Political accountability in the EU's foreign and security policy

How, by whom and for what can the EU's High Representative on Foreign Affairs and the European External Action Service be held to account?

Thomas Henökl, Department of Political Science and Management, University of Agder (Norway)

Abstract

The Lisbon Treaty paved the way for restructuring the institutional landscape in EU foreign and security policy. In order to improve coherence and coordination, the High Representative of the Union for Foreign Affairs (HRVP) has obtained more powers and is now assisted by the European External Action Service (EEAS). The HRVP is the recipient of delegated authority from the member states (MS) to formulate, coordinate and implement the external policies of the European Union. Formal decision-making power pertaining to the EU's common foreign and security policy lies with the Council, whilst substantial competences, notably in the field of the European Neighbourhood and Trade policies, as well as Development and Cooperation remain under the control of the European Commission (Commission). Concomitantly, as its supporting bureaucracy, the EEAS is situated within several, partly overlapping and conflicting accountability relationships. The questions, this paper seeks to answer, are: To what extent, how and by whom can the HRVP and/or the EEAS be held politically to account?

In order to shed some light on this issue, the paper discusses the HRVP/EEAS' relationships with three of its 'significant others', namely, the Council, the Commission and the European Parliament. Against three standards of political accountability – popular control, checks-and-balances and efficiency – we examine whether and to what the degree the above institutions are in the position to hold respectively the HRVP and the EEAS to account for their actions. With data from official documents, 47 semi-structured interviews with EEAS and Commission officials and a survey among 184 EU foreign policy-makers, the paper thus aims at providing a map and an assessment of the multi-level actor/forum relationships of the EU's foreign policy machinery.

Introduction

With the entry into force of the Lisbon Treaty the EU foreign policy executive was comprehensively rearranged. The former rotating Council Presidency, the High Representative for Common Foreign and Security Policy and the European Commissioner for External Relations, are now all replaced and combined in the position of the High Representative of the Union for Foreign Affairs and Security Policy (HR/VP) – a position since 2014 held by Ms Federica Mogherini. According to the Articles 18 and 27 of the TFEU, the HR/VP:

- conducts the Union's common foreign and security policy;
- contributes by her proposals to the development of that policy, which she carries out as mandated by the Council, and ensures implementation of the decisions adopted;
- presides over the Foreign Affairs Council of Ministers;
- is one of the Vice-Presidents of the Commission and thus ensures the consistency of the Union's external action.
- represents the Union for matters relating to the common foreign and security policy, conducts political dialogue with third parties on the Union's behalf and expresses the Union's position in international fora.
- exercises authority over the European External Action Service and over EU delegations in third countries and at international organisations.[1]

In the wake of this institutional rearrangement, by Council Decision (427/2010) the EU created a dedicated administrative apparatus, the European External Action Service (EEAS) in order to assist the HR in achieving "[…] consistency and coordination of the Union's external action as well as by preparing policy proposals and implementing them after their approval by the Council." The EEAS is a functional autonomous body placed "under the authority of the HR/VP", and the latter is, next to her political function also the bureau head of the former, and consequently has to assume political

responsibility for this bureaucracy.[2] Prior to Lisbon, the High Representative for the Union Foreign and Security Policy, a position established by the Treaty of Amsterdam and occupied from 1999-2009 by Javier Solana, was only equipped with a relatively small office at the General Secretariat of the Council. The 'old' HR was exclusively dealing with the intergovernmental side of EU foreign policy, i.e. security and defence.

The rationale behind this reorganisation in foreign policy was to improve 'coherence' of the EU foreign policy (Art. TEU), and to bring together different foreign policy instruments and structures under one organizational roof. The 'new' HR/VP has been described as 'hybrid institutional figure' (Missiroli 2010: 430) or 'Janus-faced' and 'rather schizophrenic actor' (Curtin 2009: 102) because the position is combining, first, the role of the High Representative of the CFSP with, second, the position of a Vice-President of the European Commission, responsible for External Relations and playing a coordinating role for other DGs of the External Relations (RELEX) family (DGs Development and Cooperation, DEVCO, Enlargement, ELARG, and Trade), with, third, the functions of the chair of the Foreign Affairs Council, formerly exercised by the Foreign Minister of the Member State holding the rotating EU Presidency (Art. 18 TEU).

The EEAS, as the supporting bureaucracy of the HR/VP, is an organizational hybrid with inbuilt ambiguities stemming from the inherited pillar structure and divided competence areas between community institutions and the member states. In the Council (FAC), the HR/VP is regarded as one of their own ('primus inter pares') by the foreign ministers of the member states. However, in line with the "Declaration by the High Representative on Political Accountability", (annexed to Council Decision 427/2010, establishing the EEAS) and unlike the situation prior to the establishment of the EEAS, the HR/VP is now formally obliged to answer to the European Parliament and to justify her policy choices to a directly elected body. As can be seen from Figure 1 (ANNEX I) displaying the institutional embedded-ness of the EEAS, multiple oversight relations can be discerned as an organizing principle in order to secure political influence and control from both the

intergovernmental and the community spheres, involving notably the Council, the Commission, and the EP in a struggle over power and institutional turf. This article sets out to disentangle these multiple and overlapping accountability relations, and overall the question is to what extent have the institutional innovations that both the HR and the EEAS represent made EU external action more (or less) accountable?

While the focus of the nascent literature on the EEAS is on coordination and consistency of EU foreign policy (e.g. Balfour and Ojanen 2011, Biscop 2011, Dijkstra 2013, Sjursen 2012, Smith 2012, 2013, Portela and Raube 2012, Thomas and Tonra 2012), where the EEAS has been described as a long missing bridge over the divisions of the old EU pillar structure. A public administration approach to the EEAS to understand the nature of the organization and its behaviour has been adopted by Bátora 2013, Formuszewicz and Liszczyk 2013, Henökl 2014a and b, Juncos and Pomorska 2013 or Ongaro 2012. Legal scholars have engaged in an interpretation of the framework set out by the Lisbon Treaty and EEAS Decision (Blockmans 2012, Blockmans and Hillion 2013, Van Vooren 2011) and have discussed its competences and role within EU's institutional architecture, as well as its status with regard to international law (Blockmans and Spernbauer 2013, Cardwell 2012, Wessel and Van Vooren 2011, Wouters et al. 2013). The establishment of the EEAS, it is suggested, may entail different ways of exercising control and the creation of new accountability relations, especially in a policy domain that frequently stayed outside the radar of Parliamentary control at national level and has been described as a 'domaine réservé' of the executive (Aron 1995: 28), or ''above' normal politics' with hindsight to parliamentary scrutiny (Tonra 2011: 1911). Accountability is particularly important in the field of external governance, where in many instances EU external action directly affects territories and populations outside of the EU, such as in military or civilian crisis management missions (e.g. sovereignty administration as in the case of EUNAVFOR off the costs of Somalia), or by indirectly but *de facto* administrating policies in third countries (e.g. the judicial sector in EULEX Kosovo).

