



European Integration Working Group*

The European External Action Service

The nucleus of a strong European foreign policy

- Further institutional development of the Common Foreign and Security Policy of the European Union (EU) is needed. The creation of a European External Action Service (EEAS) offers an opportunity to increase coherence in the EU's external relations.
- The EEAS will have to support the High Representative in his/her activities. Its integration into the institutional framework must be oriented according to the High Representative's mandate.
- In order for the EEAS to be able to incorporate all the threads of EU external action in its activities, it must be ensured that information is fully available to it. At the same time, it must be ensured that the Service is independent in, for example, staffing and budget matters.
- In order to ensure the operability of the EEAS, there must be structural separation of strategic foreign policy planning and its implementation.
- A successful EU diplomatic service must be based on a political strategy negotiated by the foreign policy actors of the EU.

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1 Introduction

In order to strengthen the role of the European Union (EU) on the international stage and establish a functioning EU common foreign and security policy, the Treaty of Lisbon provides for the creation of a post of »High Representative for the common foreign and security policy«. The High Representative will occupy a key position. Apart from directing the common foreign and security policy (CFSP), he or she will help create the policy by making proposals. In institutional terms, the post is anchored in both the Council and the European Commission. This means that the High Representative bears a special responsibility for ensuring coherent external action on the part of the EU. A new European External Action Service (EEAS) will be created to support the High Representative in carrying out these tasks.

There are considerable differences of preference among the Member States on the direction of EU external relations. In light of this, the adaptation of both European and national institutional structures to accommodate the creation of the EEAS carries potential for conflict. Topics of particular discussion include the relationship, specific form and remit of the Service.

Regardless of the fate of the Treaty of Lisbon, some kind of further institutional development of the CFSP is still necessary. The existing basis in the treaties offers scope for reform. However, it would be sensible to base future deliberations on the Treaty of Lisbon. Either way, the creation of an EU diplomatic service must be geared around three basic premises:

- The decisions on the form and operation of the Service must aim to achieve *operability* and fulfil the aim of greater *coherence* in the EU's external actions.
- The Service must take its form from its affiliation to the *EU High Representative* for the common foreign and security policy.
- *Understandable, democratically valid structures and procedures that are accepted by the Member States* must be ensured in order for the Service to be operable.

* The European Integration Working Group of the EU Office of the FES in Brussels has been in operation for more than ten years. Its members include experts from the European institutions, German federal ministries and regional administrations, organisations and the scientific community.

2 General Principles

Due to its institutional positioning, the planned affiliation of the EEAS to the High Representative requires more than just the comprehensive availability of information and regulations on the cooperation to be undertaken with the foreign services of the Member States and departments of EU bodies. The independence of the Service must also be assured by giving it autonomy in staffing and financial matters. The EEAS must be able to establish itself in the overall institutional EU external relations framework as a fully operational diplomatic service. Operability in the sense of coherent EU development depends not only on the quality of the legwork done by the EEAS in preparing the actions of the High Representative, but also on other foreign relations actors' willingness to accept and cooperate with the Service. In spite of divergent institutional interests, a leap of faith is required.

3 Affiliation to the High Representative

Since the High Representative, under the terms of the Treaty of Lisbon, is to be assisted by the EEAS in fulfilling his or her remit, the institutional integration of the Service must be oriented according to the mandate of the High Representative. The EEAS must therefore be able to incorporate all the threads of EU external action into its activities, bring together diverging opinions and produce proposals for current developments and medium-term and long-term strategies for the High Representative.

3.1 EEAS: institutional arrangement

There are few policy areas without foreign policy implications. For this reason, it would be neither sensible nor feasible to transfer all areas of competence with foreign policy aspects to the EEAS. The specified scope of EEAS activity can only cover a limited, albeit labour-intensive, range of tasks. It is no wonder that the appointment of such an exclusive area of operations, with its affiliation to the High Representative, elicits covetousness in the framework of EU external relations.

The merger of the fields of activity covered by the Commission's Directorate-General for External Relations as well as by the Directorate-General E (external and politico-military affairs) and the Policy

Unit of the General Secretariat of the Council is sensible and widely approved. Any further arrangements would require the examination of a range of other factors. The Treaty of Lisbon gives no specific basis for this. It is true to say, for example, that the common trade policy is a considerable part of EU external relations. The question remains, however – and in particular with a view to the size and operability of the Service – to what extent it is vital to merge areas of activity by integrating them into the EEAS, or even functional in terms of the work being carried out. This question is relevant, for example, when it comes to the political aspects of development cooperation and neighbourhood and enlargement policy, the operational aspects of military and civilian crisis management or the measures going beyond conceptual issues with regard to the Union for the Mediterranean or the Eastern Partnership.

The ability and political will to cooperate are decisive factors. If the EEAS is to avoid becoming inoperative due to an excessive workload or unmanageable size, it is necessary to separate strategic external relations planning (EEAS) and its implementation (other services). In doing so, the duplication of responsibilities (such as the existence of competing geographical departments with a political mandate in the EEAS and, for example, the Commission's Directorate-General (DG) for Development or DG Enlargement) must be avoided («single desk principle»).

