



The Review of the European External Action Service

A commentary on the report

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Key messages

This note offers a brief commentary on the development aspects of the *European External Action Service (EEAS) Review*, published in July 2013.

We argue that the development recommendations are credible, but incomplete. In particular, proposals to strengthen the role of the High Representative/Vice President of the European Commission (HR/VP) and the EEAS should be accompanied by:

- strong legislative protection of a poverty focus in aid, including in the Regulations currently under review;
- enlarged membership of the Group of External Relations Commissioners (the RELEX Group), to include development-related portfolios, including agriculture and climate change;
- a strengthened coordinating role for the Development Commissioner, under the authority of the HR/VP in her role as Vice President;
- job descriptions for European Union (EU) Heads of Delegation which emphasise development competences; and
- better organisation of parliamentary committees on external issues.

The European External Action Service (EEAS) was established in 2010 following a Council Decision (Council of the European Union, 2010) which prescribes the organisation and functioning of the service. According to the Council decision, the High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP) should provide a review of the organisation and functioning of the EEAS by mid-2013. The review offers an important first opportunity to assess its strengths and weaknesses, to address some of its shortcomings, and to provide new impetus for its further development.

This commentary¹ on the EEAS Review (which was published in July 2013) builds on other assessments of the EEAS' performance, including ODI's earlier analysis. It focuses particularly on the proposals in the Review that relate to development cooperation.

The establishment of the EEAS was motivated by the increasingly evident incoherence of European Union (EU) external policy. At an institutional level, the EU's external affairs were split between the intergovernmental Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP) on the one hand, and on the other, Community policies such as neighbourhood, development and external trade. These policies were developed independently of each other, resulting in weak coherence and coordination. The rationale for the EEAS was to bridge all fields of EU external action: at the global and regional level, structurally and in decision-making.

The 2010 Council Decision provides the EEAS with an extensive job description: it is supposed to fulfil functions of a Presidency ('the EEAS assists the President of the European Council'), a diplomatic service ('the EEAS supports the High Representative/Vice President of the European Commission (HR/VP)'), and ministries of development and defence ('the EEAS supports the HR/VP' and 'assists the Presidents of the European Council and the European Commission'). It is also responsible for coordinating overall coherence of external action (Helwig et. al., 2013).

From a development perspective, the EEAS was designed to play a role in shaping strategy and in programming development cooperation for all regions of the world. The stated intention was to improve the links between development and foreign policy and to combine the European Commission's technical expertise with the Council's political weight, thereby enhancing the EU's global role.

In practice, the EEAS and the Commission are jointly responsible for the programming of three EU external assistance instruments: the geographic components of the Development Cooperation Instrument (DCI), the European Development Fund (EDF) and the European Neighbourhood and Partnership Instrument (ENPI). The EEAS leads the first three stages of the programming cycle, i.e. (i) country allocations, (ii) country and regional strategic papers, and (iii) national and regional indicative programmes, which are then submitted by both the HR/VP and the Development Commissioner, to be adopted by the College of Commissioners. Once approved, the Commission becomes solely responsible for the two final stages of the programming cycle: the annual action programmes and the implementation phase. Nevertheless, the Development Commissioner retains overall authority over the entire joint programming process.²

¹ The authors would like to thank Edward Hedger, Head of the Centre for Aid and Public Expenditure at ODI for his comments and review. The views presented in this paper are those of the authors.

² These working arrangements were clarified in an internal document in 2012 (SEC(2012)48, Ref. Ares(2012)41133, 13 January 2012).

Criteria for assessing the EEAS' effectiveness

An ODI submission to the UK House of Lords inquiry into the EEAS in 2010 set four criteria for the EEAS (Gavas and Maxwell, 2010). The tests require the EEAS to:

- promote the coherence of all internal and external EU policies and instruments with development objectives,
- ensure aid programming is informed by development principles rather than foreign policy interests,
- have a properly staffed service on the development side, and
- offer appropriate accountability to the European Parliament.

Since 2010, the primary effort has been on the organisational establishment of the EEAS. The policy focus has been on foreign and security issues, such as in the Horn of Africa, the Sahel and the Serbia-Kosovo dialogue.

A report by the House of Lords on EEAS performance considers that 'thus far, the EEAS appears to have brought no significant benefit to the EU's handling of trade and development issues' (House of Lords, 2013). The report acknowledges the advantages of using EU institutions in a coordinating function to achieve coherence among the EU's Member States, but also accepts this is sometimes a fraught process. While the HR/VP is responsible for the overall political coordination of the EU's external assistance instruments,³ the HR/VP has apparently not called a meeting of the Group of External Relations Commissioners (the RELEX Group)⁴ since December 2011 and 'turf wars' prevail between the HR/VP and other Commissioners. Official figures show that the few staff in the EEAS who work in development are concentrated in the Development Cooperation Coordination Division, the department set up in the EEAS to coordinate work with the European Commission's Directorate-General for Development Cooperation (DG DEVCO).

