



Comissão de Negócios Estrangeiros e Comunidades Portuguesas

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## Relatório

**Autor:**

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Recomendação ao Parlamento Europeu – Serviço Europeu de  
Ação Externa



## RELATÓRIO

### I - Enquadramento

O Tratado de Lisboa deu à política externa e de segurança um quadro institucional renovado, para responder ao desafio da Europa falar internacionalmente a uma só voz. A decisão de criar o Serviço Europeu de ação Externa e a consolidação do papel do Alto Representante para os Negócios Estrangeiros e a Política de Segurança Comum (também Vice-Presidente da Comissão Europeia) determina essa vontade.

O Serviço Europeu para a Ação Externa é uma das inovações do Tratado de Lisboa. É uma estrutura administrativa específica com autonomia funcional, para apoiar o Alto Representante, mantendo-o informado e implementando as políticas por que é responsável.

O artigo 27º do TUE define: *No desempenho das suas funções, o Alto Representante é apoiado por um serviço europeu para a ação externa, que trabalha em colaboração com os serviços diplomáticos dos Estados-Membros.*

O SEAE deve trabalhar em colaboração com os serviços diplomáticos dos Estados-Membros

O funcionamento do SEAE tem sido afetado pela natureza intergovernamental que caracteriza uma parte importante das relações externas - política externa e de segurança - , enquanto existem áreas que integram as políticas comuns, como é exemplo a ajuda ao desenvolvimento e da política de vizinhança.

O Parlamento Europeu dispõe de competências na aprovação do estatuto do pessoal e em matéria orçamental, bem como no controlo político democrático. E considera que a sua efetividade deve resultar de uma estreita cooperação entre instituições europeias.

No passado, quer a Comissão Europeia para efeitos de implementação das suas políticas de relações com o exterior, quer o Conselho na sequência das suas competências em matéria de relações externas, dotaram-se de serviços de apoio compreendendo gabinetes de representação nas capitais de diversos países. Agora, as novas competências da União Europeia levaram à criação do SEAE, que pretende configurar um serviço diplomático europeu que proporcionou que vários Estados Membros terão mesmo previsto fechar algumas embaixadas nacionais para recorrer em alternativa às delegações do SEAE

Subsistem no entanto domínios que se mantem como de intervenção exclusiva dos Estados Membros. Sublinhando que a competência em matéria de política externa continua a ser uma das manifestações da soberania de cada Estado-Membro.





## Comissão de Negócios Estrangeiros e Comunidades Portuguesas

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### II – A Recomendação ao Parlamento Europeu

#### **RECOMMENDATION**

*to the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, to the Council and to the Commission on the 2013 review of the organisation and the functioning of the EEAS (2012/2253(INI))*

*Committee on Foreign Affairs*

*Co-rapporteurs: Elmar Brok and Roberto Gualtieri*

### II. A – A análise dos relatores sobre o SEAE

Os relatores apresentam uma extensa proposta de recomendação para apreciação e aprovação pelo Parlamento Europeu acerca da evolução verificada pelo Serviço Europeu de Ação Externa (SEAE).

São apontados os pontos fortes e as fragilidades do SEAE em cerca de dois anos e meio que leva de funcionamento que em resumo se traduz em sínteses, no seguinte:

- a) A natureza híbrida do serviço (na conjugação de estruturas de funcionários comunitários e nacionais);
- b) A responsabilidade e a dimensão dos desafios que lhe são colocados,
- c) A inadequação da estrutura para responder a esses mesmos desafios;
- d) A pouca rapidez na capacidade de resposta (face a uma crescente necessidade de ter uma resposta pronta e efetiva);
- e) A necessidade de ter uma maior coordenação, nomeadamente em articulação com os serviços de política externa dos Estados Membros;
- f) Donde deriva igualmente a busca de evitar a duplicação de intervenção entre as duas dimensões de intervenção;
- g) a necessidade de estabelecer um maior controlo político dos Parlamntos nacionais e por essa via,



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- h) a crescente determinação da maior legitimação da intervenção diplomática do serviço pelo aumento do escrutínio político com a correspondente adesão dos cidadãos a uma política externa conjuntiva.

Esta análise não necessariamente exaustiva traduz a leitura dos relatores para um conjunto de recomendações que no seu entender o Parlamento Europeu deve dirigir à Alta Representante para os Negócios Estrangeiros e a Política de Segurança Comum (e também Vice-Presidente da Comissão Europeia).

**II. B – As recomendações propostas pelos relatores**

Nestes termos os relatores preconizam:

**1. No domínio da liderança e estrutura eficiente**

- Maior envolvimento de membros de governo europeus reforçando as posições da União Europeia;
- Melhoria da cadeia de comando (hierarquia do serviço) e consequentemente do tempo e da capacidade de resposta;
- Reforçar o papel do Alto Representante para os Negócios Estrangeiros e a Política de Segurança Comum, no quadro da próxima Comissão Europeia;
- Alargamento papel do SEAE na definição das estratégias de política externa;
- Salvaguarda das políticas que por via dos tratados têm dimensão comunitária e não intergovernamental;
- As representações europeias devem funcionar mais próximo entre si, na busca da unificação das políticas externas das instituições europeias;
- Busca da economia de escala ao nível diplomático em Estados Terceiros, incluindo ao nível de serviços consulares;
- Assegurar que os EEMM apoiem a Política Externa e de Segurança Comum ativamente e sem reservas, no espírito de lealdade e de solidariedade recíproca, assegurando maior cooperação.





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### **2. No domínio de uma estrutura adequada**

- Aproximação, ao nível diplomático, económico e de desenvolvimento (e no quadro da Carta das Nações Unidas, ao nível militar) em linhas estratégicas da Europa para promover a segurança de cidadãos europeus em todos os territórios;
- Criação de uma estrutura tipo “Gabinete de Crise” de prevenção de conflitos e de resposta, de paz e segurança, que permita coordenação entre estados, instituições, departamentos e outras estruturas.
- Garantir o planeamento e assegurar processos de decisão rápidos ao nível da política externa e de segurança comum e criar uma estrutura permanente de resposta com um comando operacional militar integrado com uma estrutura civil:

### **3. Na reforma dos procedimentos financeiros**

- Assegurar que as questões financeiras europeias não coloquem em causa a dimensão e a qualidade das respostas a dar no âmbito das políticas de natureza PESC/PCSD.

### **4. Nas delegações da SEAE**

- Reorganizar e fortalecer o papel do SEAE na definição dos seus quadros dirigentes, e na escolha respectiva pelo mérito.
- Fortalecer a autonomia das delegações da SEAE;
- Assegurar que as delegações da SEAE na acção no terreno, tenham uma crescente atenção, denúncia e intervenção em matéria de direitos humanos e particularmente na salvaguarda nos direitos das mulheres.
- Garantir que as delegações da SEAE tenham funcionários com competência específica (incluindo ao nível de segurança e defesa) para assegurar a correta recolha e reflexão da monitorização dos ambientes onde se localizarem.



