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*Committee on Constitutional Affairs*

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## **DRAFT REPORT**

on the impact of the Treaty of Lisbon on the development of the institutional balance of the European Union  
(2008/2073(INI))

Committee on Constitutional Affairs

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### **on the impact of the Treaty of Lisbon on the development of the institutional balance of the European Union (2008/2073(INI))**

*The European Parliament,*

- having regard to the decision of the Conference of Presidents of 6 March 2008,
  - having regard to the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed on 13 December 2007<sup>1</sup>,
  - having regard to its resolution of 20 February 2008 on the Treaty of Lisbon<sup>2</sup>,
  - having regard to the conclusions of the European Council of 11 and 12 December 2008,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Development (A6-0000/2008),
- A. whereas the Treaty of Lisbon strengthens the institutional balance of the Union, inasmuch as it reinforces the key functions of each of the political institutions, thereby strengthening their respective roles within an institutional framework in which cooperation between the institutions is a key element of the success of the Union's integration process,
- B. whereas the Treaty of Lisbon transforms the former "Community method", adapting and strengthening it, into a "Union method" in which, in essence:
- the European Council defines the general political directions and priorities,
  - the Commission promotes the general interest of the Union and takes appropriate initiatives to that end,
  - the European Parliament and the Council jointly exercise legislative and budgetary functions on the basis of the Commission's proposals,
- C. whereas the Treaty of Lisbon extends this specific method of decision-making by the Union to new areas of its legislative and budgetary activities,
- D. whereas the Treaty of Lisbon provides that the European Council may, by unanimity and with the consent of the European Parliament, extend the qualified majority vote and the ordinary legislative procedure, thereby reinforcing the Union method,
- E. whereas, although the aim of the new Treaty is to simplify and enhance the coherence of

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<sup>1</sup> OJ C 306, 17.12.2007, p. 1.

<sup>2</sup> Texts Adopted, P6\_TA(2008)0055.

the Presidency of the European Council and of the Council, the coexistence of a separate Presidency of the European Council and of the Foreign Affairs Council (and of the Eurogroup), together with the continuation of a rotating system for the presidencies of the other configurations of the Council, may reduce the Union's functionality,

- F. whereas the new procedure for the election of the President of the Commission necessitates consideration of the results of the elections and for appropriate consultations between representatives of the European Council and of the European Parliament before the European Council proposes its candidate,
- G. whereas the organisation of interinstitutional cooperation in the decision-making process will be key to the success of the Union's action,
- H. whereas the new Treaty recognises the growing importance of strategic multiannual and operational annual programming in ensuring a smooth relationship between the institutions and efficient implementation of the decision-making procedures, and stresses the role of the Commission as initiator of the main programming exercises,
- I. whereas the current seven-year financial programming means that, from time to time, the European Parliament and the Commission, during a full legislature, will have no fundamental political financial decisions to take during their mandate, finding themselves locked into a framework adopted by their predecessors that will last until the end of their mandate,
- J. whereas the Treaty of Lisbon introduces a new and comprehensive approach to the external action of the Union – albeit with specific mechanisms for decision-making in matters relating to the Common Foreign and Security Policy (CFSP) – as well as creating the "double-hatted" post of High Representative/Vice-President supported by a special external service as the key element rendering this new and integrated approach operative,
- K. whereas the Treaty of Lisbon introduces a new system of external representation of the Union, which is essentially entrusted, at different levels, to the President of the European Council, the President of the Commission and the High Representative and which will require careful articulation and strong coordination between the different parties responsible for this representation, in order to avoid damaging conflicts of competences and wasteful duplication,
- L. whereas the European Council of December 11 and 12 agreed that in the event of the entry into force of the Treaty of Lisbon by the end of the year it would use the possibility granted by this Treaty to maintain the composition of the Commission in its present form of one member per Member State,

### ***General assessment***

- 1. Welcomes the institutional innovations contained in the Treaty of Lisbon, which create the conditions for a renewed and enhanced institutional balance within the Union, allowing its institutions to function more efficiently, openly and democratically and enabling the Union to deliver better results more closely matching the expectations of its citizens and to play its role fully as a global actor in the international sphere;

2. Stresses that the essential core of the functions of each institution is reinforced, allowing each of them to develop its role in a more effective manner, but warns that the new institutional framework demands that each institution play its role in permanent cooperation with the other institutions in order to achieve positive results for the whole of the Union;

