



# Policy Brief

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## Europe's foreign service: from design to delivery

*By Graham Avery*

### Background

The European Union is now at work on implementing the Lisbon Treaty, including the new 'architecture' for European foreign policy which is one of its main innovations. After a long period of suspense due to delays in the Treaty's ratification, work has resumed on the launch of the European External Action Service (EEAS) – the EU's new foreign service.

Planning the new service is the first and most urgent file in the 'in-tray' of Catherine Ashton, who has just been nominated as High Representative and now awaits the European Parliament's confirmation as European Commission Vice-President together with other members of the new College.

The EEAS was proposed in 2003 by the Convention on the Future of Europe as a service to assist the new EU Minister for Foreign Affairs – the 'double-hatted' figure who was re-named by the Lisbon Treaty as High Representative of the Union for Foreign Affairs and Security Policy.

The Treaty states that: "In fulfilling his or her mandate, the High

Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States."

Since the Treaty gives no other guidance on the role of EEAS, its tasks must correspond largely to the mandate of the High Representative/Vice-President (HR/VP), which can be summarised as:

- responsibility for Common Foreign and Security Policy (CFSP), like outgoing High Representative Javier Solana;
- responsibility for external policies managed by the European Commission, in which she as Vice-President will have a coordinating role;
- chairmanship of the Foreign Affairs Council, in place of the present six-month rotating EU Presidency.

'Union Delegations' in third countries and at international organisations will also come under the HR/VP's authority. Their task is to represent the EU and act in cooperation with Member States' diplomatic and consular missions. Based on the Commission's existing network of more than 120 Delegations accredited to more than 150 countries, they will represent the Union as a whole (not just the Commission) in place of the six-monthly rotating Presidency.

### Improvements

The Treaty's new structure for EU foreign policy offers a number of improvements.

First, it reorganises the way in which foreign policy is handled at the European level, drawing together the two 'pillars' which currently characterise the system – the 'intergovernmental pillar' of CFSP managed by the Council Secretariat, and the 'Community pillar' of external policies managed by the Commission. It does not abolish these 'pillars' – they continue to follow different modes of decision-making – but it brings

them closer together in the same organisational structure. By eliminating duplication and increasing efficiency, this offers a streamlined and more effective way of doing things. In a word, it is more coherent.

It is also designed to make the EU more visible in the world. Instead of it being represented by a multiplicity of agents (the rotating Presidency of the Council, the High Representative for CFSP and the Commission, to name just three), the new system should be able to articulate the EU's policies and positions with a single voice through the HR/VP and the EEAS.

Second, the new system brings national and European levels of diplomacy closer together, by creating a structure in which national diplomats and officials of EU institutions work side by side. Here again, the new architecture does not replace national diplomacy with European diplomacy, or vice versa. Rather, it offers the chance for foreign policy professionals to work together so that European policy-making is enriched by national experience and national policy-making by European experience.

At present, the distance and even rivalry between these two levels tends to exaggerate the antithesis

between 'national' and 'European'. Differences exist and will remain, but often they are less important than shared interests and the advantages of common action.

In future, young people making a career in foreign affairs will be able to work both in national diplomacy (in a foreign ministry or an embassy abroad) and in a European service (in Brussels or a Union Delegation in a non-EU country). This will give the next generation of diplomats a better understanding of the practical realities of European and national action, and develop a professional culture in which the terms 'national' and 'European' no longer imply antinomy but synergy.

## State of play

The Treaty stipulates that the organisation and functioning of the EEAS is to be established by a Council decision, on a proposal from the High Representative after consulting the European Parliament and obtaining the Commission's consent. As this procedure will take several months, the HR/VP will be supported initially by a small team of representatives from Member States, the Commission and the Council Secretariat.

The period up to the Council's decision on the EEAS (expected

in April 2010) can be considered as a first stage, to be followed by a second stage of some years. A status report to be produced in 2012 will then lead to a review of the service's functioning and organisation and, if necessary, a revision of the initial decision, possibly in 2014.