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5. Na implementação da Declaração de Responsabilidade (Declaration of Accountability)

- Assegurar que as posições do Parlamento Europeu são levadas em consideração através de sistema de consultas proactivas e sistemáticas, pelos serviços da SEAE.
- Assegurar o envio de relatórios das delegações dos EEMM ao Parlamento Europeu, (de acordo com a classificação reservada de acesso);
- Dar conhecimento ao PE de negociações ou acordos eminentes no domínio de PESC;
- Controlo parlamentar das novas chefias das delegações.

6. No processo de formação dos funcionários

- Promover formação adequada aos funcionários do SEAE e a formação tradicional e comum aos funcionários do serviço com os dos diplomatas.

7. No recrutamento

- Assegurar a proporcionalidade geográfica adequada no recrutamento de novos funcionários, a todos os níveis incluindo os níveis de representação nas delegações da SEAE pelo mundo fora;
- Levar em consideração o papel do PE na definição da PESC.
- Assegurar que o SEAE dispõe de competências múltiplas para responder a qualquer conflito, nomeadamente de mediação e diálogo.

8. A longo prazo

- Convocar uma convenção PESC/PCSD para a reflexão acerca do funcionamento e o papel futuro do SEAE





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### III – Opinião do Relator

1. A análise do funcionamento do serviço independentemente da respectiva qualidade tem a ver com duas realidades: por um lado, a dimensão da autonomia dos serviços e as atribuições restritivas que em matéria de política externa está conferida à União Europeia e, por outro lado, a circunstância de se tratar de um organismo ainda recente que não dispõe da força institucional e política para se impor neste domínio, iminentemente de competência intergovernamental e de interesses dispersos. Reforce-se aqui e ainda, a ideia anteriormente referida, da dimensão de soberania da política externa dos Estados.
2. Nesse sentido, as recomendações são bem-vindas porque derivando de uma reflexão cuidada sobre os primeiros passos do Serviço Europeu de Ação Externa, permitem um debate acerca do que se pretende, num domínio disputado pelos Estados Membros e pelas instituições europeias.
3. Sem atribuições profundas e com limitações orçamentais, o Serviço Europeu de Ação Externa luta num terreno de competências disputadas pelos estados, pelas instituições europeias e até pelas organizações internacionais (política de vizinhança é comunitária, política de segurança e defesa é competência própria dos EEMM, como a política externa, embora em alguns casos, determinada pelas organizações de que os estados fazem parte). Marcada ainda pelos interesses em muitos casos contrapostos dos estados, a tarefa não se afigura fácil.
4. A estratégia passa pela melhoria da coordenação entre os estados em matéria de PESC/PCSD e da capacidade de diálogo entre os estados, as instituições e os serviços.
5. A habilidade de definir estratégias conjuntas entre Estados Membros e a capacidade de encontrar respostas rápidas, com impacto e de aceitação transversal determina o desenvolvimento e o sucesso de uma política externa eficiente alicerçada pelo serviço europeu de ação externa.
6. O SEAE deverá funcionar ainda como um mecanismo de recolha e produção de informação para as instituições europeias.
7. A coordenação no terreno entre as delegações da SEAE e das organizações internacionais, nomeadamente da ONU, constitui uma das formas de melhor aproveitamento e troca de informação entre serviços.





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8. Deve municiar Estados (através dos respetivos governos), Instituições Europeias e outras entidades da qualidade de informação que lhes permita em tempo útil tomar decisões que o SEAE posteriormente colocará em efetividade.
9. A este nível o papel da Alta Representante para os Negócios Estrangeiros e a Política de Segurança Comum demonstra-se vital. Serão as suas orientações que determinam o sucesso da capacidade de intervenção do SEAE. Será a sua força política que permitirá que o SEAE seja mais efetivo e proactivo, que tenha um acrescido apoio da Comissão Europeia e do Conselho Europeu e, por maioria de razão, dos governos dos Estados Membros.
10. O mesmo se diga da ação do SEAE perante o Parlamento Europeu. O trabalho conjunto com esta instituição além de lhe conferir uma legitimação acrescida do ponto de vista democrático, pode consistir na alavanca que permite ao serviço ganhar credibilidade, autonomia, reforço financeiro e impacto na definição de políticas participadas.
11. O papel dos parlamentos nacionais deve ser considerado e ampliado neste quadro de legitimação do SEAE.
12. No âmbito das Conferencias interparlamentares PCSD/PESC deve ser agendada de forma sistemática, a apreciação do funcionamento e a efetividade do serviço, mediante a apreciação de relatórios parcelares nessa sede, o que reforçará o controlo democrático e participação do respetivo funcionamento.
13. Os parlamentos nacionais devem ser exortados a acompanhar a evolução e o funcionamento do SEAE, nomeadamente apreciando os relatórios anuais e chamando a Alta Representante para os Negócios Estrangeiros e a Política de Segurança Comum para ser questionada a estratégia e ação do serviço.
14. Naturalmente que a autonomia do serviço passa pelo reforço dos meios financeiros e da qualificação dos seus quadros. Mas a distribuição adequada no recrutamento pelos vários países membros demonstra-se relevante na medida em que as diferentes formas de "ler" a política internacional lhes conferirá uma preparação mais cuidadosa.

### **IV - Em conclusão:**

O projeto de Recomendação em apreciação e a apresentar ao Parlamento Europeu constitui um excelente documento e minucioso instrumento para a evolução do Serviço Europeu de Ação Externa.





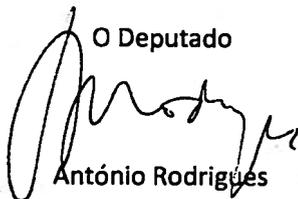
### Comissão de Negócios Estrangeiros e Comunidades Portuguesas

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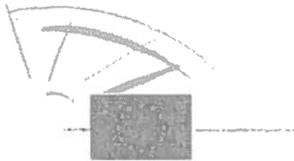
Os comentários que integramos na opinião do relator em nosso entender visam proporcionar um particular enfoque nas questões do projeto de recomendação eu por ser tal modo extenso não permite fixar prioridades no funcionamento do serviço.

Propõe-se ainda que o presente relatório seja enviado às Comissões de Defesa Nacional e de Assuntos Europeus para os efeitos que tiverem por convenientes e aos Relatores da Comissão de Assuntos Externos do Parlamento Europeu, para conhecimento.

Lisboa, 19 de Junho de 2013

O Deputado  
  
António Rodrigues





Committee on Foreign Affairs  
The Chair

To the Chair of the Committee concerned

Dear Chair, dear Colleague,

You may recall that in my speech at the last Inter-Parliamentary Conference on CFSP and CSDP, on 24 and 25 March in Dublin, I referred to the fact the Foreign Affairs Committee would adopt soon a "*Recommendation on the 2013 review of the organisation and the functioning of the European External Action Service*". I am pleased to inform you that this recommendation was successfully adopted in the Committee on Foreign Affairs on 23 April. You will find it enclosed.