***Reinforcement of the specific "Union method" of decision-making as the basis of the interinstitutional balance***

3. Welcomes the fact that the essential elements of the "Community method" – the right of initiative of the Commission and joint decision-making by the European Parliament and the Council – have been preserved and reinforced by the Treaty of Lisbon, inasmuch as:
  - the European Council becomes an institution whose specific role in providing the impetus and the orientation of the Union is strengthened, thereby defining its strategic objectives and priorities without interfering in the normal exercise of the legislative and budgetary powers of the Union;
  - the Commission is confirmed in its role as the "engine" driving forward European activity, thus ensuring that its monopoly of legislative initiative remains untouched (and is even reinforced), notably in the budgetary procedure;
  - the European Parliament's powers as a branch of the legislative power are enhanced, since the ordinary legislative procedure (as the current codecision procedure will be known) becomes the general rule (unless the Treaties specify that a special legislative procedure is to apply) and is extended to almost all areas of European legislation, including justice and home affairs;
  - the Council's role as the other branch of the legislative authority is confirmed and preserved – albeit with a certain preponderance in a few important areas – due in particular to the clarification in the Treaty of Lisbon that the European Council shall not exercise legislative functions;
  - the new budgetary procedure will likewise be based on a process of joint decision-making, on an equal footing, by the European Parliament and the Council, covering all types of expenditure, and the European Parliament and the Council will also decide jointly on the multiannual financial framework, in both cases on the initiative of the Commission;
  - the distinction between legislative and delegated acts and the recognition of the specific executive role of the Commission under the equal control of the two branches of the legislative authority will enhance the quality of European legislation;
  - as regards the treaty-making power of the Union, the role of the Commission (in close association with the High Representative) is recognised in respect of the capacity to conduct negotiations (even in CFSP matters), and the consent of the European Parliament will be required for the conclusion by the Council of a new range of agreements;

4. Welcomes the fact that the Treaty stipulates that the European Council may by unanimity, and with the consent of the European Parliament, extend qualified majority decision-making and the ordinary legislative procedure to areas in which they do not yet apply;
5. Stresses that, on the whole, these "bridging" clauses reveal a real trend towards the widest possible application of the "Union method", and consequently calls on the European Council to make the fullest possible use of these opportunities afforded by the Treaty;
6. Maintains that full utilisation of all the institutional and procedural innovations introduced by the Treaty of Lisbon requires in-depth permanent cooperation between the institutions participating in the different procedures, taking full advantage of the new mechanisms provided for in the Treaty, particularly the interinstitutional agreements;

### ***The European Parliament***

7. Strongly welcomes the fact that the new Treaty fully recognises the European Parliament as one of the two branches of the legislative and budgetary powers of the Union, while its role in the adoption of many political decisions of importance for the life of the Union is also recognised, and its functions of political control are reinforced and even extended, albeit to a lesser extent, to the area of CFSP;
8. Stresses that this recognition of the role of the European Parliament requires the full collaboration of the other institutions, notably as regards providing Parliament in good time with all the documents necessary for the exercise of its functions, on an equal footing with the Council, as well as its access to and participation in relevant working groups and meetings held in other institutions on equal terms with the other participants in the decision-making procedure; calls on the three institutions to envisage the conclusion of interinstitutional agreements structuring the best practices in these domains in order to optimise their reciprocal cooperation;
9. Maintains that the European Parliament must itself carry out the necessary internal reforms in order to adapt its structures, its proceedings and its working methods to the new competences and to the reinforced requirements of programming and interinstitutional cooperation deriving from the Treaty of Lisbon; awaits with interest the conclusions of the working party on parliamentary reform and recalls that its competent committee is currently working on the reform of its Rules of Procedure in order to adapt them to the Treaty of Lisbon<sup>1</sup>;
10. Welcomes the fact that the new Treaty extends to the European Parliament the right of initiative concerning revision of the Treaties, recognises that Parliament has the right to participate in the Convention and that its consent is required in the event that the European Council considers that there is no reason to convene the Convention; considers that this recognition militates in favour of recognising that the European Parliament has a right of full participation in the Intergovernmental Conference (IGC) on similar terms with the Commission; considers that, building on the experience of the two previous IGCs, an

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<sup>1</sup> Draft report by Mr Corbett on amendment of Parliament's Rules of Procedure in the light of the proposals by the Working Party on Parliamentary Reform concerning the work of the Plenary and initiative reports (PE 400.716 v01-00).

