

Priorities for the Next Legislature: EU external action

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The European Union's strategic and geopolitical environment is more troubled and unpredictable now than it has been for decades. Russia's invasion of eastern Ukraine, the unlikely cooperation between the US and Iran to counter the advance of the so-called Islamic State in the Middle East, and air strikes by Egypt and the United Arab Emirates in Libya are just a partial illustration of this turmoil. The EU finds itself surrounded by an arc of crisis rather than Romano Prodi's "ring of friends". In its "Strategic Agenda for the Union in times of change" the European Council has acknowledged that never before has a stronger EU engagement in international affairs been more called for.¹ The rest of the rapidly changing world is not going to wait for the EU to get its act together to defend its own values and interests.

High Representative (HR)-designate Federica Mogherini is expected to fully exploit her role as Vice-President of the Commission (VP) and lead the next Commissioners' Group on External Action.² HR-designate Mogherini should therefore prioritise the following actions and implement them simultaneously:

Priority No. 1: Facilitate Council decision-making

The EU does not have a strong Common Foreign and Security Policy (CFSP) because the member states have not allowed one to emerge. In the case of Ukraine and Russia it has been possible to agree on a common line. Typically, however, the cost of keeping all member states on board has been a policy that often appeared timid and based on the smallest common denominator. Neither the new High Representative, supported by the European External Action Service (EEAS), nor the new Commission, can change the forces underlying the formation of EU foreign policy. Until the Treaty requirement of unanimity is changed to qualified majority voting (QMV) to break the current (lack of) dynamism in CFSP, it is up to member states, especially the larger ones, to decide whether they are ready to give up some

¹ Annex to the European Council conclusions of 26/27 June 2014: (http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/143477.pdf).

² For observations on the composition and functioning of the Group, see Annex.

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of their prerogatives, at least in some narrowly circumscribed areas. Nevertheless, within the current Treaty framework, the HR should push for small concrete steps in strategic areas by:

- making better use of the policy space between the institutions and the member states to initiate collective action, both in strategic terms (e.g. to update and upgrade the 2003 European Security Strategy) and operational terms;
- proposing that the Council decide by QMV to define joint action on the basis of a European Council decision or on her own proposal following a request from the European Council regarding the EU's strategic interests and objectives;
- reminding individual member states of their duty of loyal cooperation under the CFSP and stimulating the wider use of the constructive abstention mechanism by one or a small number of member states when national interests are considered to be important, but not 'vital' enough to merit derailing consensus in the Council on the adoption of a CFSP decision;
- forging coalitions of member states by using the enhanced cooperation formula enshrined in the Lisbon Treaty to further the EU's objectives in the realm of external action;
- ensuring that the EU's ample toolbox is better used by institutions and member states alike;
- ensuring more unity and visibility in the external representation of the EU at her level.³

Priority No. 2: Solidify the EEAS

The next five years will make or break the EEAS. Born onto a stage of jealous protagonists, the EEAS underwent a baptism by fire with the eruption of the inaptly named 'Arab Spring' in 2011. The Service has no more time to lose in overcoming its childhood diseases. Member states will avoid cooperating through the EEAS if the latter does not prove itself mature enough to face the tests of the next legislature. To that end, the new HR/VP should:

- finalise the implementation of the short-term recommendations on the internal aspects of the organisation and functioning of the EEAS, as set out in her predecessor's report on the EEAS Review of June 2013;⁴
- implement Lady Ashton's mid-term recommendations, after they have been examined by the Council "in light of the 2014 institutional transition";⁵
- in the context of her own EEAS Review, to be presented to the Council by the end of 2015, include an assessment of the current arrangements of the chairmanship of preparatory bodies of the Council and the many necessary proposals to revise the basic Council Decision 2010/427/EU on the EEAS in accordance with Article 27(3) TEU.⁶

³ See S. Blockmans, "Ukraine, Russia and the need for more flexibility in EU foreign policy-making", CEPS Policy Brief No. 320, 25 July 2014.

