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The European External Action Service: Implications and Challenges¹

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Key Points

- The European External Action Service (EEAS) established by the Lisbon Treaty will reach initial operating capability in December 2010. However, full operational capability may take several years to achieve, requiring a careful management of expectations in the short- to medium-term.
- A key characteristic of the EEAS will be the combination of staff from relevant departments of the Council General Secretariat, the European Commission, and from the diplomatic services across EU Member States.
- While the EEAS does not modify the decision-making process within the EU's Common Foreign and Security Policy/Common Security and Defence Policy, it will change the decision-shaping process. The EEAS will change the way European officials gather, process, analyse, report, and disseminate foreign policy relevant information. Increasingly harmonised analysis and common vision will facilitate the transition towards a more coherent EU foreign policy.
- One of the less known implications of the EEAS is the shift towards more Council preparatory bodies chaired by individuals designated by the High Representative Catherine Ashton. Beyond strengthening the continuity of work in the preparatory bodies, the change is likely to diminish EU Member States' ability to champion their own initiatives.
- The EEAS still faces several challenges. These range from addressing logistical requirements to resolving outstanding disagreements over EEAS areas of responsibility.

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The 2009 Lisbon Treaty is considered by many a turning point for the EU as it encourages a more coherent and effective use of existing civilian, military, economic, and military instruments. Among its better known innovations is the new post of President of the European Council (currently Mr. Herman van Rompuy) and modified post of High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (presently Ms. Catherine Ashton).

The Treaty of Lisbon also established the European External Action Service (EEAS). To be launched on 1 December 2010, the EEAS is garnering particular attention as it is expected to form the backbone of an EU diplomatic corps. While its impact is still being debated, the implications of the new service may be substantial, especially in the long term.

What are the key elements of the EEAS?

The Treaty of Lisbon calls for an EU that ensures “consistency between the different areas of its external action”, noting that the “Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect.”² The EEAS, which is at the service of the High Representative, aims to facilitate such uniformity across EU external action.

The EEAS will be an autonomous body of the EU. Its principal objective will be to support Ms. Ashton in fulfilling her mandate as High Representative, President of the Foreign Affairs Council, and Vice-President of the European Commission.³ Its staff will be drawn from relevant departments of the Council General Secretariat, the European Commission, and from the diplomatic services across EU Member States. Diplomats from EU Member States will be appointed as temporary agents who can serve in the EEAS for a maximum of ten years (via a four year contract, renewable once, with the possibility of an additional two year extension in “exceptional circumstances”) before rotating back to national service. Once designated as EEAS staff, no distinction will be made between temporary agents coming from national diplomatic services and EU officials.⁴ When finalised, the EEAS will comprise approximately 6,000 personnel.⁵ At that point, staff from EU Member States should represent at least one third of all EEAS staff at administrator level while permanent officials of the Union should represent at least 60 percent of all “AD level” EEAS staff.⁶

As noted in Box 1, the EEAS will incorporate several EU bodies and instruments. To integrate incoming staff from Commission and Council units, such as Directorate General RELEX and the Policy Unit, the EEAS will be organised into thematic and country/regional directorate generals. Overall, it is estimated that some 400 officials from the Council and 1,100 officials from the European Commission will be transferred to the EEAS in early 2011. Furthermore, some 100 new posts will be created to strengthen presence at specific Union delegations.⁷

Box 1: Building blocks of the EEAS

While the detailed structure of the EEAS is yet to be finalised, the service is likely to include the following elements:

- The High Representative and her cabinet
- An Executive Secretary-General (Mr. Pierre Vimont) and two Deputy Secretaries-General (Mr. Popowski for inter-institutional affairs and Ms. Helga Schmid for external affairs)
- Current EU bodies such as the Civilian Planning and Conduct Capability, the Crisis Management and Planning Directorate, EU Military Staff, and Joint Situation Centre-Crisis Room*
- EU Special Representatives / Special Envoys
- A strategic policy planning department
- Thematic and regional directorates-general (DG) comprising geographic, multilateral, and thematic desks (in addition to a “corporate” DG for administrative affairs headed by Mr. David O’Sullivan)
- A permanent chair of the EU Political and Security Committee (Mr. Olof Skoog)
- Departments/units handling legal issues, inter-institutional affairs, communication and public diplomacy, personal data protection, and audit and inspections

*The Joint Situation Centre will likewise continue to provide services to the European Council, Council, and the European Commission.