interinstitutional arrangement could in the future define the guidelines for the organisation of IGCs, notably in relation to the participation of the European Parliament and issues concerning transparency;

11. Takes note of the transitional arrangements concerning the composition of the European Parliament; recalls that if such arrangements are implemented as foreseen in the conclusions of the European Council of December 11 and 12, such a measure will have to receive the political approval of the European Parliament, or even be submitted to its consent, should this measure be taken in a legal context that requires such consent;

#### ***The role of the European Council***

12. Considers that the formal recognition of the European Council as a separate autonomous institution, with its specific competences clearly defined in the Treaties, involves refocusing the role of the European Council on the fundamental task of providing the necessary political impetus and defining the general orientations and goals of the European Union's activity;
13. Also welcomes the specification in the Lisbon Treaty of the essential role of the European Council in relation to revision of the Treaties, as well as in relation to certain decisions of fundamental importance for the political life of the Union – concerning such matters as nominations for the most important political posts, the resolution of political blockades in various decision-making procedures, and the use of flexibility mechanisms – which are adopted by or with the participation of the European Council;
14. Stresses the particular leading role to be played by the European Council in the external action area, especially as regards the CFSP, in which its tasks of identifying the strategic interests, determining the objectives and defining the general guidelines of that policy are of crucial importance; emphasises in that context the need for the close involvement of the Council, of the President of the Commission and of the High Representative in the preparation of the work of the European Council in that area;
15. Maintains that the need to improve the interinstitutional cooperation between the European Parliament and the European Council militates in favour of optimising the conditions under which the President of the European Parliament participates in discussions in the European Council, which could possibly be dealt with in an interinstitutional agreement on the relations between the two institutions; considers that it would be useful if the European Council were likewise to formalise those conditions in its internal rules of procedure;

#### ***The fixed Presidency of the European Council***

16. Welcomes the creation of a fixed long-term Presidency of the European Council, which will help to ensure greater continuity and coherence of the work of that institution and thus of the action of the Union;
17. Stresses the essential role which the President of the European Council will have in the institutional life of the Union, not as President of the European Union – which he/she will not be – but as chair of the European Council in charge of driving its work forward,

ensuring the preparation and the continuity of its work, promoting consensus amongst its members, reporting to the European Parliament and representing, at his/her level and without prejudice to the functions of the High Representative, the Union externally in relation to the CFSP;

18. Recalls that the preparation of the meetings of the European Council and the continuity of its work are to be ensured by the President of the European Council in cooperation with the President of the Commission and on the basis of the work of the General Affairs Council, which calls for mutual contact and close cooperation between the President of the European Council and the Presidency of the General Affairs Council;
19. Considers, in this context, that it is essential for a balanced and collaborative relationship to exist between the President of the European Council and the President of the Commission, the rotating Presidency and, so far as the external representation of the Union in CFSP matters is concerned, the High Representative/Vice-President;
20. Recalls that, although the new Treaty provides for the European Council to be assisted by the General Secretariat of the Council, the specific expenditure of the European Council must be set out in a separate part of the budget and must include specific allocations for the President of the European Council, who will in any case need to be assisted by his/her own cabinet, which should be established on reasonable terms;

### ***The Council***

21. Welcomes the steps taken in the Treaty of Lisbon towards consideration of the role of the Council as a second branch of the legislative and budgetary authority of the Union sharing – although still with a certain preponderance in some areas – the bulk of decision-making with the European Parliament, within an institutional system that has gradually evolved according to a bicameral parliamentary logic;
22. Stresses the essential role conferred by the Treaty of Lisbon on the General Affairs Council – and hence to its President – with a view to ensuring the consistency and the continuity of the work of the different Council configurations, as well as the preparation and continuity of the work of the European Council (in cooperation with its President and the President of the Commission);
23. Stresses that the particular role of the Council in the preparation, definition and implementation of the CFSP calls for reinforced coordination between the President of the General Affairs Council and the High Representative as chairperson of the Foreign Affairs Council, and between them and the President of the European Council;
24. Expresses its conviction that the separation provided for by the Treaty of Lisbon between the role of the General Affairs Council and that of the Foreign Affairs Council calls for a different composition of those two configurations of the Council, especially because the wider concept of the external relations of the Union as provided for in the Treaties as amended by the Treaty of Lisbon will make it increasingly difficult to have cumulative mandates in both Council configurations; is therefore of the opinion that it is desirable that the Ministers of Foreign Affairs should concentrate primarily on the activities of the Foreign Affairs Council;



