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*Committee on Foreign Affairs*

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## **DRAFT REPORT**

with a proposal for a European Parliament 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 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 13 (3) of the Council Decision of 26 July 2010<sup>1</sup> 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, accompanied, if relevant, by 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 apply to staff matters,
- having regard to the Declaration by the High Representative / Vice-President of the Commission on Political Accountability (hereinafter HR/VP Declaration)<sup>2</sup>,
- having regard to Rule 121(3) and Rule 97 of its Rules of Procedure,

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<sup>1</sup> OJ L 201 of 3.8.2010, p. 30.

<sup>2</sup> OJ C 2010 of 3.8.2010, p. 1.

- 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 (A7-0000/2013) and the Committee on Legal Affairs (in the form of a letter),
- A. whereas one of the main novelties introduced by the Lisbon Treaty is 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 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 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 battlegroups** are not 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 financial assistance instruments**, should be strengthened in line with the key lines of EU foreign policy;
- M. 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;
- N. whereas, at a time when Member States' governments are seriously reducing their **diplomatic and consular presence**, the EEAS should be seen as an opportunity to foster greater cooperation and synergies;
- O. 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**;
- P. 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;
- Q. whereas any modification regarding the rules on staff has to be adopted under the codecision procedure;
- R. 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 and crisis management;
- S. 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;
- T. whereas flexibility is lacking in the **current financial circuits in delegations**, with detrimental effect on the workload of the staff;
- 1. Bearing in mind that there has been good progress in the setting up of the EEAS but that more can be achieved in terms of synergy, coordination between institutions and political leadership, created by the combination of the roles of High Representative, Vice-President of the Commission and Chair of the Foreign Affairs Council, by strengthening the instrumental character of the Service, addresses the following recommendation to the High Representative/Vice President, the Council and the Commission:

#### **On leadership and a more rational and efficient structure for 21 Century Diplomacy**

- 2. to provide support to the HR/VP in the accomplishment of his/her multiple duties by

foreseeing the **appointment of (a) political deputy/ies**; to ensure that these deputies, given their political role, appear before the responsible committee of Parliament prior to their taking up duties; to consider, possibly, a more regular **involvement of the Member States' foreign ministers** for specific tasks and missions on behalf of the Union;

3. 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, and reduce and simplify the hierarchical structure of the Managing Directorates; in the same spirit, to clearly define the relevant competences within the management structure of the EEAS in order to optimise efficient and effective decision-making;
4. to **improve and strengthen the coordinating role of the HR/VP**, 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 when needed; in that regard, to develop further the practice of joint proposals and joint decisions;
5. 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 financial assistance instruments** and that, for this purpose, the EEAS has the expertise to lead in these areas, particularly in the neighbourhood;
6. to safeguard, at the same time, the **'community' character of the neighbourhood policy**, bearing in mind that Parliament rejects any intergovernmentalisation of Community policies, given that the Commission is mainly responsible for negotiating international agreements for and on behalf of the Union;
7. to integrate, as a matter of priority, the Directorate for Foreign Policy Instruments in the EEAS;
8. 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;
9. to carry out a systematic and in-depth audit of the external policy-related structures put in place by the Commission and the Council Secretariat, with a view to **overcoming current duplications**; to make this report available to Parliament;
10. 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;
11. 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;

12. to adopt a coherent approach as regards the chairing of working groups of the Council and to end the rotating presidency of those groups;
13. 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;
14. 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**

15. 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 promote the security and prosperity of EU citizens and their neighbours; in this respect, to ensure that the EEAS has the capacity to forward proposals for implementing important innovations offered by the Lisbon Treaty, including on Permanent Structured Cooperation;
16. to that end, to develop further an 'appropriate structure' that integrates crisis response, peace building 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;
17. 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**

18. to **resolve current rigidities in the financial circuit** so as to authorise Commission staff in delegations, when conditions on the ground so require, to take over some budgetary tasks in order to allow Heads of Delegation to focus on their political tasks;
19. 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;
20. to improve financial accountability by extending transparency to all CFSP budget lines including CSDP operations, EUSRs, non-proliferation and conflict prevention;

## On the Delegations

21. 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;
22. 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;
23. 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;
24. 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 and priorities, unless there is a reorientation and redeployment of staff is to take up these new challenges;
25. to ensure that, whenever applicable, every EU delegation has a **human rights focal point**;
26. to ensure that, wherever applicable, every delegation has a **CSDP attaché**, in particular in delegations in situations of political instability or fragility or where a recent CSDP operation or mission has been terminated, in order to ensure continuity and monitoring of the environment;

## On implementing the Declaration on Political Accountability

27. 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;
28. to ensure **full political reporting from Union delegations to key office holders of Parliament** under regulated access;
29. 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;
30. 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;
31. 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;

32. 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**

33. to promote **common training** and other concrete measures for the consolidation of an esprit de corps among EEAS staff with various diplomatic culture and institutional background, and to consider joint training initiatives for EEAS staff and national diplomats, as part of their continuous professional development;
34. 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**

35. to further pursue and intensify efforts to achieve **better gender and geographical balance**, with due regard to merit and competences;
36. given that, as indicated in the 2012 EEAS Staffing Report, the target of one third of staff recruited from Member States has been reached, to focus now on consolidating EU staff within the EEAS and on opening up the career perspectives of EU officials in the Service; to ensure that the quotas from the three different sources are respected at both AD and AST levels and among all grades, in order to avoid that **staff from national ministries are concentrated at managerial levels**; also to explore, in that regard, the modalities for national diplomats working at the EEAS to apply for permanent posts within the Service;
37. 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 to officials from all EU institutions and to candidates from the outside through open competitions;
38. 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;
39. 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.