

The Commissioners' Group on External Action – Key political facilitator

Steven Blockmans and Sophia Russack

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Abstract

The reactivation of the Commissioners' Group on External Action (CGEA) represents one of the most important institutional initiatives in EU foreign policy-making since the merger of the position of the High Representative for CFSP with that of Vice-President of the Commission and the creation of the European External Action Service. This report examines the mandate and organisation of the CGEA and argues that, in its first year of activity, the Group has both injected much-needed political pragmatism into the way the Commission contributes to EU external action and has greatly facilitated inter-service cooperation, both within the Commission and with the EEAS. This is largely the result of the no-nonsense, hands-on approach adopted by HRVP Federica Mogherini and the way in which she has instrumentalised political will in an inter-institutional context. In the absence of a clearly stated vision of her own role as HRVP, an analysis of Mogherini's joint statements, joint initiatives and visits with fellow Commissioners provides evidence that the contours of her position's political space are determined by a pragmatic approach aimed at strengthening the cohesiveness of this multi-hatted role.

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1. Introduction

In a conflict-ridden world, the success of the European Union's institutions in addressing challenges and seizing opportunities is helped by the constant revision of EU strategies, structures and working methods, as well as the focused support of and provision of resources by the member states. Arguably, without these elements, EU foreign policy flounders. The Union's mixed performance in external action over the past few years is a reminder of the importance of the Lisbon Treaty, which was intended to create tools for the EU to develop a more coherent, effective and visible foreign policy.¹ Those principles exemplify the 'spirit' of the Lisbon Treaty in the institutions' day-to-day efforts to pull together the different strands of the Union's external relations policies: from the Common Foreign and Security Policy (CSFP) and the Common Security and Defence Policy (CSDP) laid down in the Treaty on the European Union (TEU), to the EU's trade policy, development policy, neighbourhood policies, crisis response and humanitarian aid, as well as the external dimensions of the internal policies enshrined in the Treaty on the Functioning of the EU (TFEU): migration, home affairs and citizenship; transport; climate action and energy; etc.

The single-most important institutional innovation to meet the Lisbon Treaty's overarching aims for EU external action has been the adaptation of the position of the High Representative of the European Union for Foreign Affairs and Security Policy (HR), which from 1 December 2009 was combined with a position as Vice-President (VP) of the European Commission. Whereas considerable research has focused on the role of the HR and her (or his, as the case may be) supporting administration – the European External Action Service (EEAS; the second-most important innovation) – in extolling the virtues of inter-institutional cooperation in forging a more coherent external action,² very little attention has been paid to the persona of the VP and her contribution to this hybrid position.³

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¹ See "Europe in the World – Some Practical Proposals for Greater Coherence, Effectiveness and Visibility", COM(2006) 278 final; the pre-Lisbon Draft IGC Mandate, annexed to the Presidency Conclusions of 22-23 June 2007; and the Annual Report from the Council to the European Parliament on the Main Aspects and Basic Choices of the CFSP (2008). See the ECFR's European Foreign Policy Scorecards for Europe's collective performance since 2011 (www.ecfr.eu/scorecard).

² See, e.g., G. Müller-Brandeck-Bocquet and C. Rüger (eds), *The High Representative for the EU Foreign and Security Policy: Review and Prospects*, Baden-Baden: Nomos, 2012; P. Petrov, K. Pomorska and S. Vanhoonacker (eds), "Special Issue: The Emerging EU Diplomatic System: Opportunities and Challenges after 'Lisbon'", *The Hague Journal of Diplomacy* 7:1, 2012; S. Blockmans and M.-L. Laatsit,

Originally intended to assess how the new incumbent has worn the VP hat in her first year of service (1 November 2014 – 31 October 2015), the aim of this paper has had to be adapted to reflect practical realities: from day one of her appointment, HRVP Federica Mogherini has embraced the Lisbon spirit in executing the multitude of tasks bestowed on her. She has been less interested in distinguishing between her various capacities and existing inter-service rivalries than in simply getting the job done. As a result, it has proved empirically unfeasible and academically indefensible to adopt a strict separation in the analysis of her several functions and to ring-fence her role as VP. While this may be problematic from a legal perspective,⁴ it is good news in policy terms. To her credit, Mogherini, supported by her staff in the EEAS and the Commission, has tried to make the best of the difficult task assigned to her – in a highly complex international environment.

This paper therefore focuses on Mogherini's overall contribution to the Juncker Commission's stated aim of joining the dots between policies, structures and instruments in order to forge a more coherent external action for the EU. To that end, we first present the Treaty framework to the EU's many actors on the international scene (section 2) before analysing the policy documents that guide the current Commission's role in the realm of foreign affairs (section 3). This leads us to an analysis of the mandate, organisation and functioning of the Commissioners' Group on External Action (CGEA), the most important institutional innovation in the field of EU foreign policy since the creation of the HRVP position and the EEAS (section 4). This paper investigates the role of this cluster in the way the Commission contributes to EU external action and how Federica Mogherini has tried to instrumentalise political will in an inter-institutional context. An analysis of her joint statements, initiatives and visits with fellow Commissioners should provide further evidence of how she has approached her multi-hatted position (section 5).

2. Treaty-based architecture

In order to develop a more coherent, effective and visible EU foreign policy, the Lisbon Treaty introduced fundamental changes at two levels.⁵ Firstly, the objectives of the Union's external policies, from security to development to trade and environment, were merged in Article 21 TEU. This could, over time, lead to more policy coherence. Secondly, the architecture and procedural framework for EU external action were fundamentally amended so as to enhance coherence between the institutional actors (see below). However, all these

[&]quot;The European External Action Service: enhancing coherence in EU external action?", in P. Cardwell (ed.), EU External Relations Law and Policy in the Post-Lisbon Era, The Hague: Asser Press, 2012, pp. 135-159; and M. Emerson et al., "Upgrading the EU's Role as Global Actor: Institutions, law and the restructuring of European diplomacy", CEPS, Brussels, 2011.

³ A notable exception is S. Lange, "HR/VP to VP/HR? The next generation", EUISS Brief No. 30, 28 October 2014.

