

SPEECH TO THE GEORGETOWN UNIVERSITY LECTURE FUND:

"LISBON AND BEYOND: HOW WILL THE LISBON TREATY
SHAPE THE EU'S FOREIGN POLICY?"


*overall
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Ladies and Gentlemen, Faculty Members, Students, it is a great privilege to be here tonight. Thank you for the invitation, and a special thank you to the Georgetown University Lecture Fund and Miss Ceyda Erten for organising this.

In a constantly changing, ever more interconnected world, Europe is now struggling with issues that is was unfamiliar with at the time of its creation, half a century ago, including globalization, demographic shifts, climate change, the need for sustainable energy sources and new security threats. The EU countries cannot meet these challenges individually, but acting as one Europe can deliver results and respond to the concerns of the public. The EU has recently expanded from 15 to 27 members; and it needs effective, coherent tools in order to function properly and respond to the rapid changes in the world.

The treaty signed in Lisbon on 13 December 2007 sets out to do exactly that. When European leaders reached agreement on the new rules, they were thinking of the occurring political, economic and social changes, and the need to live up to the hopes and expectations of the European public. The Treaty of Lisbon will alter the structure of the EU's institutions and how they work, in order to be more democratic and to better serve its core values.

This new treaty is the result of negotiations between EU member countries in an intergovernmental conference, in which the Commission and Parliament were also involved. It amends the current EU and EC treaties, without replacing them. Now after a long journey, the Treaty of Lisbon has overcome all obstacles. With the recent signature of the Czech President, on 3 November this year (just a couple of weeks ago), all 27 EU Member States have now ratified the text. The Treaty will officially enter into force about two weeks from now, on 1 December.

Although I am here today to talk specifically about how the Lisbon Treaty will shape the EU's foreign policy, it is important to keep in mind all of the Treaty's core objectives: 

First of all, to create a more democratic and transparent Europe, with a strengthened role for the European Parliament and national parliaments, to give more opportunities for citizens to have their voices heard, and a clearer sense of who does what at European and national level.

Secondly, a more efficient Europe, with simplified working methods and voting rules, streamlined and modern institutions for a European Union of 27 members and an improved ability to act in areas of major priority for today's Union.

Thirdly, a Europe of rights and values, freedom, solidarity and security, promoting the Union's values, including the Charter of Fundamental Rights in European primary law, providing for new

solidarity mechanisms, and ensuring better protection of European citizens.

Fourthly, making sure that Europe is an actor on the global stage, which will be achieved by bringing together Europe's external policy tools, both when developing and deciding new policies. The Treaty of Lisbon will give Europe a clear voice in relations with its partners worldwide. It will harness Europe's economic, humanitarian, political and diplomatic strengths to promote European interests and values worldwide, while respecting the particular interests of the Member States in Foreign Affairs.

The Treaty of Lisbon intends to acquire these goals by introducing certain institutional and political alterations in the structure of the EU, so it can provide the Union with the legal framework and tools necessary to meet future challenges and to respond to citizen's demands.

Ladies and Gentlemen, Faculty Members, Students: We live in very interesting and exciting times, and I am sure that a couple of decades from today, we will look back at the early 21st century as the time when Europe finally came together also in the field foreign and security policy, and started acting in unison. I am therefore especially happy to be able to outline some of these main alterations of the Lisbon Treaty here and now, because these will start affecting the EU's foreign policy very soon.

external Action

[President of the European Council]

To drive its work forward on a continuous and consistent basis, the European Council will elect, by qualified majority, a President of the European Council for a term of two and a half years, renewable once, in order to make the EU's actions more visible and consistent. At present, the President is the member of the European Council—that is, the head of state or government—from the Member State holding the rotating Presidency of the EU. The President therefore holds the office for only six months at a time, and does so while simultaneously

leading one of the member countries. Under the Lisbon Treaty, the Presidency would become a long-term and full-time job. This change should bring much greater coherence and consistency to the EU's actions. Moreover, it will give the Member States, through the European Council, much greater capacity to give direction and momentum to the EU's agenda.