Close cooperation between the EEAS and the other services is an essential prerequisite. Therefore, a model could be chosen whereby the interlinking of staff (for example the posting of a representative of a given service to the EEAS) could be used to bring about both exchange and the flow of information. The conflict settlement process will ultimately be dealt with via the approval or rejection of the High Representative's proposals in the college of commissioners or the Council of the EU. As Vice President of the European Commission, the High Representative has an opportunity (at least in the Commission) to work towards a coherent approach and create the necessary impetus in the run-up to decisions.

Further reassignment of existing areas of expertise and the corresponding departments to the EEAS would only be necessary if cooperation with the EEAS is unsatisfactory or insufficient due to a predominance of institutional self-interest. Since the structure and operations of the EEAS remain subject of legislation, the European Council, Commission

and Parliament would need to agree on a regular review with a view to revising and adapting the legal acts on which the EEAS is based as soon as this becomes necessary.

3.2 High Representative: institutional setting and substitution

The High Representative will exercise his or her office in an institutional environment involving complex configurations of actors and processes. Arrangements to minimise conflict are therefore required.

Since the High Representative must establish consensus in the Council of Ministers there should be arrangements for him/her to be substituted in such a way that (with a view to his or her right of initiative) consensus can be established without compromising his or her own authority. The election or appointment of a deputy High Representative in the Council could create an institutional counterweight that would weaken the function of the High Representative. For this reason, efforts should be made to ensure that the High Representative can be substituted in his/her tasks by various persons appointed by him/her: he or she could be represented as chairperson of the Council of Foreign Ministers by the rotating Presidency of the Council, by another Commissioner in his/her function of Vice President of the European Commission and by the Director-General of the EEAS as the head of that Service.

However, a substitute will not be acceptable when it comes to reporting to the European Parliament. For reasons of accountability and credibility, the High Representative must carry out this task himself.

The decision on the transfer of the chairmanship of Council committees that carry out the preparatory work for the Council of Foreign Ministers should be taken in the transitional phase. The committees could be divided up (in a targeted fashion and taking account of the requirement for coherence in the external actions of the EU) between appointed chairmen supported by the EEAS and the holder of the rotating Presidency of the Council. Along with the Political and Security Committee (PSC), the Council working groups and committees that carry out the preparatory work for the External Affairs Council should be led by a permanent chairperson. Other possible ways of chairing the groups could, if necessary in terms of optimal functionality, come

under consideration within the framework of the reviews that are to be undertaken at regular intervals.

4 Understandable and accepted structures and processes

In carrying out its work, the EEAS will be dependent on the trust placed in it. This also implies structures and processes that are accepted by the external relations actors of the EU.

4.1 Organisational form

The authority of the High Representative hinges on the duties of instruction and reporting incumbent upon him/her. The organisational form of the EEAS should reflect this imperative and underpin the credibility of the High Representative. Regardless of the organisational form, in the interests of the coherence of external action close cooperation must be ensured between the EEAS and other services entrusted with external affairs.

The European Parliament is in a position to carry out democratic controls of the structure and working methods of the EEAS. This is given due to the Parliament's participation in both the adoption of the legal acts on which it is based and the nomination of the High Representative as part of its approval of the European Commission. Moreover, the High Representative is accountable to the Parliament and the Parliament exercises control over its budget. An independent budget – preferably via the allocation of a specific sector in the overall EU budget – is also a prerequisite in order for the Service to achieve autonomy. It would mean that the EEAS could escape external influences and thereby fulfil the role assigned to it in the Treaty.

4.2 Staffing matters

Independence must also be ensured in as far as the EEAS is the authority responsible for recruiting the Service's civil servants. The existing staff regulations of the European institutions could be applied to the EEAS. In this case, it should be ensured that staff from different institutional origins are treated and employed on equal terms. The EEAS can only be effective in its activities if the civil servants and

diplomats posted to it feel themselves to be a fully-fledged part of the Service and carry out their tasks accordingly.

The rotation of EEAS staff should also be geared towards these requirements. In light of the experience of national foreign services, a minimum EEAS service period of five years should be sought. Conditions should be created at Member State level for a smooth career continuation following service in the EEAS; this is the only way to ensure that qualified diplomats will be posted to the Service.

Training periods should also be integrated into the overall concept. Existing training measures in the area of foreign and security policy could usefully be brought together in a European Diplomatic Academy. Central planning and networks are not mutually exclusive. On the contrary: institutes at Member State level could contribute with training measures and raise awareness of national particularities.

4.3 Delegations and Special Representatives

As the EU's diplomatic service, the EEAS must incorporate future EU delegations. In the long term these delegations are to be configured so that they are recognised as EU embassies by third countries, but also by the Member States themselves and European citizens.

The EEAS will also provide substantive and structural support to the EU Special Representatives (EUSRs). The EUSRs should receive their instructions directly from the High Representative, who will act as their boss. They will therefore be outside of the organisational hierarchy of the EEAS, but will be recognised as part of the overall EU diplomatic structure for the third countries affected by their specific transnational function.

5 Commitment from the Member States and political strategy

The EEAS can be bolstered in its activities by voluntary agreement of the Member States. The Member States must instruct their civil servants to work loyally with the Service. They should also ensure that a period of service in the EEAS gives added value for a diplomatic career at national level, and that this is also perceived as such in practice.

Last but not least, a successful EU diplomatic service must be based on a political strategy, so as to avoid arbitrary influences in its development. A set of objectives should therefore be agreed for how the EEAS is organised and works. The individual steps in the construction of EU diplomacy can then be measured against these objectives.



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