This recommendation is now scheduled for debate and adoption in the plenary session of the European Parliament in June. The debate in plenary will take place in the presence of the High Representative of the Union for Foreign Affairs and Security Policy/Vice President of the Commission, Catherine Ashton.

In view of this important debate and in the spirit of our ongoing cooperation to strengthen the Union's Common Foreign and Security Policy, I would like to invite you to make your remarks on this Recommendation. I would be honoured to convey your views during this debate in order for the HR/VP to take them into account in her important work on the review of the EEAS.

I am sure we will also be returning to many of these issues at our next IPC on CFSP and CSDP on 4-6 September 2013 at the *Seimas* in Vilnius, Lithuania.

As always, I am looking forward to our further exchanges of views.

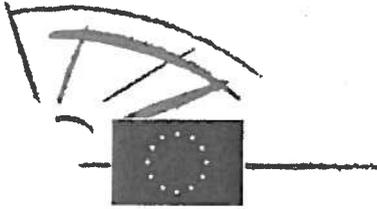
Yours sincerely,

Elmar BROK

CC : Roberto Gualtieri, MEP

Encl: AFET Recommendation on the 2013 review of the organisation and the functioning of the European External Action Service





EUROPEAN PARLIAMENT

2009 - 2014

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*Plenary sitting*

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**A7-0147/2013**

26.4.2013

## **RECOMMENDATION**

to the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, to the Council and to the Commission on the 2013 review of the organisation and the functioning of the EEAS  
(2012/2253(INI))

Committee on Foreign Affairs

Co-rapporteurs: Elmar Brok and Roberto Gualtieri

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# PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE HIGH REPRESENTATIVE/VICE PRESIDENT. TO THE COUNCIL AND TO THE COMMISSION

on the 2013 review of the organisation and the functioning of the EEAS

(2012/2253(INI))

*The European Parliament,*

- having regard to Article 27(3) of the Treaty on European Union (TEU) which provides for the establishment of a European External Action Service (EEAS) whose task is to assist the High Representative of the Union for Foreign Affairs and Security Policy,
- having regard to Article 21 (3) TEU which stipulates that the High Representative shall assist the Council and the Commission in ensuring the consistency between the different areas of the Union's external action,
- having regard to Article 26 (2) TEU which provides that the Council and the High Representative shall ensure the unity, consistency and effectiveness of action by the Union,
- having regard to Article 35, third paragraph TEU which states that the diplomatic and consular missions of the Member States and the Union delegations shall contribute to the implementation of the right of citizens of the Union to protection in the territory of third countries,
- having regard to Article 36 TEU which states that the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission (hereinafter HR/VP) shall regularly consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and the common security and defence policy, inform it of how those policies evolve, and ensure that the views of the European Parliament are duly taken into consideration,
- having regard to Article 42 TEU which gives the HR/VP powers to make proposals in the field of common security and defence policy, including the initiation of missions, using both national and Union resources,
- having regard to Article 13 (3) of the Council Decision of 26 July 2010 establishing the European External Action Service (hereinafter EEAS Decision), which lays down that the High Representative shall carry out, by mid-2013, a review of the organisation and functioning of the EEAS which will cover inter alia the implementation of Articles 6(6) and 6(8) on geographical balance, accompanied, if relevant, by a legislative proposal amending the Decision,
- having regard to Articles 298 and 336 of the Treaty on the Functioning of the European Union (TFEU) which provides for the legislative procedure that applies to staff matters,
- having regard to the Declaration by the HR/VP of the Commission on Political

Accountability (hereinafter HR/VP Declaration)<sup>1</sup>,

- having regard to the 2012 EEAS Staffing Report of 24 July 2012 presented in accordance with Article 6(9) of the EEAS Decision,
  - having regard to Rule 97 of its Rules of Procedure,
  - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Development, the Committee on Budget, the Committee on Budgetary Control and the Committee on Legal Affairs (A7-0147/2013)
- A. whereas the Lisbon Treaty introduced the objective of ensuring the unity, consistency and effectiveness of the European Union's external action;
- B. whereas the EEAS is a new body of hybrid nature, drawing upon community and intergovernmental sources, which has no precedent in the EU and which therefore cannot be expected to be fully functional within two years of its establishment; whereas, therefore, a review of its organisation and functioning should be based on fair and constructive criticism;
- C. whereas the success of the EEAS should be measured against its ability to pursue a comprehensive approach by the EU to today's external challenges and responsibilities, and its capacity to achieve a more efficient use of scarce resources through greater cooperation and economies of scale at European Union and national levels;
- D. whereas the double-hatted role of the HR/VP is the most tangible manifestation of this search for greater coherence in the EU's external action;
- E. whereas the current structure within the Commission does not adequately reflect the specific role granted to the HR/VP in relation to the EU's external action;
- F. whereas the multiple roles entrusted by the Lisbon Treaty to the HR/VP calls for the creation of (a) political deputy/ies in order to ensure that (s)he is assisted in the accomplishment of her/his tasks;
- G. whereas operational decision-making and implementation in the area of the Common Foreign and Security Policy / Common Security and Defence Policy (CFSP/CSDP) are too slow because of structural and procedural reasons; whereas this has become apparent once more with the crisis in Mali, in response of which decision-making procedures and funding decisions have not been swiftly adopted and implemented;
- H. whereas the EEAS should be a streamlined, results-orientated, efficient structure, capable of providing support for political leadership in external relations, particularly in the area of CFSP and facilitating decision-making in the Council; whereas, for this reason, the EEAS should be capable of providing, at short notice and in a coordinated fashion, expertise from different departments, including from the Commission; whereas the current structure of the EEAS is too top-heavy and marked by too many decision-making layers;
- I. whereas the opportunities for quick deployment offered by the EU battle groups are not

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<sup>1</sup> OJ C 2010 of 3.8.2010, p. 1.

yet used;

