

THE POSITION OF THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY IN THE EUROPEAN COMMISSION – RECENT DEVELOPMENTS

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Summary. This paper aims at analysing the position of the High Representative within the European Commission as seen in the example of the 2014–2019 term and the Commission constituted in December 2019 (2019–2024 term). The article’s purpose consists in establishing whether and how specific functions of this body – carrying out the common foreign and security policy (CFSP) and strengthening the consistency of all of the Union’s external action – are taken into account in establishing specific tasks of the HR/VP within the European Commission and his relations with the other Members of this institution.

Key words: High Representative, EU external action, European Commission, president of the European Commission

INTRODUCTION

The High Representative of the Union for Foreign Affairs and Security Policy¹ is a European Union’s body which is subject of increasing interest of legal scholars and commentators of the EU law, also in Poland [Dubowski 2017; Eysymonntt 2019]. Noteworthy here is the HR/VP’s specific construct combining elements of his independence and autonomy with membership in EU institutions or participation in its works. This issue can be certainly examined on various planes – from strictly inter-institutional relations, to areas of cooperation of institutions with EU Member States, to the way the High Representative holds power in individual EU institutions.

The last issue seems essential particularly in reference to the HR/VP’s membership in the European Commission. His position in this institution, apart from a set of regulations under the Treaties and Rules of Procedure, is determined to a large extent by the personal concept of the Commission’s President concerning its priorities and methods of action, its internal organization as well as relations and interdependencies between its Members. Taking this into account, the role of the High Representative within the Commission – who invariably holds the post of one of its Vice-Presidents – may in a natural way be modified according to the will of the institution’s President.

¹ Henceforth cited as: High Representative, HR/VP.

The subject-matter of this paper is to analyse the position of the High Representative within the European Commission as seen in the example of the 2014–2019 term and the term constituted in December 2019 (2019–2024 term). The paper’s fundamental purpose consists in establishing whether and how specific statutorily-established functions of this body – carrying out the common foreign and security policy (CFSP) and strengthening the consistency of all of the Union’s external action – is taken into account in establishing specific tasks of the HR/VP within the European Commission and his relations with the other Members of this institution. Referring the reflections to the Commission which has just finished its term of office and to the Commission commencing its term now allows a presentation of the most up-to-date concepts in this respect and also identification of specific changes in this regard. According to the adopted thesis, the noticeable freedom of the Commission’s President in shaping the HR/VP’s status within this institution results in his role and position in individual terms not being identical, though they seem to correspond consistently with the scope of tasks of the High Representative prescribed for in the Treaties, in particular in the sphere of (inter- and intra-institutional) consistency of the Union’s external action.

1. THE HR/VP AS THE COMMISSION’S VICE-PRESIDENT

The Treaties clearly state that the High Representative shall be one of the Vice-Presidents of the Commission (Art. 18, sect. 4).² However, it needs to be stressed that neither the Treaties nor the Rules of Procedure of the Commission³ attribute in any way a special character or competence to the position of the Commission’s Vice-President [Dubowski 2017, 200–201]. The Rules of Procedure only state that if the President is prevented from exercising his functions, they shall be exercised by one of the Vice-Presidents (Art. 22 Rules of Procedure) in the order laid down before.⁴ Therefore, it seems that the HR/VP’s real position within the EC is also a consequence of factors other than normative ones.

The strong, unquestionable leadership of the Commission’s President with regard to its functioning is noticeable in this context (Art. 17, sect. 6 TEU; Art. 248 of the Treaty on the Functioning of the European Union;⁵ Art. 3 Rules of Procedure) [Lenaerts and Van Nuffel 2011, 521]. It is the Commission’s President who structures the scope of its responsibilities and allocates them among the Commissioners (Art. 248 TFEU). He also lays down guidelines within which the EC performs its tasks and also decides on its internal organisation. He may set up groups

² Treaty on the European Union, O.J. EU C 202, 7.06.2016 [henceforth cited as: TEU].

