



The Lisbon Treaty: choosing a High Representative of the Union for Foreign Affairs and Security Policy

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This Note looks at the role of the new High Representative for EU foreign affairs and security policy, the method of appointment and possible candidates for the job. It does not consider the new European External Action Service.

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1 The High Representative

1.1 Method of appointment

Article 18 of the consolidated *Treaty on European Union* (TEU) concerns the appointment and mandate of the High Representative of the Union for Foreign Affairs and Security Policy (the "High Representative"). He/She will conduct the Union's common foreign and security policy, sitting in the Commission as a Vice President and using its resources, but answerable to Member States in the Foreign Affairs Council, over which he/she will preside. The High Representative (HR) will be appointed by the European Council by a qualified majority vote

(QMV), with the agreement of the Commission President. He/she will be bound by Commission procedures only if they are compatible with his/her Council mandate.

The Intergovernmental Conference (IGC) tackled the issue raised by the European Parliament (EP) about the timing of the appointment of the HR by agreeing a Declaration on then Article 9E of the TEU, under which the choice of the HR will be subject to “appropriate contacts” (as distinct from “consultation”) with the EP.¹ The European Policy Centre suggested that this was a “form of words which is open to interpretation and suggests this argument is far from over”.²

Member States and the two largest EP political groups, the EPP and the Social Democrats, appear to have agreed in principle that if a centre-right politician is elected President of the European Council, the High Representative will be a socialist. However, as the latter is also a Commission post and several Member States have already nominated centre-right Commission candidates, it is not at present clear whether this political agreement will work. On the eve of the European Council meeting final agreement on the two main posts looks as if it will be difficult to reach. The Swedish Presidency is reported to have ordered breakfast for Friday morning in addition to dinner on Thursday evening! As the post includes a Commission role, the candidate will also need to be approved in an EP hearing along with the other EU Commissioners in early January 2010.

The lack of Treaty base for the method of appointment has led to accusations of horse-trading, secrecy and Soviet-style methodology. A *Reuters* blog commented on some of the criticisms:

The European Union is in danger of getting camels for its two new leadership positions -- president of the European Council and foreign policy High Representative -- because of the dysfunctional appointment process created by the Lisbon Treaty.

The secretive horse (or camel)-trading by which EU governments choose the 27-nation bloc's top office-holders seems designed to deter strong candidates and produce lowest-common-denominator outcomes. Some of the most able potential contenders would rather stay at home than take the key jobs to Brussels.

The treaty does not provide for a democratic election because the EU is not a state, and national governments don't want a European president with his own legitimacy. However, the rules also seem to set aside the basic principles and procedures that any private sector company or public authority would use to select the best CEO or manager.

In a normal selection process, the jobs would go to the best qualified candidates with a clear vision, relevant experience and a track record of achievement, normally after a series of rigorous interviews. But the treaty suggests that the need to share the spoils among large and small states, and countries from the north, south, east and west of Europe is more important than criteria such as ability, charisma or experience.

¹ See OJC 306 17 December 2007 p 254

² “Treaty Reform: Over and done with - at last” 23 October 2007 at <http://www.epc.eu/en/pub.asp?TYP=ER&LV=294&see=y&t=15&PG=ER/EN/detail&I=&AI=749>

In choosing the persons called upon to hold the offices of President of the European Council, President of the Commission and High Representative of the Union for Foreign Affairs and Security Policy, due account is to be taken of the need to respect the geographical and demographic diversity of the Union and its Member States.

Add to this the need to divvy up the top jobs among Europe's main political families (conservatives, socialists and liberals), and a growing demand for gender balance, and you have a selection process in which identifying the strongest talent is not necessarily the top priority.³

1.2 Role of High Representative

Articles 23 to 41 clarify the role of the new High Representative and the remit of the Common Foreign and Security Policy (CFSP)

This is a 'double-hatted' or even 'triple-hatted' (see below) post, combining the role of the present High Representative, Javier Solana, with that of the EU external affairs Commissioner, Benita Ferrero Waldner. The HR will also be a Vice President of the Commission and the Commissioner for external relations. He/she will chair the monthly meetings of the Foreign Affairs Council⁴ and represent the EU's common foreign and security policy internationally, assisted by the new European External Action Service (EEAS), to be composed of officials from the Council, Commission and national diplomatic services.