In the external action field, the Lisbon Treaty will put the new European Council President in a position to have an impact inasmuch as the European Council is called on to determine "the strategic interests and objectives of the Union" for all its external action, and "the objectives of and [...] general guidelines for" the CFSP. And given that the President is to "provide the impetus" for the work of the European Council, he or she will also "ensure the preparation and continuity" of its work and "endeavour to facilitate cohesion and consensus" within the body.

Furthermore, under the CFSP provisions of the Treaty, the new European Council President will gain the right to convene an

extraordinary meeting of the European Council in order to define an EU strategy in the face of new international developments.

In addition, the President will exercise a specific external relation function. He or she will in this capacity ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy.

The reshaped role of the President of the European Council could help to generate consensus among EU leaders and lead to greater continuity in chairing the European Council.

[High Representative /Vice President of the European Commission]

A new position of High Representative for Foreign and Security Policy, who is at the same time Vice President of the Commission, will be created in order to promote EU action on the international

scene and be better able to defend the Union's interests and values abroad. This is a major step as it combines two major current posts: the High Representative for CFSP (Javier Solana), and the External Relations Commissioner (Benita Ferrero-Waldner).

She/He will be appointed by the European Council by qualified majority vote, with the agreement of the President of the Commission – perhaps already the day after tomorrow at a special summit in Brussels. S/He will be responsible for conducting the Common Foreign and Security Policy, will chair the Council of Foreign Ministers, and submit the necessary proposals and receive executive mandates from the Council. At the same time, s/he will be the Vice President of the European Commission and will be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action, to ensure consistency.

The post's double function, also known as what is called “double-hatted”, offers the key means of achieving the greater coordination

between "Community" and CFSP/intergovernmental elements of EU external action. Under the Treaty, it will be the responsibility of the High Representative to ensure the consistency of the Union's external action, a responsibility which currently accrues only to the Council and Commission.

In addition to his/her CFSP and Commission roles, the new High Representative will in addition have a "third hat": Under the Lisbon Treaty, s/he will act as permanent chair of the Foreign Affairs Council of Ministers. As such, s/he will take over the Presidency's current right to convene the Foreign Affairs Council in an extraordinary session, at either his/her own initiative or that of a Member State.

In his/her new functions, the HR/VP will represent the Union for matters relating to the Common Foreign and Security Policy (CFSP), in conjunction with the President of the European Council. By contrast, the external representation of the Union on issues other than the CFSP and on monetary matters will be ensured by the Commission and thus by the competent Members of the Commission,

with the High Representative ensuring general coordination of the external action.

In the CFSP, the EU has had a High Representative since the Treaty of Amsterdam came into force in 1999. Since the current CFSP High Representative post was created, it has been held by Dr. Javier Solana, former Spanish Foreign Minister and Secretary-General of NATO. The current Treaty of the European Union provides that the CFSP High Representative “shall assist the Council in matters coming within the scope of the common foreign and security policy”. Under the Lisbon Treaty, the new High Representative will gain an expanded set of CFSP responsibilities, including the following:

- from the Commission, the right to make CFSP proposals to the Council, a right which Member States will also continue to enjoy;
- from the rotating Presidency, responsibilities for ensuring the implementation of CFSP decisions, a responsibility which will now be shared only with the Council or with Member States in general;

- from the rotating Presidency, the responsibility for representing the EU externally on CFSP matters;
- from the rotating Presidency, the responsibility regularly to consult the European Parliament on CFSP matters;
- from the Council, the right to propose the appointment of EU Special Representatives and to manage them once appointed.

The creation of the new High Representative post has arisen not only from the wish to achieve greater coherence between “Community” and intergovernmental policy areas, but also as a consequence of the abolition of the six-monthly rotating Presidency.

The HR/VP will be assisted by a European External Action Service comprising officials from the Commission and the General Secretariat of the Council as well as the diplomatic services of the

Member States. This is nothing less than the nucleus of a common European Foreign Service, or an EU State Department.

