



EUROPEAN PARLIAMENT

2009 - 2014

Committee on International Trade

2010/0816(NLE)

29.6.2010

OPINION

of the Committee on International Trade

for the Committee on Foreign Affairs

on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service
(08029/2010 – C7-0090/2010 – 2010/0816(NLE))

Rapporteur: Jan Zahradil

PA_Legam

SHORT JUSTIFICATION

The establishing of the European External Action Service (EEAS) under the authority of the High Representative for Foreign Affairs and Security Policy and Vice-President of the Commission (HR/VP) has the potential to make the EU's external action more effective on the world stage. To this aim, and without prejudice to the provisions laid down in the Treaties as regards other individual external policies of the EU, the rapporteur emphasises the importance of a timely coordination of the different policy areas in the framework of the EU's external policy on the Commission's side. Clear definition of competences within the College of Commissioners would also make it easier to avoid conflicts of competences between the HR/VP and the EEAS, on the one hand, and EU Commissioners and their respective Directorates General, on the other hand.

To ensure greater policy coherence of the EU's external action as a whole, consultations between the EEAS and Member States diplomatic services are also key to avoid inconsistencies, duplication of work, and ensure long-term consistency in the promotion of EU's strategic interests and fundamental values abroad.

The draftsman stresses that in line with Articles 207 and 218 TFEU as amended by the Lisbon Treaty, the definition, management and implementation of the EU's trade policy and relations with third countries lie with the EU Commissioner for Trade assisted by the respective Directorate General. To clarify the Council's decision in this respect, the rapporteur proposes the first amendment to strengthen the right of the Commission to issue instructions to EU Delegations in areas of its competences.

The rapporteur welcomes the accountability of the EEAS to the European Parliament in terms of political control, legislative and budgetary scrutiny. In order to involve both Parliament and Commission in the future review of this Decision, the rapporteur proposes the second amendment aiming at the inclusion of both EU institutions among the addressees of the High Representative's future report on the functioning of the EEAS.

AMENDMENTS

The Committee on International Trade calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a decision Article 5 – paragraph 3

Text proposed by the High Representative

Amendment

3. With respect to the Head of Delegation and the delegation the following rules shall apply:

The Head of Delegation shall receive instructions from the High Representative **and** the EEAS, and shall be responsible for their execution.

In areas where the Commission exercises the powers conferred **to** it by the Treaties, the Commission may also issue instructions to delegations, which shall be executed under the overall responsibility of the Head of Delegation.

(a) the Head of Delegation shall receive instructions from the High Representative assisted by the EEAS and, where appropriate, from the Commission in the exercise of the powers conferred on it by the Treaties, and shall be responsible for their execution.

(b) the High Representative shall under no circumstances issue any instructions in the area of the common commercial policy as provided for by Article 207 of the TFEU.

(c) in areas where the Commission exercises the powers conferred on it by the Treaties, the Commission, through the respective Commissioner assisted by its services, may also issue instructions to delegations, which shall be executed by the relevant Commission staff under the overall responsibility of the Head of Delegation, who, as the representative of the EEAS within the EU delegation, shall have been duly informed of those instructions. The Heads (supervisors) of the trade units within the delegations shall be nominated by the Trade Commissioner and the respective budgets of those units shall be determined by the relevant Commission services. The Commission staff executing instructions in the area of the common commercial policy shall report back to the Trade Commissioner and the High Representative via the Head of Delegation.

(d) the European Parliament, as co-legislator with the Council in the area of trade, shall be involved in the trade-related aspects of foreign and security policy, so as to ensure democratic legitimacy and to exercise scrutiny over the Union's external action. The EEAS shall ensure that the European Parliament has contact persons in EU delegations that deal with any trade-related aspect of the EU's external policy, in order to guarantee close cooperation

with the European Parliament.

(e) where any conflict arises between the EU Trade Commissioner and the High Representative, the President of the Commission shall make the final decision.

Justification

In accordance with Article 207 of the Lisbon Treaty, the Commission represented by the EU Commissioner for Trade assisted by relevant services shall in the area of the Common commercial policy be the only competent authority to issue instructions to EU Delegations and the relevant Commission staff therein.

Amendment 2

**Proposal for a decision
Article 12 – paragraph 2**

Text proposed by the High Representative

The High Representative shall submit a report to the Council on the functioning of the EEAS in 2012.

Amendment

The High Representative shall submit a report to ***the European Parliament, the Council and the Commission*** on the functioning of the EEAS in 2012.

Justification

As the establishing of the EEAS involves both the Opinion of the European Parliament and the consent of the Commission, these two European institutions should be kept informed about the functioning of the EEAS and provided with the High Representative's report to the Council.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	1.6.2010
Result of final vote	+: 23 -: 1 0: 2
Members present for the final vote	William (The Earl of) Dartmouth, Kader Arif, David Campbell Bannerman, Daniel Caspary, Harlem Désir, Christofer Fjellner, Joe Higgins, Yannick Jadot, Metin Kazak, David Martin, Vital Moreira, Godelieve Quisthoudt-Rowohl, Niccolò Rinaldi, Tokia Saïfi, Helmut Scholz, Peter Šťastný, Gianluca Susta, Iuliu Winkler, Jan Zahradil
Substitute(s) present for the final vote	Josefa Andrés Barea, Catherine Bearder, George Sabin Cutaş, Mário David, Béla Glattfelder, Salvatore Iacolino, Syed Kamall, Georgios Papastamkos, Michael Theurer