The question of autonomy and democratic legitimacy of the EEAS and EU foreign policy making has pre-occupied a number of scholars (e.g. Bátora 2010, Henökl 2015, Raube 2012, Stie 2010, Tonra 2011). While the literature on EEAS autonomy may be related, it does not satisfactorily deal with accountability issues. In addition, the existing research often focuses on how things ought to be, and findings are still inconclusive. What is missing, is a more systematic study of *de jure* and *de facto* accountability relations, mapping the different forums the EEAS has to answer to. This article contributes a cartography of the existing accountability relationships, based on a study of formal rules as well as empirical data on officials', day-to-day embedment in accountability relations, and their individual accountability orientations and behaviour. In order to shed light on the specific question of accountability, the article investigates to what extent the policy-making/shaping and implementation by the HR/VP and the EEAS can be held to account, by whom and for what? Moreover, we ask whether and to what extent the creation of the EEAS improves (or obscures) the accountability of the European foreign policy, as compared to the pre-Lisbon situation.

With data from official documents, 46 semi-structured interviews with EEAS and Commission officials and a survey among 184 EU foreign policy-makers, the article seeks to answer the above question. The article is structured in the following manner: In the second part, the analytical framework is presented, before presenting methodology and data in the third section. The fourth and fifth parts hold the analysis of *de jure* and *de facto* accountability relations and forums, respectively. Finally, we summarize our findings and present conclusion in the last section.

Analytical Framework

Accountability, in its generic form, is defined as a social "...relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences" (*Bovens et al.* 2010: 35). As we can see, it is a more comprehensive concept than a mere principal-agent relationship in that a

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full accountability arrangement requires institutionalised practices of information-giving, debate and sanctions/ consequences between an agent (the accountable) and a forum (the body holding the agent to account).

Figure 2: The generic model of accountability (Bovens *et al.*, 2010: 41):

Actor ↔ Forum

Informing about conduct → Debating → Judging → Consequences (Informal / Formal)
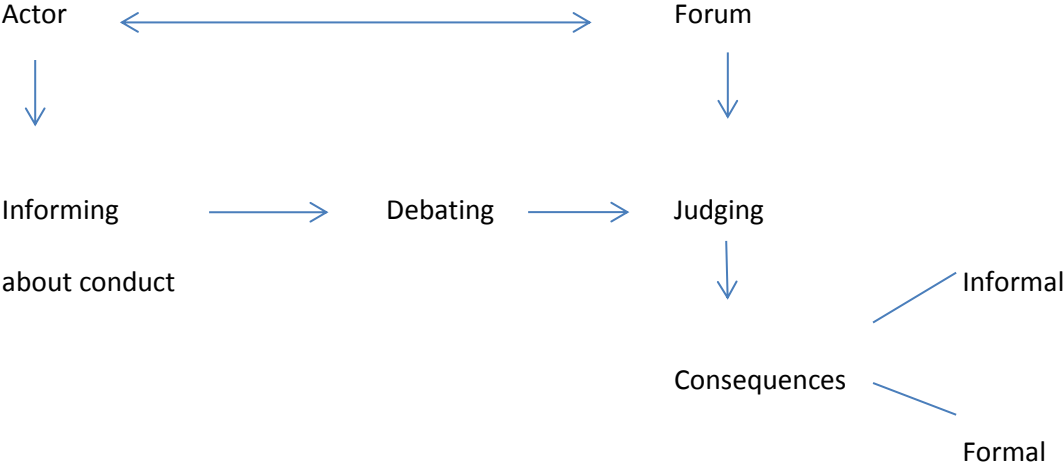
From this generic accountability model, we start by mapping the forums to which the HR/VP/EEAS are obliged (*de jure* and *de facto*) to give account for their conduct. The clout of the forum(s) will then be evaluated according to how well the three phases of information-giving, debate and consequences function as institutionalised practices of account-giving. To determine how well the different forums are at holding the HR/VP/EEAS to account depend on which perspective or normative standard one applies. Bovens *et al.* (*ibid*: 45-52) develop three perspectives with three distinct rationales, namely democratic, constitutional and learning perspectives, explaining why accountability is important: "First, accountability is important to provide a democratic means for citizens and their representatives to monitor and control government conduct. Second, it is important for preventing the development of dangerous concentrations of executive power. Third, it is a pivotal tool for making government deliver better public value." The strength of the accountability arrangements in which the HR/VP/EEAS stand will consequently be discussed against these three perspectives.

At the first glance the following types of accountability (cf. Bovens et al., 2010, chapter 3), relevant for the EU's foreign policy bureaucracy, can be discerned. We will discuss them in detail below, in the context of the different forums, to which they can be allocated:

1) Political accountability: encompassing accountability arrangements *vis-à-vis* political institutional actors (such as the European Parliament and the Council), but also the EU member states.

2) Administrative accountability: consisting of accountability arrangements with regard to administrative and financial aspects, *vis-à-vis* the competent bodies of the Union (Commission, Court of Auditors).

3) (Quasi-)judicial or legal accountability: encompassing accountability arrangements *vis-à-vis* judicial and quasi-judicial bodies (such as Court of Justice or national or international legal instances).

Conceptualizing the multi-level actor/forum relationships in the EU system, Bovens *et al.* (2010) and, Brandsma (this issue) or Wille (this issue), respectively elaborate on the increasingly sophisticated European 'accountability architecture' and on an 'accountability framework for multi-level governance'. Based on the Bovens (2007, 2010) analytical framework, and the conceptual introduction to this special issue by Brandsma, Heidbreder and Mastenbroek (2014), we, firstly, map the accountability relations in which the HR/VP and the EEAS stand and, secondly, discuss the extent to which the current institutional arrangement ensures more (or less) accountability than the pre-Lisbon situation.