What are the implications of the EEAS?

It will take several years before the implications of the EEAS are fully known and felt. The overall political objective is for the EEAS to give the EU a stronger and more coherent voice in the foreign policy realm. At the service of the High Representative, the EEAS will help formulate coherent strategy using co-ordinated means of the Council General Secretariat, the European Commission, and EU Member States. According to Ms. Ashton, it is “a once-in-a-generation opportunity to build something that finally brings together all the instruments of our engagement in support of a single political strategy.”⁸

Beyond its political ramifications, the service will likely produce at least three major impacts over the medium- to long-term. First, the EEAS will affect the nearly 140 Union delegations in third countries and to international organisations. Once the EEAS is operational, such delegations – formerly delegations of the European Commission – will mainly comprise of EEAS staff.⁹ The introduction of diplomats into the delegations will change the nature of their work, increasing the weight given to activities such as political and military reporting as well as diplomatic representation. The delegations will take on a more political role as opposed to a programme administrative one which should strengthen the Unions political presence in different parts of the world.

Second, there will be a shift towards more Council preparatory bodies chaired by officials designated by the High Representative rather than by the EU Member State holding the EU Presidency. Table 1 below shows the different Council preparatory bodies (shaded in grey) that will become chaired by a designated official. As seen, all Category 2 preparatory bodies (with a geographic focus) will be chaired by an official selected by the High Representative. Among the fifteen horizontal preparatory bodies that deal mainly with Common Foreign and Security Policy, all but six will be chaired by a representative of the High Representative. Lastly, within Category 4 preparatory bodies (relating to Common Security and Defence Policy), three out of five will be chaired by an official chosen by the High Representative. While some might argue that this shift seems cosmetic, its effect will be significant over time – possibly making the greatest strides towards a more coherent CFSP.

While the instruction that these chairpersons be selected from among EEAS staff members was removed in the Presidency compromise on the EEAS unveiled in April 2010, it is expected that several chairpersons will come from the EEAS structure. One powerful body in particular that will be chaired by a member of the EEAS is the Political and Security Committee (PSC). Ambassador Olof Skoog, a Swedish career diplomat who most recently served as Sweden's representative to the PSC, was appointed to this position in mid-November 2010. Assigned for a five year term, the Permanent Chair of the EU Political and Security Committee will have a greater opportunity to shape the work of the committee (previous chairpersons rotated every 6 months) and be in a better position to introduce priorities identified by the High Representative. As noted earlier, this trend will reverberate across all Council preparatory bodies, potentially facilitating a more EU foreign policy formulation over the long run.

Table 1: Chairmanship of the Preparatory Bodies of the Foreign Affairs Council

| Category 1* (trade and development) | Category 2 (geographic prep. bodies) | Category 3* (horizontal, mainly CFSP) | Category 4** (CSDP-related) |
|---|---|---|---|
| Article 207 Committee | Mashreq/Maghreb WP | WP of Foreign Relations Counsellors (RELEX) | Military Committee |
| ACP Working Party (WP) | WP on Eastern Europe and Central Asia | Nicolaidis Group | Military Committee Working Group |
| WP on Development Coop. | WP on the Western Balkans Region | WP on Global Disarmament and Arms Control | Politico-Military Working Group |
| WP on EFTA | Middle East/Gulf WP | WP on Non-Proliferation | Committee for the Civilian Aspects of Crisis Management |
| WP on Dual-Use Goods | Asia-Oceania WP | WP on Conventional Arms Export | WP on European Arms Policy |
| WP on Trade Questions | WP on Latin America | WP on Human Rights | |
| WP on Commodities | WP on Transatlantic Relations | WP on Terrorism (International Aspects) | |
| WP on the Generalised System of Preferences | Africa WP | WP on the application of specific measure to combat terrorism | |
| WP on Preparation for Intl. Dev. Conf./UNCCD Desertification/UNCTAD | | WP on OSCE and the Council of Europe | |
| WP on Humanitarian Aid and Food Aid | | UN WP | |
| Export Credits Group | | Ad Hoc WP on the Middle East Peace Process | |
| | | WP on Public Intl. Law | |
| | | WP on the Law of the Sea | |
| | | WP on Consular Affairs | |
| | | WP on CFSP Admin. Affairs and Protocol | |

Boxes shaded in grey denote the preparatory bodies that are to be chaired by a chairperson designated by Ms. Ashton.

