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# The EU's External Action Service



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## Introduction

This paper explains the creation, role and purpose of the European External Action Service (EEAS) set up under the Lisbon Treaty. For that, it is necessary to explain the other important changes made by the Treaty to create a more coherent, efficient and effective (*i.e.* influential) structure for the operation and management of the EU's external relations policies. Chief among these was the creation of a High Representative for Foreign and Security Policy (HRVP<sup>1</sup>) combining both Commission responsibilities for trade and aid and the Council's responsibility for foreign and security policy and replacing the earlier post of High Representative which covered only the latter function. Additionally, the HR (currently Lady Ashton) takes over the chairmanship of the Foreign Affairs Council from the previous rotating Member State chairmanship, as well as being a Vice-President of the Commission.

A further task for the HR is to liaise with the new President of the European Council (currently Mr van Rompuy) given that Foreign Ministers no longer attend European Council meetings as of right and the extent to which Heads of Government are so closely involved in foreign and security matters at both Member State and EU level.

It is basically to support the HR that the EEAS has been created. The post of High Representative came into being when the Treaty of Lisbon came into force on 1 December 2009; the European External Action Service started work on 1 January 2011.

It is important to note that both the HR and the EEAS will implement the policies agreed by the Member States in the Council. Nonetheless, the creation of the EEAS is an important step because it gives the EU the potential to work in a more integrated and flexible way, achieving greater leverage than before because of the consolidation of previously separate external relations functions into one body.

## Background

The bringing together of the various aspects of the EU's external relations under a single person who is both a Commissioner and responsible for purely foreign and security policies, supported by one organisation was a logical progression. The original European Communities were largely concerned in terms of external relations with trade issues and with overseas development but it became increasingly anomalous and inefficient that the foreign policy co-operation among foreign ministries which developed after 1970 should continue to remain completely outside EC treaty structures.

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<sup>1</sup> In practice, the abbreviation HR is used within the EU despite the HR's Commission responsibilities

The Treaty of Maastricht (1992) accordingly brought European Political Cooperation (as it was hitherto called) within a treaty framework and converted it into the Common Foreign & Security Policy (CFSP). But the decision-making procedures remained unchanged, that is to say by consensus among the Member States under the management of the Presidency, rather than through the so-called Community method (a proposal by the Commission, typically decided by QMV and implemented by the Commission). The CFSP structure was established in the Council under the Presidency, therefore outside the Commission which retained its responsibility for trade and development policy.

Subsequent developments saw the creation in the 1997 Treaty of Amsterdam of the post of High Representative for the CFSP to assist and provide greater continuity between the six-monthly rotating presidencies – designed to help provide leadership for the policy whilst retaining the divided external affairs structure. The Treaty of Amsterdam also provided for a Political Committee, now the Political & Security Committee, to monitor international affairs and help to prepare EU policies under the CFSP and the European Defence and Security Policy (EDSP). This important Committee continues under the Lisbon Treaty and meets at ambassadorial level in Brussels.

Over time, the boundaries between external relations and foreign policy issues, with their different ownership and decision-making procedures, caused increasing friction and inefficiency and the need for the EU to adopt a more integrated approach consequently more important.

The Treaty of Lisbon therefore took the existing structures and reformed them in order to create a more cohesive approach to the EU's external relations policies.

Article 27(3) of the Treaty on European Union said that the HR would be supported by the European External Action Service, a body bringing together relevant officials from the Council secretariat and from the Commission, along with officials seconded from the diplomatic services of Member States. Proposals as to how the EEAS should be structured were tabled by the HR in March 2010 and subsequently approved by the Council after consideration by the European Parliament.

The reasoning behind EEAS and the combined HR was that this new structure would bring to an end conflicts within EU between the Commission and the Council in external relations. It would also end confusion in third countries caused by having rotating Foreign Ministers every six months in charge of the presidency. Making the HR chair of the foreign relations council would also ease the burden on smaller Member States for whom the presidency was onerous. The combination of the HR and the EEAS would enable the EU to punch with greater weight on the world stage and allow the better use of resources.

### **Structure & New Appointments**

Although the EEAS is new, most of its staff and its local offices in third countries are not. Officials from the Council secretariat who deal with CFSP and defence policy have moved across to the EEAS (411 of them) along with part of the external relations directorate of the Commission (585 people) and part of the development directorate of the Commission (93). Commission officials dealing with trade and the remaining officials responsible for development policy (including the development budget) remain in the Commission (as do

those concerned with enlargement and neighbourhood policy) under their own Commissioners but are subject to the co-ordinating role of the HR in her capacity as Vice President of Commission responsible for co-ordinating all external relations matters.

The local offices overseas – known as delegations – have transferred to the EEAS from the Commission (436 staff) and for the first time will be involved in political and security policies as well as economic policy. Overseas delegations to multilateral organisations, such as those at the UN Offices in New York and Geneva, have also transferred to the EEAS. Of the 1643 staff in post on the day of transfer, 1 January 2011, only 118 were newly recruited. In time it is expected that approximately 40 per cent of EEAS' staff will be on secondment from Member States but there will be no quotas for individual countries.

