



# Rehashed Commission Delegations or Real Embassies? EU Delegations Post-Lisbon

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## **Abstract**

The entry into force of the Lisbon Treaty and the creation of the European External Action Service (EEAS) have transformed the delegations of the EU abroad which are the face of the EU in third countries and in international organisations. Previously they dealt with trade and aid only, now they also deal with foreign and security policy, coordinating and representing the positions of the EU in third countries. This is an important innovation, but one which poses new challenges. In addition, EU delegations to international organizations are confronted with specific problems: the member states' reluctance to recognize the new competences conferred by the Treaty to the EU and the discrepancies between the new provisions of the EU's external representation and the internal procedures of international organizations themselves. In order to use all the space for manoeuvre provided for by the Treaty EU delegations must pursue a double objective: further adapting the EU's external representation to the procedures of the main international organizations; and promoting deeper coordination between the EU and the member states, particularly when shared competences are at stake.

**Keywords:** *European Union (EU) / European External Action Service (EEAS) / EU delegations / International organizations / EU's external representation*

## Rehashed Commission Delegations or Real Embassies? EU Delegations Post-Lisbon

by Michele Comelli and Raffaello Matarazzo\*

### 1. Introduction

All diplomatic services have their own representation in third countries and international organizations. The European External Action Service (EEAS) is no exception. Indeed, according to art. 4 of the Council decision that established the Service, "The EEAS shall be made up of a central administration and of the Union Delegations to third countries and to international organisations"<sup>1</sup>. This paper analyses the role of EU delegations after the entry into force of the Lisbon Treaty and the creation of the EEAS. It argues that while delegations have extended their functions, going as far as to represent the EU's common foreign policy positions, they are confronted with a number of political and functional challenges. Indeed, the new configuration of the EU delegations represents a critical test case of the effectiveness of the EEAS.

The paper first analyses the new functions of the EU delegations in foreign policy and then focuses on the main challenges they face in performing them. In particular, it looks into the problems associated with the need to merge seconded member state (MS) diplomats with EU officials, in view of creating a common identity and sense of purpose among EEAS personnel, and especially among those serving in the delegations. The EEAS's personnel must convey abroad a sense of unity of the EU and of its foreign policy.

The paper then turns to the new challenges facing EU delegations to international organizations. The Lisbon Treaty has not substantially altered the division of competences in the field of the Common Foreign and Security Policy (CFSP), but it has given new competences to EU delegations in other policy areas. This may have a huge impact on their action in international organizations.<sup>2</sup> The MS, however, are reluctant to recognize this more prominent role of the EU delegations. The Treaty, furthermore, does not contain sufficient provisions aimed at adapting the EU's external representation to the working methods of international organizations. As a result, the

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<sup>1</sup> Council of the European Union, *Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service* (2010/427/EU), 26 July 2010, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:201:0030:0040:EN:PDF>.

<sup>2</sup> See, in particular, Art. 5, TEU, and Art. 2-6, TFEU.

upgrade of EU delegations to international organizations is proving more controversial than originally expected.

## 2. Coordinating and representing the EU's common position

Before the entry into force of the Lisbon Treaty in December 2009, the EU as such was not represented abroad, insofar as the delegations were entitled to represent only the Commission and dealt exclusively with issues over which the Community had competence. This meant that the delegations were mostly busy managing technical and financial cooperation programmes, and implementing trade and cooperation agreements. Some delegations also had political officials, but many, including most of those based in Africa, did not. Political and security issues thus fell outside the remit of the delegations and were dealt with by the embassies of individual MS, whose positions were coordinated and represented externally by the country holding the rotating EU Presidency. When the MS in charge of the Presidency was not represented in a particular third country, the MS holding the previous and/or following Presidency took up the task.

