Commission’ (European Commission 2002b: p. 13).

From the very start in 2004/5, member states discussions and inter-institutional discussions were strongly linked. The European Commission started a slow process of internal preparation, which played an important role in the institution’s positioning vis-à-vis the new service. After the member states had found an agreement on the final text of the Constitutional Treaty in 2004, the preparation of the new service began on a small scale and lasted until May 2005 (Whitman and Juncos 2009: p. 34). Inside the European Commission, an inter-service group encompassing representatives from the Secretariat General, the Legal Service, and the various external relations services discussed options (Interview, Senior Commission official, 2011). In a draft document circulated in the European Commission at the time, the process and options facing the EU
institutions with the expected ratification of the Constitutional Treaty were spelled out (European Commission 2004). Some parts of this document later became an annex to the first Joint Progress Report by the Commission and the High Representative on the EEAS in 2005 (Joint Progress Report 2005). It highlights the difficulties of starting preparations because the Treaty had not been ratified and the new European Commission had not taken office officially. From the point of view of the Commission, this prohibited any formal preparatory discussions with the Council Secretariat. At the same time, the draft document does consider that strategically the first step of preparations should be ‘Council Secretariat and Commission should dialogue and, if possible, develop common ideas, before engaging discussions with member states’ (European Commission 2004b: p. 6).

Scope

The Commission services clearly saw the potential range of organisational options still available to them based on an either restrictive or expansive reading of the Treaty text. In a narrow reading, the service could be construed as only serving the second pillar, or questions of Common Foreign and Security Policy. This option was seen as best suited to ‘protect and preserve the Commission’s autonomy’ (European Commission 2004b: p. 8), while at the same time not providing any improvement on the EU’s ability to act coherently abroad. The EEAS, under this arrangement, would be little more than fulfilling the role of Council Secretariat ‘but under another name’ (European Commission 2004b: p. 8).

A wider interpretation would include all first and second pillar elements of the EU’s external action and bring with it an opportunity to improve the EU’s coherence and visibility in external action. At the same time, the draft discussion document warned of the ‘risk of interference of the intergovernmental method’. (European Commission 2004b: p. 8). It was also seen as reducing the ‘Commission’s independence in the field of external affairs’ (European Commission 2004b: p. 8). The resulting conclusion is that the Commission’s interest would be for ‘the EEAS to have an administrative status as close as
possible to a service of the Commission’ (European Commission 2004b: p. 10). It should be dependent on the role of the service, which Commission departments would be joining it.

Under a limited second pillar understanding this would be only the CFSP parts of the Commission and would exclude other services and even the delegations (Interview, former senior official DG RELEX). This ‘total resistance’ argument retreated one step further saying:

‘it doesn't say in the Treaty that it (the system of EU delegations) would be in the EEAS, so it's not in the EEAS and it should be separate structure coming under the HR’. (Interview, former senior official DG RELEX, 2011)

On the contrary, under a wide interpretation of the provisions, also presented in the options paper, the Commission could foresee the inclusion of all geographic and thematic Commission services including Trade and Development joining the EEAS. But this wide approach did also not find the support of the Commission.

A paper circulated jointly by Barroso and Solana in March 2005 argued that the insertion of a new legal basis in the Treaty meant that the creation of a ‘new integrated service’ was required, albeit leaving open the question whether it should be autonomous or attached to either or both parent institutions (Joint Progress Report 2005). On the structure of the new service, it included as previously thought almost all of the CSG external relations services leaving in doubt only the Situation Centre. With regards to the Commission, it accepted the integration of geographical desks from DG RELEX. It excluded most parts from the Directorates-General Trade, Development and Enlargement from being integrated into the service.

‘From the maximalist vision of having everything [in the service], but that is exactly the Commission vision, they did not want a very strong EEAS. Yes, strong, but within boundaries. No question of putting development, enlargement or humanitarian money in it. When I say the Commission, I
don't mean the Commission departments that ended up in the EEAS, I mean the Commission as an institution. That’s the vision we have now in the EEAS, it’s a limited EEAS.’ (Interview 2, Council Secretariat official, 2011)

In the short time span between November 2004 and spring 2005, the Commission had considered a range of options and was already preparing to withdraw thematic elements from the reach of the EEAS. Divisions between member states over which elements to include enabled a narrower conception of the service (Joint Progress Report 2005: p. 4.). Because the internal process in the Commission was highly political and decision-making was led by cabinets, and in particular the cabinet of the President of the European Commission (Interview 6, Senior Commission official, 2011, 16, Council Secretariat official, 2012, Interview 18, Council official, 2012), documentary evidence for its position is hard to come by. This is balanced by the literature, which has to date focused on the negotiations and by interviews led with observers and participants in the process. The Commission equally did not entertain revising its position later in the process. The growing literature on the negotiations of the service appears to concur that the Commission in the 2009-2010 negotiations ‘sought to ensure a strong influence [of the Commission] over the new service’ (Lefebvre and Hillion 2010: p. 3). This strategic behaviour on the part of the Commission is illustrated by what Erkelens and Blockmans called ‘bureaucratic manoeuvres’ (2012: p. 6).

This manoeuvring included making the head of the Barroso cabinet the director general for external relations in the Commission, and subsequently promoting him to the desirable posting in Washington, D.C. This move seemed to have fuelled the distrust that had developed between the negotiating parties. Barroso also removed parts of DG External Relations dealing with climate change and an energy task force to maintain full control over Community areas (Erkelens and Blockmans 2012: p. 6): ‘The Commission continues to insist that it should manage the EU’s delegations abroad and wants to limit the scope of the EEAS, reserving policy areas for itself’ (European Voice 2010). The Commission’s position had thus remained unchanged from its contributions to the Convention
on the Future of Europe (see chapter 4). And even in 2010, the Commission had not given up on the network of delegations. Lastly, Barroso also decided that the head of the EEAS, the High Representative and Vice-President could not stand in for him because of the HR’s particular mandate (Erkelens and Blockmans 2012: p. 6). These moves of 2010 are consistent with the position of 2004-2005 that the service was essentially seen as an actor that needed to be contained, by restructuring its constituent parts inside the Commission and at the same time maintaining control over relevant policy areas and budgetary expenditure.

Staffing

For the Commission, staffing questions were directly linked to the question of scope, as the scope of the new service determined how many Commission officials and sections would be transferred to the EEAS. Because of the nature of delegations, which would include officials from Commission departments in greater numbers than staff of the EEAS, staffing in the EEAS, in particular with regards to Heads of Delegation was of direct concern to the Commission. While in early preparation, there had been at least for argument’s sake a position inside the Commission that stated the delegations for the EEAS would be separate from those of the Commission:

‘it never said in the Treaty that the delegations would be part of the EEAS. You know it says, there will be EU delegations, it doesn’t say that they would replace the COM delegation, so it took about a year or so to, in the Commission for people of common sense [...] to get it accepted that point 1: the union delegations would be formed out of the Commission delegations. There were actually people saying: “oh, there are going to be two networks, isn’t that the best solution for the Commission”.’ (Interview 6, Senior Commission official, 2011)

This was at least to a degree a reflection of the positions in the 2005 Issues Paper (Joint Progress Report 2005: p. 11), where it states that ‘the question arises as to whether in view of the various responsibilities in terms of external representation of the EU as described in the treaty (see Articles 22, 26 and 296
in particular), the delegations should form part of the EEAS or not’. This again reflected the Commission’s view during the Convention, when its representatives attempted to carve out the delegations from the EEAS structure (see chapter 4). Despite not achieving in the final outcome anything nearly as complete as carving out the delegations from the new service, the Commission maintained a say on the staff nominations. The Council decision itself remains rather general on this question, merely stating that ‘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’ (Council of the EU 2010b: p. 35). On the basis of this general principle, the EEAS and the other actors would set up specific procedures during the consolidation phase (see below chapter 6).

*Other elements: lines of command and operational expenditure*

In addition to scope and staffing, the Commission’s specific relation to the EEAS and delegations meant that it was concerned about the nature and path of directives given by the EEAS to the delegations and their staff, as well as the budgetary management of Commission run funds. Decentralisation efforts in the external relations field had by the early 2000s created a system whereby a larger number of decisions about project implementation was being run by delegations in the country rather than by headquarters in Brussels.

On budgetary matters, the Commission was aiming at ‘[preserving] and [protecting] its prerogatives’ (Interview 6, Senior Commission official, 2011) under the Community way of policy-making. The EEAS as an entity with non-Commission staff could not carry the ultimate responsibility on ‘all operational expenditures’ (Erkelens and Blockmans 2012: p. 22). Erkelens and Blockmans found that ‘as a result from the quadrilogue the budgetary connection between the Commission and those departments it had “lost” to the EEAS was to a large extent restored’ (2012: p. 23). These financial and budgetary management obligations would also have organisational repercussions by creating the most unusual institutional arrangement between the EEAS and the European Commission. Elements of the Commission dealing with the implementation of financial programmes including CFSP instruments remain part of the
Commission but are directly linked by hierarchy to the High Representative (Interview 21, Commission official, 2012). This Foreign Policy Instruments Service (FPI) is legally an integral part of the Commission and its staff is Commission staff, while at the same time being included in the EEAS organigramme and occupying part of the EEAS building. Despite being a small service, it represents an interesting organisational expression of the EEAS-Commission divisions and linkages. It also illustrates the double-hatted nature of the HR as not only head of the EEAS, but also VP of the Commission.

5.4 From Cheerleader to Controller and Back Again? The European Parliament Creates Leverage

Several authors have highlighted how the European Parliament used its leverage over the staff and financial regulations as a legislator to gain concessions from Council (Murdoch 2013, Raube 2012), but much less detail is known about the origin of the EP’s position and its evolution over the course of the negotiations. The EP’s move from the sideline to the negotiating table shows the strong institutional and supranational elements in the setting up of the EEAS. Much like Council had done, in 2009 the EP reiterated and expanded on the positions it had expressed already in 2005.

From a simple legal perspective, the European Parliament was an outsider in the negotiations on the European External Action Service. Nevertheless, it played a major role in the discussion on the structure of the service and entered a new form of negotiations, the quadrilogue between the High Representative, the Council, the Commission and the EP, thought up for the purpose of setting up the EEAS. As parliaments would normally be suspected to be less coherent than governments, one surprising element of the EP’s negotiating position is the stability of its views from the Convention to the EEAS decision. Just like the Council and the Commission, the EP needed to find an internal compromise first in order to enter into the concrete negotiations. To achieve this internal coherence, the EP had set up an ad hoc format, formally led by the EP President. It included the rapporteurs from different relevant committees in the EP and
reflected the EP's make up in terms of party groups. The main work of negotiation rested, however, on the team of three rapporteurs for the EEAS, conservative Elmar Brok, liberal Guy Verhofstadt and socialist Roberto Gualtieri. A green MEP, Franziska Brantner acted as a liaison between the rapporteurs and the green MEPs. The following substantive analysis of the European Parliament’s views on the setting up of the EEAS will follow the structure established above as the issues of status of the service, its scope and staffing were central also from the EP’s point of view, even if not necessarily from the same angle.

**Status**

The European Parliament engaged early on with the developing discussion on the EEAS and its set-up in 2005. This engagement is not surprising, considering the active role members of the European Parliament had played during the inception of the EEAS at the Convention on the Future of Europe (see Chapter IV). It adopted a ‘European Parliament resolution on the institutional aspects of the European External Action Service’ on 26 May 2005, tabled by Jo Leinen from the Constitutional Affairs Committee (European Parliament 2005). The EP reiterated its main institutional point, which set it apart from the majority in Council and even from the Commission: the EP stated explicitly that ‘the EEAS should be incorporated, in organisational and budgetary terms, in the European Commission’s staff structure’ (European Parliament 2005: p. 1). The EP maintained the position that its member of the European Convention had repeatedly voiced: that the EEAS should be part of the Commission and function under the control of Council only in CFSP and specific intergovernmental parts of EU’s foreign policy. And while the EP declaration acknowledged the need for the ‘Foreign Minister’ to follow Council processes in the case of foreign policy, it equally insisted that she follow majority decisions of the College of Commissioners in external relations (European Parliament 2005: p. 2). In this general resolution, the EP underlined that ‘a decision to set-up the EEAS cannot be taken without Parliament’s agreement’ (European Parliament 2005: p. 1) although the legal mandate refers to a mere consultation of the EP (Council of the EU 2009). This foreshadows the shrewd use of its legislative role in negotiating with the Council and the Commission later in 2008-2010 (Dinan 2011: p. 112-3).
The establishment of the EEAS necessitated amending the staff and financial regulations for which the EP acted as a co-legislator. Through this legislative role, the EP leveraged itself into a seat at the negotiation table for the establishment of the EEAS, the format of which was commonly referred to as ‘quadrilogue’, consisting of the Council, the Commission, the High Representative and the European Parliament.

These positions on the status of the EEAS from the year 2005 were reactivated upon the ratification process of the Treaty of Lisbon in 2009. Very much like the Council, the EP re-opened the case on the EEAS after the treaty reanimations of 2008/2009. In an equally more detailed ‘European Parliament resolution of 22 October 2009 on the institutional aspects of setting up the European External Action Service’, the EP repeated its central demands and added considerable detail to its original position (European Parliament 2009b). It also made a political call on the Commission to ‘put its full weight as an institution behind the objective of preserving and further developing the Community model in the Union’s external relations’ (European Parliament 2009b: p. 2).

The EP reaffirmed its position that the EEAS ‘as a service that is sui generis from an organisational and budgetary point of view, the EEAS must be incorporated into the Commission’s administrative structure’ (European Parliament 2009b: p. 3). The EP apparently did not consider the notion sui generis to necessarily mean that the EEAS needed to be situated outside of the Commission. It further specified that it would see the EEAS’ budget as part of the budget of the Commission’s administrative expenditure (European Parliament 2009b: p. 3). This arrangement would have resulted in a complete administrative integration of the EEAS into the Commission, but would have still left decisions taken in foreign policy and defence under separate procedures.

In this EP resolution in 2009, the EP made the formal connection between the revision of the financial and staff regulation and the EP’s involvement in the setting up of the EEAS (cf. also Interviews 1, 2, 4, 8, 18, 24, 2011-2013):
‘recalls the need to find an agreement with the Parliament on the future Commission proposals amending the Financial Regulation and the Staff Regulations; reiterates its determination to exercise its budgetary powers to the full in connection with the institutional innovations; emphasises that all aspects of funding arrangements for the EEAS must remain under the supervision of the budgetary authority in accordance with the Treaties’ (European Parliament 2009b: p. 4)

The fact that the EP equally repeated its claim to the Commission to pull its weight in the negotiations nevertheless shows that MEPs were aware that they needed cooperation from the Commission to achieve changes on the EEAS structure. (European Parliament 2009b: p. 2). This support was found lacking as one staffer reveals: ‘The EP saw itself as an ally of the Commission and that may have been a mistake’ (Interview 24, EP assistant, 2012). The Commission’s cooperation with the EP had been found lacking during the negotiations (Interview 6, Senior Commission official, 2011; Interview 24, EP assistant, 2012).

The more detailed preparation for the negotiation with the Council and Commission in the quadrilogue dampened expectations. In a ‘non-paper’ written by two of the three rapporteurs in early 2010, i.e. Elmar Brok and Guy Verhofstadt, the EP position was limited to arguing that the EEAS should be autonomous and ‘in administrative, organisational and budgetary terms linked to the Commission’ (Brok and Verhofstadt 2010: p. 2). Between the first official stance of the EP on the institutional structure of the EEAS in October 2009 and the actual negotiation preparation in March 2010, some demands were muted considerably. Nevertheless, the EP delegation to the EEAS negotiations, or quadrilogue held onto its positions for a long time. As late as June 2010, the Conference of Presidents, an internal political steering organ of the EP, stated:

‘However, there is so far no agreement on the nature of the EEAS. The Parliament believes that the Service should be more communitarian than inter-governmental in character, and this is why the Parliament insists that it is attached to the Commission.’ (European Parliament 2010a)
In particular, Verhofstadt was considered to have held onto the EP ‘line to take’ the longest (Interview 24, EP Assistant, 2012). In the end, the EP had to concede that the EEAS would be sui generis in a stronger sense, i.e. that it was not going to be an integral part of the Commission. The final Council decision did, however, include full budgetary control over operational expenditure for the European Commission. This in turn gave the European Parliament the budgetary control it sought to maintain.

Scope

The EP’s position on status may have been crystal clear, but its view of the scope of the new organisation was less so. With the uncertainty of the negotiating outcomes and high levels of concern for the ‘Community model in the Union’s external relations’ (European Parliament 2009b: p. 2), the EP apparently did not want to dismantle all of the Commission’s external relations departments: ‘it is not, however necessary to strip the Commission Directorates-General of all their external relations responsibilities, particularly in fields where the Commission has executive powers’ (European Parliament 2009b: p. 3). Its more specific points demanded that external relations units ‘in the stricter sense’ and senior delegation officials should be integrated into the EEAS (European Parliament 2009b: p. 3), but the EP indicates flexibility when it comes to which subset of Commission departments is finally integrated into the service (European Parliament 2009b: p. 3).

At first, the EP remained cautious about areas in which the Commission retained strong powers. This is unsurprising, given that the EP saw the EEAS as ‘a logical extension of the acquis communautaire in the sphere of the Union’s external relations’ (European Parliament 2009b). It wanted the EEAS to bring Community control into areas of foreign policy, rather than allow member states to regain control over established supranational policy areas. Nevertheless, the Brok-Verhofstadt (2010) working paper was maximalist rather than anything else in terms of the EEAS scope: it foresaw the inclusion not only of geographical desks and multilateral action, but also development, human rights and democracy
promotion, international environmental policy. In particular development policy is an interesting occurrence, as it was also on the organisational wish list of several member states (Foreign and Commonwealth Office 2013, Interview 3, Convention official, 2011, see also above in this chapter) but wasn’t retained in the final outcome.

As in the case of the Council, positions of the Parliament shifted in response to the process of negotiations and submitting their demands to the scrutiny of the other negotiating partners. One participant in the negotiations recalled:

‘I think that Brok became convinced during the process that there was no possibility of the Parliament getting what they were asking for and actually gave higher priority on what he called the political accountability of the HR than to issues like its attachment to the Commission’ (Interview 8, Senior diplomat, 2012).

Linking the EEAS closely to the Commission was only ever one concern among several, and the EP held on to its position until a relatively late stage with a view to achieving other goals as well. As one official noted: ‘sometimes the EP has very militant immediate requests but the effects are difficult to evaluate, even for them’ and the EP ‘plays in the medium term, like the Commission’ (Interview 2, Council official, 2011). The EP may have settled for change in areas that appear of limited importance today, in order to create precedents for future changes. One element where this negotiating behaviour has become apparent is the question of staffing in the EEAS.

Staffing

Like the member states, the EP had in 2005 addressed staffing concerns, albeit of a different nature. The EP wanted ‘balanced and appropriate proportions of officials’ originating from the three different sources (European Parliament 2005: p. 2). In particular the dominance in terms of numbers of European officials vis-à-vis national diplomats was a central point of concern in the European Parliament (Interviews 1, Council official, 2011, 20, EEAS Senior

The EP’s demands on staffing were driven by a wish for fair geographical representation, especially from those member states less well represented in the Commission and Council. In April 2010, Brok and Verhofstadt still recommended the use of a system similar to the hirings into the Commission after enlargement:

‘The legitimacy of the service, building on the sense of ownership by all, strongly depends upon an adequate geographical representativity of its staff of all grades and posts. For that purpose, national indicative recruitment targets should be established for all nationals. The principle of temporary provisions as applied in the Council Regulation 401/2004 shall be laid down for under-represented Member States.’ (Brok and Verhofstadt 2010: p. 8).

