European Union Foreign Policy after the Treaty of Lisbon

Chartering the Contours of the European External Action Service

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Research Note European Union Foreign Policy after the Treaty of Lisbon:

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Abstract

The EU's newly established diplomatic service, the European External Action Service (EEAS), has attracted research interest from several sub-disciplines in political science and law. Two gaps in the contemporary literature, however, persist: i) a lack of empirical data on the establishment and organisation of the service, and ii) a dearth of theoretical research programmes that aim at 'contextualizing' the EEAS within broader conceptual debates in international relations, public administration, and law. This research note seeks to remedy these shortcomings by studying how national administrations reacted and adapted to the first waves of recruitment within the EEAS using a unique new dataset on the recruitment of member-state diplomats to the EEAS. It thus explores an empirical issue that was widely discussed among both academic and non-academic observers, and represented a key practical question for many national foreign ministries, at the time of the EEAS' launch. Our analysis indicates that, contrary to early fears of 'colonialisation' of the EEAS through member-states diplomats, the EEAS has managed to hold a firm grip on the recruitment process, which overall has been largely informed by European Commission recruitment procedures and practices thus far.

Introduction

The European External Action Service (EEAS) is one of the – if not *the* – most important innovation(s) of the EU's post-Lisbon institutional architecture in external relations. The

2

making of this 'institution' *sui generis* – composed of members from the European Commission (Commission), the (Union) Council Secretariat as well as the national diplomatic services of the member-states – does not only transcend well-established boundaries of supra-nationalism and inter-governmentalism within the EU, it also fuses different administrative apparatuses and bureaucratic logics (Wessels 1997). The institutional experiment that the EEAS therefore represents has become a focal point of significant research interest across several (sub)disciplines.

From the point of view of international law, scholars discuss whether the EEAS constitutes an 'EU organ' (Sichel 2011), 'hybrid body' (Carta 2012: 167), or an 'interstitial' (Bàtora 2013) diplomatic body, and what its exact legal structure implies for its expected functioning. *From the perspective of International Relations (IR) and diplomacy studies*, the EEAS has raised questions its role in fostering coherence within the EU system of governance (Furness 2012 and 2013; Gebhard 2011)), improving the effectiveness of EU foreign policy by better linking external economic, foreign, security, defence and development (Smith 2013)) or inducing some degree of democratization in EU foreign policy (Bàtora 2011; Raube 2012; Wisniewski 2013). Finally, *from the point of view of public administration (PA)* scholarship, the EEAS has been viewed as a case of organizational capacity-building with important effects for staff recruitment and socialization (Cross 2011; Benson-Rea and Shore 2012; Juncos and Pomorska 2013; Vanhoonacker and Pomorska 2013).

Unfortunately, however, the EEAS as a 'promising research project [allowing] to study, live, the creation, institutionalization and socializing process of a new European institution' (Nivet 2011: 11) remains under-theorized and thus conceptually underdeveloped, and also

empirically embryonic due to the lack of data. In this research note, we seek to start addressing these twofold deficiencies. First, we analyse an important aspect of the institutionalization of the EEAS – i.e. recruitment to the EEAS (see also Cross 2011) – in a theoretically well-informed way. Second, we report a unique new dataset based on interviews with official experts in charge of the temporary assignment of diplomats to the EEAS from *all* member-states as well as the EEAS HR department. Hence, this research note adds to the nascent literature by providing an in-depth empirical analysis of the first rounds of recruitment of EU member-state officials into the EEAS, such as to evaluate how national administrations reacted and adapted to the first waves of recruitment within the EEAS. This provides important insights concerning the national endorsement and appropriation of the new service: i.e., how member states perceive the new service, and whether EEAS's recruitment policy remains *independent* of member-state influence.[1] Secondly, this endeavour also has an ambition to suggest a research agenda. As such, we hope to start building a bridge between the more 'normative' IR scholarship – which predominantly concentrates on what EEAS represents for the EUs' global role – and the more 'positivist' PA and law scholarship – which focuses more on the 'operational' aspects of the EEAS.

From the perspective of organizational and institutional theories, the process of recruitment of EEAS staff is critical because it provides important information about the extent to which EEAS' capacities in foreign relations - a policy field historically marked by national control and a lack of EU capacity - remain at arm's length from the Council and member-states' influence, and thus features a transformation of European political order (Olsen 2007). The data reported below suggest first that the EEAS has maintained extensive independence in this regard when it comes to the recruitment of EEAS

personnel during the first hiring rounds. Second, this independence seems to be predominantly facilitated by two conditions:

- the supply of administrative capacities and practices at EU level on the one hand, and
- the pre-existing organizational traditions, practices and formats on the other hand, notably within the Commission, but also within member-states governments themselves.

