



# BULLETIN

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## European External Action Service: Resolutions and Future Challenges

by Aleksandra Kreczmańska

*On 29–30 October, the European Council adopted a report from the Swedish Presidency on the creation of a European External Action Service (EEAS). This document will constitute the basis for further work on the EEAS, to be carried on by the EU High Representative for Foreign Affairs and Security Policy. The matters resolved to date embrace the positioning of the Service in the EU institutional system and, for the most part, the scope of its activity. The new inter-institutional disputes and a shape of staffing policy are main challenges to the efficient operation of the EEAS.*

**Agenda.** The organization and functioning of the Service will be established by a decision of the Council adopted on the proposal of the EU High Representative for Foreign Affairs and Security Policy. The European Council requested that a proposed legal basis for the EEAS be presented by the High Representative at the earliest possible date following the entry into force of the Lisbon Treaty, so that the Council could adopt it by April 2010 at the latest. In a period between the Treaty's coming into force and the adoption of the Council decision, the High Representative can rely on support from the European Commission and the General Secretariat of the Council. Moreover, a preparatory team will be established comprising representatives of the Commission, the Secretariat and the member states. The EEAS is scheduled to become fully operational in 2012.

**Standing in EU the institutional system.** The office of High Representative will combine, in a novel way, two sets of responsibilities: to the European Commission and to the Council of the European Union. Hence the matter of EEAS positioning concerns first of all its relations with these two institutions. As the High Representative is to cooperate both with the Council and with the Commission, it would be undesirable for the Service to be perceived as a part of one or the other. A compromise solution is to create an entirely new structure reflecting the special mandate of the High Representative, and this is the option adopted in the report.

Another important issue with an impact on the EEAS functioning is its scope of activity. The Service is to incorporate those departments of the General Secretariat and the European Commission which so far have been dealing with different geographical regions and such horizontal issues as human rights or multilateral relations. With respect to the Secretariat, this means the Directorate General for External and Political-Military Affairs and departments previously reporting to the High Representative for the CFSP, including units dealing with the European Security and Defense Policy. With respect to the Commission, this means the DG Relex and units dealing with individual countries and regions in the Directorate General for Enlargement (the Balkans, Turkey) or in the Directorate General for Development. The areas of external activity that were within the Commission's competence—such as trade, enlargement policy, or development policy—will not be transferred to the EEAS (save for the above-mentioned geographical departments). The programming of financial instruments (including the Development Cooperation Instrument and the European Development Fund) is still under debate. While there is a consensus that the implementation and execution of aid programs should remain with the Commission (including in the EuropeAid Cooperation Office), a debate on a mode of the EEAS' involvement in strategic decision-making in this area is still underway.

**Inter-institutional Relations.** For the Lisbon Treaty reform of external activities to contribute to higher transparency and enhanced performance of EU institutions, the Commission and the EEAS should cooperate closely and any unnecessary duplication of administrative structures should be avoided. Units dealing with the external activities of the EU that are to remain within the Commission should work closely with the EEAS, using its resources. The commissioners for enlargement, trade or human rights—with the latter post to be created in the new Commission—will need the expertise of the Service. On the other hand, the EEAS should not duplicate the work performed by the different Directorates of the European Commission. Yet the separation of political relations with third countries from the policies conducted by the Commission (such as enlargement, development, trade) might spark arguments in the future, or result in incoherent actions of the Commission and the High Representative. Hence a key role for the High Representative, who is responsible in the Commission for the coordination of its activities in the area of foreign relations.

The EEAS will also provide support to the permanent president of the European Council who—in accordance with the Treaty—shall “at his level and in that capacity” ensure the external representation of the Union. To create new expanded structures specifically for the permanent president would mean unnecessary duplication of the work of the EEAS.

**Budget.** To ensure its financial autonomy, the Service is to be financed from the EU general budget. The High Representative will propose and implement the EEAS budget. The European Parliament’s powers over the EU budget should also be borne in mind, as they will be the chief instrument for the EP to influence the shape and functioning of the EEAS. In October the EP adopted a resolution on the institutional aspects of setting up the Service, reiterating its determination to exercise fully its budgetary powers. The decision to set up the EEAS will require adjustments in Staff and Financial Regulations (adopted under ordinary legislative procedure requiring accord between the Council and the EP), and the 2010 budget will also have to be amended.

**Staffing.** While the High Representative is the “appointing authority” for the EEAS, the member states want to participate in setting up EEAS employment procedures (these are to be established with the participation of representatives of the member states, the Commission and the General Secretariat). Appointments to the EEAS are to be made on the basis of merit, bearing in mind an appropriate “geographical balance”—which means that no national quota will formally be established, but the geographical criterion will be taken into account nonetheless. Yet—much as in the case of recruitment for senior European Commission positions—in order to take advantage of this rule, states should propose candidates with the required expertise and experience.

Employment policy and measures taken to create a coherent corps of EEAS officials will be vital to the Service’s efficiency. Ensuring a balance between the three sources of recruitment at various levels and organization units should be among EEAS priorities from the very outset. An appropriate representation of staff from the member states will be important, because the involvement of these states and good contacts between the Service and national administrations will be crucial to efficient work of the EEAS. The adopted rule that personnel from the member states will be serving in the EEAS on the same terms (including pay) as its other officials will promote the cohesion of the EEAS. Some states have been arguing that staff seconded from the European Commission and the General Secretariat should be subject to rotation similarly to the staff from the member states. Yet the report recommends only a staff mobility between the Service, the European Commission and the General Secretariat “to the extent possible”, on the grounds that with jobs transferred from the European Commission and the GS to the EEAS, there will be limited opportunities for the return of personnel to these institutions.

**Prospects.** The creation of the EEAS promises better coordination of the EU foreign policy following the pooling of resources of the European Commission and the Council and a greater involvement of the member states. The EEAS in its capacity of supporting the High Representative will play an important role in preparing his actions, planning EU initiatives or forging compromise among the member states. Yet the division remains between Community external activities (i.e. handled by the Commission)—such as trade, development, aid, humanitarian aid, enlargement—and the CFSP conducted according to the inter-governmental model. Also, there are a number of issues, such as potential inter-institutional conflicts or disagreements over the EEAS staffing policy, capable of impeding the building of an operative and efficient structure. Last but not least, the rank and efficiency of the Service’s work will depend largely on the quality of personnel seconded to its structures. Not only will states proposing candidates with relevant expertise have a better chance to secure for themselves a strong representation in the EEAS, but by doing so they will also demonstrate their commitment to strengthening the EU foreign policy.