With the entry into force of the Lisbon Treaty, the EU was finally granted legal personality<sup>3</sup>, the Commission delegations were turned into EU delegations, and their functions extended to the Common Foreign and Security Policy (CFSP). What exactly has this entailed? The Lisbon Treaty has not provided for a transfer of foreign policy competences from the MS to the EU, and, therefore, from national embassies to EU delegations. CFSP remains essentially intergovernmental in character, as clearly affirmed in declaration No. 14 attached to the Lisbon Treaty.<sup>4</sup> Art. 32 of the Lisbon Treaty states that EU delegations and MS embassies shall cooperate and contribute to formulating and implementing the common EU approach. This provision implies, first of all, that EU delegations have to work closely with MS embassies and delegations in order to reach a common EU position. In case a common position is agreed among MS, it is the EU delegation that represents such position vis-à-vis third countries.

Before the entry into force of the Lisbon Treaty, the task of promoting a common position and representing it externally were carried out by the country holding the EU Presidency. Today, common EU positions are agreed upon during meetings chaired by a representative of the EU delegation. As a rule, these meetings are organized once a month, but in a situation of crisis they may take place even every 2-3 days. Usually the meetings take place at the ambassadorial/head of delegation level, but sometimes also at lower levels, that is with the participation of deputy heads of missions, heads of trade sections, etc.

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<sup>3</sup> Art. 47, TEU.

<sup>4</sup> Art. 32, TEU reads: "The provisions covering the Common Foreign and Security Policy including in relation to the High Representative of the Union for Foreign Affairs and Security Policy and the External Action Service will not affect the existing legal basis, responsibilities, and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organizations, including a Member State's membership of the Security Council of the United Nations."

Generally, the country holding the EU Presidency strives to keep its role. This is especially true when the MS in question is a large one, or it is tied to particular states or regions by colonial legacy or special strategic and/or trade interests. In addition and as analysed below, MS are reluctant to give up their powers as far as representation in international organizations is concerned, particular when the matter to be dealt with refers to shared EU-MS competences.

### 3. New skills for a common diplomatic *esprit de corps*

Beyond the technicalities of who and how MS positions are coordinated a deeper political problem lies in the difficulty in reaching a common EU position. In fact, the different interests and positions of MS do not always easily merge into common EU positions. This is particularly true at a time of re-nationalization of foreign policy such as the current one, when MS are unlikely to seek greater integration in foreign policy as well as in other policy areas, unless they are induced to do so by an immediate necessity.<sup>5</sup> However, the common EU diplomatic service may gradually lead MS to share the same approach to foreign policy and diplomatic issues, which may in turn lead to a convergence in their positions. Indeed, when representatives of MS are grouped together in a common institutional structure, they are more likely to identify and reach a common EU position and act accordingly, rather than merely follow the directives received from their capitals. A number of studies<sup>6</sup> have found that the socialization of national diplomats working within EU structures, such as the Policy Unit, induce them to act as EU officials, even when they are seconded by a national foreign ministry, to which they return after the end of their mandate in Brussels.

In the case of EU delegations, and more broadly, of the EEAS, this process of socialization can only be a first step in creating a veritable *esprit de corps*, a common identity and a sense of purpose. Devising an innovative and effective learning and training programme for new EU diplomats can contribute to forging a common identity. Putting together national diplomats and EU officials does not raise only a problem of loyalties and allegiances, but also one of skills, since the two categories have traditionally operated in different ways, attaching importance to different professional attitudes and job descriptions.

Besides trade and aid offices, EU delegations now have political and information/communication sections but, unlike national embassies, they still lack military, consular and cultural sections. In addition, they are increasingly involved in Freedom, Security and Justice (FSJ) policies. They can also assist MS in consular

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<sup>5</sup> For the concept of “Europe of necessity” as opposed to “Europe of choice” see Cesare Merlini, “Europe on the International Scene: A Union of necessity after a Union of choice?”, in Stefano Micossi and Gian Luigi Tosato (eds), *Europe in the 21st century: Perspectives from the Lisbon Treaty*, Brussels, Centre for European Policy Studies, December 2009 (CEPS Paperbacks), p. 120-141, <http://www.ceps.be/book/europe-21st-century-perspectives-lisbon-treaty>. See also Michele Comelli, “From a Europe of Choice to a Europe of Necessity”, in *The International Spectator*, Vol. 45, No. 3 (September 2010), p. 151-153.