⁴ High Representative, EEAS Review (2013): (http://eeas.europa.eu/top_stories/2013/29072013_eeas_review_en.htm).

⁵ Point 10 of the General Affairs Council conclusions of 17 December 2013: (http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/140144.pdf).

⁶ For more than 70 detailed recommendations, see S. Blockmans and C. Hillion (eds.), "EEAS 2.0: Recommendations for the amendment of Council Decision 2010/427/EU establishing the organisation

Priority No. 3: Revise the EU's neighbourhood policies

The world may have become flatter as a result of globalisation, but geography still matters. To paraphrase what HR/VP Ashton rightly observed on more than one occasion: How the EU operates in its neighbourhood and the effectiveness of what it does will define the European Union and its role on the international stage in the future.⁷ Looking at the outer periphery, there is little reason to believe that the EU is pulling its weight here.

Unresolved bilateral disputes and zero sum political games are hampering progress on the pre-accession track of certain aspirant members in south-eastern Europe and even causing a retreat on the path of reform (e.g. Turkey, Macedonia, and Bosnia-Herzegovina). Juncker's statement that there will be no enlargement of the Union in the next five years may have been correct,⁸ but it has obfuscated the Commission's own responsibilities in implementing the enlargement policy and has sent the wrong signal to pre-accession countries.

Meanwhile, the Eastern Partnership policy has led to a 'step change' in the EU's relations with only half of its post-Soviet neighbours and revealed a deep chasm in relations with Russia. The picture in the southern neighbourhood is, tragically, a blood-stained one. The result is a neighbourhood that is more fractured than ever before. The HR/VP and Commissioner-designate Johannes Hahn for European Neighbourhood Policy and Enlargement Negotiations, in cooperation with the other members of the 'RELEX' Group and Commissioner-designate Dimitris Avramopoulos for Migration and Home Affairs, need to:

- honour the commitment towards all pre-accession countries to implement the enlargement policy diligently and actively devise new ways to settle outstanding disputes and counter deadlock in negotiations or any regression on the reform track;
- create an independent vision for ENP countries; an alternative to EU membership that is attractive enough to translate objectives and instruments into action;
- abandon the Eurocentric and multilateral approach to the definition of the ENP and refine (where necessary re-define) political and economic relations with neighbouring countries bilaterally, so as to create stronger partnerships in the promotion of stability, prosperity and democracy in those countries that are ready for closer relations ("drawing the full benefit from their association agreements with the EU", dixit Juncker), and with civil society organisations in or outside of the neighbouring countries that do not share the will to engage with the EU;
- strengthen the new bilateral approach by clustering relations with neighbouring countries in a functionalist, sectoral approach rather than in a static and purely geographical sense (Eastern Partnership and Union for the Mediterranean). Economies of scale in policy-making could be better achieved by tackling (sub-/inter-)regional challenges (e.g. illegal migration, security of supplies of natural resources like water, oil and gas) and tapping into transnational opportunities (e.g., integrated transport and agriculture policies);

and functioning of the European External Action Service", CEPS Special Report No. 78, 13 November 2013.

⁷ See, e.g., Remarks by High Representative Catherine Ashton at the AFET Committee in European Parliament in Strasbourg, 12 December 2011, Press release A 511/11, Brussels, 13 December 2011.

⁸ Jean-Claude Juncker, Candidate for President of the European Commission, "A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change: Political Guidelines for the next European Commission", Strasbourg, 15 July 2014, (http://ec.europa.eu/about/juncker-commission/docs/pg_en.pdf).

