



ALDE background notes

## THE EUROPEAN EXTERNAL ACTION SERVICE

The European Union has been built on the basis of trade, relations and diplomacy. Diplomacy is a key element in the construction of an economic and political Europe. It was not until 2010 that the Member States decided to combine their diplomatic strength in order to make their voice heard on the international stage and create the European External Action Service, which will be the spearhead of European diplomacy.

The service will be gradually introduced from 1 December 2010 and will operate officially from 1 January 2011.

### **I) European diplomacy**

#### **A) Creation of the EEAS**

##### 1) Context

With the emergence of certain countries onto the international scene, the European Union needed to combine its forces to be able to speak as one in international negotiations. Some emerging countries (Brazil, India, South Africa, Mexico) are playing an increasingly important role as a result of their strong growth and their newly acquired economic power. Initially spectators, they now participate in the G8 meetings and major debates.

The countries of the European Union, which are experiencing only limited growth or even a serious economic crisis, need to come together in these difficult times in order to make their presence felt in international negotiations.

The Lisbon Treaty, which entered into force on 1 December 2009, equips the European Union with a European External Action Service (EEAS). The Treaty states that *'in fulfilling his mandate, the High Representative shall be assisted by a European External Action Service'* (Article 27(3)).

The EU's Foreign Ministers officially approved the organisation and functioning of the EEAS on 26 July 2010.

It is a diplomatic body that aims to develop a genuine EU foreign policy. In addition to diplomacy within the EU, the EU maintains diplomatic relations with most

countries in the world. Not only has it formed strategic partnerships with the key international players, it has established cooperation with the emerging countries, too. The EU has also signed numerous bilateral agreements with its neighbouring countries within the framework of the European Neighbourhood Policy.

## 2) Background to the negotiations

Reaching this agreement on European diplomacy required long and difficult negotiations between Member States, but also with the Commission and the European Parliament.

The broad guidelines for this future European External Action Service were approved by the European Council on 30 October 2009.

The December 2009 European summit subsequently asked Catherine Ashton, the EU's High Representative for Foreign Affairs and Security Policy, to submit a proposal on the organisation and functioning of the EEAS by April 2010.

Catherine Ashton submitted her report to the Council on 25 March 2010 and on 26 April the European Foreign Ministers reached a '*political agreement*' on the EEAS in the General Affairs Council. However, the European Parliament delivered a clear message that it opposed the proposal.

The stand-off lasted until 21 June, when a compromise was reached between the Commission, the Council and Parliament. Meeting in Madrid at the invitation of the Spanish Presidency of the Council, the High Representative, the European Commission, the European Parliament, represented notably by **Guy Verhofstadt** (Chair of the ALDE Group), and the Council reached an agreement.

On 9 July 2010 the European Parliament adopted by a large majority the report on the draft decision.

The Council Decision establishing the organisation and functioning of the EEAS was adopted by the Council of European Foreign Ministers on 26 July 2010.

The Member States are now escalating the diplomatic battle to win the most coveted positions within the new service for their representatives.

## **B) Functioning**

### 1) The High Representative and her staff

#### ***The High Representative***

The Lisbon Treaty contains two major institutional innovations that transform the EU's external action.

- 1) Creation of the post of President of the European Council, appointed for a renewable term of two and a half years.
- 2) A High Representative of the Union for Foreign Affairs and Security Policy. In November 2009 the European Council appointed Catherine Ashton (UK) to this post.

She therefore automatically chairs the Foreign Affairs Council. As a Vice-President of the European Commission, she is also responsible for ensuring the consistency and coordination of the EU's external action.

The position of High Representative was fiercely debated during the negotiations on the Lisbon Treaty. The discussion centred on the creation of a post of European Minister for Foreign Affairs. Some Member States, notably the United Kingdom, felt that this would result in a loss of credibility for their Foreign Ministers and replace the Member States' diplomatic services. That is not the role of the EEAS, however. A decision was thus taken to create a post whose title would not be too controversial or ambiguous in relation to the foreign policy of the Member States.

