



EUROPEAN COMMISSION

SECRETARIAT-GENERAL

PV(2010)1909 final

Brussels, 24 March 2010

MINUTES
of the 1909th meeting of the Commission
held in Brussels
(Berlaymont)
on Thursday 11 March 2010
(morning and afternoon)

PV(2010)1909 final

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Single sitting: Thursday 11 March 2010 (morning and afternoon)

The sitting opened at 11.10 with Mr BARROSO, President, in the chair.

Present:

Mr BARROSO	President	
Baroness ASHTON	High Representative/ Vice-President	Items 1 to 6
Ms REDING	Vice-President	
Mr ALMUNIA	Vice-President	
Ms KROES	Vice-President	Items 1 to 3/6 (in part)
Mr ŠEFČOVIČ	Vice-President	
Mr REHN		
Mr PIEBALGS		
Mr BARNIER		
Mr DE GUCHT		Items 1 to 6
Mr DALLI		Items 1 to 3/6 (in part)
Mr LEWANDOWSKI		
Ms DAMANAKI		
Mr OETTINGER		Items 1 to 3/6 (in part)
Mr HAHN		
Ms HEDEGAARD		
Mr FÜLE		
Mr ANDOR		
Ms MALMSTRÖM		Items 1 to 6
Mr CIOLOŞ		

Absent:

Mr KALLAS Vice-President

Mr TAJANI Vice-President

Mr POTOČNIK

Ms VASSILIOU

Mr ŠEMETA

Ms GEOGHEGAN-QUINN

Ms GEORGIEVA

The following sat in to represent absent Members of the Commission:

Mr FITCH	A member of Mr KALLAS's staff
Mr CANGA FANO	Deputy Chef de cabinet to Mr TAJANI
Mr VANDENBERGHE	Chef de cabinet to Mr POTOČNIK
Mr BRUNET	Chef de cabinet to Ms VASSILIOU
Mr BAUDRU	Deputy Chef de cabinet to Mr ŠEMETA
Mr BELL	Chef de cabinet to Ms GEOGHEGAN-QUINN
Mr QUINN	A member of Ms GEORGIEVA's staff

The following also sat in:

Mr LAITENBERGER	Chef de cabinet to the PRESIDENT	
Mr ROMERO REQUENA	Director-General, Legal Service	
Mr DOENS	Head of the European Commission Spokesperson Service	
Ms AHRENKILDE HANSEN	Commission Spokeswoman	
Mr SCHINAS	Bureau of European Policy Advisers	
Mr FRUTUOSO DE MELO	Deputy Chef de cabinet to the PRESIDENT	
Mr CABRAL	Adviser hors classe in the PRESIDENT's Office	Item 7
Mr ANDRESEN GUIMARÃES	A member of the PRESIDENT's staff	Items 3 to 6
Mr MORRISON	Chef de cabinet to Baroness ASHTON	Items 3 to 6
Mr NOCIAR	Chef de cabinet to Mr ŠEFČOVIČ	Items 3/6 (in part)
Mr BIERVERT	Deputy Chef de cabinet to Mr ŠEFČOVIČ	Items 3/6 (in part)
Mr PESONEN	Chef de cabinet to Mr REHN	Item 7

Mr LEMAÎTRE	Chef de cabinet to Mr LEWANDOWSKI	Items 3 to 6
Mr PAPACONSTANTINOU	A member of Ms DAMANAKI's staff	Items 3/6 (in part) and item 7
Mr VALE DE ALMEIDA	Director-General, DG External Relations	Items 3 to 6
Mr JOUANJEAN	Director-General, DG Budget	Items 3 to 6
Mr SLEATH	Secretariat-General	Items 3 to 6

Secretary: Ms DAY, Secretary-General, assisted by Mr GENISSON, Head of Unit in the Secretariat-General.

1. AGENDA

(OJ(2010)1909/3)

The Commission took note of that day's agenda.

2. RELATIONS WITH NON-MEMBER COUNTRIES

MISSION TO HAITI (PORT-AU-PRINCE, 2-4 MARCH)

(SEC(2010)302)

The Commission took note of the information note from Baroness ASHTON in SEC(2010)302.

