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REPORT

on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service
(08029/2010 – C7-0090/2010 – 2010/0816(NLE))

Committee on Foreign Affairs

Rapporteur: Elmar Brok

Rapporteur for the opinion (*):
Guy Verhofstadt, Committee on Constitutional Affairs

(*) Associated committee – Rule 50 of the Rules of Procedure

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* alerts the relevant departments to parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act which the draft act seeks to amend includes a third and fourth line identifying respectively the existing act and the provision in that act affected by the amendment. Passages in a provision of an existing act that Parliament wishes to amend, but the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...].

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(*)Associated committee – Rule 50 of the Rules of Procedure

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service
(08029/2010 – C7-0090/2010 – 2010/0816(NLE))**

(Consultation)

The European Parliament,

- having regard to the proposal by the High Representative of the Union for Foreign Affairs and Security Policy (08029/2010),
 - having regard to the statement given by the High Representative at Parliament's plenary sitting on ..., on the basic organisation of the EEAS central administration,
 - having regard to the declaration by the High Representative on political accountability,
 - having regard to Article 27(3) of the Treaty on European Union, pursuant to which the Council consulted Parliament (C7-0090/2010),
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Foreign Affairs and the opinions of the Committee on Constitutional Affairs, the Committee on Development, the Committee on International Trade, the Committee on Budgets, the Committee on Budgetary Control and the Committee on Women's Rights and Gender Equality (A7-0228/2010),
1. Approves as amended the proposal by the High Representative of the Union for Foreign Affairs and Security Policy;
 2. Is determined to reinforce its cooperation with national parliaments of Member States as required by the Treaty, in the area of the Union's external action, and especially concerning the CFSP and the CSDP;
 3. Is of the view that amendments to the Financial Regulation should, in addition to the present Council Decision, further specify the role of the Commission concerning sub-delegation of powers to Heads of Delegation to implement operational appropriations, in particular ensuring also in the Financial Regulation that the Commission takes all necessary measures to guarantee that sub-delegation of powers does not affect the discharge procedure;
 4. Invites the Commission to include in its comprehensive working document on expenditure relating to EU external action, which is to be drafted together with the Draft EU budget, details concerning, inter alia, the establishment plans of the Union's Delegations, as well as the external action expenditure per country and per mission; points out that it intends to modify the Financial Regulation accordingly;
 5. Reiterates that, in the event of disputes concerning Commission instructions to Heads of

EU Delegations which are, in accordance with Article 221(2) of the TFEU, placed under the authority of the High Representative, and in the event of disagreement between the High Representative and the Commissioners responsible for the programming of the relevant external assistance instruments, it is for the College of Commissioners to take the final decision;

6. Urges the High Representative to make sure that the provisions laid down in Article 6 of the Council Decision, whereby at least 60% of all EEAS staff at AD level are to be permanent EU officials, are reflected in all grades in the EEAS hierarchy;
7. Is of the view that additional specific measures envisaged in Article 6(6) of the Council Decision for the strengthening of the geographical and gender balance should include, as regards geographical balance, measures analogous to those provided for in Council Regulation (EC, Euratom) No 401/2004¹;
8. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
9. Asks the Council to consult Parliament again if it intends to amend the proposal by the High Representative of the Union for Foreign Affairs and Security Policy;
10. Instructs its President to forward its position to the Council, the High Representative of the Union for Foreign Affairs and Security Policy and the Commission.

Amendment 1

Proposal for a decision

Recital 1

Text proposed by the High Representative

(1) The purpose of this Decision is to establish the organisation and functioning of the European External Action Service ("EEAS"), a functionally autonomous body of the Union under the authority of the High Representative, set up by Article 27(3) of the Treaty on European Union ("TEU"), as amended by the Treaty of Lisbon.

Amendment

(1) The purpose of this Decision is to establish the organisation and functioning of the European External Action Service ("EEAS"), a functionally autonomous body of the Union under the authority of the High Representative, set up by Article 27(3) of the Treaty on European Union ("TEU"), as amended by the Treaty of Lisbon. ***This Decision and in particular the reference to the term "High Representative" will be interpreted in accordance with her different functions***

¹ Council Regulation (EC, Euratom) No 401/2004 of 23 February 2004 introducing, on the occasion of the accession of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, special temporary measures for recruitment of officials of the European Communities (OJ L 67, 5.3.2004, p. 1).

under Article 18 of the TEU.

Amendment 2

Proposal for a decision

Recital 3

Text proposed by the High Representative

(3) The EEAS will support the High Representative in fulfilling her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union and to ensure the consistency of the EU's external action. The EEAS will support the High Representative in her capacity as President of the Foreign Affairs Council, without prejudice to the normal tasks of the General Secretariat of the Council. The EEAS will also support the High Representative in her capacity as Vice-President of the Commission, for her responsibilities within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action, without prejudice to the normal tasks of the Commission services.

Amendment

(3) The EEAS will support the High Representative, *who is also a Vice-President of the Commission and the President of the Foreign Affairs Council*, in fulfilling her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union and to ensure the consistency of the EU's external action *as outlined, notably, in Articles 18 and 27 TEU*. The EEAS will support the High Representative in her capacity as President of the Foreign Affairs Council, without prejudice to the normal tasks of the General Secretariat of the Council. The EEAS will also support the High Representative in her capacity as Vice-President of the Commission, for her responsibilities within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action, without prejudice to the normal tasks of the Commission services.

Amendment 3

Proposal for a decision

Recital 3 a (new)

Text proposed by the High Representative

Amendment

(3a) In its contribution to the EU external cooperation programmes, the EEAS should seek to ensure that these programmes respond to the objectives for external action as set out in Article 21 TUE, in particular its paragraph (2)(d)

and that they respect the objectives of EU development policy in line with Article 208 TFEU. In this context, the EEAS should also promote the fulfilment of the objectives of the European Consensus on Development and the European Consensus on Humanitarian Aid.

Amendment 4

Proposal for a decision

Recital 5

Text proposed by the High Representative

(5) The European Parliament will fully play its role in the external action of the Union, including its functions of political control as provided for in Article 14(1) of the TEU, as well as in legislative and budgetary matters as laid down in the Treaties. Furthermore, in accordance with Article 36 of the TEU, the High Representative will regularly consult the European Parliament on the main aspects and the basic choices of the CFSP and will ensure that the views of the European Parliament are duly taken into consideration. The EEAS will assist the High Representative in this regard.

Amendment

(5) The European Parliament will fully play its role in the external action of the Union, including its functions of political control as provided for in Article 14(1) of the TEU, as well as in legislative and budgetary matters as laid down in the Treaties. Furthermore, in accordance with Article 36 of the TEU, the High Representative will regularly consult the European Parliament on the main aspects and the basic choices of the CFSP and will ensure that the views of the European Parliament are duly taken into consideration. The EEAS will assist the High Representative in this regard.
Specific arrangements should be made with regard to access for Members of European Parliament to classified documents and information in the area of CFSP. Until the adoption of such arrangements, existing provisions under the 2002 Interinstitutional Agreement on classified documents and information in the area of ESDP will apply.

Amendment 5

Proposal for a decision

Recital 7

Text proposed by the High Representative

(7) Provisions should be adopted relating to the staff of the EEAS and their recruitment. For matters relating to its staff the EEAS should be treated as an institution within the meaning of the Staff Regulations. ***In accordance with Article 27(3) of the TEU, the EEAS will comprise officials from the General Secretariat of the Council and the Commission as well as personnel seconded from the diplomatic services of the Member States.*** The High Representative will be the Appointing Authority, in relation both to officials subject to the Staff Regulations ***of Officials of the European Communities ("Staff Regulations")*** and agents subject to the Conditions of Employment of Other Servants. ***The High Representative will also have authority over the Seconded National Experts ("SNEs") in post in the EEAS.*** The number of officials and servants of the EEAS will be decided each year as part of the budgetary procedure and will be reflected in the establishment plan.

Amendment

(7) Provisions should be adopted relating to the staff of the EEAS and their recruitment ***where such provisions are necessary to establish the organisation and functioning of the EEAS. In parallel, necessary amendments should be made, in accordance with Article 336 of the TFEU, to the Staff Regulations of Officials of the European Communities ("Staff Regulations") and the Conditions of Employment of Other Servants of those Communities ("CEOS") without prejudice to Article 298 of the TFEU.*** For matters relating to its staff the EEAS should be treated as an institution within the meaning of the Staff Regulations. The High Representative will be the Appointing Authority, in relation both to officials subject to the Staff Regulations and agents subject to the Conditions of Employment of Other Servants. The number of officials and servants of the EEAS will be decided each year as part of the budgetary procedure and will be reflected in the establishment plan.

Amendment 6

Proposal for a decision

Recital 7 a (new)

Text proposed by the High Representative

Amendment

(7a) The staff members of the EEAS will carry out their duties and conduct themselves solely with the interest of the Union in mind.

Amendment 7

Proposal for a decision Recital 7 b (new)

Text proposed by the High Representative

Amendment

(7b) Recruitment will be based on merit whilst ensuring adequate geographical and gender balance. The staff of the EEAS should comprise a meaningful presence of nationals from all the Member States. The review foreseen in 2013 should also cover this issue, including, as appropriate, suggestions for additional specific measures to correct possible imbalances.