⁴ See, e.g., S. Blockmans and C. Hillion (eds), "EEAS 2.0: A Legal Commentary on Council Decision 2010/427/EU establishing the organisation and functioning of the European External Action Service", CEPS Special Report, 7 February 2013, note 28: "The pending case C-658/11 European Parliament v Council of the European Union on the EU agreement with Mauritius is a case in point: it has been suggested that the HR ought to intervene in support of the Council against the European Parliament, which is supported by the European Commission."

⁵ For a more detailed review of the Lisbon changes with regard to EU external action, see the contributions to P. Koutrakos (ed.), "The European Union's External Relations A Year After Lisbon", CLEER Working Paper 2011/3.

changes were introduced without simultaneously streamlining the distribution of competences or decision-making procedures.⁶ As has been observed recently, the Lisbon Treaty has not altered the first/second pillar dichotomy. Due to their 'specific' character, the CFSP and CSDP remain located in the Treaty on European Union, under the umbrella of the general provisions of the Union's external action (Title V TEU) but are nevertheless separate from the Union's other external relations policies in the Treaty on the Functioning of the EU (trade, development, cooperation with third countries, humanitarian aid, relations with international organisations, etc.).

It was therefore left to the institutional actors of the EU to operate across the divide between the treaties and stimulate the drive for more policy coherence, effectiveness and visibility in external action. The Lisbon Treaty has strengthened the Union's foreign policy actors. One can point to the institutionalisation of the European Council (Article 13(1) TEU), which has been tasked with the identification of the strategic interests and objectives of the Union (Article 22(1) TEU), as well as the external representation of the Union at presidential level in the area of the CFSP (Article 15(6) TEU). Also, the European Parliament's role in EU decision-making in foreign affairs has been enhanced, most notably with respect to the development of the Union's trade policy (Article 27(2) TFEU).

The most important institutional changes in the Lisbon Treaty, however, relate to the position of the High Representative, who 'conducts' the Union's foreign, security and defence policies (Article 18(2) TEU), contributes proposals to the development of those policies, and - together with the Council - ensures the member states' compliance with their CFSP obligations (Article 24(3) TEU). Primary authority for policy choices in these areas continues to rest with the European Council and the Council (Articles 22-26 TEU, resp. Articles 26(2) and 28 TEU). The Commission remains responsible for policy initiation, implementation and external representation in the other (i.e. non-CFSP) domains of EU external action (Article 17(1) TEU). To enhance coordination in the realm of EU external action, the High Representative takes part in the work of the European Council (Article 15(2) TEU), presides over the Foreign Affairs Council (Article 18(2) TEU) and holds the post of Vice-President of the European Commission (Article 17(4) TEU). This new double, in effect triple-hatted role,8 will also become the overall coordinator of EU foreign policy. One of the HRVP's main tasks, crucial in the context of this paper, is to assist the Council and the Commission in ensuring coherence between the different areas of the Union's external action and between these and the EU's other policies (Articles 18(4), 21(3) and 26(2) TEU). When properly carried out, the HRVP ought to be able to forge a stronger and more consistent EU foreign, security and defence policy, which - potentially - would render the EU a more

⁶ The most notable exception, however, is Article 216 TFEU, which provides Treaty foundation for the power to conclude international agreements, hitherto developed by the ECJ's case law.

⁷ See, for example, P. Craig, The Lisbon Treaty: Law, Politics and Treaty Reform, Oxford: Oxford University Press, 2011, pp. 380-1.

⁸ According to Jean-Claude Piris the HRVP is not double- but 'triple-hatted' since the position also incorporated the function of Secretary-General of the Council/High Representative for CFSP (SG/HR). See J.-C Piris, The Lisbon Treaty: A Legal and Political Analysis, Cambridge: Cambridge University Press, 2010, p. 243. However, because the HRVP is also President of the European Defence Agency and Chairperson of the board of the EU Institute for Security Studies, the term 'multi-hatting' would perhaps be even more fitting. For the purpose of this paper, the reference in normal parlance to the HRVP's 'double-hatted' nature will be used.

effective player on the international scene. Conversely, the potentially conflicting loyalties to which the incumbent is exposed could lead to "institutional schizophrenia".9

3. The focus and workings of the 'political' Commission

The efficient and legitimate exercise of the European Commission's right of initiative and power of execution is closely linked to the organisation of the College of Commissioners. In practice, the internal structure and working methods vary from one Commission to the next. During the Barroso II Commission (2009-2014), the high number of 'line' Commissioners and Directorates (33 DGs and 11 Services) made effective internal coordination difficult. The 'flat' internal organisation of the College increased the tendency to negotiate dossiers between the President and the respective Commissioner(s) on a bilateral basis rather than through discussions within clusters or the entire College. Few decisions were ever put to a vote, despite the controversy generated by some of them. This practice was counterproductive in terms of collegiality and favoured a silo approach to policy-making. In fact, this practice stood in stark contrast to the Lisbon Treaty's spirit of a more holistic and integrated approach to dealing with increasing interdependencies between policy areas.

To address these shortcomings, Barroso's successor, Jean-Claude Juncker, introduced changes to his "Commission of the last chance". The new President not only chose to base the Commission's work on firm political guidelines and to actively promote them, he also rearranged the structure of the College. The appointment of Frans Timmermans as First Vice-President responsible for 'Better Regulation, Inter-institutional Relations, the Rule of Law and the Charter of Fundamental Rights' underlines the importance attached by Juncker's "political" Commission to issues that hinge on the trust of citizens and member states — thus heeding concerns about, for instance, excessive EU regulation ahead of the 'in/out' referendum in Britain and respect for the rule of law in Hungary.

⁹ See Y. Devuyst, "The European Union's Institutional Balance after the Treaty of Lisbon: 'Community Method' and 'Democratic Deficit' Reassessed", *Georgetown Journal of International Law* 39, 2008, pp. 247-325, at 294-5.

¹⁰ See S. Piedrafita and S. Blockmans, "Shifting EU Institutional Reform into High Gear", Report of the High-level Group Chaired by Danuta Hübner, CEPS, March 2014, p. 4.

¹¹ See, e.g., the Proposal for a Directive of the European Parliament and of the Council on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products, COM (2012) 788.

¹² "Juncker: This will be the 'last chance Commission'", Euractiv, 22 October 2014.

¹³ Barroso also issued 'political' guidelines at the start of his second term. See http://ec.europa.eu/archives/commission_2010-2014/president/about/political/index_en.htm.