3. POLICY DEBATE ON THE EUROPEAN EXTERNAL ACTION SERVICE

(SEC(2010)273)

4. DRAFT PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING THE STAFF REGULATIONS OF OFFICIALS AND THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN COMMUNITIES AS REGARDS THE EUROPEAN EXTERNAL ACTION SERVICE

(SEC(2010)280 AND /2)

5. PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING COUNCIL REGULATION (EC, EURATOM) NO 1605/2002 ON THE FINANCIAL REGULATION APPLICABLE TO THE GENERAL BUDGET OF THE EUROPEAN UNION,

**AS REGARDS THE EUROPEAN EXTERNAL ACTION SERVICE
(COM(2010)85 AND /2)**

**6. CHANGES REQUIRED IN THE IMPLEMENTING RULES OF THE
FINANCIAL REGULATION AS REGARDS THE EUROPEAN EXTERNAL
ACTION SERVICE
(SEC(2010)257)**

Introducing the policy debate on the European External Action Service (EEAS), the PRESIDENT noted that this would be one of the most visible signs of the changes introduced by the Lisbon Treaty, offering a unique opportunity to create a structure that would enable the EU to play a bigger role on the international scene. The Commission must therefore ensure that establishment of the EEAS was a success and lend its full support to Baroness ASHTON in her efforts to that end.

If implemented properly, the mechanism provided for in the Treaty would achieve the desired results by combining the Commission's role with input from the EEAS in order to pursue the EU's strategic objectives in the world. For that to happen, the position of the EEAS in relation to the Commission would have to be clearly defined. In the PRESIDENT's view, the High Representative should be able to play a strategic role and the EEAS should provide support for the policies managed by the Commission and draw on the thematic expertise of the Directorates-General in areas under the Commission's responsibility that had an external dimension, for example migration, climate change and energy.

He invited the Commission to debate two main topics that day: what structure to give the EEAS so that it could play its full part in EU foreign policy; and how to support Baroness ASHTON in her dual role of Commission Vice-President and High Representative of the Union for Foreign Affairs and Security Policy, while maintaining the spirit of cooperation provided for by the Treaty.

He hoped that this debate would give Baroness ASHTON a clearer picture of how the Commission Members saw the EEAS and enable her to take this into account when preparing her proposal, so that it could enjoy the widest possible consensus.

The PRESIDENT reminded the meeting that the Commission's role in this process was, first, to prepare its position for the institutional procedure so that, once that procedure had run its course, it could give its agreement to the proposal formally presented by the High Representative and, second, to exercise its right of initiative by putting forward three proposals on amendments to the Financial Regulation, the necessary amendments to the Staff Regulations and the Conditions of Employment of Other Servants and, lastly, the revised budget.

Stressing the added value which the EEAS would bring to the EU's external relations, he said that the role of the new service should be seen in the light of the objectives of the Lisbon Treaty as a whole. The object of the exercise was not to split off external relations policy from the rest of the European structure and the Community method but, on the contrary, to place it at the heart of the Treaty, to promote the EU's responsibilities in numerous fields, to put its external representation on a clearer footing, to firm up the link between the post of High Representative of the Union for Foreign Affairs and Security Policy and the role of Commission Vice-President, and to set up the EEAS, under her authority, to work alongside the institutions in defining and implementing external action.

He reminded the meeting that the Commission retained the right of initiative and operational responsibility across a large swathe of the EU's external policies, in particular trade policy and relations, development policy, humanitarian aid and enlargement policy, management of operational expenditure in heading 4 of the budget and aspects relating to the external dimension of internal policies.

He noted that one of the functions of the EEAS would be to shed light on the EU's foreign policy tasks by placing them in the broad, strategic context of the common foreign and security policy. Its added value would consist in helping to build a strategic framework for external policies and ensuring that the Union adopted a coherent overall position in relations with its global partners.

This was why emphasis had been placed on the importance of geographical desks covering all the regions of the world, so that a complete picture could be built up of the EU's relations across all policy areas. It also explained the importance of the

EEAS being made up of officials from the General Secretariat of the Council, the Commission and the diplomatic services of the Member States, and the need for it to work in close cooperation with the various institutions and services.

The PRESIDENT described the specific role which the EEAS would play in the common foreign and security policy, a field in which decisions were taken at the initiative of the Council rather than the Commission. The EEAS would have the task of assisting the High Representative of the Union for Foreign Affairs and Security Policy in formulating and implementing the common foreign and security policy and European policy on security and defence, as well as managing the tools for carrying out these policies and preparing decisions on programming. Since responsibility for implementing these instruments would remain with the Commission, appropriate arrangements would have to be laid down.

The EEAS would have to be an independent service and it was therefore necessary to revise the Staff Regulations and the Financial Regulation, hence the two legislative proposals being tabled that day by Mr ŠEFČOVIČ and Mr LEWANDOWSKI. In certain areas the EEAS would also be able to call on the Commission's horizontal services, for example translation, but it would have to have its own administrative support services too.

He mentioned a number of important issues that still required discussion, in particular the programming of development aid. In his view, these aspects formed part of the overall relations with the countries concerned, and this was one area where the success of the EU's external relations would depend entirely on cooperation and partnership between the various institutions and the EEAS.

As regards relations between the Commission and the EEAS, he felt that close collaboration was vital for the smooth functioning of the EEAS, and he raised the question of the arrangements for deputising for the High Representative/Vice-President at political level.

