Outcome of the European Council on 29-30 October 2009, including the mandate and attributions of the President of the European Council and of the High Representative of the Union for the Foreign and Security Policy, as well as the structure of the new Commission

2009/2613(RSP) - 26/10/2009

The Council reached a **broad agreement on guidelines for the establishment of a European External Action Service (EEAS)**, as presented in a report by the presidency, and took note of progress in preparatory work on implementation with a view to entry into force of the Treaty of Lisbon.

The EEAS guidelines will be submitted to the European Council for approval at its October meeting.

The main elements of the Presidency report to the European Council on the European External Action Service are as follows:

Scope: the scope of the EEAS should allow the High Representative (HR) to fully carry out his/her mandate as defined in the Treaty. To ensure the consistency and better coordination of the Union's external action, the EEAS should also assist the President of the European Council and the President as well as the Members of the Commission in their respective functions in the area of external relations as well as closely cooperate with the Member States.

Single desks: the EEAS should:

- be composed of single geographical (covering all regions and countries) and thematic desks which would continue to perform, under the authority of the HR, the tasks currently executed by the relevant parts of the Commission and the Council Secretariat;
- have geographical desks dealing with the candidate countries from the overall foreign policy perspective, enlargement will remain the responsibility of the Commission.

Trade and the development policy as defined by the Treaty, should remain the responsibility of relevant Commissioners and DGs of the Commission.

European Security and Defence Policy (ESDP) and crisis management structures:

- the Crisis Management and Planning Directorate (CMPD), the Civilian Planning and Conduct Capability (CPCC) and the Military Staff (EUMS) should be part of the EEAS;
- the Situation Centre (SitCen) should be part of the EEAS, while putting in place the necessary arrangements to continue to provide other relevant services to the European Council, Council and the Commission.

These structures will form an entity placed under the direct authority and responsibility of the High Representative in his/her capacity of High Representative for Foreign Affairs and Security Policy.

Crisis management: to enable the HR to fulfil his/her tasks in the crisis management area, preparations of actions related to the CFSP budget and the Instrument for Stability should be handled by the EEAS. The decision-making process will remain as it is, with decisions taken by the Council (CFSP) and the Commission (Instrument for Stability). The technical implementation of these instruments should be managed by the Commission.

Programming and implementation of financial instruments:

- the EEAS (single geographic desks) should play a leading role in the strategic decision-making. It will thus be involved in the whole programming chain. The specific division of labour for programming the geographical and thematic instruments between the EEAS and the Commission services will be determined before the end of 2009 taking account of the nature of the instruments concerned;
- throughout the whole programming and implementation cycle, there should be very close cooperation and consultation between the High Representative and the EEAS and the relevant Commissioners and their services;
- the decisions concerning programming will be prepared jointly by the High Representative and the Commissioner responsible. The final proposals in this respect will continue to be adopted by the College of Commissioners.

Support functions: the EEAS should include a limited number of core support functions such as in particular security, IT, management of human resources.

Once in office, the **High Representative should regularly consult the European Parliament** on the main aspects and the basic choices of the CFSP/CSDP. Close contacts with the Parliament will take place at working level. The EEAS should therefore contain functions responsible for relations with the European Parliament.

Legal status: the EEAS should be a service of a *sui generis* nature separate from the Commission and the Council Secretariat. It should have autonomy in terms of administrative budget and management of staff.

Staffing: EEAS staff will come from three sources: relevant departments of the General Secretariat of the Council and of the Commission as well as staff from Members States. All three categories of personnel should be equally treated, including as concerns eligibility to assume all positions under equivalent conditions. Balanced representation between the different categories must be ensured.

When the EEAS has reached its full capacity, staff from Member States should represent at least one third of EEAS staff (AD level), including diplomatic staff in delegations. In addition, some supporting staff should also come from Member States.

Staff from Member States should be present in the EEAS from the outset, including in senior positions in Brussels and EU delegations.

Financing: the establishment of the EEAS should be guided by the principle of cost-efficiency aiming towards budget neutrality. To this end, transitional arrangements and gradual build-up of capacity will have to be used. Unnecessary duplication of tasks, functions and resources with other structures should be avoided. All opportunities for rationalisation should be used.

EU Delegations: with the entry into force of the Lisbon Treaty, the Commission's delegations will become Union delegations under the authority of the HR, and be part of the EEAS structure. Delegations should take instructions from and report to the HR/EEAS and the relevant Commission services as appropriate.

The Delegations should work in close cooperation with the diplomatic services of the Member States. The EEAS/EU Delegations and Member States should, on a mutual basis, share information.

The HR should, as a matter of priority, establish a road map and timeframe for the upgrading of EU delegations in close coordination with incoming presidencies. EU delegations should play a supporting role as regards diplomatic and consular protection of Union citizens in third countries.

Perspectives: there will be several stages before reaching the final shape of the EEAS. The Council will be fully involved throughout the whole process:

- a first stage from the entry into force of the Treaty to the adoption of the Council decision on the organisation and functioning of the EEAS. The HR should submit his/her proposal with a view to it being adopted at the latest by the end of April 2010. Close contacts with the European Parliament should be continued during this stage;
- a second stage for setting up the EEAS, from the adoption of the Council decision to full cruising speed. A first status report should be made in 2012;
- lastly, when the EEAS has been functioning for some time at full speed, a review should take place in 2014.