In particular, Polish MEP Saryusz-Wolski was a regular campaigner for increased access of new member states’ personnel, but failed to secure quotas or stricter rules for enforcing so-called geographical balance (European Voice 2010). Another element that developed into a contentious point for the European Parliament in the negotiations was the nomination of EU ambassadors to the EEAS delegations. The Brok-Verhofstadt working paper clearly staked out the demand:

‘Appointees to senior EEAS posts and strategically important political decisions on the ground (Heads of Delegations, EUSRs) are to be heard by

⁶ ‘Permanent officials of the Union should represent at least 60 % of all EEAS staff at AD level’ Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service.
the relevant parliamentary committee, before taking up their duties, so as to provide them with sufficient political legitimacy and authority. (Brok and Verhoftstadt 2010: p. 5).

Other elements: political accountability

In addition to demanding a say in the personnel policy of the EEAS, this demand was one element of the drive towards political accountability, which characterized the negotiation of the EP delegation. The outcome did not result in US style hearings in the EP, but rather a European compromise. A parliamentary Committee behind closed doors would exchange views with heads of Delegations after they had been nominated but before they took up their post (Interviews 2, Council official, 2011; 20, Senior EEAS official, 2012; 24, EP assistant, 2012). The original proposal by the HR in conjunction with the member states had only foreseen an ‘informal exchange of views with [Heads of Delegations to] strategic partner countries’ (Interview 20, Senior EEAS official, 2012). The EEAS side underlined the fact that these were ‘non hearings’, while the EP stressed it had achieved the right to a hearing of heads of delegation (Interview 20, Senior EEAS official, 2012). While the EP clearly did not get what it wanted out of these negotiations, neither did the other side. Where the initial proposal planned on informal meetings for a limited and clearly defined number of posts, the EP received formal meetings for those posts the EP deemed strategic or relevant (Interview 20, Senior EEAS official, 2012). Some perceived this as a placebo, or a ‘smokescreen’, for the European Parliament (Murdoch 2012: p. 1018). In the medium term, a different interpretation of the outcome may yet emerge, as a senior EEAS official speculated ‘if a member state has a good diplomat who was been through the whole system, assessment centre, shortlist, appointment by HR if that person is then dumped by EP, it will create real problems’ (Interview 20, 2012).

Like the exchanges of view with heads of delegations, other elements of the EP position were retained in the negotiation but not in the Council decision, but rather ended up in a declaration on political accountability. While the exchange of views clearly relates to nomination and influence on staff and their priority,
some other features belong in a separate category, political accountability. The special declaration on accountability (DPA) by the HR linked directly to the Council decision on setting up the EEAS was the European Parliament’s consolation prize (Helwig 2010: p. 244). Parliament’s delegation had focused on it when major other demands outlined above became unlikely to materialise. The DPA codified the concessions made to the EP on exchanges of view of nominated ambassadors, including specific agreements of information exchange on CFSP and CSDP missions, and the requirement of a politically accountable representative to appear in parliament (Declaration on Political Accountability 2010).

5.5 Towards the 2010 Decision

In between the inter-institutional triangle above, the negotiations on the setting up of the EEAS are distinct in one specific way. Institutionalist theory expects the institutional landscape to change with the creation of a new organisation. Moe has put it most concisely: ‘Once an agency is created, the political world becomes a different place’ (Moe 1989: p. 282). The EEAS was only created at the end of these negotiations, of course, but there was a new element in the negotiations. The High Representative of the Union for Foreign Affairs and Security Policy was appointed in November 2009 and was party to the ‘quadrilogue’ negotiations, in particular since the HR was required to propose the decision on the setting up of the EEAS (Council of the EU 2009: p. 3). As High Representative, Catherine Ashton, had been tasked to draft the decision to set up the EEAS and implement it. Of course, without an administration of her own (Erkelens and Blockmans 2012: p. 14) the HR had to resort to a number of administrative stopgap measures to make up for the missing institutional back office usually in charge of such a task.

The Swedish Presidency had foreseen a preparatory group to assist Ashton in her task, but Ashton chose to follow a different approach (Interview 8, Senior diplomat, 2011). In early 2010, she set up a ‘steering committee’ (Murdoch 2012: p. 1017) or ‘high level group’ (Erkelens and Blockmans 2012: p. 15), which
included a strong representation of the Commission and the Council and representatives of the rotating Council presidencies tasked to deal with the EEAS set-up (EUobserver 2010, European Voice 2010). While one might think that this strong buy-in of the two main parties needed for agreement should be conducive to finding a compromise, it was not. Murdoch reports the ‘collapse’ of this format after only a few meetings (2012: p. 1017). A senior official summed up the result with: ‘That group started to work, but frankly without much success.’ (Interview 8, Senior diplomat, 2011). This is a recurring theme in the relevant interviews, partially being described in even more negative terms: ‘It was a dark period [...], the atmosphere was very bad. Nothing had happened in this group she had set up.’ (Interview 8, Senior diplomat, 2011). While this is not corroborated in Erkelens and Blockmans (2012), the gist of the argument - that substantial progress on a draft decision was only made upon appointing a senior Danish diplomat, Poul Skytte Christoffersen as special adviser- is consistently presented in the literature (Murdoch 2012: p. 1017) and in interviews (Interview 1, Council official, 2011; Interview 8, Senior diplomat, 2011). From then on a small informal team started to do the work of the steering committee, albeit with less guidance: the group had ‘no specific mandate, no specific task’; they were ‘not even paid’ (Interview 8, Senior diplomat, 2011). Seconded national diplomats, the Council and the Commission, rather than EEAS own staff thus did the first round of drafting on behalf of Ashton. It was also observed that the work that had been done before was ‘really based on a very narrow concept of the EEAS. Sort of an administrative unit for CFSP and [it] did not at all correspond to the broad approach, which was I think the consensus among member states’ (Interview 8, Senior diplomat, 2011). This appears to reflect an approach held in parts of the Commission for the EEAS (see above).

The new group representing the EEAS in at least an informal way built its work on the Swedish Presidency report and the earlier discussions in COREPER (Interview 8, Senior diplomat, 2011). HR Ashton was particularly involved in elements of the ensuing negotiation with the Commission, which is unsurprising given her previous post as Trade Commissioner and a cabinet with those direct links. These negotiations of course concerned staff numbers, divisions of
development policy and the EEAS as well as the nominations of heads of delegation (Interview 8, Senior diplomat, 2011). At the same time, her cabinet seem to have kept more distance to the other parts of the negotiations (Interview 8, Senior diplomat, 2011). Despite this approach towards the Commission, it appears to not have eased the pressure during negotiations.

‘Ashton in the compromise [...] had been quite forthcoming towards the Commission. And actually agreed solutions [...] went further than most member states actually thought was wise in pleasing the Commission. But I would say that we didn’t have a positive response or benefit from that by having a more flexible approach to the Commission.’ (Interview 8, Senior diplomat, 2011)

In addition to being ‘framed’ by the European Council from before having taken office (Erkelens and Blockmans 2012: p. 10), the HR/VP had to contend with a demanding European Commission.

The decision

The final outcome of the four party negotiations, i.e. the ‘Council decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service’ (Council of the EU 2010b) had taken several steps to mature, including the Swedish, Spanish and Belgian Presidency. After several rounds of talks, the ‘last and decisive round of quadrilogues took place in Madrid on 21 June 2010’ (Erkelens and Blockmans 2012: p. 20). Despite a hiccup in the negotiations (Murdoch 2012: p. 1017), the final set-up of the EEAS has remained in the framework set out in earlier documents. Its official status was determined to be a ‘functionally autonomous body of the European Union separate from General Secretariat of the Council and from the Commission with the legal capacity necessary to perform its tasks’ (Council of the EU 2010b: art. 1). This channels the 2004-5 terminology of ‘sui generis’ by not defining any known type of EU institution, agency or office as a legal template. It answers the question raised in the 2005 Joint Report ‘as to whether this should be an autonomous service, neither in the Commission nor in the CSG, or whether it should be partly
attached to either or both’ (Joint Progress Report 2005) with the answer already given during member states discussions in 2005 (Luxembourg Presidency 2005) and fixed into the text of the Swedish Presidency Report of 2009: ‘the EEAS should be a service of a sui generis nature separate from the Commission and the Council Secretariat’ (Council of the EU 2009: p. 6). A legal commentary noted that ‘[t]his suggests that the EEAS cannot be regarded as a service of the Commission and must therefore be separate from it’ (Blockmans & Hillion (eds.) 2013: p. 7), an observation thrown into some doubt by administrative practice as detailed in chapter 6. The decision nevertheless almost explicitly returned to an equidistant formula between the Commission and the Council, highlighting that not much had shifted between 2004 and 2010. Despite this vague conception, the decision did refer to the fact that the EEAS received a quasi-institutional status in decisions regarding its staff, budget and its organisation through the amended staff and financial regulations (Council of the EU 2010b: recitals 8, 14). This reflected in many ways the intra-Council compromise among member states.

The scope of the EEAS was equally determined in the decision’s annex. It was in many ways an expanded version of the early discussions in 2005 and 2009. While in 2005 the member states’ view were still widely dispersed, their middle ground was the inclusion of the external policies part of the General Secretariat as well as DG RELEX. The inclusion of the military parts of the CSG as well as the Situation Centre were also still in doubt. By 2009, these parts had been agreed in principle as part of the new structure (Council of the EU 2009: p. 3). Other policy areas and DGs were excluded and remained excluded in the final decision. Together with any functions relating to expenditure of the general EU budget, the Commission retained these parts with the support of the EP. In particular in terms of budget, the decision developed more detailed rules in articles 8 and 9 in order to both ensure cooperation with the Commission in programming and safeguard the Commission’s powers (Council of the EU 2010b).

Staffing had been identified as a special issue since the inception of the EEAS. Bringing in officials from three distinct sources was seen as one of the major innovations in organisational design aimed at providing the ability to bridge the
institutional divides of earlier days. But staffing also concerned the central institutional self-interest of the administrative actors involved, as well as the member states. The decision also specifies that one third of staff need be from the EU member states’ diplomatic service, while at the same time at least 60% of staff must be permanent civil servants of the EU (Council of the EU 2010: art. 6.9). This was a variation of the original language of three equal sources, which had been seen as impossible to maintain given the divergence in numbers between the Council Secretariat and the Commission. It also represented both the interest of member states to have a minimum share of staff, while ensuring the majority of supranational civil servants as demanded by the EP. The EP and some member states’ demands for geographical and gender balance have also been included in the staffing rules of the decision (Council of the EU 2010: art. 6.8). Derived from the EU budgetary rules, all staff working on budgetary management had been retained by the Commission.

The decision, which also entailed a declaration on political accountability by the HR, thus addressing concerns voiced by the EP, was a more detailed version of the general compromises found in earlier rounds of discussions between the actors in the setting up of the EEAS. This entailed the level of information the EP were to receive from the HR/VP on her and the EEAS activities, as well as who could represent the HR/VP politically before the EP. It was agreed that depending on the legal nature of the topic, either a Commissioner or a representative of the Rotating Presidency would replace the HR in the EP. Ashton agreed further to increased dialogue with the EP and made some concessions on confidential information in foreign policy (Erkelens and Blockmans 2012: p. 28). The EP as a recent addition to the fold has received some assurances but mostly outside of the legal text of the Council decision.
5.6 Conclusion

The establishment of the EEAS during the inter-institutional settlement shows how the EU institutions and member states involved push for their institutional preferences to be included in the legal set-up of the EEAS. The politics of Eurocratic structure approach would have expected member states to be cautious in relation to the transfer of powers to an EU body. It also would expect the Commission would attempt to bring it into its organisational structure if it related to its core tasks. The EP was seen as supporting any structure that would increase its influence in the policy area.

By looking at the contested elements of the EEAS with a specific focus on status, scope and staffing in the new service from 2004 until the final negotiations in summer 2010, the EEAS appears as an illustrative case of Eurocratic politics. The politics of Eurocratic structure clearly accounts for the cautious transfer of powers from the side of the member states and their attempts at securing entrance into the new structure via staff. Sovereignty concerns by the member states also determined the negotiation of the status of the EEAS, which member states sought to keep distant from the European Commission. Member states struggled with finding an agreement on the organisation’s status, scope and staffing. They wanted the EEAS to be independent to prevent Commission interference, but not so independent it could challenge the member states themselves. When they agreed upon the general position to make the EEAS an assimilated institution, it not only locked in the nature of the EEAS, it also locked in the change of negotiating format. Instead of being only reliant on the Commission for agreement, changes to legislative instruments brought in the EP as a potential roadblock.

The European Commission and the European Parliament counterbalanced this pressure to a relevant degree by creating strong procedural links between the EEAS and the Commission in budgetary procedures. Despite the fact that the EEAS concerns core Commission business, the position of the member states prohibited the Commission from integrating the service completely into its fold.
As a consequence, the Commission as early as 2005 sought a different strategy: it aimed to minimize the impact of the new organisation on the Commission’s authority, thus working towards a reduced institutional status and scope as well as strong control over staffing and the budget. The Commission pushed for a close link and strong safeguards of Commission policy areas and responsibilities.

The European Parliament was seeking incorporation of the EEAS into the Commission in order to increase its oversight over the new body and EU foreign policy, despite its limited formal powers in the policy area. This activist position is in line with expectations of Eurocratic politics, but remains only partially satisfied by acts of the High Representative in relation to information flow to the EP, budgetary control, as well as hearing-like discussions with future heads of delegations. The European Parliament continued to demand EEAS integration into the Commission as bargaining chip and only surrendered it late in the negotiations.

In this executing coalition of four actors, preferences held in the inception phase of the EEAS reappeared in the negotiation, linking the political conflict about the exact establishment of the service to the political conflicts that shaped the original decision to create it. While the legal link to the previous stage was tenuous, the actors entered the negotiations with long-held, and expressed beliefs about how this new organisation should be shaped and deviated only little from agreements found early on. Path dependency in this second stage seems largely to have been determined by stable preferences over the institutional outcomes and unwillingness to renegotiate an agreed text. More detail was added to already agreed elements of the organisation’s design. Changes to the institutional rules under which decisions take place, in this case the need for the EP’s approval, added additional layers onto the decision. Considering that some of the actors remained the same individuals, for example in the parliamentary delegation, the outcome was arguably shaped by the negotiation format as much as by the weight of earlier political disagreements. The HR as a new actor on the scene wielded modest but increasing influence over time.
As with the inception phase, the establishment of the service provided the EEAS with a legal base and more detailed structure and operating requirements, but left many of the details of the day to day running of the organisation and the management of relations to other organisations at the EU level to be developed later. The following chapter will look precisely at how the new organisation started to operate, how it took its place in the Brussels’ administrative concert. It will explore whether bureaucracy theories and bureaucratic politics are helpful in understanding its behaviour and environment in a phase of consolidation.
CHAPTER 6
THE CONSOLIDATION OF THE EEAS: BUREAUCRACY, COMPETITION, AND CONTROL

6.1 Introduction

With the block transfer of staff from the European Commission and the Council Secretariat on 1 January 2011 (EEAS 2010), the EEAS finally has appeared as a full organisation on the Brussels’ institutional scene. While an inter-institutional agreement on the EEAS had been reached already in July 2010 and senior management had been subsequently nominated in December 2010, it was in 2011 that a full organisation including rank and file was put into place. So short was the notice of the final transfer that a European weekly concluded ‘muddle and delay blight start of diplomatic corps’ (European Voice 2010b).

In order to explain how the new organisation operated in the early years of its existence, this chapter analyses the consolidation of the EEAS as a functioning organisation from 2011 to 2013 from a bureaucratic theory perspective. It addresses the consolidation of the EEAS as a new organisation in the EU institutional environment and seeks to explore how the EEAS operates within it. Whereas previous chapters have focused on the EEAS as an object of political contestation between external actors during the European Convention and in the run-up to the EEAS decision, this chapter begins with looking at the EEAS’ internal operation. As the EEAS is first and foremost a bureaucratic organisation, bureaucracy theory is used to explore the early development of the new organisation. Bureaucratic politics informs the analysis where inter-relations between organisations or parts of organisations are concerned.

Any new organisation will at first be concerned with establishing its own hierarchical structure, operational processes, and boundaries. Bureaucracy theory offers a number of tools to approach the internal factors of organisation. It predicts that the EEAS, and indeed any new administrative body, has an interest in expanding its budget, sphere of competence, and autonomy of action.
(see chapter 3.3) as set out in the EEAS decision and its institutional environment. As bureaucratic politics is mainly concerned with interactions between organisations, it adds to the analysis by explaining the impact external contestation has on the EEAS organisational structure. A plausibility probe of the main bureaucratic processes, i.e. budget maximisation, bureau shaping as well as bureaucratic politics (see Chapter 3.3), shows the EEAS to be a useful case for this type of analysis.

Earlier phases of institutional creation highlighted attempts by other organisations to influence the shape and organisation of the EEAS and these processes are unlikely to have subsided. The focus of the chapter thus shifts to the organisation’s environment and considers relations between pre-existing actors in EU external relations and foreign policy and the EEAS. Guided by a bureaucratic politics approach, it explores in how far the EEAS as an organisation has been shaped by control exercised from other EU actors and competition between them. Interrelations between administrative and political actors, conceptualised here as bureaucratic politics and operationalised as instruments of control were inserted at the stage of setting up the new organisation and further specified in its aftermath. In analysing the relations of the EEAS through the many forms of control experienced by the organisation (e.g. McCubbins, Noll, Weingast 1987), this chapter allows for an insight into the contested environment of the new service. Several mechanisms of control, such as oversight mechanisms, staffing and organisation, budget, and administrative procedures, are scrutinized with regard to the relations of the EEAS with other EU bodies. After looking in turn at control of the EEAS by the European Commission, by the member states and the Council Secretariat as well as by the European Parliament, it concluded by highlighting the patterns of control, each distinctive to the relevant institution, exercised over the service through a variety of mechanisms.

In order to explore these two phenomena of internal functioning and the competitive inter-relations with other institutions and organisations, this chapter relies on similar sources as the previous chapters, i.e. semi-structured
qualitative interviews and documentary analysis. In order to capture effects on
the level of the individual official, it brings in additional evidence from a small-
scale standardized survey of EEAS officials as outlined and discussed in chapter
1 (see also Annex 5).

6.2 The EEAS as an emerging bureau: maximising budgets, shaping the
service or bureaucratic politics?

The EEAS had to reconstruct an organisational structure and build a foreign
policy and external relations bureaucracy in the first two years of its existence
from different elements taken out of other organisations. How this
administrative structure can be analysed and whether the evidence supports the
insights of bureaucracy theory is the first central question addressed by this.chapter. This section focuses on the internal mechanisms of a newly created
bureaucracy. Bureaucracies are largely defined in theoretical terms by internal
characteristics and processes, maybe most famously by Downs (1967). Whereas
the EEAS has started to be conceptualised as an administration and as part of the
European administrative space (Henökl 2014, for other conceptualisations see
Batora 2013), public choice bureaucracy theory is a novel approach to this line of
inquiry. It aims to capture general trends of organisational behaviour that are
the driving force behind the organisation’s functioning. But does the EEAS follow
the main principles of bureaucratic behaviour as set out by bureaucratic theory?

The following analysis of qualitative evidence derived from interviews, archival
sources and survey responses will shed light on the operational principles at
work in the EEAS and how well they fit with standard assumptions on
bureaucratic behaviour (Downs 1967, Dunleavy 1991, Niskanen 1971, Tullock
1965). It will look at budget maximisation, bureau-shaping, and bureaucratic
politics as drivers for EEAS behaviour. It will also analyse whether expected
bureaucratic processes such as over-formalization occur within the EEAS. It will
build on the notion that the EEAS is driven by organisational self-interest and
then by competing actors’ preferences, or bureaucratic politics, as explored by
Michael E. Smith (2013).
The central objective of any bureaucratic organisation according to bureaucracy theory as established in chapter 3 is the drive towards extending the organisation’s own budget. Despite later arguments that the autonomous choice of tasks is more relevant than mere money supply (Dunleavy 1991; see below Bureau-shaping), a new organisation should be concerned about expanding its resource base. This should be visible in several ways. Firstly, we should observe political statements of necessary budgetary increase; and secondly, less directly, an organisational focus on those tasks delivering a service to the budgetary authority. Lastly, budget maximisation should manifest itself in budget increases, even if not all budget increases may be due to an organisational drive to obtain them.