- J. whereas the experience of the past has clearly shown the need for establishing permanent operational Headquarters in Brussels for the conduct of CSDP missions;
- K. whereas, in the case of the Arab revolutions, it has become apparent that the EU is unable to ensure, in the short term, a reallocation of resources, including staff, to match new political priorities; whereas the size and staff profiles of EU delegations must reflect the Union's strategic interests;
- L. whereas the role of the EEAS in defining the strategic orientation, and in contributing to the implementation of the EU external financing instruments, should be strengthened in line with the key lines of EU foreign policy;
- M. whereas the importance of ensuring better coordination and good governance on development issues at the international level needs to be reaffirmed, in order to allow the EU to speak with one voice and gain visibility;
- N. whereas, particularly at times of budgetary restrictions, the EEAS should act as a catalyst for greater synergies, not only within the EU institutional framework but also between the EU and its Member States;
- O. whereas, at a time when Member States' governments are reducing their diplomatic and consular presence, the EEAS should be seen and further used as an opportunity to foster greater cooperation and synergies;
- P. whereas greater effort should be made to avoid duplication of efforts and structures between the EEAS, the Commission – in particular DG DEVCO and the European Community Humanitarian aid Office (ECHO) – and the Council Secretariat;
- Q. whereas the target of one third of staff originating from Member States has been reached, and whereas the staff originating from the three components (the Commission, the Council Secretariat and the national diplomatic services) should be appropriately distributed at all levels and between delegations and Headquarters;
- R. whereas women are under-represented in AD and senior positions, and over-represented in AST positions;
- S. whereas any modification regarding the rules on staff has to be adopted under the codecision procedure;
- T. whereas there is a clear need to develop the EEAS' capacity to identify and learn lessons from previous operational experiences, particularly in the area of conflict prevention, conflict mediation, crisis management, reconciliation and peace-building;
- U. whereas, two and a half years after the adoption of the HR/VP Declaration, there should be a thorough assessment of the political accountability of the EEAS towards Parliament, notably as regards the extent to which Parliament is consulted on strategic decisions and its views and inputs are taken into account;
- V. whereas this assessment should also address ways to improve appearances before

Parliament and its bodies by the HR/VP and EEAS officials, including the Heads of Delegations and EUSRs, and how the EEAS follows up Parliament's resolutions;

- W. whereas Parliament's oversight over the EEAS is essential if European external action is to be better understood and supported by EU citizens; whereas parliamentary scrutiny enhances the legitimacy of the external action;
- X. whereas flexibility is lacking in the current financial circuits in delegations, with detrimental effect on the workload of the staff;
1. Addresses the following recommendation to the High Representative/Vice President, the Council and the Commission, bearing in mind that there has been good progress in setting up the EEAS but that more can be achieved in terms of synergy and coordination between institutions, as well as political leadership and visibility, due to the opportunities created by the combination of the roles of High Representative, Vice-President of the Commission and Chair of the Foreign Affairs Council, and by strengthening the instrumental nature of the Service:

#### **On leadership and a more rational and efficient structure for 21st century diplomacy**

2. to provide support to the HR/VP in the accomplishment of his/her multiple duties as entrusted by the TEU, by foreseeing the appointment of (a) political deputy/ies who would be accountable to Parliament and appear before its responsible committee prior to taking up duties, and empowered to act on behalf of the HR/VP; to ensure also that RELEX Commissioners can fully represent the HR/VP for parliamentary matters and internationally; furthermore, to consider involving Member States' foreign ministers for specific tasks and missions on behalf of the Union, as a way of reinforcing common EU positions;
3. in light of the above, to simplify the command structure of the EEAS and enhance the role of its Executive Secretary General by establishing a clear chain of command to support effective decision-making as well as timely policy response, in this context, to rationalise the posts of Chief Operating Officer and Managing Director in charge of Administration, to reduce and simplify the hierarchical structure of the Managing Directorates, to clearly define the relevant competences within the management structure of the EEAS, and to review the current structure based on the Corporate Board, with a view to achieving efficiency, clarity and coherence in decision-making; in the same spirit, to ensure that the HR/VP receives political advice, for instance through a Political Council, from all the relevant institutional actors, thus allowing him/her to assess the impact of actions to be undertaken by the EEAS;
4. to improve and strengthen the HR/VP's coordinating, initiating and political leadership roles, in particular as chair of the Foreign Affairs Council, by ensuring that, in the next Commission, (s)he realises his/her full potential as Vice-President of the Commission and is entrusted with the chairing of the group of RELEX Commissioners, enlarged to other Commissioners whose portfolios have an external dimension, in order to develop further the practice of joint proposals and joint decisions;
5. to make full use of the synergy effect of the EEAS and in this context to envisage the possibility of qualified majority voting on CFSP matters, as laid down in Article 31(2)

TEU, and to formally explore the broadening of qualified majority voting on CFSP matters by means of the respective passerelle clause;

6. to ensure that, in compliance with Article 9(3) of the EEAS Decision, the EEAS plays a leading role in the definition of the strategies of the relevant external financing instruments and that, for this purpose, the EEAS has the expertise to lead in these areas;
7. to safeguard, at the same time, the 'community' character of the neighbourhood policy, bearing in mind that Parliament rejects any intergovernmentalisation of Union policies, given that the Commission is mainly responsible for negotiating international agreements for and on behalf of the Union;
8. to further improve the interface between the Directorate for Foreign Policy Instruments and the EEAS;
9. to ensure that the European Union Special Representatives (EUSRs) are closely integrated into the work of the EEAS by anchoring them and their staff in the EEAS structure, and to consider, whenever possible, double-hatting them with EU Heads of Delegation;
10. to carry out a systematic and in-depth audit in order to unify the external policy-related structures put in place by the Commission and the Council Secretariat, with a view to overcoming current duplications and promoting cost efficiency; to make this report available to Parliament;
11. in the same vein, to further develop the practice of joint technical and logistical services between institutions, with a view to achieving economies of scale and improved efficiency; as a first step, to put under a "single joint structure" the various logistical services for early warning, risk assessment and security tasks that cover events outside of the Union and are currently dispersed in different Institutions;
12. in coordination with the Member States, to set out options over the medium to long-term for achieving economies of scale between Member States' diplomatic services and the EEAS in third countries, including in relation to the provision of consular services;
13. to adopt a coherent approach as regards the chairing of working groups of the Council and to end the rotating presidency of those groups;
14. in line with Article 24 TEU, to ensure that Member States support the Union's external and security policy actively and unreservedly, in a spirit of loyalty and mutual solidarity, and that they comply with the Union's actions and support the EEAS in carrying out its mandate;
15. to this end, to promote deeper cooperation with Member States and to develop joint political reporting between delegations and embassies;

#### **On the 'appropriate structure' for ensuring a comprehensive approach**

16. to implement the full potential of the Lisbon Treaty by pursuing a Comprehensive Approach that integrates diplomatic, economic, development, and – in the last resort and

in full compliance with the UN Charter – military means behind common Union strategic policy guidelines in order to protect and promote the security and prosperity primarily of EU citizens and those in their neighbourhood, as well as further afield; in this context, to ensure coherence between short-term and longer-term measures; in addition, to ensure that the EEAS has the capacity for strategic thinking and to forward proposals for implementing important innovations offered by the Lisbon Treaty, like entrusting the implementation of certain tasks to groups of capable Member States, and the development of Permanent Structured Cooperation, including the use of battle groups;