³ Rules of Procedure of the Commission (C(2000) 3614), O.J. L 308, 8.12.2000 [henceforth cited as: Rules of Procedure].

⁴ Though also here it needs to be concluded that the President’s functions may be exercised also by any Member of the Commission other than a Vice-President.

⁵ Treaty on the Functioning of the European Union, O.J. EU C 202, 7.06.2016 [henceforth cited as: TFEU].

of Members of the Commission, designating their chairpersons and setting their mandate as well as operating procedures. This strong position of the President might then suggest that it is him that has the right to decide ultimately on the HR/VP's actual role as the Commission's Vice-President. It needs to be added that the EC's President formally has significant influence over the appointment to the position of the High Representative and over ending his term of office [Wróbel 2012, 193–95, 199]. Pursuant to Art. 18, sect. 1 TUE, the agreement of the President of the Commission is necessary to appoint the HR/VP, whereas pursuant to Art. 17, sect. 6 TEU the High Representative shall resign if the President of the Commission so requests.⁶ What is more, in exercising his responsibilities within the Commission, the HR/VP is bound by the procedures regulating its functioning [Lenaerts and Van Nuffel 2011, 515]. What is interesting in this regard, the High Representative as a candidate to be a Member of the Commission, is expected by the European Parliament to maintain independence fundamental, in accordance to the Treaties (Art. 17, sect. 3 TEU; Art. 245 TFEU), to all Commissioners.

The real position of the HR/VP (and other Vice-Presidents) within the EC then seems to ultimately derive, besides the content of the Treaties (or Rules of Procedure), also from the President's personal decision. It then may seem that as much as the HR/VP holds the status of the Commission's Vice-President irrespective of the will of the President (Art. 17, sect. 6, letter c TEU), the President may still define what this status of the High Representative actually involves. However, certain reservations need to be made in this respect. It turns out that the Commission's President is bound by certain limitations with regard to the High representative.

It needs to be highlighted that in accordance with the above-mentioned Art. 18, sect. 4 TEU, the HR/VP's status as one of the Commission's Vice-Presidents is independent of the will of any body or institution, including the Commission's President himself. Indeed, the Commission's President does have, as demonstrated, broad powers in terms of specifying its internal organisation. Nevertheless, he may not deprive the HR/VP of the function of a Vice-President – which results directly from the Treaties. While yes, the fact that the Commission's President does not have any influence over the fact that the HR/VP is one of the Commission's Vice-Presidents may not be perhaps the matter of utmost importance since the Treaties themselves do not clarify the roles of Vice-Presidents and in principle this issue is left to the discretion of the President. Still, what is essential is the fact that this status of the Vice-President, symbolically emphasizing the rank of the High Representative, entails further Treaty determinants as to his role in the Commission. It needs to be added among others that the Commission's President cannot impose on the HR/VP the scope of responsibilities other than those specified in the Treaties (Art. 18, sect. 4 TEU; Art. 248 TFEU). In consequence, the High Representative as a Vice-President of the Commission is responsible for its

⁶ Though the procedure under Art. 18, sect. 1 TEU must be carried out here, see also: Blanke and Mangiameli 2013, 748; Piris 2010, 245–46.

responsibilities in external relations (and for coordinating other aspects of the Union's external action). The Commission's President cannot change this scope of the HR/VP's responsibilities. This also means that exercising his competences expressed in Art. 17, sect. 6, letter a–b TEU and in Art. 248 TFEU the President must take the HR/VP's responsibilities into account in terms of performing the CFSP and presiding over the Foreign Affairs Council (FAC) (Art. 18, sect. 2–3 TEU). Finally, it is worth adding that the Commission's rules of operation indeed do apply to the High Representative as a Member of the Commission. However, he is subject to relevant procedures only in the scope consistent with Art. 18, sect. 2–3 TEU that is his role as the CFSP implementer or chairman of the Foreign Affairs Council. The requirement for the HR/VP's (as a Member of the Commission) maintaining independence signalled in this respect also needs to be examined in this approach.