<sup>6</sup> See in particular Ana E. Juncos and Karolina Pomorska, “Playing the Brussels Game: Strategic Socialisation in CFSP Council Working Groups”, in *European Integration Online Papers*, Vol. 10, No. 11 (September 2006), [http://eiop.or.at/eiop/index.php/eiop/article/view/2006\\_011a/34](http://eiop.or.at/eiop/index.php/eiop/article/view/2006_011a/34).

matters - including consular protection to EU citizens - at the request of MS and on a resource-neutral basis.<sup>7</sup> Some MS, and especially the small ones, went as far as to ask that the EEAS be accorded full consular tasks, like the issuing of short-term Schengen visas, but this proposal has met with strong resistance from other MS such as the United Kingdom.

Generally, while national diplomats are more skilled in addressing foreign and security policy matters, conducting negotiations, and dealing with the political aspects of a situation, Commission officials are better equipped at managing large cooperation programmes. Blending these two types of professionals with their distinct expertise and working cultures is not an easy process. On the one hand, a national diplomat who is appointed as head of an EU delegation in a country where relations with the EU are mainly about trade and aid may be ill-equipped in managing large assistance programmes. On the other hand, a Commission official heading an EU delegation in a country with which the political relations are problematic, may not be ready for a job involving fine diplomatic skills and political sensitivity. Political reporting is another important activity that will be increasingly carried out by diplomats serving in EU delegations. This will represent an expertise that EU officials may lack, requiring apposite training, as well as the willingness of MS embassies to share information with EU delegations.

The plurality of policy areas dealt with by the Commission delegations also implies that, besides EEAS personnel, delegations will continue to host officials that report functionally and administratively to the Commission.<sup>8</sup> To that end close coordination among different offices and an effective leadership by the head of delegation are imperative.

#### 4. Towards a Lisbon paradox: EU delegations to international organizations

Aside from these general challenges facing the newly established EU delegations, a specific problem arises regarding EU delegations to international organizations. The redistribution of competences established by the Treaty, in fact, may have a huge impact on the EU's action in international organizations. Most MS, however, are very diffident towards the new competences and powers of external representation that the Treaty grants to the EU. MS are reluctant to recognize the stronger role of EU delegations to international organizations. This political problem is complemented by a procedural one. Discrepancies between the new mechanisms of the EU's external representation and the working methods of international organizations are complicating the implementation of the Lisbon Treaty. International organizations, in fact, were created by states and for states. As such, their internal rules rarely take into account

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<sup>7</sup> Josep M. Lloveras Soler, *The New EU Diplomacy: Learning to Add Value*, San Domenico di Fiesole, European University Institute, February 2011 (EUI Working Papers RSCAS, No. 2011/05), <http://www.eui.eu/Projects/GGP/Documents/Publications/WorkingPapers/RSCAS201105-LLoveras.pdf>, p. 15.

<sup>8</sup> However, the Head of Delegation is personally responsible for the whole budget of the delegation.

the role of supranational organizations or the coordination of policies among groups of member states.<sup>9</sup>

#### 4.1. EU delegations to international organizations: The legal set-up

The division of competences between the EU and the MS provided by the Treaty is key to the EU delegations' evolutionary role within international organizations.

In international organizations whose mandate includes involving exclusive EU competences (such as trade policy, the Customs Union or monetary policy<sup>10</sup>), the EU is the main actor, as it is the only one allowed to adopt legally binding acts, while the MS can do so only if empowered by the Union or for the implementation of EU decisions.<sup>11</sup> This applies to the WTO and the World Customs Organization (WCO), where the EU delegation has a pre-eminent position with respect to the MS, also in view of the EU long-established role in the field of trade.<sup>12</sup>

Shared EU competences are at stake in most international organizations and agencies (UN, FAO OECD, OSCE, etc.). The most controversial cases fall in this category.<sup>13</sup> In the international organizations where shared competences are involved, the EU has generally the status of "observer" or that of "enhanced observer" or "virtual member" alongside MS. In the last two cases, the EU has full functional rights to participate, but without the right to vote.

