The European Council

The European External Action:
A Challenging Search for a Coherent and Effective Global Role

Points of Discussion

- The Crucial Issue: Framing the Global Voice
- Constitutional Architecture – Creation and Adaptation of CFSP
- At the Top of a Two-Pillar Structure
- The Collective Standpoint of a Global Actor
- External Representation
- Crisis Management: Multiple Efforts With Limited Impact

Co-funded by the
Erasmus+ Programme
of the European Union

SU**MM**IT

Jean Monnet Project

Introduction: External Action of the European Council

During its lifetime the European Council has regularly played an essential role in framing the Union's overall external strategy. Since its first 1975 meeting in Dublin, one of the European Council's 'primary tasks' (De Schoutheete, 2012: 59) has been to 'solemnly express [the EU's] common position in external relations' (Stuttgart, June 1983).The European Council's activities and agreements in this policy domain are both academically interesting and politically highly relevant parts of the institution's performance and profile. Its role in foreign policy is often described as an institution that assumes strategic leadership and offers political guidance (Van Rompuy, 2012: 14; Keukeleire and MacNaughtan, 2008: 68; Vanhoonacker, 2011: 88). Some close observers even claim that it exercises a role as 'collective head of state' (De Schoutheete, 2012a: 60). Nevertheless, according to other analyses, the European Council's impact is relatively limited, as it is responsible just for rubber-stamping and formally upgrading documents produced at lower political and administrative levels. (see Devuyst, 2012: 333; Vanhoonacker, 2011: 88; Werts, 2008: 122–124; Bulmer and Wessels, 1987: 187). A major factor to be considered in this regard is also the position of the three largest Member States, and if they are able to agree on common positions.

Creating and adapting the common foreign and security policy: main agreements

When national leaders started to create and develop the European Communities (EC) in the 1950s, one important motive was to increase their national influence in the international system. At first, it was however only imaginable to transfer competences and instruments of trade and development policy to the EC. Early ideas of a European Defence Community failed in the 1950s.

In a more pragmatic way, the Heads of State or Government (by instructing their Ministers for Foreign Affairs) started with an informal procedure called 'European Political Cooperation' (EPC) (Keukeleire and MacNaughtan, 2008: 44–48; Nuttall, 2000; Allen and Wallace, 1982: 24–27). Since then, several generations of the leaders have agreed on major steps to frame and reform the institutional architecture of what the Maastricht Treaty called the 'common foreign and security policy' (CFSP) (Regelsberger and Jopp, 2011: 398–402).

Co-funded by the
Erasmus+ Programme
of the European Union

SU▲▲IT
Jean Monnet Project

In subsequent treaty amendments (see Box 1), the Heads of State or Government have regularly adapted key provisions of CFSP, thereby defining a set of tasks and fixing procedures for cooperation between their foreign ministers and diplomats. The Lisbon TEU formulated 'General Provisions of the Union's external action and specific provisions on the common foreign and security policy' (including the 'common security and defence policy (CSDP)') (Title V TEU). This Treaty also introduced a key role for the 'High Representative of the Union for Foreign Affairs and Security Policy' (Art.18 TEU). Another related institutional innovation was the creation of a 'European External Action Service' (EEAS) (Art.27 TEU).

An intergovernmental mode of governance, especially unanimity as the main decision-making procedure in the European Council and in the Council (see Box 3) remains despite continuous changes (see Diedrichs, 2011: 169). In contrast to the intergovernmental set of rules just noted, the Lisbon provisions reinforced the supranational mode of governance in the (formerly first) pillar of (economic) external relations (Part V of the TFEU).