The article proceeds in the following steps: The next section shortly contextualizes the EEAS by providing a brief historical snapshot of its emergence. The following two sections suggest how pre-existing administrative capacities at EU and national levels supplied the EEAS with a capacity to act relatively independent when recruiting its first administrative personnel.

Contextualizing the EEAS

Although the need for some form of diplomatic service in the EU has been debated for some time (see Carta 2012: 55ff.), the first concrete proposal was only brought up during the 'Convention on the Future of Europe', which took place from December 2001 to July 2003. However, after the blatant failure of the 'Treaty Establishing a Constitution for Europe', deliberations on EEAS in diplomatic circles of the EU and member-states were temporarily and officially shelved, yet not completely (see Duke 2009: 214). Only after the Lisbon Treaty had been ratified, discussions were officially resumed and the institutional design of the new service was negotiated between the HR/VP Baroness Ashton, the Commission, the Council, the member-states and the European Parliament.

According to Regulation No 1080/2010 of 24 November 2010 of the European Parliament and the Council, member-state officials should make up 33 per cent of EEAS AD-level staff. However, reaching agreement on such staffing and personnel issues involved in the EEAS was one of the most difficult key themes tackled during the negotiations. For instance, the design of the organigramme was strategically avoided for both political and legal reasons and did not even feature in the agreement formalized by the Parliament's Plenary on 8 July 2010 (e.g., Art. 4 and 5 of the Formal Agreement of July 2010). One of the reasons behind this absence lay in the overt ambitions regarding posts and positions in the EEAS displayed by all member-states already during the negotiations, which made the organigramme politically divisive. This, however, directly raises the question how these expressed desires on the side of the member-states translate into their policies and strategies regarding the staffing of the EEAS, and to which extent it influences recruitment within the EEAS. Furthermore, the fact that its staff hails from three different institutional settings may have significant implications for the diplomatic services of the member-states in the medium- and long-term.

Drawing on semi-structured interviews with 31 coordinators of the temporary assignment of diplomats to the EEAS from all member-states as well as the EEAS HR department, we present below our findings of how member-states have approached the first rounds of staff hires to the EEAS and how they sought to ensure their influence at the EU-level.[2]

Administrative capacities and pre-existing organizational formats for recruitment to the EEAS

One of the first observations mentioned by most of our interviewees when discussing the organizational architecture and procedure of recruitment of member-state officials to the EEAS is how strongly it builds on pre-existing procedures and processes employed within the Commission. This empirical finding is most relevant for the first hiring round for member-state officials in January-March 2010, since it was effectively organised by opening the Commission's internal rotation system – through which EU officials change post on a regular basis within its missions – 'for the first time also to candidates from the two other sources (Council Secretariat General, member-states)' (European Union 2010: 2).[3] Although this was no longer the case in the second hiring round starting in the summer of 2010, many of the Commission's procedures for recruitment were retained at this point. For instance, the EEAS' HR directorate continued to impose upon applicants the Commission style of composing and preparing the application dossiers and pre-selected among the candidates according to the Commission's point system (essentially translating the candidate's CV into a numerical score depending on the requirements of the job opening). Moreover, no positions were advertised in 'the organizational chart related to HR' (*Interview 19*), such that the same 'people who were managing for the Commission, its human resources for delegations abroad' (*Interviews 11, 19*) remained in charge of EEAS' recruitment. All in all, it was a system 'fundamentally geared towards continuation as a Commission body' (*Interview 11*), thus suggesting that the organization of the recruitment was profoundly shaped by pre-existing organizational forms within the Commission.

The EEAS also acted as a strict agenda-setter in both the timing of vacancy calls relative to their application deadlines (with often very short application windows) and the provision of candidates' information relative to the sequencing of interviews with

information often reaching member-states' representatives in the (pre)selection panels only a few days before the recruitment committee meeting. Such tight control over the agenda, and the apparent strategic use thereof, by the EEAS obviously had a vast impact on member-states' capacities for action. Moreover, by limiting the number of vacancy calls 'in the central office, where (…) policy decisions are made' (*Interview 27*) and excluding positions related to the HR directorate, the EEAS not only illustrated its independence in deciding about the recruitment process, but simultaneously signalled its desire to remain independent also in its future decision-making behaviour.