The HR will conduct the EU's common foreign and security policy through the implementation of decisions adopted by the European Council and the Council of Ministers (as opposed to the holder of the EU Presidency and the High Representative for CFSP under present Articles 18 and 26 TEU). The HR also has the right of initiative in CFSP matters and will represent the EU on CFSP matters, co-ordinate all matters relating to the EU's external action, conduct a dialogue with third parties on the EU's behalf and put forward the Union's position in international organisations and at international conferences. The HR will be responsible for consulting the EP on the development of the CFSP and will have the right of initiative in proposing to the Council the appointment of a special representative, over whose work he will have overall authority.

1.3 Voting procedures

Decisions on CFSP matters will continue to be taken in the European Council on the basis of unanimity, and under this Chapter "the adoption of legislative acts shall be excluded".⁵ Decisions adopted in the Council of Ministers will also be by unanimity, except in the following situations, where QMV will apply:

- When adopting decisions defining an action or position on the basis of a decision taken by the European Council (by unanimity) relating to the Union's strategic interests and objectives
- When adopting a decision defining an action or position on a proposal presented by the High Representative, following a specific request to them from the European Council, made on its own initiative or that of the High Representative

³ 12 November 2009 at <http://blogs.reuters.com/great-debate-uk/tag/frank-walter-steinmeier/>

⁴ This is currently the General Affairs and External Relations Council which is chaired by the Foreign Minister of the country holding the EU Presidency.

⁵ This clarifies that the European Council does not have a role in adopting legislation.

- When adopting a European decision implementing a European decision defining a Union action or position
- When appointing a special representative with a mandate in relation to a specific policy issue.

This expands the areas in which QMV would be applied to CFSP matters from those set out in present Article 23(2) TEU to include decisions on proposals presented by the HR, either acting alone or with the support of the Commission. Any Member State will be able to abstain from a vote in the Council of Ministers, but will be obliged to accept the decision that has been taken. If at least one third of the Member States, comprising at least one third of the population of the Union, constructively abstain then the decision will not be adopted, a provision which already exists in Article 23 TEU.

Any Member State can also oppose the adoption of a decision by QMV for reasons of “vital”, rather than the present “important”, reasons of national policy. In these cases if the HR, in consultation with the State concerned, is unable to agree an acceptable solution, the Council, acting by QMV, may request that the matter be referred to the European Council for a decision by unanimity.

1.4 Comment on the post

In a report in May 2003 the Lords EU Committee drew attention to “the significant and powerful role” of the then proposed Foreign Minister and questioned the Government’s support for the merged roles. The Committee thought:

significant questions remain unanswered about the Foreign Minister and in particular where the right of initiative will lie; who will actually determine policy; the relationship between the Foreign Minister and the Commission; and, in particular, the impact on the Foreign Minister’s role of proposals to extend qualified majority voting [...].⁶

The Committee was concerned about the post-holder’s relations with the Commission:

295. Chief among our concerns remains the relationship the Union Minister would have with the Commission. There is a danger that as vice-president of the Commission, the Minister would be subject to Commission collegiality. Given that the Minister will have the right of initiative over the whole area of CFSP this is a serious problem. There are risks in the opposite direction. The Minister’s role in ensuring coherence across the Union’s external policy could lead to micromanagement by the Council of such Commission policy areas as transport and environment, as well as trade and development.

296. We urge the Government to negotiate the role of the Union Minister for Foreign Affairs with extreme care. The person appointed to this post must remain firmly based in the Council, accountable to Member States. In order to make the status of the post less susceptible to unnecessary

⁶ Lords Select Committee on the European Union, *The Future of Europe: Constitutional Treaty – Draft Articles on External Action*, HL Paper 107, 13 May 2003, p.6-7 at <http://pubs1.tso.parliament.uk/pa/ld200203/ldselect/ldcom/107/10702.htm#a2>

suspicion, we propose that a better job title be found, perhaps “Foreign Affairs Representative”.⁷

The then Foreign Secretary, Jack Straw, told the Standing Committee on the IGC in November 2003:

We would have preferred to have explicit separation of those two posts. I do not believe that, in practice, they will merge. The institutional balance between the Council and the Commission is absolutely fundamental to the proper operation of the EU, and, for a variety of reasons member states would not accept that they should merge into one position.⁸

Following the abandonment of the EU Constitution in 2005-06 the Government said it was in principle not averse to the proposed foreign minister and maintained that the reintroduction of the post under the name of “High Representative” did not represent a constitutional change. It would “give the EU a clearer voice in promoting the agreed objectives that member states want to deliver around the world, without impacting on the independence of member states’ foreign policies”.⁹

In its report on the impact of the Lisbon Treaty, the Lords EU Committee suggested “The distribution of international roles between the President of the European Council, the President of the Commission and the High Representative may create confusion for the rest of the world in trying to understand who speaks for the European Union”.¹⁰ The Committee concluded:

4.36. Concerns have been raised about the relationship between the European Council President and the other senior leaders of the Union, particularly the High Representative, the rotating presidency of the Council of Ministers, and the President of the Commission. There is little in the Lisbon Treaty itself to indicate how these relationships will work; only experience will show. While some progress towards clarifying this may be made before the Treaty’s provisions come into operation, much will depend on practice.¹¹

In Chapter 7 the Committee looked in detail at the role and remit of the HR:

7.61. The Lisbon Treaty considerably strengthens the position of the High Representative, who becomes High Representative of the Union for Foreign Affairs and Security Policy (hereafter “High Representative”), and whose office is separated from that of the Secretary-General of the Council. This post has been described as “triple-hatted”, because the incumbent will:

- Assume responsibilities similar to those currently held by Javier Solana, Secretary-General/High Representative, in the Council (Article 26 TEU), i.e. to: “contribute through his proposals towards the preparation of the common

⁷ House of Lords Select Committee on the European Union, 41st Report, *The Future of Europe p the Convention’s Draft Constitutional Treaty*, HL Paper 169, 21 October 2003, at <http://www.parliament.the-stationery-office.co.uk/pa/ld200203/ldselect/ldcom/169/169.pdf>

⁸ Standing Committee on the IGC 10 November 2003 c 56 at <http://www.publications.parliament.uk/pa/cm200203/cmstand/other/st031110/31110s04.htm>

⁹ HC Deb 23 July 2007 c 596 at: <http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm070723/debtext/70723-0009.htm>

¹⁰ Lords EU Committee 10th Report 2007–08, 13 March 2008, “The Treaty of Lisbon: an Impact Assessment”, at <http://www.parliament.the-stationery-office.co.uk/pa/ld200708/ldselect/ldcom/62/62.pdf>

¹¹ Ibid

foreign and security policy and ... ensure implementation of the decisions adopted by the European Council and the Council" (new Article 27 TEU);

- Assume the responsibilities of the six-month rotating presidency for CFSP matters, including chairing the Foreign Affairs Council¹⁹⁵ (new Article 18) and representing the Union in CFSP matters: "The High Representative shall represent the Union for matters relating to the common foreign and security policy. He shall conduct political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences" (new Article 27(2) TEU). This means he will be able to speak directly on behalf of the Union on matters where it does so "on behalf of the Council at the request of the Presidency" (current Article 26 TEU);

- Be a Vice-President of the Commission (new Article 18 TEU). "He shall ensure the consistency of the Union's external action. He shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action. In exercising these responsibilities within the Commission, and only for these responsibilities, the High Representative shall be bound by Commission procedures to the extent that this is consistent with paragraphs 2 and 3"¹⁹⁶.

7.62. A new paragraph has been inserted, stipulating that "The common foreign and security policy shall be put into effect by the High Representative and by the Member States, using national and Union resources" (new Article 26(3) TEU). The Treaty gives the High Representative a role, together with the Council which already carries out this function, in ensuring the unity, consistency and effectiveness of action by the Union (new Article 26(2)). In fulfilling his mandate, the High Representative will be assisted by a European External Action Service (see below; new Article 27 TEU).