17. to that end, to develop further an ‘appropriate structure’ (for instance identified as a Crisis Board) that integrates conflict prevention, crisis response, peace building, the foreign policy instruments concerned, security policy and CSDP structures, and assures coordination with the geographical desks, delegations and other policy departments concerned in crisis management, building on the crisis platform concept; to ensure overall coherence and the avoidance of duplication within the EEAS; furthermore, to enhance inter-institutional coordination and clarity of roles;
18. to ensure effective and integrated planning, and faster decision-making, for CSDP operations, by combining the relevant planning capacities from the Crisis Management and Planning Directorate (CMPD) and the Civilian Planning and Conduct Capability (CPCC); in addition, to create a permanent conduct structure by establishing a permanent military Operational Headquarter, co-located with a Civilian Conduct Capability, in order to allow the effective implementation of military and civilian operations whilst safeguarding their respective chains of command;

#### **On reforming financial procedures for effective external action**

19. to make full use of all possible flexibilities under the Financial Regulation relating to the financial management of administrative and operational expenditure so as to authorise Heads of Delegations, where circumstances so require, to sub-delegate further to their deputy and to Commission staff, thereby facilitating the management and smooth running of Delegations and allowing Heads of Delegations to focus on their political tasks;
20. to speed up procedures in the Foreign Policy Instruments Service for administering CFSP finances against the objective of guaranteeing flexible and timely response to crisis situations and, in particular, to ensure that civilian CSDP operations are launched rapidly and with efficiency; in this regard, to examine whether changes to the Financial Regulation can be introduced without reducing oversight;
21. to increase the flexibility and reactivity of EU external assistance by reviewing the rules for decisions on programming and spending for external financial instruments;
22. to improve financial accountability by extending transparency to all CFSP budget lines including CSDP operations, EUSRs, non-proliferation and conflict prevention;

#### **On the Delegations**

23. to grant the EEAS a greater say in the (re)allocation of Commission staff in EU delegations in order to ensure that the staff profiles and size of EU delegations reflects the Union’s strategic interests and its political priorities;

24. to take the necessary steps to ensure that Heads of EU Delegations are appointed on the basis of merit and sound knowledge of the Union's interests, values and policies, in order to ensure motivation and the highest degree of quality and efficiency among those selected for such sensitive functions;
25. to provide that, particularly in delegations where the number of EEAS staff is small, the Head of Delegation can, in compliance with Article 5(2) of the EEAS Decision, also task Commission staff to carry out political analysis and political reporting;
26. in this context, to strengthen the authority of the Heads of Delegation over the whole staff, including Commission staff, and to ensure that the Head of Delegation is the addressee of all instructions issued by Headquarters;
27. to seriously develop the opportunities opened up by the EEAS Decision and by the TEU, notably by enhancing the coordinating role of delegations, especially in crisis situations, and by enabling them to provide consular protection to EU citizens from Member States who are not represented in a given country; to ensure any additional tasks do not take resources away from existing policies, institutions and priorities at EU level;
28. given that the vast majority of EU Delegations now have human rights focal points, to ensure that human rights and women's rights in particular are mainstreamed within every Delegation and Office of the EU; furthermore, to give visibility to European culture based on its diversity; to ensure, where appropriate, that EU delegations have a parliamentary liaison office to provide adequate assistance to Parliament's delegations in third countries;
29. to ensure, furthermore, that delegations have expertise in those policy areas (e.g. climate change, energy security, social and labour policy, culture, etc.) which are relevant for the EU's relations with the country in question;
30. to ensure that, wherever applicable, every delegation has a security and defence attaché, in particular where delegations operate in situations of political instability or fragility or where a recent CSDP operation or mission has been terminated, in order to ensure operational continuity and adequate monitoring of the political environment;

#### **On implementing the Declaration on Political Accountability**

31. in line with the quadripartite agreement reached in Madrid in June 2010, to ensure full and effective implementation of the obligation in Article 36 TEU to have the Parliament's views duly taken into consideration, for example by a proactive and systematic consultation with the appropriate committee of Parliament before the adoption of strategies and mandates in the area of CFSP/CSDP;
32. to ensure full political reporting from Union delegations to key office holders of Parliament under regulated access;
33. to ensure, in line with Article 218 (10) TEU, that Parliament is immediately and fully informed at all stages of the procedure for negotiations on international agreements, including agreements concluded in the area of CFSP;

34. in line with the positive experience of newly appointed Heads of Delegations and EUSRs appearing before AFET before taking up their posts, to extend this practice to newly appointed CSDP Heads of Missions and Operations;
35. to ensure that, once appointed by the HR/VP, the new Heads of Delegations are officially confirmed by the relevant committee of Parliament before taking up their posts;
36. to have a systematic exchange with the appropriate committee of Parliament ahead of each Foreign Affairs Council and to debrief this committee after each Council meeting;

#### **On training and consolidating a European diplomatic esprit de corps**

37. to promote common training and other concrete measures for the consolidation of an esprit de corps among EEAS staff with various diplomatic, cultural and institutional backgrounds, and to consider joint training initiatives for EEAS staff and national diplomats, as part of their continuous professional development;
38. in this spirit, to review the relevant existing training and educational programmes at EU and national levels, with a view to consolidating them alongside the existing European Security and Defence College;

#### **On the recruitment base**

39. to further pursue and intensify efforts to achieve better gender balance, with due regard to merit and competences; to emphasise the importance of achieving balance at the level of Heads of Delegations and other managerial levels; to introduce transitional measures, whilst developing an action plan, that would include mentoring programmes, special training and a family-friendly working environment in order to promote the representation of women and to address the structural obstacles to their diplomatic careers;
40. to take all necessary measures to redress geographical representativity at senior levels and at all other grades and positions in order to foster and encourage political ownership of the EEAS by officials and Member States alike, and as required by Article 6(6) and 6(8) of the EEAS Decision;
41. given that the target of one third of staff recruited from Member States has been reached, to ensure that staff from national ministries are not concentrated at managerial levels, thereby enabling career opportunities for all, and to focus now on the recruitment of new EU staff on a permanent basis; also to explore, in that regard, the options for national diplomats working at the EEAS to apply for permanent posts within the Service;
42. in order to develop a truly European esprit de corps and to ensure that the Service only serves common European interests, to oppose all attempts by the Member States to interfere with the recruitment process of EEAS staff; once the transition period is over, to ensure that the EEAS can develop its own and independent recruitment procedure, open also to officials from all EU institutions and to candidates from the outside through open competitions;
43. to consider in particular, in view of the European Parliament's special role with regard to

the definition of objectives and basic choices of the Common Foreign and Security Policy, Parliament's competences as a budgetary authority, its role in democratic scrutiny of foreign policy as well as its practice of parliamentary foreign relations, the possibility for officials from the European Parliament to be able to apply for posts in the EEAS on an equal footing with those from the Council and the Commission at the earliest convenience;

44. to ensure that the EEAS has the appropriate mix of skills for responding to conflict, in particular by developing skills in the area of mediation and dialogue.

**The longer term**

45. Calls, in the context of a future Convention, for the further development of CFSP/CSDP and of the role of the EEAS, including a change of name, to be put on the agenda;
46. Instructs its President to forward this recommendation to the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the Commission, the Council, the Commission and the governments and parliaments of the Member States.