Method and data

For the empirical analysis, the article draws on three main sources of data; relevant official documents, semi-structured interviews with 46 EU officials working in or closely with the EEAS as

well as data from a survey among foreign policy decision makers. The methodology, used to analyse the survey data basically consists of looking at the relation between officials' previous and present affiliation and their conception of personal and organisational accountability relations (by asking about commitment to organizational ethics and accountability rules, loyalty and allegiance, importance of political guidance by the relevant forums, professional concerns etc.). Dichotomising between the different staff categories (permanent vs. temporary staff), we analyse the survey data according to institutional provenance (supranational vs. intergovernmental recruits) to see whether there are differences, and, if so, what these differences are. In addition, the paper can also draw on information on changes in the work situation of officials, comparing the level of administrative discretion in terms of instructions and reporting lines, job responsibility and *marge de manoeuvre* to the situation before the establishment of the EEAS. (For a presentation of the dataset form the 2013 EEAS survey, see ANNEX II EEAS survey data, below).

Before analysing the *de facto* and day-to-day accountability conceptions of staff, we first map the existing *de jure* relationships, by forum and type of accountability.

Mapping accountability forums and relationships

In the most immediate sense, it is the HR/VP who has to account to her political principals, and the EEAS as a body is "[…] placed under the authority of the HR/VP".[3] It is however difficult to see how the HR/VP constitutes a forum to which the EEAS must render account. The relationship between the HR/VP and the EEAS does therefore not amount to an accountability relation proper. Rather, the EEAS should be seen as the HR/VP's executive arm or body. For the EEAS then, a number of different accountability relations can be derived from the EEAS Decision, and four types of accountability (in the typology of Bovens *et al.* 2010) can be identified. The forums of accountability are Parliaments (EP and national) as directly elected representatives of citizens; and other EU level institutions

(Council, Commission and the Court of Auditors) for political, legal and administrative/financial issues.

Figure 2: Accountability types and forums

Accountability types	Accountability forums
Administrative	Commission, EP
Political	Council, EP[4]; European Council; national parliaments
Financial	EEAS Internal Auditor, Internal Auditor of the Commission[5], European Court of Auditors[6], OLAF, EP
(Quasi/indirectly-)legal	Court of Justice
Professional accountability	Member states' Ministries of Foreign Affairs

(Typology according to Bovens *et al.* 2010)

In the following, we focus on the European Parliament, the Council and the Commission as these relations are the politically most salient forums for the EEAS. Moreover, the role of the remaining two institutions, the ECA and the ECJ is either relatively clear, as in the case of the ECA, or somewhat limited, as in the case of the ECJ, they are treated in a less detailed manner. Finally, we neither discuss the formal relationships between the EEAS and the European Council nor with the MS diplomatic services, because the Council Decision makes only allusive mention of them. We do, however, include them in the empirical analysis, since politically they may be relevant for guiding and informing officials' actions and accountability orientations.

1. **The European Parliament**

The **European Parliament** could increase its influence during the negotiation process that lead to the EEAS Council Decision, to counter-balance the autonomy of the EEAS. Effectively, the EP managed to obtain greater political control over the service: with the amendment of budgetary procedures, the implementation of the EEAS operational budget remains subject to discharge by the EP. In addition to administrative accountability (over administrative budget and staff as foreseen by financial and staff regulations), by including a 'Declaration on Political Accountability' in the EEAS Decision the EP also ensured political accountability where the HR/VP (or senior EEAS bureaucrats and diplomats) have to answer to questions. In case the HR/VP cannot participate in a plenary debate of the Parliament, s/he would have to be replaced by a competent (DEVCO, ELARG, TRADE) Commissioner or by the Foreign Minister of the member state holding the rotating Presidency. Also, EU Heads of Delegations and EU Special Representatives have to undergo Parliamentary hearings before they are taking up new postings.

Other than naming and blaming during public debates or via reports and parliamentary motions, the EP has at several occasions threatened direct sanctions to the EEAS, namely by withholding EEAS' budget lines (*ex ante*) or not discharging the EEAS from budget responsibility (*ex post*), under the EPs co-responsibility (with the Council) for the Union budget.

With regard to the **European Parliament** at least two types of accountability apply:

Political accountability: According to the Council's EEAS Decision (article 1, paragraph 6 the Council Decision 2010/427/EU) setting up the EEAS, "the European Parliament will fully play its role in the external action of the Union, including its functions of political control as provided for in Article 14(1) TEU, as well as in legislative and budgetary matters as laid down in the Treaties". These provisions and the fact that the HR/VP has to answer to Parliamentary questions and witness in the plenary assembly give the Parliament ample room for playing a role as forum of political accountability. The HR/VP has to consult the EP on the main policy choices and take Parliament's views into due consideration. In addition, the EP has full access rights to documents and information, including

sensitive information. Special measures have been taken to access, including security vetting of selected AFET committee (the EP's foreign affairs committee) members.

Financial/budgetary accountability: Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the "Financial Regulation applicable to the general budget of the European Communities (the 'Financial Regulation')" was amended in order to include the EEAS in Article 1 thereof, with a specific section in the Union budget. In accordance with the applicable rules, and as is the case for other institutions, a part of the annual report of the Court of Auditors will also be dedicated to the EEAS, and the EEAS has to respond to such reports. The EEAS is subject to the budgetary discharge procedures as provided for in Article 319 TFEU and in Articles 145 to 147 of the Financial Regulation. By using its budgetary power as negotiation chip the Parliament managed to increase its influence on the service and the EU's foreign policy. As one MEP said, "the EP can use the instrument of blocking certain administrative budget lines, e. g. for EEAS salaries, in order to get its will with regard to structural changes or to have its positions taken seriously" (Interview #37).

A number of scholars have observed Parliament's strengthened role in EU foreign policy matters (Furness 2013, Raube 2014, Wisniewski 2013). And, during the last 4 years, the Parliament could indeed carve out a role as one of the political overseers of the EEAS.