25. In this context, considers it necessary for the Heads of State or Government to be closely involved in the work of the General Affairs Council – particularly the Prime Minister/Head of State of the Member State assuming the Presidency of the Council –, either directly or through a delegated minister, in order to ensure the proper functioning of the General Affairs Council as the body responsible for coordinating the different configurations of the Council and arbitrating in respect of priorities and the resolution of conflicts that are currently too easily referred to the European Council;
26. Recognises the risks of a breakdown of coordination between the different configurations of the Council due to the new system of Presidencies, and stresses, with a view to avoiding those risks, the importance of the "new" fixed 18-month "troikas" (groups of three Presidencies), which will share the Presidencies of the different configurations of the Council (apart from the Foreign Affairs Council and the Eurogroup), and of COREPER in order to ensure the coherence, consistency and continuity of the work of the Council as a whole and to ensure the interinstitutional cooperation needed for the smooth running of the legislative and budgetary procedures in joint decision with the European Parliament;
27. Considers it crucial for the troikas to develop intense and permanent cooperation throughout their joint mandate; stresses the importance of the joint programme of each 18-month troika for the functioning of the Union, as expanded upon in paragraph 51 of this resolution; invites the troikas to present their joint programme to Parliament in plenary session at the beginning of their joint mandate;
28. Considers that the Prime Minister/Head of State of the Member State assuming the Presidency of the Council will have a fundamental role to play in ensuring the cohesion of the whole group of Presidencies and the coherence of the work of the different configurations of the Council, as well in providing the necessary coordination with the European Council, especially in relation to the preparation and the continuity of its work;
29. Stresses also that the Prime Minister/Head of State assuming the rotating Presidency of the Council must be the privileged interlocutor of the European Parliament concerning the activities of the Presidency; considers that he/she should be invited to address Parliament in plenary session, presenting to it the programme of activities of the Presidency and an account of the developments and results recorded during its six-month term, as well as presenting for debate any other relevant political matter arising during the mandate of his/her Presidency;
30. Stresses that, as matters currently stand in terms of the Union's development, issues concerning security and defence are still an integral part of the CFSP, and considers that, as such, they should remain within the competence of the Foreign Affairs Council, which is chaired by the High Representative/Vice-President, with the additional participation of the Ministers of Defence whenever necessary;

### ***The Commission***

31. Welcomes the reaffirmation of the essential role of the Commission as the "engine" driving forward the activity of the Union, through:
  - the recognition of its quasi-monopoly of the legislative initiative, which is extended to

- all areas of activity of the Union apart from the CFSP, and particularly reinforced in financial matters;
- the strengthening of its role of facilitating agreement between the two branches of the legislative and budgetary authority;
  - the reinforcement of its role as the " executive " of the Union whenever implementation of the provisions of European Union law requires a common approach, with the Council assuming such a role only in CFSP matters and in duly justified cases specified in legislative acts;
32. Welcomes also the strengthening of the position of the President within the College of Commissioners, notably as regards the institutional accountability to him/her of the Commissioners and the internal organisation of the Commission, which creates the conditions needed to reinforce his/her leadership of the Commission and strengthen its cohesion; considers that this strengthening might be even reinforced in view of the agreement between the Heads of State or Government to maintain one member of the Commission per Member State;

### ***Election of the President of the Commission***

33. Stresses that the election of the President of the Commission by the European Parliament on a proposal by the European Council will change the nature of his/her designation;
34. Stresses that such election will enhance the democratic legitimacy of the President of the Commission and strengthen his/her position both internally within the Commission (as regards its capacity in the internal relations with other Commissioners) and in interinstitutional relationships generally;
35. Considers that this enhanced legitimacy of the President of the Commission will also be of benefit to the Commission as a whole, strengthening its capacity to act as an independent promoter of the general European interest and as the driving force behind European action;
36. Recalls, in this context, that the fact that a candidate for the office of President of the Commission may be proposed by the European Council, acting by a qualified majority, and that the election of that candidate by the European Parliament requires the votes of a majority of its component members, constitutes a further incentive prompting all those involved in the process to develop the necessary dialogue with a view to ensuring the successful outcome of the process;
37. Recalls that the European Council is bound by the Treaty of Lisbon to take "into account the elections to the European Parliament" and, before designating the candidate, to hold "the appropriate consultations", which are not formal institutional contacts between the two institutions; further recalls that Declaration 11 annexed to the Final Act of the Treaty of Lisbon<sup>1</sup> calls in this context for "consultations in the framework deemed the most