25.2.2013

## OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Foreign Affairs

to the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, to the Council and to the Commission on the 2013 review of the organisation and the functioning of the EEAS (2012/2253(INI))

Rapporteur: Birgit Schnieber-Jastram

### SUGGESTIONS

The Committee on Development calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Acknowledges that, since the European External Action Service (EEAS) is a relatively young organisation, insufficient time has passed to be able fully to assess some aspects of its organisation and functioning; expresses, nevertheless, its hope that the Mid-Term Review will assess the added value of the EEAS for EU development cooperation, in particular whether it has led to an improvement in the quality and effectiveness of policy-making and strategic programming, with full respect for the objectives of, and commitments made under, EU development policy as laid out in Article 208 of the Treaty on the Functioning of the European Union and in the European Consensus on Development<sup>1</sup>;
2. Reaffirms the importance of ensuring better coordination and good governance on development issues at the international level, in order to allow the EU to speak with one voice and gain visibility;
3. Recalls that the EEAS plays a major role in the planning and programming of the EU's bilateral development cooperation with partner countries and regions and is in charge of preparing, jointly with the Commission and under the responsibility of the Commissioner for Development Policy, all strategic, multiannual programming documents associated with the Development Cooperation Instrument (DCI) and the European Development Funds (EDF);

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<sup>1</sup> Recital 4, Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU).

4. Encourages the EEAS and the Commission, despite the initial difficulties, to continue their efforts to coordinate more closely the development cooperation policies and crisis management structures of the Union and of its Member States; encourages them to promote such coordination further and to build on the positive experiences of the joint programming of development aid in the next programming cycle, starting in 2014;
5. Believes that the EU should serve as an example of good coordination to its development partners; furthermore, encourages the EEAS and the Commission to explore ways to become involved in triangular cooperation initiatives;
6. Encourages the Commission and the EEAS to improve further the balance of responsibilities between the two institutions in the field of development and to ensure that their respective staffing needs are met; calls in particular for a clearer delineation between the responsibilities of the EEAS and of the Commission when it comes to the implementation of the Cotonou Partnership Agreement;
7. Is of the opinion that the Council working parties on development cooperation, humanitarian and food aid, and cooperation with ACP states, would best be served by a continuation of the existing system of a rotating chairmanship held by Member State representatives, bearing in mind the distinctive nature of these external policy areas and the important role the Member States have in them;
8. Reiterates, in this context, the need to ensure a balanced geographical and gender presence of nationals from all Member States among EEAS staff;
9. Stresses also the importance of EEAS training on gender-related issues; stresses that such training must raise general awareness of issues relating to gender and equality between women and men;
10. Reiterates its plea to the High Representative / Vice-President (HR/VP) and the EEAS to make Policy Coherence for Development (PCD) their clear priority; urges the Commission and the EEAS to devise a clear strategy to ensure PCD, inter alia by giving PCD a more prominent place in the EU's policy dialogue with partner country governments, parliaments, civil society organisations, and other stakeholders, by including PCD in a credible and operational way in strategic programming documents, by participating in the preparation of the next rolling PCD Work Programme, and by developing a PCD training programme for all new EEAS staff;
11. Points to the potential tension between PCD and the concept of a 'comprehensive approach' to crisis management outside the EU; urges the EEAS and the Commission to make sure that the 'comprehensive approach' does not undermine the specific objectives and principles of development cooperation or divert scarce resources away from poverty reduction; similarly, insists that EU humanitarian aid is not a crisis management tool, and reminds the EEAS of its commitment<sup>1</sup> to promote the fulfilment of the objectives of the European Consensus on Humanitarian Aid;
12. Calls on Catherine Ashton, Vice-President of the Commission / High Representative of

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<sup>1</sup> Recital 4, Council Decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service (2010/427/EU).

the Union for Foreign Affairs and Security Policy (VP/HR), to sign the European Consensus on Development;

13. Welcomes the fact that the VP/HR has addressed the Committee on Development on an annual basis, as a significant step to improving accountability and the exchange of information on development issues; encourages the VP/HR and the EEAS to reflect on further ways to enhance their accountability to Parliament, including by mandating the competent minister of the rotating Presidency to speak on the VP/HR's behalf on issues relating to the Council's position on EU development cooperation policy.
14. Encourages the EEAS to enhance its role in international negotiations covering political and external policy issues, and in particular to use the tools of diplomacy available to the EEAS in order to promote the International Criminal Court (ICC), to remind third countries – with special emphasis on developing countries – of the need for them to support the ICC and to sign or ratify its constituent act if they have not yet done so, and to include in agreements with third countries binding clauses that require them to cooperate with the ICC, or indeed to impose restrictions on persons against whom proceedings have been initiated in the ICC.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	19.2.2013
<b>Result of final vote</b>	+: 26 -: 0 0: 0
<b>Members present for the final vote</b>	Thijs Berman, Michael Cashman, Ricardo Cortés Lastra, Nirj Deva, Leonidas Donskis, Mikael Gustafsson, Filip Kaczmarek, Michał Tomasz Kamiński, Miguel Angel Martínez Martínez, Gay Mitchell, Norbert Neuser, Jean Roatta, Birgit Schnieber-Jastram, Michèle Striffler, Alf Svensson, Keith Taylor, Eleni Theocharous, Patrice Tirolien, Anna Záborská
<b>Substitute(s) present for the final vote</b>	Philippe Boulland, Agustín Díaz de Mera García Consuegra, Enrique Guerrero Salom, Isabella Lövin, Gesine Meissner, Bart Staes
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	George Lyon

5.3.2013

## OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Foreign Affairs

to the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, to the Council and to the Commission on the 2013 review of the organisation and the functioning of the EEAS (2012/2253(INI))

Rapporteur: Nadezhda Neynsky

### SUGGESTIONS

The Committee on Budgets calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Highlights the conclusions and recommendations of the Court of Auditors' report with regard to the weaknesses in financial management across the EEAS; acknowledges that some of the problems may be of transitional nature, and that payments are generally free of material error, but wishes to reinforce the focus on the use of best practices and on strict adherence to the Financial Regulation;
2. Welcomes the savings achieved in 2012, and the continuation of this trend in 2013 as projected; reiterates its comments on the relative surfeit of high-grade posts, which is seriously disproportionate in comparison with other institutions; calls on the relevant departments to establish, for the medium and long term, a roadmap and appropriate methods with a view to correcting this relative imbalance; highlights, furthermore, the need to strengthen the financial support with regard to the particular security concerns for the EEAS staff;
3. Recalls that the EEAS must aim to enable savings and improve diplomatic efficiency in all Member States, creating synergy effects between the European Union and its Member States through co-location, exchange of information, pooling and sharing of expertise and know-how, and closer cooperation with international organisations and international financial institutions; stresses that, in addition, the EEAS must aim to avoid and remove any duplication in tasks, functions and resources with other European institutions and within the EEAS itself, and show a greater transparency in the allocation of responsibilities within the EEAS's management structure;
4. Highlights the lack of balance in the distribution of EEAS and the Commission staff in the

delegations; calls for more staff from EEAS Headquarters to be posted to the delegations;