Budget maximisation for the EEAS took a distinct note, given the role budgetary questions had already played in the establishment of the EEAS (see chapter 5). It was strongly influenced by a difficult economic climate and general opposition of many member states to increase spending at the EU level. At the same time, the general budget proposals of the European Commission included an increase, and the European Parliament demanded increases in each of the years of the EEAS early existence (European Voice 2011b; European Voice 2012). The EEAS itself argued in statements to the EP, that acted as a budgetary authority in 2012, that its budget was insufficient as it was based on ‘pro-rata transfers from the previously drafted budget of the Commission and the GSC.’ ‘This resulted’, the EEAS budgetary report continued, ‘at times in appropriations on certain lines being inadequate to deal with the actual expenditure on those lines’ (EEAS 2012: p. 2).
Political opposition from some member states, in particular on the part of the UK, was public and strong (EUobserver 2011). In the second budgetary report, the EEAS noted that it had proposed another 5.7% increase, which had been adjusted down to 4.1% by the budgetary authority, i.e. the Council and the European Parliament (EEAS 2013: p. 5). Despite the fact that the EEAS has a record of noticeable budgetary increases, the organisation maintained its position that increases were 'limited' (EEAS 2013: p. 5), indicating that the EEAS is at least rhetorically responding to the demands for economies by the member states. Nevertheless, there is a clear record of real budgetary increases in the first years as table 9 above illustrates.

It remains unclear whether this level of growth can be sustained beyond the first years of operation, but here it is mainly of importance that the organisation has tried to obtain it. In order to gain the support of part of the budgetary authority, bureaucratic theory would foresee a reorganisation to deliver services to the budgetary authority, the Council and the European Parliament. As the establishment plan of the EEAS is not public and could not be obtained, interview evidence does not provide a clear picture. On the one hand officials are aware of the importance of positive relations with the European Parliament in particular:

‘That’s why what [we are] with the EP is very important, because it’s the budgetary authority with Council, and if we can convince the EP that we’re doing a good job and that the EEAS is added value, what we do in Brussels and in our delegations, the role of the delegations is extremely important. […] This may pay off as regards the budget, that is why we are
investing a lot in the parliament.’ (Interview 20, Senior EEAS official, 2012)

This importance of the EP for the new service is also partially reflected in the study by Henökl and Trondal who find ‘an interesting observation concerns the relative importance that is given to the EP’ when it comes to taking political signals into account (2013: p. 21). But while this appears a clear orientation, the official also did not report an increase in staff dealing with the budgetary authority and reported a rather mixed staffing effect due to the administrative merger with some officials transferring out of the units to be merged before the creation of the service (Interview 20, Senior EEAS official, 2012).

Bureau-shaping

A further refinement in bureaucracy theory as noted in chapter 3 hypothesised that what is more in the organisation’s interest than mere budget size is control over the type of tasks undertaken by the organisation. This concept of bureau-shaping (Dunleavy 1991) would mean that there is a visible self-interest in the service to acquire desirable tasks and shed undesirable ones. While this appears simple, an empirical manifestation of this effect is not particularly easy to identify. In the EU political system, the substance of tasks is largely derived from the treaty mandate and can hardly be changed by the administrative organisation. In an organisation responsible for external relations, events in the outside world play a large role in setting the policy agenda. Nevertheless, internal organisational processes will not completely come to a halt except in the most extraordinary circumstances. Some observations of these processes should thus be possible.

The clearest instance where the EEAS was organisationally shaped by substantive interest of the leadership, i.e. the High Representative, was the top structure of the EEAS and in second order the case of crisis management structures. A diplomat recalled that
‘[they] made a first organigramme, which was consulted with Ashton and she approved that. But then she sort of disowned it later on. [The] organigramme was clearly a Secretary General and two Deputy Secretary General, while at a certain stage [Ashton] wanted in reality some sort of collective leadership where the Director and the Deputies should be more or less at the same level.’ (Interview 8, Member State Diplomat, 2011)

This collective leadership, which solidified into the corporate board on the organigramme (see e.g. Annex 6), shows some impact of the HR’s structural preferences on the organisation. The HR had developed and expressed preferences in terms of the person and approach to be taken and an organisation role was found (Interview 4, EEAS official, 2011).

Additional evidence of bureau-shaping could be found in the early transition period and the first establishment of an organigramme as well as frequent adaptations to it in the first years of operation (Annex 6). Despite its many variations, none of the adaptations touches the leadership structure designed as a collective ‘board’, the level of managing directors and the overall basis of the organigramme on largely existing structures of the Commission. If bureau-shaping was taking place, it was occurring on a more narrow and subtle level as illustrated below.

The appointment of Agostino Miozzo as a Managing Director for crisis response had organisational implications as he created a ‘quasi-institutionalised inter-service’ coordination platform (Oxfam 2012: p. 21-22). Tercovich argues that the appointment and subsequent restructuring were Ashton’s way ‘to fill what she perceived to be a fundamental gap in the EU’s crisis management structures’ (Tercovich 2014: p. 3). Tercovich also links this institutional sub-structure to a specific type of policy response to crises, the EU’s comprehensive approach (Tercovich 2014: p. 3-4), highlighting the link between policy preferences and institutional structure inside the EEAS. Both outside pressures from the member states as well as internal preferences combined to shape the organisation: ‘outside pressure, Ashton having special ideas and preferences in this part [...]
meant that the top became rather top heavy’ (Interview 8, Member State diplomat, 2011). In the EEAS review in 2013, the EEAS addressed this issue by suggesting a reduction in Managing Directors (EEAS 2013a: p. 4). Since a reduction of these senior posts would negatively affect the ability of member states to influence the staffing of the organisation, it is not a likely outcome of future reorganisation. As these examples indicate, internal processes of consolidation are not neatly separable from external effects and have an impact on internal processes.

*Bureaucratic politics: internal effects of external contestation*

Bureaucratic politics are processes more likely observed on senior levels of the administration, where negotiations about resources and rules and interaction strategies with other organisations are discussed. Nevertheless, if bureaucratic politics persist, they should also have effects on the administrator level. Both the corporate and the individual desk level will be considered here in turn.

At the corporate level, the way rules were set about interactions with other organisations gives telling insights into the early phase of relations between the Commission and the EEAS. Several interviews from the earliest days of existence of the service illustrate that despite taking over a host of administrative processes from the Commission, internal formal procedures needed to be established:

‘We are working on formal channels, but at the moment we don’t have them in all areas. There are still fundamental questions that need answering.’ (Interview 4, EEAS official, 2011).

The result was not seen as an exercise in streamlining procedures:

‘In each and every case, one has chosen complicated solutions. Only because of this mistrust created by this outsourcing, merger, divestiture, take-over, however you want to call it, which has happened, everybody tried to feather their own nest’ (Interview 14, Senior EEAS official, 2012).
This work was done in parallel with negotiating the procedural links to other organisations, further complicating the matter. It was also done while the organisation was not only building internal processes, but also internal structures to deal with these types of corporate processes. A comparison of an early version of the organigramme, as well as a later one illustrate, the corporate side of the EEAS consolidated considerably from 2010 to 2012, moving from a structurally semi-attached grouping of units to the level of managing directorate (Annex 6).

Due to the difficult nature of early days of cooperation, relations with the Commission needed spelling out in ever-greater detail. Commission staff involved in writing the 'Vademecum on Working Relations with the European External Action Service' (European Commission 2011a, b) described the evolution of the document:

‘The focus of that document is therefore rather bureaucratic, and naturally left a lot of questions open - either because answers still needed to be worked out in practice, over time, or because some questions hadn't even been imagined at that moment in time.’ (Interview 23, Commission official, 2012).

As a result, a revision followed with an increase in technicality that also visible in the vademecum's length, which grows from 26 to 40 pages (European Commission 2011a, 2011b). The latter version was then revised and restructured in the 'Working Arrangements between Commission Services and the European External Action Service (EEAS) in relation to External Relations Issues' (European Commission 2012) but has stabilised at a similar level of detail.

But also at the more political level of the administration, the HR’s cabinet appears to have acted largely as a barrier as interlocuteurs of the EEAS perceived it: ‘I had to have links to the cabinet and to her, to the extent that it was possible,
which was very difficult’ (Interview 8, Member State diplomat, 2011) or ‘Nobody replies to our mails, nobody returns our phone calls.’ (Interview 2, Senior Council Secretariat official, 2011). While this was largely a phenomenon of the earliest operation of the new organisation and has since improved, it did appear to shape the perception of its external collaborators. It also indicates the direct links that exist between the internal functioning of the EEAS, and its relations to the institutional environment it operates in. At the EU level, no organisation ‘is an island’ to borrow John Donne’s turn of phrase (1839).

This fraught relationship, which appears at the corporate relations between the EEAS and the Commission, also has repercussions at the desk level for each individual official. Here, two indicators are used to explore how officials in the EEAS view the other actors at the EU level. The first asked them to rank the reliability of an actor for providing reliable information, the second asked the respondents to rank institutional actors according to whether they are supportive of the EEAS or not. If bureaucratic politics persist, distrust towards other bureaucratic actors, especially the Commission would be high. Similarly, actors, which do not have bureaucratic links to the EEAS, should be seen as more supportive than those that do. The evidence derived from the small-scale standardized survey of EEAS officials will be the best guide to the type of perceptions of other organisations present at level of desk officer.

As a first indicator for bureaucratic politics in action at the desk level, the survey contained a question on the reliability of an actor as an information source. The question ‘For additional information on a policy, the European Commission services/Council Secretariat/Permanent representations are a reliable source.’ tried to capture whether between the three sources of the new service, trust has been damaged in the process of operation. For the European Commission, 14 respondents either agreed or strongly agreed that the Commission is a reliable source, which represents more than 90% of respondents. For the Council Secretariat, 46%, or seven respondents, agree it is a reliable source, while 5 or 33% are undecided. Two respondents disagree that the Council Secretariat is a reliable source of information, with one strongly disagreeing. With regard to
member states’ permanent representations, the answers appear even less positive. While 40%, or 6 respondents, agree that the permanent representations are a reliable source, and an equal number is undecided. 20% in turn disagree. This seems to indicate less of a bureaucratic politics contestation between the EU level actors and rather a higher level of distrust towards the member states and their agents in Brussels. Respondents who joined the EEAS from the European Commission exhibit distrust for the Council Secretariat. It is also those officials who joined the EEAS from the Commission that exhibit distrust towards the member states representations.

This touches on the concept of institutional loyalties and their impact on the behaviour of individual officials, an established research area in the study of EU bureaucratic structures (see for example Egeberg 2011, Trondal and Veggeland 2003). This research has shown a layered picture of loyalties, in which national and supranational loyalties are not completely contradictory. The EEAS has provided scholars of officials’ orientation a fertile field already (Juncos and Pomorska 2013, Henoekl 2015, Henoekl and Trondal 2015). Henoekl identifies different orientations in the objectives of officials from different backgrounds (2015). Juncos and Pomorska underline the positive staff attitudes to the newly created EEAS by its staff and the prevalent strong levels of identification with the EU more generally (2013). These observations on loyalties are relevant for the operation of the service, in particular in the long run. As the focus in this last consolidation phase shifts to a bureaucratic perspective, individual bureaucrat’s loyalties are a second order measure. Simple measures of levels of trust in other institutions are used (see chapter 6.2), not to determine the loyalties of individuals and impact on their actions, but rather to gauge whether institutional conflicts are reflected in attitudes at the desk level. The focus is thus less on the loyalty towards one institution as on the mistrust towards another.

When asking ‘At the European level, which organisation should be driving European foreign policy?’ expected divisions appeared more sharply. Respondents from the national diplomatic services indicated that the Council and European Council should be the driving force, while Commission officials
and others largely saw the EEAS in the driving seat. Similarly, looking at the answers on what the central roles for the EEAS ought to be, respondents displayed slightly varied role preferences for the EEAS depending on whether they had undergone a long-term diplomatic training programme or not. Those who had not gone through diplomatic training were less likely to consider the role of the EEAS as a platform for collaboration for member states. But this should not be overstated; the majority of respondents still saw this as a very important function of the EEAS.

In another item on bureaucratic politics, respondents were asked to judge which actor is most supportive of the EEAS, to gauge whether there was also a positive perception of which actors in Brussels were positively engaging for the EEAS. When combining the ranking of most supportive and supportive of the EEAS, the President of the European Council came out on top, just one response ahead of the European Parliament. The member states ranking was very divided: despite a high number of responses ranking them as supportive and very supportive, they also received the rankings as less supportive and least supportive. The European Commission in this ensemble of institutional actors was seen by 8 respondents as less or least supportive, which is the most negative ranking among the choices presented.

The fact that the Commission still received rankings for being supportive is, interestingly, not from those respondents who joined the EEAS from the Commission, but from respondents who joined the EEAS from the member states diplomatic services and from outside of the EU and national institutions. This strengthens the observation made earlier that many Commission officials did not feel their institutional allegiance was rewarded when the EEAS was created and still see the Commission as not acting in the new service's interest. The effects of the turf war between Commission and EEAS were clearly still felt at the level of the individual administrator.
<table>
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<th>Rank Actors</th>
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<th>Less supportive</th>
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<td>1</td>
<td>11</td>
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<tr>
<td>Member States</td>
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Table 10: Perception of support by other EU bodies. Source: Own survey.

In sum, the first indicator for bureaucratic politics as shown in table 10 focused on reliability of information emanating from an organisation. While it does not present a complete view of bureaucratic politics, it does highlight the distrust towards the Commission as the main bureaucratic competitor. This finding is supported by the second indicator, which asked about which organisation was most supportive of the EEAS. Former Commission officials also maintain high levels of trust towards the member states. Especially staff originating from the Commission mistrust the Commission as an institution, while staff from the Secretariat and the member states are not less likely to trust their institutions of origin. It is noteworthy that staff joining from outside of the Brussels institutional circle are less likely to mistrust the Commission, which could indicate a shift in perception of the Commission in future when fewer staff will have had direct experience of the formative conflict.

If one links this evidence to the struggles about prominence and role in interactions between the EEAS and the Commission presented in the first part of this chapter, bureaucratic politics and the self-interest of organisations to act autonomously in their respective field can explain the rocky development of working relations between the new service and the existing EU institutions. The Commission needed to reassert its authority by blocking EEAS documents where it felt its mandate had been overstepped (Interview 23, Commission official, 2012). From before the actual creation of the EEAS until long into its early operational phase, interviewees referred to turf wars and inter-institutional battles between the EEAS, the Commission and the Council Secretariat (Interview 10, Senior EEAS official, 2011; Interview 19, Senior EEAS official,
2012; Interview 20, Senior EEAS official, 2012; Interview 28, Senior Commission official, 2013). At the same time, the survey points to the importance of experience in maintaining bureaucratic politics, which may mean with increasing exchange of staff between member states national diplomatic services and between delegations and headquarters, conflicts should lose intensity in the medium to long term. As the inter-organisational rules have been settled, the conflicts have subsided (Interview 23, Commission official, 2012).

While there is ample evidence for bureaucratic processes at work in the early operation phase of the EEAS, from interview, survey and other sources, there is also a clear indication that these processes are not independent from the previous contests between outside actors. Some organisational parts, such as the managing directors, were clearly reflecting the interests of the member states in a stake in the running of the EEAS. This was even spelled out in a 2014 European Court of Auditors report on the setting up of the EEAS:

‘As most of the management posts transferred to the EEAS were already occupied by permanent officials, the EEAS created a top-heavy structure, allowing a significant number of top posts to be occupied by Member State diplomats.’ (European Court of Auditors 2014: pp. 12-13)

The report went on to detail the increased levels of hierarchy used to accommodate the different stakeholders of the EEAS via senior management posts (European Court of Auditors 2014), a striking piece of evidence for the importance of external drivers for the internal organisation of the EEAS analysed in more detail in the second part of this chapter.

Several internal processes, e.g. staff selection, were borrowed from Commission processes, indicating a strong link on the administrative level. Analysing the early operation of the EEAS must thus also take into account the environmental conditions and how the actors that were involved in shaping the organisation early on continue to make their presence felt throughout this phase of consolidation (see also chapter 3.3).
6.3 Building on Quicksand? The EEAS and its institutional environment

The contestations about the EEAS have been previously traced through the treaty reform ideas of the European Convention and the legislative process leading to the EEAS decision in 2010. But even on the basis of treaty and decision, disagreements on the role and structure of the EEAS have not disappeared with the organisation’s birth. Rather, they have shifted towards focusing on controlling the EEAS’ agenda and competing for competences, where they are not clearly prescribed through the legal text. These are familiar processes in institutional politics at the administrative level and often referred to as bureaucratic politics perspective. It is this bureaucratic politics that will inform the analysis of inter-administration collaboration and competition, especially between the Council Secretariat General and the European Commission. For more political institutions, such as the Council and European Parliament, the EEAS is not an administrative partner, but an administrative tool available to them. Here the element of controlling what the EEAS does may be of more concern. This struggle over control of the EEAS during its phase of consolidation by the organisations involved in its inception and establishment will be the second central aspect of this chapter.

Any exercise of control will need to take into account the resources of the EEAS in terms of institutional status. The Council Decision establishing the organisation and functioning of the EEAS defines the status of the EEAS as:

‘[a] functionally autonomous body of the European Union, separate from the General Secretariat of the Council and from the Commission with the legal capacity necessary to perform its tasks and attain its objectives’ (Council of the EU 2010b).

As an outcome of the negotiations leading to the EEAS’s establishment in chapter 5, the EEAS is treated ‘as an institution for the purposes of the financial and staff regulations’ (Regulations 1080/2010 and 1081/2010). While the first
description of the EEAS as an autonomous body is more concerned with establishing the distance of the organisation to other actors, the second legal description provides it de facto institutional powers in at least its internal organisation.

While much has been made of the fact that it is not a legal institution, it possesses all the characteristics of a political and bureaucratic one. This ambiguity, which has its roots already in the inception of the organisation during the European Convention, allows different interpretations of the organisation’s autonomy to be played out in a continued game of ‘structural politics’ (Moe 1989). This of course is relevant in an inverse relationship to the level to which the EEAS is controlled by other organisations. This ‘game’ plays out differently in the relations with different actors, because the core actors in the EEAS’ institutional environment have different tools at their disposal to seek influence on the organisation. These differences become apparent by looking at each relevant actor, or indeed groups of actors: the European Commission, the Council and the member states, and the European Parliament.

6.4 The Many Faces of Control: European Commission

The European Commission is still the main actor in the EU external relations field per se, as it retains important policy areas like development and trade under its control, and is also tied to the EEAS in procedural matters. ‘Procedural requirements affect the institutional environment in which agencies make decisions and thereby limit an agency’s range of feasible policy actions’ (McCubbins, Noll and Weingast 1987: p. 244) by inserting requirements into the decision-making process of an agency, such as notification of activities, rights of participation and others (McCubbins, Noll and Weingast 1987: pp. 257-8).

Administrative procedures

The EEAS as a foreign policy service presents a challenging environment for administrative procedures as it does not take regulatory or redistributive
decisions. Its tasks are information gathering, strategy development, preparation of the decision-making process and programming, i.e. tasks that do not normally concern traditional administrative provisions. Most procedural requirements will thus be in the area of programming and financial implementation. The evolution of cooperation and competition between the EEAS and the Commission has peculiar beginnings already introduced above (see section 6.2).

The administrative negotiations started partly in parallel to the political discussions on the Council EEAS decision. All parties saw it as an extremely arduous task (Interview 4, EEAS official, 2011; Interview 15, Senior EEAS official, 2012; Interview 18, Council official, 2012; Interview 23, Commission official, 2012). An EEAS official involved in the negotiations described the situation: ‘It was a bit schizophrenic [...] you were negotiating with the Commission, being part of the Commission yourself.’ (Interview 10, EEAS official, 2011). The administrative separation from the Commission started at least partially in an administrative void. Staff involved in the early negotiations on the administrative set-up of the EEAS report of the ambiguous situation ‘[...] was running the show within the institutional limits [...] in the sense that [...] didn’t have a mandate to be running the show’ (Interview 10, EEAS official, 2011).