### ***Appointment***

The High Representative of the Union is appointed by a qualified majority of the European Council, with the agreement of the President of the Commission (Article 18 TEU). The European Council may end her term of office by the same procedure.

The High Representative and the other Members of the Commission are subject as a body to a vote of consent by the European Parliament for a term of 5 years.

### ***Powers and responsibilities***

In accordance with Article 30 TEU, the High Representative, with the support of the Commission, or alone, may refer any question relating to the common foreign and security policy to the Council and may also submit initiatives or proposals to the Council.

Article 27 TEU states that the High Representative shall be assisted by a '*European External Action Service*' comprising officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services.

The High Representative works in close cooperation with the diplomatic services of the Member States. In addition, she has the support of the Commission's representatives abroad, who carry out their tasks under her authority.

A Political and Security Committee also monitors the international situation in the areas covered by the common foreign and security policy. It contributes to the definition of policies by delivering opinions to the Council or the High Representative.

It also monitors the implementation of agreed policies, without prejudice to the powers of the High Representative. Finally, under the responsibility of the Council and of the High Representative, it exercises the political control and strategic direction of the crisis management operations (Article 38 TEU).

Furthermore, the Council may, on a proposal from the High Representative, appoint a special representative with a mandate in relation to particular policy issues.

The special representative will carry out his mandate under the authority of the High Representative (Article 33 TEU).

The financing of the High Representative's tasks has a number of special features. The tasks are financed by the EU budget except for special cases. Expenditure arising from operations having military or defence implications are not charged to the Union budget. They are financed by a start-up fund made up of Member States' contributions.

When the task planned cannot be charged to the Union budget, the Council must authorise the High Representative to use this fund. Moreover, the High Representative must report to the Council on the implementation of this remit (Article 41 TEU).

### *Staff*

The High Representative appoints the EEAS staff in accordance with Article 6 of the Decision of 26 July. The EEAS will comprise officials and other servants of the European Union, including personnel from the diplomatic services of the Member States appointed as temporary agents and, if necessary and on a temporary basis, specialised seconded national experts (SNEs).

The EEAS should thus comprise 1 100 European diplomats. They will be assisted by 3 000 agents in the EU's 135 representations around the world, who will carry out a role similar to that of the embassies.

The text of the Decision also states that recruitment of staff will be based on '*merit whilst ensuring adequate geographical and gender balance*'. The staff of the EEAS must comprise an adequate presence of nationals from all the Member States.

At least one third of all EEAS staff will come from the Member States while 60% will be EU personnel. The European component is therefore meant to remain predominant within the new service.

The final decision to open a delegation will be adopted by the High Representative, after consulting the Council and the Commission.

The head of delegation will receive instructions from the High Representative and the EEAS, and will be responsible for their execution.

Article 4 of the Decision on the organisation and the functioning of the EEAS stipulates that '*the EEAS shall be managed by an executive Secretary-General who will operate under the authority of the High Representative*'.

*Pierre Vimont, the former French Ambassador to the United States and a renowned diplomat, was appointed Secretary-General of the EEAS on 25 October 2010. He will be assisted by two deputies.*

*Catherine Ashton believes that this move towards a coordinated EU foreign policy is a 'historic decision that will allow the EU to move forward to build a modern, effective and distinctly European service for the 21st century'.*

## 2) Resources

### ***Headquarters***

The Decision of 26 July 2010 stipulates that the headquarters of the EEAS will be in Brussels.

In order to assert the independence of this new service, it will not be located in either the Council buildings or the main European Commission building (Berlaymont), but in the Charlemagne building.

### ***Budget***

Article 8 of the Decision relates to the EEAS budget. It stipulates that the High Representative shall act as authorising office for this budget and that the EEAS *'shall exercise its powers in accordance with the Financial Regulation applicable to the general budget of the European Union within the limits of the appropriations allocated to it'*.