Although the newly-elected European Parliament is only to be 'consulted' on the EEAS proposal, MEPs expect to have an influential voice. At Catherine Ashton's hearing, the Parliament will press her to accept the

demands contained in its resolution of October 2009, which included requests for "the Commission, in its preparatory work on the EEAS, to put its full weight as an institution behind the objective of preserving and further developing the Community model in the Union's external relations", and for "the EEAS to be incorporated into the Commission's administrative structure". The Parliament will also have an important role in decisions on financial arrangements for the EEAS.

## Prospects

Intensive discussions will take place in the coming months on the organisation and structures of the new service, amid complicated arguments about its organisational chart, financial arrangements, the recruitment of personnel, etc. But the EU also needs to define its basic aims and objectives: the 'why' of the EEAS is as important as the 'how' of its construction.

### Aims

So what is the service's mission? It could be argued that its task is simply to implement the Lisbon Treaty, and that further clarification is unnecessary or could be controversial. After all, the Treaty does not redefine the aims of EU foreign policy; it just tries to create a better structure. But the lack of

precision in its provisions concerning the EEAS could rapidly lead to confusion – and even conflict – unless the organisation has a clear mandate.

This concerns not only its role *within* the EU's institutional framework, but also *outside* the EU: how the EEAS operates and is perceived in Washington, Beijing, Moscow and New Delhi

will be just as important as its role at headquarters in Brussels.

The EEAS proposal should therefore include a 'mission statement' defining its functions both at headquarters and through the Union Delegations outside the EU. This should articulate the service's specific role in the new foreign policy architecture, as well as citing the essential *acquis* of EU external policy such as the 2003 European Security Strategy updated by the 2008 report on its implementation.

One of the objectives of the EEAS should be to put into practical effect the 'double-hatting' which is a key characteristic of the HR/VP position. Although the Treaty does not eliminate the two 'pillars' of EU foreign policy at the decision-making level, it aims to bring them closer together both upstream (in the conception and development of policy) and downstream (in the execution of policy and representation of the Union).

That is why the High Representative (responsible for Common Foreign and Security Policy) is also a Commission Vice-President (responsible for coordinating policies managed by the institution). This objective of coherence needs to be clearly reflected in the service's goals and design.

The 'mission statement' should also affirm the need to respect both the Community and the intergovernmental models in managing and developing the EU's external policies. Behind the abstruse technical details of the construction of the EEAS lies the classic tension between these different forms of governance.

It is not a question here of giving priority to one approach over the other, but of ensuring that they co-exist in a satisfactory way

in the new structure so that 'double-hatting' brings the expected added value.

The Swedish Presidency's Report of October 2009 – which encapsulates a consensus among the Member States – says that the EEAS should be separate from the Commission and the Council Secretariat. This already raises problems.

The Vice-President is supposed to be responsible within the Commission for coordinating its external relations' actions, including the external 'outreach' of internal policies – an important new task. But how can a body entirely separate from the Commission effectively ensure its coherence?

There is a risk that duplication and rivalry between the Commission and Council Secretariat will be replaced by duplication and rivalry between the EEAS and the Commission. The EEAS may be tempted to see its task as managing the political aspects of foreign policy, while leaving the execution of programmes to the Commission's technical expertise.

The Commission may see its role as guardian of the Community method, while resisting interference from the EEAS ('intergovernmental pollution'). These caricatures should have no place in a system designed for better coherence.

### **Design**

The design of the EEAS is a big test of the EU's capacity for institutional engineering. It is not possible here to discuss all the practical questions this raises, so let us highlight a few important aspects.

### **No duplication**

It follows from the objectives mentioned above that duplication between the new service and

other services of the EU institutions must be avoided. The EEAS should not be an additional actor, increasing the complexity of the Brussels machinery. It should assume tasks currently undertaken by the Council and Commission, and execute them more effectively.

Here the question of 'geographical desks' attracts much interest. Since the EEAS needs to have worldwide coverage, its structure must include expertise on all regions and countries of the world – a series of units set up on a geographical basis. Should the Commission also have geographical units in order to fulfil its own tasks, or would this be duplication?