* Working Parties that are not shaded in grey will be chaired by the six-monthly rotating Presidency.

** The Military Committee and the Military Committee Working Group will continue to be chaired by an elected chair.

For categories 3 and 4, the Presidency will continue to chair the bodies for up to six months after the adoption of the Council Decision on the organisation and functioning of the EEAS. For category 2, this transitional period can last up to 12 months.

Source: Official Journal of the European Union, L 322/31, Annex II, 9 December 2009.

Potential benefits for the preparatory bodies are not limited to increased continuity in their respective work programmes. They are likely to experience closer relations to the High Representative as well as the future strategic policy planning department of the EEAS. From a different perspective, it should be noted that this shift will also impact EU Member States as they will have less elbow room to champion their own initiatives, diminishing their influence in the preparatory bodies of the Foreign Affairs Council.

Third, the EEAS will impact the formulation of EU external co-operation programmes. While the management of these programmes will remain the responsibility of the European Commission, Ms. Ashton is expected to provide strategic political guidance for them. The EEAS in particular is to contribute to the “programming and management cycle” of several external instruments whose aggregate budgets are measured in billions of euros. Moreover, the EEAS will have the responsibility for preparing Commission decisions on the strategic, multi-annual steps within the programming cycle when it comes to: a) country allocations to determine the total financial envelope for a region; b) country and regional strategic papers; and c) national and regional indicative programmes.¹⁰ EEAS involvement in this area is significant as it gives the service a role in flagship external co-operation programmes that help project the EU as a global actor. Lastly, the shift of European Commission staff to the EEAS will result in some institutional reorganisation within the European Commission itself. For example, given the transfers to the EEAS, the European Commission has decided to merge what is left of its Directorate-General for development with the EuropeAid Directorate-General.

What are EEAS outstanding challenges?

The path towards an EEAS has been marked by several trials. Among the most acrimonious and visible have been the power struggles and turf wars between EU Member State officials / staff of the General Secretariat of the Council of the EU and officials in the European Commission and the European Parliament over the competences and set-up of the new service. For example, since the spring of 2010, the High Representative’s staff has sparred with Members of the European Parliament over the status of the EEAS (the European Parliament hoping to bring it under the auspices of the European Commission), the selection and vetting process of senior staff selected for the EEAS, and whether the Commission’s internal auditor should have oversight over the service’s administrative and operational budgets.¹¹ The European Parliament has used its leverage over amendments to the EEAS financial and staff rules to try to gain concessions on the organisation of the service. However, with the adoption of the final legal acts, the Staff Regulation, and the Financial Regulation and agreement on start-up budget for 2010 (€9.5 million) at the end of October 2010, the pressure from the European Parliament may have finally eased.¹² Budgetary challenges for the EEAS may nevertheless persist as long as the EU budget for 2011 is not approved. Should no agreement be reached between Member States and the European Parliament by the end of the year, the 2010 budget will be rolled over to 2011, with a twelfth of the 2010 budget allocated to each

month. While it would not affect the overall functioning of the EEAS, it might slow down the recruitment process and the set-up of the new headquarters.

The friction between EU Member States (e.g. via COREPER II) and the European Commission has focused on the EEAS’s areas of responsibility. A priority for the European Commission is ensuring that areas over which it has competence remain under its control. Limiting the overlap between foreign policy areas in which the European Commission has competence – such as enlargement, neighbourhood policy, development policy, trade policy, and humanitarian aid – and those of the EEAS remains a challenge although several compromises have been made to clarify boundaries. For example, the October 2009 Presidency report on the EEAS makes clear 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.”¹³ Additional compromises were reached in the spring of 2010 which are reflected in the latest draft proposals for the EEAS.