When so-called parallel competences<sup>14</sup> are involved, (research, technological development and space, development cooperation and humanitarian aid), the EU can at most act as an observer or, more rarely, as a virtual member.<sup>15</sup>

Given this situation, the EU should try to upgrade its status in international organizations in the coming years, defining practical arrangements on a case-by-case

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<sup>9</sup> Out of 130 EU delegations, 8 are to international organizations or agencies: to the OECD and UNESCO in Paris, to the Council of Europe in Strasbourg, to the OSCE and other international organizations in Vienna, to the UN in New York, to the African Union in Addis Abeba, to the UN organisations in Rome and, finally, two delegations to the WTO and the UN, in Geneva. See: [http://www.eeas.europa.eu/delegations/web\\_en.htm](http://www.eeas.europa.eu/delegations/web_en.htm).

<sup>10</sup> Art. 3, TFEU.

<sup>11</sup> Art. 2.1, TFEU.

<sup>12</sup> Michael Emerson *et al.*, *Upgrading the EU's Role as a Global Actor: Institutions, Law and the Restructuring of European Diplomacy*, Brussels, Centre for European Policy Studies, January 2011, <http://www.ceps.be/book/upgrading-eus-role-global-actor-institutions-law-and-restructuring-european-diplomacy>, p. 46.

<sup>13</sup> The shared competences in question regard the environment, agriculture, transport, energy, and the area of freedom, security and justice, (Art. 4, TFEU), and their exercise by the EU is subject to the application of the principle of subsidiarity (Art. 5.3). At the same time, MS exercise their competences in these areas to the extent that the Union has ceased exercising its own (Art 2.2, TFEU).

<sup>14</sup> I.e., when the Union has competence to carry out activities, in particular to define and implement programmes. However, the exercise of these competences shall not result in MS being prevented from exercising theirs, as in the case of shared competences (Artt. 4.3 and 4.4).

<sup>15</sup> Finally, there are international organizations in which MS are members or contracting parties and the EU has no institutional status. Examples include the United Nations Security Council (UNSC), the North Atlantic Treaty Organization (NATO) and the World Bank. No EU delegations exist to these organizations. The EU delegation at the UN, however, acts also within the UNSC (see below).

basis (as recently accomplished at the UNGA, see below). In particular, when exclusive or shared competences are at stake, the EU should move towards full membership and, therefore, full representation.<sup>16</sup> The MS, however, are not inclined to subscribe to this view.

#### 4.2. EU delegations to international organizations: The practice

Some of the most interesting and controversial cases of EU delegations to international organizations are those to the UNGA, FAO, WTO, OECD and OSCE. A brief analysis of these cases highlights some of the challenges EU delegations are facing.

The UN General Assembly (UNGA) is one of the international organizations where the entry into force of the Lisbon Treaty has created new problems for EU representation and, therefore, for the role of the EU delegation. Before the Treaty, the country holding the rotating Council Presidency could intervene at the UNGA on behalf of the EU, and, as a sovereign state, could benefit from the rights associated with being a full member of the UN. After Lisbon, it is the High Representative (HR),<sup>17</sup> the President of the European Council,<sup>18</sup> or the President of the Commission,<sup>19</sup> who represent the EU. However, they do not represent an actor - the EU - with full UNGA membership. The EU is just one of the 67 permanent observers to the UNGA, with the right to take the floor (but not to vote) after all full UN members have done so. As a consequence of the Lisbon Treaty, EU representatives and delegation officials, rather than being upgraded, have been paradoxically excluded from UN executive boards and steering groups, UNGA committees, working groups and UN conferences, where the most important UN policies are shaped and defined.

