



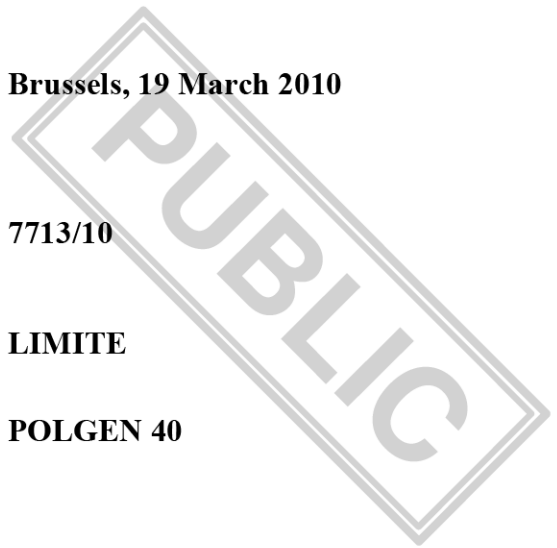
**COUNCIL OF  
THE EUROPEAN UNION**

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**REPORT**

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from : Presidency

to : Council

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Subject : Presidency report on the state of play of discussions in the Council on the  
European External Action Service

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Delegations will find attached the Presidency report on the state of play of discussions in the Council on the European External Action Service.

The October 2009 European Council endorsed the Presidency report on the European External Action Service (EEAS). This report constitutes the basis for the work which has taken place in Coreper on a regular basis since the beginning of the year, based on input from the High Representative of the Union for Foreign Affairs and Security Policy, as well as on input regarding the future Commission proposals on the amendments to the Financial Regulation and to the Staff Regulations and an EEAS-related amending budget. These discussions are preparatory in view of the future proposal by the HR of a Council Decision on the organisation and functioning of the EEAS.

The EEAS was discussed informally at Ministerial level in the Gymnich (Córdoba, March 5 and 6) and in the lunch of Europe Ministers (Brussels, March 16).

Discussion in Coreper covered in particular: programming of financial instruments (21 and 28 January) necessary amendments to the Financial Regulation (21 January) and to the Staff Regulations (28 January), procedures and timetables for the nominations of Heads of Delegation in the context of the 2010 Rotation exercise (10 and 18 February), key decisions on the EEAS, organisational structures, building blocks of the EEAS (24 February and 3 March), the EEAS personnel selection procedures for senior and middle management (10 March), as well as the pathways for staffing the EEAS, its basic structure and selection procedures for non-management staff (18 March). For each of these issues, the High Representative has provided input setting out her ideas on the subject. Following discussions, the Presidency presented to delegations its assessment of the main lines of convergence on a number of issues, in particular on the amendments to be made to the Staff Regulations, on the procedures and timetables for the nominations of Heads of Delegation in the context of the 2010 Rotation exercise as well as on the key decisions on the EEAS, organisational structures, building blocks of the EEAS.

The setting up of the EEAS is a unique and major opportunity in support of the coherence and continuity of the EU external action. It should constitute an ambitious and modern tool to support the HR in her roles. It should also assist the President of the European Council and the Commission in their respective functions in the area of external relations, as well as closely cooperate with the Member States.

**The discussions confirmed the guidelines contained in the October 2009 report. On a number of issues more detailed work has allowed to identify the main lines of convergence shared by a great majority of delegations.**

## **1. Scope**

The importance of single geographical and thematic desks in the EEAS was reiterated. Particular attention was also paid to the specific conditions for the inclusion of CSDP and crisis management structures into the EEAS. Duplications between the Commission, the GSC and the EEAS should be avoided.

Regarding programming and implementation of financial instruments, there was a great majority in favour of a horizontal solution. In particular as regards the European Development Fund and the Development and Cooperation Instrument, there was a convergence in favour of the EEAS leading on the two first stages of programming (country allocation and country strategy papers) and the Commission leading on the third and subsequent stages (national indicative programmes, annual action programmes and implementation).

The efficient management of the CFSP budget and the Stability Instrument needs to be ensured. There was large support for the implementation of these instruments to be done by the EEAS, but, given the legal constraints, an appropriate solution will have to be found in compliance with the Treaty.

## **2. Legal status and staffing**

The EEAS should be brought within the scope of Article 1 of the Financial Regulation. Delegations agreed that any modifications to the Financial Regulation should be limited to what is required for the setting up of the EEAS. They found that elements provided for by the Commission rightly corresponded to what was needed for the setting up of the Service without prejudice to the future discussion on the Commission proposal itself.

The equal treatment of staff originating from the three Treaty sources remains the underlying principle for recruitment and staff policy of the EEAS. The High Representative will be the sole appointing authority (AIPN) for EEAS staff, including in the EU Delegations. A recruitment procedure involving Member States, the Commission and the GSC should be envisaged (including for the start-up stage). It shall be agreed either at the same time as the Decision or as part of the Decision, at least as regards its main elements. In this context, the importance of ensuring geographical balance among the EEAS staff, including the principle of a meaningful presence of nationals from all Member States in the EEAS, was reiterated. Delegations confirmed that once the EEAS has reached its full capacity, staff from Member States should represent at least one third of EEAS staff (AD level). Another important feature of the staffing policy of the EEAS is the principle and procedure for rotation inside the EEAS (headquarters and Delegations) as well as between the EEAS and national diplomatic services. In addition, to the extent possible, mobility between the EEAS and the Commission and the GSC for staff coming from these institutions should be ensured. Delegations underlined also the need to provide common training to EEAS staff.

Delegations agreed that modifications which will be necessary to the Staff Regulations should ensure that the principles of the October report and those mentioned during the recent discussions are respected.

### **3. Organisational chart**

Delegations discussed the possible components of the basic structure of the EEAS. Views converged on main principles, further work however will be needed.

### **4. Union Delegations, including before entry into force of the EEAS Decision**

Delegations insisted on the fact that the chain of command should be clear and straightforward. Instructions to delegations should come through the High Representative and, inside delegations, via the Head of Delegation, while respecting the attributions of the Commission according to the Treaties.

As for the appointments procedure for all Heads of Delegations posts to be made before the adoption of the EEAS Decision, delegations insisted on the enhanced role of the HR in the procedure, the appropriate representation of Member States in the selection panels as well as the need for an adequate job description. The continuity of these procedures once the EEAS Decision will be in force has to be ensured. Following the discussion in Coreper, the Commission confirmed that the High Representative will be fully involved in all stages of the procedure also during the period preceding the adoption of the EEAS Decision. The Commission also agreed that the panels will include two representatives from Member States instead of one originally proposed (in addition to other members of the panels). The Decision itself will contain the necessary legal provisions allowing the continuity of the procedure once the HR will become the AIPN.

The EEAS should have its own capacity for the management of logistics and infrastructures of Delegations

## 5. **Final provisions**

Delegations recalled the need for review clauses (status report and review of the functioning and organisation of the EEAS).

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The Presidency is determined to continue working actively and intensively and, once the proposals become available, examine them as quickly as possible in order to allow for their early adoption.

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