In effect, the HR/VP's position within the Commission (including his relation to the President) is not identical as in the case of the other Members of the College, including Vice-Presidents [Lenaerts and Van Nuffel 2011, 514–15]. His rank as the Vice-President does not depend on the decision of the President of the Commission, neither does the scope of his responsibilities within the Commission, whereas the procedures regulating the functioning of the Commission are binding on him only in the scope in which it is consistent with his involvement in the sphere of carrying out the CFSP and presiding over the FAC.

These solutions at the same time remain reasonable to a certain extent. They are associated mostly with the specific organisational status of the High Representative who as an EU body is fundamentally responsible for carrying out the CFSP and consistency of the European Union's external action [Dubowski 2017, 172]. The second of the indicated functions justified the inclusion of the High Representative in the framework of the Commission. His membership (and status) in this institution, especially in light of Art. 18 TEU and Art. 248 TFEU, however, seems to give way to the role of the High Representative in the field of the CFSP. The mission entrusted in the HR/VP corresponds to the mechanisms, specified in the TEU and TFEU, of including him within EU institutions and in a certain minimum of requirements as to his powers (and role) in these institutions, also in the Commission. These determinants may in turn shape the specific solutions adopted by the Commission's President in terms of mechanisms of allocating tasks among its Members, relations between them, rules for their cooperation and even chairmanship within groups of Members of the Commission.

The potential this framework, outlined by the Treaties, brings to the position of the HR/VP within the European Commission will be discussed in further points.

2. THE HIGH REPRESENTATIVE AS THE VICE-PRESIDENT OF THE COMMISSION IN 2014–2019

An analysis – as least a summary one – of the analogical issue in reference to the previous (2014–2019) term of office of this institution should become a specific background (and a reference point) for reflections on the position of the HR/VP within the incumbent European Commission.

J-C. Juncker, President of the Commission in the 2014–2019 term, naturally keeping within the Treaty framework, constructed a mechanism of cooperation between Members of the Commission in a way that took into account the specific role of the Vice-Presidents. It can be concluded in this scope that the President's freedom to clarify the specific role of the Vice-Presidents in a given term of the Commission was applied.

The special position of the Vice-Presidents (including the HR/VP) was to be expressed i.a. in their role concerning projects and initiatives prepared within the Commission. It was to involve a special kind of review of their compliance with the Commission's priorities outlined by the President. J-C. Juncker actually concluded that he would include in the framework of the Commission's works only those initiatives which would be recommended by one of the Vice-Presidents.

However, which may turn out more essential, the consequence of J-C. Juncker's vision [Juncker 2014] as to the functioning of the Commission involved the construct comprising six Vice-Presidents (including the so called First Vice-President and the HR/VP). It is noticeable here that they were allocated tasks of a fundamental, key character. Apart from the High Representative, whose responsibilities within the Commission are regulated by the Treaties (EU external action), the Vice-Presidents were made responsible for the following focus areas: Better Regulation, Inter-Institutional Relations, Rule of Law and Charter of Fundamental Right (First Vice-President Frans Timmermans), Energy Union, Jobs, Growth, Investment and Competitiveness, Euro and Social Dialogue and Financial Stability, Financial Services and Capital Markets Union or Digital Single Market.⁷ The Vice-Presidents were supposed to act on behalf of the President in these areas and support him in exercising this office.

The adopted solution then meant that the Vice-Presidents become responsible for directing the work of the other Members of the Commission (and their teams) responsible for areas within the subject-matter framework of their (Vice-Presidents') mandates [Dubowski 2017, 206]. Naturally, this specific "headship" of the Vice-Presidents did not have a rigid character and had to demonstrate flexibility relevant to the circumstances. In other words, the specificity of a given field could mean the need for a strict cooperation of a given Commissioner with more than one Vice-President or cooperation, depending on the situation, with Vice-Presidents responsible for separate spheres. Hence this assignment of a given

⁷ The first composition of the Commission in the discussed term of office is referred to here.

group of Commissioners to a specific Vice-President did not have an absolute character and a certain fluidity became noticeable in this measure. Nevertheless, the Vice-Presidents' position towards the other Members of the Commission was expressly demonstrated and could be defined as a managerial-coordinating role.