Box 1: The European Council and External Action: Main Agreements on the EPC/CFSP Architecture

Year, Summit/Treaty	Topic
December 1969 The Hague Summit	Launch of the (European) Political Cooperation
October 1970 Luxemburg Summit	First report on (European) political cooperation (the so called Luxembourg or Davignon Report)
December 1973 Copenhagen Summit	Second Report on (European) political cooperation in foreign policy matters (the so called Copenhagen report) Declaration on European Identity
November 1981 London	Report on European Political Cooperation (the so called London Report)
June 1983, Stuttgart	Solemn Declaration on European Union
1987 Single European Act	Provisions on European Co-Operation in the Sphere of Foreign Policy
1993 Maastricht Treaty	(Second Maastricht Pillar on) Common Foreign and Security Policy

Co-funded by the
Erasmus+ Programme
of the European Union

SUMMIT
Jean Monnet Project

| June 1999, Cologne	European Security and Defence Policy (ESDP)
2003 Nice Treaty	Provisions for enhanced cooperation within the Common Foreign and Security Policy
2009 Lisbon Treaty	Specific provisions on the Common Foreign and Security Policy (including the Common Security and Defence Policy)

(Source: Wessels, 2016: 212. See also Regelsberger and Jopp, 2011: 400)

The Lisbon institutional arrangement: at the top of a two-pillar architecture

Given their strong and ongoing interests in pursuing an active international role for themselves, the Heads of State or Government have repeatedly assigned a key position to their own institution in formal and legal texts (see Vanhoonacker, 2011: 90).

Since its creation, the European Council has been supposed to 'ensure an overall consistency' (already mentioned at the Paris summit of 1974 and again in the Lisbon Treaty) between the two sets of policy-making rules for acting in the international system. These can be illustrated by a two-pillar structure with both an intergovernmental and a supranational set of procedures. Both are based on separate treaty provisions with different roles (see Box 2).

Box 2: The Lisbon institutional arrangement: at the top of a two-pillar architecture
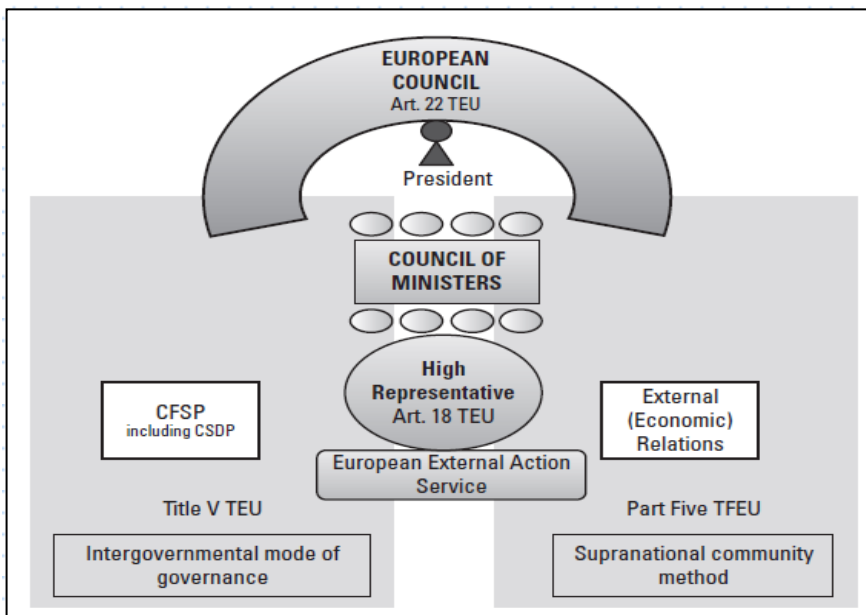
Taking up former treaty provisions and established practices, the Lisbon TEU allocated to the European Council a set of significant functions and responsibilities for external action.

'Other areas of the external action' (see Box 3) especially refer to some traditional areas of the EU's external economic relations such as the Common Commercial Policy and Development Policy (Part V of TFEU). The European Council is, therefore, formally legitimised to act as a bridge between the two pillars of the EU's external action.

The Lisbon Treaty underlines the central position of the European Council in the institutional hierarchy. Article 16(6) TEU states: 'The Foreign Affairs Council shall elaborate the Union's external action on the basis of strategic guidelines laid down by the European Council', and Art.27(1) TEU asks the High Representative

Box 3: Treaty Provisions on the Union's External Action

Article 22 (TEU)

1. On the basis of the principles and objectives set out in Article 21, the European Council shall identify the strategic interests and objectives of the Union.