In order to solve this problem, on 13 September 2010, a draft resolution was presented at the UNGA by EU MS to upgrade the EU's status and modalities of participation within the UN. To the surprise of many in Europe, a motion was adopted (by 76 votes in favour, 71 against and 26 abstentions) to postpone the vote on the resolution. The main reasons for this setback have been the lack of preparation for the negotiation and the exclusion of other regional organizations from the modalities of participation granted to the EU.<sup>20</sup> After months of tough negotiations with most UN members, as well as among EU MS, on 3 May 2011 the EU's diplomacy succeeded in winning a majority of votes for UNGA resolution 65/276, which finally upgraded the EU's status as observer in the Assembly, with 180 votes in favour and two abstentions (Zimbabwe and Syria). The resolution represents a notable step towards strengthening the EU representation at the UN, as it grants the EU some of the most relevant rights of

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<sup>16</sup> Vicente Palacio *et al.*, *The EU as a Global Actor: Its Evolving Role in Multilateral Organizations*, Brussels, European Parliament, March 2011, <http://www.europarl.europa.eu/activities/committees/studies/download.do?language=en&file=36415#search=%20Global%20Actor>, p. 10.

<sup>17</sup> Art. 18, TEU.

<sup>18</sup> Art. 15, TEU.

<sup>19</sup> Art. 17, TEU.

<sup>20</sup> See also Jan Wouters and Michael Emerson (2010), *The EU's Diplomatic Debacle at the UN: What else and what next?*, Brussels, Centre for European Policy Studies, 1 October 2010 (CEPS Commentaries), <http://www.ceps.eu/book/eu%E2%80%99s-diplomatic-debacle-un-what-else-and-what-next>.

participation and representation enjoyed by full UNGA members - including that of presenting proposals and amendments (albeit orally) and to reply regarding EU positions - with the exception of the right to vote or to field candidates. The EU is, therefore, the first regional organization allowed to present proposals and amendments (albeit orally) and to reply regarding EU positions.<sup>21</sup>

Since the adoption of the resolution, EU delegation officials have started replacing the representatives of the rotating Presidency at the Special Committee on Peacekeeping and in other UNGA working groups. Nevertheless, MS still argue that where competences are shared, the EU and the MS should be represented by the country holding the Council Presidency. But according to the Lisbon Treaty, the rotating Presidency should not play any role of external representation in international forums. This problem arises not only at the UN, but also in other international organizations, where MS claim that they are entitled to chair some working groups dealing with topics that fall under shared competences.

As far as the organization of the EU delegation to the UN is concerned, since the Lisbon Treaty's entry into force, the European Commission's delegation in New York (established in 1974) and the EU Council Liaison Office (created in 1994), have been unified under the EU Council's representative, Pedro Serrano, who acts as Head of Delegation. The EU delegation has increased its cooperation with the embassy of the rotating EU Presidency. During recent presidencies, EU and national officials in New York have worked together in joint teams on specific UN issues.<sup>22</sup> The EU delegation has also increased its representative role at the UN Security Council, even though the EU does not have an institutional status therein.<sup>23</sup> Since the beginning of 2010, the EU delegation in New York has been invited to take the floor during UNSC open debates on average two or three times per month, presenting the EU's common position on behalf of the 27 member states and replacing the rotating Presidency. Furthermore, the EU delegation played a leading role (together with the successive Belgian and Hungarian presidencies of the Council in 2010-2011) in coordinating negotiations on the upgrading of the EU's status and modalities of participation within the UNGA.<sup>24</sup>

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<sup>21</sup> One of the most relevant implications of this resolution, which was not present in the text presented in September 2010, is the possibility for a regional organization "whose member states have agreed arrangements that allow that organization's representatives to speak on behalf of the organization and its member states", to request and obtain the same modalities for participation granted to the EU. This opens the prospect for regional organizations (e.g., the Arab League, the African Union or ASEAN) to act collectively and play a stronger role within the UN. See UN General Assembly, *Resolution on the Participation of the European Union in the Work of the United Nations (A/RES/65/276)*, 3 May 2011, <http://www.un.org/Depts/dhl/resguide/r65.shtml>, para. 3. See also Giovanni Grevi, *From Lisbon to New York: The EU at the UN General Assembly*, Madrid, Fundación para las relaciones internacionales y el diálogo exterior, June 2011 (FRIDE Policy Brief, No. 81), <http://www.fride.org/publication/922/from-lisbon-to-new-york-the-eu-at-the-un-general-assembly>.