The PRESIDENT also mentioned the role of the delegations, which should serve as platforms for policy implementation both in bilateral relations and in areas falling

under the Commission's responsibility. A decision would therefore have to be taken on the role to be played by the Commission in appointing heads of delegation, to whom major financial powers would be delegated and who would have considerable responsibility regarding policies managed by the Commission. He felt that the detailed arrangements for relations between the EEAS and the Commission would have to be re-examined later in order to ensure close cooperation.

Lastly, the PRESIDENT raised the question of the budget, which the Commission was responsible for implementing pursuant to the Treaty. This meant among other things that the Commission would retain responsibility for financial management in the implementation of the common foreign and security policy and the stability instrument. The necessary guarantees would have to be provided via a Commission team working under the direct authority of Baroness ASHTON.

In conclusion he noted that, in all these fields, due regard for the division of responsibilities between the various EU institutions and services would have to be combined with pragmatic and constructive solutions in the service of a more effective external policy. He endorsed the general approach presented in the note prepared by Baroness ASHTON and asked the Commissioners to comment on it.

Baroness ASHTON then set out her ideas on the prospective establishment of the EEAS, in particular its role, how it would operate and be organised, and the key issues that would have to be settled in order to put the provisions of the Lisbon Treaty into effect. She noted that the EEAS would have to serve the Commission in policy areas that had an external dimension.

She spoke first about the piecemeal arrangements operating in the external relations field and stressed the need for consistency and a more integrated approach so that the EU could harness its full potential. The Treaty provisions should allow the Commission and the Council to cooperate more effectively and hence strengthen the EU's presence on the world stage. Although the Treaty implied significant changes in the external relations field, the institutions still entertained slightly different interpretations of the terms of the Treaty and how they should be implemented. These matters would have to be clarified.

She returned to the subject of the role of the High Representative of the Union for Foreign Affairs and Security Policy, who was at the same time Vice-President of the Commission and had to ensure consistency in the EU's external action under a system in which decisions were taken on the basis of a general overview. The role also involved lending support to Members of the Commission in external aspects of the various sectoral policies.

The mission of the EEAS would be to support the High Representative of the Union for Foreign Affairs and Security Policy and Commission Vice-President in the exercise of her duties, provide the necessary knowledge and expertise and coordinate responses on the ground, while at the same time working with the President of the European Council, the President of the Commission and the Commissioners. She hoped that, at the end of the interinstitutional debate, agreement could be reached on an effective mechanism that took account of the fields of responsibility of each of the institutions concerned.

On the question of the scope of the EEAS's activities, Baroness ASHTON stressed that it was important that the final organisational structure did not duplicate certain functions in the different institutions, hence the need for single geographical desks. She also made it clear that the existence of certain thematic desks in the EEAS would not undermine the Commission's powers in, for example, trade policy or development, and she also set out possible approaches to programming.

She felt that the new provisions should make for quicker and more flexible financial management, while fully complying with the principle of budgetary control by the European Parliament, in order to simplify work on the ground and delegate more responsibility to heads of delegation.

On the personnel front, she argued that the EEAS should be able to recruit the best candidates from both the European institutions and the Member States, while maintaining geographical and gender balance. She mentioned the composition of the delegations, which would also have to serve the Commission and would continue to draw some staff direct from DGs. As regards the appointment of heads of delegation, she was in favour of a pragmatic arrangement which guaranteed that the

persons selected had all the requisite qualifications and skills, according to the Commission's requirements, but which gave the High Representative the final say in choosing the best candidate.

She concluded her presentation by stressing the importance of setting up the EEAS as soon as possible and mapping out the various stages in the interinstitutional procedure ahead.

Mr ŠEFČOVIČ then briefly presented the proposal for a Regulation amending the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants, saying that this process would take some time since the trade unions and staff representatives had to be consulted. He drew attention to the substantive measures relating to the power of appointing staff to the delegations.

Mr LEWANDOWSKI referred to the amendment of the Financial Regulation and its Implementing Rules, which would become necessary because of the establishment of the new service. He raised in particular the question of the financial management responsibilities of heads of delegation, underlining the close connection between this matter and the rules on appointing heads of delegation. He also recalled the commitments made by the Commission with respect to Parliament in relation to the rapid submission of a proposal to amend the Financial Regulation and its Implementing Rules.