A much less visible source of contention exists between many EU Member States and the new service. For the foreseeable future, EU Member States will be in a transition period regarding the relationship between their national diplomatic corps and the EEAS. Large EU Member States may be particularly hesitant to make concessions when it comes to foreign and security policy questions.¹⁴ A telling example of this hesitation relates to cooperation and information sharing between Union delegations and diplomatic services of the EU Member States. The call that they “on a reciprocal basis, provide all relevant information” in the spirit of information sharing was removed from the April 2010 draft Proposal for a Council Decision establishing the organisation and functioning of the EEAS.¹⁵

There is also some tension regarding the scope of work for the EEAS. Small EU Member States with limited resources were open to the idea of the EEAS playing a role vis-a-vis consular services abroad. Larger EU Member States that have well-developed consular services in most parts of the world, by contrast, were not too interested in the EEAS playing such a role. It remains to be seen how the relationship between Union delegations and EU Member State embassies in third countries and to international organisations will interact over the long term. Lastly, some States, in particular those who joined the EU in May 2004, are disappointed to note that most senior positions in EU delegations were going to the “older” Member States. This perception, even if it is the result of a fair application process, is likely to raise questions over the representativeness of the EEAS which could affect its foreign policy role in the future.

A final set of challenges relates to when the EEAS achieves full operational capability. It is expected that an initial operating capability will be reached on 1 December 2010. At this stage, however, the EEAS will not have the critical mass necessary to fulfil its objectives. The turf wars mentioned earlier have delayed the set-up of the Service. This is exacerbated by other issues such as where the EEAS should be located. During the fall of 2010 there were wide specula-

tions on where in Brussels the service would be housed: in the Council's Lex building, the Axa/Triangle building on Rond Point Schuman, or the Charlemagne building next to Berlaymont. According to one estimate, staff that will be part of the EEAS are currently spread over eight different buildings across Brussels.¹⁶ Only in late October 2010 was a decision made to use the Axa/Triangle building as the new headquarters of the EEAS.¹⁷ The need to ensure a certain level of both physical and communications security is likely to delay entry of staff in large numbers until April of 2011.

Managing expectations will remain a key challenge for the next couple of years while the EEAS reaches full operational capability. Clearly communicating that this process will take several years or even a decade is essential as many probably expect the EEAS to be fully functional as of early 2011 given recent media scrutiny. While high expectations for the Service are a good thing, an expectation of quick results may open the EEAS for undue criticism in 2011 and 2012. To avoid claims of being an external "inaction" Service, the EEAS will need to manage expectations and make it clear that it needs time to be fully operational. Some clarity into the status of the EEAS will hopefully be evident when the High Representative submits her report to the Council on the functioning of the Service – expected to happen no later than the end of 2011.

The way ahead

As a new entity, the EEAS will face ongoing challenges as it finalises its organisational set-up and assumes its functions. Some elements that are likely to require continued and future attention include:

- *Examining options for an EEAS open to lateral entry.* In the long-run, the EEAS will benefit from possibilities to recruit experts in specific fields or geographic areas. Indeed, modern diplomacy requires personnel with varied backgrounds who can interact with multiple stakeholders ranging from the private sector to NGOs. Currently, there are limitations on recruiting staff to the EEAS and only on exceptional cases can the EEAS employ specialists in crisis management, security, and IT when suitable candidates cannot be found internally.¹⁸
- *Ensuring a single Situation Centre / Crisis Room.* While there are ongoing efforts to ensure that the EU Military Staff Watch Keeping Capability, the European Commission Crisis Room, and the Joint Situation Centre are integrated into the EEAS, there is a risk that these services remain separate entities. Efforts will be needed to ensure their unification under the Service. In addition, the EEAS will have to consider who will manage the database of military assets and capabilities relevant to the protection of civilian populations and the Community Civil Protection database (this does not include a number of rapid alert mechanisms that have been developed within the EU). Moreover, the EEAS will need to examine its relationship with a possible future "European Emergence Response Centre" which is likely to emerge under Aid Commissioner Kristalina Georgieva (which itself seems moulded on the European Commis-

sion's Monitoring and Information Centre). The end objective should be a coherent crisis centre that facilitates EU decision-making.