7.63. Under the current system, the High Representative has no right of initiative: this role is principally carried out by the rotating Presidency and the other Member States. This system has gradually reached its limits as Javier Solana has increasingly been mandated by the Council to undertake complex negotiations and dialogues with third parties, such as on the Iranian nuclear question. The Lisbon Treaty will give the High Representative greater flexibility, as he will be able to "refer to the Council any question relating to the common foreign and security policy and may submit to it initiatives or proposals as appropriate", either of his own accord or with the Commission's support (new Article 30 TEU). In the event of a crisis, the High Representative will also be able to convene an "extraordinary Council meeting within 48 hours or, in an emergency, within a shorter period" (new Article 30 TEU).

The case for change

7.64. The functions given to the High Representative in the Commission reflect the desire for a greater rationalisation and effectiveness of the EU's external action which underlie the changes to the structure of the Treaties in this area. Several witnesses thought that the triple-hatting of the High Representative had the potential to improve the effectiveness and coherence of the EU's external action (e.g. Grant, Q C53), since the High Representative would act as a bridge between the Council and the Commission. For Patrick Child, Head of Cabinet of the Commissioner for External Relations, the new system "will bring significant, potential benefits in terms of the overall coherence of the EU's external action" (Q C34). He also mentioned that the High Representative would be able to enrich the Council discussions on CFSP matters "with more

input from the external projection of what we call today ‘First Pillar Community Policies’” (Q C34). Examples of the latter would be trade, development policy and enlargement.

7.65. In the view of the Minister for Europe, the combining of the responsibilities of the Commissioner with those of the High Representative was a “sensible and meaningful reform” which would align the external priorities of the Union with the budgeting process. However, the Government considered that much of the detail of how the High Representative post would work still remained to be worked out (Q S255).

7.66. A key advantage of the new system is that the EU will be represented by the High Representative in international forums and in dialogue with third countries, whereas under the current system, the “troika” consisting of the Commissioner for External Relations, the High Representative and the rotating Presidency all represent the EU in forums such as the Diplomatic Quartet on the Middle East Peace Process¹⁹⁷. The Lisbon Treaty could therefore serve to make the EU’s external representation more effective.

The High Representative’s role in the Commission

7.67. The relationship between the High Representative, the President of the European Council and the President of the European Commission with regards to the external action of the EU is discussed in Chapter 4. A further question is how the Commission will coordinate its external policies. The challenge is two-fold. First, coordination will be necessary among the High Representative and the various Commissioners with responsibility for external policy areas such as trade (Q C54). The High Representative will have a coordinating role within the Commission in this respect (new Article 18(4) TEU), but this will not allow him to impose decisions on his colleagues. The President of the Commission can also be expected to have a role in overseeing the Commission’s external policies.

7.68. In relation to internal coordination within the Commission, the Minister was unable to give a precise answer as to which Commissioners would come under the coordinating ambit of the High Representative (QQ S257–9). The situation is complicated by the fact that the number of Commissioners will come down to two-thirds of the number of Member States in 2014, unless the European Council decides otherwise (Article 17(5) TEU). The Minister stated that how the issue was resolved would partly be dependent on the decision to be taken as to allocation of portfolios in the reduced Commission.

However, there will be a period during which the High Representative / Vice-President is in post but there are still 27 Commissioners. During that period the major role of the High Representative within the Commission will be that of the current External Relations Commissioner. Which other responsibilities will the High Representative have in a reduced Commission? Potentially the High Representative could have a very wide policy remit, covering trade, enlargement, development cooperation and humanitarian aid, in addition to those responsibilities held by the current External Relations Commissioner.

The only certainty is that there will be a separate portfolio for the common commercial policy (Q S259, Q S208).

7.69. In addition to the challenge of internal coordination, the Commission will have to seek agreement with the Council on all policies with a significant external dimension. The presence of the High Representative in the

Commission could facilitate this task, but will not be sufficient to bridge any fundamental differences of opinion between the Commission and the Member States, who will continue to take the ultimate decisions in the Council on all matters relating to the CFSP.

An excessive workload?

7.70. Another challenge identified by witnesses was the sheer workload that would fall on the shoulders of the High Representative due to the weighty responsibilities of his triple-hatted role, a problem which had been underestimated according to Graham Avery (Q C10). For Charles Grant, the post could not work unless the High Representative had two senior deputies, one for his work with the Council and one for that with the Commission (Q C55).