Our data also suggest that the administrative capacities of the Commission in the recruitment process of EEAS personnel correspondingly weakened the influence of small member-states with comparatively fewer administrative capacities. These member-states effectively were forced to rely on individuals themselves to make good applications, rather than have the ability to provide a broad-based support structure – as occurs in various larger member-states. While such organizational 'copy-paste' (*Interviews 7, 15, 19*) from already existing formats can be explained by the urgency with which these procedures were put together, the EEAS appears to also have taken a number of strategic decisions in its recruitment procedures to retain a strong position relative to the member-states. First, while information about the application process and recruitment outcomes is critical for member-states to optimise their approach and strategy towards vacancy calls in the EEAS and be able to have an influence on EEAS' recruitment process (see above), such information was generally deemed by member-states to be 'not moving freely' (*Interview 20*, but noted by most respondents). For instance, prior to the first hiring round, member-states 'were not at all aware of the selection procedures and methods the EEAS was going to adopt' (*Interview 19*) and felt

that this 'leaves our applicants unprepared for the interview, for the whole procedure' (*Interview 29*). Similarly, information about the reasons behind an applicant's failure to be (pre-)selected could often only be obtained by personally contacting the EEAS: 'it was not systematic' (*Interview 20, also Interview 26*). Although such informational breakdowns might be expected given that the EEAS initially had to rely on relatively few people and operate in a completely new institutional structure, member-states often had the impression that 'there was a resistance by the EEAS to share certain kinds of information' (*Interview 21*). Evidently, with the EEAS able to control the flow of information within and between institutions, it was able to retain a powerful position vis-à-vis the member-states (in line with the theoretical arguments regarding the importance of information in Farrell and Héritier 2004: 1188).

As yet another indicator of the impact of pre-existing administrative capacities at EU-level, individual applications were invited to be submitted directly to the EEAS, not via the member-states' administrations. Even though member-states' MFAs are required to provide a letter confirming the candidate's 'diplomatic credentials', which might open for the possibility of pre-selecting potential candidates by member-states, this direct application system clearly implies that member-state governments would be bypassed: 'If you apply an open approach, you cannot really control or steer' (*Interview 4*). Consequently, it effectively curtailed the potential influence of member-states on the proceedings.

Finally, the EEAS decided upon the composition of the (pre-)selection panels, and thereby appeared to consistently place representatives from member-state governments into, at best, a minority position. In fact, member-states were 'not represented in the panels for heads of division, for instance (…) not in all the middle

management and junior positions' (*Interview 19*). When they are represented, they consistently faced a numerical majority from the EU institutions. For example, in the Consultative Committee on Appointments (CCA), which appoints the Heads of Mission as well as posts starting at the Director level within the EEAS Headquarters, the member-states had two representatives out of six members (the remaining four members coming from EEAS (2), Council (1) and Commission (1)) – with decisions requiring a two thirds majority. Moreover, unlike for the representatives from the EU institutions in the CCA, for the representatives of member-states 'it functions on the rotation basis, so (…) there's not really a consistency and coherence on who is representing' (*Interview 11; also Interview 4, 14*). This is, however, already an improvement since no representation was awarded to member-states during the first hiring round (which initiated repeated interventions by several member-states including Austria, Denmark, France, and the United Kingdom) (Assemblée Nationale, 29/09/2010), nor was such participation even considered when Baroness Ashton first set up the CCA.[4] Even so, requests for a more equal say were ignored by the EEAS: 'probably the one single change which was *not* incorporated was precisely more participation' (*Interview 4*).

The politics of recruitment

Regarding the politics of recruitment to the EEAS, it is illustrative to regard the relative importance attached by the EEAS and member-states to certain qualities of candidates, and how this translated into EEAS' final recruitment decisions. We thereby concentrate on three such qualities: The relative emphasis that was attached to candidates' (i) *merit*

versus nationality, (ii) *technical expertise versus diplomatic qualifications*, and (iii) previous *work experience in the Brussels institutions versus elsewhere in the world*.