Amendment 8

Proposal for a decision Recital 7 c (new)

Text proposed by the High Representative

Amendment

(7c) In accordance with Article 27(3) of the TEU, the EEAS will comprise officials from the General Secretariat of the Council and the Commission as well as personnel coming from the diplomatic services of the Member States. For that purpose, the relevant departments and functions in the General Secretariat of the Council and in the Commission will be transferred to the EEAS, together with officials and temporary agents occupying a post in such departments or functions. Before the 1st of July 2013, the EEAS will recruit exclusively officials originating from the General Secretariat of the Council and the Commission as well as staff coming from the diplomatic services of the Member States. After that date, all officials and other servants of the European Union should be able to apply for vacant posts in the EEAS.

Amendment 9

Proposal for a decision Recital 7 d (new)

Text proposed by the High Representative

Amendment

(7d) The EEAS may, in specific cases, have recourse to specialised seconded national experts (SNEs), over which the High Representative will have authority. Seconded National Experts in post in the EEAS will not be counted in the one third which staff from Member States should represent when the EEAS will reach its full capacity. Their transfer in the phase of setting up of the EEAS will not be automatic and will be made with the consent of the authorities of the originating Member States. By the expiry of the contract of an SNE transferred to the EEAS under article 6bis, the function will be converted into a temporary agent post in cases where the function performed by the SNE corresponds to a function normally carried out by staff at AD level, provided that the necessary post is available under the establishment plan.

Amendment 10

Proposal for a decision Recital 7 e (new)

Text proposed by the High Representative

Amendment

(7e) The Commission and the EEAS will agree on modalities relating to the issue of instructions from the Commission to delegations. These should foresee in particular that when the Commission will issue instructions to delegations, it will simultaneously provide a copy of these to the Head of Delegation and the EEAS central administration.

Amendment 11

Proposal for a decision Recital 8

Text proposed by the High Representative

(8) ***In order to ensure the budgetary autonomy necessary for the smooth operation of the EEAS, the Financial Regulation should be amended in order to treat the EEAS as an "institution" within the meaning of the Financial Regulation, with a specific section in the Union budget. The EEAS will be subject to the procedures regarding the discharge as provided for in Article 319 of the Treaty on the Functioning of the European Union and in Articles 145 to 147 of the Financial Regulation.***

Amendment

(8) The Financial Regulation should be amended in order to ***include the EEAS in Article 1*** of the Financial Regulation, with a specific section in the Union budget. ***In accordance with applicable rules, and as it is the case for other institutions, a part of the annual report of the Court of Auditors will be dedicated also to the EEAS and the EEAS will respond to such reports.*** The EEAS will be subject to the procedures regarding the discharge as provided for in Article 319 of the Treaty on the Functioning of the European Union and in Articles 145 to 147 of the Financial Regulation. ***She will provide the European Parliament with all support necessary to complete European Parliament's right as discharge authority. The implementation of the operational budget will be the Commission's responsibility in accordance with Article 317 of the TFEU. Decisions having a financial impact will in particular respect the responsibilities laid down in Title IV of the Financial Regulation, especially Article 75 thereof regarding expenditure operations and Articles 64 to 68 regarding liability of the financial actors.***

Amendment 12

Proposal for a decision Recital 8 a (new)

Text proposed by the High Representative

Amendment

(8a) The establishment of the EEAS should be guided by the principle of cost-efficiency aiming towards budget neutrality. To this end, transitional

arrangements and gradual build-up of capacity will have to be used. Unnecessary duplication of tasks, functions and resources with other structures should be avoided. All opportunities for rationalisation should be used. In addition, a number of additional posts for Member States' temporary agents will be necessary which have to be financed within the framework of the current multi-annual framework.

Amendment 13

Proposal for a decision Recital 12

Text proposed by the High Representative

(12) *This Decision should be reviewed in the light of experience in* the beginning of 2014.

Amendment

(12) *The High Representative should, by mid-2013, make a review of the functioning and organisation of the EEAS, accompanied, if necessary, by proposals for a revision of this Decision. Such a revision should be adopted no later than* the beginning of 2014.

Amendment 14

Proposal for a decision Article 2 – paragraph 1 – introductory wording

Text proposed by the High Representative

1. The EEAS shall support the High Representative:

Amendment

1. The EEAS shall support the High Representative *in fulfilling her mandates as outlined, notably, in Articles 18 and 27 TEU:*

Amendment 15

Proposal for a decision

Article 2 – paragraph 1 – indent 1

Text proposed by the High Representative

- in fulfilling her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union and to ensure the consistency of the EU's external action;

Amendment

- in fulfilling her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union, ***including the Common Security and Defence Policy ("CSDP"), to contribute by her proposals to the development of that policy, which she shall carry out as mandated by the Council*** and to ensure the consistency of the EU's external action;

Amendment 16

Proposal for a decision

Article 2 – paragraph 2

Text proposed by the High Representative

2. The EEAS shall assist the President of the Commission, the Commission ***and the President of the European Council.***

Amendment

2. The EEAS shall assist ***the President of the European Council***, the President of the Commission, ***and the Commission, in the exercise of their respective functions in the area of external relations.***

Amendment 17

Proposal for a decision

Article 3 – paragraph 1

Text proposed by the High Representative

1. The EEAS shall work in cooperation with the General Secretariat of the Council and the services of the Commission, ***as well as with the diplomatic services of the Member States***, in order to ensure consistency between the different areas of the Union external action and between these and its other policies.

Amendment

1. The EEAS shall ***support and*** work in cooperation with the ***diplomatic services of the Member States as well as with the*** General Secretariat of the Council and the services of the Commission, in order to ensure consistency between the different areas of the Union external action and between these and its other policies.

Amendment 18

Proposal for a decision Article 3 – paragraph 2

Text proposed by the High Representative

2. The EEAS and the services of the Commission shall consult each other on all matters relating to the external action of the Union. The EEAS shall take part in the preparatory work and procedures relating to acts to be prepared by the Commission in this area. This paragraph shall be implemented in accordance with Chapter 1 of Title V of the TEU, and with Article 205 of the Treaty on the Functioning of the European Union ("TFEU").

Amendment

2. The EEAS and the services of the Commission shall consult each other on all matters relating to the external action of the Union ***in the exercise of their respective functions except on matters covered by CSDP***. The EEAS shall take part in the preparatory work and procedures relating to acts to be prepared by the Commission in this area. This paragraph shall be implemented in accordance with Chapter 1 of Title V of the TEU, and with Article 205 of the Treaty on the Functioning of the European Union ("TFEU").

Amendment 19

Proposal for a decision Article 3 – paragraph 4

Text proposed by the High Representative

4. The EEAS shall extend appropriate support and cooperation to the other institutions and bodies of the Union.

Amendment

4. The EEAS shall extend appropriate support and cooperation to the other institutions and bodies of the Union, ***in particular to the European Parliament. The EEAS may also benefit from the support and cooperation of these institutions and bodies, including agencies as appropriate. The EEAS internal auditor will cooperate with the internal auditor of the Commission to ensure the consistency of audit policy, with particular reference to the Commission's responsibility for operational expenditure. In addition, the EEAS shall cooperate with the European Office for the Fight against Fraud (OLAF) in accordance with Regulation (EC) N° 1073/1999. It shall in particular swiftly adopt the decision required by this***

Regulation on terms and conditions for internal investigations. As provided in this Regulation, Member States, in accordance with national provisions, and institutions shall give the necessary support to enable the OLAF's agents to fulfil their task.

(+)

**Amendment 20 Proposal for a decision
Article 4 – paragraph 1**

Text proposed by the High Representative

1. The EEAS shall be managed by **a** Secretary-General who will operate under the authority of the High Representative. The Secretary-General shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management. **He** shall ensure effective coordination between all departments in the central administration as well as with the Union delegations, **and shall represent the EEAS.**

Amendment

1. The EEAS shall be managed by **an executive** Secretary-General who will operate under the authority of the High Representative. The **executive** Secretary-General shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management. **The Secretary-General** shall ensure effective coordination between all departments in the central administration as well as with the Union delegations.

Amendment 21

**Proposal for a decision
Article 4 – paragraph 2**

Text proposed by the High Representative

2. The Secretary-General shall be assisted by two Deputy Secretaries-General.

Amendment

2. The **executive** Secretary-General shall be assisted by two Deputy Secretaries-General.

Amendment 22

**Proposal for a decision
Article 4 – paragraph 3 – subparagraph 1 – introductory wording**

Text proposed by the High Representative

3. The central administration of the EEAS

Amendment

3. The central administration of the EEAS

shall be organised in directorates general.
These shall include:

shall be organised in directorates general.
These shall *in particular* include:

Amendment 23

Proposal for a decision

Article 4 – paragraph 3 – subparagraph 1 – indent 2

Text proposed by the High Representative

- a directorate general for administrative, staffing, budgetary, security and communication and information system matters ***under the direct authority of the Secretary-General;***

Amendment

- a directorate general for administrative, staffing, budgetary, security and communication and information system matters ***working in the EEAS framework managed by the executive Secretary-General. The High Representative shall appoint, in accordance with the normal rules of recruitment, a Director General for budget and administration who shall work under the authority of the High Representative. He shall be responsible to the High Representative for the administrative and internal budgetary management of the EEAS. He shall follow the same budget lines and administrative rules as applicable in the part of Section III of the EU budget which falls under Heading V of the Multiannual Financial Framework;***

Amendment 24

Proposal for a decision

Article 4 – paragraph 3 – subparagraph 1 – indent 3

Text proposed by the High Representative

- the crisis management and planning directorate, the civilian planning and conduct capability, the European Union Military Staff and the European Union Situation Centre, placed under the direct authority and responsibility of the High Representative ***in her capacity as High Representative for Foreign Affairs and Security Policy;*** the specificities of these structures, as well as the particularities of

Amendment

- the crisis management and planning directorate, the civilian planning and conduct capability, the European Union Military Staff and the European Union Situation Centre, placed under the direct authority and responsibility of the High Representative, ***shall assist her in the task of conducting the Union's CFSP in accordance with the provisions of the Treaty while respecting, in accordance***

their functions, recruitment and the status of the staff shall be respected.

with Article 40 of the TEU, the other competences of the Union.

