

Lawyers say Ashton's EEAS proposal contradicts Lisbon Treaty

According to legal advice from a UK based law firm the current European External Action Service (EEAS) proposal is inconsistent with the Lisbon treaty. A coalition of European development organisations says it could trigger legal action against the proposal by EU High-Representative (HR) Catherine Ashton. The development organisations are worried that the current proposal blurs the distinction between foreign and security policy and development policy, which will lead to the subordination of development priorities. As EU foreign ministers meet on Monday to discuss the proposal, the development organisations urge EU member states, the European Commission and the European Parliament to reject the proposal and ask for a legal review.

"Lawyers confirm that the proposed set-up of the EEAS, which mixes intergovernmental policy areas like foreign and security policy and common policy areas of the European Community such as development policy contradicts the EU treaties," said Bernd Nilles, Secretary General of CIDSE, an international alliance of Catholic development agencies. "The EEAS supports intergovernmental policy and we are deeply concerned that the common EU development budget might be used to pursue national, economic and security interests."

The legal advice sought by CIDSE's UK member CAFOD confirms that according to the EU Treaties the 'primary objective' of EU development cooperation is poverty reduction, which is binding on the Commission and the EEAS alike.

"The HR's proposal fails to recognise this imperative as there is no indication that safeguards will be put in place to ensure that development objectives will be protected. In so doing, the proposal goes against the spirit of the Treaties," said Nilles.

In legal terms the proposal also goes against the Treaties as the EEAS is exerting authority over a policy area (development cooperation) which is beyond its remit regarding EU's common foreign and security policy.

Expressing his concerns on behalf of the confederation of European development NGOs CONCORD, said **Simon Stocker**, Director of Eurostep: *"The EU is the largest donor in the world. The politicisation of EU aid would undermine the achievement of the Millennium Development Goals."*

The development organisations call upon member states, the European Commission and the European Parliament to reject the proposal and ask for a legal review of the current proposal.

ENDS

- a copy of the legal advice is available upon request -

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Notes to the editors

- [CAFOD and CIDSE briefing 'The High Representative's proposal for the set-up and functioning of the European External Action Services \(EEAS\)'](#).
- [CONCORD briefing on the EEAS](#).
- **APRODEV** was founded in 1990 in order to strengthen the cooperation between the European development organisations that work closely together with the World Council of Churches (WCC). At present, 17 development and humanitarian aid organisations, based in 15 European countries, cooperate through APRODEV.
- **CIDSE** is an international alliance of Catholic development agencies. Its 16 members from Europe and North America share a common strategy in their efforts to eradicate poverty and establish global justice. CIDSE's advocacy work covers resources for development; climate justice; food, agriculture and sustainable trade; and business & human rights. The issue of global governance is addressed in all our advocacy work. www.cidse.org

- **CONCORD** is the European confederation of Relief and Development NGOs. Its 24 national associations and 18 international networks represent over 1,600 NGOs which are supported by millions of citizens across Europe: www.concordeurope.org
- **Eurostep** is a network of 18 major NGDOs from 14 European countries. Eurostep was established in 1990 to co-ordinate activities of its members at the European level. Its two principal aims are first to influence official development co-operation policies of multilateral institution, and in particular those of the European Union; and secondly to improve the quality and effectiveness of initiatives taken by NGOs in support of people centred development.