In addition to the difficult and ambiguous framework within which to conduct negotiations, the negotiations themselves were marred by a lack of mutual purpose. Instead of simplifying negotiations because both sides were Commission staff or had until recently been Commission staff, the negotiations left the EEAS negotiating side disillusioned with their former colleagues (Interview 10, EEAS official, 2011; Interview 14, Senior EEAS official, 2012; Interview 17, EEAS official, 2012). Negotiating agreements with the parent organisations, and specifically the division of staff joining the EEAS, was perceived as a ‘very very complicated exercise’ (Interview 10, EEAS official, 2011). For the staff to be transferred to the EEAS, the Commission’s corporate stand on it, was perceived very negatively: ‘The Commission strategy was realistically not to try to incorporate the EEAS, but, we need to admit it’s outside, but we will strangle it.’ (Interview 14, Senior EEAS official, 2012). The lack of
trust in negotiations, is a recurring theme in the administrative negotiations, but is also reflected among staff attitudes in the recent literature (Juncos and Pomorska 2013).

On the side of the Commission, the conclusion of the multitude of difficulties of this establishment process was that ‘we had to do surgery, cut off one limb and in a way that it would work afterwards. The lesson we learned from this is to never ever do it again’ (Interview 23, Commission official, 2012). The perception was that ‘the corporate part of DG RELEX then had to reconstruct itself as EEAS’ (Interview 23, Commission official, 2012). But there was also the acknowledgement that: ‘Things are not ideal, we need to have a reflex to coordinate. Some still have that first reflex to coordinate and then are told not to’ (Interview 23, Commission official, 2012). Of course, the coordination reflex had always been an objective of EU foreign policy cooperation among the member states. The necessity to coordinate now includes the European Commission through a variety of new administrative processes. While the will to coordinate may still return, control and competition are still relevant mechanisms of relations between the two organisations: ‘EEAS tries to write [documents, which are not in their mandate], they get caught.’ (Interview 23, Commission official, 2012).

Despite taking over the majority of administrative systems from the Commission, the newly created administration did not simply ‘hum along’ (Interview 10, EEAS official, 2011). This was due to the small numbers of administrative and support staff available to the service, which had not been foreseen in the negotiations with Council and Commission (Interview 10, EEAS official, 2011). As a consequence, the EEAS needed a number of ‘service-level agreements’ (Interview 10, EEAS official, 2011; European Commission 2010a, 2011c). The administrative agreements were perceived at least at first as one-sided: ‘none of them were written inside the EEAS, they were written in the Commission. They were written from a Commission perspective and we had no other choice but to say, it’s sink or swim, we’ll take it.’ (Interview 14, Senior EEAS official, 2012). This unilateral stance from the Commission shows its invariably stronger
negotiating position vis-à-vis the EEAS. The Commission’s exercise of control thus started before the organisation had officially taken off. At the same time, it is clear from these documents that they prescribe not only obligations on part of the EEAS, but also on the part of the Commission for services to be delivered to the EEAS (European Commission 2010a). Nevertheless, the feeling of ‘betrayal’ experienced by former DG RELEX staff has been documented elsewhere, too (Juncos and Pomorska 2012: p. 6).

The administrative after effect of the ‘surgery’ was a *vademecum* for the staff of the Commission on how to deal with the EEAS (European Commission 2011a, b). Its first version was an internal guidance (European Commission 2011a; Interview 10, Commission official, 2011; Interview 28, Senior Commission official, 2013), i.e. a unilateral script by the European Commission on relations with the EEAS. The revision of the guidance already required a negotiated document with the EEAS (Interview 23, Commission official, 2012; European Commission 2011b; European Commission 2012), acknowledging the new role of the EEAS in co-determining the organisation of relations between the two organisations. An involved Commission official recalls the atmosphere as conflictual, but with a positive endnote ‘all needed to make their point and get it out of the system. It’s much better now’ (Interview 23, Commission official, 2012). But hierarchical elements were never lost out of sight: ‘The EEAS is not an institution but a service, so cannot be named at the same level as the Commission’ (Interview 23, Commission official, 2012). The Commission’s supremacy in matters where the Treaties assign it independent powers had been successfully safeguarded throughout the establishment of the new organisation. Not incidentally, this ‘protection of Commission prerogatives’ had been an objective floated in the Commission already during the inception phase of the EEAS (see chapter 4).

Administrative procedures for the EEAS tied it deeply into Commission processes (European Commission 2011a, b; 2012), at the end of which may then still lie a decision-making process involving the Council or the Council and EP. These procedures, however, also tied the Commission, making the picture more
complex than simply one of control by the Commission. The EEAS is enmeshed in a network of agreements and procedures with its administrative collaborator, the European Commission. The EEAS is thus subordinate to its procedures, with the exception of Common Foreign and Security Policy where the Commission’s involvement is still limited. This type of deep interwoven process that has been established between the Commission and the EEAS fit the pattern of ‘administrative procedures as instruments of political control’, or in this case bureaucratic control, identified by McCubbins, Noll and Weingast (1987).

**Staffing and organisation**

In addition to administrative procedure and service provision, the Commission retained in the decision on the EEAS a central role on senior staff selection as the discussion of EEAS nomination procedures of heads of delegation illustrates. For senior civil servants in the EEAS, which includes the large number of heads of delegation, the procedure is complex. A Consultative Committee on Appointments (CCA), which was established in 2011, takes major preparatory steps for appointments in the service (High Representative 2011b: no. 27). Murdoch et al. illustrate how much these processes had been shaped by Commission procedure (2013: p. 4), mirroring the acceptance of established Commission administrative practice for the majority of administrative processes discussed above. The CCA determines the selection panel for senior appointments and draws up the shortlist of candidates for appointment (Council of the EU 2010b: p. 3). The CCA consists of representatives of the member states (two), the Commission (one) and the Council Secretariat (one), and of course the EEAS (two). The Commission’s leverage here has two layers. Firstly, the shortlist of candidates itself needs agreement by the Commission, in particular where it concerns heads of delegations. 6 Secondly, the Commission is also still represented in the committee with a seat, which is significant if one remembers that Commission portfolios are more technical in nature and may provide opportunities to address difficult questions to future heads of delegation.

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These nomination procedures indicate that both member states and the Commission have strong influence on nominations to the service, even if the final decision lies with the HR herself. First evidence in the literature suggests attempts by the EEAS to use its informational advantage in order to create greater autonomy in staffing (Murdoch et al. 2013: pp. 5-6). Murdoch, Trondal and Gänzle argue that due to reliance on pre-existing patterns of selection processes and a direct route to applications, the EEAS has remained ‘largely independent of member states’ influence’ (Murdoch et al. 2014: p. 83). This finding sits somewhat uneasily with the fact that many heads of delegations have been nominated from the member states diplomatic services:

‘And this [the delegations] has at the same been the main gateway for member states, because they believed it was necessary to quickly arrive at one third of ambassadors from the member states and I think now after two years we are already at 31%, which is considerable. Since 2010 we have nominated 55-60 new ambassadors, which is almost half, and of these only four or five came from former DG RELEX.’ (Interview 14, Senior official, EEAS, 2012)

It also does not consider the dependence of the EEAS on the European Commission through these procedures, which for this study is of equal relevance.

Beyond mere nominations of staff, early disagreements about process illustrate how deeply the Commission still reached into the organisation of the EEAS. Minutes of the College of Commissioners from December 2012 hint at the concern about unilateral action by the EEAS on reorganising delegations:

‘any decision connected with the decisions referred to above [delegation business] and concerning the adoption of new organisation charts or amendments to existing ones, and any decision to (re)deploy Commission resources, would have to be taken in accordance with the cooperation procedures put in place by the Commission and the High Representative
and in accordance with internal Commission procedures.’ (European Commission 2012c: p. 11)

Even before nomination procedures are enacted, the Commission retains involvement in deciding the organisation structures such as delegations to which staff is later nominated. As has been shown regarding administrative procedures above, EEAS autonomy over its own organisational structure is thus far from unlimited and external processes reach deep into the organisation. Another instance of these limits to autonomy can be found with regard to the EU delegations. Already in the EEAS decision, the need for Council and Commission to approve proposals to open or close delegations was written into the legislative text (Council of the EU 2010). The minutes of the 2028th meeting of the Commission record the ‘Commission agreement on the opening of a European Union delegation in the United Arab Emirates, a full delegation in Myanmar and the closure of the delegation in Suriname’ (European Commission 2012c: p. 10). The Commission’s need to underline the importance of its role in this area of decision-making, shows the need to reaffirm its veto power over the organisation of the delegation network. But the European Commission is not the only limit on the EEAS’ organisational autonomy, as the role of the Council in the same case illustrates below in section 6.3.

Budget

Another central requirement of a modern bureau, next to its organisational structure, is the financial management of resources at its disposal as has been shown in section 6.2. The budget has been discussed there as a resource desired by the new organisation. In this section the budget is more relevant as a path to influencing the organisation’s behaviour through providing or denying resources to act. The Commission plays an essential role in the budgetary process for the EEAS in two distinct ways. Firstly, it proposes the budget that is negotiated between the budgetary authorities Council and EP. Secondly, it dispenses EU funds abroad and is central to the programming of financial instruments. It is the Commission that ‘sub-delegates’ the authority to manage budgets to the Head of Delegation from the EEAS (Regulation 1081/2010: art. 51; European
Commission 2012a). It remains the Commission who reports and controls other aspects of financial management, which is seen as its treaty-based prerogative (Interview 23, Commission official, 2012).

The EEAS acts in the budgetary process like other parts of the Commission. It gives ‘coordinated’ input for the annual budget draft to DG Budget as well as for the multiannual financial framework. The EEAS prepares country allocations, strategy papers and indicative programmes for some of the funding instruments, with the requirement to be in agreement with DG Development and Cooperation (European Commission 2012a). Because the EEAS acts like a Commission service in the formal inter-service consultation process, and is treated like one (Interview 23, Commission official, 2012), the Secretariat-General acts as arbiter of conflicts between the services. The Commission has retained considerable leverage over what the final output is (Interview 23, Commission official, 2012). Since the Secretariat-General is also directly linked to the Commission President, the power balance between the two actors is clear: it is skewed strongly in favour of the Commission.

The Commission’s leverage over the new service is considerably higher than the original ‘equidistant’ formula (Interview 6, Senior Commission official, 2011) between Council and Commission would suggest. There are two reasons for this: first, the role of the HR as a member of the Commission subjects many decisions to Commission collegiate decision-making and the Commission process. Second, in the negotiations about the establishment of the EEAS, the EP attempted on various occasions to integrate the service into the Commission as has been illustrated in chapter 5. When this did not materialize, their position shifted to keep most of the financial management under Commission control (Interview 24, EP assistant, 2012). These provisions give the European Commission a ‘real-time’ ability to control many (but certainly not all) activities of the EEAS: ‘As an internal joke spells it out, if the EEAS needs to buy a newspaper, it needs to ask the Commission.’ (Interview 2, Senior Council official, 2011; similar Interview 20, Senior EEAS official, 2012; Interview 21, Commission official, 2012). Information and communication budgets in delegations had been historically in the
operational budget under DG RELEX and were retained in the Commission’s Service for Foreign Policy Instruments, or FPI (Interview 21, Commission official, 2012, see also European Commission 2013: p. 36-37). This is an example of how the EEAS’ control of funds is curtailed.

The provisions are also detailed procedural requirements for the EEAS about when to consult with which parts of the Commission. These financial requirements also are one of the elements that dramatically increased the complexity of the EEAS’ operational environment, as two independent financial ‘circuits’ are used for the EU to operate its network of delegations, EEAS and Commission funds flowing through its own channels. In that way, the financial structure echoes the structure of political communications, with the Commission still having a direct line to the Commission staff in EU delegations. The financial prerogatives that were safeguarded by the Commission also had a direct organisational effect. Because the Commission retained control of the operational budget, the Foreign Policy Instrument Service was created to execute specific foreign policy budget lines (Interview 21, Commission official, 2012). The FPI is likely the most unusual administrative arrangement in the environment of the EEAS as noted in chapter 5. It consists of Commission staff and is legally part of the Commission, but at the same time is directly responsible to the High Representative and co-located with the EEAS (Council of the EU 2010b). While the EEAS has control of the administrative budget, the operational budget remains responsibility of the FPI (Interview 21, Commission official, 2012). ‘If the EEAS had been given more executive powers with regard to the budget, [the FPI] would have most likely been merged with a Directorate there’ (Interview 21, Commission official, 2012). The FPI also hired some staff from the EEAS, as there is an overlap in staff profiles between both organisations (Interview 21, Commission official, 2012).

From these varied formal inter-bureaucratic relations, it is clear that the Commission is both the central collaborator of the EEAS as well as its central competitor. The Commission’s role vis-à-vis the EEAS is also not fully captured by these two labels. It also exercises large amounts of control over the EEAS, for
example through administrative procedures, staff selection and financial management. The power balance in this relationship clearly favours the European Commission. At the same time, the Commission was always just one of the two parent organisations and one of three sources of staffing. The EEAS’ relation with the Council Secretariat and the member states are the other immediate inter-bureaucratic linkages for the new service.

6.5 The Many Faces of Control: the Council Secretariat, the President of the European Council and the Member States

Despite the fact that the Council Secretariat is one of the parent organisations of the EEAS, it is not the only linkage between member states and the EEAS. In this section, it is therefore necessary to look at the relations not only of the Council Secretariat as an administrative actor, but also at the Member States in Council as they retain high stakes in EU foreign policy and its administration. Both elements of the Council display different mechanisms and different interests in the relations with the EEAS, adding to the complexity of the institutional environment.

Negotiations on administrative process with the Council Secretariat (CSG) started on a similar footing to those with the Commission. Despite considerably smaller numbers involved than had been the case with the Commission, the CSG also contained military elements of EU foreign policy, which were not smoothly integrated into the civil administration of the EEAS. Just as with the Commission, the operation of the EEAS depended on the continuation of services and service-level agreements.

Oversight

The member states’ ambiguous interest, keenly guarding competences while complaining about ineffectiveness, was further illustrated a year into the EEAS’ existence by the ‘Non-paper on the European External Action Service’ of December 2011 (Non-paper 2011). In it, the foreign ministers of 12 member states voiced their evaluation of the EEAS performance as a new body. It
critically reviewed the internal organisation of the EEAS as well as its coordination with the European Commission (Non-paper 2011: p. 1-2). The signatories also underlined the importance of their own involvement in the EEAS:

‘To avoid the setting up of a new structure disconnected from the Member States, there should be a close interaction between the EEAS and the Member States. In this regard, an important prerequisite for EEAS effectiveness is the close involvement of Member State personnel.’ (Non-paper 2011: p. 3).

Two years onward from the initial negotiations on the service’s functioning in 2009, the participation of member states diplomatic personnel in the service is still a major point of contention. Despite only representing a particular subset of member states, the similarities in their expression of concern compared to earlier phases detailed in chapter 5 of this thesis are striking.

Another non-paper on the ‘Strengthening of the European External Action Service’ was prepared two years later by a group of member states including Austria, Belgium, Denmark, Estonia, Finland, Germany, Italy, Latvia, Luxembourg, Netherlands, Poland, Slovakia, Spain and Sweden (Non-paper 2013). It expressed wider concerns about the organisational structure, including the need to review ‘the processes and structure at senior management level [...] with a view to ensuring clear reporting lines and division of tasks’ (Non-paper 2013: p. 2). Also in relations with member states, the internal processes of the EEAS are up for debate. Staffing concerns were somewhat downgraded, but still featured in this non-paper. The paper also stressed that the one-third requirement of national diplomats should be interpreted as ‘a minimum level and not an upper ceiling’ (Non-paper 2013: p. 3), opening the potential for an increase in member states diplomat numbers in the service and thus a potential increase of member states’ control.
The main concern for the operation of the service, however, shifted for this group of member states towards the relations between the EEAS and the European Commission, which were seen as an impediment to an effective EEAS. Both in terms of programming as well as financial management, the group pushed for a stronger role of the EEAS and more independence from the Commission’s procedures (Non-paper 2013: p. 2). The internal organisation of the EEAS was equally not perceived as functioning to an optimal level (Non-paper 2013: p. 2-3), which had both internal and external causes (see above section 6.2). Of course, over the course of the first two years, not all member states subscribed to this stronger prospective role for the EEAS. As with the Commission before, the role of the Council in the restructuring of the delegation network is noteworthy. It has been shown above that the Commission’s consent is required for opening or closing a delegation in a third country. The same holds true for the Council of the EU. In the case of the opening of delegations in the United Arab Emirates and Myanmar as well as the closure of the Suriname delegation, the Council’s approval was also required and given in a written procedure (COREU 645/12; COREU 664/12). As in the case of the Commission, the Council did not raise a veto but underlined that its consent was needed.

*Administrative procedures*

From the Council Secretariat it was seen that it would continue to provide services to various policy fields including foreign affairs and that the chairing of meetings continued to require the expertise of the Secretariat (Interview 1, Council official, 2011, Interview 4, EEAS official, 2011; Interview 10, EEAS official, 2011). This was a position that had been opposed by the staff to be transferred to the EEAS.

‘For the Secretariat General it was simply obvious that the Secretariat would have to continue to do its Secretariat functions. For people destined to go to the EEAS this was an inconceivable duplication of functions, the EEAS could perfectly do the Secretariat functions as well.’ (Interview 2, Senior Council official, 2011).
The corporate side of the Secretariat General insisted on this maintenance of tasks and the member states grudgingly accepted (Interview 1, Council Secretariat official, 2011; Interview 2, Council Secretariat official, 2011). An interlocutor from the external relations side of the Council predicted in 2011:

‘They [i.e. the remaining external relations sections of the Council Secretariat] are not a Directorate General on its own terms, this will change, it is because the thing was very controversial, so it was thought better not to make it too visible. But this will change.’ (Interview 2, Council Secretariat official, 2011).

After having been loosely attached to the Secretary General, the retained posts had by 2014 been restructured into a Directorate-General C for Foreign Affairs, Enlargement and Civil Protection. While this may not be the ‘mini-foreign service’ that EEAS staff had feared might be constructed in the Council Secretariat (Interview 10, EEAS official, 2011), it does show the struggle for determining the roles of the EEAS in relation to its second parent organisation, the Council Secretariat.

While implementing the arrangements for the EEAS, member states also worked hard to ensure that their role in the form of the Presidency of Council meetings would not be entirely erased. Vanhoonacker and Pomorska outline the different approaches of the Presidency to the EEAS and how far they were willing to relinquish their role (2013: p. 10). Helwig, Ivan and Kostanyan attempt to capture the practical application two years after the EEAS creation, and present the detailed rules of chairing in a policy report (Helwig et al. 2013). The increase in complexity is largely a result of an attempt by both Council Secretariat and member states to retain their respective roles. An experienced former DG RELEX official recalls arguing about the role of the member states and the secretariat during the transitional period when the EEAS came into existence:

‘We pleaded for an immediate take over of the Presidency tasks, in fact they were taken over by delegations one year before the administrative
set-up at headquarter [...] We argued very strongly at the time, saying if we didn’t seize the day there was a danger that the old Presidency system would somehow persist into the new structures, which in a way it has to a surprising degree’ (Interview 19, Senior EEAS official, 2012).

Administrative procedures provided both the Council Secretariat and the member states with avenues to safeguard their own role. For the Council Secretariat this meant a supporting role at the negotiating table in Council, while for member states this translated into regaining some control over Presidency tasks, which elsewhere have been transferred to the High Representative, and by extension, to the EEAS.