The specificities of these structures, as well as the particularities of their functions, recruitment and the status of the staff shall be respected.

Full coordination between all the structures of the EEAS shall be ensured.

Amendment 25

Proposal for a decision

Article 4 – paragraph 3 – subparagraph 2 – indent –1 (new)

Text proposed by the High Representative

Amendment

- a strategic policy planning department;

Amendment 26

Proposal for a decision

Article 4 – paragraph 3 – subparagraph 2 – indent 1

Text proposed by the High Representative

Amendment

- a legal department under the *direct* administrative authority of the Secretary-General which shall work closely with the Legal Services of the Council and the Commission;

- a legal department under the administrative authority of the *executive* Secretary-General which shall work closely with the Legal Services of the Council and the Commission;

Amendment 27

Proposal for a decision

Article 4 – paragraph 4

Text proposed by the High Representative

Amendment

4. The High Representative shall designate *from among EEAS staff members* the chairpersons of Council preparatory bodies that are chaired by a representative of the High Representative, including the chair of the Political and Security Committee.

4. The High Representative shall designate the chairpersons of Council preparatory bodies that are chaired by a representative of the High Representative, including the chair of the Political and Security Committee, *in accordance with the*

modalities set out in Annex II of the COUNCIL DECISION of 1 December 2009 laying down measures for the implementation of the European Council Decision on the exercise of the Presidency of the Council, and on the chairmanship of preparatory bodies of the Council, (2009/908/EU)¹.

¹ OJ L 322, 9.12.2009, p. 28.

Amendment 28

Proposal for a decision Article 5 – paragraph 1

Text proposed by the High Representative

1. The decision to open a delegation shall be adopted by the High Representative, ***after consulting the Council and the Commission. The decision to close a delegation shall be adopted by the High Representative,*** in agreement with the Council and the Commission.

Amendment

1. The decision to open ***or close*** a delegation shall be adopted by the High Representative, in agreement with the Council and the Commission.

Amendment 29

Proposal for a decision Article 5 – paragraph 2 – subparagraph 1

Text proposed by the High Representative

2. Each Union delegation shall be ***led by*** a Head of Delegation.

Amendment

2. Each Union delegation shall be ***placed under the authority of*** a Head of Delegation.

Amendment 30

Proposal for a decision Article 5 – paragraph 3 – subparagraph 2

Text proposed by the High Representative

In areas where the Commission exercises the powers conferred to it by the Treaties, the Commission may also issue

Amendment

In areas where the Commission exercises the powers conferred to it by the Treaties, the Commission may, ***in accordance with***

instructions to delegations, which shall be executed under the overall responsibility of the Head of Delegation.

article 221(2) TFEU, also issue instructions to delegations, which shall be executed under the overall responsibility of the Head of Delegation.

Amendment 31

Proposal for a decision Article 5 – paragraph 5

Text proposed by the High Representative

5. The operation of each delegation shall be periodically evaluated by the Secretary General of the EEAS; evaluation shall include financial and administrative audits. The Secretary General of the EEAS may request to be assisted for this purpose by the relevant Commission departments.

Amendment

5. The operation of each delegation shall be periodically evaluated by the Secretary General of the EEAS; evaluation shall include financial and administrative audits. The Secretary General of the EEAS may request to be assisted for this purpose by the relevant Commission departments. ***In addition to internal measures by the EEAS, OLAF shall exercise its powers, notably by conducting anti-fraud measures, in accordance with Regulation (EC) N° 1073/1999.***

Amendment 32

Proposal for a decision Article 5 – paragraph 7

Text proposed by the High Representative

7. Union delegations shall have the capacity to service the needs of other EU institutions, in particular ***the European Council and*** the European Parliament, in their ***official*** contacts with the international organisations or third countries to which ***they*** are accredited.

Amendment

7. Union delegations shall have the capacity to service the needs of other EU institutions, in particular the European Parliament, in their contacts with the international organisations or third countries to which ***the delegations*** are accredited.

Amendment 33

Proposal for a decision Article 5 – paragraph 8

Text proposed by the High Representative

8. The Head of Delegation shall have the power to represent the EU in the country where the delegation is **located**, in particular for the conclusion of contracts and being a party to legal proceedings.

Amendment

8. The Head of Delegation shall have the power to represent the EU in the country where the delegation is **accredited**, in particular for the conclusion of contracts and being a party to legal proceedings.

Amendment 34

Proposal for a decision Article 5 – paragraph 9

Text proposed by the High Representative

9. The Union delegations shall work in close cooperation with the diplomatic services of the Member States. **They shall, on a reciprocal basis, provide all relevant information.**

Amendment

9. The Union delegations shall work in close cooperation **and share information** with the diplomatic services of the Member States.

Amendment 35

Proposal for a decision Article 5 – paragraph 10

Text proposed by the High Representative

10. The Union delegations shall **have the capacity to**, upon request by Member States, support the Member States in their diplomatic relations and in their role of providing consular protection to Union citizens in third countries.

Amendment

10. The Union delegations shall, **acting in accordance with Art. 35, 3rd subparagraph of the EU Treaty and** upon request by Member States, support the Member States in their diplomatic relations and in their role of providing consular protection to Union citizens in third countries.

Amendment 36

Proposal for a decision Article 6 – paragraph –1 (new)

Text proposed by the High Representative

Amendment

-1. The provisions set out in this Article, except paragraph 2, shall apply without prejudice to the Staff Regulations of Officials of the European Communities ("Staff Regulations") and the Conditions of Employment of Other Servants of those Communities ("CEOS"), including the amendments made to these rules, in accordance with Article 336 of the TFEU, in order to adapt them to the needs of the EEAS.

Amendment 37

Proposal for a decision Article 6 – paragraph 1

Text proposed by the High Representative

Amendment

1. The EEAS shall comprise:

(a) officials and other servants of the European Union, including personnel from the diplomatic services of the Member States appointed as temporary agents;

(b) if necessary, and on a temporary basis, specialised seconded national experts (SNEs).

1. The EEAS shall comprise officials and other servants of the European Union, including personnel from the diplomatic services of the Member States appointed as temporary agents¹;
The Staff Regulations and the CEOS shall apply to this staff.

¹ *Article 98(1), second subparagraph of the Staff Regulations will read as follows: "As from 1 July 2013, the Appointing Authority shall also consider the applications of officials from other institutions without giving priority to any of these categories."*

Amendment 38

Proposal for a decision

Article 6 – paragraph 1 a (new)

Text proposed by the High Representative

Amendment

1a. If necessary, the EEAS may, in specific cases, have recourse to a limited number of specialised seconded national experts (SNEs).

The High Representative shall adopt the rules, equivalent to those laid down in Council Decision 2003/479/EC as amended by Council Decision 2007/829/EC of 5 December 2007¹, under which SNEs are put at the disposal of the EEAS in order to provide specialised expertise.

¹ OJ L 327, 13 December 2007, page 10.

Amendment 39

Proposal for a decision

Article 6 – paragraph 2

Text proposed by the High Representative

Amendment

2. The staff members of the EEAS shall carry out their duties and conduct themselves solely with the interests of the Union in mind. Without prejudice to Articles 2(1), third ***subparagraph***, 2(2) and 5(3), they shall neither seek nor take instructions from any Government, authority, organisation or person outside the EEAS or any body or person other than the High Representative.

2. The staff members of the EEAS shall carry out their duties and conduct themselves solely with the interests of the Union in mind. Without prejudice to Articles 2(1), third ***indent***, 2(2) and 5(3), they shall neither seek nor take instructions from any Government, authority, organisation or person outside the EEAS or any body or person other than the High Representative. ***In accordance with the second paragraph of Article 11 of the Staff Regulations, the EEAS staff may not accept any payments of any kind whatever from any other source outside the EEAS.***

Amendment 40

Proposal for a decision Article 6 – paragraph 3

Text proposed by the High Representative

Amendment

3. The Staff Regulations, the Conditions of Employment of Other Servants and the rules adopted jointly by the European Union institutions for the purpose of applying the Staff Regulations and the Conditions of Employment of Other Servants shall apply to the staff of the EEAS referred to in paragraph 1, subparagraph (a).

deleted

Amendment 41

Proposal for a decision Article 6 – paragraph 4

Text proposed by the High Representative

Amendment

4. The High Representative shall adopt the rules, equivalent to those laid down in Council Decision 2003/479/EC of 5 December 2007, under which SNEs are put at the disposal of the EEAS in order to provide specialised expertise.

deleted

Amendment 42

Proposal for a decision Article 6 – paragraph 6

Text proposed by the High Representative

Amendment

6. All appointments in the EEAS shall be based on merit **and on the broadest possible** geographical **basis**. The staff of the EEAS shall comprise a meaningful presence of nationals from all the Member States.