The concept implemented by J-C. Juncker also carried specific consequences from the perspective of the HR/PV and his powers within the Commission. Of course, the scope of tasks within the Commission specified in the Treaties was taken into account here. As a result, the High Representative was entrusted with heading the Commissioner's Group for External Action.⁸ Its core comprised Commissioners responsible for: European Neighbourhood Policy and Enlargement Negotiations, Trade, International Cooperation and Development and Humanitarian Aid and Crisis Management. Additionally, which confirms the above-signalled need for flexibility in constructing links between Vice-Presidents and Commissioners – the HR/VP was to cooperate also with Members of the Commission responsible for: Climate Action and Energy, Transport and Migration, Home Affairs and Citizenship.

The Commissioner's Group for External Action seemed to function principally as a forum of multifaceted coordination of the activity of the Commissioners, as a platform for expert debate in terms of political issues related to EU external action [Blockmans and Russack 2015, 9–11]. It was also supposed to ensure coordination of action of the Commission's services reporting to individual Commissioners. Looking at the overall issue – the CGEA was supposed to become a certain tool allowing the HR/VP to carry out the tasks allocated to him comprehensively [ibid.].

It should be noted that the status given to the HR/VP as a Vice-President combined with entrusting him with headship of teams of Commissioners responsible – though in a varying scope – for issues related to external action it seems to correspond strictly with the mandate of the High Representative laid down in the Treaties. It is natural that he does not perform tasks related to the CFSP within the Commission – the Commission itself has severely limited competences in this regard [Aggestam, Anesi, et al. 2008, 16]. However, it seems that the HR/VP's position was directed evidently towards his tasks in the area of consistency of EU external action [Ramopoulos and Wouters 2015, 21–22]. This issue may be examined in two aspects at the same time. Firstly, there is no doubt that headship of the Group of Commissioners constructed in a way described above may be seen as an instrument of strengthening the consistency of action of the Commission itself in the area of external relations – the area falling indeed under the competence of the HR/VP. This intra-institutional consistency, however, is accompanied by – secondly – the inter-institutional aspect. The effects of the CGEA's work could present a certain potential from the perspective of the HR/VP's engagement in

⁸ Decision of the president of the European Commission of 11 November 2014 on the creation of a Commissioners' Group on External Action, C(2014) 9003.

the work of the FAC and his participation in the activity of the European Council. The role of the High Representative within the Commission may gain in this way considerable significance from the perspective of the consistency of the Commission's activity and intergovernmental institutions, especially the Council. Thus it seems that the HR/VP's position as the Vice-President of the Commission seemed to correspond with his tasks in terms of broadly understood consistency of the Union's external action. It should be noted that this aspect was noticed by the Commission's President [Blockmans 2019, 34] and that it was given relevant gravity on the platform of organizational solutions adopted in this institution.

The question of solutions concerning the analogical notion in the incumbent Commission remains a question to be answered.

3. THE CURRENT POSITION OF THE HIGH REPRESENTATIVE IN THE STRUCTURE OF THE EUROPEAN COMMISSION

The European Commission presided over by Ursula von der Leyen formally began its term of office at the beginning of December 2019. The directions and aims of its activity were presented by the President primarily in a document titled: *A Union that strives for more. My agenda for Europe* [Von der Leyen 2019]. These political guidelines focus on six headline ambitions laid down for the next five years. These guidelines were presented in the form of the following headlines: *A European Green Deal, An economy that works for people, A Europe fit for the digital age, Protecting our European way of life, A stronger Europe in the world and A new push for European democracy*. As a comparison it needs to be pointed out that the Commission's activity in the previous term was to concentrate on ten priorities [Blockmans 2019, 1–2]. In terms of the themes, however, they were close to the priorities presented by U. von der Leyen (or treated certain issues in more detail) – though naturally it is difficult to seek a one-hundred-percent analogy. However, invariably with respect to the previous term, the affairs of climate, the social dimension of the economy, the challenges of the digital era or finally the EU's position in the world and its foreign policy remain at the top of the Commission's hierarchy of priorities.