Too much power?

7.71. Open Europe expressed concern that the new role would serve to “concentrate power in the hands of the High Representative, and increase his/her representation within and access to various EU bodies” (p C33). A similar view was expressed by Mr Heathcoat-Amory, for whom “the new post will be substantially more powerful than the present equivalent, who is a Council representative. He or she will conduct foreign policy; that is a new verb in the Treaty. They will be able to draw on the resources of the External Action Service” (Q S78). According to Mr Heathcoat-Amory, the intergovernmental system underlying the CFSP would be challenged by the new post of High Representative, especially in the light of his responsibilities within the Commission.

7.72. However, the Treaty contains several checks on the exercise of the High Representative’s prerogatives. First, decisions will continue to be taken by the Council, the body representing the Member States. As Sir Stephen Wall explained to us, the crucial point is that the High Representative “can only operate on the basis of instructions from foreign ministers, but we do have a more coherent presentation of policy in the Middle East than we had in the days when individual foreign ministers from individual European countries were going and singing each to a slightly different hymn sheet” (Q S209).

7.73. Secondly, the High Representative will be accountable to the Council and the European Council. Under new Article 18(1) TEU, the European Council will be able to end the High Representative’s term of office. As a Vice-President of the Commission, the High Representative will exercise powers similar to those currently held by the Commissioner for External Relations and will be bound by Commission procedures in this respect (new Article 18(4) TEU).

7.74. For Sir Stephen Wall, the fact that the High Representative would be accountable to the Council as well as being a member of the Commission would not be a problem in practice. He explained that a difference in opinion between the Commission and the Council was not very likely in “today’s climate”. Furthermore, if the High Representative was competent, which almost “by definition” he would be, then he should be able to manage relations so that the situation did not arise in the first place. The advantage of the new system was that there would no longer be two people who covered the same policy area while having control over different parts of it. Vesting that control in one person “should make for greater coherence in the way that we manifest our common policy”, since “the greatest means by which the European Union

exercises influence are through the instruments at our disposal, which include trade and aid matters" (Q S206).

The Committee concluded:

7.75. The creation of a High Representative for Foreign Affairs and Security Policy/Vice-President of the Commission represents an important institutional innovation of the Lisbon Treaty, which could have a significant impact on the way the EU formulates and implements its external policies. In light of the evidence which is discussed above and in Chapter 4, the post could bring additional coherence and effectiveness to the EU's external action, but much will depend on the way the High Representative exercises his powers, as well as his working relationships with the Member States, the President of the European Council, and the President of the Commission.

7.76. The post brings together three functions that exist under the current Treaties (the Council Presidency, the Commissioner for External Relations and the High Representative). The chairing of the Foreign Affairs Council by the High Representative is a key innovation which will give the incumbent a further degree of influence over decision-making in the area of CFSP. This could lead to a change in the way the Member States interact with the High Representative and contribute to EU policy-making in this area.

Footnotes

193 Consular protection comes under the "non-discrimination and citizenship" provisions (Title II, Part II) of the TFEU, rather than under the "external action" provisions of the TFEU, but it is included here because it relates to cooperation between Member States' missions in third countries.

194 The Treaty will have no impact on the basis on which the UK Diplomatic Service provides consular assistance to either British Overseas Territories Citizens or unrepresented Commonwealth nationals (p S85).

195 Currently the external relations session of the General Affairs and External Relations Council.

196 Paragraphs 2 and 3 of Article 18 TEU refer to the High Representative's role in conducting the CFSP and making proposals, and his role in chairing the Foreign Affairs Council.

197 The EU and the Middle East Peace Process, this Committee's 26th Report (2006–07), HL 132.¹²

The *EUObserver* commented recently on the inherent difficulties in the post:

The additional baggage that comes with the position [...] suggests that the new foreign minister will not have much time for tasks essential to making a success of the job, including building up contacts across member states and in places like Russia, the US and China.

"Most of his month is already fixed," an EU official pointed out, noting that the minister will have to attend the weekly meeting of EU commissioners, chair the foreign affairs councils, attend bilateral summits and appear before the European Parliament. He will also have to co-ordinate the commissioners with external action powers, such as those in charge of trade, development and neighbourhood policy.