2. The Council of the European Union

The **Council** is the forum that mandates the HR/VP to make proposals and implement policies that fall within the competence area of the Common Foreign and Security Policy. For these policies the Council is the place where HR/VP has to seek approval and legitimize its actions. In addition, the Political and Security Committee (PSC), composed of MS representatives at ambassadorial level is a high-level decision-making organ that sends political guidance to EEAS structures on central matters of CFSP (as do the Political Directors of the MS MFAs by 'advising' Deputy Executive Director on

foreign policy issues.) In practice, as accountability forum the Council operates in a non-confrontational (consensual) manner, i.e. there are no formal sanctions against the HR/VP or the EEAS. However, 'misbehaviour' on the part of the EEAS or HR/VP may trigger negative diplomatic or ambient consequences, such as MS protesting (e.g. letters written to the HR/VP) or refusing to cooperate on a next occasion. Referring to Bovens *et al.* (2010), such a reaction of expressing disagreement may be categorized as an informal way of sanctioning.

The informal and political nature of the relationship with the Council is very well illustrated by the testimony of a senior EEAS official, responsible for the relations with the Political and Security Committee:

"A lot of what we are trying to do is behind closed doors, and the reason that is not part of the public process, is that it is a way that enables the HR to take initiatives and push decisions. It is about trying to anticipate what these decisions are going to be and to put them to the MS, so that when [the HR/VP] does X, Y, or Z, that there is not a huge problem after she has done it. […] It is an erosion of trust. So, next time when you have an issue MS will be much more restrictive on the boundaries of what can be done. It is a give and take. It […] is about the judgments made." (Interview #7).

The Council is also the forum deciding about the outcome of the review process that began in 2013 and is currently under way. Even though this process is not expected to produce any major reforms or a revision of Council Decision 427/2010, it clearly a more formalized process of debate, judgment and potentially sanctions.

3. The European Commission

In the case of the **Commission**, lines of delegation and accountability relations are complex and intertwined, not least because the Commission is itself a body vested with powers resulting from supra-national delegation by the EU MS. Competences are partly overlapping, instructions are issued

by several sources and reporting lines have in many instances been characterized as redundant. Administratively, the EEAS needs to work closely together with the Commission in all areas of external relations that fall into community competences as well as for the implementation of its operational budget. (see e.g. 'Vademecum Note On Working Relations with the European Commission' of 2011). But also at the political level, due to the fact that the HR is a Vice President of the Commission, decisions pertaining to external relations have to be discussed and agreed upon by the college of Commissioners.

One specific point concerns the management of staff, as a key resource for the organization. The EEAS Review document tabled by HR/VP in July 2013 speaks of two separate and parallel structures, and concludes that "this dual system leads to multiple debate on the same issues, delays in decision-making and can be an obstacle to direct contacts between the EEAS and Commission service with a stake in [EU] Delegations [to third countries]" (EEAS 2013: 11).

In budgetary matters, EEAS administrative expenditures have to be planned "in consultation with the Commissioners for Development Policy and for European Neighbourhood Policy" (article 8, paragraph 3 of the EEAS Decision). In practice, the Commission is monitoring the EEAS procedures on a permanent basis, through the Foreign Policy Instruments service (FPI), a Commission department reporting directly to the HR/VP, but legally and administratively depending on the Commission. In principle, the Commission, as the sole body under the Treaties empowered to implement the Union budget, could at any time stop the disbursement of operational funds (with the exception of the European Development Fund and military components of CFSP expenses, both outside the Union budget). The EEAS is also accountable to and works in close cooperation with the Internal Audit Service (IAS) of the Commission (EEAS 2014). From article 3.4 of the EEAS Decision results a duty of cooperation with the internal auditor of the Commission as well as with the EU Anti-Fraud Office (OLAF).

Overall the provisions under Art.3.4 clearly point towards **administrative accountability** in the Bovens framework. In this category also the Commission's responsibility for external operational budgets of the EU's external action has to be mentioned: In financial terms, even though Art. 9 (6) of the EEAS Decision provides that actions taken under the Common Foreign and Security Policy (CFSP) budget, certain actions under the instrument for Stability (IfS), the Instrument for Cooperation with Industrialised Countries (ICI), communication and public diplomacy as well as election monitoring will be the responsibility of the EEAS, the Commission remains responsible for the execution of the EU budget and for the management of programmes (in line with Art. 17 TEU). In order to respect the Commission's prerogatives the Inter-Service Agreement dated 13 January 2012 confirms that important budgetary and implementation competences remain with the Commission, stating: "The EEAS shall refrain from taking measures […] on issues which fall under Commission competence."[7]

DG Development and Cooperation (DEVCO) underlines its competence and sole responsibility for operations and projects financed under Commission budget lines, co-programmed with the HR/VP (the Development Cooperation Instrument, and the European Neighbourhood and Partnership Instrument, ENPI) and the mechanisms programmed by the HR/VP, but managed by the Commission (the Instrument for Stability, IfS, the Instrument for Nuclear Safety Cooperation, and the European Instrument for Democracy and Human Rights[8]). To ensure its operational prerogatives, DEVCO, as has the Council Secretariat General by the way, has created a redundancy in keeping its own country desks at HQ for the central programme management, which serve as the connection with DEVCO personnel posted at EU Delegations as the 'EU field offices' with regard to administration and implementation of development and cooperation programmes.

Commission DG DEVCO and ENP (European Neighbourhood Policy) have at least partly retained their control over the financing mechanisms, as 'any proposals' on the three existing development instruments need to be made jointly by the relevant departments of the EEAS and those of DG

DEVCO 'under the responsibility of the Commissioner' and 'submitted jointly with the High Representative for adoption by the Commission' (EEAS Decision 2010: Art. 9(4) and 9 (5)).

4. The Courts of the Union

With regard to the other two institutions, the role of the **Court of Auditors** deserves to be mentioned: The fact that the EEAS is an institution in the sense that it figures separately in the Union budget makes it also accountable to the Court of Auditors, and is included in the ECA's annual report. In a number of examples the ECA is already exercising its full administrative and financial right of control over the EEAS. Less important, on the other side, is the relationship to the **Court of Justice**. In virtue of article 1 of the Council Decision the EEAS has been given "the legal capacities to perform its tasks and attain its objective". Since the EEAS has not been set up under primary law and hence is not part of the institutions named under Art. 13 TEU, it remains to be seen whether the EEAS has the legal standing to be a party in proceedings before the Court (Van Vooren 2011, Blockmans and Hillion 2012). In the case of lawsuit before the ECJ, where the institutional or substantive position of the EEAS is the subject of litigation, the service will probably be the object of proceedings between Parliament, Commission or Council.

