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Assessing the Current Structures and Processes of External Action Plus and Formulating Recommendations

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ENVISIONING A NEW GOVERNANCE ARCHITECTURE FOR A GLOBAL EUROPE



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Executive Summary

The European Union's (EU) portfolio of external activities is expanding in important ways to include a diverse range of policy areas, which has given rise to the notion of "external action plus". In practical terms, this assortment of policy areas may be linked and interact in ways that open opportunities for more effective, coherent and sustainable external action. Given the importance of these developments, Work Package 6 of the ENGAGE project, focusing on External Action Plus, has undertaken a targeted investigation into the ways in which external action plus policies are linked and can be coordinated to contribute to EU external engagement in crisis, but also non-crisis, situations. The analysis of six policy areas with varying legal competence – trade, development, humanitarian aid, competition, climate change and health – reveals the various internal and external factors that matter for linkages and helps to inform policy recommendations.

Two central policy issues that arise from the analysis of internal and external factors are the importance of coordination and the role of crisis. When dealing with the wide array of external action plus policy areas, coordination mechanisms are required for coherence. Simultaneously, as external drivers of change, crises create windows of opportunity for linkages to develop across policy areas. To address the need for crisis coordination and non-crisis coordination across its external action plus policies, the EU should address the different legal bases for external action, consider the modalities of cross-sector coordination via the EEAS and within EU Delegations, improve how it tracks and oversees policy mainstreaming (as well as seek lessons from the experience with gender mainstreaming), and develop further the "Team Europe" approach to address both crisis and non-crisis situations.

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1 Introduction

The European Union's (EU) portfolio of external activities is expanding in important ways to include a diverse range of policy areas. This growth in external action has led to the notion of "EU external action plus", which includes the Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP); established external policies of trade, development and humanitarian aid; and a variety of traditionally internal policies with external dimensions, such as competition, climate change and health. In practical terms, this assortment of policy areas may be linked and interact in ways that open opportunities for more effective, coherent and sustainable external action (Müller et al., 2021 (ENGAGE Working Paper 1)); Sus et al., 2021 (ENGAGE Working Paper 3)). Likewise, the inclusion of traditionally internal policies as part of external action reflects the insight that "the Union's engagement with the rest of the world goes beyond areas in the Treaties defining EU external relations" (Szép & Wessel, 2022, p. 4 (ENGAGE Working Paper 6)).

The EU has pursued policy linkages in external action through, for example, Treaty reforms (Szép & Wessel, 2022). Similarly, the EU has highlighted the importance of policy linkages through its 2013 Comprehensive Approach – which set steps to combine instruments, tools and policies – and the more recent Integrated Approach to respond to conflict and crises (Santopinto et al., forthcoming); Debuysere & Blockmans, 2021; EEAS, 2021). Given the importance of these developments, targeted investigation is needed into the ways in which the wide range of external action plus policies are linked and can be coordinated to contribute to EU external engagement in crisis, but also non-crisis, situations.

To address these issues, this Work Package has undertaken a targeted investigation of policy linkages in EU external action. The research developed an exploratory analytical framework to identify the internal and external factors that may facilitate or obstruct linkages among external action plus policies and how these linkages contribute to the coordination of EU external action in crisis and non-crisis situations. To clarify the analysis, the WP started with research on the legal and governance structures of EU external action (see Szép & Wessel, 2022) and then treated six policy areas – trade, development, humanitarian aid, competition, climate change and health – as separate cases (Christou et al., 2022 (ENGAGE Working Paper 17); Vandendriessche et al., 2023 (ENGAGE Working Paper 23)). The analysis for each policy area reveals the internal and external factors – especially the role of external crisis – that matter for linkages and helps to inform policy recommendations for how the EU can move

¹ The analysis in this paper draws from ENGAGE Working Papers <u>6</u>, <u>17</u> and <u>21</u> as well as the helpful comments of ENGAGE colleagues at the WP9 Workshop in Brussels, Belgium, on 30 January 2023. The authors also thank two ENGAGE peer reviewers for helpful comments on an earlier draft of the paper.

² These efforts are also reflected in the Integrated Approach for Security and Peace Directorate (EEAS,

² These efforts are also reflected in the Integrated Approach for Security and Peace Directorate (EEAS, 2021). For more on the Integrated Approach and policy recommendations to improve the conflict-sensitivity of the EU's response to crises and conflicts, see <u>EUNPACK</u>. See also van Ham (2016) for work on an EU Joined Up Approach to security.



towards "more joined-up external action" that is effective, coherent and sustainable (EEAS, 2016; Sus et al., 2021).