5. Considers it necessary to review the EEAS's existing procedures in the delegations, such as the annual collective negotiations on pay for local staff in EU delegations;
6. Remains concerned as to whether the recruitment objectives of attracting staff from national diplomatic services, and ensuring fair and adequate geographical and gender representation of nationals from all the Member States and at all position levels, are being pushed forward with this aim in mind; stresses that both objectives should form part of the long-term recruitment strategy; notes that 39.5 % of EU ambassadors come from Member States; recalls the agreement whereby one third of all posts should be filled by the Member States;
7. Highlights that the interconnection between staffing levels, on the one hand, and identified strategic interests and Heading 4 spending concentrated at certain delegations or functions, on the other hand, should be clearly stated and reviewed;
8. Stresses the need to make use of the enhanced flexibility provided by the new Financial Regulation, and to speed up the delivery of aid in crisis situations, in particular where an imminent or immediate danger threatens to escalate into armed conflict or to destabilise a country, and where an early engagement by the Union would be of major importance in promoting conflict prevention.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	4.3.2013
<b>Result of final vote</b>	+:               32 -:               1 0:               1
<b>Members present for the final vote</b>	Marta Andreasen, Richard Ashworth, Reimer Böge, Zuzana Brzobohatá, Jean-Luc Dehaene, Göran Färm, José Manuel Fernandes, Eider Gardiazábal Rubial, Salvador Garriga Polledo, Jens Geier, Ivars Godmanis, Ingeborg Gräßle, Lucas Hartong, Jutta Haug, Monika Hohlmeier, Sidonia Elżbieta Jędrzejewska, Anne E. Jensen, Ivailo Kalfin, Jan Kozłowski, Giovanni La Via, Claudio Morganti, Vojtěch Mynář, Juan Andrés Naranjo Escobar, Dominique Riquet, László Surján, Helga Trüpel, Derek Vaughan, Angelika Werthmann
<b>Substitute(s) present for the final vote</b>	François Alfonsi, Edit Herczog, Jürgen Klute, María Muñiz De Urquiza, Georgios Stavrakakis, Nils Torvalds

19.3.2013

## OPINION OF THE COMMITTEE ON BUDGETARY CONTROL

for the Committee on Foreign Affairs

to the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, to the Council and to the Commission on the 2013 review of the organisation and the functioning of the EEAS (2012/2253(INI))

Rapporteur: Ivailo Kalfin

### SUGGESTIONS

The Committee on Budgetary Control calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Notes that the EEAS is a recently created institution resulting from the consolidation of several different services and that 2011 was its first operational year, posing numerous technical challenges to be overcome, particularly in procurement, recruitment and institutional culture and practices;
2. Commends the excellent examples of coordination between the EEAS and other institutions and international donors, and recommends that these practices be upgraded to standards;
3. Points out that when the EEAS was set up two administrative areas were taken over on cost grounds by the Commission, namely internal audit and accounts; recognises that savings have indeed been made and advocates continuation of this cooperation;
4. Recommends that the EEAS constantly look for synergies and value added from its interaction with the Member States, both in terms of sharing information and analysis and in performing the functions of diplomatic representation in the respective third countries;
5. Notes the intensive period of recruitment in the EEAS's first year of operation to ensure full staffing capacity; notes, furthermore, that there are some particular delegations where posts are harder to fill, mainly because of the level of risk associated with their locations;

6. Considers it difficult to make detailed comparisons of the prevailing conditions in which the EEAS has to operate across 140 locations; recommends, therefore, that the benchmarks be defined in relation to the EU Member States' diplomatic services in the same country;
7. Regrets the geographical and gender imbalance existing within the EEAS, with a lower proportion of staff coming from the newer Member States than from the EU-15 (mostly at levels below head of delegation) and the relatively small number of women represented; urges the EEAS to take the necessary measures to improve this situation;
8. Notes with satisfaction the performance and management of 8 800 candidates, with 1 300 interviews conducted and 118 vacancies filled in 2011;
9. Notes that 39.5 % of Union ambassadors come from the Member States; recalls the agreement that one-third of posts should be filled by staff from Member States; asks that the High Representative implement that agreement, ensuring that it also covers middle and senior posts within the quota;
10. Points out that there is an imbalance in the delegations between EEAS and Commission staff members; calls for more EEAS staff to be transferred from headquarters to the delegations;
11. Insists on a review of the 36 delegations comprising only an ambassador, with a view either to closing them or to increasing their staff where appropriate;
12. Strongly urges the EEAS, with respect to staff travel arrangements, to adopt practices similar to those applied by Member States in comparable circumstances;
13. Insists that, by revising Annex X to the Staff Regulations (third countries), the number of days of leave and other non-working days locally be brought into line with what is applicable to Member States' diplomatic representations there;
14. Believes that the review of the EEAS represents a forum in which a detailed analysis can be conducted of the compatibility between the resources available and the functions to be performed by the EEAS, as also of any changes required to ensure the highest level of efficiency in its operations; believes that an evaluation of property in use by the EEAS should involve comparisons with other diplomatic missions in the same location, rather than between EEAS facilities in very different countries;
15. Calls for a multi-year plan to be submitted for EU buildings and staff safety and building security in all third countries with EU representations;
16. Insists on the need for an analysis of the efficiency of the service-level agreements between the EEAS and the Commission and the GSC respectively, and suggests amending the existing agreements and signing new ones where appropriate, in order to address the problems at the level of administrative management.

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	18.3.2013
<b>Result of final vote</b>	+: 24 -: 0 0: 0
<b>Members present for the final vote</b>	Jean-Pierre Audy, Inés Ayala Sender, Zuzana Brzobohatá, Andrea Češková, Ryszard Czarnecki, Tamás Deutsch, Martin Ehrenhauser, Jens Geier, Gerben-Jan Gerbrandy, Ingeborg Gräßle, Jan Mulder, Eva Ortiz Vilella, Monika Panayotova, Aldo Patriciello, Paul Rübig, Petri Sarvamaa, Bart Staes, Georgios Stavrakakis, Søren Bo Søndergaard
<b>Substitute(s) present for the final vote</b>	Jorgo Chatzimarkakis, Edit Herczog, Ivailo Kalfin, Olle Schmidt, Derek Vaughan
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Peter Jahr



**ANNEX - OPINION IN THE FORM OF A LETTER OF THE COMMITTEE ON  
LEGAL AFFAIRS**

Ref. D(2013)15715

Mr Elmar Brok  
Chair  
Committee on Foreign Affairs  
ASP 05E240  
Brussels

**Subject: Rto the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the European Commission, to the Council and to the Commission on the 2013 review of the organisation and the functioning of the EEAS(2012/2253(INI))**

Dear Chair,

On account of the tight schedule in your committee, the Committee on Legal Affairs has decided to issue an opinion to your committee on the above report in letter form in order to draw attention to some of the key aspects of the organisation and functioning of the European External Action Service (EEAS) concerning staff. As any subject with regard to the staff of the EEAS falls within the competence of the Legal Affairs Committee as the committee responsible for Staff Regulations, the latter submits the following essential remarks in this regard.