Decisions of the European Council on the strategic interests and objectives of the Union shall relate to the common foreign and security policy and to other areas of the external action of the Union. Such decisions may concern the relations of the Union with a specific country or region or may be thematic in approach. They shall define their duration, and the means to be made available by the Union and the Member States.

The European Council shall act unanimously on a recommendation from the Council, adopted by the latter under the arrangements laid down for each area. Decisions of the European Council shall be implemented in accordance with the procedures provided for in the Treaties.

2. The High Representative of the Union for Foreign Affairs and Security Policy, for the area of common foreign and security policy, and the Commission, for other areas of external action, may submit joint proposals to the Council.

Co-funded by the
Erasmus+ Programme
of the European Union

SU**MM**IT

J e a n   M o n n e t   P r o j e c t

Box 3: Treaty Provisions on the Union's External Action

> **Article 24(1) (TEU)**
>
> The common foreign and security policy is subject to specific rules and procedures. It shall be defined and implemented by the European Council and the Council acting unanimously, except where the Treaties provide otherwise. (…) The Court of Justice of the European Union shall not have jurisdiction with respect to these provisions (…).

to 'ensure implementation of the decisions adopted by the European Council'. It also reconfirmed the role of the European Council as a crisis manager, especially in relation to potential terrorist attacks (Art.222(4) TFEU; Art.42(2) TEU). In this context, they also empower the European Council President to call emergency meetings (Art.15(3) TEU).

The Lisbon provisions and relevant conclusions of the European Council confirmed the powerful role of the European Council in the intergovernmental mode of the CFSP while assigning only an indirect power to it in the supranational procedure of external relations.

The collective voice of a global actor: positions and doctrines

In roughly 90 per cent of all (Presidency) Conclusions (Kranz, 2011), the Heads of State or Government have used their institution to adopt declarations on major crises, events and developments in the international system. For the purpose of expressing common positions, they have used several different instruments and legal forms (Regelsberger and Jopp, 2011: 404–410). The European Council has dealt with almost all significant events in world politics. While some of them are permanent topics on the agenda of summits, some are related to particular periods in contemporary history and others focus on specific regions, particularly in the European neighbourhood (see Box 4). It has continuously adopted declarations on conflicts inside and outside Europe, the process of accessions, on shaping its relations with its close partners, or horizontal policy issues. Besides these statements on specific foreign policy matters, the European Council has mandated positions for negotiations in international organisations and conferences.

Box 4: European Council Conclusions – 13/14 December 2012

(…) the European Council remains committed to enhancing the effectiveness of the Common Security and Defence Policy (CSDP) as a tangible EU contribution to international crisis management. The EU plays an important role in its neighbourhood and globally. The European Council recalls that CSDP missions and operations are an essential element of the EU's comprehensive approach in crisis region. (…) It also recalls that CSDP missions and operations should be carried out in close cooperation with other relevant international actors (…).

Besides, the European Council has issued overarching guidelines to define the EU's role in the international system doctrine of 'effective multilateralism' (Bouchard et al., 2014; Lazarou et al., 2010: 17; Wouters, 2007) through the 'European Security Strategy' (June/December 2003). Later the Heads of State or Government proclaimed: 'The Union can draw on its firmly–rooted belief in effective multilateralism, especially the role of the United Nations, universal values, an open world economy and on its unique range of instruments' (September 2010).

Heads of State or Government have been keen to express positions, irrespective of declarations from their foreign ministers. Nevertheless, proliferations of foreign policy declarations, often with vague formulations, diminish the effects that the European Council might have wanted to achieve (De Schoutheete, 2012: 59). The European Council has frequently simply approved statements prepared by foreign ministers and their diplomats without any further deliberations. However, in many cases such a declaratory policy from the highest political authority may have served to identify common positions, which in a medium-term perspective arguably support the evolution towards an EU-wide community of shared world views.