¹⁴ A former Minister of Foreign Affairs of the Netherlands who oversaw a 'subsidiarity exercise' across the Dutch administration in 2013. See Dutch Ministry of Foreign Affairs, Uitkomsten subsidiariteitsexercitie, MINBUZA-2013.184321, 21 June 2013; and C. Lockefeer-Maas (ed.), *Balancing Competences: Member States in Brussels and Brussels in the Member States*, The Hague: ELF, 2015.

¹⁵ See V. Pop, "Let's Get Political. Juncker-Style", Wall Street Journal, Real Time Brussels blog, 7 May 2015.

¹⁶ In a similar vein, see the decision to create a temporary 'Task Force for Strategic Issues related to the UK Referendum' (European Commission, 'Continuity and change: Commission appoints new Secretary-General and reshuffles its senior management', Press Release IP/15/5252, Brussels, 24 June

The Juncker Commission's political guidelines involve eight different policy areas, as well as the goal to increase the democratic degree of the Union and the mission to turn the EU into a stronger global actor.¹⁷ These priorities were translated into the Commission Work Programme for 2015, which stressed, inter alia, the need to join up all instruments available to the Union, including its CFSP.18 The same approach to more coherence in EU foreign policy-making is reflected in the Commission's Work Programme for 2016, which borrowing from the High Representative's recent assessment of the EU's strategic environment¹⁹ - states that:

In an increasingly connected, contested and complex world marked by dynamic changes, the coherence of the EU's external action and our ability to use all available instruments in a joined up manner to achieve our objectives and complement our internal policies are ever more important.²⁰

The new work programme emphasises the Commission's intention to contribute to the process of strategic reflection and to prepare an EU Global Strategy on Foreign and Security Policy by June 2016, the responsibility for which the European Council has bestowed upon the High Representative ("in close cooperation with Member States").²¹

The methodology prescribed by the Commission work programmes effectively mainstreams, across all areas of EU external action, the 'comprehensive approach' to external conflict and crisis that was launched in December 2013.22 This approach prescribes eight measures, each connected to a set of concrete actions: 1) developing a shared analysis; 2) defining a common strategic vision; 3) focusing on prevention; 4) mobilising the different strengths and capacities of the EU; 5) committing to the long term; 6) linking policies and internal and external action; 7) making better use of EU Delegations; 8) working in partnership with other international and regional actors.

2015) and the decision to continue the 'Support Group for Ukraine' (European Commission, 'Support Group for Ukraine', Press Release IP/14/413, Brussels, 9 April 2014).

- ¹⁷ J.-C. Juncker, "A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change", 15 July 2014.
- ¹⁸ "Commission Work Programme 2015: A New Start", COM(2014) 910 final, 16 December 2014. In the realm of external action, the focus was put on neighbourhood policies (no enlargement during the term of the Juncker I Commission; support for ENP countries) and the EU's development support and humanitarian assistance (post-2015 Sustainable Development Goals; fight against Ebola).
- ¹⁹ "The European Union in a changing global environment: A more connected, contested and complex world", 30 June 2015, available at http://europa.eu/globalstrategy/en/global-strategy-foreign-andsecurity-policy-european-union.
- ²⁰ "Commission Work Programme 2016: No time for business as usual", COM(2015) 610 final, 27 October 2015. Alongside the continuing focus on concretising perspectives for accession and ENP countries, the Commission will prioritise crisis management in cooperation with the UN (Syria, Libya) and the OSCE (Ukraine); support for security sector governance in partner countries; the presentation of a new post-Cotonou policy framework to govern relations with African, Caribbean and Pacific countries and regions; and support for the HRVP in deepening bilateral relations with the EU's key partners and the development of tailored strategic approaches for, e.g., China and Iran.
- ²¹ EUCO 22/15, 26 June 2015, point 10(b).
- ²² Joint Communication from the European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy to the European Parliament and the Council, "The EU's comprehensive approach to external conflict and crises", JOIN(2013) 30 final, 11 December 2013.

The implementation of the comprehensive approach (writ large) is a joint undertaking by the High Representative and the Commission that stresses shared responsibilities with the member states and thus presumes their active cooperation in achieving the declared goals of EU external action. It is in this context that the hybrid nature of Mogherini's position is important: with one foot in the Council and another in the Commission, the HRVP is uniquely placed to induce and leverage political will among the member states by using the Union's instruments, budget and expertise managed by the European Commission.

As noted above, the re-organisation of the Commission's portfolios responded to the political guidelines presented by the Commission President-designate to the European Parliament in July 2014. Stressing the "need to be more effective in bringing together the tools of Europe's external action" Juncker expressed his expectation that the next High Representative would

combine national and European tools, and all the tools available in the Commission, in a more effective way than in the past. He or she must act in concert with our European Commissioners for Trade, Development and Humanitarian Aid as well as for Neighbourhood Policy. This will require the High Representative to more fully play his/her role within the College of Commissioners.

In his Mission Letter of 1 November 2014 to Mogherini (and each of the other Commissioners), Juncker reiterated his expectation that she would play her role as Vice-President to the full.²³ To underline her role as VP Mogherini took the symbolic decision to install her office and cabinet in the Commission's Berlaymont building; to appoint Stefano Manservisi, an experienced hand at the Commission, as her *chef de cabinet*; and to recruit half of her cabinet from Commission staff. The suggestion that, in case of need, Commissioner Hahn and other Commissioners could deputise for her "in areas related to Commission competence"²⁴ also points in this direction, as indeed to the Juncker Commission's flexibility in re-organising its own structures to match priorities.

Whereas a reduction of the number of Commissioners continues to be legally and politically unrealistic, clustering the Commissioners with related portfolios (energy; jobs, growth, investment & competitiveness; digital single market; the euro; external action) was arguably the best option to enhance collegial decision-making and improve the independence, efficiency and transparency of the European Commission. Bringing together several portfolios, each under the leadership of a Vice-President, the groups of Commissioners now present their common position for the College to decide upon, as laid down in the Commission's Working Methods.²⁵ As a general rule, the President does not place a new initiative on the agenda of the College "unless this is recommended to [him] by one of the Vice-Presidents on the basis of sound arguments and a clear narrative that is coherent with the priority projects of the Political Guidelines".²⁶

Juncker's Mission Letter to Mogherini is available at http://ec.europa.eu/commission/sites/cwt/files/commissioner_mission_letters/mogherini_en.pdf.