In the first months on the job, the top diplomat will also have to fine-tune the outline of the external diplomatic service, as well as set up his own immediate team of staff. Later administrative tasks will include agreeing the personnel of the service - expected to run into the thousands.

Speaking of the long hours it will involve, Markus Ferber, a German centre-right MEP, last week summed it up as a "hell of a job that I would not wish on my worst enemy."

¹² <http://www.parliament.the-stationery-office.co.uk/pa/ld200708/ldselect/ldcom/62/62.pdf>

In addition to the lengthy to-do list, the person is likely to spend much of their time fighting their corner in an already very crowded EU foreign policy patch. "You've got a president of the [European] commission who loves foreign affairs and a president of the European Council who may or may not be interested," said the EU official.

Antonio Missiroli, from the European Policy Centre think-tank, said it is an "almost impossible job description."

He noted that one of the main assets of the current situation was that Mr Solana "had very little staff, so could be a roving diplomat and could establish relations all over the world."

The new job will mean "a lot of internal work, a lot of money to decide how to spend and a lot of people to co-ordinate."

The need to delegate

Although the Lisbon Treaty does not mention the possibility of having a deputy, and the legal service of the council, representing member states, says it would be illegal, delegating parts of the job to others is likely to be the only way to manage it.¹³

2 Possible candidates

Media reports have suggested the following potential candidates (in no particular order):

David Miliband, UK Foreign Secretary

The UK Foreign Secretary, David Miliband, has been described as being among the favourites for the post, although he has denied any interest in taking it. On 9 November Mr Miliband went to Berlin, "intensifying rumours about him being interested in the post",¹⁴ The *EUObserver* commented:

Domestic political calculations, with Prime Minister Gordon Brown and his Labour party facing elections next year, may hinder Mr Miliband's European ambitions. But his longstanding denial of interest in the post may also be purely tactical, as early candidates are usually ditched along the way in EU negotiations.¹⁵

The *New Statesman* thought Miliband would be a popular choice:

The Foreign Secretary has won unsought plaudits from influential figures in Europe. "He has a good reputation and his standing is good. He is pro-European and constructive," says Martin Shulz, president of the Socialist Group of MEPs. And Denis MacShane, the well-connected former Europe minister, says: "I keep hearing glowing reports in Europe on David. He knows how to talk to Europeans on their own terms."¹⁶

¹³ 16 November 2009 at <http://euobserver.com/9/28996/?rk=1>

¹⁴ *EUObserver* 10 November 2009 at <http://euobserver.com/9/28964/?rk=1>

¹⁵ *EU Observer* 10 November 2009

¹⁶ 5 November 2009 at <http://www.newstatesman.com/uk-politics/2009/11/david-miliband-european>

Massimo D'Alema, former Italian Prime Minister

The centre-left former Italian prime minister might be disadvantaged by his Communist past. "The politician himself believes his chances to be "significantly less than 50 percent," the Italian paper, *Corriere della Sera*, reported".¹⁷

Olli Rehn, Finnish EU enlargement Commissioner

He has been praised as the EU enlargement Commissioner. However, as he belongs to the ALDE party group, the Socialists are unlikely to propose him.

Ursula Plassnik, former Austrian foreign minister

She has been supported by present Foreign Minister, Michael Spindelegger, as a potential candidate.

Jaap de Hoop Scheffer

The Dutch Secretary-General of Nato since 2004. The *Financial Times Brussels Blog* commented:

He has done a competent job at Nato, but it is murmured in Brussels that he lacks the ideas and imagination needed to make a success of the EU's common foreign policy - often more common on paper than it is in reality. On the other hand, the EU's larger countries - France, Germany and the UK - would surely prefer someone who doesn't cause them trouble.¹⁸

Frank-Walter Steinmeier, former German SPD foreign minister

Has said he wanted to stay in national politics, but now outside the governing coalition after his defeat in the general elections in October, might he change his mind?