The priorities defined by the President of the Commission are reflected on the platform of the Commission's internal organization,⁹ which is significant also from the perspective of the functioning of the High Representative.

The Commission's President decided to appoint as many as eight Vice-Presidents, including of course the High Representative. Among the eight Vice-Presidents three of them hold the status of the so-called Executive Vice-Presidents. They were given a special, dual role – on the one hand they are responsible for

⁹ Parliamentary hearings of the Commissioners-designate: An analysis of the portfolios of the von der Leyen Commission, https://www.europarl.europa.eu/thinktank/pl/document.html?reference=EPRS_BRI%282019%29642208 [accessed: 12.01.2020], p. 6.

a specified portfolio within the Commission, on the other they coordinate policies under one of the political priorities named by the President. The status of Executive Vice-Presidents is held by F. Timmermans responsible for the European Green Deal, Margrethe Vestager (Europe fit for the digital age) and Valdis Dombrovskis (An economy that works for people). As Commissioners at the same time they are also in charge of (respectively): climate action policy, competition and financial services. The role of the other Vice-Presidents is to coordinate the activity of the Commission in areas “under their authority” (similar in their subject-matter to the Commission’s political priorities) and to preside over relevant Commissioners’ Groups.

The High Representative is not one of the Executive Vice-Presidents of the Commission hence his role formally corresponds more to the status of “ordinary” Vice-Presidents. However, it is worth noting, that – though in a slightly different set-up – the role of the HR/VP is also a dual role. On the one hand he supports the President in coordinating the external aspects of the activity of all the Commissioners. On the other though – similar to other Vice-Presidents (excluding Executive VPs) – he is responsible for the Stronger Europe in the world priority and as such coordinates the work of the relevant Commissioners’ Group. In the first case the HR/VP’s action naturally requires adequate administrative support. This should involve a new preparatory body – the Group for External Coordination (EXCO), whose task will be to prepare (on a weekly basis) the work of the College of Commissioners in terms of external aspects of the Commission’s action. EXCO will be co-chaired by the Diplomatic Advisor of the President and the Deputy Head of Cabinet of the High Representative (Main principles of the working methods 2019, 3). In the second case, while remaining responsible for one of the political priorities of the Commission set out by the President, the HR/VP chairs the Commissioners’ Group on a Stronger Europe in the World. It is formed by Commissioners responsible for: Neighbourhood and Enlargement (Olivér Várhegyi), Crisis Management (Janez Lenarčič), International Partnerships (Jutta Urpilainen) and Trade (Phil Hogan).

The internal structure of the Commission shaped in this way is to ensure efficiency and consistency of action. Within this organizational framework the High Representative is supposed to implement his mission (vested in him by the President). Therefore, it is worth looking at its details.

4. THE MISSION OF THE HIGH REPRESENTATIVE IN THE EUROPEAN COMMISSION IN THE 2019–2024 TERM

The Mission of the High Representative was construed in a way that takes into account his tasks specified in the Treaties.¹⁰ Art. 18, sect. 4 TEU is significant he-

¹⁰ https://ec.europa.eu/commission/sites/beta-political/files/mission-letter-josep-borrell-2019_en.pdf [accessed: 13.01.2020].

re, according to which the HR/VP ensures the consistency of the Union's external action and is responsible within the Commission for its responsibilities in the area of external relations and for coordinating other aspects of the Union's external action. The President declares full support to the HR/VP in this matter but also expects similar support with regard to coordinating the "the external dimension" of all Commissioners' work.