²⁴ Ibid., p. 4.

²⁵ Communication from the President to the Commission, "The Working Methods of the European Commission 2014-2019", C(2014) 9004, 11 November 2014. The principle of collegiality, which governs decision-making in the Commission (Article 17(6) TEU), guarantees the equal participation of all the Commissioners and the collective responsibility for the decisions taken.

²⁶ See, e.g., Mission Letter to Mogherini, p. 2. A strong bond to the College is also ensured by Mogherini's obligation to regularly report back to Juncker and to the whole College about "geopolitical developments". Ibid, p. 4.

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Juncker considers it VP Mogherini's responsibility to steer and coordinate the Commission's work regarding all external matters in order to deliver a coherent approach for EU external action. Mogherini herself has repeatedly expressed her intention to implement the mandate given to her by Juncker. She did so even before she took up office, as evidenced during her hearing in the European Parliament on 6 October 2014 and in her answers to the prior questionnaire.²⁷ Rather than spell out a vision of how to flesh out this responsibility in practical terms, Mogherini went straight to work, supposedly relying on trial-and-error tactics. Given this hands-on approach, one needs to piece together her 'acquis' to see whether she has been successful. We do so below by first investigating the role and functioning of the reactivated Commissioners' Group on External Action (section 4), and subsequently by exploring other forms of cooperation between Mogherini and Commissioners, such as the preparation of joint proposals and the delivery of joint statements (section 5).

4. Commissioners' Group on External Action (CGEA)

4.1 Mandate, composition and procedures

The first Commission to work under the regime of the Lisbon Treaty was the second one presided over by José Manuel Barroso. When Barroso, in his capacity as Commission President-designate, unveiled his new team of Commissioners in November 2009, he added an asterisk behind the names of three designated Commissioners, i.e. those responsible for 'International Cooperation, Humanitarian Aid and Crisis response' (Kristalina Georgieva), 'Development' (Andris Piebalgs) and 'Enlargement and European Neighbourhood Policy' (Stefan Füle), who would be expected to exercise their functions "in close cooperation with the High Representative/Vice-President in accordance with the Treaties".28 Five months later, Barroso issued an Information Note in which VP Catherine Ashton was tasked with chairing the meetings of the Commissioners' Group responsible for 'External relations', which was composed of the three aforementioned Commissioners and widened to include the portfolios of 'Trade' (Karel De Gucht) and 'Economic and Monetary Affairs' (Olli Rehn).²⁹ The Note also provided that "the President can decide to attend any meeting, which he will then chair". Ashton convened the Group a number of times. Each time she was sidelined by Barroso, who would insist on chairing the meeting. It is said that the gatherings had a rather formalistic character and added no value to the normal inter-service consultation processes in the Commission, let alone to the goal of joining up the Commission's strands of EU external action with those managed by the Council and the EEAS. The practice of convening the Group was quietly abandoned.

With the dual aim of achieving greater coherence in EU foreign policy making and greater efficiency in the consistency and effectiveness of its implementation, President Juncker

²⁷ Answers to the European Parliament, Questionnaire to the Commissioner-designate Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy, Vice-President of the Commission, available at www.europarl.europa.eu/hearings-2014/resources/questionnaire_en.pdf.

²⁸ See Press release IP/09/1837 of 27 November 2009. The requirement of close cooperation was repeated in his Mission Letters of the same date to Piebalgs and Füle, and of 27 January 2010 to Georgieva. See http://ec.europa.eu/commission_2010-2014/mission_letters/index_en.htm.

²⁹ Information Note from the President, "Commissioners groups", SEC(2010) 475 final, 22 April 2010.

reanimated the Commissioners' Group on External Action.³⁰ In his Mission Letters to all Commissioners, President Juncker stressed that the Commission's work on external action would be subject to coordination and streamlining by Federica Mogherini as the leading Vice-President. In concrete terms, Juncker instructed Mogherini to guide the work of the Commissioners for European Neighbourhood Policy and Enlargement Negotiations (Johannes Hahn), International Cooperation and Development (Neven Mimica), Humanitarian Aid and Crisis Management (Christos Stylianides), and Trade (Cecilia Malmström).³¹ Taken together, VP Mogherini and these four Commissioners form the core of the CGEA.

On 11 November 2014, Juncker issued a Decision in which the mandate and composition of the Commissioners' Group were formalised.³² That Decision also lays down the basic procedural rules for the functioning of the CGEA. The Group meets every month for 1 to 2 hours and is chaired by VP Mogherini.³³ All members of the core group are always expected to attend. Yet, the distinctive feature of the CGEA lies in its flexible design: Commissioners who do not belong to the pre-defined cluster but who are nevertheless concerned by the items on the Group's agenda are also invited. This practice was anticipated in Juncker's Mission Letter to Mogherini, in which she was informed that she could also draw on the policy instruments and expertise under the responsibilities of the Commissioners whose portfolios have strong external dimensions, in particular those for Migration and Home Affairs (Dimitris Avramopoulos), Climate Action and Energy (Miguel Arias Cañete), and Transport (Violeta Bulc), who belong to her broader cluster. Due to the blurring of boundaries between internal and external policy areas, the fact that the CGEA meets on a regular basis and caters for real political debates between Commissioners, the Group's meeting has at times ballooned in size,³⁴ especially as each of them normally comes with his or her Director-General.

The CGEA is supported by a joint secretariat, which is led by the Head of Unit 'International Dimension' of the Secretariat-General of the Commission and the Head of Division 'Policy Coordination' of the EEAS. The joint secretariat assists the cabinets of Mogherini and Juncker in establishing the agenda for the upcoming meetings of the CGEA. Since the Group follows a four-week interval, it is less suitable to discuss short-term matters and crisis management but is rather designed to work on more structural issues and long-term trends. Hence, the

³⁰ Initially, the group was referred to as a Project Team on "Europe in the World": http://ec.europa.eu/about/structure/index_en.htm#ta.