The CDU Government has firm ideas about having a CDU Commissioner, which would appear to rule out Steinmeier.¹⁹

The CDU hierarchy is adamant that the party should provide the next commissioner as there has not been a CDU commissioner since Karl-Heinz Narjes in 1988. In addition, Merkel has made it clear that she wants the next German commissioner to have a heavyweight economic portfolio such as the single market or competition – and the foreign policy portfolio would not suffice.

Germany may also have its sights on a new Commission portfolio combining energy and climate change, which many governments, including the UK, see as one of the best jobs in the next Commission.

This new portfolio would have responsibility for tackling climate change with all the implications for Germany's energy sector and carbon dioxide-intensive car and chemicals industries.

It would also involve developing new energy sources by promoting technologies and dealing with the external aspects of energy policy, such as relations with Russia.

¹⁷ *EUObserver* 9 November 2009 at <http://euobserver.com/9/28960/?rk=1>

¹⁸ 7 July 2009 at <http://blogs.ft.com/brusselsblog/2009/07/place-your-bets-now-on-wholl-be-the-next-eu-foreign-policy-chief/>

¹⁹ The Government has already named Günther Oettinger, the prime minister of the state of Baden-Württemberg, as its next Commissioner.

Steinmeier's fate will be decided by Germany's complex internal politics (see box, right) as much as by considerations of EU external relations.²⁰

Miguel Ángel Moratinos, Spanish foreign minister since 2004

He has said he does not aspire to the post, but Prime Minister Jose Luis Rodriguez Zapatero has promoted his candidacy. *EUBusiness* commented:

Spain's policy of seeking rapprochement with Cuba, which has been criticised by Washington, as well as the fact that it, unlike the majority of its EU peers, has not recognised Kosovo's independence are also possible stumbling blocks.²¹

Elisabeth Guigou, French parliamentarian and EU affairs minister 1990 to 1993

On the reported European Parliament shortlist of Socialist candidates for the HR post, she is seen as a strong candidate.

Alfred Gusenbauer, Chancellor of Austria 2007-2008

Austria's military neutrality may be a disadvantage in the EU, where 21 of the 27 Member States participate in Nato. *Der Spiegel online* reported that his term of office as Chancellor "ended in fiasco amid infighting, tactical errors and his own overestimation of himself".²² Although he does not have the support of the Austrian Government, he is rumoured to have the support of Germany, Portugal, Spain and France.

Carl Bildt, Swedish foreign minister

Bildt is an experienced politician but his views on Russia are regarded as outspoken (he compared Russia's actions in Georgia in 2008 to Nazi tactics in the 1930s), which might have cost him the support of France and Germany. The Government of Cyprus does not support him because of his sympathy towards Turkish EU membership.

Toomas Hendrik Ilves, Estonian President.

There are very few women candidates, as a report in *EurActiv* highlighted, commenting that "although several women are widely thought to be on the long list of candidates, none is seen as a frontrunner".²³ The report continued:

Failure to name a woman to a top job could undermine EU's efforts to present itself as dynamic and modern and to win over sceptical Europeans who, opinion polls show, widely regard it as out of touch with their daily lives.

In a letter to the *Financial Times* on 15 November, entitled "The right man in the right job is often a woman", Commission Vice-President, Margot Wallström, EP Vice-President, Diana Wallis, and Commissioner, Neelie Kroes, called for "some bold decisions" on the new posts:

It is time to move from words to deeds on gender equality by appointing women to leading positions in the EU, as Jerzy Buzek, president of the European Parliament, also suggested recently to the European Council.

There is no lack of names; no shortage of qualities and competence. Many women are active in European politics, working for the benefit of our societies.

²⁰ *European Voice* 30 July 2009 at <http://www.europeanvoice.com/article/imported/liberals-could-aim-high/65653.aspx>

²¹ 18 November 2009 at <http://eubusiness.com/news-eu/summit-institutions.1hs>

²² 18 July 2008 at <http://www.spiegel.de/international/europe/0,1518,566744,00.html>

²³ 17 November 2009 at <http://www.euractiv.com/en/future-eu/women-lobby-final-plea-top-jobs/article-187389>

Vaira Vike-Freiberga, for example, has been mentioned for the post of President of the European Council; Elisabeth Guigou and Catherine Ashton as potential High Representative/Vice President of the European Commission.

