

Institutional aspects of creating a European service for external action

2009/2133(INI) - 19/10/2009

The Committee on Constitutional Affairs adopted the report drawn up by Elmar BROK (EPP, DE) on the institutional aspects of setting up the European External Action Service (EEAS). It recalls that the EEAS is a logical extension of the *acquis communautaire* in the sphere of the Union's external relations, since it will result in closer coordination between the administrative units concerned as regards a common approach to the common foreign and security policy (CFSP), and of the Community's external relations conducted in accordance with the Community model.

The organisation and operation of the EEAS will be established by a decision of the Council, acting on a proposal from the Vice President/High Representative after consulting Parliament and after obtaining the consent of the Commission, once the Treaty of Lisbon has entered into force. MEPs consider that a number of issues of principle with regard to the form of the EEAS should be resolved in sufficiently good time to enable it to begin its work as soon as possible after the appointment of the Vice President/High Representative. It is for this reason that they propose a number of general guidelines concerning the EEAS. Moreover, the establishment of the EEAS must include agreement on the budgetary aspects.

Associate the Parliament in the setting up of the EEAS: MEPs call on the Commission, the Council, the Member States and the next High Representative/Vice President to clearly commit themselves to reach, with the involvement of the Parliament, a comprehensive, ambitious and consensual plan for the setting up of the EEAS. Parliament considers that a body such as the EEAS cannot be completely circumscribed or predetermined in advance, but must be put in place by a **gradual process based on mutual trust** and a growing fund of expertise and shared experience.

- **Guiding principles for setting up the EEAS:** MEPs affirm the following principles and urges the Commission, when making future proposals, to insist on compliance with those principles, in accordance with the spirit and purpose of the provisions of the Treaty of Lisbon and the spirit of the deliberations of the Convention:
- **EEAS staff:** appointments to the EEAS should be made on the basis of merit, expertise and excellence in appropriate and balanced proportions from the Commission, the Council and national diplomatic services.
- **Organisation:** the EEAS should take a form which improves the consistency of the external action of the Union and its representation in foreign relations, for which purpose in particular the units dealing with external relations in the stricter sense and senior positions in the delegations in third countries should be brought under the umbrella of the EEAS. The report states that it is not, however, necessary to strip the Commission Directorates-General of all their external relations responsibilities. The Commission, striving to avoid duplication, should provide a **specific model for the departments concerned**, such as the Directorates-General for trade, enlargement and development and relations with African, Caribbean and Pacific States, EuropeAid, the European Community Humanitarian Office, the department for Human Rights and Democracy, the department for Election Assistance, and the externally oriented units of the Directorate-General for Economic and Financial Affairs. The **military and civilian crisis management units** must be placed under the High Representative's authority, while the command and organisational structure may have to differ from that for civilian personnel. Lastly, **Commission delegations** in third countries and the Council liaison offices, as well as offices of the EU Special Representatives where possible, should be merged to form '**Union embassies**', headed by EEAS staff. The EEAS must ensure that the European Parliament has contact persons in the EU Delegations that guarantee

cooperation with the European Parliament (for example in order to foster parliamentary contacts in third countries).

Administrative structure: as a service that is *sui generis* from an organisational and budgetary point of view, the EEAS must be incorporated into the Commission's administrative structure. MEPs consider that the decision relating to the establishment of the EEAS should ensure in a legally binding manner, by means of the directorial powers of the Vice President/High Representative, that the Service is subject to the decisions of the Council in the traditional fields of external policy (CFSP and CSDP) and subject to the decisions of the College of Commissioners in the field of common external relations.

General guidelines of the EEAS: MEPs consider that the EEAS should be constituted as follows:

- all staff of the EEAS should have the same permanent or temporary status and the same rights and obligations irrespective of their origin;
- the powers of the appointing authority for the EEAS should be assigned to the Vice President/High Representative;
- EEAS staff should possess a **certain objective independence**, so that the service can perform its duties optimally; such independence could be ensured by appointments for a fixed period, such as five years, with the possibility of an extension, which could be reduced only if the member of staff concerned violates official obligations;
- the decision on the setting-up of the EEAS should establish the organisational structure of the service, with the provision that the establishment plan should be adopted as a part of the budget of the Commission (administrative expenditure) in the course of the annual budget procedure, making it possible to build the service in a structured manner, keeping pace with ascertained needs;
- the creation of the EEAS requires an adjustment of the Interinstitutional Agreement on budgetary discipline and sound financial management. There is a need to find an agreement with the Parliament on the future Commission proposals amending the financial regulation and the staff regulation;
- in his or her absence, the Vice President/High Representative should decide on a substitute on a case-by-case basis and in the light of the duties to be performed on each occasion.

MEPs consider that the EEAS should: (i) be headed by a Director-General answerable to the Vice President/High Representative; (ii) be divided into a number of directorates, each of which would be responsible for a geo-strategically important field of the Union's external relations, and further directorates for security and defence policy issues, civilian crisis management, multilateral and horizontal affairs including human rights and administrative matters; (iii) structure the cooperation of country units in Brussels with the delegations (embassies) of the Union in third countries in the context of each directorate; (iv) associate the EU delegations in third countries in order to enhance gains in efficiency.

Information to the European Parliament: MEPs request the Parliament be duly informed about the appointments to senior posts in the EEAS and to agree to the committee conducting hearings with the nominees, if the committee so decides. They also request that the next Vice President/High Representative commit him/herself to renegotiating the current interinstitutional agreement with the European Parliament, in particular on access to sensitive information and other issues relevant for smooth interinstitutional cooperation.

New responsibilities: MEPs propose that enquiries be made to determine the extent to which Union embassy staff on secondment from national consular services, beyond performing their political and economic tasks, could gradually assume responsibility, where necessary, for consular tasks in relation to nationals of non-member countries and for tasks related to diplomatic and consular protection of Union citizens in third countries. Furthermore, they propose that consideration be given to possibilities for **cooperation between Parliament officials and the EEAS**.

Lastly, MEPs propose setting up a **European diplomatic college** which, in close cooperation with appropriate bodies in the Member States, would provide Union officials and officials of the Member States who are to work in external relations functions with training based on uniformly harmonised curricula.