Scope and findings of the EEAS Review

The EEAS Review makes a total of 26 short-term and nine medium-term recommendations and is structured around four parts:

1. The organisation of the EEAS,
2. The functioning of the EEAS,
3. The role of the HR/VP, and
4. Performance against targets.

The Review was prepared by the HR/VP and the EEAS. It takes the legal framework of the EEAS as given, including the double-hatted role of the HR/VP, and the institutional particularities of the EEAS, including its tri-partite nature with respect to the European Commission, the Council and the Member States.

From a development perspective, the main recommendations are for increased capacity and authority of the EEAS over aid and other development issues. Recommendations include the following:

³ See Article 9(2) of the Council Decision establishing the organisation and functioning of the European External Action Service, 2010/427/EU.

⁴ The RELEX Group is composed of the President of the Commission, the HR/VP and the Commissioners responsible for Development, Humanitarian Aid, Enlargement and European Neighbourhood Policy, Trade and Economic and Monetary Affairs. This group is responsible for ensuring the coherence, impact and visibility of the EU's external action (European Commission (2004), 'Functioning of the Commission and internal coordination', SEC(2004)1617/4).

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- **Appoint permanent EEAS chairs for the Council Working Groups** in the area of external relations that have remained with the rotating Presidency.⁵
 - **Review staffing levels devoted to External Relations issues** in the Council Secretariat and transfer necessary resources to EEAS.
 - **Strengthen EEAS capacity for external aspects of key EU internal policies** (energy security, environment, migration, fight against terrorism, external economic issues).
 - **Strengthen the EEAS policy and planning capability** to work on strategic issues and papers.
 - The HR, as Vice President of the Commission, should **propose specific external relations proposals for inclusion in the Commission's annual work programme**.
 - **The EEAS should present medium-term strategies for specific regions, or thematic issues in line with the established policy priorities, for discussion in the Council**, according to an agreed timetable. These strategies could also foster more joined-up discussions at different levels within the Council (the European Council, Ministerial meetings, the Political and Security Committee, and working groups).
 - **Regular meetings of the RELEX Group, chaired by HR/VP and supported by a joint EEAS-Commission secretariat**. Confirm the lead coordinating role of the HR/VP, supported by EEAS geographical and thematic services, for all external relations issues.
 - **Maintain active EEAS influence on the programming of EU external assistance**, within the existing legal framework.
 - **Clarify the system of political deputies for the HR** (either within EEAS structures, or through clearer responsibility for HR/VP over other Commissioners).
 - In future allocation of Commission portfolios, **strengthen the HR/VP's position in Commission decision-making on external assistance programmes** to ensure optimal coherence with EU foreign policy priorities and clarify the HR/VP's lead responsibility for relations with the Western Balkans and European Neighbourhood Partnership countries.
 - Address residual competence issues to **ensure that EEAS and EU Delegations are the single channel for EU external relations issues**, including in areas of mixed competence and in multilateral fora, including the United Nations and the Organisation for Security and Cooperation in Europe (OSCE). (EEAS, 2013).

Broadly, the proposals attempt to enhance the coordinating role and capacity of the HR/VP and the EEAS over EU external policies, including development cooperation, and to clarify the division of labour between the EEAS and the European Commission.

The Review's recommendations suggest that, to date, the HR/VP has mostly focused on fulfilling her tasks under her High Representative role and that a rebalancing should occur with an increased emphasis on her role as Vice President of the Commission. Nevertheless, the actual measures intended to enhance the Vice President role remain vague and unspecific.

⁵ These include: the RELEX Group; the Development Working Group (CODEV); the Africa, Caribbean, Pacific (ACP) Working Group; the European Free Trade Association (EFTA) Working Group; the Counter Terrorism Working Group (COTER); the International Public Law Working Group (COJUR); and the Athena Committee).

How good is the EEAS Review?

In April 2013, building on earlier analysis, we concluded with eight recommendations for the EEAS review (Maxwell, 2013a). The recommendations aimed to address the shortfalls under each of our four tests (highlighted above). These are reproduced in Table 1. The table compares our eight recommendations with the proposals put forward in the review and highlights the discrepancies and the gaps.