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<sup>1</sup> Declaration 11 annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon, concerning Article 9D(6) and (7) of the Treaty on European Union (Article 17(6) and (7) in the

appropriate" between representatives of the European Parliament and of the European Council;

38. Suggests that the President of the European Council be mandated by the European Council (alone or with a delegation) to conduct those consultations, that he/she should consult with the President of the European Parliament with a view to organising the necessary meetings with each of the leaders of the political groups in the European Parliament, possibly accompanied by the leaders (or a delegation) of the European political families and that thereafter the President of the European Council should report to the European Council;

### *Nominations process*

39. Considers that, as provided for in Declaration 6 annexed to the above-mentioned Final Act, the choice of the persons called upon to hold the offices of President of the European Council, President of the Commission and High Representative must take account of the need to respect the geographical and demographic diversity of the Union and its Member States;
40. Considers furthermore that, in the nominations to the most important political posts in the European Union, the Member States and the European political families should take into consideration not only the criteria of geographical and demographic balance provided for in the Treaty of Lisbon but also criteria based on political and gender balance;
41. Considers in that context that, ideally, the nominations process should occur following the elections to the European Parliament, in order to take account of the electoral results, which will play an important role in the choice of President of the Commission; points out that only after his/her election will it be possible to ensure the requisite balance;
42. In this context, proposes as a possible model the following procedure and timetable for the nominations, which could be agreed by the European Parliament and the European Council:
- weeks 1 and 2 after the European elections: installation of the political groups in the European Parliament;
  - week 3 after the elections: consultations between the President of the European Council and the President of the European Parliament, followed by separate meetings between the President of the European Council and the Presidents of the political groups (possibly also with the Presidents of the European political families or restricted delegations);
  - week 4 after the elections: indication by the European Council, taking into account the results of the consultations mentioned in the previous indent, of the candidate for President of the Commission;
  - weeks 5 and 6 after the elections: contacts between the candidate for President of the

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renumbered articles of the Treaty on European Union).

- Commission and the political groups; presentation of that candidate in the European Parliament; vote in the European Parliament on the candidate for President of the Commission;
- July/August/September: the elected President of the Commission agrees with the European Council on the nomination of the High Representative and proposes the list of Commissioners-designate (including the High Representative/Vice-President);
  - September: the European Council adopts the list of Commissioners-designate (including the High Representative/Vice-President);
  - September/October: hearings of the Commissioners-designate and of the High Representative/Vice-President-designate by the European Parliament;
  - October: the European Parliament votes on the entire college (including the High Representative/Vice-President); the European Council approves the new Commission; the new Commission takes up its duties;
  - November: the European Council nominates the President of the European Council;
43. Stresses that the proposed scenario should in any case be applied from 2014 onwards;
44. Considers that the possible entry into force of the Treaty of Lisbon by the end of year 2009 calls for a political agreement between the European Council and the European Parliament in order to ensure that the procedure for the choice of the President of the next Commission and for the nomination of the future Commission will, in any case, respect the substance of the new powers that the Treaty of Lisbon recognizes to the European Parliament on this issue;
45. Considers that should the European Council launch the procedure for the designation of the President of the new Commission without delay after the European elections of June 2009<sup>1</sup>, it should duly take into account the necessary timeframe to allow the consultation procedure, as foreseen in the Lisbon Treaty, to be completed informally; considers that as such, the President of the Commission, who may be approved by the European Parliament under the Nice procedure, could then be elected under the Treaty of Lisbon if the latter was to come into force, without the whole designation procedure needing to be resumed;
46. Stresses that, in any case, concerning the nomination of the new college, the procedure should only be launched after the results of the new referendum in Ireland are known; points out that as such the institutions would be fully aware of the future legal context in which the new Commission would exercise its mandate and could have duly into consideration their respective powers in the procedure, as well as the composition, structure and competencies of the new Commission; in the event of a positive outcome of the referendum, the formal approval of the new college by the European Parliament should only take place after the entry into force of the Treaty of Lisbon and the election of the President of the Commission;

