

## The conduct of foreign relations by the Council of the European Union

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## The conduct of foreign relations by the Council of the European Union

The Council exercises special responsibilities for the management and development of the foreign relations of the Communities and of the European Union. In the first place, the Council is responsible in particular for the conclusion of international agreements, both in the Community domain and in fields coming under the heading of intergovernmental cooperation. Next, there are special responsibilities incumbent on the Presidency of the Council for the management of international agreements and for the external representation of the European Union. Lastly, the Council, and its General Secretariat in particular, is equipped with specific structures for the management of the common foreign and security policy (CFSP).

### The conclusion of international agreements

In the Community domain, the signature and conclusion of agreements between the Community and one or more states or international organisations are determined by the Council, subject to the competences granted to the Commission in this domain.

Under the Treaty establishing the European Community (EC), for example, negotiations are opened by the Commission with the authorisation of the Council. Thereafter, they are conducted by the Commission, in consultation with the special committees designated by the Council to assist it, in accordance with guidelines forwarded to it by the Council.

The Council acts by a qualified majority on a proposal from the Commission, but it acts unanimously if the agreement relates to a field in which unanimity is required for the adoption of internal rules and when an association agreement is involved. As a general rule, the Council concludes agreements after consulting or securing the opinion of the European Parliament (Article 300 of the EC Treaty).

Under the Treaty establishing the European Atomic Energy Community (EAEC or Euratom), agreements or conventions with a third state, an international organisation or a national of a third state are also negotiated by the Commission in accordance with the directives of the Council. They are concluded by the Commission with the approval of the Council, but they may be negotiated and concluded by the Commission, provided that the Council is kept informed (Article 101). Association agreements are concluded by the Council after consulting the European Parliament (Article 206).

The Treaty of Amsterdam assigns to the Union the capacity to conclude international agreements in all CFSP domains (Article 24 of the EU Treaty). The Council authorises the Presidency, assisted where appropriate by the Commission, to negotiate agreements. It decides on their conclusion, acting unanimously, on the recommendation of the Presidency. The same provision is also applicable to matters falling under the third pillar of the Union (Article 38 of the EU Treaty).

### The management of international agreements

Under the EC Treaty, the Council is authorised to conclude commercial agreements (Article 133), cooperation agreements (Article 300) and association agreements (Article 310). For association agreements and cooperation agreements, provision is made for the setting up of a body consisting of the signatories' representatives that is responsible for the management of the agreement, known as a joint committee or joint council. Meetings of the joint committees and joint councils at ministerial level are held on the margins of the sessions of the General Affairs Council. In the case of a Community agreement, this body is always chaired by the Commission, but, in the case of a joint agreement (concluded jointly by the Member States and the Community in fields where competence is shared), this body is often chaired by the President-in-Office of the Council.

### External representation of the Union

For matters falling under the CFSP (the second pillar), the Council Presidency represents the Union. It has responsibility for the implementation of decisions and, in this capacity, it expresses the position of the Union

in international organisations and at international conferences. In its performance of these tasks, the Presidency is assisted by the Secretary-General of the Council/High Representative for the CFSP and, where appropriate, by the next Presidency, forming what is called the 'troika'. The Commission is fully associated with these tasks (Article 18 of the EU Treaty).

As part of police and judicial cooperation in criminal matters (third pillar), the Member States are responsible for upholding common positions in international organisations and at the international conferences in which they take part. However, by reference to Article 18 of the EU Treaty, the Council Presidency is also responsible for the external representation of the Union in this domain.

### **The management of the CFSP**

The 1997 Treaty of Amsterdam provides for specific structures to assist the Council with the management of the CFSP: the Secretary-General of the Council, in the exercise of his functions as High Representative for the CFSP (Article 26 of the EU Treaty), the Policy Planning and Early Warning Unit (Declaration No 6) and the special representatives for the performance of mandates in relation to particular political issues (Article 18 of the EU Treaty).

The Secretary-General/High Representative for the CFSP (SG/HR) assists the Council in matters coming within the scope of the CFSP, in particular by contributing to the formulation, preparation and implementation of policy decisions and, when appropriate and acting on behalf of the Council and at the request of the Presidency, through conducting political dialogue with third parties.

The Policy Planning and Early Warning Unit (PPEWU) is established at the General Secretariat of the Council and placed under the responsibility of the SG/HR. The personnel in the Unit are drawn from the General Secretariat, the Member States, the Commission and WEU. The tasks of the PPEWU include providing timely assessments and early warning of events or situations which may have significant repercussions for the common foreign and security policy, including potential political crises. The declaration on its establishment states that appropriate cooperation is to be established with the Commission so as to ensure complete consistency with the Union's external economic and development policies.

The special representatives of the European Union play an essential role in the implementation of the CFSP on the ground. They are appointed by the Council by means of a joint action which defines their mandate as part of a particular mission in a region of the world in crisis. They contribute towards the prevention and settlement of conflicts. In particular, they maintain close contact with the parties intervening in the peace or political transition process, as well as with the other international organisations concerned, offering the European Union's advice and good offices and promoting compliance with the fundamental principles of democracy, respect for human rights and the rule of law.

Since 2001, the SG/HR has also been assisted by the European Union Military Staff (EUMS). Consisting of military personnel assigned by the Member States to the General Secretariat of the Council, its objectives are to provide early warning, situation assessment and strategic planning for crisis-management missions, including the identification of national and multinational European forces, and to implement policies and decisions in accordance with the directives of the European Union Military Committee (EUMC).