In another instance of member states’ control of EEAS activities, delegations played a central role. For example, from the beginning of the EEAS’ operations, the new UK government used the change in organisational structure and legal foundation to challenge the established practice relating to joint representation of the EU in international organisations. Its diplomats were urged to look out for and stop the process of ‘competence creep’ by the EEAS (Burke 2012: p. 15). As early as a few months into the EEAS’ existence, the British foreign minister was quoted as issuing a warning to the new organisation ‘We will always guard against mission creep. We are very clear about what is the UK’s responsibility, and what is the EEAS responsibility. I am certainly giving a pre-emptive warning’ (Telegraph 2011a). For diplomats on the spot in international organisations, this proved a difficult scenario. During the establishment process of the EEAS, depending on which country ran the presidency, they could either speak for the EU or not (Interview 13, Commission official, 2012). Member state diplomats were very cautious and let a new set of standard procedures accepted by the member states evolve only slowly (Interview 13, Commission official, 2012).

*Staffing and organisation*

Staffing was a major concern during the initial inception and setting up of the service. Despite the compromise of three sources found during the Convention
and its further institutionalisation through the EEAS Decision, conflicts over who is present where in the EEAS never completely subsided.

While the Council Secretariat continued the delivery of administrative service arrangements, it rendered the relationship between the Council administrative structures and the EEAS fraught with conflicts resembling those with the European Commission. These conflicts arose in various administrative processes, such as for example the management of information systems. The EEAS was responsible for managing information systems, but since the management was not done by external relations staff in the Council Secretariat, the staff involved were not transferred and had not been considered in the Council decision’s annex (Interview 10, EEAS official, 2011). In some ways, the Secretariat outdid the Commission in the post transfer conflicts, in one instance transferring empty posts (Morgenstern 2011: p. 19): ‘They gave us empty posts rather than persons. They created new posts for persons and then gave us the empty posts.’ (Interview 10, EEAS official, 2011). The EEAS raised this with the EP as budgetary authority in 2012: ‘This transfer of budgetary resources was not always accompanied by the corresponding support staff.’ (EEAS 2012: p.1). In similar instance, administrative posts were handed over, in order for the Council Secretariat to retain a number of foreign policy and external relations staff in return (Interview 4, EEAS official, 2011).

The Council Secretariat staff assigned to move to the EEAS appeared to have had a less than smooth integration process, coming from an organisation with a different working environment and structure than the Commission. With smaller overall numbers and without strong backing from the corporate Council Secretariat, Council officials had to find a place in the new structure:

‘[The officials] that worked in the CSG they are basically applying for posts within this structure. But it was not supposed to be this way. It should have been a merger. Now they are going to be selected or not selected by the Commission hierarchy.’ (Interview 2, Senior Council official, 2011).
In exceptional individual cases, this may have proven a positive career development, but structurally, the interviewee perceived that the Council Secretariat’s foreign policy parts had nearly disappeared (Interview 2, Senior Council official, 2011). How officials that performed similar tasks dealt with the new tasks depended largely on the circumstances and arrangements between the persons involved (Interview 13, Commission official, 2011). For the corporate part of the CSG, staffing and organisation concerns were mainly about safeguarding its own role and minimizing other types of administrative links to the EEAS.

For the member states, staffing concerns were so central an element in the race for influence on the new service, that it was largely dealt with through the formal oversight channels built into the EEAS decision (see above Oversight, also chapter 5). The EEAS decision contains several specific requirements for member states staff overall and a balanced geographical distribution across member states (Council of the EU 2010b: art. 6(6), art. 13). From early in the negotiations, the member states staffing quota was an essential ‘deliverable’ for the EEAS:

‘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.’ (Council of the EU 2010b: art. 6 (9))

Equal treatment of member states diplomats is also enshrined in the EEAS decision (Council of the EU 2010b: art. 6(7)), highlighting that member states were keenly aware of potential advantages of EU personnel in maneuvering selection processes. Fearing the use of procedures to keep out member states staff, German representatives refused to support recruitment to the EEAS via the general selection system, or concours, on the basis that national diplomats already passed such a selection (Interview 4, EEAS official, 2011).
At ambassadorial level, the target for member state staff was nearly achieved within the first two years of operation (see above section 6.4 *Staffing and Organisation*). With progress assured in this area, however, focus of member state shifted on to other organisation and procedural matters as illustrated above.

**Budget**

The Council Secretariat had, like the Commission, continued to provide services to the EEAS in the framework of service level agreements. In contrast to the Commission, however, the CSG expressed its desire to end this service-provision. The EEAS review of 2013 states that ‘the Council Secretariat has made clear they wish to end the SLA in place.’ (EEAS 2013: p. 10). The experience of difficult collaboration and struggles to take over unfunded tasks at the beginning of the operational phase shine through in the following sentence: ‘It is important that where the Council Secretariat decides to end an SLA that the EEAS receives the corresponding resources to take on the responsibility seamlessly.’ (EEAS 2013: p. 10). The EEAS had clearly learnt about the need for resources in its first two years. As with staffing and organisation, the Council Secretariat appears to aim mainly towards severing, from its perspective unnecessary, links to the service. The inter-linkages of staffing and organisation become apparent in this context. As described above, the CSG had at least at one occasion transferred budgeted posts rather than actual staff. While kept analytically separate here, the exercise of organisational power through the mechanisms of budget, staffing, organisation and administrative procedures can fit less neatly into those categories in reality.

In addition to this inter-bureaucratic rivalry between the Council Secretariat and the EEAS, the relationship with member states represented in Council is arguably the most important link as member states still dominate EU foreign policy. The first three years of operation illustrate that Commission and Council Secretariat play a central role in relations to the EEAS. While bureaucratic contestations by the parent organisations are unsurprising, the member states themselves also shaped the interaction with the EEAS. The close scrutiny by
Member states was already set up in the negotiations surrounding the setting up of the EEAS by inserting distinct review items into the Decision of 2010 (Council of the EU 2010b). The member states collective role in the Council also gives them a direct say on the budgetary resources available to the EEAS. As one element of the budgetary authority of the EU, the Council’s preferences and willingness to provide resources for external policies as well as the organisational structure underpinning it are an essential element of the budgetary process. The position of the member states had been largely dominated by concerns such as budget neutrality of the new service, and added value of its operation. Nevertheless, despite some strong views for a reduced budget in Council, the member states needed to find agreement with the European Parliament, and had thus agreed to increases in the EU’s and the EEAS’ budgets.

Council structures have another link to the EEAS based on the new institutional architecture of the EU after the Lisbon Treaty. In addition to Secretariat and member states in Council, the EEAS is also assigned a role in support of the President of the European Council. Herman von Rompuy occupied this post of semi-permanent chair of the European Council from 2009 to 2014. The President of the European Council (PEC) has at his disposal an extended cabinet, housed by the Council Secretariat, a part of which is exclusively charged with supporting the PEC in the field of External Relations. The relationship of the EEAS with the PEC is, mirroring its work for the President of the Commission, largely related to briefings on external relations and foreign policy. Despite early hiccups in finding a reliable communication pattern, the collaboration with the EEAS was regarded very positively in the cabinet (Interview 22, Cabinet member, 2012). Even the working relations with Ashton’s cabinet, often derided as closed and unhelpful, were seen as ‘very positive’ (Interview 22, Cabinet member, 2012). Despite the positive evaluation, the interviewee did not fail to notice the ‘institutional sandbox fighting’, which characterised a lot of other actors' interactions with the EEAS (Interview 22, Cabinet member, 2012).
But these attempts by member states to shape the functioning of the EEAS are not the only political interventions regarding the new service. A third core actor in the Brussels’ inter-institutional environment was the European Parliament, which had long championed a common diplomatic service for the EU and was seeking to influence it from its inception and establishment phases (See chapters 2, 4, 5).

6.6 The Many Faces of Control: European Parliament

Another actor with direct political links to the EEAS and equally deep interest in its organisation and functioning is the European Parliament, where some of the designers of the service hold influential positions. As the EP is not mainly a bureaucratic actor, relations between the EEAS and the Parliament can be expected to differ from those with both the Commission and the Council. Formally, the European Parliament did not have any leverage over the Council decision that established the EEAS. Despite this, it did use its co-decision powers for the necessary revision of the staff and financial regulations and created a package negotiation in order to shape the decision (Erkelens and Blockmans 2012: p. 15, see above chapter 5). As one part of the EP’s agreement to the deal, the HR had to give a ‘Declaration on Political Accountability’ annexed to the decision setting out basic principles of consultation and information procedures to the EP (High Representative 2011, see chapter 5.4). Largely, the Declaration codifies the continuation of previous practice or extends previous practice to other particular areas. It also creates an obligation to send a politically accountable person as opposed to an official to the EP should the need arise.

Oversight

Major review procedures were written directly into final provisions of the Council Decision establishing the EAAS (Council of the EU 2010b: art. 13). As noted above, these requirements included the need for a report to EP, Council and Commission by the end of 2011 focussing on the role of delegations and progress in coordinating instruments. This report was issued in early 2012, but had little observable impact on the functioning of the service. Amid persistent
criticism by member states and the media, the EP was thought to have eased up on the criticism of the EEAS in order to give the organisation some respite (Interview 24, EP Assistant, 2012). At least in this instance, the control mechanism was not used as such. In its last oversight task in the period under observation, the EP developed the ‘2013 Review of the organisation and functioning of the EEAS’ (European Parliament 2013b). It included a long list of suggested improvements from the political goals to be achieved to detailed wishes on the organisational hierarchy of the EEAS such as the merger of the office of Chief Operating Officer and Managing Director for Administration (European Parliament 2013b: p. 5). It also tasked the EEAS with ‘carry[ing] out a systematic and in-depth audit in order to unify the external policy-related structures put in place by the Commission and the Council Secretariat (European Parliament 2013b: p. 5), i.e. the EP developed new forms of oversight for future time periods. It also used the opportunity to identify a few mechanisms in staffing and financial management, in which the EEAS ought to be strengthened vis-à-vis the European Commission (European Parliament 2013b: pp. 6-7). The EP sought to push back member states interference with EEAS recruitment (European Parliament 2013b: pp. 9-10). While conveniently overlooking possible interference of the Commission, the EP does not forget to fight its own officials’ corner by reminding the EEAS of equal access to posts for EP officials (European Parliament 2013b: p. 10).

**Staffing and organisation**

The EP’s role in nominations is comparatively weaker than the Commission’s or the member states’, but still has potential for some element of control in the future. The EP negotiated for US-style hearings of future ambassadors, and only partially succeeded. The EP now holds a hearing of selected heads of delegation before they take up their post, but after they have been appointed (Interview 20, Senior EEAS official, 2012; High Representative 2011b: No. 7; see above chapter 5). It has become regular parliamentary practice as an ‘exchange of view with the newly appointed Head of EU Delegation to Saudi Arabia (in compliance with the Declaration on Political Accountability of the HR/VP)’ illustrates (European Parliament 2012: p. 3). Legally, this appears to preclude parliamentary control of
the nomination, but the EP may express strong opposition to individual candidates. This would certainly undermine their credibility as ambassadors and it is questionable whether such a statement could be ignored (Interview 20, Senior EEAS official, 2012). The EP has in the past asserted its political powers studiously. In that sense the EP made at least a step towards classical oversight mechanisms with regards to ambassadorial appointments. The EP also surprised the EEAS by writing a letter to the HR with a recommendation after the heads of delegation 'hearings', or exchanges of view, (Interview 20, Senior EEAS official, 2012). This procedure, adapted from the hearings of Commissioners before the EP, is an informal way for the EP to tilt the process towards the ambassadorial hearing it desired.

Surprisingly, the EP as a political body also noted in its 2013 review that:

‘to consider in particular, in view of the European Parliament’s special role with regard to the definition of objectives and basic choices of the Common Foreign and Security Policy, Parliament’s competences as a budgetary authority, its role in democratic scrutiny of foreign policy as well as its practice of parliamentary foreign relations, the possibility for officials from the European Parliament to be able to apply for posts in the EEAS on an equal footing with those from the Council and the Commission from 1 July 2013’ (European Parliament 2013b: p. 10)

Despite the EP’s limited administrative base as a political body, the EP had recognized the value of inserting staff into the organisation as a means to influence its operation in the run up to the 2010 decision and repeated its stance in 2013.

**Budget**

According to the Lisbon Treaty, both the Council and Parliament have equal budgetary rights. Any budgetary revision must therefore be carried not only by member states, but also by a majority in the EP. In addition, the EP has received an affirmation by the HR on specific budgetary information feedback in foreign policy (High Representative 2011a: no. 1). It was also the EP that insisted on
maintaining the dominant role of the Commission in operational expenditure matters (Blockmans and Hillion 2013: p. 46), resulting in ‘control over what the EEAS can do in the operational sphere’ (Blockmans and Hillion 2013: p. 48). This has had direct effects for the EEAS and constrained its ability to e.g. use information and communication budgets (see above 6.3.1). More specific budgetary procedures in Development and European Neighbourhood Policy also tie the EEAS into the Commission (Blockmans and Hillion 2013: p. 47). This strengthens the role of the EP as budgetary authority (Blockmans and Hillion 2013: p. 48), but also limits the financial flexibility of the EEAS. The specific budgetary rules in the operational field created a disconnect in the delegations. While the Head of Delegation can receive sub-delegation for operational expenditure, she can only further sub-delegate to Commission staff in the delegations (European Commission 2012a, Blockmans and Hillion 2013: p. 50-1).

6.7 Conclusions

The early operational period of the EEAS, from late 2010 until the review in 2013, was not an easy time for the service. The EEAS, had to establish itself as an autonomous hierarchical organisation in an environment replete with actors. In a plausibility probe on the EEAS’s structure and internal organisation, factors linked to the bureaucratic consolidation of the EEAS emerged as relevant in explaining the organisation’s operation. The EEAS did engage in budget maximisation, receiving declining budgetary increases in each year of operation between 2010-2013. The fact that budget increases are declining over time appears to speak for an additional argument made about the processes of consolidating bureaucratic organisations. Dunleavy notes that the pursuit of budgetary increases is very costly politically to administrative leadership and provides relatively few benefits (Dunleavy 1991: p. 174). Considering the political focus of member states in particular on added value and budget neutrality of the new organisation (see chapters 5 and 6), the political cost of asking for further budget increases could be considered too high for the HR.
Shaping the organisation according to the leadership wishes, or bureau-shaping, ought to be a less politically costly endeavour. There is indeed some evidence of bureau-shaping by the EEAS leadership, in particular when it comes to the collective board structure around the High Representative and organisational structures dealing with crisis management. The evidence suggests furthermore that at the desk level, individual officials’ conception of their own organisational interests shape the perception of the other actors in the policy-making process. It is one of the ironies of the merger process that officials hired from the member states tended to judge the Commission as a trustworthier source of information than former Commission staff. Competition about bureaucratic boundaries and resources do thus not only occur at the corporate level of an organisation, but also have distinct repercussions at the level of officials. Nevertheless, some of these observations from within the administrative structure may well be artefacts of the relative youth of the organisation and disappear over time.

The EEAS did not consolidate its organisation in a political or organisational vacuum. Its relations to political bodies as well as administrative organisations at the EU level were largely determined by bureaucratic politics through attempts to exercise control over the service. The evidence showed that control procedures exist and that not only the two political masters of the service, the Council and the Parliament, exercise control. Its close collaborator, the European Commission, equally exercises strong control through administrative procedures, nominations of heads of delegations as well as programming and budgeting mechanisms. Because of this prominence in administrative procedure mechanisms of control, the Commission was able to exercise control in the day-to-day operations of the consolidation phase.

The evidence also demonstrates low levels of trust, in particular from former Commission staff towards the Commission, but also the member states. Conflicts about the right to preside and speak for the EU, input in administrative processes, as well as autonomy in financial management bear witness to the strong bureaucratic politics that grounded the EEAS. The process has since
calmed considerably, indicating that by the end of the early operating phase, turf wars had succumbed to standard operating procedures.

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Table 11: Control mechanisms for the EEAS by actors. Own compilation.

The EEAS set-up includes strong control elements for three actors: the member states have strong influence on staffing and via the Council on the budgetary process. The Commission is deeply tied into the EEAS administrative process and retains control over the operational budget. The EP as a political body has at least the weight of political oversight mechanisms, in addition to its role in the budgetary process. As table 11 above shows the Council and the member states retain the largest number of control mechanisms with access to all levels of control from staffing and nominations, to hearings and reporting and finally the setting of the budget. The EP’s strongest mechanism is its budgetary control, and in addition, it has some oversight mechanisms at its disposal.
The European Commission has strong influence over staffing and nominations, but its strongest mechanism is the deep link the EEAS is forced to retain with the Commission in terms of administrative procedures and budgeting processes. It is this deep link that has led some observers to suggest that: ‘[...] that is exactly the Commission vision, they did not want a strong EEAS. Strong yes, but within boundaries.’ (Interview 2, Senior Council official, 2011). While collaboration is enforced through the rules of the EEAS decision and the treaties, competition and collaboration are mixed in the inter-bureaucratic relations. The European Commission has retained strong influence on staffing, on financial management as well as all on procedural aspects of external relations. Its relations with the EEAS were settled first unilaterally on the basis of a Commission script, and only later revised in a conflictual negotiation with the EEAS itself. By the end of the first operational phase, the EEAS had a considerably more established corporate part (see above section 6.2), something akin in function to the Commission’s Secretariat-General. The organisation has thus in subtle ways such as staffing and inter-organisational relations worked to gain more autonomy than its competitors planned for (Murdoch 2013). Future settlements with the Commission will thus be more balanced than early agreements, but for the early operation period the Commission must be considered the strongest player in the game.

Considering the organisational control structures of other actors is not straightforward either. The European Parliament as a political body would not be likely to deploy high levels of administrative staff in order to fulfil control functions. In the Commission, this is largely done via the Secretariat-General, which already represents a strong organisational element in the Commission and would not likely exhibit an immediate increase in resources specifically in response to the EEAS. In the case of the Council Secretariat, however, the clawback of a number of external relations staff (Interview 4, EEAS official, 2011; Interview 10, EEAS official, 2011; Interview 18, Council official, 2012) can be seen as a move to safeguard the ability of the Secretariat to monitor the EEAS’ activities. From the view of the Secretariat-General itself, this is seen as a more benign delivery of services to the EEAS as would have been provided to the
Presidency administration (Interview 1, Council official, 2011; Interview 2, Senior Council official, 2011; Interview 16, Senior Council official, 2012). When weighing the likely impact of abstract and high-cost control facilities such as a full review of the EEAS’ functioning together with a narrow focus of specific control items, specifically staffing, the evidence on the exercise of control suggests that the level of control by political actors such as the Council and the EP is high but will be reduced over the medium term as the determination to use these mechanisms wanes.

The European Parliament retained limited political influence on nominations and remains of course one of the budgetary authorities of the EU, with resulting influence on the EEAS. Nevertheless, the EP appears to have taken a benevolent view of the service, possibly as recognition of the EP’s role in the creation of the service and as a response to the difficult early days of the service. This may also be a reflection of the EEAS decided focus on being in good standing with the EP as a budgetary authority (see above). The overall evidence from relations to other actors indicates that those actors with less administrative interest, i.e. with little administrative structure themselves, in this case the European Parliament and the office of the President of the European Council, were largely positive towards the service. The first EP report on the EEAS seems to have fallen prey to shifting political approaches to the EEAS. After the service’s performance was discussed at a parliamentary meeting, observers in the EP were surprised at the lenient approach taken by the participants in this small-scale review (Interview 24, EP Assistant, 2012). As studies in the past have shown that the existence of control instruments does not guarantee that they are used (Weingast and Moran 1983: p. 767, Miller 2005: p. 209), something similar appears to have happened in the case of EP-EEAS relations.