6. Recruitment in the EEAS shall be based on merit **whilst ensuring adequate** geographical **and gender balance**. The staff of the EEAS shall comprise a meaningful presence of nationals from all the Member States. **The review foreseen in 2013 shall also cover this issue, including, as appropriate, suggestions for additional specific measures to correct possible**

imbalances.

Amendment 43

Proposal for a decision Article 6 – paragraph 7

Text proposed by the High Representative

7. All members of the staff of the EEAS covered by the Staff Regulations and the Conditions of Employment of Other Servants shall have the same rights and obligations, *regardless whether they are officials of the European Union or temporary agents coming from the diplomatic services of the Member States*, and be treated equally, in particular as concerns eligibility to assume all positions under equivalent conditions. No distinction shall be made between temporary agents coming from national diplomatic services and officials of the European Union as regards the assignment of duties to perform in all areas of activities and policies implemented by the EEAS.

Amendment

7. Officials of the European Union and temporary agents coming from the diplomatic services of the Member States, shall have the same rights and obligations and be treated equally, in particular as concerns eligibility to assume all positions under equivalent conditions. No distinction shall be made between temporary agents coming from national diplomatic services and officials of the European Union as regards the assignment of duties to perform in all areas of activities and policies implemented by the EEAS. *In accordance with the provisions of the Financial Regulation, the Member States shall support the Union in the enforcement of financial liabilities resulting from any liability under Article 66 of the Financial Regulation of EEAS temporary agents coming from national diplomatic services.*

Amendment 44

Proposal for a decision Article 6 – paragraph 8

Text proposed by the High Representative

8. The relevant departments and functions in the General Secretariat of the Council and in the Commission listed in the Annex shall be transferred to the EEAS. Officials and temporary agents occupying a post in departments or functions listed in the Annex shall be transferred to the EEAS. This shall also apply to contract and local staff assigned to such departments and functions. SNEs working in those departments or functions shall

Amendment

deleted

also be transferred to the EEAS.

These transfers shall take effect on the day of the adoption of the amending Budget of the European Union providing for the corresponding posts and appropriations in the EEAS.

Upon their transfer to the EEAS, the High Representative shall assign each official to a post in his function group which corresponds to his grade.

Amendment 45

Proposal for a decision

Article 6 – paragraph 9

Text proposed by the High Representative

9. The High Representative shall establish the selection procedures for EEAS staff, which shall be based on merit ***and on the broadest possible*** geographical ***basis, in conformity with the Staff Regulations and the Conditions of Employment of Other Servants, with due regard for*** gender balance.

Amendment

9. The High Representative shall establish the selection procedures for EEAS staff, which shall be ***undertaken through a transparent procedure*** based on merit ***with the objective of securing the services of staff of the highest standard of ability, efficiency and integrity while ensuring adequate*** geographical ***and*** gender balance ***and a meaningful presence of nationals from all EU Member States in the EEAS. Representatives of the Member States, the General Secretariat of the Council and the Commission shall be involved in the recruitment procedure for vacant posts in the EEAS¹.***

¹ See draft declaration relating to the appointment procedure at the end.

Amendment 46

Proposal for a decision

Article 6 – paragraph 9 a (new)

Text proposed by the High Representative

Amendment

9a. When the EEAS has reached its full capacity, staff from Member States, as

referred to in paragraph 1, first subparagraph, should represent at least one third of all EEAS staff at AD level. Likewise, permanent EU officials should represent at least 60% of all EEAS staff at AD level, including staff coming from the diplomatic services of the Member States, who have become permanent EU officials, in accordance with the provisions of the Staff Regulations. Each year, the High Representative shall present a report to the European Parliament and the Council on the occupation of posts in the EEAS.

Amendment 47

Proposal for a decision Article 6 – paragraph 9 b (new)

Text proposed by the High Representative

Amendment

9b. The High Representative shall lay down the rules on mobility so as to ensure that the members of the staff of the EEAS are subject to a high degree of mobility. Specific modalities shall apply to the personnel referred to in Article 4 (3), third indent. In principle, all EEAS staff shall periodically serve in Union delegations. The High Representative shall establish rules to that effect.

Amendment 48

Proposal for a decision Article 6 – paragraph 10

Text proposed by the High Representative

Amendment

10. The procedures for recruiting staff for posts transferred to the EEAS which are on-going at the date of entry into force of this Decision shall remain valid: they shall be carried on and completed under the authority of the High Representative in accordance with the relevant vacancy

10. In accordance with the applicable provisions of its national law, each Member State shall provide its officials who have become temporary agents in the EEAS with a guarantee of immediate reinstatement at the end of their period of service to the EEAS. This period of

notices and the applicable rules of the Staff Regulations and the Conditions of Employment of Other Servants.

In the course of setting up the EEAS, representatives of the Member States, the General Secretariat of the Council and the Commission shall be involved in the recruitment procedure for vacant posts in the EEAS.

The staff of the EEAS central administration shall be made up of officials and other servants from, respectively, relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States.

When the EEAS has reached its full capacity, staff from Member States should represent at least one third of all EEAS staff at AD level. Each year, the High Representative shall present a report to the Council on the occupation of posts in the EEAS.

service, in accordance with the provisions of Article 50b of CEOS, shall not exceed eight years, unless, it is extended for a maximum period of two years in exceptional circumstances and in the interest of the service¹.

EU officials serving in the EEAS shall have the right to apply for posts in their institution of origin on the same terms as internal applicants.

¹Article 50b(2) of CEOS will read as follows: “2. They may be engaged for a maximum period of four years. Contracts may be renewed for a maximum period of four years. In total, engagement should not exceed eight years. However, in exceptional circumstances and in the interest of the service, at the end of the eighth year, the contract may be extended for a maximum period of two years. A renewal or extension shall be granted on condition that the secondment from the national diplomatic service is extended for the period of renewal.”

Amendment 49

**Proposal for a decision
Article 6 – paragraph 11**

Text proposed by the High Representative

11. The High Representative shall lay down the rules on mobility so as to ensure that the members of the staff of the EEAS are subject to a sufficient degree of mobility. Specific modalities shall apply to the personnel referred to in Article 4 (3), third hyphen. In principle, all EEAS staff shall periodically serve in Union delegations. The High Representative shall establish rules to that effect.

Amendment

11. Steps shall be taken in order to provide EEAS staff with adequate common training, building in particular on existing national and EU practices and structures. The High Representative shall take appropriate measures to that effect within the year following the entry into force of this Decision.

Amendment 50

**Proposal for a decision
Article 6 – paragraph 12**

Text proposed by the High Representative

12. In accordance with the applicable provisions of its national law, each Member State shall provide its officials who have become temporary agents in the EEAS with a guarantee of immediate reinstatement at the end of their period of secondment to the EEAS. Beyond two consecutive secondments, each Member State may decide to prolong such guarantee in accordance with the applicable provisions of its national law. EU officials serving in the EEAS shall have the right to apply for posts in their institution of origin on the same terms as internal applicants.

Amendment

deleted

Amendment 51

**Proposal for a decision
Article 6 – paragraph 13**

Text proposed by the High Representative

Amendment

13. Steps shall be taken in order to provide EEAS staff with adequate common training, building in particular on existing national practices and structures. The High Representative shall take appropriate measures to that effect within the year following the entry into force of this Decision.

deleted

Amendment 52

**Proposal for a decision
Article 6 a (new)**

Text proposed by the High Representative

Amendment

Article 6 a

Transitional provisions regarding staff

1. The relevant departments and functions in the General Secretariat of the Council and in the Commission listed in the Annex shall be transferred to the EEAS. Officials and temporary agents occupying a post in departments or functions listed in the Annex shall be transferred to the EEAS. This shall apply mutatis mutandis to contract and local staff assigned to such departments and functions. SNEs working in those departments or functions shall also be transferred to the EEAS with the consent of the authorities of the originating Member State.

These transfers shall take effect on 1 January 2011.

In accordance with the Staff Regulations, upon their transfer to the EEAS, the High Representative shall assign each official to a post in his function group which

corresponds to his grade.

2. The procedures for recruiting staff for posts transferred to the EEAS which are on-going at the date of entry into force of this Decision shall remain valid: they shall be carried on and completed under the authority of the High Representative in accordance with the relevant vacancy notices and the applicable rules of the Staff Regulations and the Conditions of Employment of Other Servants.

Amendment 53

Proposal for a decision Article 7 – paragraph 1

Text proposed by the High Representative

1. The High Representative shall *act as authorising officer for the EEAS section of the General Budget of the European Union and* adopt the internal rules for the management of the *corresponding* budget lines. *These internal rules shall lay down which of the powers of the authorising officer are delegated to the Secretary-General and the conditions under which the Secretary-General can sub delegate these powers.*

Amendment

1. *The duties of authorising officer for the EEAS section of the General Budget of the European Union shall be delegated in accordance with Article 59 of the Financial Regulation.* The High Representative shall adopt the internal rules for the management of the *administrative* budget lines. *Operational expenditure shall remain within the Commission section of the budget.*

Amendment 54

Proposal for a decision Article 7 – paragraph 3

Text proposed by the High Representative

3. *As regards operational expenditure arising from the implementation of the CFSP budget, the Instrument for Stability, the Instrument for Cooperation with Industrialised Countries, the Communication and Public Diplomacy as well as the Election Observation Missions, the Commission shall be responsible for*

Amendment

3. *When drawing up estimates of administrative expenditure for the EEAS, the High Representative will hold consultations with, respectively, the Commissioner for Development Policy and the Commissioner for Neighbourhood Policy regarding their respective responsibility.*

their financial management under the authority of the High Representative in her capacity as Vice-President of the Commission.