Reflecting the integrated nature of the EEAS, there will be a single system of geographic desks covering the areas of the world each under the control of a managing director. The EEAS has taken on the crisis management and military planning roles formerly carried out within the Council secretariat, including the Situation Centre.

Inevitably the management structure of the EEAS is complicated because the HR is in a relationship with both Member States through the Council, and with the Commission. The HR is accountable to the European Parliament for her Commission responsibilities, which has to be consulted on the main CFSP and defence policy issues and which has to approve the annual budget of the EEAS. The Parliament will also hold hearings for the heads of some of the most important overseas EU missions.

The EEAS will give the HR a level of support not available under the previous structure. As with a national foreign minister, the HR will have a network of offices around the world charged with collecting and analysing political and economic information and reporting to headquarters. The information gathering capabilities of the EEAS will not however be at the level of those available to larger Member States and the HR will continue to be dependent on Member States for the provision of covert intelligence.

### **Assessment & Political Implications**

The EEAS is not a fully-fledged foreign ministry for the EU, nor are its offices in third countries intended to be a substitute for Member States' own embassies. Under the treaty EEAS missions abroad are to co-operate with Member State missions and chair the already-well established co-ordination meetings in third country capitals, but its treaty-given function is only to assist the HR, not to supplant Member States' diplomatic services. It can act only where all Member States have agreed on CFSP policies in Brussels. It will be for Member States to decide what missions they want to maintain abroad in the light of their own interests. The role of the EEAS will be restricted by the limited responsibilities of the EU in external relations and by policy decisions taken by the Council (bearing in mind that these responsibilities include substantial aid programmes in, and trade agreements with, many third countries).

The EEAS is directly responsible to the HR but it will also work for/to other Commissioners with external relations responsibilities (multilateral trade, enlargement, neighbourhood policy, environment, energy, agriculture and justice and home affairs). In some cases these Commissioners will have their own staff in EEAS missions reporting directly to them, but

they should always keep the head of mission informed, who is responsible in turn to the HR. This is not dissimilar to arrangements in Member States where foreign ministries are not the only departments dealing with abroad and it should provide in principle for proper oversight and coherence between policies. It does however fall short of a proper machinery for the resolution of disagreements: in most Member States heads of mission have more authority over staff from other government departments and there is co-ordinating machinery in capitals for the resolution of conflicts. This is absent in Brussels, where the HR's authority to co-ordinate, let alone overrule other external relations commissioners, is not backed by any actual enforcement authority.

The President of the European Council will also be supported by the EAS when dealing with external relations policy, where according to the Lisbon Treaty he represents the Union at his or her level without prejudice to the responsibilities of the HR. The treaty provides no hierarchical relationship of any kind between the President and HR, who is responsible variously to the Council of Foreign Ministers and Commission, not to the President of the European Council – a recipe for conflict if the post holders fail to work closely together.

Although the Lisbon Treaty made no provision for a deputy, it has now been accepted that relevant Commissioners or the foreign minister of the Member State holding the presidency will deputise for the HR. This is an important development because Lady Ashton has been criticised for not managing to be in different places at the same time; expectations of what the HR (and therefore the EEAS) can achieve need to be managed.

To be effective the EEAS will need to evolve into a body with its own distinctive professional ethos and with capable management and staff. That means appointments on merit, and not to satisfy national lobbying, and good training and support. The EEAS is legally a “functionally autonomous body”, separate from the Commission but like the Commission it is supposed to ensure adequate geographical and gender balance amongst its staff. Only time will tell whether the EEAS develops the kind of professionalism required; a lot will depend on whether the management structure on the professional side (which splits financial and policy management) works well in practice.

The relationship between the Member States and the EEAS will be delicate at times. With the previous rotating presidency system, Member State embassies in third countries took on a key role when their country held the presidency. That liaison and co-ordination role will now fall to the EU mission. This may be a welcome relief to smaller Member States with fewer embassies but perhaps disconcerting to larger ones who may find their embassy in a third country is not as important as in the past. But the EEAS is not a substitute for national embassies; Member States will still need to be lobbied by third countries wanting to influence decisions of the Council. Many Member States will also want to retain their own staffs for trade promotion, defence and intelligence co-operation and for cultural matters. Although the Lisbon Treaty says Member States should co-operate with one another on consular matters, and the EEAS could take on some of this responsibility, the political sensitivities in Member States may make this difficult in practice.

It is important that the EEAS does not take too many additional responsibilities, such as consular services for Member States, too soon. It must establish itself and become an effective organisation before widening its responsibilities. Given the financial constraints

facing all Member States, there may be a temptation to off-load tasks to the EEAS from national diplomatic services; that would be damaging if not very carefully managed.

Although most comment about the changes brought about by the Lisbon Treaty in external relations has been about the role of the HR, the creation of the EEAS is a significant moment in the development of the EU's external relations. But how effective it is will largely depend on the policy parameters set by the Council, the ability of the High Representative to carry out her considerable responsibilities and how professional the EEAS turns out to be. Most important of all, as with most EU activity, how committed the Member States are to making policy work will largely determine whether it is successful or not.

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## Senior European Experts

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