The analysis of the EEAS’ institutional environment reveals strong contestation during the operation from all sides, but in particular highlights how strongly the European Commission is able to exercise control over the EEAS. Member states have become vocal critics, but they did so outside the control arrangements in place and outside of Council structures. The EP has become a much more
supportive actor than previously assumed. Through a conceptualisation of principal agent mechanisms relating to control and autonomy, the struggle for influence over the EEAS between the European Commission and the member states has become apparent. In many ways the supranational Commission and the intergovernmental Council defend existing prerogatives and attempt to curtail EEAS autonomy in the period of consolidation. The EP on the other hand after initial criticism developed a more benign relationship with the service.
CHAPTER 7
CONCLUSION

This thesis has addressed the perceived gap between performance of the newly created European External Action Service and the aspirations of its founders. It set out to answer a seemingly simple question: why did a new administrative organisation created for a purpose run into a lot of opposition in its operation, from exactly those political actors who had originally agreed to create it? In order to answer this question, a number of derivative questions need addressing. These three questions concern the evolution of the new organisation: why is the organisation created, how is the organisation created and how does it operate? These questions implicitly identified three distinct phases in the creation of the new organisation: inception, establishment and consolidation. These three phases can be conceptualised through subsets of institutionalist theories, which capture the political conflict or contestation surrounding the new administrative actor. In order to structure the empirical analysis and give answers to these questions, this thesis has used an eclectic analytical framework of institutional approaches that encompasses these three stages of institutional evolution.

After a brief review of the expectations derived from the analytical approaches used, the conclusion will address the answers given to the guiding questions of the investigation. It will then turn to combine these insights in an evaluation of the analytical approaches power to explain the evolution of the EEAS. It will also highlight where the approach falls short in accounting for the findings in this case. The conclusion continues by considering how the insights into the case of the EEAS speak to the analysis of institutional change more generally. Lastly, it concludes by highlighting what these insights mean for the future of the EEAS.

Inception is a phase often described in terms of ‘critical junctures’ in historical institutionalist research. The institutional constraints on political actors are temporarily loosened, leading to an agreement that is beyond the boundary of a regular, bargain-based lowest common denominator. An agreement by this so-called enacting coalition is found through regular bargaining and shaped by the
institutional rules in place and the variety of actors’ preferences. The phase is embedded in a particular historical institutional setting and the decisions taken within it subsequently shape the later periods of creation.

Next is the actual establishment of the new organisation through legal acts, budget amendments and staffing decisions. Taken a by a different set of political actors, the executing coalition, the establishment phase returns the decision-making to a regular institutional setting, in this case the EU politics of bureaucratic structure. Negotiations of an EU inter-institutional nature are broadened somewhat and are played out in more typical EU decision-making process than in the first phase.

With the decision of this executing coalition, the new organisation comes into existence and from that moment on changes the political scene. This phase is called the consolidation phase. The organisation attempts to establish its own organisational structure and purpose and begins to enter into conflict with its bureaucratic environment. The actors who agreed to create the organisation interact with it in a competitive sense rather than a coalition-based approach as in the previous two phases. The main objective is to establish control over the new body in order to gain benefits from its operation.

**Inception**

The chapter setting out the historical evolution of the administrative structures in EU external relations and EU foreign policy has highlighted the vast divergence of views on the organisation of these two policy areas. It showed that already in the 1990s a merger of the two administrative traditions, the Commission’s external relations as well as the Council Secretariat’s foreign policy organisation, had been floated as a solution to the perceived incoherence of the two policy areas. Nevertheless in the intergovernmental conferences of the time, no majority for this type of change could be found. This changed during the Convention on the Future of Europe in the early 2000s as chapter 4 explains. The EEAS was conceived and written into the EU’s institutional system at the Convention on the Future of Europe because the Convention’s format allowed for
integrationist positions to be more strongly represented than during a regular intergovernmental conference. The Convention included members of the European Parliament, members of national parliaments including from candidate states for the 2004 enlargement. Even with the government representatives of the then member states, the overall composition was considerably pro-European in outlook. The leadership of the Convention as well as core members of the Convention were integrationist representatives from the member states and the European Parliament who were able to additionally exert control over the agenda and outcome. Their agenda was to prepare a full draft treaty to be presented to the member states, in order to prevent the proposal from being picked apart (see chapter 4).

The relatively small changes that were subsequently introduced during the formal intergovernmental conferences that transferred the Convention’s proposal into actual EU treaty text illustrate the success of this approach. The EEAS entered the scene first in a working document of a working group of the Convention and remained contested in its form and shape until the last full Convention debates in the summer of 2002. But the final agreement was more or less what the working group on external relations in its report had originally proposed. However, these final debates also illustrate the vague and contentious nature of some of the agreements, leaving open to a degree whether the EEAS would be integrated into the Commission or become what Elmar Brok during these debates called a ‘Kingdom of the Middle’ between Council and Commission. In order to keep a ‘foreign minister’ with an administrative support structure in the Convention proposal text, a clear decision on this organisational matter could not be reached. The Commission was until late in the Convention attempting to safeguard its institutional assets, e.g. by attempting to remove the delegations from the reach of the EEAS. The overall outcome reflected both intra-Convention logrolling as well as a Franco-German institutional compromise, which accepted the creation of a President of the European Council for the creation of a Foreign Minister with a supporting service. Despite opposition to the concept of the EEAS by some member states, they were not able to prevent it during the Convention or afterwards in the intergovernmental conferences. Details of the
administrative set-up were left for the next phase of the EEAS’ evolution, the establishment of the service.

**Establishment**

The translation of the proposals of the Convention via two intergovernmental conferences had introduced some cosmetic changes to the institutional structure of external relations and foreign policy, but it did not alter the required next steps. The Lisbon Treaty's amendments mandated the creation of the EEAS, which required a decision of the Council and approval by the Commission. Because of the large-scale nature of administrative changes, several other pieces of institutional legislation, namely the staff and financial regulations had to be amended, too. These legal acts required collaboration with the European Parliament. The latter used its legislative prerogatives in relation to the staff and financial regulations to participate in the negotiations on the Council decision creating the EEAS, the so-called quadrilogue. In addition to the Council, the Commission and the EP, the new High Representative, who was responsible for the proposal, was an active participant in this process. This ‘quadrilogue’ involved negotiations between the usual collective actors in EU decision-making, with an leading role in the preparatory stage of the decision for member states representatives in Council. Member states proved very cautious about giving authority to the newly established structure and were weary of Commission influence on foreign policy. The member states were equally strongly concerned about how their own staff would enter the service in adequate numbers and seniority. The EP in contrast was keen to guarantee Commission involvement specifically in the budgetary field and held on to the position that the EEAS should be part of the Commission for a long time. The Commission was working to minimize the effect of losing such a large group of staff working on external relations by internal reorganisation and strong negotiations on questions of administrative resources.

The final Council decision reflects the political positions. It created an additional layer of hierarchy to accommodate member states’ staff and entered requirements of adequate hiring of member states diplomats into the text. The
decision also safeguarded the Commission’s role in budgetary management and
gave the European Parliament some additional guarantees on political
accountability. The Council decision itself, however, could not cover all aspects of
future operation of the EEAS and its relations with other actors. These were to be
negotiated in the consolidation phase of the service.

*Consolidation*

As the EEAS started to take shape as an autonomous administrative organisation,
it had to establish its own organisation and procedure in more detail than was
written into the Council decision. It also had to develop working relations with
other actors in Brussels, and most prominently among those, the European
Commission. Because the Commission still retained control over other external
relations policies, such as trade, and had a guaranteed role in the external
aspects of internal competences, a complex system of interaction was agreed
between the two organisations. The overall process of consolidation was
characterised by attempts to control the organisation from other actors, i.e. the
Council and the member states, the European Commission and the European
Parliament. With a lower degree of competitiveness and formality, the EEAS also
established working procedures with the President of the European Council.

These interactions with the institutional and administrative environment clearly
hampered the ability of the EEAS leadership to shape the organisation. At the
level of desk officers, the inter-institutional competition had concrete impact on
their daily work. Increased complexity, longer internal processes are among the
challenges faced at the level of officials. Trust in other institutions had been
impaired by the experiences of consolidation; this is specifically visible for
former Commission staff who did not consider the Commission a supportive
partner organisation.

Nevertheless, these observations feed into a visible trend towards a phase of less
active contestation of interactions and control towards the end of the period
under observation (2013). Having set up the High Representative to review her
own organisation in the EEAS decision, the recommendations of the 2013 review
were not accompanied by a proposal to review the decision itself. The most likely reason for this is that the contestation of the EEAS and its tasks had been postponed until the next High Representative Mogherini has taken office rather than completely abandoned. Since some of the core elements of the review, e.g. a move away from collective leadership to clearer hierarchies, relate to strongly contested design features in the consolidation period of the EEAS, any renewed conflict about restructuring should give additional insights into who drives organisational change at the EEAS. In its current form, external pressures to control have strong impact on the organisation’s set-up.

*How well does a bureaucratic-institutionalist approach capture the evolution of the EEAS?*

The evidence presented in the thesis allows for a number of interesting observations on the ‘fit’ of the institutional analytical framework developed in chapter 3. The framework stressed that the three phases of evolution can be conceptualised by using three related but distinct institutionalist approaches (see summary in Table 12 below).

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Table 12: Overview of analytical framework and approaches

In the inception phase, the analytical framework was centred on a rational choice historical institutionalist explanation, which perceived this phase as the building of a general enacting coalition to create the new organisation. This enacting coalition in the case of the EEAS was a broad one. As the EEAS entered the EU’s institutional stage for the first time in the proposed Constitutional Treaty of the Convention on the Future of Europe, it is here where its enacting coalition can be found. It is more specific however than the entire Convention’s membership. As has been described above, not all members of the Convention wanted to create the EEAS. But the fact that an influential grouping of MEPs, some members of the Convention leadership as well as government representatives did want to create it sufficed. The process by which the Convention outcome was developed was bargaining. In the case of the EEAS, it was specifically logrolling between...
different visions for the EU’s institutional structure, agreeing to a President of the European Council in exchange for an agreement on the foreign minister and the EEAS. At the same time, this bargaining occurred in an institutional structure that was considerably more relaxed than an intergovernmental conference, something captured very well by the concept of ‘critical juncture’ in the historical institutionalist literature.

Because the Convention was more inclusive than an intergovernmental conference and because the leadership of the Convention decided to push for a complete treaty proposal, the EEAS could be entered into a set of institutional innovations. But the Convention itself was subject to institutional rules, which favoured the members of the Praesidium and the leadership of the working groups. The ‘critical juncture’ was thus not an institutional void, but a set of more relaxed rules combined with a more inclusive group of actors, which shifted the middle ground towards integration. Member states that had opposed this innovation found no way to substantially unravel the bargain over two intergovernmental conferences, and merely stripped the political figurehead of the new service of its ministerial title without major changes to its mandate or administrative substructure. Nevertheless, the grand bargain approach also shows the limits of this agreement. Not all elements could be worked out because of political disagreements, leaving the organisational structure of the EEAS undetermined. The details were left for a second round of processes, detached from the Convention. This next phase brings the setting up of the EEAS to a more concrete level.

The establishment phase is equally foreseen in a rational choice historical institutionalist framework, which conceptualises the processes as the working out of an ‘executing coalition’ (Lindner and Rittberger 2003). The forming of the executing coalition, however, had a very specific EU nature. The legal basis for the EEAS needed to be agreed by Council (i.e. the member states representatives) with approval of the Commission. When a preliminary agreement was found that the EEAS would become an ‘assimilated’ institution, giving it certain autonomous powers without making it a formal institution, it
required legislative changes that locked in the negotiation format. The European Parliament’s approval was now required to pass amendments to the financial and staff regulations. The ensuing process is captured well by the ‘politics of Eurocratic structure’ approach (Kelemen 2002), in which the Council tried to limit supranational influence on core policy areas, and the European Parliament in turn attempted to extend them. The Commission mainly defends its own turf by limiting the autonomy of the new organisation.

Both of these processes can be observed during the establishment of the EEAS. The main interconnected points of contention were status and scope of the organisation, staffing, budgetary management and political accountability. The Council members were specifically focused on the relevance of member states’ own staff in the newly created organisation, in the expectation that member states would have direct access and links into the EEAS leadership. The EP managed to extract specific concessions on accountability to the European Parliament from the new High Representative and also maintained the Commission’s (and thus its own) control over budgetary management. The Commission would be expected to support transfers of authority to itself. However, as in the previous phase, the Commission appeared to be fighting a rear-guard action against the EEAS, being more concerned with stifling its autonomy. Here, the politics of Eurocratic structure approach reaches its limit, as the Commission appeared to prefer no transfer of authority from the member states over transfer to the EEAS. In parallel, it worked more predictably towards bringing the EEAS under Commission influence. Its orthodox position on budgetary management and the role of the Commission in running delegations remained in line with the position Commission representatives had already defended during the Convention, yet it had not been entered into the treaty text.

With the creation of the EEAS as an administrative organisation through the Council decision, a new phase was ushered in. This consolidation phase was expected to differ from the first two phases by including the EEAS as an autonomous actor in a political environment replete with actors. The focus of the analysis shifted in this conceptualisation from compromises and coalition
building to negotiated or enforced cooperation (or maybe ‘coopetition’), i.e. cooperation may be required by treaty rules and secondary legislation. The evidence speaks for viewing the EEAS as a self-interested organisation in competition with other actors who tried to bring it under their control. There is some evidence of the leadership of the EEAS attempting to increase the budget of the organisation at least at the beginning as well as shape its activities. This supports core expectations of two central approaches of bureaucracy theory, budget maximisation and bureau shaping. As an organisation built during a financial crisis, it is however important to note that increases in the EEAS budget have decreased over time. This has been argued by another approach to bureaucracy theory, arguing that budget increases are politically costly to the leaders of administrative organisations (Dunleavy 1991).

Externally, the bureaucratic characteristics of the third phase are shown by bureaucratic politics and conflict surrounding the operation of the service: All actors involved in creating the EEAS used their control mechanisms built into the decision, albeit to varying degrees. The Council maintained its vigilance on staffing matters. The European Parliament, however, shied away from direct confrontation with the service. As bureaucratic politics predicted, the main lines of conflict centred on the other bureaucratic actor in EU external relations, the European Commission. Conflicts over resources, responsibilities and autonomy were fought out over the period of consolidation. Even in the short period until the review of the EEAS in 2013, a trend of decreasing salience set in. After conflicts over the rules on procedural cooperation, routine processes set in and appear to have reduced conflict. The analytical framework does not account for this decrease, but it would be a relevant factor in future analyses. Of course, another reason why the conflict subsided over this two year period may also be that during the 2013 review, any changes to institutional structure and renegotiation of relations with the Commission were postponed to the next period of office for the High Representative and the new Commission. It is a conflict postponed rather than abated.
Combining these institutional approaches gives a clear answer to the key research question: why did the EEAS have such a difficult start after having been lauded to be the panacea for the EU’s difficulties to be an influential actor in the world? From the very start of the conception of the service, political and administrative actors have hotly contested it. Throughout the phases of its creation, the central or strategic objective of the EEAS has come second to varying political considerations. First, it was introduced in the contests of integrationists and defenders of the status quo at the Convention on the Future of Europe, only to be party to an inter-institutional tug of war over structure, staffing and autonomy during its establishment. Even its early operation and review were strongly influenced by outside actors at the EU level whose interests were often focused on elements of control over the new service rather than its efficient functioning. The EEAS is after all a political bureaucracy; it needs to serve many masters who only agree to a certain extent what the organisation is meant to do.

While the respective shift in focus of the analytical framework for each of the three evolutionary phases of the new organisation appears to hold reliably, there is evidence that the framework does not foresee and capture appropriately. One of these difficulties concerns the linkages between the phases. In many ways, the purpose of the three phases is to distinguish different dynamics, something the analytical framework is able to do. The approach sees the phases as distinct, even if previous phases define some of the parameters for the following phase. Nevertheless, this subtle link between phases may actually be too soft to match the evidence. The phases are connected much more strongly than the original analytical framework expects. This connection is built through a variety of mechanisms: the first one is the actors involved. The continuity of actors is not accounted for. In several instances, the same person is interacting in all three phases with a similar agenda, only slightly adapting it to the changing institutional environment. The best example of this in the case of the EEAS is perhaps the role of Elmar Brok, the conservative German MEP. He appears in a central role in all three phases: first as an active member of the European Convention (chapter 4), then as a negotiator for the European Parliament
(chapter 5), and finally as chair of the AFET Committee in the European Parliament during the EEAS’ early years of consolidation (chapter 6). But several other individuals appear with differing roles across the three phases. David O’Sullivan first represented the Commission during the Convention on several occasions and proposed the removal of delegations from the EEAS structure (see chapter 4). He then returned in the consolidation phase as Chief Operating Officer of the new-born EEAS. In late 2014, he went on to take up the most prized of EU head of delegation posts in Washington, D. C. (EEAS 2014b, see also chapter 2).

Another factor that is under-valued in the framework is the consistency with which precedent determines later activity in the EU’s political and administrative system. In the EU’s treaty-, i.e. rule-based system, once a decision has been agreed upon, it is difficult to change and will become the baseline of subsequent decisions even if the time horizon is stretched over several years as in the case of the EEAS. In that way, the EU institutions reverted to a preliminary agreement from 2005 when discussing the set-up of the EEAS in 2008/2009 (see chapter 5). Equally, EU member states largely stuck to the substance of the Constitutional Treaty text when discussing it at an intergovernmental conference. The stability of views did not just exist for compromises. Linking the views on EU foreign policy and external relations structures from the 1990s, it is clear that fault lines across the views of the member states were stable. The orientation of individual countries may have shifted, but the conflicts over integration in these policy areas remained relatively stable. Irrespective of the first order views on deeper integration, the second order views on influence over the organisation, for example via staffing, was equally salient across all member states. In a similar vein, views of the European Parliament exhibited a comparable stickiness, reiterating its views on a European diplomatic service and referring to established parliamentary positions with each contribution. Beyond the ironclad commitment to making the EEAS a supranational organisation, the EP also in second order discussions on the establishment of the service defended the communitarised budget management already in place and thus in many ways fought the corner of the European Commission. This consistent positioning also
has implications for the understanding of institutional change in the EU political system.

The EEAS and institutional change in the EU

The EEAS is a strong case to observe the creation of a new administrative actor at the EU level. It exists in a policy space that is contested by both the member states (foreign policy) and the European Commission (external relations, trade). As such it sits at the faultline of the large scale political conflict about the nature of the EU itself. The disagreement between integrationist views demanding a stronger federalisation and supranationalisation as well as those seeking to safeguard member states core competences is what drives as well as hindering the institutional creation of the EEAS.

The evolution of the EEAS also relates to the debate between rational design of institutions and historical institutionalists. Where Pierson has outlined the ‘limits of design’ (2000b), the evolution of the EEAS tells another variant of the story. The particular twist in the case of the EEAS is that even if the actors involved in setting up the organisation had acted instrumentally, the outcome would not have been completely functional to one objective. This is because a political institution requires large-scale coalitions and compromises, often in several iterated instances of negotiations, in this case crossing the pro-integrationist and eurosceptical divide. The EEAS is a prime example of these coalitions of various collective actors. An institutional perspective on the EEAS shows these core elements of the EEAS evolution. First, it highlights that EU institutions and administrative organisations are objects of political contestation or conflict. The EEAS was created through a process that is maybe best described as political design of institutions, i.e. it is built on compromise decisions between various collective actors in several evolutionary phases.

The institutionalist insight, that one ‘should not expect consistency from a group’ (Riker 1998) plays out even more strongly as the EU’s political processes need not only intra-group or rather intra-institutional negotiations and compromises, but also compromises with other institutions. Any coherent, original purpose, if
it ever existed, must thus be diluted with competing interests. The EEAS is not as such a functional tool for a specific problem. Expectations that the Council as collective organ have for the EEAS are different from those that individual member states may have. Expectations the European Parliament has are bound to differ even more greatly.

Second, The EEAS evolved and will continue to operate in an environment that is as complex in political expectations as it is in procedural rules. The contestation of the organisation will continue, as Moe has put it, ‘the game of structural politics never ends’ (1989: p. 284). The EEAS shows that even where contestation is solved, it is merely solved temporarily or passed on. The Council decision necessitates negotiations between the EEAS and the Commission, i.e. it shifts conflicts into another format or arena. It is this triggering or connectedness of different stages of conflicts that shows how relevant the historical institutional element of the approach is, both because each decision triggers another one but also because each decision narrows the scope of the decision. It creates path dependency. This is especially the case in an EU institutional environment as the evidence illustrates. On several occasions during the creation of the EEAS, a discussion was moved forward by referencing an earlier decision taken at a higher hierarchical level: the concept of ‘acquis’, of a joint position that has been achieved, works not only on a legislative level, but on a political one as well.