<sup>22</sup> Nicoletta Pirozzi, *Towards a More Effective UN Security Council? The EU's Role in the post-Lisbon Era*, paper presented at the EUSA Conference, Boston, 3-5 March 2011, [http://euce.org/eusa/2011/papers/3j\\_pirozzi.pdf](http://euce.org/eusa/2011/papers/3j_pirozzi.pdf).

<sup>23</sup> The Art. 34.2 TEU, establishes that when the Union defines a common position on a topic on the UNSC agenda, "those member states which sit on the Security Council shall request that the High Representative be invited to present the Union's position".

<sup>24</sup> Giovanni Grevi, *From Lisbon to New York ...*, cit.



At FAO the EU has been granted full membership (since 1991) together with the MS. The mandate of FAO covers issues of both exclusive and shared competences of the EU. In particular the EU has relevant but not exclusive agricultural competences. Whether the representation and the vote are exerted by the EU or by the MS is determined by the specific topic on the agenda. The European Commission is responsible for topics of exclusive EU competence and its vote is equivalent to that of the 27 MS.<sup>25</sup>

After the entry into force of the Lisbon Treaty, however, the Commission has underlined that the EU Delegation to FAO should be the sole representative for both exclusive and shared competences. Since relevant national interests are at stake, in particular in the field of agriculture, MS are very jealous of their role and reluctant to accept the growing coordinating role played by the EU delegation in Rome.<sup>26</sup> MS argue that the rotating Council presidency should continue to play a role when shared competences are involved. After months of tensions between EU representatives and the MS, which had a negative impact on the functioning of the EU delegation to FAO, a post-Lisbon transitional arrangement was finally reached. It establishes that at any meeting or working group, the EU delegation would indicate whether the competence belongs to MS or to the EU, and this determines who is entitled to speak. The transitional arrangement, moreover, is expected to be revised after the forthcoming increase of personnel in the understaffed delegation in Rome. The FAO case shows how strongly MS are resisting.

The most developed model of EU representation is at the WTO, where the EU is a full member, alongside the MS. Trade is one of the most important exclusive EU competences. At the WTO, therefore, the EU is the sole negotiating actor although on the basis of a negotiating mandate agreed upon in Brussels by the MS beforehand. This is the reason why competition between MS and EU representatives is less relevant at the WTO than elsewhere. After the Lisbon Treaty, however, the split of the Commission delegation in Geneva into two EU delegations (one for WTO, the other for UN affairs), has complicated coordination and information exchange. This division was made to grant stronger autonomy to the Commission on trade matters (compared to foreign policy matters more strictly defined). But it risks to nurture tensions, duplications and overlaps between the two EU delegations, which could undermine the most advanced EU representation to international organizations. Moreover, MS maintain expensive observer missions in Geneva to watch over the activities of the two EU delegations, and prospects for their withdrawal are low, notwithstanding the budgetary austerity that each national diplomacy is experiencing. In any case, more effective circulation of information between the two EU delegations and the MS representatives in Brussels would be essential to cut costs for MS and to streamline the EU presence in Geneva.

At the OECD the EU is granted the status of “quasi member”. In particular, the EU Commission is the only actor allowed to speak at the Trade and Agriculture Committee. In the other committees, both the EU and the MS may participate. While the EU’s

<sup>25</sup> Vicente Palacio *et al.*, *The EU as a Global Actor...*, *cit.*, p. 18.