[European External Action Service]

The Lisbon Treaty provides for the establishment of the European External Action Service, to assist the new HR/VP and to be under his/her authority. The service is intended as a diplomatic corps that will oversee not only Europe's huge aid and humanitarian budget but also relations with countries around the world, while assisting the High Representative in fulfilling his/her mandate. It will work in cooperation with the diplomatic services of the Member States. In bringing together personnel from the Commission and the Council, the EEAS will—like the new High Representative—straddle the EU's "Community" and intergovernmental elements.

The EEAS is expected to include the 136 existing Commission Delegations, which will become "EU delegations" and will be staffed

by civil servants from the Commission, the Council of the European Union and national foreign ministries. They will be fully answerable to the High Representative with the aim of increasing the impact and coherence of the EU's foreign policy.

The Lisbon Treaty has not yet specified the terms, composition and functions of the EEAS, but detailed provisions as to the organization and operation of the new Service have been left to a future Council decision. That decision will need to be taken by unanimity, on a proposal from the new High Representative, with the consent of the European Commission. Since the EEAS will serve its purpose to aid the HR/VP, it cannot come into being until the HR/VP is appointed. The Commission, the Member States, and the Current HR Solana, however, have started preparatory work on the EEAS following the Treaty's signature, although details of its functioning remain to be determined.

[European Union Delegations]

The European Commission currently maintains delegations in third countries and at a number of international organisations. These are Delegations of the Commission, not the EU as a whole. The development of this network of international delegations has been driven primarily by the Commission's responsibilities for trade and for the disbursement of development aid and other forms of financial assistance. However, like the Commission itself, the Delegations have become increasingly active and visible in other areas of external responsibility, such as enlargement and the European Neighbourhood Policy. Under the Lisbon Treaty, the Delegations of the European Commission in third countries and at international organisations will be converted into European Union Delegations – including the one here in Washington, DC, for which I am currently *Chargé d'Affaires*.

Although the Lisbon Treaty makes no specific provision in this regard, it seems to be assumed that, as a concomitant of this "rebranding", the new EU delegations would also take on functions under the CFSP, to add to their "Community" role, which would acquire a certain degree of "double-hatting". Their articulation and

implementation may vary according to the relative importance of economic or political affairs in the country in question. In some cases, there could be good reasons for continuing along more traditional lines, while in others the Head of Delegation could have a much stronger politico-diplomatic profile and background.

A special case in point will be represented by those countries and/or regions where the EU is engaged in ESDP/CFSP operations. To date, in those very few cases where that has happened, the prevailing solution has also been to resort to some form of 'double-hatting' associating the Head of the local EU Delegation and a Council Special Representative (Macedonia/fYROM, African Union). On the one hand, however, the latest tendency in EU crisis management is to neatly separate Special Representatives (CFSP) and operational officials on the ground (ESDP). On the other, in the new foreign policy architecture drawn up by the Lisbon Treaty, the role of the "Special Representative" – that has so far contributed to fill a gap in the fledgling CFSP/ESDP machinery – seems bound to become redundant. This redundancy may occur as the HR/VP will have the

possibility to resort to both the EEAS and the wider network of EU Delegations.

The European Parliament expects that the establishment of the EEAS will provide greater clarity with regard to the criteria for and the appointment and evaluation of EU Special Representatives, including the definition and purpose of their tasks, the length of their mandate, and coordination and complementarity with the Union's future Delegations.

[Single Legal Personality]

The Lisbon Treaty will give the EU legal personality. Hitherto, the European Commission has had this attribute, but not the European *Union*. The attribution of legal personality to the EU would be a huge transfer of power and make the EU look more like a country than an international organisation.

Under the Lisbon Treaty, the EU will be able to conclude international agreements within the scope of the powers conferred on it by the Member States.

By becoming a subject of international law, the European Union will technically be able to represent Europe, sign treaties, go to and be summoned to court, and become a member of international organisations. The result will be greater clarity in relations with the rest of the world, increased effectiveness and legal certainty and more effective action, and it will be easier for third countries to understand the EU without the complication of dealing with, and sometimes signing agreements with, different entities.