2 Diagnosis

In many ways, the EU's CFSP and CSDP remain the centrepieces of its external action, which are then at times coordinated with other external policy areas like trade, development and humanitarian aid. However, while traditional foreign and security policy issues will continue to exist, some external challenges can only be tackled effectively if the EU uses its "external" but also its "internal" competences in a comprehensive and coordinated manner. In other words, the EU should avoid seeing the CFSP or its other "external" policies as the only viable ways to take actions externally. Instead, it should also coordinate and creatively use its "internal" policies and tools – including competition, climate and health – to promote its interests and values globally. This is the case in the context of external crises and global challenges, which go beyond traditional and somewhat narrow understanding of security (Szép & Wessel, 2022 (ENGAGE Working Paper 6)), as well as the day-to-day, non-crisis demands of external action.

2.1 Legal Base and Governance Structures

Regarding the current legal basis and governance structures of the EU's external action plus, the Lisbon Treaty has introduced several important reforms, including institutional changes but also improvements in the Treaty provisions. Among others, these cover the dual role of the High Representative/Vice President and the creation of the permanent president of the European Council but also the introduction of a single set of objectives under Article 21(2) TEU and the newly worded Article 40 TEU. Certainly, all these elements have contributed to more coherent EU external action. Likewise, different policy areas have become linked through, inter alia, shared objectives, instruments and tools, all of which support EU external engagement goals (Raube et al., 2015; Wessel, 2018; Szép & Wessel, 2022) In this context, the emergence of "external action plus" and the ways in which different policy areas are linked can contribute to the EU as a global actor by equipping it with the means necessary to address the challenges of today's uncertain world.

However, the EU's external action is fragmented (Szép & Wessel, 2022). On the one hand, the CFSP (along with the CSDP) continues to be placed in the TEU, whereas all other external actions are defined by the TFEU. This is particularly striking given that the latter policy areas often pursue broader foreign and security policy objectives and are sometimes difficult to disentangle from the overarching aims of the CFSP. Therefore, the adoption of a comprehensive Union legal act may need a combination of, sometimes, incompatible legal bases. Coherence in the field of external actions thus remains a challenge and may lead to controversial legal disputes between EU institutions and/or the Member States. Indeed, political compromises may lead to sub-optimal legal constructions that in turn can hamper the Union's attainment of external objectives. Such uncertainties may lead to less effective external action: while the choice of correct legal basis continues to be of constitutional significance, internal debates between the Union and its Member States and/or between Union institutions may delay much needed Union actions to tackle external crises. Considering such



issues can help to facilitate coordination across different policies areas, especially in the context of external crises (Szép & Wessel, 2022).

2.2 Traditional External Policies

As a next step, the Work Package explored the extent to which other internal and external factors facilitate or obstruct linkages among external action plus policies and how these linkages contribute to EU external action. The research developed an analytical framework – based on the concept of actorness (Bretherton & Vogler, 2006; Schunz et al., 2018) – that identified those factors that may plausibly matter for external action. The internal factors were derived from the components of "presence" and "capabilities", including those related to vertical³ and horizontal⁴ coherence (Sus et al., 2021 (ENGAGE Working Paper 3)) as well as the legal and governance structures of EU external action (Szép & Wessel, 2022). The external factors were derived from the component of "opportunity", including changes in the international environment (Müller et al., 2021 (ENGAGE Working Paper 1)), bilateral relationships (Muftuler-Bac et al., 2022 (ENGAGE Working Paper 13)), international standards and external crises.⁵

The analytical framework guided the exploratory analysis of six external action plus policy areas – beyond CFSP and CSDP – that vary in terms of their legal competence: trade, development, humanitarian aid, competition, climate change and health. To simplify the analysis, the paper treated each of the policy areas as separate cases, while looking for commonalities in the factors that matter for linkages with other external action plus policy areas.