We need a collective political commitment to ensure political representation of women. Women make up a majority of the population, and in the 21st century European democracy cannot afford to use only half of its people's talents, ideas and experiences. When women sit at the table, they can help to ensure that the political decisions reflect the needs of the entire population.

The right man in the right job is often a woman. Appointing women would make Europe richer and more representative and bring it closer to all citizens. This can happen, but it requires some bold decisions. NOW.²⁴

Johannes Hahn, Austrian Government minister

Hahn is the Austrian minister for science and research and something of a compromise candidate.

Vaira Vike-Freiberga, former Latvian President

Also a candidate for the President of the European Council, Vike-Freiberga was Latvia's first woman president. "Known as the Iron Lady, she has attacked EU leaders for taking decisions behind closed doors and working, as she put it, like the Soviet Union".²⁵ She is supported by Lithuania.²⁶

Peter Mandelson, UK Business Secretary

A late contender, there were reports that Lord Mandelson had discreetly sounded out President Nicolas Sarkozy over the job of High Representative. According to the *Timesonline* on 11 November, Lord Mandelson denied this:

After the fading of Mr Blair, Paris and Berlin have fallen behind the idea that a Briton should take the job. Mr Miliband was the first choice but, according to *Le Monde*, Lord Mandelson "discreetly sounded out the Élysée Palace in order to promote his candidacy" for the post.

A spokesman for Lord Mandelson said last night that the Business Secretary had been sounded out about stepping into the breach left by Mr Miliband but denied that he had sought President Sarkozy's backing: "It is true to say that when he was in Brussels a number of people approached him."²⁷

Adrian Severin, MEP

EurActiv commented:

As a former deputy prime minister and foreign affairs minister, Adrian Severin's bid is not to be taken lightly. He is seen as a Parliament heavyweight given his position as foreign policy vice-chair for the Socialist & Democrats (S&D) group, and has held high positions in the UN, the Organisation for Security and Cooperation in Europe, the Council of Europe and the Convention on the Future of Europe.

²⁴ http://www.ft.com/cms/s/0/8fbd61bc-d1e7-11de-a0f0-00144feabdc0.html?ncllick_check=1

²⁵ *BBC News* 16 November 2009 at <http://news.bbc.co.uk/1/hi/world/europe/8363264.stm>

²⁶ See *Timesonline* 18 November 2009 at

<http://www.timesonline.co.uk/tol/news/world/europe/article6920916.ece> for further information on her views about Europe.

²⁷ <http://www.timesonline.co.uk/tol/news/world/europe/article6911754.ece>

Severin is currently in the USA co-chairing a Parliament delegation and was not readily available for comment.

Romania's strategy appears to be based on the assumption that the Council president post will go to a representative of the centre-right European People's Party (EPP), therefore increasing the likelihood that the job of high representative will go to a socialist. [...]

Barroso needs a socialist in the 'trio' capable of winning votes for the next Commission's approval by the Parliament, said another source in the EU assembly. He added that Severin was seen as capable of bringing more votes than Miliband. Moreover, Severin could become extremely value to Barroso during the two-and-a-half years that the Parliament will be led by a Socialist, the official said.

Asked whether European People's Party-affiliated Romanian President Traian Basescu would stand for Severin, a Romanian source said this was an opportunity that the head of state would not miss: "Exactly in the same way that the Spanish and Portuguese Socialist prime ministers strongly supported Barroso," he explained.²⁸

Baroness Catherine Ashton, EU trade Commissioner

Took over from Peter Mandelson in the Commission and allegedly seen as a potential compromise for HR instead of David Miliband.

Anna Diamantopoulou, former Commissioner and current Greek education minister

Although a woman in a top job might be regarded as a contribution towards a better gender balance at the highest level in the EU, Diamantopoulou could be seen as a 'lightweight' because she lacks experience in foreign affairs and crisis management.²⁹

²⁸ 29 October 2009 at <http://www.euractiv.com/en/future-eu/romanian-mep-bids-eu-foreign-policy-job/article-186847>

²⁹ *EurActiv* 22 September 2009 at <http://www.euractiv.com/en/future-eu/choosing-europe/article-185666>