The EU will therefore be able to speak and take action as a single entity, and will have stronger negotiating powers.

[European Parliament]

The Treaty of Lisbon will have considerable impact on Council-Parliament-Commission relations in CFSP/ESDP issues and on parliamentary scrutiny of the CFSP/ESDP. The powers of the European Parliament will be strengthened in legislative matters, in budgetary matters, and as regards to international agreements since it is the European Parliament which will have to give its assent to all agreements relations to matters covered by so-called co-decision or requiring approval. The European Parliament will take positions more systematically on each successive stage of CFSP and ESDP decision-making, so as to enable the Council to reflect the position of the European Parliament in the common positions and joint actions, thus enhancing their democratic legitimacy.

The Lisbon Treaty underlines that Council-Parliament relations need to be reconsidered in order to take account of the major reforms of the future ESDP and of the Parliament's strengthened powers of scrutiny. It requests the establishment of an inter-institutional agreement between the European Parliament and the Council defining their working relations in the field of external action, including the sharing

of confidential information, and that the Framework Agreement between the Commission and Parliament be updated. This will ensure coherence within the Union's external action and guarantee adequate democratic scrutiny by the European Parliament. The Parliament will be needed to be fully consulted on the nomination (by the European Council, with the consent of the President of the Commission), of the first High Representative/Vice-President of the Commission, as well as any other interim appointment.

The Treaty also calls on the future High Representative/Vice-President of the Commission, as well as the Council and the Commission, to reinforce collaboration with the existing multilateral parliamentary assemblies (ACP-EU JPA, EuroMed, EuroLat and, once it is established, Euro-Nest), which bring parliamentarians of the Union together with some of their most important counterparts, as this clearly provides added value for the consistency and efficiency of the Union's external action.

The HR/VP will need to appear regularly before Parliament in plenary and before its Committee on Foreign Affairs, as well as to participate in meetings, in order to hold regular, systematic and substantive consultations with Parliament and its competent bodies, and to involve Parliament in the decision-making process, thus enhancing the transparency and accountability of the Union's foreign policy.

Promoting its values and interests globally, the EU is the world's largest trader and the biggest provider of aid to developing countries. Under the Treaty of Lisbon, Europe will speak with a clear voice on external relations, and therefore become a stronger and more consistent actor on the world scene.

To sum up the main changes, the Treaty of Lisbon contains two important institutional innovations with a significant impact on the Union's external actions:

Firstly, Henry Kissinger once asked “Who do I call if I want to call Europe?” With the new position of “permanent” President of the European Council, his question is now answered. The President will be supported by the new High Representative for Foreign Affairs and Security Policy and Vice-President of the Commission, who will ensure the consistency of the Union's external action. The impact of EU intervention will also be enhanced by a new European External Action Service, drawing on the resources of the EU institutions and the Member States to assist the High Representative/Vice President.

Secondly, the Treaty introduces a single legal personality for the Union that enables the EU to conclude international agreements and join international organisations. The EU will therefore be able to speak and take action as a single entity.

Lastly, the ~~Common~~ Security and Defence Policy will now be part of the Common Foreign and Security Policy. The Treaty of Lisbon gives a higher profile to the principles under which the European Union

acts: democracy, the rule of law, human rights and fundamental freedoms, respect for human dignity, and the principles of equality and solidarity.

[Conclusion]

*→ J. Liberty → some interlocking
→ EU FP around the world
and better partners*

Ladies and Gentlemen, Faculty Members, Students, before wrapping up, let me just say something very brief about the impact on the United States and transatlantic relations: The relationship between the EU and the U.S. has always been essential and unique, and the several institutional changes that the Treaty brings, will increase the EU's potential to become a more coherent partner to the United States.

With an improved relationship, together we will be able to promote peace, stability, democracy, and prosperity in the world. Our shared commitment to find common responses to global challenges, such as climate change, poverty, terrorism, energy security, and the spread of infectious diseases to name but a few, will be enhanced. With the Lisbon Treaty, the EU-U.S. partnership will be ready to face the 21st Century. Thank you for your attention.