European External Action Service (EEAS): organisation and functioning

2010/0816(NLE) - 08/07/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 549 votes to 78, with 17 abstentions, a legislative resolution on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service (EEAS).

The European Parliament reiterates that, in the event of disputes concerning Commission instructions to Heads of EU Delegations which are placed under the authority of the High Representative, and in the event of disagreement between the High Representative and the Commissioners responsible for the programming of the relevant external assistance instruments, it is for the College of Commissioners to take the final decision.

Parliament also urges the High Representative to make sure that at least 60% of all EEAS staff are to be permanent EU officials and that they are reflected in all grades in the EEAS hierarchy.

In parallel, the Parliament adopts the proposal by the High Representative with the following amendments:

1) Structure and organisational fonctions of the EEAS:

- **EEAS's mission**: Parliament calls for the EEAS to assist the High Representative in fulfilling her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union, including the Common Security and Defence Policy ("**CSDP**"), to contribute by her proposals to the development of that policy, which she shall carry out as mandated by the Council and to ensure the consistency of the EU's external action. It shall assist the President of the European Council, the President of the Commission, and the Commission, in the exercise of their respective functions in the area of external relations. The EEAS shall support and work in cooperation with the diplomatic services of the Member States and extend appropriate support and cooperation to the other institutions and bodies of the Union, in particular to the European Parliament.
- **EEAS Directorate-General's missions**: the central administration of the EEAS shall be organised in directorates general. These shall in particular include: a **Director General for budget and administration** who shall be responsible to the High Representative for the administrative and internal budgetary management of the EEAS. He shall follow the same budget lines and administrative rules as applicable in the part of Section III of the EU budget which falls under Heading 5 of the Multiannual Financial Framework. Members also define the crisis management and planning, this directorate shall assist her in the task of conducting the Union's CFSP. Members also call for a **strategic policy planning department**.
- **Union Delegations**: Members consider that OLAF should have the capacity to control the activities carried out in the delegations. The decision to open or close a delegation shall be adopted by the High Representative, in agreement with the Council and the Commission.

2. EEAS Staff:

- When the EEAS has reached its full capacity, **staff from Member States, should represent at least one third of all EEAS staff** at AD level. Likewise, **permanent EU officials should represent at least 60% of all EEAS staff** at AD level, including staff coming from the diplomatic services of the Member States, who have become permanent EU officials, in accordance with the

provisions of the Staff Regulations. Each year, the High Representative shall present a report to the European Parliament and the Council on the occupation of posts in the EEAS. The High Representative shall lay down the rules on mobility so as to ensure that the members of the staff of the EEAS are subject to a high degree of mobility.

- **SNEs**: if necessary, the EEAS may, in specific cases, have recourse to a limited number of specialised seconded national experts (SNEs), over which the High Representative will have authority. Their transfer in the phase of setting up of the EEAS will not be automatic and will be made with the consent of the authorities of the originating Member States. By the expiry of the contract of an SNE transferred to the EEAS, the function will be converted into a temporary agent post in cases where the function performed by the SNE corresponds to a function normally carried out by staff at AD level, provided that the necessary post is available under the establishment plan.
- **Annual report**: each year, the High Representative shall present a report to the European Parliament and the Council on the occupation of posts in the EEAS.
- **Recruitment**: Parliament insists that recruitment in the EEAS shall be based on merit whilst ensuring an adequate geographical and gender balance. The staff of the EEAS shall comprise an adequate presence of nationals from all the Member States. The review foreseen in 2013 should also cover this issue, including, as appropriate, suggestions for additional specific measures to correct possible imbalances.Before the **1st of July 2013**, the EEAS will recruit exclusively officials originating from the General Secretariat of the Council and the Commission as well as staff coming from the diplomatic services of the Member States. After that date, all officials and other servants of the European Union should be able to apply for vacant posts in the EEAS.

3. Statutory measures:

- **Application of the Staff Regulations**: the EEAS shall comprise officials and other servants of the European Union, including personnel from the diplomatic services of the Member States appointed as temporary agents. The Staff Regulations and the CEOS shall apply to this staff. EU officials serving in the EEAS shall have the right to apply for posts in their institution of origin on the same terms as internal applicants. Parliament adds that EEAS staff may not accept any payments of any kind whatever from any other source outside the EEAS. The High Representative shall adopt the rules, equivalent to those laid down in Council Decision 2003/479/EC under which SNEs are put at the disposal of the EEAS in order to provide specialised expertise.
- **SNEs**: the High Representative shall adopt the rules, equivalent to those laid down in Council Decision 2003/479/EC, under which SNEs are put at the disposal of the EEAS in order to provide specialised expertise.
- **Specific measures applicable to officials coming from the diplomatic services of the Member States**: each Member State shall provide its officials who have become temporary agents in the EEAS with a guarantee of immediate reinstatement at the end of their period of service to the EEAS. This period of service shall not exceed eight years, unless, it is extended for a maximum period of two years in exceptional circumstances and in the interest of the service.
- **Transitional provisions regarding staff**: in order to clarify the proposed measure, Members integrate certain provisions **from the initial proposal on the transfer of staff and other agents as well as other members of staff transferred to the EEAS in a new chapter. The transfers shall take effect on 1 January 2011**. In accordance with the Staff Regulations, upon their transfer to the EEAS, the High Representative shall assign each official to a post in his function group which corresponds to his grade.

4. Financial and budgetary responsibility of the EEAS: Parliament considers that the Commission should have a more important role in the internal management of the EEAS. The Commission shall be responsible to the High Representative for the administrative and internal budgetary management of the EEAS. The EEAS internal auditor will cooperate with the internal auditor of the Commission to ensure the consistency of audit policy, with particular reference to the Commission's responsibility for operational expenditure. In addition, the EEAS shall cooperate with the European Office for the Fight

against Fraud (**OLAF**). The Financial Regulation should be amended in order to include the EEAS in Article 1 of the Financial Regulation, with a specific section in the Union budget. In accordance with applicable rules, and as it is the case for other institutions, a part of the annual report of the Court of Auditors will be dedicated also to the EEAS and the EEAS will respond to such reports. The EEAS shall draw up estimates of its expenditure for the following financial year. The Commission shall consolidate these estimates in a draft budget, which may contain different estimates. The Commission may amend the draft budget. In order to ensure the budgetary transparency in the area of external action of the Union, the Commission will transmit to the budgetary authority, together with the Draft EU Budget, a working document presenting, in a comprehensive way, all expenditure related to the external action of the Union. The EEAS will, in this context, fully cooperate with institutions involved in the discharge procedure and provide, as appropriate, the additional necessary information, including through attendance in meetings of the relevant bodies.

5. External Action Instruments and programming: Parliament states that the management of EU external cooperation programmes is under the responsibility of the Commission without prejudice to role of the Commission and of the EEAS in programming. The High Representative shall ensure overall political coordination of the EU's external action, ensuring the unity, consistency and effectiveness of the EU's external action in particular **through all the external assistance instruments**. The whole cycle of programming, planning and implementation of these instruments, the High Representative and the EEAS shall work with the relevant members and services of the Commission. Actions undertaken under the **CFSP budget**, and other specific instruments (including the Election Observation Missions) are under the responsibility of the High Representative/EEAS. The Commission shall be responsible for their financial implementation.

6. Report and revision of the EEAS: the High Representative shall submit a report to the European Parliament, the Council and the Commission on the functioning of the EEAS no later than the end of 2011. She should, by mid-2013, carry out a review of the functioning and organisation of the EEAS, accompanied, if necessary, by proposals for a revision of this Decision. The measures resulting from such revision should be adopted no later than the beginning of 2014.