The first set of policy areas (trade, development, humanitarian aid) were selected because they have long been part of the EU's external action. The first policy (trade), an area of exclusive legal competence, was explored to establish a baseline from which to add comparative insights from the other two policy areas of shared legal competence. The results of the empirical work show considerable variation across the three policy areas and the relevant factors. External factors that derive from "opportunity" – such as international competition, crises like Russian aggression or global standards – seem to affect (often simultaneously) the

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³ In accordance with the shared ENGAGE definition of coherence, this paper understands vertical coherence as the EU's capacity to work together with Member States on the pursuit of external objectives and to coordinate between the foreign policies of the Member States and the foreign policy of the EU (Sus et al., 2021, p. 13).

⁴ In accordance with the shared ENGAGE definition of coherence, this paper understands horizontal coherence as the EU's capacity to coordinate and manage different policies (including their objectives and implementation) and institutions that are involved in the pursuit of Union's external objectives (Sus et al., 2021, p. 13).

⁵ The prominent role of crises is reflected in arguments that a 'crisisification' of EU policymaking is taking place, which can be seen in the proliferation of crisis decision-making procedures, 'crisis rooms' and horizon scanning and early warning systems (Rhinard, 2019).



EU Institutions and Member States. These external factors can help to establish EU and international agendas and change ideas about the necessity of establishing linkages among external action plus policies. However, the precise effect of such external factors on Member States is not always equal, and the variable impact of external factors is often conditioned by internal factors – e.g. domestic politics, geographical position, historical colonial relationships – that shape the preferences and positions of individual Member States (Müller et al., 2022 (ENGAGE Working Paper 7)).

While it is not possible to say whether external or internal factors matter most across all three policy areas, internal factors do seem to become crucial, at least in operational terms, for shaping and implementing linkages in both crisis and non-crisis situations. This is particularly true of vertical coherence because EU Member States are firmly entrenched in policymaking calculations. The challenges associated with vertical coherence vary for many reasons – including material, institutional, historical/colonial – across the three policy areas. For example, in the case of the Russian invasion of Ukraine, differing national interests of Member States can lead to variation in their position on trade relations and their commitment to funding levels for humanitarian aid (Christou et al., 2022 (ENGAGE Working Paper 17)).

While vertical coherence matters for all policies, it seems relatively more important for policy areas characterised by shared legal competence than those characterised by exclusive legal competence. Variation in legal competence can obstruct linkages because different policy areas have – depending on type of legal competence – different actors, institutions and rules for policymaking. On the one hand, in trade, exclusive competence tends to mean greater vertical coherence with the European Commission in pole position, although there is still a role for Member States and other actors (such as the European Parliament) in facilitating or obstructing issue linkages. On the other hand, for development policy and humanitarian aid, the shared legal competence of these policy areas means there is greater potential for vertical incoherence because Member States can still pursue their own national policies. However, increasing coordination can help to address this potential for incoherence, as seen in the example of the EU's Policy Coherence for Development (Christou et al., 2022) In policy terms, therefore, coordination may become more important for addressing vertical coherence in shared legal competence policies than in exclusive competence policies.

When policy areas with different legal competences are linked, the challenges of horizontal coherence tend to increase. For example, in all three policy areas, the prospect of including political conditionality in agreements and relationships with third countries demonstrates the potential for complications. However, compared to the challenges of vertical coherence and notwithstanding legal complications, horizontal coherence seems less problematic in trade and development policy than in humanitarian aid policy. Horizontal coherence can be especially problematic in humanitarian aid when humanitarians may not want to see a more joined up EU if this would mean that non-humanitarian objectives begin to guide humanitarian aid policy. In this light, the challenge of horizontal coherence may be seen as a particularly important factor obstructing linkages between humanitarian aid and other policy areas because – in accordance with the principles of international humanitarian law: neutrality,



humanity, independence and impartiality – it is supposed to be kept separate and not subjected to political conditions. That said, because of the frequent and close connection between the origins and consequences of humanitarian crises and the Lisbon Treaty's emphasis on enhanced coherence, EU humanitarian aid policy may still become directly linked to other policy areas (Christou et al., 2022).

2.3 Traditional Internal Policies with External Dimensions

The second set of policy areas studied (competition, climate change, health) are traditionally internal policy areas with external dimensions. The extent of linkages differs substantially among these policies, but the importance of coordination and the role of external crisis also appears prominently in the analysis.

