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Background

The Lisbon Treaty, which was signed by EU heads of state and government in December 2007, is currently undergoing a process of ratification in the 27 EU Member States. It is expected to enter into force on 1 January 2009.

The Lisbon Treaty has been welcomed by development NGOs for placing poverty eradication at the heart of the EU's development cooperation policy and for providing a separate legal basis for EU humanitarian assistance. In addition, the principle of consistency as introduced in the Maastricht Treaty is also reaffirmed in the Lisbon Treaty.¹

Article 18 of the Lisbon Treaty provides for the establishment of the post of High Representative of the Union for Foreign Affairs and Security Policy. In addition to conducting the EU's common foreign and security policy (CFSP) and chairing meetings of the new Foreign Affairs Council, (s)he will also be responsible for coordinating the EU's external actions and for ensuring consistency.

Article 27(3) of the Lisbon Treaty provides for the establishment of a so-called "European External Action Service" to assist the High Representative:

In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission.

Principles for the establishment of the EEAS

It is envisaged that the European External Action Service (EEAS) will start functioning as soon as the Lisbon Treaty enters into force and that it should be fully operational by the time the new European Commission takes office in late 2009.² Negotiations about the EEAS are currently ongoing within the Commission and the Council and, although it is still too early to draw any firm conclusions about either the scope or composition of the new service, it seems inevitable that the establishment of the EEAS will result in a major reorganisation of the various external relations departments of the Commission.

The institutional arrangements for the EEAS and its functioning should be based on the following principles:

(1) The EEAS must respect the article of the Lisbon Treaty which covers development cooperation.

Following the ratification of the Lisbon Treaty, the EU's cooperation with development countries will be based on Article 208 which sets out poverty eradication as the overall objective of EU development policy. In this regard, all actions which the EEAS towards developing countries must support this objective.

(2) Responsibility for both the programming and implementation of EU development aid should be brought together within a single service: the EuropeAid Cooperation Office.

EuropeAid was set up partly to increase the visibility of the EU's significant contribution to development. The establishment of the EEAS provides an ideal opportunity to build on the positive results which EuropeAid has already achieved in this area.

The reformed EuropeAid should include country and regional desks and should respect the principle of development cooperation for all developing countries as set out in the Lisbon Treaty.

(3) There should be a separate member of the Commission with responsibility for development cooperation.

The Commissioner for Development should oversee the work of the EuropeAid Cooperation Office. (S)he would be accountable to the European Parliament's Committee on Development.

(4) The European Parliament should exercise democratic scrutiny over EU development cooperation with all regions.

Development cooperation is a Community competence. In this regard, executive power rests with the European Commission while the European Parliament both legislates and grants discharge over the development aid budget.

The clear division of responsibilities over EU development cooperation must be maintained with the establishment of the EEAS. Furthermore, the European Parliament should assume its right to scrutinise the EU's development aid programmes in African, Caribbean and Pacific countries.

(5) All personnel based in Union delegations involved with the implementation of development cooperation should be appointed by and receive instructions from EuropeAid.

The Lisbon Treaty sets development cooperation as an independent policy area. Placing those officials working on development cooperation under the responsibility of the Commissioner for Development would help to ensure the integrity of development cooperation.

Heads of development sections should also be required to appear before special hearings of the European Parliament's Committee on Development. This should also extend to heads of EU embassies when issues relating to development cooperation are discussed.

¹ EEPA, (2007), Briefing Paper 7: Coherence and Consistency in the EU's external policies: Negotiation towards an External Action Service

² Stocker, S. (2008), Europe's global responsibility: The centrality of development policy, in Sbilanciamoci, (2008), Budgeting for the Future, Building another Europe