Although the Presidency's Report refers to the principle of "single geographical desks", it is not clear whether or how this principle will be respected in practice.

Many Commission Directorates-General responsible for external relations or internal affairs already have units with geographical responsibility for non-EU countries. Will they really be eliminated?

The Presidency's Report states that "trade and development policy should remain the responsibility of relevant Commissioners and Directorates-General of the Commission", and that "while the EEAS will have geographical desks dealing with the candidate countries from the overall foreign policy perspective, enlargement will remain the responsibility of the Commission".

What could this mean in practice? Should parallel structures exist for relations with the countries which have applied for EU membership: Turkey, Western Balkans States and Iceland? An excellent example of 'double-hatting' already exists

in the field of enlargement (the EU Special Representative in Skopje is also Head of the Commission's Delegation), so why should the arrangements at headquarters be less coherent?

Finally, the Presidency's Report says that the EEAS "should also assist the President of the European Council" which implies that a duplicate structure will not be created to serve President Herman Van Rompuy in his external functions. This clarification is much welcome.

### **Personnel**

Many questions arise concerning the recruitment and conditions of service of EEAS personnel. One pre-requisite for its success is satisfactory participation by Member States as 'stakeholders' in EU foreign policy.

The Presidency's Report says that when the EEAS reaches its full capacity, personnel from Member States should account for at least one-third of the staff, with adequate gender and geographical balance. This implies that national foreign ministries will need to make a big effort to send personnel to the EEAS in adequate quantity and quality.

### **Budget**

Who pays for the EEAS? One thing on which all Member States agree is that its administrative expenditure should be financed from the EU's budget, including the cost of personnel coming from national diplomatic services.

Since the service will assume tasks handled hitherto by

Commission and Council, it can aim at being budget-neutral. However, the decision to finance it from the common budget enhances the role of the European Parliament, which is determined to use its budgetary powers to influence the setting-up and development of the service.

### **Training**

The new service should have high professional standards: its members coming from the European institutions should understand diplomatic practice, and those coming from national diplomatic services should understand the EU. One of its priorities should therefore be to create a capacity for training in European diplomatic affairs.

On this, the Presidency's Report says that "steps should be taken as regards providing the EEAS staff with adequate common training", while the Parliament's resolution suggests "setting up a European diplomatic college which would provide training in close cooperation with appropriate bodies in the Member States".

### **Delegations**

The Presidency's Report says that the new Union Delegations abroad will provide logistical and administrative support to the members of other institutions, "including the European Parliament". At international organisations, however, modalities will have to be agreed "on a case-by-case basis".

Herein lies one of the key challenges for an effective implementation of the new architecture – and one that will predictably absorb a great deal of energy and attention. We must hope that the complexity of the task of setting up and putting into place the new foreign policy structure will not distract the EU too much from the task of acting and reacting on the international stage.

### **What next for the Community method?**

Few commentators have noticed that the Lisbon Treaty (Article 2) abolishes the European Community, replacing it everywhere by the European Union. This means that the word 'Community' will become obsolete and the expression 'Community method' less and less understandable. As a result, another term will be needed to capture its original meaning.

Since its quintessential feature, in contrast to the intergovernmental method, is that the EU institutions all play their respective roles, why not in future call it the 'Integrated method'?

*Graham Avery is a Senior Adviser at the European Policy Centre and a Senior Member of St. Antony's College, Oxford University. He worked in the European Commission from 1973 to 2006. The issues raised in this paper are discussed in the EPC's EU Politics and Governance Forum and in its Human Security and Global Governance Forum.*

European Policy Centre ■ Résidence Palace, 155 rue de la Loi, 1040 Brussels, Belgium  
Tel: +32 (0)2 231 03 40 ■ Fax: +32 (0)2 231 07 04 ■ Email: [info@epc.eu](mailto:info@epc.eu) ■ Website: [www.epc.eu](http://www.epc.eu)



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