An accountable external action service?

Which rules, whose rules?

"Formal organizations temporarily settle issues about tasks, authority, power and accountability" (Olsen 2010: 37). Accordingly, bureaucrats' identities and role perceptions may be an indicator of their 'sense of belonging' in terms of administrative rules and perceived accountability relations. Therefore, we asked which rules officials stick to when facing a situation that requires ethical

judgements or accountability-related evaluations: "When facing a conflict of interests or conflicting loyalties how much do you emphasize the guidelines provided by the following?"

Table XX: Rules for accountability and loyalty (N=148)

	(very) strongly (%)	Somehow (%)	Less strongly/ Not at all (%)	Can't say (%)
Rules institution of origin (recruitment source)	53.4	8.8	26.3	11.5
Rules present affiliation (present employment)	81.8	10.8	1.4	6.1
Staff regulations EU institutions	77.7	12.2	4.1	6.1
Code of conduct for the civil service	68.9	12.8	7.4	10.8
Rules and standards for EU agencies	20.3	11.5	33.1	35.1
Supervisor/hierarchy	70.3	14.9	6.1	8.8
National coordinator	8.8	4.1	48	39.2
Other	1.4	0.7	2.0	85.8

Table: Rules for conflicts of interests and loyalties (n=148)

Original code list: 'Very important' (value 1), 'important' (value 2), 'somewhat important' (value 3), 'less important' (value 4), 'not important' (value 5), 'can't say' (value 6).

Most officials emphasize the "rules and regulations of [their] present affiliation" with 81.8% saying "strongly" or "very strongly", followed by the "staff regulation for the personnel of European institutions" (78%) and "my supervisor/hierarchy" (70%). Less than 9 per cent answered that they at

least "strongly" emphasized guidelines by their national coordinator. More important seems to be the "Code of conduct for the civil service" (69%), which in the EU context is an abstract notion rather than a document directly applicable to staff of EU institutions.

The fact that "rules and standards for EU agencies" (20%) score much lower could be taken as a statement that EEAS is not seen as an agency but rather close to a central level EU institution.

Again, to see more specifically which officials chose different sets of rules or guidelines could give us a hint regarding their (converging or diverging) organizational identities and role perceptions.

Accountability in practice

Other than the presented *de jure* accountability relations it should be of interest to examine the de facto dynamics regarding the EEAS' sensitivity for political concerns and signals. We present in the following some of the insights gained from the above mentioned EEAS survey study, conducted in 2013.

Presented with a choice of different political actors outside their own organization, officials pay most attention to central level EU institutions (European Commission – 74%, Foreign Affairs Council and European Council both 68 %, and finally the European Parliament – 58%. Only then follow "the big EU member states" – 51%, "the medium-sized EU member states" – 30%, International Organizations – 23%, "the small MS" – 22%, and, finally, "signals from the domestic government of my own member state" – 17%.

Table XX: Political signals (Total N=149)

	(Very) important	Somewhat	Less/not	Can't say (%)

	(%)	important (%)	important (%)	
European Council	67.8	14.8	5.3	12.1
Foreign Affairs Council	67.8	12.1	6.7	13.4
European Commission	73.8	10.7	6.7	8.7
European Parliament	57.7	19.5	11.4	11.4
"Big" EU MS	51.1	18.1	19.4	11.4
Medium-sized MS	30.2	34.9	22.8	12.1
Small MS	22.1	35.6	30.9	11.4
Own EU MS	17.4	14.1	57.7	10.7
Political level/senior management	83.9	4.7	3.3	8.1
Direct hierarchy	87.9	5.4	1.4	5.4
International organizations	22.8	35.6	28.8	12.8
Other	5.3	6.7	13.5	74.5

Table: Political signals (n=149)

Original code list: 'Very important' (value 1), 'important' (value 2), 'somewhat important' (value 3), 'less important' (value 4), 'not important' (value 5), 'can't say' (value 6).

Other than a clear emphasis put on signals from EU-level institutions, an interesting observation concerns the relative importance that is given to the EP, which corroborates the impression that the MEPs by smartly playing their hand throughout the negotiations which ultimately lead to the EEAS Decision have gained influence and political weight *vis-à-vis* other EU institutions, at least in the eyes of EEAS officials. However, this is an observation that is also shared by Commission officials, for instance in a quote, summarizing a trend detected by Ellinas and Suleiman (2012: 80): "For many years the EP was unimportant and it was ignored. It had the least standing among the institutions of the EU. It is undergoing a process of transition – gaining power and knowing how to use it."

Variation according to organizational affiliation

As mentioned, the personnel of the EEAS are recruited from different institutional sources: the former DG RELEX, SGC, and the diplomatic services or the EU member states. By simple cross-tabulation we analyse varying patterns of receptivity and attention paid to the signals and concerns of different accountability forums:

Table XX: Political signals by PREVIOUS affiliation (source of recruitment) (Total n=130)

	Intergovernmental (MS and SGC) staff (n=46)			Supra-national (COMMISSION) staff (n=84)		
SINGALS	(Very) important (%)	Somewhat important (%)	Less/not important %	(Very) important (%)	Somewhat important (%)	Less/not important %
European Council	83	13	4	75	19	6
Foreign	83	11	7	77	15	9

Affairs Council						
European Commission	**77**	**10**	**13**	**83**	**13**	**5**
European Parliament	**53**	**22**	**24**	**72**	**22**	**6**
'Big' MS	**73**	**21**	**6**	**50**	**20**	**31**
'Medium-sized' MS	**33**	**52**	**15**	**36**	**33**	**31**
'Small' MS	30	52	18	23	34	43
Domestic Government	19	25	55	20	11	69
Political level/ senior management	94	2	4	90	7	3
Direct hierarchy	94	2	4	90	7	3
International Organizations	23	43	34	27	40	33
Other	14	14	71	25	36	39

Table: Political signals PREVIOUS affiliation (Total n=130)

Original code list: 'Very important' (value 1), 'important' (value 2), 'somewhat important' (value 3), 'less important' (value 4), 'not important' (value 5), 'can't say' (value 6).