³¹ It has to be noted that relations between VP Mogherini and Trade Commissioner Malmström are unique in at least three ways. First, Malmström's portfolio is primarily subject to the supervision by VP Jyrki Katainen (Jobs, Growth, Investment and Competitiveness). Second, she is obliged to report on the outcome of the TTIP Group meetings to the CGEA, and hence functions as a link between both groups (see below). Finally, on the side of the member states, the Foreign Affairs Council (FAC) for Trade is the only FAC formation to be chaired by the rotating Presidency and not by HR Mogherini (see Annex 3).

³² Decision of the President of the European Commission on the Creation of a Commissioners' Group on External Action, C(2014) 9003, 11 November 2014.

³³ Mogherini set an example by holding the very first informal CGEA meeting only hours after the new Commission was voted in by the European Parliament in Strasbourg on 22 October 2014. Since then the CGEA has met every month, except in August 2015 because of the summer holidays.

³⁴ Discussions may touch upon the energy union (Maroš Šefčovič), the environment, maritime affairs and fisheries (Karmenu Vella) or industrial harmonisation of the defence sector (Elzbieta Bieńkowska), to name just a few.

agenda usually comprises three items of either a geographical or thematic nature.³⁵ The joint secretariat determines which of the Commissioners will prepare inputs and which one takes the lead. As such, the secretariat is able to control the appropriate size of the meetings and prevent the Group from falling prey to its own popularity.

In this context, it is also worth observing that a Commissioners' Group on the Transatlantic Trade Investment Partnership (TTIP) was created in March 2015 to prepare negotiations with the US. Like the CGEA, this group was set up by a formal President Decision which, however, defines the First Vice-President (Frans Timmermans) and the Vice-President for Jobs, Growth, Investment and Competitiveness (Jyrki Katainen) as the co-chairs. The Secretariat-General of the Commission acts as the secretariat of this Group and the Commissioners for Trade (Cecilia Malmström), Agriculture and Rural Development (Phil Hogan), Internal Market, Industry, Entrepreneurship and SMEs (Elzbieta Bieńkowska), Financial Stability, Financial Services and Capital Markets Union (Jonathan Hill), Competition (Margrethe Vestager), Economic and Financial Affairs, Taxation and Customs (Pierre Moscovici), and Health and Food Safety (Vytenis Andriukaitis) all participate. Trade Commissioner Malmström occupies a special position as her presence is needed for the Group's meetings to take place.³⁶ Also, she is expected to report on the outcome of the TTIP Group meetings to the CGEA and hence functions as a link between both groups.

Two weeks before the meetings of the CGEA, representatives from the cabinets concerned (usually Heads or Deputy Heads accompanied by the DGs' Head of Unit responsible for international issues) gather to coordinate their Commissioners' positions. These cabinet coordination meetings are chaired by Mogherini's chef de cabinet and based on 1-page issue papers prepared by coordinators from the services concerned. A limited number of 'B-points' (i.e. policy issues upon which no consensus could be reached) are formulated into questions for a political discussion at CGEA level.³⁷

The CGEA does not have the power to adopt official decisions and does not replace the standard procedure of decision-making within the Commission (see section 5). As a reflection thereof, the secretariat does not draw up any formal conclusions but takes minutes of the meetings. Like the agendas, these minutes are not made public. The joint secretariat also serves as the institutional memory of the Group in order to secure follow-up at cabinet level. In a similar vein, it watches over the Group's functioning and implements lessons learnt of a technical nature.

4.2 Value added

From the description above it becomes clear that the Commissioners' Group on External Action serves at least four main functions. First, the CGEA facilitates political discussion on EU external action across the entire Commission. As such, it provides a platform for some

35 E.g., Turkey; China; Myanmar; the Strategy for Syria and Iraq; Eastern partners; economic diplomacy; 2030 Agenda for Sustainable Development; capacity-building (train & equip); cultural diplomacy; post-COP 21 climate diplomacy; 2016 Afghanistan conference; responsible supply chains; action plan for human rights and migration. The CGEA does not prepare summits, for which there is a separate procedure.

³⁶ The TTIP Group, whose substantive remit is narrower than that of the CGEA, does not meet according to a regular schedule but whenever needed, for instance to prepare or study opening bids for tariff negotiations.

³⁷ Budgetary issues such as the re-allocation of funds to address new realities are dealt with at 'cab coordination' level and do not usually get passed on to the CGEA.

Commissioners and services that hitherto did not benefit from a comprehensive coordination forum but had to rely on less systematic bilateral liaison at the administrative level (e.g. DG ECHO).

Second, with its high-level political discussions it supplements the standard inter-service consultation procedure in the Commission. Due to the compressed format, only the Commissioners who are concerned and hence also knowledgeable about the issues at stake are present. This small and high-level expert group is thus able to host a constructive and solution-orientated debate, which alleviates some of the stress on the College.³⁸

Third, cooperation between Commissioners in the CGEA forces the services to abandon their silo mentalities, share information and create linkages to give 'hands and feet' to a more comprehensive approach to EU external action. As such, the Commissioners' Group serves to 'deconflict', both between the Directorates General of the Commission and with the EEAS.

Fourth, as the logical counterpart of the Foreign Affairs Council, the Commissioners' Group enables the HRVP to play her role to the full and deliver on her duty to assist the Council and the Commission to ensure consistency in EU external action (Article 21(3) TEU). Mogherini acts as a coordinator to mobilise instruments, budget and expertise managed by the Commission and to capitalise on a political consensus reached in the Council. A concrete example concerns the adoption by the Commission of a legislative proposal offering additional temporary access for Tunisian olive oil to the EU market to help support Tunisia's recovery in the wake of the terrorist attack of 26 June 2015 in Sousse,³⁹ which had prompted a reaction from the FAC on 20 July 2015 on the need to further assist Tunisia in its political and economic transition, in a concrete and targeted manner. Conversely, Mogherini is in a position to induce political will among member states by showing that the tools managed by the Commission can be put at the Union's disposal in order to boost effective foreign policy. A good example of this go-getting attitude is the cascade of actions she set off in response to a spike in the refugee crisis in February 2015:

We cannot allow other tragedies at sea in the coming weeks and months; we need to be able to give a strong political and operational response. As I have announced today during the College in Strasbourg, I will convene an extraordinary meeting of the Commissioners' Group on External Action in the coming days in order to discuss with the Commissioner for Migration, Home Affairs and Citizenship, Dimitris Avramopoulos, a review of our policies. I've also decided to put a discussion on migration on the agenda of the Foreign Affairs Council soon. The fight against smuggling and trafficking, the rescue of migrants at sea, the protection of asylum seekers are shared challenges; they require a stronger exercise of shared responsibility.⁴⁰

After liaising with her fellow Commissioners in the extraordinary CGEA devoted to the refugee crisis, she issued a joint statement, together with First Vice-President Timmermans and Commissioner Avramopoulos, announcing progress made by the Commission on a 'European Agenda on Migration' and underlining that migration is a "cross-cutting issue,

³⁸ Apart from the situation in Ukraine and the refugee crisis, which have featured regularly on the College's agenda, other EU foreign policy issues have largely been dealt with in the CGEA.