Amendment 55

Proposal for a decision

Article 7 – paragraph 3 a (new)

Text proposed by the High Representative

Amendment

3a. In accordance with Article 314(1) of the TFEU, the EEAS shall draw up estimates of its expenditure for the following financial year. The Commission shall consolidate these estimates in a draft budget, which may contain different estimates. The Commission may amend the draft budget as provided for in Article 314(2) of the TFEU.

Amendment 56

Proposal for a decision

Article 7 – paragraph 3 b (new)

Text proposed by the High Representative

Amendment

3b. In order to ensure the budgetary transparency in the area of external action of the Union, the Commission will transmit to the budgetary authority, together with the Draft EU Budget, a working document presenting, in a comprehensive way, all expenditure related to the external action of the Union.

Amendment 57

Proposal for a decision Article 7 – paragraph 4

Text proposed by the High Representative

4. The EEAS shall be subject to the procedures regarding the discharge provided for in Article 319 of the Treaty on the Functioning of the European Union and in Article 145 to 147 of the Financial Regulation.

Amendment

4. The EEAS shall be subject to the procedures regarding the discharge provided for in Article 319 of the Treaty on the Functioning of the European Union and in Article 145 to 147 of the Financial Regulation. ***The EEAS will, in this context, fully cooperate with institutions involved in the discharge procedure and provide, as appropriate, the additional necessary information, including through attendance in meetings of the relevant bodies.***

Amendment 58

Proposal for a decision Article 8 – title

Text proposed by the High Representative

Programming

Amendment

External Action Instruments and programming

Amendment 59

Proposal for a decision Article 8 – paragraph 1

Text proposed by the High Representative

1. ***In the framework of the*** management of EU external cooperation programmes, ***which remain*** under the responsibility of the Commission, ***the High Representative and the EEAS shall contribute to the programming and management cycle for the following geographic and thematic instruments, on the basis of the policy objectives set out in the said instruments:***
- the Development Cooperation

Amendment

1. ***The*** management of EU external cooperation programmes ***is*** under the responsibility of the Commission ***without prejudice to role of the Commission and of the EEAS in programming as set out in the following paragraphs.***

Instrument,
- the European Development Fund,
- the European Instrument for Democracy and Human Rights,
- the European Neighbourhood and Partnership Instrument,
- the Instrument for Cooperation with Industrialised Countries,
- the Instrument for Nuclear Safety Cooperation.

Amendment 60

Proposal for a decision Article 8 – paragraph 2

Text proposed by the High Representative

2. In accordance with Article 3, throughout the whole cycle of programming, planning and implementation of these instruments, the High Representative and the EEAS shall work with the relevant members and services of the Commission. All proposals for decision will be prepared through Commission procedures and submitted to the Commission for decision.

Amendment

2. The High Representative shall ensure overall political coordination of the EU's external action, ensuring the unity, consistency and effectiveness of the EU's external action in particular through the external assistance instruments:

- the Development Cooperation Instrument,
- the European Development Fund,
- the European Instrument for Democracy and Human Rights,
- the European Neighbourhood and Partnership Instrument,
- the Instrument for Cooperation with Industrialised Countries,
- the Instrument for Nuclear Safety Cooperation,
- the Instrument for Stability, regarding the assistance foreseen in article 4 of Regulation (EC) n. 1717/2006 of 15 November 2006.

Amendment 61

Proposal for a decision Article 8 – paragraph 3

Text proposed by the High Representative

3. The EEAS shall ***in particular*** have responsibility for preparing the following Commission decisions ***on*** the strategic, multi-annual steps within the programming cycle:

- (i) country allocations to determine the global financial envelope for each region (subject to the indicative breakdown of the financial perspectives). Within each region, a proportion of funding will be reserved for regional programmes;
- (ii) country and regional strategic papers (CSPs/RSPs);
- (iii) national and regional indicative programmes (NIPs/RIPs).

Amendment

3. ***In particular***, the EEAS shall ***contribute to the programming and management cycle for the said instruments, on the basis of the policy objectives set out therein. It shall*** have responsibility for preparing the following Commission decisions ***regarding*** the strategic, multi-annual steps within the programming cycle:

- (i) country allocations to determine the global financial envelope for each region (subject to the indicative breakdown of the financial perspectives). Within each region, a proportion of funding will be reserved for regional programmes;
- (ii) country and regional strategic papers (CSPs/RSPs);
- (iii) national and regional indicative programmes (NIPs/RIPs).

In accordance with Article 3, throughout the whole cycle of programming, planning and implementation of these instruments, the High Representative and the EEAS shall work with the relevant members and services of the Commission without prejudice to Article 1(3). All proposals for decision will be prepared through Commission procedures and submitted to the Commission for decision.

Amendment 62

Proposal for a decision Article 8 – paragraph 4

Text proposed by the High Representative

4. With regard to the European

Amendment

4. With regard to the European

Development Fund and the Development Cooperation Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared by the relevant services in the EEAS and in the Commission under the ***direct supervision and guidance*** of the Commissioner responsible for Development Policy and then jointly submitted with the High Representative for decision by the Commission.

Development Fund and the Development Cooperation Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared ***jointly*** by the relevant services in the EEAS and in the Commission under the ***responsibility*** of the Commissioner responsible for Development Policy and then jointly submitted with the High Representative for decision by the Commission.

Thematic programmes, except the European Instrument for Democracy and Human Rights, as well as the Instrument for Nuclear Safety Cooperation and the part of the Instrument for Stability referred to in the seventh indent of paragraph 2, shall be prepared by the appropriate Commission Service under the guidance of the Commissioner responsible for Development and presented to the College in agreement with the High Representative and other relevant Commissioners.

Amendment 63

Proposal for a decision Article 8 – paragraph 5

Text proposed by the High Representative

5. With regard to European Neighbourhood and Partnership Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared by the relevant services in the EEAS and in the Commission under the ***direct supervision and guidance*** of the Commissioner responsible for Neighbourhood Policy and then jointly submitted with the High Representative for decision by the Commission.

Amendment

5. With regard to European Neighbourhood and Partnership Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared ***jointly*** by the relevant services in the EEAS and in the Commission under the ***responsibility*** of the Commissioner responsible for Neighbourhood Policy and then jointly submitted with the High Representative for decision by the Commission.

Amendment 64

Proposal for a decision

Article 8 – paragraph 5 a (new)

Text proposed by the High Representative

Amendment

5a. Actions undertaken under the CFSP budget, the Instrument for Stability except the part referred to in the seventh indent of paragraph 2, the Instrument for Cooperation with Industrialised Countries, the Communication and Public Diplomacy as well as the Election Observation Missions are under the responsibility of the High Representative/EEAS. The Commission shall be responsible for their financial implementation under the authority of the High Representative in her capacity as Vice-President of the Commission¹. The Commission department responsible for this implementation shall be co-located with the EEAS.

¹ The Commission will make a declaration to the effect that the High Representative will have the necessary authority in this area, in full respect of the Financial Regulation.

Amendment 65

Proposal for a decision

Article 8 – paragraph 6

Text proposed by the High Representative

Amendment

6. Thematic programmes shall be prepared by the appropriate Commission Service under the guidance of the Commissioner responsible for Development and presented to the College in agreement with the High Representative and other relevant Commissioners.

deleted

Amendment 66

Proposal for a decision Article 9 – paragraph 1

Text proposed by the High Representative

1. The High Representative shall decide on the security rules for the EEAS and take all appropriate measures in order to ensure that the EEAS manages effectively the risks to its staff, physical assets and information, and that it fulfils its duty of care responsibilities. Such rules shall apply to all EEAS staff, and all staff in Union Delegations, regardless of their administrative status or origin.

Amendment

1. The High Representative shall, ***after consulting the Committee referred to in Council Decision 2001/264/EC***, decide on the security rules for the EEAS and take all appropriate measures in order to ensure that the EEAS manages effectively the risks to its staff, physical assets and information, and that it fulfils its duty of care responsibilities. Such rules shall apply to all EEAS staff, and all staff in Union Delegations, regardless of their administrative status or origin.

Amendment 67

Proposal for a decision Article 9 – paragraph 1 a (new)

Text proposed by the High Representative

Amendment

***1a. Pending the Decision referred to in paragraph 1:
- with regard to the protection of classified information, the EEAS shall apply Council Decision 2001/264/EC;
- with regard to other aspects of security, the EEAS shall apply Commission Decision 2001/844/EC.***

Amendment 68

Proposal for a decision Article 11 – paragraph 1

Text proposed by the High Representative

1. The General Secretariat of the Council and the relevant Commission services shall take all necessary measures so that the transfers referred to in Article **6(8)** can be

Amendment

1. The General Secretariat of the Council and the relevant Commission services shall take all necessary measures so that the transfers referred to in Article **6a** can be

accompanied by the transfers of the Council and Commission buildings necessary for the functioning of the EEAS.

accompanied by the transfers of the Council and Commission buildings necessary for the functioning of the EEAS.

