

ΕΒΡΟΠΕΪΚΗ ΠΑΡΛΑΜΕΝΤ ΠΑΡΛΑΜΕΝΤΟ ΕΥΡΩΠΕΟ ΕΥΡΩΠΕΪΚΟ ΠΑΡΛΑΜΕΝΤ ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT
EUROPÄISCHES PARLAMENT EUROOPA PARLAMENT ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT
PARLEMENT EUROPÉEN PARLAIMINT NA HEORPA PARLAMENTO EUROPEO EIROPAS PARLaments
EUROPOS PARLAMENTAS EURÓPAI PARLAMENT IL-PARLAMENT EWROPEW EUROPEES PARLEMENT
PARLAMENT EUROPEJSKI PARLAMENTO EUROPEU PARLAMENTUL EUROPEAN
EURÓPSKY PARLAMENT EVROPSKI PARLAMENT EUROOPAN PARLAMENTTI EUROOPARLAMENTET

Committee on Development
The Chair

GEDA(2010)35245

Baroness Catherine Ashton of Upholland
High Representative of the Union
for Foreign Affairs and Security Policy
and Vice-President of the European Commission
Rue de la Loi, 200
B - 1049 Brussels

202904 08.07.2010

Mr Andris Piebalgs
Commissioner for Development
European Commission
Rue de la Loi 200
B-1049 Brussels

Dear High Representative,
Dear Commissioner,

First and foremost, may I express my Committee's satisfaction with the political agreement reached in Madrid on 21 June on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service (EEAS). In general, the Committee believes that the final text correctly reflects the provisions on the role and competences of the different Institutions under the Treaty of Lisbon.

Throughout the negotiations, the Committee on Development's main concern was the place of EU development cooperation in the new institutional architecture after establishment of the EEAS. The Committee made several suggestions for the wording of Article 8, which I and the Committee's rapporteur, Mr Filip Kaczmarek, had the opportunity to put personally to Baroness Ashton during a meeting on 8 June.

As Mr Kaczmarek points out in the explanatory statement accompanying the Committee's opinion adopted on 1 July 2010 (copy attached to this letter), for your convenience, the Committee welcomes the direct responsibility of the competent Commissioner for most aspects of development cooperation, as well as the fact that the two main financing instruments for development now fall under the same administrative service. However, the Committee does feel that further clarification is needed, as the wording of Article 8 is still rather vague and ambiguous on a number of aspects of the relationship between the High Representative and the Commissioner for Development, and their respective services.

For this reason, the political group coordinators in my Committee have instructed me to seek urgent and written clarification from you on the exact meaning of the following aspects of Article 8 – as resulting from the Madrid agreement – and the practical modalities for their implementation:

1. Article 8(3) states that the EEAS “shall have *responsibility*” for preparing Commission decisions on the three first stages of the programming cycle. Article 8(4) provides that “with regard to the European Development Fund and the Development Cooperation Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared jointly by the relevant services in the EEAS and in the Commission under the *responsibility* of the Commissioner responsible for Development Policy.” Articles 1(3) and 6(2), however, determine that “the EEAS shall be placed under the *authority* of the High Representative” and that “the staff members of the EEAS shall (...) neither seek nor take instructions from any Government, authority, organisation or person outside the EEAS or any body or person other than the High Representative.”

In the light of the above, my Committee seeks clarification as to how the Commissioner for Development will be able to take *responsibility* for the programming of development cooperation, unless he is entitled to issue instructions to the service *responsible* for the programming?

2. Article 8(3) states, on the one hand, that the EEAS shall have responsibility for preparing Commission decisions on the *three first stages* of the programming cycle, but on the other hand that “*throughout the whole cycle of programming, planning and implementation* of these instruments, the High Representative and the EEAS shall work with the relevant members and services of the Commission without prejudice to Article 1(3).”

My Committee would be grateful if you could clarify the role of the High Representative and the EEAS in the other stages of the programming and in the planning and implementation of the instruments for development cooperation?

3. Article 8(4) stipulates that, “with regard to the European Development Fund and the Development Cooperation Instrument, any proposals (...) shall 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* with the High Representative for decision by the Commission”.

My Committee would appreciate clarification of the exact meaning of the requirement that proposals must be “jointly submitted”: does it mean, in the event of disagreement between the High Representative and the Commissioner on a particular strategy or programme, that neither of them can submit a proposal to the Commission or that will each have the possibility to submit their own proposal to the Commission?

Will the EEAS, working under the authority of the High Commissioner but under the responsibility of the Commissioner for Development, be allowed to prepare two different – and perhaps conflicting – proposals?

4. Article 8(4) provides that “thematic programmes (...) shall be prepared by the appropriate Commission Service under the *guidance* of the Commissioner responsible for Development and presented to the College in *agreement* with the High Representative and other relevant Commissioners.”

My Committee requests clarification of the meaning of the word “guidance” (as distinct from the “responsibility” of the Commissioner for Development for the programming done by the EEAS, and the “authority” of the Commissioner over the relevant Commission services)?

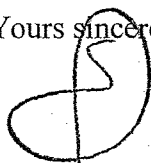
The Committee would also be grateful if you could clarify the difference – in terms of the process to be followed – between a “*joint submission*” by the Commissioner and the High Representative and a submission by the Commissioner “*in agreement with*” the High Representative?

5. Finally, the Committee on Development is also deeply concerned about the fact that the text of the draft Council decision agreed in Madrid does not make any reference to the Treaty obligation for Policy Coherence for Development. Recital 3a only stipulates that “the EEAS should seek to ensure that the [external cooperation programmes] (...) respect the *objectives* of EU development policy in line with Article 208 TFEU.” Policy Coherence for Development as described in the same article is not in itself an “objective” of the EU’s development policy, but rather a requirement that these objectives be taken into account in the programming of other EU policies. It is this requirement that ensures that the specificity of the Union’s development policy is duly respected. As development cooperation is the only policy domain in the field of external action which is explicitly protected by the Treaty in such a way, my Committee regrets that the Council decision does not contain any reference to it.

The Committee would therefore appreciate clarification as to how the High Representative, the EEAS, the Commissioner for Development and the services under his authority will organise and ensure the practical implementation of the Treaty obligation for Policy Coherence for Development?

The Committee on Development is looking forward to your clarification on the exact meaning of the wording of Article 8 of the draft Council Decision and on the practical division of responsibilities and tasks between the High Representative, the Commissioner and the different services involved in the planning, programming, management and implementation of the financing instruments for development cooperation.

Yours sincerely,



Eva Joly

Copy: Mr Elmar Brok, Mr Guy Verhofstadt