<sup>26</sup> Interview with an official of the EU delegation to FAO in Rome, April 2011. See also Michael Emerson *et al.*, *Upgrading the EU's Role as a Global Actor ...*, *cit.*, p. 76.

status is not expected to change in the foreseeable future as a result of the entry into force of the Lisbon Treaty, arrangements between the EU delegation and MS will probably be updated in order to ensure more effective coordination. After Lisbon, the EU delegation to the OECD is expected to speak on issues of exclusive and shared competence when a common position has been reached.<sup>27</sup> Also here, however, MS are hesitant to grant more powers to the EU delegation. Given the key role in development policy played by the OECD, a more consistent EU presence and a single diplomatic voice would greatly contribute to enhancing the EU's enhanced external action.<sup>28</sup>

Finally, the OSCE is the largest regional organization in Europe, with 56 members (from Europe, Central Asia and North America), all with full participant status. As a result of the Lisbon Treaty's innovations in the CFSP domain, the EU acts as a "virtual member" within the organization, as it has full operational rights to participate, but without a vote or full member status. The OSCE, moreover, is one of the organizations with which the EU "shall establish all appropriate forms of cooperation".<sup>29</sup> The participation of the Head of the Delegation in the OSCE proceedings is a consolidated practice. When the issue under discussion falls mainly under the competence of the EU, the delegation intervenes as an OSCE member. Moreover, the EU delegation to the OSCE can participate in all proceedings unless the topic under discussion clearly falls outside EU competences. The EU delegation is gradually playing a stronger role in the coordination of the MS, despite the reluctance of the larger MS (Germany, France, the UK, etc.) to devolve powers on security issues.

## 5. Concluding remarks: Real embassies for a weak foreign policy?

The entry into force of the Lisbon Treaty and the creation of the EEAS have transformed the delegations of the EU abroad. While the Commission delegations have traditionally dealt with trade and aid, EU delegations have been entitled to deal with foreign and security policy matters, coordinating and representing the EU's position in third countries. This is an important innovation on the long and tortuous path towards the supranationalization of CFSP, even though competences have not been transferred to the EU in this area. However new challenges have emerged. First, the new delegations need to adapt to this transformation and be able to perform well in terms of both representing and implementing the EU's common positions, also in foreign and security policy matters, and managing and implementing large assistance programmes. This means that the new personnel, and especially the heads of delegations, must have the necessary skills and expertise to live up to these tasks. For this purpose, providing effective training for EEAS officials, and particularly for those serving in the delegations is of the essence. Training should not be confined to the moment when

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<sup>27</sup> If the rotating Presidency is invited to speak on behalf of the EU, it does so through the High Representative.

<sup>28</sup> The EU delegation at the OECD contributes to the definition of the working programme, and the Head of Delegation participates in the OECD decision-making body, the Council. The EU representative is not allowed to vote when legal acts are adopted by the OECD Council, but he/she may be elected as a member of the bureau of subsidiary bodies and has full right to contribute to the preparation of texts, including legal acts.

<sup>29</sup> Art. 220, para 1, TFEU. See Vicente Palacio *et al.*, *The EU as a Global Actor...*, *cit.*, p. 25.

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officials enter the service, but performed throughout their careers therein. An EU training programme will also be instrumental in developing a common identity and sense of purpose among new officials, some of whom come from national diplomacies, others from EU institutions.

A more specific challenge refers to the role of EU delegations to international organizations. MS' reluctance to recognize the EU delegations' competences conferred by the Lisbon Treaty is undermining the Treaty's implementation. Discrepancies between international organizations' working methods and the new mechanisms of the EU's external representation nurture further this problem. The competition between the EU and the MS confirms that the lack of cohesion and strategic vision within the EU remains the main obstacle to the upgrade of the EU delegations. Nevertheless, important steps ahead have been recently accomplished, such as the update of the EU's status and modalities of participation within the UNGA. In order to use all the space for *manoeuvre* within the Treaty, EU delegations must pursue a double objective: further adapting the EU's external representation to the procedures of the main international organizations; and promoting deeper coordination in strategic areas, particularly when shared competences are at stake.

Delegations represent an important test case for the effectiveness of the EEAS since they represent the EU in third countries and international organizations. The new role of EU delegation in representing the EU's common position is already a step forward, not least because it conveys a sense of unity to third countries. This may induce third countries to revise their idea of a fragmented Union when it comes to foreign and security policy, but it may also raise excessive expectations concerning the development of a more effective, consistent and visible European foreign policy. The latter is no doubt a risk. But it is also an opportunity for the EEAS and its delegations to build, step by step, an effective European foreign policy.

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