Table 1: Assessment of the EEAS Review against our eight recommendations

Our recommendation	EEAS Review
Promote coherence	
<p>The term ‘external action’ may need revisiting, and that may also require revisiting the Council Decision of July 2010 which led to the establishment of the EEAS. The purpose would be to ensure that all aspects of external policy fall within the remit of the EEAS, including some which may appear to be mainly internal (such as agriculture) and others which are both internal and external (like climate or environment).</p>	<p>The principle seems to be implicit in the Review, which highlights the need for the EEAS to strengthen its capacity and to cooperate more closely with the Commission on internal issues that have an impact on foreign policy. However, it clarifies that the EEAS is not trying to expand its prerogatives (notably in energy security, environmental protection, climate change, migration etc.) and reaffirms that those fall under the remit of the Commission. It does not propose a revision of the Council Decision.</p>
<p>The RELEX Group should be reconstituted with a larger membership, and should be used more proactively, chaired by the HR/VP, as a kind of Cabinet Committee for the Commission.</p>	<p>A proactive use of the RELEX Group is recommended, but not a larger membership. It proposes meetings of the Group to be prepared jointly by the Secretariat General of both the Commission and the EEAS.</p>
<p>The remit of the HR/VP may need clarification, to ensure that s/he has sufficient authority to deliver policy coherence. This is tricky territory, however. One option is to have a direct reporting relationship between Commissioners. Another option is to move units and responsibilities into the EEAS, as has been the case with aid programming.</p>	<p>Both a direct reporting relationship and the moving of units into the EEAS are recommended.</p>
<p>The above links to the concern that the HR/VP is overloaded, and has no political deputies. If there really are to be no junior Commissioners, then surely the answer is to locate powers and workload elsewhere. For example, should the Development Commissioner be thought of, narrowly, as the ‘Development Aid Commissioner’, or instead be tasked with leading all work on development-related policy coherence, with appropriate lines of accountability. The Development Commissioner could chair one or more sub-Committees of the RELEX Group, thus relieving the demand on the HR/VP.</p>	<p>The Review proposes appointing junior Commissioners and giving greater authority to EEAS officials to chair coordinating bodies. It also suggests a more direct coordinating responsibility for one or more members of the Commission and Member States’ Foreign Ministers, on behalf of the HR/VP. However, it does not specifically propose enhancing the role of the Development Commissioner.</p>
Programming informed by development principles	
<p>Regardless of the structures, there is a lot to be said for having a comprehensive approach, exemplified by geographic strategies and action plans, as well as sectoral plans.</p>	<p>The EEAS Review makes a similar recommendation, and proposes to strengthen the planning and strategy staff.</p>
<p>In developing cross-cutting, joined-up strategies, it will be important to hang on to the core principles of the different areas of intervention. These are enshrined in the</p>	<p>This point is not made explicitly.</p>

Our recommendation	EEAS Review
<p>Regulations governing different instruments, currently under discussion for the period 2014-20 (Gavas, 2012). It will also be important to carefully track discussions underway at the Organisation for Economic Cooperation and Development's (OECD) Development Assistance Committee about the definitions of official development assistance (ODA), as well as discussion on the treatment of loans and military expenditures (Maxwell, 2013b).</p>	
Capacity	
<p>Implementation at the field level will require Delegation Heads to have sufficient expertise in policy coherence issues. In many developing countries, it might well be appropriate for the Head of Delegation to be seconded from DG DEVCO.</p>	<p>The competences of Heads of Delegation are not addressed.</p>
Accountability	
<p>Stronger parliamentary scrutiny will also be important, especially if Triple-D (Development, Diplomacy and Defence) thinking leads to a change in the way aid money is allocated or spent. Stronger parliamentary scrutiny should probably be built into any new arrangements, but without the micro-management of the budgets. Although the European Parliament has budgetary control over the EEAS and requires regular appearances of the HR/VP to its plenary sessions, as well as information sharing and reporting to relevant Parliamentary committees, the Parliament is not well equipped to handle cross-cutting issues and should re-think its committee structure.</p>	<p>Better parliamentary engagement is recommended, but the EEAS Review does not recommend a review of committee structures in the European Parliament.</p>

Most of the recommendations are taken up in the Review, albeit sometimes implicitly. There are some gaps, however. The Review says little about the obligation in the Lisbon Treaty to ensure that EU external action has a poverty focus. It does not mention the need to enlarge the membership of the RELEX Group. It does not specifically recommend strengthening the role of the Development Commissioner. It does not refer to the competences of EU Heads of Delegation in developing countries. Finally, it does not comment on the organisation of parliamentary committees.

Some of the omissions are perhaps not surprising, given that the Review is an internal report. However, they are not trivial, and indicate where the risks might lie.

Conclusion

Overall, the document offers a pragmatic vision for completing the establishment of the EEAS. For the most part, the recommendations stay within the boundaries of the Lisbon Treaty, making the suggested adjustments realistic. The Review also leaves some of the most difficult decisions – e.g. formalising the appointment of deputies to the HR/VP and clarifying the division of labour between the EEAS, DG Enlargement and DG DEVCO – to the next HR/VP and European Commission. While this will relieve the current HR/VP of difficult negotiations with other institutions, it should also ensure there is a sense of ownership for the next set of Commissioners and HR/VP in 2014.

Effective coordination and coherence of EU external action will continue to be the biggest challenge for the EEAS. As 11 EU Foreign Ministers argued in 2012, the aim is ‘to make the EU into a real actor on the global scene’.⁶ To do this, the EEAS will need to be at the forefront of negotiations on a wide range of external policy issues. It must play a key role in improving the EU’s internal coordination and the coherence of EU external action and instruments, as well as promoting a global development approach with a strong narrative on the challenges that need to be tackled. This will require the EEAS to enhance its capacity, knowledge and expertise in global development.

⁶ See: <http://www.theguardian.com/world/2012/sep/18/eu-foreign-defence-policy-overhaul>

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