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HIGH REPRESENTATIVE
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Eva Joly MEP
European Parliament
Brussels

Dear Ms Joly,

We have received your letter concerning the provisions of Article 8 of the draft Council decision establishing the EEAS and we welcome that your committee is satisfied with the overall political agreement that was reached on 21 June. The final text of Article 8 has been considerably improved during the quadrilogue, reflecting the competences and roles of the Commission, the High Representative and the EEAS in relation to the external action instruments and programming in a transparent manner.

For the main instruments in development cooperation – the European Development Fund (EDF) and the Development Cooperation Instrument (DCI) - programming will be prepared jointly by the relevant services in the EEAS and in the Commission under the responsibility of the Commissioner responsible for Development Policy and then jointly submitted by him and the HRVP to the College of the Commission for decision.

Under the responsibility of the Commissioner in charge of development policy, development principles and objectives will be streamlined into the programming in full respect of the general principles and objectives set out in these instruments. In this way, the previous fragmented administrative structure in development programming has been overcome and the coherence and unity of the Union's development cooperation will be enhanced.

Regarding your queries on the interpretation of Article 8, as a preliminary remark, we would like to point out that many of the issues that you raise will be addressed in a new Inter-Service-Agreement between the relevant Commission services and the EEAS which will replace the 2001 Inter-Service Agreement between DGs RELEX, DEV and AIDCO. While you will find below the general orientations that will guide this work, the detailed provisions on the management of the programming and implementation cycle will be set out in that agreement.

In your first question, you are seeking clarification with regard to Art. 8 (3) and the practical meaning of the notion that EEAS work on programming will be taken forward "under the responsibility" of the Commissioner for development policy. Let us recall that in the initial proposal on the EEAS decision the relevant wording was "under the guidance and supervision" of the Development Commissioner which, we felt, gave a clear sense of how programming will be managed in the new service. However, upon request of the Parliament, this was changed to the wording "under the responsibility" that you refer to.

What is clear is that the principal responsibility for overseeing the programming of the development instruments lies with the Development Commissioner. This is not in any way in contradiction with the overall authority of the HRVP over the EEAS, as provided for in the Treaty on European Union, nor with the obligation of loyalty of EEAS staff given that their work in this area is also undertaken

as an EEAS contribution to the collegial work of the Commission and will be subject to the usual inter-service consultations.

With regard to your second question concerning the other stages of programming, we will of course continue the practice of broad coordination between different Commission services, now also including the EEAS, to ensure consistency in the overall management of external assistance. For instance, regarding Annual Action Plans the EEAS will also participate in the inter-service consultation to ensure consistency and quality in the project cycle. However, the details of these arrangements will be spelled out in the new Inter-Service Agreement.

As for your third question concerning possible disagreements between us in the programming of the EDF and the DCI, the final compromise underlines that the programming documents shall be prepared by the EEAS together with the relevant Commission services and that then we take them jointly for decision by the College. We are fully confident that we will bridge any possible disagreement. The principle of collegiality applies to the RELEX Group as much as to the Commission as a whole.

With respect to your fourth question related to the differences in geographic and thematic programming, we recall that the EEAS will have responsibility for preparing the Commission decisions set out in Art. 8 (3), concerning the geographic cooperation programmes. By contrast, the thematic programmes will be prepared by the Commission services, mainly DG Development. However, as activities the thematic programmes are intrinsically linked to the geographic external action, they shall be presented to the College by the responsible Commissioner "in agreement" with the High Representative.

Finally, as for your last question and the reference to policy coherence for development, we would like to recall that the new recital 3a refers to Art. 208 TFEU, which includes the principle of policy coherence for development ("The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries"). More fundamentally, the overall policy objectives for external action, including development, are set out in Art. 21 and 18 TEU and we will need to strive for a balanced and coherent approach to all of them. In addition, a treaty obligation remains valid notwithstanding its explicit reference in secondary legislation.

We hope that these explanations help clarifying the scope of Article 8 as far as possible at this stage, pending the outcome of the discussions on the still outstanding proposals. In order to answer your concerns in a more detailed manner and, once applicable, we will be glad to present to your Committee the new Inter-Service Agreement which will more clearly define the roles and responsibilities of the different Commission services and the EEAS in the overall management of external assistance.

Yours sincerely,

Catherine Ashton

Andris Piebalgs