The highlighted (*in bold*) results above indicate a rather sharp difference when it comes to political orientation between the two staff-groups: former Commission staff is much more receptive towards signals from supra-national accountability forums, such as the European Commission and the

European Parliament, than their counterparts recruited from the member states. The latter are paying slightly more attention to European Council and the FAC and significantly more attention to signals from the big member states. Less surprisingly for hierarchically structured organizations, the officials' sense of accountability is most strongly developed towards the political leadership/senior management and their own direct superiors.

These patterns are even more pronounced comparing EU officials present affiliation, namely by employer. While those working directly for the EEAS (EEAS and MS' seconded diplomats) are more intergovernmentally oriented, officials who are working in EU external relations but employed by the Commission (working either in EU Delegations in third countries or for the Commission services at the disposal at the HR/VP) are clearly more committed to their supranational overseers:

Table XX: Political signals by PRESENT affiliation (employment relations) (Total n=142)

	EEAS and MS staff (n=119)			COMMISSION staff (n=23)		
SINGALS	(Very) important (%)	Somewhat important (%)	Less/not important %	(Very) important (%)	Somewhat important (%)	Less/not important %
European Council	**79**	**18**	**3**	**63**	**16**	**21**
Foreign Affairs Council	**83**	**13**	**4**	**53**	**21**	**26**
European Commission	**78**	**15**	**7**	**95**	**0**	**5**
European Parliament	74	25	10	70	25	15
'Big' MS	59	22	19	47	11	42
'Medium-	34	45	21	32	21	47

sized' MS						
'Small' MS	26	43	31	15	30	55
Domestic Government	19	19	61	15	0	85
Political level/ senior management	94	4	2	85	10	5
Direct hierarchy	95	4	1	91	9	0
International Organizations	24	43	33	35	30	35
Other	21	27	52	25	25	55

Table: Political signals by PRESENT affiliation (Total n=142)

Original code list: 'Very important' (value 1), 'important' (value 2), 'somewhat important' (value 3), 'less important' (value 4), 'not important' (value 5), 'can't say' (value 6).

Similar observations can be made for the type of concerns that are emphasized by the different groups of personnel. Although overall, the accountability orientation is directed towards the interests of the Union, some slight differences can be observed:

Table XX: Concerns by organisational provenance (PREVIOUS affiliation, total n= 147)

	Intergovernmental (MS and SGC+ other) staff (n=52)			COMMISSION staff (n=95)		
CONCERNS	(Very)	Somewhat	Less/not	(Very)	Somewhat	Less/not

	important (%)	important (%)	important (%)	important (%)	important (%)	important (%)
Political concerns	88	4	8	78	18	4
Interest of unit/division	75	17	8	83	13	4
Interest of DG/service	73	17	10	84	13	3
Interest of the EU	90	4	6	95	4	1
Interest of own MS	25	14	61	5	9	86

Table: Concerns and considerations by PREVIOUS affiliation (Total n=147)

Original code list: 'Very important' (value 1), 'important' (value 2), 'somewhat important' (value 3), 'less important' (value 4), 'not important' (value 5), 'can't say' (value 6).

Former Commission personnel tends to be slightly more Community-minded and much less attuned (by 20%) to relations with the MS. In addition, the intergovernmental recruits are overall more politically oriented, and feel less strongly accountable to the supra-national organs, represented here by their service (the EEAS) or unit, or the 'interest of the EU' in general.

Concluding remarks

The implementation of the Lisbon Treaty and the establishment of the EEAS have affected the accountability of EU foreign policy making in significant ways. First, it has put the EU's external action high on the public agenda and increased its visibility. Whilst before, foreign and security policies were exclusively dealt with by the MS and the SGC, they are now accessible to other forums in the EU institutional landscape. In terms of democratic accountability, the rise of the EP as a major forum of

accountability is clearly the most striking development. As the only directly elected body, it represents the link to the EU citizens, exercises popular control over and thereby increases the legitimacy of EU foreign policy. Second, in a constitutional perspective, the EP fulfils important functions of checks and balances, avoiding concentration of power or the emergence of a autonomous run-away bureaucracy. The EP is thus directly overseeing the EEAS, but indirectly also extending its scrutiny to decision-making in the Council (with regard to EU foreign and security policy) as well as the European Commission (concerning all other aspects of external relations). Finally, the activities of the EP, notably motions and reports by its AFET committee, pushing for a more comprehensive approach to external action, but also for more efficiency and transparency, are also a crucial contribution with regard to the learning perspective of accountability.

As we have seen, accountability relations come in different dimensions, i.e. political, financial, administrative, and legal, depending on what is to be investigated. In the case of the EEAS, different EU bodies fulfil those functions, and in the political and administrative dimensions certain overlaps and problems of multiple accountability have been detected. This also shows in the empirical data on officials' accountability behaviour. Different staff groups, depending on their source of recruitment and present organizational affiliation tend to emphasize rules and signals by forums. This situation is aggravated by the presence of political rivalries between community institutions and Council as well as member states, which may result in a 'problem of many eyes' (Bovens *et al.* 2010: 41).

Since, from a democratic perspective, the political accountability dimension is the most salient with regard to the EEAS, the EP's involvement in the Unions external action proves to be the most novel and significant development in the EU's post Lisbon foreign policy system. In terms of popular control, there is a certain improvement due to the European Parliament's watchful eye on the EEAS, certainly in terms of transparency as compared to the somehow opaque situation before Lisbon.

On the other hand new accountability relations produce some redundancies, complex and partly overlapping and sometimes conflicting accountability relations that may build up to a 'multiple

accountability disorder' or, in the worst case, lead to loss of control (Bovens *et al.* 2010). In this respect the new institutional cycle, after the elections to the EP in May 2014, may offer the opportunity to remedy existing shortcomings, eliminate redundancies and improve the overall functionality of the system of checks and balances holding the EEAS to account.

References

Aron, R. (1995) 'The Anarchical Order of Power', *Daedalus* 124(3): 27-52.