Amendment 69

Proposal for a decision Article 12 – paragraph 2

Text proposed by the High Representative

2. The High Representative shall submit a report to the Council on the functioning of the EEAS *in 2012*.

Amendment

2. The High Representative shall submit a report to *the European Parliament*, the Council *and the Commission* on the functioning of the EEAS *no later than the end of 2011. That report shall in particular cover the implementation of the provisions of Article 5(3) and (10) and of Article 8.*

Amendment 70

Proposal for a decision Article 12 – paragraph 3

Text proposed by the High Representative

3. *The Council, acting on a proposal from the High Representative, shall review* this Decision in the light of *experience* no later than the beginning of 2014, *in accordance with Article 27 of the TEU.*

Amendment

3. *By mid-2013, the High Representative shall make a review of the functioning and organisation of the EEAS, which will cover inter alia the implementation of the provisions of Article 6(7) and (10). This review, shall, if necessary, be accompanied by appropriate proposals for revision of this Decision. In this case, the Council, in accordance with Article 27(3) TEU shall, revise* this Decision in the light of *the review* no later than the beginning of 2014.

Amendment 71

Proposal for a decision Article 12 – paragraph 4

Text proposed by the High Representative

4. This Decision shall enter into force on the date of its adoption. Its provisions on financial management and recruitment ***going beyond the existing Staff Regulations and Financial Regulation*** shall ***only produce their legal effects*** once the necessary amendments to the Staff Regulations and the Financial Regulation, as well as the amending budget, have been adopted. ***In order to ensure a smooth management of the personnel of the EEAS and pending the entry into force of the modifications to the Staff Regulations, the Conditions of Employment of Other Servants and the Financial Regulation necessary for the implementation of this Decision, arrangements*** shall be entered into by the High Representative, the General Secretariat of the Council and the Commission, and consultations shall be undertaken with the Member States.

Amendment

4. This Decision shall enter into force on the date of its adoption. Its provisions on financial management and recruitment shall ***take effect*** once the necessary amendments to the Staff Regulations and the Financial Regulation, as well as the amending budget, have been adopted. ***Arrangements*** shall be entered into by the High Representative, the General Secretariat of the Council and the Commission, and consultations shall be undertaken with the Member States ***to ensure a smooth transition.***

Amendment 72

Proposal for a decision Annex – paragraph 2 – introductory wording (new)

Text proposed by the High Representative

Amendment

All staff in the departments and functions listed below shall be transferred en bloc to the EEAS, except for a limited number of staff mentioned below as exceptions.

Amendment 73

Proposal for a decision

Annex – paragraph 2 – subparagraph 1 – indent 1

Text proposed by the High Representative

Amendment

- All hierarchy posts

- All hierarchy posts ***and support staff directly attached to them***

Amendment 74

Proposal for a decision

Annex – paragraph 2 – subparagraph 2 – indent 1

Text proposed by the High Representative

Amendment

- All Heads of Delegation and Deputy Heads of Delegation

- All Heads of Delegation and Deputy Heads of Delegation ***and support staff directly attached to them***

Amendment 75

Proposal for a decision Annex – paragraph 2 – subparagraph 3 – indent 5

Text proposed by the High Representative

Amendment

- Applicable hierarchy posts

- Applicable hierarchy posts ***and support staff directly attached to them***

5.7.2010

OPINION OF THE COMMITTEE ON CONSTITUTIONAL AFFAIRS

for the Committee on Foreign Affairs

on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service
(08029/2010 – C7-0090/2010 – 2010/0816(NLE))

Rapporteur (*): Guy Verhofstadt

(*): Associated committee – Rule 50 of the Rules of Procedure

AMENDMENTS

The Committee on Constitutional Affairs calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a decision

Recital 1

Text proposed by the High Representative

(1) The purpose of this Decision is to establish the organisation and functioning of the European External Action Service ("EEAS"), a functionally autonomous body of the Union under the authority of the High Representative, set up by Article 27(3) of the Treaty on European Union ("TEU"), as amended by the Treaty of Lisbon.

Amendment

(1) The purpose of this Decision is to establish the organisation and functioning of the European External Action Service ("EEAS"), a functionally autonomous body of the Union under the authority of the High Representative, set up by Article 27(3) of the Treaty on European Union ("TEU"), as amended by the Treaty of Lisbon. ***This Decision and in particular the reference to the term "High Representative" will be interpreted in accordance with his/her different***

functions under Article 18 of the TEU.

(Horizontal amendment: this change applies throughout the entire text. Adopting it will necessitate corresponding changes throughout)

Amendment 2

Proposal for a decision

Recital 3

Text proposed by the High Representative

(3) The EEAS will support the High Representative in fulfilling her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union and to ensure the consistency of the EU's external action. The EEAS will support the High Representative in her capacity as President of the Foreign Affairs Council, without prejudice to the normal tasks of the General Secretariat of the Council. The EEAS will also support the High Representative in her capacity as Vice-President of the Commission, for her responsibilities within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action, without prejudice to the normal tasks of the Commission services.

Amendment

(3) The EEAS will support the High Representative, ***who is also a Vice-President of the Commission and the President of the Foreign Affairs Council***, in fulfilling her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union and to ensure the consistency of the EU's external action ***as outlined, notably, in Articles 18 and 27 TEU***. The EEAS will support the High Representative in her capacity as President of the Foreign Affairs Council, without prejudice to the normal tasks of the General Secretariat of the Council. The EEAS will also support the High Representative in her capacity as Vice-President of the Commission, for her responsibilities within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action, without prejudice to the normal tasks of the Commission services.

Amendment 3

Proposal for a decision

Recital 3 a (new)

Text proposed by the High Representative

Amendment

(3a) In its contribution to the EU external

cooperation programmes, the EEAS should seek to ensure that these programmes respond to the objectives for external action as set out in Article 21 TUE, in particular its paragraph (2)(d) and that they respect the objectives of EU development policy in line with Article 208 TFEU. In this context, the EEAS should also promote the fulfilment of the objectives of the European Consensus on Development and the European Consensus on Humanitarian Aid.

Amendment 4

Proposal for a decision

Recital 5

Text proposed by the High Representative

(5) The European Parliament will fully play its role in the external action of the Union, including its functions of political control as provided for in Article 14(1) of the TEU, as well as in legislative and budgetary matters as laid down in the Treaties. Furthermore, in accordance with Article 36 of the TEU, the High Representative will regularly consult the European Parliament on the main aspects and the basic choices of the CFSP and will ensure that the views of the European Parliament are duly taken into consideration. The EEAS will assist the High Representative in this regard.

Amendment

(5) The European Parliament will fully play its role in the external action of the Union, including its functions of political control as provided for in Article 14(1) of the TEU, as well as in legislative and budgetary matters as laid down in the Treaties. Furthermore, in accordance with Article 36 of the TEU, the High Representative will regularly consult the European Parliament on the main aspects and the basic choices of the CFSP and will ensure that the views of the European Parliament are duly taken into consideration. The EEAS will assist the High Representative in this regard.
Specific arrangements should be made with regard to access for Members of European Parliament to classified documents and information in the area of CFSP. Until the adoption of such arrangements, existing provisions under the 2002 Interinstitutional Agreement on classified documents and information in the area of ESDP will apply.

Amendment 5

Proposal for a decision

Recital 7

Text proposed by the High Representative

(7) Provisions should be adopted relating to the staff of the EEAS and their recruitment. For matters relating to its staff the EEAS should be treated as an institution within the meaning of the Staff Regulations. ***In accordance with Article 27(3) of the TEU, the EEAS will comprise officials from the General Secretariat of the Council and the Commission as well as personnel seconded from the diplomatic services of the Member States.*** The High Representative will be the Appointing Authority, in relation both to officials subject to the Staff Regulations ***of Officials of the European Communities ("Staff Regulations")*** and agents subject to the Conditions of Employment of Other Servants. ***The High Representative will also have authority over the Seconded National Experts ("SNEs") in post in the EEAS.*** The number of officials and servants of the EEAS will be decided each year as part of the budgetary procedure and will be reflected in the establishment plan.

Amendment

(7) Provisions should be adopted relating to the staff of the EEAS and their recruitment ***where such provisions are necessary to establish the organisation and functioning of the EEAS. In parallel, necessary amendments should be made, in accordance with Article 336 of the TFEU, to the Staff Regulations of Officials of the European Communities ("Staff Regulations") and the Conditions of Employment of Other Servants of those Communities ("CEOS") without prejudice to Article 298 of the TFEU.*** For matters relating to its staff the EEAS should be treated as an institution within the meaning of the Staff Regulations. The High Representative will be the Appointing Authority, in relation both to officials subject to the Staff Regulations and agents subject to the Conditions of Employment of Other Servants. The number of officials and servants of the EEAS will be decided each year as part of the budgetary procedure and will be reflected in the establishment plan.

Amendment 6

Proposal for a decision

Recital 7 a (new)

Text proposed by the High Representative

Amendment

(7a) The staff members of the EEAS will carry out their duties and conduct themselves solely with the interest of the Union in mind.

Amendment 7

Proposal for a decision Recital 7 b (new)

Text proposed by the High Representative

Amendment

(7b) Recruitment will be based on merit whilst ensuring adequate geographical and gender balance. The staff of the EEAS should comprise a meaningful presence of nationals from all the Member States. The review foreseen in 2013 should also cover this issue, including, as appropriate, suggestions for additional specific measures to correct possible imbalances.

Amendment 8

Proposal for a decision Recital 7 c (new)

Text proposed by the High Representative

Amendment

(7c) In accordance with Article 27(3) of the TEU, the EEAS will comprise officials from the General Secretariat of the Council and the Commission as well as personnel coming from the diplomatic services of the Member States. For that purpose, the relevant departments and functions in the General Secretariat of the Council and in the Commission will be transferred to the EEAS, together with officials and temporary agents occupying a post in such departments or functions. Before the 1st of July 2013, the EEAS will recruit exclusively officials originating from the General Secretariat of the Council and the Commission as well as staff coming from the diplomatic services of the Member States. After that date, all officials and other servants of the European Union should be able to apply for vacant posts in the EEAS.