³⁹ Proposal for a Regulation of the EP and the Council on the introduction of emergency autonomous trade measures for Tunisia, COM(2015) 460, 17 September 2015.

⁴⁰ http://eeas.europa.eu/statements-eeas/2015/150210_03_en.htm

involving different policy areas different actors".41 Mogherini then put 'migration' on the agenda of the Foreign Affairs Council in March (the first in 10 years to discuss the phenomenon). There it was decided to organise an extraordinary meeting of Ministers and Interior Ministers on April 20th. This first-ever joint ministerial prepared the first 'special' European Council meeting on the refugee crisis on April 23rd, just days after the deadliest shipwreck in the Mediterranean to date, which claimed more than 800 lives. After having garnered political will to act among member states, she and her two fellow Commissioners launched the comprehensive 'European Agenda on Migration' in May. Mogherini has been instrumental in keeping the external dimension of the refugee crisis on the agenda since.⁴²

By bridging the 'rue de la Loi' divide between the EU institutions, Mogherini is able to pull together the different strands of EU external action in a truly more comprehensive fashion. In fact, it has become difficult to distinguish between the HR and VP roles. Fortunately, the buck does not stop with the HRVP: her cabinet members also possess a hybrid character, since their portfolios contain support for both the High Representative and the Vice-President. Further reference to the strong interdependencies of Mogherini's HR and VP capacities can be found in the participation of at least one Commissioner (e.g. Hahn 11x; Mimica 5x) in the Foreign Affairs Council;43 the participation of the EEAS in the joint secretariat of the CGEA; the creation of two 'joint' task forces for the preparation of the 2015 ENP Review and the EU Global Strategy on Foreign and Security Policy; the participation of a representative of the Commission's Secretariat General in the meetings of the Political and Security Committee; and the encouragement of EEAS staff to consult and cooperate with the Commission where appropriate, something that was not expected or even actively discouraged under HRVP Ashton.44 A peek into the spokesperson's service of the Commission reveals another interesting element in this regard: this newly integrated structure provides two spokespersons for foreign and security policy, seconded from the EEAS, with offices in the Berlaymont building.⁴⁵ This allows them to better blend the HR's and VP's registers into a single voice.

In order to improve our understanding of the extent to which Mogherini has used her hybrid position to inject the Lisbon spirit into the functioning of the Commission, we will now analyse a series of public types of expressions: her joint initiatives, statements and visits with fellow Commissioners.

⁴¹ http://europa.eu/rapid/press-release_IP-15-4545_en.htm.

⁴² In the EEAS database in the timeframe between 10 February and 31 October are 57 entries in the category 'migration'.

⁴³ See Annex 3. Mogherini cannot play her VP role in the FAC as she chairs the meetings in her capacity as High Representative.

⁴⁴ This is particularly relevant for cases where the EEAS prepares documents (e.g. for the FAC, CGEA, and joint communications) which touch upon Commission competences. The practice goes both ways, i.e. Commission staff is expected to consult the EEAS whenever appropriate.

⁴⁵ One of the two is simultaneously spokesperson for neighbourhood policy and enlargement negotiations.

5. Joint initiatives, statements and visits⁴⁶

Since the Commissioners' Group on External Action is not authorised to adopt official decisions, the CGEA does not aim to replace but rather to buttress the standard procedure of decision-making within the Commission, i.e. the inter-service consultation. This administrative procedure is launched on the initiative of a Commissioner, in agreement with his/her liaison Vice-President, and is intended to include and inform all services that have a legitimate interest in the proposal.⁴⁷ This procedure is designed to correspond to the principle of collegiality and be geared towards the adoption of coherent policy documents and legal measures. Once the administrative procedure is completed, the drafts proceed to the political level, where they are first discussed in the 'Hebdo' (weekly) meeting of Heads of Cabinet before the College decides on them.

Documents that are subject to this process and relevant in the context of the current paper are Joint Communications, Proposals, Reports, Consultative Papers and Decisions, which are issued by the Commission in cooperation with the High Representative. Twenty of these joint documents can be traced in the Juncker Commissions' first year in office (see Annex 1). Which of the Commissioners and Vice-Presidents initiated these documents is not clear but can be traced by identifying the supporting financial instruments. By doing so, it is evident that Mogherini often cooperates with Commissioner Mimica on development (9x) and with Commissioner Hahn on neighbourhood issues (5x). By working closely with these two Commissioners, who fall under her authority as Vice-President, Mogherini not only underlines her strong cluster affiliation, but also her unifying approach to her hybrid position as HRVP.

As for joint statements, these are initiated and arranged by the respective cabinets in cooperation with the Spokesperson's service of the Commission. The rapid increase in joint statements since the new Commission took office is rather striking: Mogherini issued 36 joint statements with fellow Commissioners in her first year in office (Annex 2). By comparison, Catherine Ashton issued only six statements with her fellow Commissioners in her last year in office (1 November 2013 until 31 October 2014). Mogherini put a strong emphasis on her core group, by cooperating a total of 31 times with Commissioners Hahn (12x), Stylianides (16x), Mimica (8x) and/or Malmström (2x). The explanation for this lies partly in the higher number of (humanitarian) crises in the geographical neighbourhood of the Union in the last year, partly in the particular attachment of Mogherini to outreach, and partly in the pursuit of a more comprehensive approach to EU external action. As far as the latter is concerned, one notes the joint statements with Commissioner Avramopoulos (3x) but none with

⁴⁶ Several databases were scanned for this purpose: http://eeas.europa.eu/news/index_en.htm; http://europa.eu/rapid/search.htm; http://www.federicamogherini.net/blog-archive/?lang=en; and http://eur-lex.europa.eu/homepage.html. As before, the 'polling' period is 1 November 2014 until 31 October 2015. Other forms of cooperation (e.g. joint press releases) were excluded from this analysis as they are more difficult to track and the completeness of the dataset could therefore not be guaranteed. The cooperation between the High Representative and Commissioner Bieńkowska (Internal Market, Industry, Entrepreneurship & SME's) is worth mentioning, however, as expressed in a joint cover letter to European Council President Donald Tusk regarding European defence matters, ARES(2015)2133745, 5 May 2015.