Balfour, R. (2013) 'In Search of a Role: Three Years of the European External Action Service', *The Polish Quarterly of International Affairs*, 3/2013: 59-70.

Batora, J. (2010) 'A democratically accountable European External Action Service: Three Scenarios'. *European Integration Online Papers*, 14 (13): 1-20.

Biscop, S. (2011) 'A New External Action Service Needs a New European Security Strategy', *Egmont Security Policy Brief 29, November 2011*

Blockmans, S. (2012) 'EEAS Reloaded. Recommendations for the 2013 Review', *CEPS Commentary*, Brussels, December.

Blockmans, S. and C. Hillion (eds.) (2013) *EEAS 2.0. A legal commentary on Council Decision 2010/427/EU establishing the organization and functioning of the External Action Service*, (Brussels: CEPS), available at: http://www.ceps.be/book/eeas-20-legal-commentary-council-decision-2010427eu-establishing-organisation-and-functioning-e

Blockmans, S. and M. Spernbauer (2013) 'Legal Obstacles to Comprehensive EU External Security Action', *European Foreign Affairs Review* 2013/18 (Special Issue): 7-24.

Bovens, M. (2007) 'Analysing and assessing accountability: a conceptual framework'. *European Law Journal*, 13(4): 447-468.

Bovens, M., Curtin, D. and Paul t'Hart (eds.) (2010) *The Real World of EU Accountability. What Deficit?* (Oxford: Oxford University Press).

Curtin, D. (2007) 'Holding (Quasi-) Autonomous EU Administrative Actors to Public Account'. *European Law Journal*, 13(4): 523-541.

Curtin, D. (2009) *Executive Power of the European Union. Law, Practices and the Living Constitution*. (Oxford University Press).

Dijkstra, H. (2013b) *Policy-Making in EU Security and Defense. An Institutional Perspective*, (Houndmills, Basingstoke: Palgrave Macmillan).

Egeberg, M. (ed.) (2006) *Multilevel Union Administration. The Transformation of Executive Politics in Europe*. Basingstoke: Palgrave.

Ellinas, A.A. and E. Suleiman (2012) *The European Commission and Bureaucratic Autonomy. Europe's Custodians*. (Cambridge: Cambridge University Press).

Formuszewicz, R., and D. Liszczyk (2013) 'The staffing policy of the European external action service – stocktaking ahead of the 2013 review'. *The Polish Quarterly of International Affairs* 1: 139–60.

Furness, M. (2013) 'Who controls the European External Action Service? Agent Autonomy in EU External Policy'. *European Foreign Affairs Review*, 18(1), pp. 103-126.

Henökl, T. (2014a) 'Conceptualizing the European Diplomatic Space: A Framework for Analysis of the European External Action service'. *Journal of European Integration*, published online: http://dx.doi.org/10.1080/07036337.2013.865731

Henökl, T. (2014b), 'The European External Action Service: Torn apart several principals or Smart Double Agent? A principal agent analysis of the EU external affairs administration', *Journal of Contemporary European Research*, 10(4): 381-401, available at:

http://www.jcer.net/index.php/jcer/article/view/605/494

Henökl, T. (2015), 'How Do EU Foreign Policy-Makers Decide: Institutional Orientations within the European External Action Service, *West European Politics*, available online at: http://dx.doi.org/10.1080/01402382.2014.1000652.

Juncos, A.E. and K. Pomorska (2013) 'Manufacturing *Esprit de Corps*: The Case of the European External Action Service'. *Journal of Common Market Studies*, 52(2): 302-319.

Olsen, J. P. (2010), *Governing through Institutional Building*, (Oxford University Press).

Ongaro, E. (2012) 'The European External Action Service: An organisational analysis and implications for research in a public administration perspective', Northumbria University International Research Centre on Public Policy and Management (IPPaM) Working Paper.

Portela, C. and K. Raube (2012) 'The EU Polity and Foreign Policy Coherence', *Journal of Contemporary European Research*, Volume 8, Issue 1, pp. 3-20. Available at: http://www.jcer.net/ojs/index.php/jcer/article/view/340/316

Raube, K. (2012) 'The European External Action Service and the European Parliament', *The Hague Journal of Diplomacy*, 7: 65-80.

Raube, Kolja (2014) 'Parliamentarisation Approach: Parliamentary Control in EU Foreign Policy'. In: Wilga M., Karolewski P. (eds.) *New Approaches to EU Foreign Policy*. (Oxon: Routledge) *forthcoming*

Smith, M.E. (2013) 'The European External Action Service and the security–development nexus: organizing for effectiveness or incoherence?', *Journal of European Public Policy* (Jan. 2013). Online at: http://dx.doi.org/10.1080/13501763.2012.758441

Smith, M.H. (2012) 'The European Union as a Diplomatic Actor in the Post-Lisbon Era: Robust or Rootless Hybrid?', Paper presented at the 3rd EUIA Conference, Brussels, May 2012.

Thomas, D.C. and B. Tonra (2012) 'To What Ends EU Foreign Policy? Contending Approaches to the Union's Diplomatic Objectives and Representation', *The Hague Journal of Diplomacy* 7(1), 11–29.

Tonra, B. (2011) 'Democratic foundations of EU foreign policy: narratives and the myth of exceptionalism', Journal of European Public Policy. 18(8), pp. 1190-1207.

Stie, A.E. (2010) 'Decision-making Void of Democratic Qualities? An Evaluation of the EU's Second Pillar Decision-making Procedure', *European Integration Online Papers*, available at: http://eiop.or.at/eiop/index.php/eiop/article/viewArticle/183

Van Vooren, B. (2011) 'A Legal-Institutional Perspective on the European External Action Service', *Common Market Law Review*, 48: 457-502.

Wisniewski, E. (2013) 'The Influence of the European Parliament on the European External Action Service, *European Foreign Affairs Review* 18(1), 81-101.

Wouters, J., G. De Baere, B. Van Vooren, K. Raube, J. Odermatt, T. Ramopoulos, T. Van den Sanden, Y. Tanghe (2013) 'The Organisation and Functioning of the European External Action Service: Achievements, Challenges and Opportunities', Study for the European Parliament (EXPO/B/AFET/2012/07), European Union, Brussels

Official documents:

Council of the European Union (2010) Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service, (2010/427/EU), available at: http://www.eeas.europa.eu/background/docs/eeas_decision_en.pdf

European Commission (2012) *Working Arrangements Between Commission and the European External Action Service (EEAS) in Relation to External Relations Issues*, 13 January 2012, SEC(2012)48.