Another challenge the EEAS brings to the debate is the view that time horizons of political actors are limited, or ‘short-lived’ (Pierson 2000b: p. 479). In the case of the EEAS, the surprising element is rather how long lived political and administrative actors alike are. Several individuals re-appear throughout the evolution of the EEAS. This includes politicians like Elmar Brok, but also senior administrators like David O’Sullivan who during the inception represented the Commission in the Convention only to later become the Chief Operating Officer, or senior manager, of the EEAS. The elite interviews speak of this muted continuity; several interviewees were involved in different functions across the
evolution of the EEAS. This continuity is an interesting avenue for further research.

Time horizons are also relevant in the evolution of the EU’s administrative structures in foreign policy and external relations. Combining the information in the historical chapter 2 with the evidence from the Convention in chapter 4 illustrates the long view of institutional change in the EU. Already in the 1990s, there had been proponents of a merged administration from Commission and Secretariat General. These ideas were on a smaller scale than the eventual EEAS, but nevertheless anticipated the most basic features of it. But the more limited unanimity and veto-based development of treaty reforms via intergovernmental conferences did not allow these ideas to reach fruition. The underlying conflict between integrationist positions and more sceptical positions appears extraordinarily stable, despite the changes in government and majority parties. These findings lead back to considerations by March and Olsen in ‘Rediscovering Institutions’ (1989: p. 94):

‘Although it is difficult to guess when an opportunity to attach a favorite solution to some problem will arise, a solution that is persistently available is likely to find an occasion. [...] The implication is not that governing is impossible. Rather it is that governance becomes less a matter of engineering than of gardening (Szanton 1981).’

It is the long time horizon of some of the actors, both individual and collective, that over the long time period ensure an institutional solution that has been floated on several occasions is finally attached to a problem.

Appraisal of methods

This thesis has largely relied on process tracing in order to determine first the mechanisms at work in the European Convention as the ‘genetic moment’ (Capoccia and Kelemen 2007) for EU foreign policy administration and then the processes behind the establishment of the EEAS. Process tracing in these two empirical parts has enabled the identification of different options on the table in
the Convention as well as the quadrilateral discussions leading up to the EEAS decision. In the Convention, a detailed document trail provided the backbone of the analysis, and interviews provided added insights into the informal discussions of central actors and dynamic movements during different stages of the Convention. During the negotiations on the establishment of the EEAS, the document trail was limited and interviews had to provide more of the temporal structure. This had a negative impact on the precision with which proposals and preferences could be identified.

Nevertheless, interviews provided insights into the intensity with which actors sought specific organisational design items, e.g. the centrality of staffing to all member states, information that is less easily traceable via documentation. The highly political nature of the EEAS negotiations made access to documentary sources near impossible and process tracing via interviews remained the only viable option for investigating the establishment of the service.

For the consolidation phase, a small-scale survey provided an additional type of structured evidence on the experience and perception of officials. Nevertheless, the information retained from it remained below expectations. Many officials reacted with suspicion to the invitation to respond to a survey and occasionally declined with reference to guidance they had received from their management. This meant that for a more complete picture of the consolidation phase, other evidence such as interviews and publicly available documentation and budget data had to substitute for survey responses. Fortunately, access to documents rules allowed for a relatively comprehensive view on the rules governing the interactions of the EEAS with the European Commission. Interactions with the Council, the President of the European Council and the European Parliament could be traced through interviews. The fluid nature of the organisational structure and rules, as illustrated by the revisions to the EEAS-Commission vademecum, meant that process tracing retained a high level of relevance also for this period.
Future Research Agenda

The findings of this thesis underscore the overall strength of a bureaucratic-institutionalist approach to the emergence of administrative organisations, yet highlights specific gaps in understanding the disruptions as well as continuities of the various phases a new bureaucracy goes through. Both from the strength of the approach as well as the blind spots identified, several avenues for future research emerge. The following paragraphs will identify these avenues both on an empirical as well as theoretical level and offer some thoughts on their direction.

Firstly, following the analytical framework developed in this thesis, various relevant empirical cases could be used to further explore the validity of the concept. A comparable case of a bureaucratic structure that has developed through the same political process, but has experienced vast changes to its structure and status is the European Defence Agency (EDA). Its design options were extensively debated in the security and defence working group of the European Convention. Unlike the EEAS, its establishment was not delayed by treaty ratification and it was agreed upon as an intergovernmental agency in 2004 already. These outcomes differ considerably from the EEAS and in-depth process tracing of the creation of the agency may reveal relevant insights about the role of member states in the process of the Convention, the role of external actors such as industry on the decision-making during and after the Convention as well as peculiarities of the specific policy area.

Secondly, there are several gaps of the bureaucratic-institutionalist framework worth exploring. The main element coming out of the evolution of the EEAS is the persistence of actors within the changing institutional structures of decision-making. In studies of institutional continuity and change, the role of actors, and specifically individual actors, still merits additional attention. Further studies could look into in how far individuals may be agents of continuity with fixed preferences and policy ideas they seek to attach to specific policy problems until they succeed, or whether they act as agents of change producing amalgamated policy solutions through negotiating over time. Drawing on the literature of
policy entrepreneurs both traditional (Frohlich et al. 1971) and more recent (Narbutaite Aflaki, Petridou and Miles 2015) may provide insights on what role they may play in institutional emergence and evolution. The role of these entrepreneurs will also shed additional light on the processes determining the direction of change during a critical juncture as discussed above.

Thirdly, and most specifically regarding the EEAS, further research needs to address the recent significant drop in salience of Commission-EEAS conflict. It will be relevant to learn whether this is a temporary phenomenon, prompted by the alignment of the new High Representative Mogherini within the Juncker Commission. It also will be of interest to students of the EEAS whether this realignment will come at a significant cost in terms of collaboration with other relevant stakeholders of the EEAS, namely the member states.

Contested diplomacy - The future of the EEAS

One of the core insights of the institutional analysis of the EEAS is that the organisation had to go through various periods of contestation from inception to consolidation. And despite the increase in routine decision-making and decreasing conflicts with other actors, in particular with respect to the central competitor the European Commission, the ‘game of structural politics’ is likely to RETURN to the EEAS. The policy debate around the EEAS had identified organisational as well as political shortcomings (Hemra, Raines and Whitman 2011, Helwig et al 2013) The official review of the EEAS in 2013 followed suit and concluded on various matters such as the senior management structure and relations with the Commission that the EEAS’ organisation and functioning needed to be improved. But it postponed these changes until a new High Representative has taken office, which is going to take place in autumn 2014.

As the new HR, the former Italian Foreign Minister Federica Mogherini, has taken office together with the new Juncker Commission in 2014, the ‘game of structural politics’ is bound to resume: both between the EEAS and the Commission as well as the member states and the EEAS. The 2013 review already proposed a number of administrative and procedural changes as well as changes to the
internal organisational structure of the EEAS both for the short as well as the medium term (EEAS 2013a). Nevertheless, the review does not enter into detailed discussions of a potential revision of the EEAS Decision of 2010:

‘At this stage, the review deliberately concentrates on policy issues and possible improvements without addressing what these would require in terms of internal organisational changes, modifications in legal texts or other wider issues to be considered as part of the institutional transition in 2014.’ (EEAS 2013a: p. 15)

One major change had already been announced before the new HR took office. In discussions with Commission President Juncker and the incoming HR Mogherini, it was agreed that she take her office in the Commission headquarters building Berlaymont rather than in the EEAS headquarters (Juncker 2014). Mogherini’s mission letter also specifies at least half of her cabinet will be made up of Commission officials (Juncker 2014: p. 4). This new emphasis on the Vice-President of the Commission role of the HR implies several changes. Firstly, that the leadership role of the EEAS is subordinated to collegiate interaction in the Commission. It enshrines the enforcement role of the Secretariat General in relations between the Commission and the EEAS (Juncker 2014: p. 4). In all likelihood this means an expanded role of the EEAS’ Executive Secretary General in running the organisation. Secondly, while potentially strengthening Mogherini’s standing among external relation Commissioners, it also more directly subordinates her to the President of the European Commission. While at the Convention on the Future of Europe, one model on the table then still saw the HR as a subordinate to the President of the European Council, the developments of the last years have made the Commission the indispensable partner for the HRVP, and by extension the EEAS. The ‘equidistant’ formula of the early days, aimed at balancing Council and Commission, has for now given way to a much closer linkage between the HRVP and the Commission, leaving the EEAS as a service potentially weakened and ‘cut off’ from core decisions. One of the interesting open questions will thus be how the former Foreign minister Mogherini will take on her tasks in the Foreign Affairs Council and as a head of
the EEAS. Member states reactions to this move have so far been muted, but this move away from the equidistant formula is likely to cause some concern in the 2014-2019 term.

A rationalisation of administrative hierarchy as is suggested in the review will be difficult as it was exactly the managerial redundancy that was needed in order to assuage member states concerns over access to senior levels of the service (see chapters 5, 6; European Court of Auditors 2014). As an insertion of the EEAS into the Commission is highly unlikely in the near future, administrative competition will continue to shape the operation of the EEAS. The European Parliament has also voiced its discontent about the structural arrangements across EEAS, Commission and Council Secretariat by demanding the EEAS

‘[To] carry out a systematic and in-depth audit in order to unify the external policy-related structures put in place by the Commission and the Council Secretariat, with a view to overcoming current duplications and promoting cost efficiency’ (EP 2013b: p. 5)

The audit carried out in 2014 by the European Court of Auditors had already delivered scathing criticism of the EEAS top-heavy hierarchy, administrative duplication and lack of mission (European Court of Auditors 2014). While this thesis has found similar evidence, ascribing these shortcomings to the lack of a strategy (European Court of Auditors 2014: pp. 8, 11) misses the structural politics of the EEAS: it is precisely the disagreements over fundamental organisational principles and tasks that are responsible for the administrative shortcomings.

As the EEAS enters into a new phase with new political leadership, many questions from this thesis will continue to be relevant in order to understand the organisation’s development. Future research could elaborate on whether organisational changes of scale appear also in the tenure of the second High Representative, which would considerably strengthen the case for considering bureau-shaping a significant internal process in the EEAS. The effects of more
The direct linkage of the new HR to the Commission on inter-administrative relations on the one hand and political relations to the member states on the other will likely be another fruitful avenue for further research.

The diverging opinions between member states about what the EEAS should do will resurface at every turn. Despite these difficulties, it is important to note that the history of the EEAS not only shows the continuity of structural politics, it also highlights how determined actors can use their political and institutional influence to shape the organisation more towards their preferences. A new High Representative with political capital, clear preferences and persistence may take this opportunity to shape the EEAS from a Brussels’ bureau into a more modern diplomatic actor.
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Adopt only recommendations and Joint proposals HR & Csr

Right of initiative and chair of GAERC/FAC

More resources for Council diplomatic academy

More coordination, HR/Csr: European Institute of foreign relations and European diplomat academy

More cooperation between sovereign nations strengthen HR closer collaboration with COM external policy

Fuller HR & Csr into COM

More administration

More council decision

No 'Super-President' at Council level

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8. 12.2002 | Dehaene      | Verbatim        | President | Several remarks on HR diplomatic service with EU | European External Representative of European External Representative of HR (vis-a-vis COM President) |
<p>| 06.12.2002 | Dehaene      | Verbatim        | President | Several remarks on HR diplomatic service with EU | European External Representative of European External Representative of HR (vis-a-vis COM President) |
| 28.10.2002 | President    |                | HR Service | To be determined       |         |
| 06.12.2002 | Dehaene      | Verbatim        | President | Several remarks on HR diplomatic service with EU | European External Representative of European External Representative of HR (vis-a-vis COM President) |</p>
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Undermining COM role

Akcam (TR Parl)

Barnier (COM)

Undermining COM role

Van der Linden (NL Parl)

COM

EEAS under authority of the
Foreign Minister should not

Fahrleitner (AT Govt)

Support for HR/VP of COM

Kohout (CZ Govt)

Option 3, double hat

Lennmarker (SE Parl)

Supports double hat for HR and CSSr

Fischer (DE Govt)

Double hat for HR and CSSr

RELEX to replace Troika, Foreign Minister

必要的资源

Fischer (DE Govt)

Double hat

Service will be under Commission staff regulation and control of Parliament, but not HR

Fischer (DE Govt)

Double hat

External policy areas

Peterle (SI Govt)

Clarify relation of diplomatic service with family

Maij Weggen (EP)

Institutional balance if new service at Council, link to external policy areas

Maij Weggen (EP)

Institutional balance

Verbatim

Block (EP)

Wrong to create new service in footnote, service should be inside COM, as is distiguishes work to create new service

Maij Weggen (EP)

Institutional balance

Maij Weggen (EP)

Institutional balance

Maij Weggen (EP)

Institutional balance

Maij Weggen (EP)

04.07.2003

Maij Weggen (EP)

Fischer (DE Govt)

Necessary resources

Fischer (DE Govt)

Fischer (DE Govt)

Brok (EP)

Verbatim

Fischer (DE Govt)

Brok (EP)

Necessary resources

Fischer (DE Govt)

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<p>| Support for service to diplomatic service and Council supports. Needs links to both COM and Council. | | |
| --- | --- | |
| Service needs unfettered access to diplomatic service and MIN, not create new. Amendments to CSD. | | |
| Service should work in COM and not in CSD. Separate from administration of COM and Council. New body is entirely independent of COM and Council. | | |
| maritime, aerial and border control. | | |
| The Middle Kingdom of the Middle Ages. | | |</p>
<table>
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<tr>
<th>Date</th>
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<td>15.10.2002</td>
<td>Javier Solana (HR, non-A delegate)</td>
<td>WD 8</td>
<td>HR permanent chair of FAC</td>
<td>Ministry at pace MS are able to develop European foreign policy</td>
<td>Financing over GAERC (HR)</td>
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<td>24.09.2002</td>
<td>Louis Michel</td>
<td>WD 4</td>
<td>Council</td>
<td>Schengen institutions &amp; institutions Council &amp; COM</td>
<td>Loss of functions of Sec Gen</td>
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<td>23-4.9.2002</td>
<td>Elmar Brok (MEP)</td>
<td>WD 2</td>
<td>COM</td>
<td>HR &amp; REL Ex Cs (IE)</td>
<td>Commissioner for COM</td>
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<td>28.10.2002</td>
<td>Adrian Severin</td>
<td>WD 11</td>
<td>Merger HR and RELEX CSSr/VP of COM</td>
<td>CSG staff transferred to COM, EU diplomatic corps within COM</td>
<td>HR permanent chair of FAC</td>
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<tr>
<td>25.11.2002</td>
<td>Bobby Mc Donald</td>
<td>WD 16</td>
<td>HR attends COM mtgs, separate from SecGen duties, creation of Deputy High Representatives (DHRS)</td>
<td>separate from SecGen duties, separate HR from COM DGs</td>
<td>HR permanent chair of FAC</td>
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<td>01.11.2002</td>
<td>Louis Michel</td>
<td>WB 20</td>
<td>HR and COM with special participation in COM meetings, joint Full representation in COM meetings, HR into COM and direct participation in COM meetings, stay effective in COM meetings. MERGER OF BOTH FUNCTIONS IN COM.</td>
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<td>MERGER OF BOTH FUNCTIONS INTO COM. Single structure in COM. Merging of both functions into COM.</td>
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<td>07.11.2002</td>
<td>Daniel Huber</td>
<td>WD 18</td>
<td>CHIEF REPRESENTATIVE, CHIEF OF DELEGATION, DESTINATION, COLLEGE/CSP WITH RIGHT TO VOTE OF THE C.F.S.P. AS DELEGATION.</td>
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<td>H. M. Bury (DE GOVT)</td>
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<td>DOUBLE HAR, 2 DEPUTIES FOR THE PRESIDENT, ONE PERSON, ONE CABINET.</td>
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<td>06.11.2002</td>
<td>Goeran Lennmarker</td>
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<td>HR/CSSR CHAIRING EXTERNAL ACTION COUNCIL. Merging of both functions into COM. Single structure in COM. Merging of both functions into COM.</td>
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<td>Lamberto Dini (It)</td>
<td>WD 0</td>
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</table>

- **CFSP and one for Community, Chairman of PSC**: Separate mergers or projects fail, merging resources and avoiding double casquette supported.
- **Policy Unit, joint cabinet**: Separate, merged EU delegations.
- **Presidents of Enlargement, WP of the Commission**: Under two mandates, VP of the Commission of Foreign Affairs.
- **Foreign Minister of the European Union (FMEU) VP of COM, chairman**: Genetic Tusker (AT, Germany).

**Note**: Embassies could become EU representation and the permanent representation on the diplomatic service. Additionally, there are reservations on the potential merger of some substructures (COM and CSG).
<table>
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<tr>
<td>21.11.2002</td>
<td>Pierre Lequiller (FR)</td>
<td>WD 47</td>
<td>VP Commissioner, deletes Minister of FA text; double hat with several deputies</td>
<td>Separate structures and diplomatic service/academy with diplomatic missions and diplomatic academy with Council Secretariat officers have access to European and diplomatic academy with COM.</td>
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<td></td>
<td>Danuta Hübner (PL)</td>
<td>WD 51</td>
<td>College, member of COM, several deputy Federal Foreign Ministers of FA text; double hat with several deputies</td>
<td>Separate ministry de fusion, separate functions, supports Secretariat merged from HR, European Union Foreign Service</td>
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<tr>
<td>Date</td>
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<td>H.M. Bury (DE govt)</td>
<td>WD 53</td>
<td>Chair of GAERC</td>
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<td>Under President of EUcO</td>
<td>WD 21 (1)</td>
<td>Under President of EUcO</td>
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<td>Revised draft final</td>
<td>WD 21 (2)</td>
<td>Revised draft final</td>
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</table>

**Commission**

+ Single diplomatic service drawing heavily on seconded officials from MS and services of Commission, single diplomatic service, single deputy, chair of GAERC.

**Operational means**

- separate structures under double hat;
- DG RELEX and ‘European Foreign Policy Unit’ from CSG parts on foreign policy, seconded national officials and seconded staff from national diplomatic services or b) distinct administrations with separate merged service for CFSP; seconded national officials from CSG parts on foreign policy, double hat: DG RELEX and European Foreign Policy Unit.

**Recommendations**

- Before President of EuCo, ‘double-hat’ arrangement of separate structures under double hat.
- A) Separate functions with separate merged service for CFSP; seconded national officials from CSG parts on foreign policy, double hat: DG RELEX and European Foreign Policy Unit.

