



# European External Relations under the Lisbon Treaty

Briefing No. 50

## 1. Introduction

The Lisbon treaty came into force on 1 December 2009. It has far reaching consequences for the EU's external policies. In particular the appointment of the High Representative for Foreign Affairs and Security Policy (HR) – Catherine Ashton - who is also the Vice-President of the European Commission, and the establishment of the European External Action Service (EEAS) to support the HR. Moreover, the EC delegations in countries all around the world became delegations of the European Union with an increased political mandate to represent the interests of the Union. Being part of the EEAS the staff of the delegations will be drawn from officials from the Commission, the Council secretariat and member states national diplomatic services.

The Lisbon Treaty defines the external policy areas of the EU, and establishes them with equal standing. These are Foreign Affairs, Defence and Security, Development, External Trade, Humanitarian Assistance, Fisheries. While foreign affairs defence and security policies fall under the responsibility of the Council, the Commission has competence for the EU's development, trade, humanitarian assistance, and fishery policies.

To ensure that none of the policy areas is effectively subordinated from another it is important that each policy area has its own dedicated administrative capacity that has equal status in the overall institutional structures of the EU.

In Article 208 of the Lisbon Treaty, the EU's Development Policy is defined as a distinct external policy area for which the principal objective is the eradication of poverty. The overall purpose of the EU's Development Policy is to promote the sustainable and equitable development of developing countries, in which the achievement of the Millennium Development Goals is a key part. **As such the Treaty established the EU's Development Policy as the principal framework for the EU's cooperation with developing countries.**

## 2. European External Action Service (EEAS)

As the EEAS is still in the process of establishment, many aspects have yet to be clarified with respect to the legal provisions establishing the EEAS or by general practice. The EEAS was formally established on 1 December 2010. It is anticipated that it will take up to 2 years to complete the process.

The character of the European External Action Service (EEAS) is that of a diplomatic service. Its role is to strengthen the EU's representation for its common political external policies and priorities that are primarily derived from protecting the EU's own interests in the world. The EEAS falls under the responsibility of the new HR, having been created by the Lisbon Treaty to support the HR in fulfilling her tasks.

It covers the EU's Common Foreign Policy as well as the EU's Security and Defence Policy, for which the HR is accountable to the member states. Policies for which the European Commission has a mandate - trade, development, fisheries and humanitarian aid – are not included within the scope of the EEAS.

## **2.1 Structure of the EEAS**

The HR is the head of the EEAS.

The EEAS shall be comprised of staff from the General-Directorates of the Commission, the Council Secretariat and staff drawn from national diplomatic services. There are no national quotas for staff from Member States to the EEAS, nor any quotas on staff drawn from the Commission, Council Secretariat and Member States. When it is fully operational it is estimated that the EEAS will have around 6,000 staff worldwide. Some 30% will be drawn from EU member state diplomatic services.

## **2.2 Budget of the EEAS**

Currently the HR works with a limited budget of approximately 10 million Euros during 2010. In 2011 the budget for that year will include financing that is needed for its establishment. This will be primarily secured through a transfer of administrative budget provisions from the Commission and Council Secretariat to the EEAS, to cover the costs of staff transferred from the two institutions. The transfer of these posts has been set for 1 January 2011 to coincide with the budget year.

## **2.3 EU delegations**

The European Commission delegations in over 135 countries worldwide became Delegations of the European Union as a result of the Lisbon Treaty. In addition to the role of the former EC delegations, the delegations of the EU also take on the implementation of European Security & Defence Policy (ESDP) and the Common Foreign and Security Policy (CFSP). In addition the representation of the EU to the third party governments, and to international organisations such as the United Nations will be transferred from the rotating Presidency to the EU delegation.

The new EU delegations are part of the EEAS and fall under the authority of the HR. In contrast to the former EC delegations, the EU delegations have staff from three different sources: the Commission, the Council secretariat and diplomats recruited from EU member states.

Whereas the EC delegations were headed by Commission officials, the head of the EU delegations will be drawn from officials within the EEAS, including those originating from the Commission, national services and the Council Secretariat.

The EU delegation will start working formally from 1 December, at the date when the EEAS is formally established. In practice some EU delegations have been operating as such before that date.

## **3. Implications for the European Commission**

The establishment of the EEAS will have consequences for the management and implementation of the external policy areas that fall under the responsibility of the European Commission. While it retains responsibility for the decisions taken with respect to the EU's development cooperation, trade, humanitarian aid and fisheries policies, as well as

for their implementation, there are several changes that will impact on the planning for these policy areas. The HR is also the Vice President of the European Commission, and has a mandate in this role to coordinate the various external policy areas, and to ensure that they are being pursued in a consistent way.

### **3.1 EU development policy**

The Commission remains responsible for the decisions taken on the EU's development cooperation policy and the use of development aid. This responsibility falls under the Commissioner for Development Cooperation, Andris Piebalgs. However, the geographical divisions held previously within DG External Relations and DG Development become part of the EEAS. A consequence of this transfer will be that in future the preparation of the EU's development cooperation strategies for individual countries and regions will be undertaken within the EEAS. According to the inter-institutional agreement establishing the EEAS the Development Commissioner will guide this process for strategies relating to developing countries outside the neighbourhood regions, and be responsible for the strategy proposals. These will be established with the agreement of the HR.

The Commission will also be responsible for the management of the EU's implementation of its development aid budgets. From 1 January 2011 the European Commission's Directorate for Development (DG DEV) and DG EuropeAid have merged into one single new Directorate General "EuropeAid Development and Co-operation" (DG DEVCO) under the responsibility of the Commissioner for Development.

Thematic desks are situated in the newly created DG DEVCO. In practice the programming of the Union's development cooperation is carried out by DG DEVCO and the EEAS. DG DEVCO is operating under the authority of Development Commissioner Andris Piebalgs.

### **3.2 Other external policy areas within the Commission**

The Commission also has responsibility for the following EU policy areas that directly relate to the EU's cooperation with developing countries:

- Humanitarian Aid under the responsibility of the Commissioner for International Cooperation, Humanitarian Aid and Crisis response, Rumiana Jeleva. The EU's humanitarian aid is managed and implemented by the ECHO.
- Cooperation with Neighbourhood Countries under the responsibility of the Commissioner for Enlargement and Neighbourhood Policy, Stefan Füle. The development of country and regional strategies for the Neighbourhood are prepared in the EEAS in the same way as for developing countries in the rest of the world. The implementation of these strategies is through DG DEVCO. The policy formulation of the enlargement policy is prepared in the EEAS, the implementation is managed within a separate Commission Directorate General.
- External Trade, for which the Commission has exclusive competence, falls under the responsibility of the Commissioner for Trade, Karel de Gucht. This policy is managed by the Commission Directorate General for Trade.
- The EU's fisheries policy including fisheries agreements with developing countries is under the responsibility of the Commissioner for Maritime Affairs and Fisheries, Slim Kallas.

#### **4. Council**

The Lisbon Treaty provides for the split of the General and Foreign Affairs Council into two bodies – the General Affairs Council (GAC) and the Foreign Affairs Council (FAC). Foreign Affairs Ministers and Development Ministers meet in the FAC, chaired by HR. The informal Development Council (CoDev) continues to meet, chaired by the rotating EU Presidency, although the agenda is established with the agreement of the HR.

In setting the agenda the rotating presidency chairing the CODEV aims to ensure strategic longterm planning for EU development policy which needs to be rooted in a long term view for sustainable development results and not be undermined by an ad hoc crisis management agenda of the HR. With own initiatives rotating presidencies can ensure that the EU plays an active and substantive role in promoting a global enabling environment for development.

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