Amendment 9

Proposal for a decision Recital 7 d (new)

Text proposed by the High Representative

Amendment

(7d) The EEAS may, in specific cases, have recourse to specialised seconded national experts (SNEs), over which the High Representative will have authority. Seconded National Experts in post in the EEAS will not be counted in the one third which staff from Member States should represent when the EEAS will reach its full capacity. Their transfer in the phase of setting up of the EEAS will not be automatic and will be made with the consent of the authorities of the originating Member States. By the expiry of the contract of an SNE transferred to the EEAS under article 6bis, the function will be converted into a temporary agent post in cases where the function performed by the SNE corresponds to a function normally carried out by staff at AD level, provided that the necessary post is available under the establishment plan.

Amendment 10

Proposal for a decision Recital 7 e (new)

Text proposed by the High Representative

Amendment

(7e) The Commission and the EEAS will agree on modalities relating to the issue of instructions from the Commission to delegations. These should foresee in particular that when the Commission will issue instructions to delegations, it will simultaneously provide a copy of these to the Head of Delegation and the EEAS central administration.

Amendment 11

Proposal for a decision Recital 8

Text proposed by the High Representative

(8) ***In order to ensure the budgetary autonomy necessary for the smooth operation of the EEAS***, the Financial Regulation should be amended in order to ***treat the EEAS as an "institution" within the meaning*** of the Financial Regulation, with a specific section in the Union budget. The EEAS will be subject to the procedures regarding the discharge as provided for in Article 319 of the Treaty on the Functioning of the European Union and in Articles 145 to 147 of the Financial Regulation.

Amendment

(8) The Financial Regulation should be amended in order to ***include the EEAS in Article 1*** of the Financial Regulation, with a specific section in the Union budget. ***In accordance with applicable rules, and as it is the case for other institutions, a part of the annual report of the Court of Auditors will be dedicated also to the EEAS and the EEAS will respond to such reports.*** The EEAS will be subject to the procedures regarding the discharge as provided for in Article 319 of the Treaty on the Functioning of the European Union and in Articles 145 to 147 of the Financial Regulation. ***She will provide the European Parliament with all support necessary to complete European Parliament's right as discharge authority. The implementation of the operational budget will be the Commission's responsibility in accordance with Article 317 of the TFEU. Decisions having a financial impact will in particular respect the responsibilities laid down in Title IV of the Financial Regulation, especially Article 75 thereof regarding expenditure operations and Articles 64 to 68 regarding liability of the financial actors.***

Amendment 12

Proposal for a decision Recital 8 a (new)

Text proposed by the High Representative

Amendment

(8a) The establishment of the EEAS should be guided by the principle of cost-efficiency aiming towards budget neutrality. To this end, transitional

arrangements and gradual build-up of capacity will have to be used. Unnecessary duplication of tasks, functions and resources with other structures should be avoided. All opportunities for rationalisation should be used.

In addition, a number of additional posts for Member States' temporary agents will be necessary which have to be financed within the framework of the current multi-annual framework.

Amendment 13

Proposal for a decision Recital 12

Text proposed by the High Representative

(12) This Decision should be reviewed in the light of experience in the beginning of 2014.

Amendment

(12) The High Representative should, by mid-2013, make a review of the functioning and organisation of the EEAS, accompanied, if necessary, by proposals for a revision of this Decision. Such a revision should be adopted no later than the beginning of 2014.

Amendment 14

Proposal for a decision Article 2 – paragraph 1 – introductory wording

Text proposed by the High Representative

1. The EEAS shall support the High Representative:

Amendment

1. The EEAS shall support the High Representative *in fulfilling her mandates as outlined, notably, in Articles 18 and 27 TEU:*

Amendment 15

Proposal for a decision

Article 2 – paragraph 1 – indent 1

Text proposed by the High Representative

- in fulfilling her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union and to ensure the consistency of the EU's external action;

Amendment

- in fulfilling her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union, ***including the Common Security and Defence Policy ("CSDP"), to contribute by her proposals to the development of that policy, which she shall carry out as mandated by the Council*** and to ensure the consistency of the EU's external action;

Amendment 16

Proposal for a decision

Article 2 – paragraph 2

Text proposed by the High Representative

2. The EEAS shall assist the President of the Commission, the Commission ***and the President of the European Council.***

Amendment

2. The EEAS shall assist ***the President of the European Council***, the President of the Commission, ***and the Commission, in the exercise of their respective functions in the area of external relations.***

Amendment 17

Proposal for a decision

Article 3 – paragraph 1

Text proposed by the High Representative

1. The EEAS shall work in cooperation with the General Secretariat of the Council and the services of the Commission, ***as well as with the diplomatic services of the Member States***, in order to ensure consistency between the different areas of the Union external action and between these and its other policies.

Amendment

1. The EEAS shall ***support and*** work in cooperation with the ***diplomatic services of the Member States as well as with the*** General Secretariat of the Council and the services of the Commission, in order to ensure consistency between the different areas of the Union external action and between these and its other policies.

Amendment 18

Proposal for a decision Article 3 – paragraph 2

Text proposed by the High Representative

2. The EEAS and the services of the Commission shall consult each other on all matters relating to the external action of the Union. The EEAS shall take part in the preparatory work and procedures relating to acts to be prepared by the Commission in this area. This paragraph shall be implemented in accordance with Chapter 1 of Title V of the TEU, and with Article 205 of the Treaty on the Functioning of the European Union ("TFEU").

Amendment

2. The EEAS and the services of the Commission shall consult each other on all matters relating to the external action of the Union ***in the exercise of their respective functions except on matters covered by CSDP.*** The EEAS shall take part in the preparatory work and procedures relating to acts to be prepared by the Commission in this area. This paragraph shall be implemented in accordance with Chapter 1 of Title V of the TEU, and with Article 205 of the Treaty on the Functioning of the European Union ("TFEU").

Amendment 19

Proposal for a decision Article 3 – paragraph 4

Text proposed by the High Representative

4. The EEAS shall extend appropriate support and cooperation to the other institutions and bodies of the Union.

Amendment

4. The EEAS shall extend appropriate support and cooperation to the other institutions and bodies of the Union, ***in particular to the European Parliament. The EEAS may also benefit from the support and cooperation of these institutions and bodies, including agencies as appropriate. The EEAS internal auditor will cooperate with the internal auditor of the Commission to ensure the consistency of audit policy, with particular reference to the Commission's responsibility for operational expenditure. In addition, the EEAS shall cooperate with the European Office for the Fight against Fraud (OLAF) in accordance with Regulation (EC) N° 1073/1999. It shall in particular swiftly adopt the decision required by this***

Regulation on terms and conditions for internal investigations. As provided in this Regulation, Member States, in accordance with national provisions, and institutions shall give the necessary support to enable the OLAF's agents to fulfil their task.

Amendment 20

Proposal for a decision Article 4 – paragraph 1

Text proposed by the High Representative

1. The EEAS shall be managed by **a** Secretary-General who will operate under the authority of the High Representative. The Secretary-General shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management. He shall ensure effective coordination between all departments in the central administration as well as with the Union delegations, **and shall represent the EEAS.**

Amendment

1. The EEAS shall be managed by **an executive** Secretary-General who will operate under the authority of the High Representative. The **executive** Secretary-General shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management. He shall ensure effective coordination between all departments in the central administration as well as with the Union delegations.

Amendment 21

Proposal for a decision Article 4 – paragraph 2

Text proposed by the High Representative

2. The Secretary-General shall be assisted by two Deputy Secretaries-General.

Amendment

2. The **executive** Secretary-General shall be assisted by two Deputy Secretaries-General.

Amendment 22

Proposal for a decision

Article 4 – paragraph 3 – subparagraph 1 – introductory wording

Text proposed by the High Representative

Amendment

3. The central administration of the EEAS shall be organised in directorates general. These shall include:

3. The central administration of the EEAS shall be organised in directorates general. These shall ***in particular*** include:

Amendment 23

Proposal for a decision

Article 4 – paragraph 3 – subparagraph 1 – indent 2

Text proposed by the High Representative

Amendment

- a directorate general for administrative, staffing, budgetary, security and communication and information system matters ***under the direct authority of the*** Secretary-General;

- a directorate general for administrative, staffing, budgetary, security and communication and information system matters ***working in the EEAS framework managed by the executive*** Secretary-General. ***The High Representative shall appoint, in accordance with the normal rules of recruitment, a Director General for budget and administration who shall work under the authority of the High Representative. He shall be responsible to the High Representative for the administrative and internal budgetary management of the EEAS. He shall follow the same budget lines and administrative rules as applicable in the part of Section III of the EU budget which falls under Heading V of the Multiannual Financial Framework;***

Amendment 24

Proposal for a decision

Article 4 – paragraph 3 – subparagraph 1 – indent 3

Text proposed by the High Representative

Amendment

- the crisis management and planning

- the crisis management and planning

directorate, the civilian planning and conduct capability, the European Union Military Staff and the European Union Situation Centre, placed under the direct authority and responsibility of the High Representative *in her capacity as High Representative for Foreign Affairs and Security Policy*; the specificities of these structures, as well as the particularities of their functions, recruitment and the status of the staff shall be respected.

directorate, the civilian planning and conduct capability, the European Union Military Staff and the European Union Situation Centre, placed under the direct authority and responsibility of the High Representative, *shall assist her in the task of conducting the Union's CFSP in accordance with the provisions of the Treaty while respecting, in accordance with Article 40 of the TEU, the other competences of the Union.*

The specificities of these structures, as well as the particularities of their functions, recruitment and the status of the staff shall be respected.