This opinion in letter form was drafted by Mr Bernhard Rapkay, who was my committee's rapporteur for the adoption of Regulation (EU, EURATOM) No 1080/2010 of the European Parliament and of the Council of 24 November 2010, which amended the Staff Regulations in view of the establishment of the EEAS. It was adopted by the committee with 23 votes<sup>1</sup> on 19 March 2013.

The Committee on Legal Affairs calls on the Committee on Foreign Affairs, as the lead committee, to pay particular attention to the following points when drawing up its recommendation:

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<sup>1</sup> The following Members were present: Raffaele Baldassarre (Vice-Chair), Luigi Berlinguer, Sebastian Valentin Bodu (Vice-Chair), Piotr Borys, Françoise Castex (Vice-Chair), Christian Engström, Marielle Gallo, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Klaus-Heiner Lehne (Chair), Eva Lichtenberger, Jiří Maštálka, Alajos Mészáros, Bernhard Rapkay, Evelyn Regner (Vice-Chair), Francesco Enrico Speroni, Rebecca Taylor, Alexandra Thein, Axel Voss, Rainer Wieland, Cecilia Wikström, Tadeusz Zwiefka, Ricardo Cortés Lastra (pursuant to Rule 187(2)).

- Pursuant to recitals 11 and 12 of Regulation No 1080/2010 and Article 6 paragraph 9 of Council Decision 2010/427/EU establishing the organisation and functioning of the EEAS (the "EEAS Council Decision"), the EEAS staff at AD level shall, when the EEAS has reached its full capacity, be composed of at least one third of staff from national diplomatic services of EU Member States and of at least 60% permanent officials of the European Union.
- As indicated in the 2012 EEAS Staffing Report, these quotas have been reached. The next priority should therefore be the consolidation of the EU staff within the EEAS and the career perspectives of EU officials within the EEAS. Recital 11 of the EEAS Council Decision provides that, after 1 July 2013 "all officials and other servants of the European Union should be able to apply for vacant posts in the EEAS". In this context, the Legal Affairs Committee would like to stress that these quotas will need to be respected at AD as well as at AST level and among all grades, including management positions. Both the diplomatic experience and established contacts of senior diplomats coming from Member States as well as the familiarity with the working mechanisms and culture of the European Union, to which particularly senior EU staff can contribute, are of pivotal importance for the success of the EEAS. Observing the quotas, in particular for management positions, should also foster the independence of the EEAS. The EEAS forms part of the Union's open, efficient and independent European administration as provided for in Article 298 TFEU. It is treated, for matters related to staff, as an institution within the meaning of the Staff Regulations, and as such its staff is bound in its duties, *inter alia*, by the principle of independence. The respect for the principle of independence is also enshrined in the provisions of the EEAS Council Decision and Regulation No 1080/2010.
- In this respect it should be noted that the current practice of representatives of Member States being present in the selection panels for management posts contradicts the principle of independence and should not be maintained. Such selection panels should be exclusively composed of EEAS staff and EU officials.
- Article 4 of Regulation No 1080/2010 requires that the High Representative should submit a report by mid-2013 on the implementation of that regulation, with particular emphasis on gender and geographical balance of staff within the EEAS.
- Furthermore, both the EEAS Council Decision (Article 6 paragraphs 6 and 8) and Regulation No 1080/2010 (Recital 14) provide that the EEAS staff shall be adequately balanced in terms of gender and geography. Moreover, recital 15 of the Regulation No 1080/2010 obliges the High Representative to take appropriate measures to promote equal opportunities for the under-represented gender in certain function groups, more particularly at AD level, within the EEAS. Thus, the Legal Affairs Committee notes with concern that women remain significantly underrepresented amongst AD level staff and even more so in leading positions. The Legal Affairs Committee strongly urges the High Representative to take appropriate action, be it in form of mentoring programmes, special training or the creation of a flexible and family friendly working environment in order to remedy this situation. Should such measures have been

undertaken, the Legal Affairs Committee would highly appreciate any information about them.

- The current organisational structure of the EAAS reveals a complex system of hierarchies. In particular, the position of a "Managing Director" and the existence of a corporate board were so far unknown to the administration of the European Union. Such a multi-level hierarchy might hamper the vertical flow of information and unnecessarily delay decisions in a service that should be prepared to react quickly to emergencies. Any changes to the structure should thus always be taken with a view to achieving efficiency, clarity and coherence.

On behalf of the Legal Affairs Committee I should be grateful if your committee could take these points into account in its further work.

Furthermore, once the High Representative has published her review of the organisation and functioning of the EEAS scheduled for mid-2013 the Legal Affairs Committee will deal with this matter more intensively and in detail by exercising its competence in carrying out a possible legislative review in that area.

Yours sincerely,

*(signed)*

Klaus-Heiner Lehne

## RESULT OF FINAL VOTE IN COMMITTEE

<b>Date adopted</b>	23.4.2013
<b>Result of final vote</b>	+:               38 -:               12 0:                1
<b>Members present for the final vote</b>	Pino Arlacchi, Sir Robert Atkins, Bastiaan Belder, Elmar Brok, Arnaud Danjean, Mário David, Mark Demesmaeker, Marietta Giannakou, Ana Gomes, Andrzej Grzyb, Takis Hadjigeorgiou, Anna Ibrisagic, Liisa Jaakonsaari, Anneli Jäätteenmäki, Jelko Kacin, Tunne Kelam, Maria Eleni Koppa, Andrey Kovatchev, Paweł Robert Kowal, Eduard Kukan, Vytautas Landsbergis, Krzysztof Lisek, Sabine Lösing, Ulrike Lunacek, Francisco José Millán Mon, Annemie Neyts-Uyttebroeck, Ioan Mircea Pașcu, Mirosław Piotrowski, Hans-Gert Pötering, Cristian Dan Preda, Jacek Saryusz-Wolski, György Schöpflin, Charles Tannock, Eleni Theocharous, Inese Vaidere, Geoffrey Van Orden, Sir Graham Watson, Boris Zala
<b>Substitute(s) present for the final vote</b>	Charalampos Angourakis, Reinhard Bütikofer, Andrew Duff, Roberto Gualtieri, Elisabeth Jeggle, Carmen Romero López, Indrek Tarand, Sampo Terho, Ivo Vajgl
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Maria Badia i Cutchet, María Auxiliadora Correa Zamora, Cornelia Ernst, Peter Šťastný