⁴⁷ Communication from the President to the Commission, "The Working Methods of the European Commission 2014-2019", C(2014)9004, 11 November 2014, p. 7.

⁴⁸ Quite telling, in this respect, is her own (extra-EU) website: <u>www.federicamogherini.net</u>.

Commissioners Cañete and Bulc, all belonging to the broader cluster on external action. As mentioned above, she did, however, cooperate with First Vice-President Frans Timmermans (4x) and also with Commissioners Jourova (Justice, Consumers and Gender Equality; 3x) and Thyssen (Employment, Social Affairs, Skills and Labour Mobility; 3x).

Another politically significant form of cooperation are the joint visits of Mogherini and fellow Commissioners to third countries. In her first year in office, she only visited Bosnia and Herzegovina, accompanied by Commissioner Hahn, and Turkey together with Hahn and Stylianides, both in a single week in December 2014. Whereas agendas of busy Commissioners may be difficult to align with that of the omnipresent HRVP, the information about upcoming public appearances shared in the CGEA could no doubt be put to better use to leverage joint visits and thereby send more powerful political signals outside of the EU.

6. Conclusion

The reactivation of the Commissioners' Group on External Action (CGEA) represents one of the most important institutional initiatives to EU foreign policy-making since the merger of the position of the High Representative for CFSP with that of Vice-President of the Commission and the creation of the European External Action Service. In its first year of activities, this Group has injected much-needed political pragmatism into the way the Commission contributes to EU external action. As a result, the CGEA has greatly facilitated inter-service cooperation, both within the Commission and with the EEAS, without replacing the standard inter-service consultation procedure geared towards formal decision-making in the Commission. As such, the CGEA represents one of the - if not the - most developed form of cluster cooperation in the Juncker Commission. The new CGEA has in fact become the logical counterpart of the Foreign Affairs Council, which allows the HRVP to deliver on her duty to assist the Council and the Commission in ensuring a comprehensive approach to EU external action, and indeed consistency, in its implementation. The CGEA is a political facilitator that has undoubtedly improved the Union's track record in terms of coherence and visibility. To a great extent, the success of the CGEA is the result of the pragmatic approach that Federica Mogherini has adopted in instrumentalising political will in an interinstitutional context. Overall effectiveness is, of course, more difficult to assess. But an analysis of her joint initiatives, statements and visits with fellow Commissioners provides further evidence that the contours of the political space she has created are determined by a unifying approach to her hybrid position. Taken together, this drive towards greater internal coherence should help the EU in being more effective in an increasingly complex and conflicted world.

Annex 1. Joint initiatives of the European Commission and the High Representative

Number	Type	Date	Title	Financial Instruments	Directorates-General*
OIN/2015/0033	Joint Cons P	06 Oct 2015	Towards a new partnership between the European Union and the African, Caribbean and Pacific countries after 2020	European Development Fund (EDF); Development Cooperation Instrument (DCI)	DEVCO
OIN/2015/0040	Joint Com	09 Sep 2015	Addressing the Refugee Crisis in Europe: The Role of EU External Action	Syria Trust Fund and proposal for creation of European Emergency Trust Fund for stability; Instrument for Pre-accession Assistance (IPA)	NEAR; DEVCO
OIN/2015/0032	Joint Dec	27 Aug 2015	On the participation of the European Union in various organisations for cooperation to prevent and counter terrorism	Global Community Engagement and Resilience Fund (non EU); Instrument contributing to Stability and Peace (IcSP)	DEVCO; ECHO
OIN/2015/0029	Joint Prop	07 Aug 2015	On the signature of the Agreement continuing the International Science and Technology Center between the European Union and EURATOM acting as one Party and Georgia, Japan, the Kingdom of Norway, the Kyrgyz Republic, the Republic of Armenia, the Republic of Kazakhstan, the Republic of Korea, the Republic of Tajikistan, and the United States of America	IcSP	DEVCO; ECHO
OIN/2015/0024	Joint Prop	01 May 2015	On the signing, on behalf of the European Union, and provisional application of the Enhanced Partnership and Cooperation Agreement between the European Union and the Republic of Kazakhstan	DCI	DEVCO
OIN/2015/0022	Joint Com	18 May 2015	The EU and ASEAN: a partnership with a strategic purpose	Instrument for Democracy and Human Rights (EIDHR); DCI	DEVCO
OIN/2015/0017	Joint Com	28 April 2015	Capacity building in support of security and development - Enabling partners to prevent and manage crises	IcSP; IPA; The European Neighbourhood Instrument (ENI); DCI; EIDHR; Common Foreign and Security Policy (CFSP) budget	NEAR; DEVCO; ECHO
OIN/2015/0016	Joint Com	28 April.2015	Action Plan on Human Rights and Democracy (2015-2019) "Keeping human rights at the heart of the EU agenda"	EIDHR	DEVCO
OIN/2015/0013	Joint Rep	24 April 2015	Macao Special Administrative Region: 2014 Annual Report	N/A	-
OIN/2015/0012	Joint Rep	24 April 2015	Hong Kong Special Administrative Region: Annual Report 2014	N/A	
OIN/2015/0010	Joint Prop	13 April 2015	On the signing, on behalf of the European Union, and provisional application of the Strategic Partnership Agreement between the European Union and its Member States, of the one part, and Canada, of the other part	N/A	-
OIN/2015/0009	Joint Com	25 Mar 2015	Implementation of the European Neighbourhood Policy in 2014	ENI; Neighbourhood Investment Facility (NIF); DCFTA Facility; Civil Society Facility (CSF),	NEAR