First, while the EEAS favoured merit over nationality, many member-states argued that 'this one third quota needs to be fulfilled proportionally by all member-states' (*Interview 29*), implying a need to have some degree of geographical balance. That is, 'from a [country] point of view, it's about trying to find a good [country national], but from the institutional point of view, it's trying to find the best person to do the job' (*Interview 7; also Interview 19*). The issue of nationality appeared, however, to be treated by the EEAS as a matter of relatively minor concern. Several respondents indeed indicated that 'how the panels have been working, it has been merit proof' (*Interview 7*), while geographical balance 'does not seem to us to be happening right now' (*Interview 12*). Hence, even though geographical balance may signal some degree of national 'ownership' of international institutions (see above), there is little evidence of member-states' ability to impose positive weight on candidate's nationality in this recruitment process.

Second, technical expertise has traditionally been a key concern in Commission's hiring of personnel in external relations departments, while diplomatic qualifications has formed a core concern for member-states' recruitment of diplomats. These credentials, most often acquired at diplomatic academies and always following a highly competitive selection process, are often perceived as the cornerstone of the diplomatic *esprit de corps* (Hocking and Spence 2006). Following the Commission's posting practice the EEAS also did put substantial weight on candidates' technical and management expertise despite its formal requirement that member-state candidates should have relevant 'diplomatic credentials'. As a response, several member-states allowed for a fairly broad and encompassing interpretation of 'diplomatic credentials' when deciding

11

on granting the candidate a 'letter of support'. Such leniency in interpretation was thereby seen by some member-states as a key mean to 'maximise our success possibility' (*Interview 19*). Evidently, a lenient translation allowed sending in more applicants, increasing the likelihood of having at least some successful candidates for different member-states. However, it might also have increased member-states influence on EEAS' recruitment process *if* EEAS conformed to this broader interpretation. Exactly such readjustment of the EEAS' application requirement occurred after the first rotation. Although this initially suggests that member-states had at least some influence on the decision-process of the EEAS, the EEAS did not communicate the exact nature of these changes in its application requirements at the time of the change, thus generating 'a lot of questions all over Europe' (*Interview 20; also Interview 3, 28*). Clearly, such ambiguity – as when items in decision streams are deliberately decoupled (Achrill et al. 2013) – benefited the EEAS' ability to retain independence of its recruitment practice, as it keeps member-states continuously lagging one step behind: 'we had to improvise because the service improvises as well a lot' (*Interview 6*).

Finally, EEAS appears to also have stood its ground (against member-state demands) with respect to the importance attached to candidates' previous work experience in the Brussels institutions as opposed to experiences in 'global' diplomacy. While experiences in Brussels were of lesser importance to member-states – given that countries' diplomatic traditions often vary substantially from the Commission's view of external relations – 'if you look at what is making the grade in the EEAS, it is clear that having served in Brussels gives you an edge' (*Interview 28*).

Despite the great influence of the EEAS and the Commission on the recruitment process, member-states have attempted to influence the results of the recruitment process in

their favour. In fact, they have developed a number of strategies with exactly this aim in mind. The most far-reaching of these consisted of 'a work of diligent and smart lobbying activities' (*Interview 5; also Interviews 14, 15, 19, 28*) – although this mostly applies for postings at higher (political) levels. More conventionally, many member-states attempted to professionalize the way they manage vacancy notices from the EEAS. Although voluntary preparatory workshops and information booklets for EEAS applicants were thereby widespread (confirmed by most interviewees), bigger member-states tended to thereby exploited well-established routines and programmes – 'our career development concept, let's say (*Interview 27*; also Manley 2012) – while 'new' and smaller member-states often relied on more ad hoc procedures, which in many cases relied more directly on input from EEAS officials. These patterns might provide an explanation for recent views suggesting that there is a gap between old and new member-states when it comes to the rate of success in terms of bringing national officials into the EEAS. Indeed, albeit to varying degrees, new member-states are under-represented in the new Service: 'Out of 134 people who applied for 10 senior management posts in Brussels, there were 34 "new" diplomats, 74 "old" ones and 26 EU officials. None of the "new" ones got through' (Rettman 2012). Building on our interview data, the lack of well-established organizational capacities in new member-states to receive training appears to be an important factor in explaining such variation, which illustrates the effect of pre-existing administrative capacity for recruitment in member-state governments.