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<sup>1</sup> As stated in the Declaration on the appointment of the new Commission agreed on the 11 and 12 December 2008

47. Recalls that, should the new referendum in Ireland not have a positive outcome, the Treaty of Nice will in any case be fully applicable and that the next Commission will have to be formed according to the provisions under which the number of its members will be inferior to the number the Member States; stresses that in that event the European Council will have to take a decision on the concrete number of members of that reduced Commission; stresses the political will of the European Parliament to ensure the strict respect of those provisions;

### ***Programming***

48. Considers that programming, at both the strategic and the operational level, will be essential in order to ensure the efficiency and coherence of the action of the Union;
49. Consequently, welcomes the fact that the Treaty of Lisbon specifically calls for programming as a means of enhancing the institutions' capacity to act, and proposes that several concurrent programming exercises be organised on the following lines:
- the European Parliament, the Council and the Commission should agree on a "contract" or "programme" of legislature, based on the broad strategic goals and priorities to be presented by the Commission at the beginning of its mandate, which should be the subject of a joint debate with the European Parliament and the Council, with the aim of establishing an understanding (possibly in the form of a specific interinstitutional agreement, even if this is not legally binding) between the three institutions on common goals and priorities for the five-year legislative term;
  - on the basis of this contract or programme, the Commission should then further develop its ideas for the financial programming, and present, by the end of June in the year following the elections, its proposals for a five-year multiannual financial framework – accompanied by the list of the legislative proposals needed in order to put the respective programmes into action – which should then be discussed and adopted by the Council and the European Parliament, in accordance with the procedure laid down in the Treaties, by the end of that same year;
  - this would enable the Union to have a five-year multiannual financial framework ready to enter into force at the beginning of the year N+2<sup>1</sup>, thus providing each European Parliament and each Commission with the possibility of deciding on its "own" programming;
50. Considers that moving to this system of quinquennial financial and political programming will require a prolongation of the current financial framework contained in the Interinstitutional Agreement on budgetary discipline and sound financial management<sup>2</sup> until the end of 2015, with the next one entering into force by the beginning of 2016;
51. Proposes that, on the basis of the contract/programme of legislature, and taking into

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<sup>1</sup> N means "European elections year".

<sup>2</sup> Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management (OJ C 139, 14.6.2006, p. 1). Agreement as last amended by Decision 371/2008/EC of the European Parliament and of the Council of 29 April 2008 (OJ L 128, 16.5.2008, p. 8.)

account the multiannual financial framework:

- the Commission should present its annual working and legislative programme to the European Parliament and the Council, with a view to a joint debate allowing the Commission to introduce the necessary adaptations;
- the General Affairs Council, in dialogue with the European Parliament, should adopt the operational programming of the activities of each group of three Presidencies for the entire 18-month term of their mandate, which will serve as a framework for the individual operational programme of each Presidency for its six months of activities;

### ***External relations***

52. Stresses the importance of the new dimension that the Treaty of Lisbon brings to the external action of the Union as a whole, the CFSP included, which, together with the legal personality of the Union and the institutional innovations relevant to this area (notably the creation of the "doubled-hatted" High Representative and the European External Action Service (EEAS)), could be a decisive factor in the coherence and effectiveness of the action of the Union in this domain and enhance its visibility as a global actor;
53. Asks that all decisions in external action matters specify the legal basis on which they are adopted, in order to facilitate identification of the procedure followed for their adoption and the procedure to be followed for their implementation;

### ***High Representative/Vice-President***

54. Regards the creation of the "double-hatted" High Representative/Vice-President as a fundamental step to ensure the coherence and visibility of the whole external action of the Union;
55. Stresses that the High Representative/Vice-President must be nominated by the European Council by a qualified majority, with the consent of the President of the Commission, and must also receive the approval of the European Parliament as a Vice-President of the Commission, together with the entire College of Commissioners; calls on the President of the Commission to ensure that the Commission fully exercises its responsibilities in this context, bearing in mind that, as Vice-President of the Commission, the High Representative will play a fundamental part in ensuring the cohesion and good performance of the College, and that the President has the political and institutional duty to ensure that he/she has the capacities needed to integrate the College; stresses also that the European Council must be aware of this aspect of the role of the High Representative/Vice-President and must proceed from the outset of the procedure to the necessary consultations with the President of the Commission, in order to ensure its successful conclusion; recalls that it will fully exercise its judgment on the political and institutional capacities of the nominated High Representative/Vice-President within the framework of its powers concerning the nomination of a new Commission;
56. Stresses that the EEAS will have a fundamental role to play in supporting the activities of the High Representative/Vice-President and will constitute an essential element of the success of the new integrated approach of the external action of the Union; stresses that

the installation of the new service will require a formal proposal of the High Representative/Vice-President, which will only be possible once he/she has taken up his/her duties, and which can only be adopted by the Council after the approval of the Commission and the opinion of the European Parliament; declares its intention to fully exercise its budgetary powers in relation to the setting-up of the EEAS;