The Commission then held a debate during which the following aspects were raised:

- the need to support Baroness ASHTON in her difficult task;
- exercising of the power to appoint staff to the delegations and, in particular in the case of the heads of delegation, the need to submit their appointment to the Commission for agreement as it was the Commission which was ultimately accountable to Parliament for financial management;
- the important question of responsibility for programming; the fact that annual financial programming was not suited to development policy, the main objective of which was to eradicate poverty, which required longer-term programming;

- a question concerning the links between the EU's delegations and national embassies in non-EU countries; the hope that consular protection could eventually be shared in order to reduce public expenditure;
- given that it had been agreed not to duplicate tasks, questions concerning the possible establishment of several thematic "desks" within the EEAS and the potential impact this would have on the responsibilities entrusted to the Commission;
- similarly, as regards the external dimension of internal policies, the importance of not undermining the Commission's powers, particularly in relation to negotiations, for example negotiations on climate change;
- the concern, given the different backgrounds of the future EEAS staff, to provide appropriate training for them, putting particular emphasis on the European dimension;
- the fact that the establishment of the EEAS provided an opportunity to build real autonomous foreign policy and defence capacity for Europe, based on solidarity, which would form the crucible of joint diplomacy;
- the need to ensure that the establishment of the EEAS was in line with the respective powers of the institutions and that real added-value was provided by pooling the currently juxtaposed, and even competing, national policies;
- the suggestion that Baroness ASHTON should report briefly on the international situation at each Commission meeting;
- the case for setting up an evaluation process covering the establishment of the new service which could, perhaps, lead to future adjustments;
- the fact that enlargement policy and management of the relevant financial instruments should remain under the Commission's responsibility and that the corresponding Directorate-General should retain its key role in relations with candidate countries;

- in relation to the European neighbourhood policy: its close links with internal policies, the specific nature of the aid provided to the countries concerned and the importance of ensuring that the sections of the EEAS dealing with these geographical areas work closely with the Commission Member responsible for neighbourhood policy;
- the significant rural component of the policy in countries benefiting under the neighbourhood policy and the need to ensure, when drawing up the financial programming, that this dimension was highlighted and advantage taken of the Commission's experience in this domain;
- questions concerning the possible tasks of an EEAS secretary-general and the responsibilities this person would have if he or she had to replace the High Representative;
- the importance of ensuring that the expertise and experience acquired by the Commission throughout the world, managed successfully hitherto by the External Relations Directorate-General, was not lost and that a vacuum was not created;
- the concern to strike a geographical balance in terms of the composition of the EEAS and the distribution of posts;
- the preference for geographical rather than thematic "desks";
- a question concerning the possibility of involving the EEAS in inter-departmental consultations;
- the question of the management structure of the delegations, in particular in terms of staff coming directly from Directorates-General, the need for the Commission to be able to issue instructions direct to delegations, and the possibility of conflicting instructions from the EEAS and the Commission;

- the importance of ensuring that foreign policy priorities were defined and that a strategic debate was held on the EU's relations with its main partners, in particular China;
- the need to take the necessary time to arrive at a satisfactory proposal, given the complexity and major implications of setting up this new service.

Baroness ASHTON thanked the participants for this frank debate, and replied to the various questions raised, pointing out that the EEAS would be at the service of the Commission, therefore the latter would have access to all the information it needed, as was the case at present with the External Relations Directorate-General. She assured the Members that the Commission's powers would be preserved, saying that her own role as High Representative and Commission Vice-President was to coordinate external policies and actions, not control them.

No appointments as head of delegation would be made without the agreement of the Commission President.

Under the terms of the Presidency report to the European Council on the European External Action Service of October 2009, she was required to submit a proposal within a certain deadline so that it could be adopted by the end of April at the latest. To this end, she hoped that the Commission would reach the best possible consensus.

The PRESIDENT confirmed that it was important for the Commission to unite behind Baroness ASHTON when it came to presenting the proposal on the European External Action Service. He was pleased with the quality of the debate, saying that it was useful for Baroness ASHTON to be aware of the views of her colleagues. She had everyone's support, both politically and personally, in this tough mission.

It was fundamentally important to define the concept of the EEAS properly and to ensure (since the Commission was the guardian of the Treaties) that a genuine European approach was upheld, based on a balance between the institutions. The new service must provide added-value in terms of coherence, in particular between

external policies and the external dimension of internal policies, in accordance with the Commission's powers.

A certain number of points had emerged at this meeting which still had to be discussed in depth, in particular the rules governing staff appointments to the delegations. Because of the debate, it had been possible to achieve progress on several aspects and to highlight the key questions facing the Commission in relation to the establishment of the new service. The proposals to amend the Staff Regulations and the Financial Regulation would therefore be discussed again at a forthcoming meeting of the Commission.

7. OTHER BUSINESS

PREPARATION OF THE EUROGROUP (BRUSSELS, 15 MARCH) ***(SEC(2010)307)***

Mr REHN described the preparations for the Eurogroup meeting of 15 March.

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The Commission's other discussions on certain agenda items are recorded in the special minutes.

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The meeting closed at 15.35 hours.