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Role and position of the High Representative of the Union for Foreign Affairs and Security Policy under the Lisbon Treaty

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III. Concluding Remarks

References

The creation of the function of the “High Representative of the Union for Foreign Affairs and Security Policy” (the “High Representative”) in Article 18 TEU-L appears to be one of the newest aspects introduced by the Lisbon Treaty.¹ This new position com-

¹ Article 18 of the consolidated version of the Treaty on European Union, as it will result from the amendments introduced by the Treaty of Lisbon, signed on 13 December 2007 in Lisbon. The consolidated versions of the Treaty on European Union and of the Treaty on the Functioning of the European Union, together with the annexes and protocols thereto are published in [2008] OJ C 115/1.
bines the competences of the present High Representative for the Common Foreign and Security Policy and of the Commissioner for External Relations. In fact the Lisbon Treaty includes practically the same provisions regarding the Common Foreign and Security policy (CFSP) and the European Security and Defence Policy (ESDP) as the Treaty establishing a Constitution for Europe, with only minor changes. The “Union Minister for Foreign Affairs” is renamed “High Representative”. The change in the title is purely cosmetic or purely symbolic in the sense that it aims to dispel the fears related to the terms evoking the image of a ‘constitution’ or of a ‘state’ that led in part to the objections raised in France and in the Netherlands to the Constitutional Treaty.

Apart from the change in the title of the High Representative, two new declarations on CFSP are attached to the Lisbon Treaty (13 and 14). They underline that the new provisions on CFSP, on the creation of the function of High Representative and on the European External Action Service “do not affect the responsibilities of the Member States, as they currently exist, for the formulation and conduct of their foreign policy nor of their national representation in third countries and international organisations”. It also recalls that the provisions on CSDP do not “prejudice the specific character of the security and defence policy of the Member States” and confirm “the primary responsibility of the Security Council and of its Members for the maintenance of international peace and security”. Declaration No. 14 stresses that the new provisions 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 organisations, including a Member State’s membership of the Security Council of the United Nations”. It also reiterates that no new powers in this domain are given to either the Commission or the European Parliament.

The content of these two declarations is restrictive. Even if they only state the existing norms, they do however reflect the political will of the Member States to retain the existing differences

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2 Declarations No. 13 and 14 concerning the common foreign and security policy, annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon signed on 13 December 2007.