Linkages are widespread and longstanding when it comes to climate policies, and rapidly growing in health, while they remain limited in the case of competition policy. These differences are to a certain extent explained by the role of legal competences. Whereas exclusive competences may have the potential to facilitate linkage creation, this is not the case for competition policy, where EU competition authorities' preference to avoid politicisation can act as a factor obstructing linkages. Linkages with competition policy can also be obstructed by legal provisions. This is the case of the defence industry, where Article 346 hinders linkages with competition policies. Health policy, on the other hand, has the weakest competences among the fields studied. Despite this, the outbreak of COVID-19 prompted Member States to strengthen the EU's roles and capabilities on health matters, thereby enhancing the potential for linkages between health policy and other areas of external action beyond what might have been expected by observing competences alone.

Climate change and health policy are areas with numerous linkages, and they are both affected by an explicit treaty objective determining an obligation to mainstream these policies. Mainstreaming is a well-established goal for climate change, potentially due to its close association with the EU's identity (presence), and the urgency inherent to the risks of the climate crisis. Moreover, climate mainstreaming continues to pick up pace, through initiatives such as the European Green Deal and an increased focus on climate adaptation since 2021.⁶ Health mainstreaming, in contrast, has developed slowly, even though its importance has been growing since the COVID-19 crisis, as is now reflected in the EU's Global Health Strategy. Overall, officials involved in the policy areas experiencing linkages perceive mainstreaming positively (Vandendriessche et al., 2023 (ENGAGE Working Paper 21)). However, while information is available and shared between Commission units on mainstreamed policies, EU

⁶ To achieve climate neutrality by 2050, for instance (a primary goal of the European Green Deal), the EU is designing a host of policies, including a Carbon Border Adjustment Mechanism, which is intended to boost climate mitigation both inside and outside the EU's borders through a trade-based mechanism. The new model of Just Energy Transition Partnerships (JETPs) is another example, bringing together energy, climate change, development, investment and foreign policy, among others. All these initiatives have external effects and cut across a range of EU policies.



officials signal that being able to access and sift through this information, as well as being able to access evaluations of ongoing mainstreaming efforts, would be helpful. In addition, it may be informative to look to the highs and lows in the EU's experience of gender mainstreaming (Vandendriessche et al., 2023) – which has a long history, dating from the 1997 Treaty of Amsterdam – to extract lessons learned for the mainstreaming of other policies.

A further key finding in the study of the linkages in these three policy areas is the important role of external crises. The research suggests that crises can open windows of opportunity or creative moments that permit reflection on objectives and outputs as well as how decision-making structures can be addressed and adjusted to facilitate action. These moments may even create the conditions for existing blocking coalitions to be overturned, although the pace and extent of such crisis-induced change can vary across policy areas. A clear case is that of health, where the EU's capabilities have historically been boosted following health crises, even before the COVID-19 pandemic. In the case of competition, the research also shows crises – including the global financial crisis, COVID-19 crisis, and the 2022 Russian war against Ukraine – creating some opportunities for linkages, despite the obstacles to generating these during "normal" circumstances. However, whereas the 2022 Russian invasion of Ukraine increased opportunities for linkages in the case of competition, its effect was at least initially different for climate change and health, where the invasion to some extent diverted attention from these policies, with potentially dampening knock-on effects for linkages (Vandendriessche et al., 2023).

In terms of coordination, linkages in climate and health policies are established and maintained through a plethora of channels, including task forces, *jour fixe*, informal conversations and collegiality. The European External Action Service (EEAS) and EU Delegations also play important roles: the EEAS, for example, played a coordinating role in collecting data on vaccine demand and supply during COVID-19, as well as in gathering testing data from third countries; it also manages outreach on climate topics to specific third countries. The Delegations, for their part, have access to contacts and data to facilitate the design and implementation of External Action Plus policies. Research in ENGAGE Working Paper 21 shows that the occasional lack of horizontal coherence is not due to a lack of coordination structures but rather how these structures are employed. The study also reveals that resource scarcity plays a significant role in *promoting* horizontal coherence and linkages. When certain bodies lack the resources to implement policies on their own, they are compelled to collaborate with other services through shared mechanisms such as joint missions.

Finally, a new capability-boosting factor stood out from the research in the cases of climate change and health. Since the COVID-19 pandemic, the "Team Europe" approach seems to have facilitated coherence across policy areas and between Member States and the EU.⁸ Some

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 $^{^{\}rm 7}$ The authors are grateful to Robert Kissack (IBEI) for this insight.