Specifying the details of the mission of the HR/VP as the Commission's Vice-President, the President points to some key elements. In her belief, firstly, the Union should be more strategic, more assertive and more united in its approach to external relations. Thus, the task of the High Representative is to strengthen the EU's capacity for autonomous action and for promoting its values and interests on the international arena. Secondly, the guideline setting out the direction of the HR/VP's action should involve a strive to use the possibilities available under the Treaties to take decisions – to a maximum extent – by a qualified majority. According to the President, the requirement of unanimity – characteristic for the sensitive sphere of foreign policy – is a certain barrier in quick and effective decision-making. Thirdly, the HR/VP's role is to ensure best coordination between the internal and external dimension of the Union's policies. Hence, the High Representative's strict cooperation with all Members of the College of Commissioners becomes a necessity. Moreover, the HR/VP should provide a weekly update on foreign policy to the College, which should ensure the systemic inclusion of external action to the Commission's decision-making process. Finally, fifthly, the HR/VP is tasked with strengthening the consistency of the Commission's action directed toward defence issues. The Commission's ambition in a five-year perspective is to achieve significant development in the course of creating the European Defence Union. In this aspect the President of the Commission expects the High Representative to work closely with one of the Executive Vice-Presidents, responsible for Europe fit for the digital age.

The core of the Mission of the High Representative presented above is supplemented by aspects associated with the practical dimension of his action – mainly in reference to the relationship between the Commission and other institutions. In this aspect the President attaches particular importance to the development of cooperation with the European Parliament (EP). Thus, the HR/VP was obliged to brief the EP on a regular basis – especially on major events or stages of international negotiations. At the same time, the HR/VP is expected to work closely with the relevant EP Committees and to be active and present in the EP's work on resolutions requesting that the Commission legislate. It should be noted here, that the requirements concerning the strengthening of cooperation between the HR/VP and the Union's institutions have a strong potential in the context of his tasks resulting from the Treaties in terms of preserving the consistency of the Union's external action. It needs to be added in this aspect that the President of the Commission expects the High Representative to attend all political negotiations, known as trilogue meetings, with the other institutions.

The High Representative's close working with the Member States also gains significance. It is of course natural with regard to the CFSP, carried out by the HR/VP and the very Member States. This cooperation, however, demonstrates a specified potential from the perspective of the Commission – the HR/VP's task as a Vice-President involves i.a. supporting the Member States in the process of implementing EU legislation. On the other hand, however, which is extremely important, the HR/VP's responsibility is to respond promptly in cases of infringement of the EU law by the Member States.

Finally, it should be added that in the performance of his tasks as a member of the College of Commissioners, the HR/VP must be guided by the requirements concerning i.a. the highest levels of transparency and ethics for the College as a whole or the links between EU institutions and people whom they serve. This last element – in the case of the HR/VP – involves the President's expectation that he will have visited all Member States within the first half of his mandate at the latest and that his cooperation with national parliaments and participation in Citizens' Dialogues across the Union will have a regular character.

To supplement the above findings, it is worth recalling the stand of the current HR/VP (Josep Borrell) on the mission entrusted in him. It was expressed i.a. during hearings before the European Parliament.¹¹ It needs to be noted that the High Representative unvaryingly accentuates his role in the area of strengthening the consistency of the Union's external action. It is, in his opinion, the necessary condition for the EU's ability to respond to geopolitical challenges. What is essential, Josep Borrell sees his tasks in this field in a multidimensional way. On the one hand he declares his engagement in the process of reinforcing cooperation and coordinating the activity of the Commission itself and its relevant services in order to fully exercise the Commission's potential in the sphere of foreign policy. On the other, however, HR/VP places his role in a broader context referring to his position within the Council. In his view, coordinating the action of the Commission alone is not sufficient. As an "honest broker" at the Foreign Affairs Council he aims to contribute to strengthening the interinstitutional consistency. Finally, the HR/VP declares his intention to forge an agreement between the Member States themselves – an agreement beyond the minimum common denominator. His steps in this regard are to be proactive and to fully use his initiative powers – both as a Member of the College of Commissioners and as an initiator of action in the area of common foreign and security policy. At the same time, when presenting his position, the High Representative refers numerous times to the Mission Letter given to him by the President of the Commission, which seems to confirm that he identifies both with the overall vision of the Commission's action and the position and tasks within it vested in him.

