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Nature of the EU Foreign Policy / Природа зовнішньої політики ЄС

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The European Union in 2019



(*1) This designation is without prejudice to positions on status and is in line with United Nations Security Council Resolution 1244 (1999) and the International Court of Justice advisory opinion on Kosovo's declaration of independence.

Member States of the European Union (2019)
 Candidate countries and potential candidates

Plan

- Legal scope of EU foreign policy, its aims and objectives
- Structure of the EU Foreign Policy
- Problems and challenges of the present system
- Questions and Answers

Legal Scope of Foreign Policy

- **Treaty of the EU 1992 (TEU)**

Title V "GENERAL PROVISIONS ON THE UNION'S EXTERNAL ACTION AND SPECIFIC PROVISIONS ON THE COMMON FOREIGN AND SECURITY POLICY" (art. 21-46)

- **Treaty on Functioning of the EU 1957 (TFEU)**

Title II "PROVISIONS HAVING GENERAL APPLICATION"

+ specific fields of policy

Part V "The EU External Action" (art. 205-221)

Particularities of the EU Foreign Policy

- ✓ **EU values** as the basis of FP
- ✓ Formula: Internal Policy determines External Policy!
- ✓ It has not supranational nature!
- ✓ Member states are **MASTERS** of FP
- ✓ EU institutions are **PROVIDERS** of FP
- ✓ Special provisions for Common Foreign and Security Policy!
- ✓ Consensus and qualified majority

Aims of the EU Foreign Policy

- to promote peace, its values and the well-being of its peoples (art. 3(1) TEU)

Tasks of the EU

- contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.

Structure of the EU Foreign Policy

- Common Foreign and Security Policy (+Common Security and Defence Policy)
- Common Trade Policy (with 3rd countries)
- EU "field" policies with external dimension
 - Social policy
 - Agriculture
 - Environment protection,
 - Transport,
 - Energy,
 - Prevention and fighting with international and transnational crimes

Present system

- Two ‘pillars’:
 - Community policies
 - Managed by Commission (‘Community method’)
 - Aid, trade, enlargement, neighbourhood policy, environment, energy, transport, etc.
 - Common Foreign and Security Policy (CFSP)
 - Managed by High Representative for CFSP (‘intergovernmental method’)
- Multiple actors:
 - Presidency, High Representative, Commission

*High Representative of the Union
for Foreign Affairs and Security Policy*

- The new person will assume the tasks of:
 - High Representative for CFSP
 - Coordination of external relations in the European Commission as a Vice-President
 - Chairmanship of meetings of EU's Foreign Affairs Council, in place of the present six-monthly rotating Presidency
- He/she will be appointed by European Council by qualified majority, with agreement of President of Commission

European External Action Service

- The new service will
 - assist the High Representative in fulfilling his/her mandate
- It will comprise
 - officials from the relevant departments of the Council Secretariat and the Commission
 - staff seconded from the diplomatic services of the member states
- Its organisation and functioning will be decided by the Council
 - on a proposal of the High Representative
 - after consulting the European Parliament
 - and obtaining the consent of the Commission

Union Delegations

- Union Delegations in third countries and in international organisations shall represent the Union
- Union Delegations shall be placed under the authority of the High Representative
- They shall act in close cooperation with the diplomatic and consular missions of member states

Problems

- In Brussels:
 - rival agencies, duplication of work
- Outside the European Union:
 - multiplicity of voices
- Absence of integrated approach
- Need for:
 - more coherence and consistency
 - efficiency
 - visibility

Challenges

- Migration Crisis
- BREXIT
- Military conflicts in Europe and neighboring countries
- Political turbulence in Poland, Hungary etc.
- Political pressure of USA, China, Russia
- Democratic deficit

Challenges

- Give the authority and means for the new High Representative to do his/her task well
- Provide the organisation and personnel for EEAS to serve him/her effectively
- Bring the two 'pillars' closer together
- Take decisions that are realistic in the short term and ambitious in the long term (next generation)

Opportunities

- Coherence and consistency in the formulation and execution of EU policies
- More effectiveness
- More visibility
- Better cooperation between EU institutions
- Better synergy between EU and member states

The next generation

- The aim of the 'new architecture' for EU foreign policy is not to replace national diplomacy by European diplomacy, or vice-versa
- It offers the chance for foreign policy professionals to work together so that European policy-making is enriched by national experience and national policy-making by European experience
- At present, the distance and even rivalry between the two levels tends to exaggerate the antithesis between 'national' and 'European'
- Differences exist and will remain, but often they are less important than shared interests and the advantages of common action

- In future, young people entering foreign affairs should be able to make a career partly in national diplomacy (in a Foreign Ministry or an Embassy abroad) and partly in European service (in Brussels or a Union Delegation in a non-EU country)
- The new generation of diplomats will bring to their work a better understanding of the practical realities of European and national action
- They should be able to develop a professional culture in which the terms 'national' and 'European' no longer imply antinomy, but synergy