⁸ The Team Europe approach first emerged in April 2020 as an urgent response to the COVID-19 pandemic: EU institutions, Member States, the European Investment Bank and the European Bank for Reconstruction and Development joined efforts to generate the necessary funds for short-term



examples include the Team Europe collaboration between the EU, Member States and development finance institutions to enable emergency response and strengthen health systems following the COVID-19 outbreak; as well as the Team Europe Initiative for Climate Adaptation and Resilience that was announced at the EU-African Union summit in 2022, comprising DG INTPA, DG CLIMA, and willing Member States. Our research suggests that, although the approach is still being developed and lacks a clear definition, it has great potential to enhance the EU's ability to connect and coordinate external action policies in both crisis and non-crisis situations.

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emergency responses to the pandemic. Since then, the approach has been repeated in other fields and formats, including in multilateralism. Team Europe configurations vary depending on the objective of the action, and can come to include EU bodies, the Foreign Affairs Council, EU delegations, Member States, Member State embassies, EU financing bodies, and non-EU bodies like the European Investment Bank (Keijzer et al., 2021).



3 Recommendations

Two central policy issues that arise from the proceeding analysis of internal and external factors are the importance of *coordination* and the role of *crisis*. Both are important considerations for the future of external action plus and for determining the coherence, effectiveness and sustainability of a more joined up EU across policy areas characterised by different legal competences.

When dealing with the wide array of external action plus policy areas, coordination mechanisms are required for coherence. Simultaneously, as external drivers of change, crises create windows of opportunity for linkages – sometimes unexpected and swift – to develop across the policy areas studied. While future crises will rightly require immediate responses, policy coordination also needs to guide action beyond the immediacy of crisis-driven responses to include the more regular and day-to-day demands of external action. In short, there is much of external action that is not crisis driven. Therefore, the centring and regular monitoring of policy *coordination* for crisis *and* non-crisis situations will contribute to the sustainability and coherence of EU external action, which will, in turn, ultimately contribute to its effectiveness (i.e. goal attainment).

There are a number of ways in which the EU may address the need for crisis coordination and non-crisis coordination across its external action plus policies.

First, the EU should address the different legal bases for external action. In particular, the EU's external actions are still fragmented, and competences are scattered throughout the two Treaties. This creates challenges for policymakers because, while the resulting uncertainties over the correct legal basis continue to be of constitutional significance, efficient policymaking in crisis and non-crisis situations is faced with internal debates – between the Union and its Member States and/or among the Union institutions – which may delay much needed Union actions. Therefore, unifying the fragmented legal bases for external action may reduce internal debates on legal issues and increase the coordination and effectiveness of decision-making.

Second, designing and implementing policies that cut across policy areas and have important external effects requires extensive coordination and horizontal coherence. The European External Action Service (EEAS) and EU Delegations are well placed to coordinate EU action across the internal and external boundaries and are already doing so. As internal policies with external effects increasingly bridge multiple policy areas, the need for cross-sector coordination *within* Delegations (that is, between the specialists in different sections of the Delegation) will also continue to increase.

Third, mainstreaming is a prominent mechanism through which the EU seeks to ensure policy areas are linked and coordinated. While climate change and health show evidence of increased linkages as a result of external crises, it is crucial to further harness linking mechanisms such as policy mainstreaming. Our research suggests that a key challenge is related to oversight. Hence, the EU should improve how it tracks and oversees policy mainstreaming and manages information shared between units. Furthermore, it would be beneficial to take stock of past



experiences such as gender mainstreaming, as its evolution, successes and pitfalls may provide valuable lessons for mainstreaming and coordination in all external action plus policies, regardless of legal competence.

Fourth, lessons can be learned from the emerging coordination mechanism of the Team Europe approach. While the first initiatives using the approach began in short-term emergency responses to the COVID-19 pandemic, it has also emerged, for example, in response to climate change and development policy. However, the Team Europe approach is still developing and under-defined. Because there is no shortage of existing coordination structures, attention needs to be dedicated to how these structures and Team Europe are used. The EU should, therefore, develop further the Team Europe approach to address both crisis and non-crisis situations. Team Europe configurations involving non-EU financial bodies may be particularly fruitful to boost the effectiveness of the EU's external action. This is not simply an issue of creating new structures and dedicating new resources. Rather, flexibility and political will are necessary to improve coordination.



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