¹¹ <https://www.europarl.europa.eu/resources/library/media/20190927RES62426/20190927RES62426.pdf> [accessed: 13.01.2020].

CONCLUSIONS

The analysis carried out in the paper produces the following conclusions.

It should be noted first and foremost that operating in the framework of the requirements set out in the Treaties as to the position of the High Representative within the European Commission, the President of this institution has certain flexibility in this matter. Nevertheless, she cannot negate the HR/VP's position as a Vice-President of the Commission and the scope of his tasks, though she can specify the details of his role in this position, along with defining the manner of performance of his responsibilities and relations towards the other Members of the Commission. The experience of recent years shows that the Presidents do indeed exercise the freedom in this regard, while the solutions applied by them in terms of the Commission's internal organisation and the place of the HR/VP in this structure seem to correspond unvaryingly to the tasks entrusted in this body by the Treaties, including in particular in the area of consistency of the Union's external action.

Because the Treaties do not clarify the role of the Vice-Presidents of the Commission, the position of the High Representative in this post may be different each time. For example, during the 2014–2019 term, the President assigned special roles to all Vice-Presidents, including the HR/VP as one of them. In the current term, in turn, the category of the so-called Executive Vice-Presidents was identified and they were entrusted with special (dual) tasks. The High Representative is not one of them and thus his role within the Commission results significantly from the status assigned to “ordinary” Vice-Presidents. This, in turn, boils down to coordinating the action of the team of Commissioners responsible for areas “genetically” close to the portfolio of the High Representative.

A certain regularity is noticeable in the discussed scope. Both within the Commission of the previous terms and the Commission that assumed the office in December 2019 the role of the Vice-Presidents was to carry out those coordinating tasks. This also applies to the HR/VP who in the previous term was entrusted with heading the CGEA, whereas in the current one – with heading the Commissioners' Group on a Stronger Europe in the World. Additionally, the task of the HR/VP involves supporting the President in coordinating the work of all Commissioners in the spheres covering external aspects.

The HR/VP's potential as a Vice-President of the Commission is emphasized against this background in terms of the tasks entrusted in him under the Treaties – in particular strengthening the consistency of the Union's overall external action. Positioning the HR/VP in the organisational structure of the Commission, though construed in different ways (depending on the concept adopted by the President), after all seems to correspond consistently with the High Representative's responsibilities in this matter. In other words, the President's freedom in defining the Commission's internal organization and relations between its Members, which ultimately affects the position of the HR/VP within this institution, seems

to facilitate the strengthening of the consistency of the EU's foreign policy for which the HR/VP is (co)responsible.

This issue may be examined on two planes at the same time. Firstly, it is worth noting that the coordinating tasks of the HR/VP as a Vice-President (in essence convergent within the current and previous term of office of the Commission) present a specified potential from the perspective of strengthening intra-institutional consistency. It is greatly important for the coherent character of the Commission's action in the external space. Secondly, it needs to be added that the role of the HR/VP as a coordinator of external action within the Commission is coupled with his position within the FAC and (at least to a certain degree) in the European Council. This, in turn, may essentially reinforce inter-institutional consistency, the gravity of which for the effectiveness of the EU's external action is indisputable. The consequence of the demonstrated solutions may involve, however, enhancing the level of consistency between various spheres of the Union's foreign policy, in particular between actions falling under the transnational regime and the CFSP – a policy which still presents a number of differences [Reynaert 2012, 207; Keukeleire and Delreux 2014, 11–14] and whose effectiveness still raises some doubts. Therefore, this potential of the HR/VP as a Vice-President of the Commission needs to be appreciated.