Conclusion

Overall, the EEAS appears to have established a firm hold over both the formal organizational architecture of the selection process, and the practical implementation thereof. As a consequence, it has been able to shield, thus far, its recruitment procedures and practices to a relatively large extent from member-states' influence. The data suggests that the EEAS treat member-states as 'external counterparts', whereas member-states feel they 'should be considered as full stakeholders (*Interview 19*). The relative independence of the EEAS in recruiting its own personnel is rather astonishing for two main reasons: First, the supply of political, administrative, and legal capacities in the domain of foreign and security policy has historically remained at national level until the emergence of the EEAS. Consequently, immediate independence of the EEAS in its initial recruitment is surprising. Second, the policy area covered by the EEAS is historically an area of great sensitivity to state power and thus less likely to experience supranational governance, particularly when the politico-administrative apparatus to do so is merely emergent.

The data also shows that that the recruitment practice of EEAS personnel is considerably fashioned by pre-existing organizational traditions, practices and formats. Organizational theory ascribes an autonomous role for pre-existing organizational structures to account for the emergence and institutionalization of new organizational structures, and their effects. Particularly, during periods of rapid institutional formation – as faced by Europe at the time of the establishment of the EEAS – new institutional arrangements may be profoundly shaped by pre-existing organizational forms. Moreover, lack of time when creating new institutions makes decision-makers' 'pursuit of intelligence' *bounded* and their search for solutions *local* (March 2010: 19).

Furthermore, the likelihood of institutional reproduction may be particularly high in cases with few institutional 'models'. The article suggests that member-states with strong pre-existing organizational capacities and traditions for recruitment of diplomats seem to co-ordinate the recruitment of EEAS officials more firmly than member-states with few domestic capacities and traditions for diplomatic recruitment. Similarly, the Commission's tradition of calling upon policy experts rather than diplomats is also reflected in the recruitment of domestic diplomatic personnel to the EEAS.

Clearly, in order to fully grasp the institutional architecture and implications of the EEAS there is a need to establish comprehensive databases. The research reported here could effectively be accompanied by studies on decision-making within the EEAS, how it relates with the Commission, the Council and the European Parliament, how it co-ordinates external representation of the Union, etc. Such research would also allow to fill several pages of the 'new chapter in the story of the EU's diplomatic story' (Carta 2012: 167), which the EEAS supposedly is. Future studies of the EEAS should also aim to facilitate a sub-disciplinary dialogue between scholarly fields such as International Relations, public administration, and law. Also, in order for these fields to fully grasp the institutional innovation that the EEAS represents, this scholarship needs to go beyond paradigmatic sub-disciplinary turf wars – or merely mutual ignorance. In order for both of these ambitions to be realized, we think that theoretical advances in our understanding of the EEAS should breath from a varied menu of complementary theoretical lenses from social and legal sciences (e.g. Zahariadis 2013).

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Notes

[1] Member states' potential influence on decisions taken by an international organisation can take both formal and informal forms. With independence we therefore mean the extent to which an international organisation (here, the EEAS) *in practice* (e.g. regarding its recruitment of personnel) is not swayed by member states' formal or informal influence, and thus remains autonomous from key components of an intergovernmental administrative order.

[2] The empirical analysis relies on information obtained from 29 semi-structured interviews with 31 respondents conducted, recorded and transcribed by the authors. These interviews (referred to as Interviews 1-29 below to maintain confidentiality) took place between March 2011 and February 2012 either via telephone (19 interviews) or face-to-face (8 interviews), and lasted between 30 and 95 minutes. Due to time constraints, two interviewees only provided written answers to the questions in our interview guide. While anonymity was requested by all our respondents, non-response proved to be a minor concern (although we sometimes needed to repeatedly contact our targeted respondent for an appointment). To allow us to cross-validate the obtained information, respondents were not only asked to provide information about their own institution, but also about

their opinions regarding the activities of other member-states and the EEAS' Human Resources directorate.

[3] Although the Commission had no foreign policy competencies and as such had no embassies, it maintained 'representations' in 136 countries. After the ratification of the Lisbon Treaty, which conferred a legal identity on the EU, these were transformed into EU 'delegations' (i.e., embassies).

[4] Both the characteristics of the initially proposed CCA (i.e., no member-state involvement), and the way it was brought forward (i.e., no input requested from member-states in its development), signaled that the EEAS saw the CCA as 'their prerogative (…) [which] member-states should not mingle in' (*Interview 3; also Interview 19*). Interestingly, a similar approach was taken by Baroness Ashton with the introduction of new rules for the secondment of member-state officials into EEAS: 'The change in secondment rules has been passed by Ms. Ashton and her Headquarters, but not announced or anything' (*Interview 3*).