

EUROPEAN EXTERNAL ACTION SERVICE



The Director

SG. LD
Legal Department

THE NORMALIZATION OF THE COMMON FOREIGN AND SECURITY POLICY IN THE EXTERNAL ACTION OF THE EUROPEAN UNION

OUTLINE

I. Introduction

II. Historical Development

1. European Political Cooperation

2. CFSP as the “second pillar” under the Treaty of Maastricht

3. CFSP as part of “external action” under the Treaty of Lisbon

- a) Common objectives (Article 21 TFEU)
- b) Common treaty-making provision (Article 218 TFEU)
- c) Separate “rules and procedures (Article 24 (1) 1 TEU)
- d) Limited jurisdiction of the Court of Justice (Article 24 (1) 6 TEU, 275 TEU)
- e) The special role of the High Representative and the External Action Service

III. Recent Practical Developments

1. The Legal Basis for external action

- a) The CJEU test
- b) The participation of the European Union in the negotiations on the International Claims Commission

2. The Adoption of EU sanctions against Third Countries and Persons

- a) Articles 29 TEU and 215 TFEU
- b) Council practice with respect to targeted sanctions
- c) Case C-883/24 (European Parliament v. Council) on Article 31(2), third indent TEU
- d) The Roll-over of sanctions on immobilised assets of the Russian Central Bank on Article 31(2), second indent TEU

3. The Growing Jurisdiction of the Court

- a) Staff cases
- b) Sanctions cases
- c) The EU-Lex Kosovo case
- d) The Hungarian action against the EPF Committee

4. The triple hat of the High Representative

- a) The three hats (conducting CFSP, chairing the FAC, VP of the Commission)
- b) Replacing the HR (Samoa Rules of Procedures)
- c) The participation of the European Union negotiators in the informal preparation for the creation of a Special Tribunal on the Crime of Aggression

IV. Conclusion