Co-funded by the
Erasmus+ Programme
of the European Union

The face of a global actor: representation by the Union's leaders

In external actions, the European Council is represented by its Permanent President, when common foreign and security policy is touched, the High Representative of the Union for Foreign Affairs and Security Policy, and, in other areas, the President of the European Commission. Generally, 'the permanent President is the person to receive and visit other Heads of State and Government in the name of the EU' (Van Rompuy, 2010: 5–6).

These legal provisions create a need for coordination and have led to a mixture of cooperation and rivalry, especially between the two presidents. Some regular bilateral summits involve the two Presidents on the EU side, and top politicians of other countries, e.g. with the President of the US. This form of dual representation is yet another sign of the two-pillar structure's continuous existence within the EU's external action architecture (see CEPS et al., 2010: 78 and Box 2).

In practice, sometimes all members of the European Council meet with the Heads of State or Government of other regional groupings (e.g. ASEAN) (see Edwards, 2011: 56–57). At other occasions, both Presidents meet individually with leaders of third countries and international organisations and present EU positions at official events. The President of the European Council speaks in the name of the EU in the General Assembly of the United Nations. At G7, G8 and G20 summit meetings, in addition to the leaders of the largest member countries, the Union is again represented by the two Presidents.

Crisis management: multiple efforts with limited impact

A significant function performed by the European Council concerns its role in reacting to international crises. In cases of emergencies and external shocks, national leaders met for emergency summits in order to take effective and appropriate measures in the name of the Union. Summit performance in these situations has however often been below external expectations and below the objectives set out by the members themselves. Deep divisions within the European Council have become evident, e.g. regarding participation in the US-led invasion of Iraq (2003), in the early phases of the Balkan Civil Wars or at the time of the challenges of the Arab Spring (Van Rompuy, 2014).

Its members apparently do not sufficiently 'consult one another within the European Council (…) on any matter of foreign and security policy of general interest in order to determine a common approach' as Article 32 TEU demands. So, despite the high degree of publicised activities at the level of the European Council, national leaders are inclined to exclude such topics from the agenda, or only to agree to joint positions if these are identical to, or at least strongly convergent with, their national preferences. Difficulties arise however already in harmonising the preferences of the three biggest Member States.

Conclusion and research perspective: The role of Member States

The record of activities in the area of external action indicates a considerable effort by the European Council to shape a visible profile in the international system. Its performance shows a high frequency and intensity of activities. However, the substantial output of declarations by the European Council should not conceal the fact that this institution of national leaders has quite often remained divided on many items of common concern.

On the one hand, they are well aware that a collective voice increases the weight of their own influence. Representatives of both smaller and larger EU countries realise that the backing of their EU partners enhances the effectiveness of national positions. This added value was useful for President Sarkozy when he mediated in the Russian–Georgian war (2008) both as French President and as President of the European Council wearing his French and EU 'hat'.

On the other hand, foreign policy in a broad sense is at the core of the sovereignty reflex. The Heads of State or Government are subject to close public and political scrutiny and pressure not to sell-out national interests for the sake of an often vague EU position.

Governmental heads have placed the European Council at the top of the relevant institutional architecture, but their efforts to reinforce vertical coherence between the national and the EU level as well as horizontal institutional coherence (see Stross and Den Hertog, 2013; Koenig, 2011; Nuttall, 2005) have produced only limited results.

Having created the office of the High Representative and the European External Action Service, the Heads of State or Government have again opted for an ambiguous compromise which can be characterised as a mixture between a 'rationalised form of intergovernmentalism' and 'a strengthened mode of supranationalism' (for the terms see Regelsberger and Wessels, 2005). Overall, the CFSP pillar remains at a lower level of integration. From this point of view the European Council seems to have exercised only a limited transformative leadership.

Questions for futher research could refer to the development of the European Council as leader of EU external action in the institutional architecture, to the (significant) influence of the transatlantic partner USA or to the tensions between the Member States' different standpoints regarding the EU's global role.