- consider the interests of the neighbours of our neighbours and engage global strategic partners – bilaterally and in multilateral fora, in the definition of those bilateral relations;
- enhance the ample toolbox of the ENP with security elements – from early warning systems and conflict prevention to non-proliferation, cyber security and crisis management – to be able to better respond to the threats to security and stability faced by neighbouring countries.⁹

Priority No. 4: Bolster the Common Security and Defence Policy

Multiple crises have deeply affected the Union's role as a security actor. Implications have been twofold. On the one hand, the financial crisis and ensuing austerity measures have considerably weakened military capabilities and resources in EU member states. As a consequence, governments are less prone to and capable of using force when crisis situations require it. On the other hand, Russia's shock to the system has changed post-Cold War perceptions about the possibility of military attack and occupation in Europe and is propelling policy evolution in many key areas, including security and defence. The crisis in Ukraine may lead to an increase in defence spending in and military cooperation among EU member states and NATO allies. The HR/VP should respond to this endogenous and exogenous-driven demand for a re-arrangement of security and defence cooperation by:

- strengthening the Common Security and Defence Policy (CSDP) and improving the EU's operational record, especially in the neighbourhood, in full complementarity with NATO;
- reducing institutional complexity and improving coordination between actors at the planning and operational levels;
- making sure that stronger (preferably unified) political leadership is provided;
- ensuring that member states maintain and develop the necessary civilian and military capabilities, including through pooling and sharing (e.g. in the form of a permanent structured cooperation);
- rationalising and integrating the European defence industry more deeply (e.g. by enhancing cooperation in defence procurement).

⁹ See S. Blockmans, "The European Neighbourhood Policy Ten Years On: Suspended between ambition and reality", SIEPS Report, forthcoming.

APPENDIX: Commissioners' Group on External Action

According to the standard text reproduced in Juncker's mission letters to all Commissioners designate, HR/VP-designate Mogherini will be responsible for steering and coordinating the work of all Commissioners with regard to external relations. In the letters, he refers to the "pragmatic partnership" agreed with her on 8 September 2014 that should enable Mogherini to play her role as a Commission Vice-President "to the full" (an oft-observed shortcoming in the preceding legislature), and help ensure a more integrated and effective external action of the Union. To that end, the HR/VP will not only move her office and cabinet (half composed of Commission staff) to the Berlaymont but is also expected to work closely with the other VPs (in particular on Budget and Human Resources, Energy Union) and guide the work of the Commissioners for European Neighbourhood Policy and Enlargement Negotiations, Trade, International Cooperation and Development, and Humanitarian Aid and Crisis Management. Thus, Juncker revives a monthly practice that had been abandoned under Barroso II. As a rule, these 'line' Commissioners are expected to liaise closely with the HR/VP, also for initiatives requiring a decision from the Commission. An innovation that CEPS has called for on a number of occasions concerns the deputisation of the HR's tasks qua VP, both within the work of the College and on the international stage. To make this possible, Juncker has entrusted the Commissioner for ENP and Enlargement Negotiations, as indeed "other Commissioners" (none of other the Mission letters specifies whom this concerns in particular), with the task of deputising for Mogherini in areas of Commission competence. Mogherini will also be able to draw on the Commission's policy instruments and expertise in many areas where the EU's international partners are keen to work with it. These include policies under the responsibilities of the Commissioners for Climate Action and Energy, Transport and Space as well as Migration and Home Affairs, which have a strong external dimension. Juncker might as well have added to the list the Commissioners responsible for economic policies, EU participation in international financial institutions, environment, maritime affairs and fisheries. The Secretariat General of the Commission will continue to be the main interface with the EEAS at working level. The Secretariat General will provide support to the HR in her work with other Commissioners and in her role as VP. The Service for Foreign Policy Instruments (FPI), a Commission service with responsibility for the Common Security and Foreign Policy budget, will also support the HR/VP in her work. Finally, the HR/VP is expected to work closely with Juncker on his external responsibilities. Given his own representation duties and the involvement of the European Council in external relations, the Cabinets of Juncker and Mogherini will work closely together throughout the mandate to ensure that they share a consistent line.