				Regional Trust Fund	
JOIN/2015/0008	Joint Prop	12 Mar 2015	Amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures in respect of Zimbabwe	N/A	-
JOIN/2015/0006	Joint Cons P	04 Mar 2015	Towards a new European Neighbourhood Policy	ENI	NEAR
JOIN/2015/0004	Joint Prop	18 Feb 2015	On the Union position within the Association Council established by the Association Agreement between the European Union, the European Atomic Energy Community and its Member States, of the one part and Ukraine, of the other part with regard to the adoption of a Recommendation on the implementation of the EU-Ukraine Association Agenda	N/A	NEAR
JOIN/2015/0002	Joint Com	06 Feb 2015	Elements for an EU regional strategy for Syria and Iraq as well as the Da'esh threat	IcSP; ENI; Common Foreign and Security Policy (CFSP) budget	DEVCO; NEAR; ECHO
JOIN/2015/0001	Joint Prop	22 Jan 2015	Amending Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine	N/A	-
JOIN/2014/0042	Joint Prop	15 Dec 2014	Amending Regulation (EU) No 267/2012 concerning restrictive measures against Iran	N/A	-
JOIN/2014/0041	Joint Prop	05 Dec 2014	Amending Council Regulation (EC) No 174/2005 imposing restrictions on the supply of assistance related to military activities to Côte d'Ivoire	N/A	-
JOIN/2014/0037	Joint Prop	06 Nov 2014	Amending Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria	N/A	-

Total number: 20

Source: Authors' own compilation; November 2014 - October 2015.

Joint Cons P = Joint Consultation Paper Joint Com = Joint Communication Joint Dec = Joint Decision Joint Prop = Joint Proposal

^{*}The EEAS participates in all listed cases.

Annex 2. Joint statements of the HRVP and Commissioners

Table 1. Joint statements of Mogherini and Commissioners of her cluster

Date	Туре	Commissioner
12 October 2015	Presidential elections Belarus	Hahn
10 October 2015	Bomb attack Ankara	Hahn
02 October 2015	Yemen	Stylianides
26 September 2015	Follow up UN Sustainable Development Summit in New York	Mimica
17 September 2015	Earthquake in Chile	Stylianides
01 September 2015	Sentencing of Khadija Ismayilova in Azerbaijan	Hahn
26 August 2015	Signature by President Kiir of the peace agreement for South Sudan	Stylianides, Mimica
22 August 2015	Release of political prisoners in Belarus	Hahn
20 August 2015	Bombings in Yemen of port facilities in Hodeida	Stylianides
19 August 15	Support to UNRWA	Stylianides, Hahn
17 August 15	Latest indiscriminate attacks against the Syrian people	Stylianides
13 August 15	Explosions in China's northern port city of Tianjin	Stylianides
28 July 2015	Reform Agenda in Bosnia and Herzegovina	Hahn
10 July 2015	Yemen	Stylianides
03 July 2015	Crisis in Yemen	Stylianides
20 June 2015	Signature of the Malian Peace Agreement	Mimica
08 June 2015	General elections in Turkey	Hahn
11 May 2015	Proposed truce in Yemen	Stylianides
11 May 2015	Worsening conflict in South Sudan	Stylianides
07 May 2015	EU's participation in the Labour Rights' Initiative in Myanmar	Malmström, Thyssen, Mimica
24 April 2015	Progress in Bangladesh Sustainability Compact	Malmström, Thyssen, Mimica
10 April 2015	Situation in Yarmouk, Syria	Stylianides
01 April 2015	Impact of fighting in Yemen	Stylianides
02 March 2015	11th European Development Fund (EDF)	Mimica
18 February 2015	Formation of the government in the Republic of Moldova	Hahn
10 February 2015	Death of aid worker Kayla Mueller	Stylianides
14 December 2014	Police raids and arrests of media representatives in Turkey	Hahn
09 December 2014	The formation of the new government in Kosovo	Hahn
01 December 2014	Parliamentary elections in the Republic of Moldova	Hahn
22 November 2014	President elections Tunisia	Hahn
16 November 2014	The murder of US aid worker Peter Kassig	Stylianides
	Number joint statements cluster:	31

Table 2. Joint statements of Mogherini and other Commissioners

Date	Туре	Commissioner
06 August 2015	Recent incident in the Mediterranean	Timmermans, Avramopoulos
10 March 2015	European Day of Remembrance of Victims of Terrorism	Timmermans, Avramopoulos and Jourová
08 March 2015	International Women's Day	Timmermans, Mimica, Thyssen, Avramopoulos, Stylianides, Jourová
28 November 14	Remarks following conferences for the Rabat Process and the Khartoum Process	Avramopoulos
24 November 14	International Day for the Elimination of Violence against Women	Jourová, Mimica
	Number joint statements non-cluster:	5
	Total number joint statements:	36

Source: Authors' own compilation; November 2014 - October 2015.

Annex 3. Foreign Affairs Council meetings

Date	Formation	Chair	Participating Commissioners
17/18 Nov 2014	Foreign Affairs	Mogherini	Hahn, Stylianides, Bieńkowska, Mimica
21 Nov 2014	Trade	Calenda (Deputy Minister for Economic Development, Italy)	Malmström
12 Dec 2014	Development	Mogherini	Mimica, Vella, Stylianides
15 Dec 2014	Foreign Affairs	Mogherini	Hahn
19 Jan 2015	Foreign Affairs	Mogherini	Hahn, Cañete, Avramopoulos
29 Jan 2015	Foreign Affairs	Mogherini	Hahn
09 Feb 2015	Foreign Affairs	Mogherini	Hahn, Mimica
16 Mar 2015	Foreign Affairs	Mogherini	Hahn, Mimica
20 Apr 2015	Joint Foreign and Interior affairs	Mogherini	Hahn
07 May 2015	Trade	Rinkevics (Minister for Foreign Affairs, Latvia)	Malmström
18 May 2015	Defence	Mogherini	Hahn, Bieńkowska, Avramopoulos
26 May 2015	Development	Mogherini	Mimica, Vella,
28/29 May 2015	Competitiveness	Reizniece-Ozola (Minister for Economics, Latvia)	Jourová, Bieńkowska, Oettinger, Moedas
22 Jun 2015	Foreign Affairs	Mogherini	Šefčovič, Hahn
20 Jul 2015	Foreign Affairs	Mogherini	Hahn
12 Oct 2015	Foreign Affairs	Mogherini	Hahn

Source: Authors' own compilation; November 2014 - October 2015.