Bibliography

Allen D, and Wallace W (1982) European Political Cooperation: The Historical and Contemporary Background. In: Allen D, Rummel R and Wessels W (eds) European Political Cooperation: Towards a Foreign Policy for Western Europe? London Butterworth, 21–32.

Bulmer S, and Wessels W (1987) The European Council: Decision-Making in European Politics. Basingstoke: Palgrave.

Bouchard C, Peterson J, and Tocci N (2014) Multilateralism in the 21st Century: Europe's Quest for Effectiveness. Basingstoke, New York: Palgrave Macmillan.

CEPS, EGMONT, and EPC (2010) The Treaty of Lisbon: A Second Look at the Institutional Innovations. Brussels.

De Schoutheete P (2012) The European Council. In: Peterson J and Shackleton M (eds) The Institutions of the European Union. 3rd ed.Oxford: Oxford University Press, 43–67.

Devuyst Y (2012) The European Council and the CFSP after the Lisbon Treaty. European Foreign Affairs Review 17 (3), 327–349.

Diedrichs U (2011) Modes of Governance in the EU's Common Foreign and Security Policy. In: Diedrichs U, Reiners W and Wessels W (eds) The Dynamics of Change in EU Governance. Cheltenham: Edward Elgar Publishing Limited, 149–179.

Edwards G (2011) The Pattern of the EU's Global Activity. In: Hill C and Smith M (eds) International Relations and the European Union. 2nd ed. Oxford: Oxford University Press, 44–74.

Keukeleire S, and MacNaughtan J (2008) The Foreign Policy of the European Union. Basingstoke, New York: Palgrave Macmillan.

Koenig N (2011) The EU and the Libyan Crisis – In Quest of Coherence. The International Spectator 46 (4), 11–30.

Kranz J (2011) What Role for the EU in the International System? A Constructivist Reading of the (Presidency) Conclusions of the European Council Since the Establishment of CFSP. Cologne. Unpublished MA Manuscript.

Lazarou E, Edwards G, Hill C, et al. (2010) The Evolving 'Doctrine' of Multilateralism in the 21st Century. Mercury E- paper No.3.

Nuttall SJ (2000) European Foreign Policy. New York: Oxford University Press.

Nuttall SJ (2005) Coherence and Consistency. In: Hill C and Smith M (eds) International Relations and the European Union. 4 ed. Oxford, New York: Oxford University Press, 91–112.

Regelsberger E, and Jopp M (2011) *The Common Foreign and Security Policy of the EU – Fusion Trends and Future Perspectives. In: Diedrichs U, Faber A, tekin F, et al. (eds) Europe Reloaded: Differentiation or Fusion? Baden-Baden: Nomos Verlagsgesellschaft, 396–416.*

Regelsberger E, and Wessels W (2005) *The Evolution of the Common Foreign and Security Policy. A Case of an Imperfect Ratchet Fusion. In: Verdun A and Croci O (eds) Institutional and Policy-Making Challenges to the EU in Wake of Enlargement. Manchester University Press.*

Stross S, and Den Hertog L (2013) *Coherence in EU External Relations: Concepts and Legal Rooting of an Ambiguous Term. European Foreign Affairs Review 18 (3), 373–388.*

Vanhoonacker S (2011) *The Institutional Framework. In: Hill C and Smith M (eds) International Relations and the European Union. 2nd ed. Oxford: Oxford University Press, 75–100.*

Van Rompuy H (2010b) *Speech by the President of the European Council, Mr. Herman van Rompuy pronounced today at the 'Klausurtagung' of the CSU-Landesgruppe Wildbad Kreuth, Germany, January, 7th 2010. Viewed 28 August 2013: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/112174.pdf.*

Van Rompuy H (2012) *The European Council in 2011. (Luxembourg): Publications Office of the European Union.*

Van Rompuy H (2014) *Europe in the Storm, Promise and Prejudice. Leuven: Davidsfonds Uitgeverij.*

Werts J (2008) *The European Council. London: John Harper Publishing .*

Wouters J (2007) *The United Nations and the European Union: Partners in Multilaterism Leuven Centre for Global Governance Studies.*