However, the Commission, under the authority of the High Representative in her capacity as Vice-President of the Commission, is responsible for the CFSP budget, the Instrument for Stability, the Instrument for Cooperation with Industrialised Countries, the Communication and Public Diplomacy as well as the Election Observation Missions.

Article 8(5) of the Decision stipulates that *'in order to ensure budgetary transparency in the area of external action of the Union, the Commission will transmit to the budgetary authority, together with the draft general budget of the European Union, a working document presenting, in a comprehensive way, all expenditure related to the external action of the Union'*. The European Parliament (which votes on the EU general budget) has thus obtained the control over the EEAS budget that it requested.

Nevertheless, the disagreement between the Council, the Commission and Parliament over the EU budget for 2011 could jeopardise the functioning of the EEAS if sufficient resources are not available.

## 3) Actions

Article 2 of the Decision sets out the tasks of the EEAS to support 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,
- in her capacity as President of the Foreign Affairs Council, without prejudice to the normal tasks of the General Secretariat of the Council,

- in her capacity as Vice-President of the Commission for fulfilling within the Commission the responsibilities incumbent on it in external relations, and in coordinating other aspects of the Union's external action, without prejudice to the normal tasks of the services of the Commission.

The EEAS is thus a service that is designed to implement successfully the EU's foreign policy tasks. It is also, and above all, a means of preventing EU fragmentation or contradictions on the international scene, as observed during the Iraq war in 2003.

#### 4) Role of the Council and of the European Parliament

The Council, and above all the European Parliament, played a major role in establishing the EEAS.

The Decision adopted by the Council, i.e. the Member States, states in Article 3 that the EEAS *'shall support, and work in cooperation with, the diplomatic services of the Member States, as well as with the General Secretariat of the Council and the services of the Commission, in order to ensure consistency between the different areas of the Union's external action and between those areas and its other policies'*.

The Council's goal is to monitor this new service so that the Member States can influence the EU's external policy.

The European Parliament played a key role in ensuring that the EEAS was distanced from the influence of the Member States and the Council. After the negotiations with the Members of the European Parliament, the final Decision stipulates that *'the European Parliament will fully play its role in the external action of the Union, including its functions of political control as provided for in Article 14(1) TEU, as well as in legislative and budgetary matters as laid down in the Treaties'*.

It was also Parliament that succeeded during the negotiations in ensuring that 60% of the staff would come from the EU institutions, not just the national bodies, so that their careers would not depend on national ambitions. As such, hard work and efficiency will be rewarded.

## **II) The ALDE Group and the EEAS**

According to **Guy Verhofstadt**, Chair of the ALDE Group and Parliament's negotiator during the final agreement in Madrid on the EEAS, *'before the European Parliament's intervention, there was initially just a small intergovernmental-style service. **But we succeeded in changing the philosophy of the service'**.*

*Guy Verhofstadt talks about the difficult negotiations that took place with the Council: 'Parliament took the historic opportunity offered by the EEAS very seriously: building a common European diplomatic service on the basis of the experience of 27 national diplomatic services. Despite their pathetic manoeuvres, the EEAS will not be an intergovernmental lobby with which Spain and Portugal can*

*move their pawns into Latin America and Africa, Germany and Poland can move into Eastern Europe and Russia, and Italy and Greece can move into the Balkans and the Mediterranean, with the Foreign Office and the Quai d'Orsay the major commanders, bolstered by their global diplomatic history.'*

*Following a fierce battle, in which no low blows were spared, right up to the vote, the European Parliament managed to impose a balanced structure for this common diplomatic corps in the interests of a European project, which will not be subject to ministerial whims.'*

He stresses the importance of Parliament's role in the negotiations: *'Finally, Parliament ensured that the EEAS and, beyond that, European diplomacy, would bear the hallmark of European values. On the one hand, the European Parliament will be consulted on all mandates for external tasks in which the promotion of human rights will take priority. On the other hand, as regards crisis management in high-risk zones to which troops are sent, which, we should remember, may be an option, the Council will have to work in conjunction with the Commission, which will guarantee a global approach to problems with regard to all of the European interests at stake'*.