REFERENCES

- Aggestam, Liesbeth, Francesco Anesi, et al. 2008. *Institutional Competences in the EU External Action: Actors and Boundaries in CFSP and ESDP*. SIEPS 6–7.
- Blanke, Hermann-Josef, and Stelio Mangiameli, ed. 2013. *The Treaty on European Union (TEU). A Commentary*. Heidelberg–New York–London–Dordrecht: Springer.
- Blockmans, Steven, and Sophie Russack. 2015. *The Commissioners Group on External Action – Key political facilitator*. CEPS Special Report 125.
- Blockmans, Steven, ed. 2019. *What Comes After the Last Chance Commission? Policy Priorities 2019–2024*. Brussels: Centre for European Policy Studies (CEPS).
- Dubowski, Tomasz. 2017. *Wysoki Przedstawiciel Unii do Spraw Zagranicznych i Polityki Bezpieczeństwa*. Białystok: Wydawnictwo Temida 2.
- Eysymontt, Małgorzata. 2019. *Pozycja instytucjonalna urzędu Wysokiego Przedstawiciela Unii do Spraw Zagranicznych i Polityki Bezpieczeństwa. Od koncepcji, przez narodziny, po nieustanną ewolucję*. Warszawa: Wydawnictwo C.H. Beck.
- Juncker, Jaean–Claude. 2014. “A New Start for Europe. My Agenda for Jobs, growth, Fairness and Democratic Change.” https://ec.europa.eu/commission/sites/beta-political/files/juncker-political-guidelines-speech_en.pdf [accessed: 13.01.2020].
- Keukeleire, Stephan, and Tom Delreux. 2014. *The Foreign Policy of the European Union*. Basingstoke: Palgrave Macmillan.
- Leanaerts, Koen, and Piet Van Nuffel. 2011. *Constitutional Law of the European Union*. London: Sweet & Maxwell.
- Piris, Jean–Claude. 2010. *The Lisbon Treaty. A Legal and Political Analysis*. Cambridge–New York: Cambridge University Press.
- Ramopoulos, Thomas, and Jan Wouters. 2015. *Charting the Legal Landscape of EU External Relations Post–Lisbon*. Working Paper No. 156. Leuven: Leuven Centre for Global Governance Studies.

- Reynaert, Vicky. 2012. "The European Union's Foreign Policy since the Treaty of Lisbon: The Difficult Quest for More Consistency and Coherence." *The Hague Journal of Diplomacy* 7:207–26.
- Von der Leyen, Ursula. 2019. "A Union that strives for more. My agenda for Europe. Political Guidelines for the Next European Commission 2019-2024." https://ec.europa.eu/commission/sites/beta-political/files/political-guidelines-next-commission_en.pdf [accessed: 13.01.2020].
- Wróbel, Andrzej, ed. 2012. *Traktat o funkcjonowaniu Unii Europejskiej*. Vol. 3: (Art. 223–358), ed. Dagmara Kornobis–Romanowska, and Justyna Łacny. Warszawa: Wolters Kluwer Polska.

POZYCJA WYSOKIEGO PRZEDSTAWICIELA UNII DO SPRAW ZAGRANICZNYCH
I POLITYKI BEZPIECZEŃSTWA W RAMACH KOMISJI EUROPEJSKIEJ
– AKTUALNE ROZWIĄZANIA

Streszczenie. Niniejszy artykuł zmierza do analizy pozycji Wysokiego Przedstawiciela w ramach Komisji Europejskiej na przykładzie jej kadencji w latach 2014–2019 oraz Komisji rozpoczynającej urzędowanie w grudniu 2019 r. (kadencja 2019–2024). Celem prezentowanych rozważań pozostaje ustalenie, czy i w jaki sposób funkcje wskazanego organu – realizacja wspólnej polityki zagranicznej i bezpieczeństwa (WPZiB) oraz wzmocnienie spójności ogółu działań zewnętrznych Unii – uwzględniane są w ustalaniu szczegółowych zadań Wysokiego Przedstawiciela w łonie Komisji Europejskiej oraz jego relacji z pozostałymi członkami tej instytucji.

Słowa kluczowe: Wysoki Przedstawiciel, działania zewnętrzne UE, Komisja Europejska, przewodniczący Komisji Europejskiej

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