57. Stresses that the tasks of the High Representative/Vice-President are extremely onerous and will require a great deal of coordination with the other institutions, especially with the President of the Commission, to whom he/she will be politically accountable in the areas of external relations that fall within the remit of the Commission, the rotating Presidency of the Council and the President of the European Council;
58. Emphasises that accomplishment of the objectives that led to the creation of the post of High Representative/Vice-President will depend very much on a relationship of political trust between the President of the Commission and the High Representative/Vice-President, and on the capacity of the High Representative/Vice-President to cooperate fruitfully with the President of the European Council, with the rotating Presidency of the Council and with the other Commissioners charged, under his/her coordination, with the exercise of specific competences relating to the external actions of the Union;
59. Calls on the Commission and the High Representative/Vice-President to make full use of the possibility of presenting common initiatives in the field of foreign relations, in order to enhance the cohesion of the different areas of action of the Union in the external sphere and increase the possibility of those initiatives being adopted by the Council in relation to the CFSP;
60. Maintains that it is essential that certain practical measures be taken in order to alleviate the tasks of the High Representative/Vice-President:
  - the High Representative/Vice-President should propose the nomination of special representatives, with a clear mandate defined in accordance with Article 33 of the Treaty on European Union, to assist him/her in specific areas of his/her competences in CFSP matters (those special representatives, nominated by the Council, should also be heard by the European Parliament and should keep the European Parliament regularly informed of their activities);
  - he/she should as far as possible coordinate his/her activities in fields other than the CFSP with the Commissioners responsible for portfolios in those areas, and should delegate to them his/her functions of international representation of the European Union in those areas whenever necessary;
  - in his/her absence from meetings of the Foreign Affairs Council he/she should be replaced by the Minister of Foreign Affairs of the Member State holding the rotating Presidency of the Council at that time, which will require close cooperation between the two;
  - whenever he/she is unable to participate in international meetings or events at ministerial level in the field of the CFSP, he/she should at his/her request be replaced either by the Minister of Foreign Affairs of the Member State holding the Presidency

at that time or by a special representative if the meeting/event concerns matters within the scope of his/her mandate;

### ***Representation***

61. Considers that the Treaty of Lisbon establishes an effective, albeit complex, operational system for the external representation of the Union, and proposes that this should be articulated according to the following guidelines:
- the President of the European Council represents the Union at the level of Heads of State or Government in matters concerning the CFSP, but does not assume the power to conduct political negotiations in the name of the Union, which is instead the task of the High Representative/Vice-President; he may also be called upon to fulfil a specific role of representation of the European Council at certain international events;
  - the President of the Commission assumes the representation of the Union at the highest level in relation to the whole of the external relations of the Union or any specific sectorial policies falling within the scope of the external action of the Union (foreign trade etc); the High Representative/Vice-President or the competent/mandated Commissioner may also assume this role under the authority of the Commission;
  - the High Representative/Vice-President represents the Union at ministerial level or in international organisations concerning CFSP matters (negotiation and execution) or the Union's overall external action, as well as in other specific sectors of the external action of the Union (but is then subject to the decisions of the College of Commissioners); he/she also assumes the functions of external representation as President of the Foreign Affairs Council;
62. Considers that, in certain specific situations, it is also conceivable that the President of the Council, in particular the President of the General Affairs Council (notably the Prime Minister of the Member State holding the Presidency) but also the president of a specific Council sectorial configuration, may be called to exercise his/her functions of external representation of the Union, in agreement with the President of the European Council and the High Representative/Vice-President;
63. Stresses the importance of coordination and cooperation between all the different parties responsible for these different tasks of external representation of the Union, so as to ensure the coherence and visibility of the Union in the external sphere;
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64. Instructs its President to forward this resolution and the report of the Committee on Constitutional Affairs to the national parliaments of the Member States, to the Council and to the Commission.