**Other**

-creation of one joint service!! (European External Action Service) composed of DG RELEX officials, seconded officials from MS and services of Commission.
<table>
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<td>09.12.2002</td>
<td>Teije Tiilikainen (FI govt)</td>
<td>WD 61</td>
<td>Delegation of EES to COM</td>
<td>EER but inserts long term goals of merger of functions into COM with timetable</td>
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<td>H. M. Bury (DE govt)</td>
<td>WD 63</td>
<td>HR need to support HR, MS, COM and CSG support for EES, report EER in case of EER</td>
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<td>Bobby McDonagh (IE)</td>
<td>WD 64</td>
<td>HR opposition to double-hatting</td>
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<td>Peter Hain (UK govt)</td>
<td>WD 66</td>
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<td>15.11.2002</td>
<td>Inigo Mendez de Vigo</td>
<td>WD 55</td>
<td>Report of external relations and council diplomatic services, based on category EES, report</td>
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<td>(degeare)</td>
<td>WD 56</td>
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</table>

**Notes:**
- "HR" refers to the High Representative of the Union for Foreign Affairs and Security Policy.
- "EES" refers to the External Action Service.
- "COM" refers to the Council of the European Union.
- "CSG" refers to the Committee of the Regions.
- "MS" refers to the Member States.
- "WD" refers to Working Document.
- "Recommendations" indicate the nature of changes or actions recommended.
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<td>Doubles about double-hat, Representant European External service (EMEP)</td>
<td>WD 72</td>
<td>Pascale Arnaud (FR)</td>
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<td>13.12.2002</td>
<td>Close relations between MS,PP, diplomatic services, seconded from national secretariat offices and staff, supported by Council Action Service</td>
<td>WD 71</td>
<td>Pervenche Berès</td>
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<tr>
<td>13.12.2002</td>
<td>Creation of one joint EU diplomatic academy and establishment of European External Representative, double-hatted, COM VP</td>
<td>WD 70</td>
<td>John Cushnan (MEP), Elmar Brok (MEP)</td>
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<td>16.12.2002</td>
<td>Establishment of one joint service (European External Service) based on DG Relex officers, supported by Council Action Service</td>
<td>WD 72</td>
<td>John Cushnan (MEP)</td>
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<tr>
<td>16.12.2002</td>
<td>European External Representative, double-hatted, COM VP</td>
<td>CONV 459/02</td>
<td>Pascale Arnaud (FR)</td>
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</table>

The European External Representative (EER) could be a new post at the heart of the External Relations Secretariat (ERS) of the Commission, and staffed by seconded officials from national diplomatic services in Member States. The establishment of one joint EU diplomatic academy and establishment of European External Service (EU External Action Service) based on DG Relex officers, supported by Council Action Service | WD 71 | Pervenche Berès |
<p>| 16.12.2002 | European External Representative, double-hatted, COM VP | WD 70 | John Cushnan (MEP), Elmar Brok (MEP) |</p>
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**Art 17 Institutions:**

- Remove reference to FAC being chaired by Minister for Foreign Affairs.
- Remove reference to Secretory of Union (Court & external affairs).
- Additional paragraphs detailing administration.
- Preference for title of "Secretary of Union" (Duff +5 (am.11)); "European External Representative" (Hain (am.16)); "Foreign Representative" (Huebner (am.21)); "Foreign Minister" ("Aussenminister") (Kaufmann (am.22)); 'Minister for Foreign Affairs' (Kelam +3 (am.19)); 'External Representative of the European Union' (Liepina +3 (am.28)); 'European Representative for External Relations' (Queiro (am.34)); 'Union Minister for External Relations' (Goetze +2 (am.34)); 'Union Minister for External Relations' (Grotenhuis +3 (am.28)); the European Union, External Representative of the EFMT, Valetta 2.0;External Representative (am.19)

**Art 17a Institutions:**

- Remove reference to FAC being chaired by Foreign Minister Barnier + Vitorino (am.4), Bondone (am.7), Fleming (am.4), Minister Barnier + Foreign Minister, Helle (am.15)
- Additional paragraphs detailing administration.
- Preference for title of "Secretary of Union" (Duff +5 (am.11)); "European External Representative" (Hain (am.16)); "Foreign Representative" (Huebner (am.21)); "Foreign Minister" ("Aussenminister") (Kaufmann (am.22)); 'Minister for Foreign Affairs' (Kelam +3 (am.19)); 'External Representative of the European Union' (Liepina +3 (am.28)); 'European Representative for External Relations' (Queiro (am.34)); 'Union Minister for Foreign Affairs' (Roche +2 (am.34))

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<th>26.05.2003</th>
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<td>Title V</td>
<td>Amendment to Article 225 (ex Article 36)</td>
<td>President</td>
</tr>
<tr>
<td>Chapter IV, Article III</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

225. The Foreign Minister/VP COM shall:

1. Union delegations in third countries and to international organisations shall be appointed by the President of the European Council, and the procedures are subject to no proposal from the Commission.

2. The proposal for new deputy posts (Helle, member of the Commission) shall be appointed by the President of the European Council.

3. The Deputy posts (Helle, member of the Commission) shall be appointed by the President of the European Council.

4. The Deputy posts (Helle, member of the Commission) shall be appointed by the President of the European Council.
| Article | 11-203 (ex. 16) | Proposal to add that the political and institutional authority of the Union shall operate under the joint authority of the Union's Minister for Foreign Affairs and in close cooperation with the Foreign Ministers of the Member States. The proposal to annex a Joint European Service for External Action to the Constitution (am. 2/Fischer) will be addressed in a Declaration/Part III. The Minister for Foreign Affairs would assist the Minister for Foreign Affairs to carry out his mandate (am. 2/Fischer). Mr Fischer proposes the text of a declaration to be annexed to the Constitution to be annexed. (4/Michelet) (4/Fischer) Art. III-192 (ex. 5) Proposal for the addition of a Joint European Service for External Action/ European Diplomatic Service which would assist the Minister for Foreign Affairs to carry out his mandate (am. 2/Fischer). Mr Fischer proposes the text of a declaration to be annexed to the Constitution (am. 2/Fischer). 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<td>30 June 2003</td>
<td>CONV 839/03</td>
<td>Establish of such a diplomatic service of the Union, composed of officials of the Commission and the Council Secretariat, as well as seconded officials from the Member States.</td>
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<td>27.06.2003</td>
<td>CONV 836/03</td>
<td>Insert paragraph 3: EEA’s EAS and work as mandated by Council of the European Union as joint service of COM and CSG.</td>
</tr>
<tr>
<td>30.06.2003</td>
<td>CONV 839/03</td>
<td>Establish of such a diplomatic service of the Union, composed of officials of the Commission and the Council Secretariat, as well as seconded officials from the Member States.</td>
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<td>22.07.2003</td>
<td>CONV 829/03</td>
<td>By Council and work as mandated by Council of the European Union as joint service of COM and CSG and work as mandated by Council of the European Union as joint service of COM and CSG.</td>
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<tr>
<td>08.07.2003</td>
<td>CONV 830/03</td>
<td>Joint service of COM and CSG, EAS and work as mandated by Council of the European Union as joint service of COM and CSG.</td>
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</table>

**Notes:**
- **EEAS**: European External Action Service
- **CSG**: Common Security and Defence Policy
- **COM**: European Commission
- **CSG MS**: Common Security and Defence Policy Member States
- **COM (not disposed of by the protocol)**
- **CONV**: Conference of the Parties
- **Art III.192**: Art. III.192 of the Draft Constitution

**Amendments:**
- **Amendments Brok, Amato, Duff**: Amendments Brok, Amato, Duff
- **Amendments Vol. II**: Amendments Vol. II
- **Amendments CONV 829/03**: Amendments CONV 829/03
- **Amendments CONV 830/03**: Amendments CONV 830/03
- **Amendments CONV 836/03**: Amendments CONV 836/03
- **Amendments CONV 839/03**: Amendments CONV 839/03
Title V, Chapter II, III

A 192!

(ex) The Union Minister for Foreign Affairs shall be assisted by a European External Action Service (EEAS) composed of officials from relevant departments of the General Secretariat of the Council of Ministers and of the Commission and staff seconded from national diplomatic services within 1 year of entry into force.

The service shall work in cooperation with the diplomatic services of the Member States.

Amended draft of Declaration on EEAS's External Action Service 08.07.2003

Vol. II, parts III & IV

EU Draft Constitution 09.07.2003

Amended draft Constitution 08.07.2003
<table>
<thead>
<tr>
<th>Article</th>
<th>Location</th>
<th>Document</th>
<th>Text</th>
<th>Full Text</th>
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<tbody>
<tr>
<td>13a(3)</td>
<td>Part III, Chapter II, CFSP</td>
<td>Article III - 296</td>
<td>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 ensure that the service is closely linked to the General Secretariat of the Council and the Commission and that it gives a coherent and united representation of the Union’s external interests.</td>
<td>(...)</td>
</tr>
</tbody>
</table>
European External Action Service shall be established by a European decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament, the Commission, and after obtaining the consent of the Member States.

The European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the Union Minister for Foreign Affairs introduced in Article 1-27.
into force of the Treaty establishing a Constitution for Europe.
## Annex 5

### Survey results

#### EEAS survey results

**Survey overview**
- **Number of respondents:** 15
- **Expected number of respondents:** 50
- **Response rate:** 30.0%
- **Launch date:** 26 Mar 2013
- **Close date:** 26 Apr 2013

#### Section 1: General questions

1. **Your gender**
   - Female: 26.7% (4)
   - Male: 73.3% (11)
   - Rather not say: 0.0% (0)

2. **To which age group do you belong?**
   - 20-29: 6.7% (1)
   - 30-39: 40.0% (6)
   - 40-49: 26.7% (4)
   - 50-59: 20.0% (3)
   - 60+: 6.7% (1)

3. **From which EU Member State are you?**
   - Austria: 6.7% (1)
   - Belgium: 0.0% (0)
   - Bulgaria: 0.0% (0)
   - Cyprus: 0.0% (0)
   - Czech Republic: 0.0% (0)
   - Denmark: 13.3% (2)
   - Estonia: 0.0% (0)
   - Finland: 0.0% (0)
   - France: 0.0% (0)
   - Germany: 0.0% (0)
   - Greece: 6.7% (1)
   - Hungary: 6.7% (1)
   - Ireland: 0.0% (0)
   - Italy: 6.7% (1)
   - Latvia: 0.0% (0)
   - Lithuania: 0.0% (0)
   - Luxembourg: 0.0% (0)
4. Have you ever been employed by a national ministry?

Yes: 60.0% 9
No: 40.0% 6

4.a. Please specify the national ministry for which you have worked.
- There are too many responses to display on this page and so all the responses to this question are available on a separate page.

5. Immediately before joining the EEAS, did you work for

European Commission: 40.0% 6
Council Secretariat: 6.7% 1
Member States diplomatic service: 33.3% 5
Other national ministry: 0.0% 0
Other European institution: 6.7% 1
Other (please specify): 13.3% 2
Private consultancy firm
SNE in Commission

Section 2: Questions regarding organisational unit

6. Has your direct supervisor joined the EEAS from another organisation than your own?

Yes: 33.3% 5
No: 66.7% 10

7. In your unit, are there staff that joined the service from another organisation than your own previous one?

Yes: 86.7% 13
No: 13.3% 2
Don't know: 0.0% 0
8. In your post at the EEAS, how often do you interact in everyday business with the someone from the following organisations?

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<thead>
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<th>Organisation</th>
<th>Most frequent</th>
<th>Frequent</th>
<th>Less frequent</th>
<th>Not applicable</th>
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<td>8.b. A delegation</td>
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<td>8.e. Representatives of the Presidency</td>
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<td>n/a 0</td>
</tr>
<tr>
<td>Most frequent</td>
<td></td>
<td></td>
<td></td>
<td>n/a 3</td>
</tr>
<tr>
<td>Frequent</td>
<td></td>
<td></td>
<td></td>
<td>n/a 10</td>
</tr>
<tr>
<td>Less frequent</td>
<td></td>
<td></td>
<td></td>
<td>n/a 2</td>
</tr>
<tr>
<td>Not applicable</td>
<td></td>
<td></td>
<td></td>
<td>n/a 0</td>
</tr>
<tr>
<td>8.f. Permanent representation</td>
<td></td>
<td></td>
<td></td>
<td>n/a 1</td>
</tr>
<tr>
<td>Most frequent</td>
<td></td>
<td></td>
<td></td>
<td>n/a 3</td>
</tr>
<tr>
<td>Frequent</td>
<td></td>
<td></td>
<td></td>
<td>n/a 11</td>
</tr>
<tr>
<td>Less frequent</td>
<td></td>
<td></td>
<td></td>
<td>n/a 0</td>
</tr>
<tr>
<td>Not applicable</td>
<td></td>
<td></td>
<td></td>
<td>n/a 0</td>
</tr>
</tbody>
</table>

9. In your contacts with an official from the Commission, what would you say are the most common ways of interactions?

<table>
<thead>
<tr>
<th>Method</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informal email</td>
<td>86.7%</td>
<td>13</td>
</tr>
<tr>
<td>Formal email (e.g. consultation)</td>
<td>6.7%</td>
<td>1</td>
</tr>
<tr>
<td>Letter</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>Telephone</td>
<td>6.7%</td>
<td>1</td>
</tr>
</tbody>
</table>
### 10. In your contacts with an official from the Council Secretariat, which would you say is the most common form of interaction?

<table>
<thead>
<tr>
<th>Interaction</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Informal email</td>
<td>60.0%</td>
<td>9</td>
</tr>
<tr>
<td>Formal email (e.g. consultation)</td>
<td>13.3%</td>
<td>2</td>
</tr>
<tr>
<td>Letter</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>Telephone</td>
<td>20.0%</td>
<td>3</td>
</tr>
<tr>
<td>Official meeting</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>Meeting over coffee</td>
<td>0.0%</td>
<td>0</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td>6.7%</td>
<td>1</td>
</tr>
</tbody>
</table>

### 11. Have you ever gone through a long term training for a national ministry of foreign affairs?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>20.0%</td>
<td>3</td>
</tr>
<tr>
<td>No</td>
<td>80.0%</td>
<td>12</td>
</tr>
</tbody>
</table>

### 12. Have you ever been on a posting outside of the EU member states?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, once</td>
<td>20.0%</td>
<td>3</td>
</tr>
<tr>
<td>Yes, several times</td>
<td>46.7%</td>
<td>7</td>
</tr>
<tr>
<td>No</td>
<td>33.3%</td>
<td>5</td>
</tr>
</tbody>
</table>

#### 12.a. If you answered yes on the this question, please list the locations of your postings (country)

- There are too many responses to display on this page and so all the responses to this question are available on a separate page.

### 13. Over the course of your career, have you ever worked for a non-governmental organisation?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>40.0%</td>
<td>6</td>
</tr>
<tr>
<td>No</td>
<td>60.0%</td>
<td>9</td>
</tr>
</tbody>
</table>

#### 13.a. If your answer was yes, please specify the field in which the NGO was active.

- There are too many responses to display on this page and so all the responses to this question are available on a separate page.

### 14. In your current post, do you have more formal meetings or less than in your previous post?

<table>
<thead>
<tr>
<th>Response</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>More meetings</td>
<td>33.3%</td>
<td>5</td>
</tr>
<tr>
<td>Less meetings</td>
<td>40.0%</td>
<td>6</td>
</tr>
<tr>
<td>About the same</td>
<td>26.7%</td>
<td>4</td>
</tr>
<tr>
<td>Don’t know</td>
<td>0.0%</td>
<td>0</td>
</tr>
</tbody>
</table>

### 15. According to you, which are the most important objectives of the European External Action Service?

#### 15.a. Create coherence in EU foreign policy -- Please rank in order of importance with 1 being most important and 5 being least important.
15.b. Develop foreign policy strategy -- Please rank in order of importance with 1 being most important and 5 being least important.

1 - most important: 100.0% 15
2 - very important: 0.0% 0
3 - important: 0.0% 0
4 - less important: 0.0% 0
5 - least important: 0.0% 0

15.c. Aid the efficient execution of EU external action -- Please rank in order of importance with 1 being most important and 5 being least important.

1 - most important: 13.3% 2
2 - very important: 33.3% 5
3 - important: 40.0% 6
4 - less important: 6.7% 1
5 - least important: 6.7% 1

15.d. Display European values to the world -- Please rank in order of importance with 1 being most important and 5 being least important.

1 - most important: 6.7% 1
2 - very important: 26.7% 4
3 - important: 26.7% 4
4 - less important: 13.3% 2
5 - least important: 20.0% 3

15.e. Provide a basis of collaboration for the member states -- Please rank in order of importance with 1 being most important and 5 being least important.

1 - most important: 6.7% 1
2 - very important: 33.3% 5
3 - important: 33.3% 5
4 - less important: 13.3% 2
5 - least important: 13.3% 2

16. At the European level, which organisation should be driving European foreign policy?

European Council: 13.3% 2
Council: 20.0% 3
European Parliament: 6.7% 1
European Commission: 0.0% 0
Member States: 6.7% 1
EEAS: 53.3% 8
17. Which office or organisation do you find most supportive of the EEAS? Please assign a rank to each of the answer choices.

<table>
<thead>
<tr>
<th>17.a. European Commission</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Most supportive</td>
<td>0.0% 0</td>
</tr>
<tr>
<td>Supportive</td>
<td>42.9% 6</td>
</tr>
<tr>
<td>Less supportive</td>
<td>28.6% 4</td>
</tr>
<tr>
<td>Least supportive</td>
<td>28.6% 4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>17.b. European Parliament</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Most supportive</td>
<td>15.4% 2</td>
</tr>
<tr>
<td>Supportive</td>
<td>61.5% 8</td>
</tr>
<tr>
<td>Less supportive</td>
<td>23.1% 3</td>
</tr>
<tr>
<td>Least supportive</td>
<td>0.0% 0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>17.c. President of European Council</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Most supportive</td>
<td>7.1% 1</td>
</tr>
<tr>
<td>Supportive</td>
<td>78.6% 11</td>
</tr>
<tr>
<td>Less supportive</td>
<td>14.3% 2</td>
</tr>
<tr>
<td>Least supportive</td>
<td>0.0% 0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>17.d. Member States</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Most supportive</td>
<td>26.7% 4</td>
</tr>
<tr>
<td>Supportive</td>
<td>40.0% 6</td>
</tr>
<tr>
<td>Less supportive</td>
<td>20.0% 3</td>
</tr>
<tr>
<td>Least supportive</td>
<td>13.3% 2</td>
</tr>
</tbody>
</table>

18. Please indicated your position on the following statements:

18.a. For additional information on a policy, the European Commission services are a reliable source.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>26.7% 4</td>
</tr>
<tr>
<td>Agree</td>
<td>66.7% 10</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>6.7% 1</td>
</tr>
<tr>
<td>Disagree</td>
<td>0.0% 0</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>0.0% 0</td>
</tr>
</tbody>
</table>

18.b. For additional information on a policy, the Council Secretariat is a reliable source.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Strongly agree</td>
<td>0.0% 0</td>
</tr>
<tr>
<td>Agree</td>
<td>46.7% 7</td>
</tr>
<tr>
<td>Neither agree nor disagree</td>
<td>33.3% 5</td>
</tr>
<tr>
<td>Disagree</td>
<td>13.3% 2</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>6.7% 1</td>
</tr>
</tbody>
</table>

18.c. For additional information on a policy, the Permanent Representations of the Member States are a reliable source.
<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neither agree nor disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Strongly agree:</strong></td>
<td>0.0%</td>
<td>0</td>
<td>40.0%</td>
<td>6</td>
<td>0.0%</td>
</tr>
<tr>
<td><strong>Agree:</strong></td>
<td></td>
<td>40.0%</td>
<td></td>
<td>6</td>
<td></td>
</tr>
<tr>
<td><strong>Neither agree nor disagree:</strong></td>
<td></td>
<td></td>
<td>40.0%</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td><strong>Disagree:</strong></td>
<td></td>
<td></td>
<td>20.0%</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td><strong>Strongly disagree:</strong></td>
<td></td>
<td></td>
<td>0.0%</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

19. The decision making processes in my work have become faster.

19.a. The decision making processes in my work have become faster.

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neither agree nor disagree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Strongly agree:</strong></td>
<td>0%</td>
<td>0</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Agree:</strong></td>
<td></td>
<td>7.1%</td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td><strong>Neither agree nor disagree:</strong></td>
<td></td>
<td></td>
<td></td>
<td>7.1%</td>
<td></td>
</tr>
<tr>
<td><strong>Disagree:</strong></td>
<td></td>
<td>57.1%</td>
<td></td>
<td>8</td>
<td></td>
</tr>
</tbody>
</table>

19.b. My work environment has become more complex.

<table>
<thead>
<tr>
<th></th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neither agree nor disagree</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Strongly agree:</strong></td>
<td>26.7%</td>
<td>60.0%</td>
<td></td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>Agree:</strong></td>
<td></td>
<td></td>
<td></td>
<td>9</td>
<td></td>
</tr>
<tr>
<td><strong>Neither agree nor disagree:</strong></td>
<td></td>
<td></td>
<td></td>
<td>13.3%</td>
<td></td>
</tr>
<tr>
<td><strong>Disagree:</strong></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

| **Strongly Disagree:**| 0.0%          | 0     |                            | 0        |                   |
Annex 6

Selected EEAS organigrammes 2010 – 2013

Annex 6

Selected EEAS organigrammes 2010 – 2013