- *Establishing a robust Strategic Policy Planning Department.* The current shape and mandate of the Strategic Policy Planning Department is still little known. Hopefully, this department – which will play a key role for facilitating coherence and identifying forward looking foreign and security policies – will attain sufficient mass to support strategic planning. The possibility to recruit external experts for short duration in this department might enable the acquisition of key competences ranging from future trend projections to analytical research capacities.
- *Ensuring adequate training support.* The EEAS will incorporate individuals with different backgrounds, language skills, working methods, etc. They will need to work together and collaborate to produce EEAS products ranging from background reports to policy advice. To ensure consistency across products and to facilitate cooperation among staff, the EEAS will need to consider its training needs early on. Options range from plugging into existing training services to tailoring new training modules to limit potential loss of productivity due to diverging capacity and/or work methods.

The EEAS is symbolic of the EU's efforts towards building a more active, coherent, and capable Union. While its path towards operationalisation has been bumpy and is likely to remain so until full operational capability has been reached, the implications of the EEAS should not be underestimated. While it will not change decision-making processes, it will impact how information is gathered, processed, analysed, and distributed – facilitating the transition towards more unified analysis and strategic outlooks among European stakeholders. Over the long run, this should yield more common policies in support of a single EU voice in global affairs.

NB: The views expressed in this paper are entirely and solely those of the author and do not necessarily reflect the views of the GCSP.

Endnotes

- 1 The author wishes to thank Dr. Antti Kaski, GCSP Faculty Member seconded from the Finnish government, for his helpful and thoughtful review of this document. Thanks are also extended to Mr. Dale Till for valuable editorial assistance.
- 2 Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community, Article 10A(3), December 2009.
- 3 For information on the legislation establishing the EEAS, see J. Keddie, "EU bibliographies: European External Action Service", International Affairs and Defence Section, House of Commons, 14 July 2010, available at <http://www.parliament.uk/briefingpapers/commons/lib/research/briefings/SNIA-05639.pdf>
- 4 "Proposal for a Council decision establishing the organisation and functioning of the European External Action Service – Presidency compromise", Council of the European Union, 8724/10, Brussels, 19 April 2010.
- 5 H. Mahony, "EU foreign ministers approve diplomatic service", *EUobserver*, 27 July 2010, available at <http://euobserver.com/9/30543>
- 6 Corrigendum to Council Decision establishing the organisation and functioning of the European External Action Service, Council of the European Union, 12656/10, Brussels, 28 July 2010.
- 7 T. Vogel, "EU consensus emerges over leading EEAS posts", *EuropeanVoice*, 9 October 2010, available at <http://www.european-voice.com/article/imported/eu-consensus-emerges-over-leading-eeas-posts/68794.aspx>
- 8 Speech to the European Parliament, quoted in I. Traynor, "Diplomacy, EU-Style", *E!Sharp*, May-June 2010.
- 9 Where appropriate for the implementation of the EU budget and EU policies other than those under the remit of the EEAS, European Commission staff may be engaged; see "Proposal for a Council decision establishing the organisation and functioning of the EEAS..." (note 4).
- 10 Examples include the Development Cooperation Instrument, the European Development Fund, the European Instrument for Democracy and Human Rights, and the Instrument for Nuclear Safety Cooperation. For specific conditions regarding the European Development Fund, the European Neighbourhood and Partnership Instrument and the Development Cooperation Instrument, and specific thematic programmes, see the "Proposal for a Council decision establishing the organisation and functioning of the EEAS..." (note 4).
- 11 C. Brand and T. Vogel, "MEPs fight for quotas in diplomatic service", *EuropeanVoice*, Vol. 16, No. 34, September 2010, pp. 23-29. For more examples see "Proposal for a Council decision establishing the organisation and functioning of the EEAS..." (note 4), pp. 7-8. For more on the European Parliament's initial objectives for the EEAS, see E. Brok (Rapporteur), "Report on the institutional aspects of setting up the EEAS", 2009/2133(INI), PE428.226v03-00, 20 October 2009. It was agreed via the adoption of the final legal acts that the European Commission's internal auditor will act as the internal auditor for the EEAS, an arrangement that will be reviewed in 2013.
- 12 "European External Action Service (EAS) – adoption of final legal acts, MEMO/10/521, Brussels, 25 October 2010.
- 13 Presidency Report on the EEAS, Council of the European Union, 14739/09, Brussels, 22 October 2009.
- 14 For more see S. Weiss, "External Action Service. Much Ado About Nothing", *Spotlight Europe*, 2010/05, Bertelsmann Stiftung, June 2010.
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