European Commission (2011) *Vademecum on Working Relations with the European External Action Service (EEAS)*, SEC(2011)1636

(2010/427/EU) European External Action Service (2013), EEAS Review, available at: http://eeas.europa.eu/top_stories/2013/29072013_eeas_review_en.htm

European External Action Service (2014) Annual Activity Report 2013, available at: http://www.eeas.europa.eu/background/docs/annual_activity_report_2013_en.pdf

ANNEX I (Figure 1: 'The EEAS in a web of accountability relations') – *please attached file*

ANNEX II – EEAS survey data

In mid-2013, a survey study among EU officials (included seconded staff from national foreign ministries), involved in EU foreign policy making, gathered data on contact patterns, rules of loyalty and accountability, importance of political signals and professional concerns, conflicts and cleavages, and changes in the work situation of the personnel. Briefly presenting the dataset, used in the empirical analysis of the article, the 2013 EEAS survey provides the following information:

Institutional affiliation and provenance

With regard to their organizational provenance, most officials in our survey (74 persons, 41 %) were recruited (transferred) from DG RELEX, 19 respondents (11%) from the Council Secretariat General (SGC), and 24 respondents (13%) from MS Ministries of Foreign Affairs. The 24 seconded national diplomats in the survey come from 18 different member states. While most of the supranational personnel (Commission) came from DG RELEX, 21% of the respondents were working for other Commission DGs before 2011, i.e. Aid and Cooperation (AIDCO), Development (DEV), TRADE, and Enlargement (ELARG):

Table XX: Source of recruitment supranational (COM, EP) and intergovernmental sources (MS, SGC)

	Previous affiliation (%)	Present affiliation (%)
EEAS	-	75
Council SG	10.6	-
COM DG RELEX	41.1	-
COM DEVCO	-	12.5
COM DG AIDCO	8.3	-
COM DG ELARG	0.6	2.2
COM DG TRADE	1.1	1.6
COM DG DEV	12.2	-
MS MFA	13.3	2.2
EP	1.1	1.1
Other	11.7	5.4
N	180	184

Table: Source of recruitment and present affiliation (total N=184)

For our sample of 680 eligible respondents the response rate is thus close to 30 per cent. The data is reasonably representative with regard to officials' previous affiliation, geographical balance (country of origin), place of assignment, educational background, as well as age and sex. With regard to nationality the survey could gather respondents from 23 different MS, with the 'bigger' MS overall

more strongly represented than the smaller ones. Also in terms of place of assignment the distribution of respondents is almost equally balanced between officials working at headquarter (52%) and EU-Delegations to third countries (47%).

Distribution of respondents by hierarchical level

Many seconded national diplomats have entered the service at the higher if not top hierarchical levels. However, as can be shown, both groups of survey respondents, intergovernmental recruits and supranational recruits are almost equally represented at the different hierarchical levels, with a intended overall survey bias for higher (management, diplomatic and political) levels of hierarchy.

Table XX: Task/level by PREVIOUS affiliation (n=172)

	Intergovernmental recruits (%)	Supranational recruits (%)
Political/diplomatic	58.3	51.8
Managerial/administrative	36.7	45.5
Technical/Operational	5	2.7
N	60 (100%)	112 (100%)

A second explanatory factor for differences within staff groups with regard to contact patterns and receptivity, concerns and conflicts could be linked to the place of assignment of officials. Indeed, we find a slight imbalance in the distribution of the two groups over the different workplaces: IG recruits among the survey respondents are slightly (by 10%) more likely to be employed at delegations. This however corresponds to the EEAS population, where the overall share of MS diplomats is 32.4% of AD level officials, whereas in Delegations diplomats amount to 45.4% of staff (EEAS 2014).

Table XX: Place of Assignment by PREVIOUS affiliation (n=169)

	Intergovernmental recruits (%)	Supranational recruits (%)
Headquarters	61	49,1
Delegations	39	50.1
N	59 (100%)	110 (100%)

Notes

[1] Text from the EEAS website: http://www.eeas.europa.eu/what_we_do/index_en.htm

[2] Cf. http://www.eeas.europa.eu/what_we_do/index_en.htm
However, the EEAS is also obliged to assist "…the President of the European Council and the President as well as the Members of the Commission in their respective functions in the area of external relations and ensures close cooperation with the Member States. The network of EU delegations around the world is part of the EEAS structure." (*ibid*)

[3] Cf. Article 1, Council Decision (2010).

[4] Cf. Article 14 Council Decision (2010). "The High Representative will provide the European Parliament with all the necessary support for the exercise of the European Parliament's right as discharge authority."

[5] Cf. Article 14 Council Decision (2010). «The implementation of the operational budget will be the Commission's responsibility in accordance with Article 317 TFEU. Decisions having a financial impact will, in particular, comply with the responsibility of laid down in Title IV of the Financial Regulation, especially Articles 64 to 68 thereof regarding liability of financial actors, and Article 75 thereof regarding expenditure operations."

[6] Cf. Article 14 Council Decision (2010). "In accordance with the applicable rules, and as is the case for other institutions, a part of the annual report of the Court of Auditors will also be dedicated to the EEAS, and the EEAS will respond to such reports. The EEAS will be subject to the procedures regarding the discharge as provided for in Article 319 TFEU and in Articles 145 to 147 of the Financial Regulation."

[7] European Commission, Secretariat General (2011), *Vademecum note on Working Relations with the European External Action Service*. See also: Commission still pulls the strings on EU foreign policy, in: EU Observer, 6 February 2012, *available at: http://euobserver.com/18/115145*; and ECDPM Talking-Points, Spotlight on division of labour between the EEAS and DG Devco, 3 February 2012, *available at: http://www.ecdpm-talkingpoints.org/division-of-labour-between-the-eeas-and-dg-devco/* .

[8] A complete the list of cooperation mechanisms should also include the European Development Fund, EDF, for the group of ACP countries, based on the 2003 Cotonou agreement (intergovernmental instrument, funded directly by the MS, outside the EU budget).