Full coordination between all the structures of the EEAS shall be ensured.

Amendment 25

Proposal for a decision

Article 4 – paragraph 3 – subparagraph 2 – indent -1 (new)

Text proposed by the High Representative

Amendment

- a strategic policy planning department;

Amendment 26

Proposal for a decision

Article 4 – paragraph 3 – subparagraph 2 – indent 1

Text proposed by the High Representative

Amendment

- a legal department under the *direct* administrative authority of the Secretary-General which shall work closely with the Legal Services of the Council and the Commission;

- a legal department under the administrative authority of the *executive* Secretary-General which shall work closely with the Legal Services of the Council and the Commission;

Amendment 27

Proposal for a decision Article 4 – paragraph 4

Text proposed by the High Representative

4. The High Representative shall designate **from among EEAS staff members** the chairpersons of Council preparatory bodies that are chaired by a representative of the High Representative, including the chair of the Political and Security Committee.

Amendment

4. The High Representative shall designate the chairpersons of Council preparatory bodies that are chaired by a representative of the High Representative, including the chair of the Political and Security Committee, **in accordance with the modalities set out in Annex II of the COUNCIL DECISION of 1 December 2009 laying down measures for the implementation of the European Council Decision on the exercise of the Presidency of the Council, and on the chairmanship of preparatory bodies of the Council, (2009/908/EU)¹.**

¹ OJ L 322, 9.12.2009, p. 28.

Amendment 28

Proposal for a decision Article 5 – paragraph 1

Text proposed by the High Representative

1. The decision to open a delegation shall be adopted by the High Representative, **after consulting the Council and the Commission. The decision to close a delegation shall be adopted by the High Representative,** in agreement with the Council and the Commission.

Amendment

1. The decision to open **or close** a delegation shall be adopted by the High Representative, in agreement with the Council and the Commission.

Amendment 29

Proposal for a decision

Article 5 – paragraph 2 – subparagraph 1

Text proposed by the High Representative

2. Each Union delegation shall be **led by** a Head of Delegation.

Amendment

2. Each Union delegation shall be **placed under the authority of** a Head of Delegation.

Amendment 30

Proposal for a decision

Article 5 – paragraph 3 – subparagraph 2

Text proposed by the High Representative

In areas where the Commission exercises the powers conferred to it by the Treaties, the Commission may also issue instructions to delegations, which shall be executed under the overall responsibility of the Head of Delegation.

Amendment

In areas where the Commission exercises the powers conferred to it by the Treaties, the Commission may, **in accordance with article 221(2) TFEU**, also issue instructions to delegations, which shall be executed under the overall responsibility of the Head of Delegation.

Amendment 31

Proposal for a decision

Article 5 – paragraph 5

Text proposed by the High Representative

5. The operation of each delegation shall be periodically evaluated by the Secretary General of the EEAS; evaluation shall include financial and administrative audits. The Secretary General of the EEAS may request to be assisted for this purpose by the relevant Commission departments.

Amendment

5. The operation of each delegation shall be periodically evaluated by the Secretary General of the EEAS; evaluation shall include financial and administrative audits. The Secretary General of the EEAS may request to be assisted for this purpose by the relevant Commission departments. **In addition to internal measures by the EEAS, OLAF shall exercise its powers, notably by conducting anti-fraud measures, in accordance with Regulation (EC) N° 1073/1999.**

Amendment 32

Proposal for a decision Article 5 – paragraph 7

Text proposed by the High Representative

7. Union delegations shall have the capacity to service the needs of other EU institutions, in particular **the European Council and** the European Parliament, in their **official** contacts with the international organisations or third countries to which **they** are accredited.

Amendment

7. Union delegations shall have the capacity to service the needs of other EU institutions, in particular the European Parliament, in their contacts with the international organisations or third countries to which **the delegations** are accredited.

Amendment 33

Proposal for a decision Article 5 – paragraph 8

Text proposed by the High Representative

8. The Head of Delegation shall have the power to represent the EU in the country where the delegation is **located**, in particular for the conclusion of contracts and being a party to legal proceedings.

Amendment

8. The Head of Delegation shall have the power to represent the EU in the country where the delegation is **accredited**, in particular for the conclusion of contracts and being a party to legal proceedings.

Amendment 34

Proposal for a decision Article 5 – paragraph 9

Text proposed by the High Representative

9. The Union delegations shall work in close cooperation with the diplomatic services of the Member States. **They shall, on a reciprocal basis, provide all relevant information.**

Amendment

9. The Union delegations shall work in close cooperation **and share information** with the diplomatic services of the Member States.

Amendment 35

Proposal for a decision Article 5 – paragraph 10

Text proposed by the High Representative

10. The Union delegations shall **have the capacity to**, upon request by Member States, support the Member States in their diplomatic relations and in their role of providing consular protection to Union citizens in third countries.

Amendment

10. The Union delegations shall, **acting in accordance with Art. 35, 3rd subparagraph of the EU Treaty and** upon request by Member States, support the Member States in their diplomatic relations and in their role of providing consular protection to Union citizens in third countries.

Amendment 36

Proposal for a decision Article 6 – paragraph -1 (new)

Text proposed by the High Representative

Amendment

-1. The provisions set out in this Article, except paragraph 2, shall apply without prejudice to the Staff Regulations of Officials of the European Communities ("Staff Regulations") and the Conditions of Employment of Other Servants of those Communities ("CEOS"), including the amendments made to these rules, in accordance with Article 336 of the TFEU, in order to adapt them to the needs of the EEAS.

Amendment 37

Proposal for a decision Article 6 – paragraph 1

Text proposed by the High Representative

1. The EEAS shall comprise:

Amendment

1. The EEAS shall comprise officials and other servants of the European Union, including personnel from the diplomatic services of the Member States appointed as

temporary agents¹;

(a) officials and other servants of the European Union, including personnel from the diplomatic services of the Member States appointed as temporary agents;

(b) if necessary, and on a temporary basis, specialised seconded national experts (SNEs).

The Staff Regulations and the CEOS shall apply to this staff.

¹ Article 98(1), second subparagraph of the Staff Regulations will read as follows : “As from 1 July 2013, the Appointing Authority shall also consider the applications of officials from other institutions without giving priority to any of these categories.”

Amendment 38

Proposal for a decision

Article 6 – paragraph 1 a (new)

Text proposed by the High Representative

Amendment

1a. If necessary, the EEAS may, in specific cases, have recourse to a limited number of specialised seconded national experts (SNEs).

The High Representative shall adopt the rules, equivalent to those laid down in Council Decision 2003/479/EC as amended by Council Decision 2007/829/EC of 5 December 2007¹, under which SNEs are put at the disposal of the EEAS in order to provide specialised expertise.

¹ OJ L 327, 13 December 2007, page 10.

Amendment 39

Proposal for a decision

Article 6 – paragraph 2

Text proposed by the High Representative

Amendment

2. The staff members of the EEAS shall

2. The staff members of the EEAS shall

carry out their duties and conduct themselves solely with the interests of the Union in mind. Without prejudice to Articles 2(1), third *subparagraph*, 2(2) and 5(3), they shall neither seek nor take instructions from any Government, authority, organisation or person outside the EEAS or any body or person other than the High Representative.

carry out their duties and conduct themselves solely with the interests of the Union in mind. Without prejudice to Articles 2(1), third *indent*, 2(2) and 5(3), they shall neither seek nor take instructions from any Government, authority, organisation or person outside the EEAS or any body or person other than the High Representative. ***In accordance with the second paragraph of Article 11 of the Staff Regulations, the EEAS staff may not accept any payments of any kind whatever from any other source outside the EEAS.***

Amendment 40

Proposal for a decision Article 6 – paragraph 3

Text proposed by the High Representative

Amendment

3. The Staff Regulations, the Conditions of Employment of Other Servants and the rules adopted jointly by the European Union institutions for the purpose of applying the Staff Regulations and the Conditions of Employment of Other Servants shall apply to the staff of the EEAS referred to in paragraph 1, subparagraph (a).

deleted

Amendment 41

Proposal for a decision Article 6 – paragraph 4

Text proposed by the High Representative

Amendment

4. The High Representative shall adopt the rules, equivalent to those laid down in Council Decision 2003/479/EC of 5 December 2007, under which SNEs are put at the disposal of the EEAS in order to provide specialised expertise.

deleted

Amendment 42

Proposal for a decision Article 6 – paragraph 6

Text proposed by the High Representative

6. **All appointments** in the EEAS shall be based on merit **and on the broadest possible** geographical **basis**. The staff of the EEAS shall comprise a meaningful presence of nationals from all the Member States.

Amendment

6. **Recruitment** in the EEAS shall be based on merit **whilst ensuring adequate** geographical **and gender balance**. The staff of the EEAS shall comprise a meaningful presence of nationals from all the Member States.

Amendment 43

Proposal for a decision Article 6 – paragraph 7

Text proposed by the High Representative

7. **All members of the staff of the EEAS covered by the Staff Regulations and the Conditions of Employment of Other Servants** shall have the same rights and obligations, **regardless whether they are officials of the European Union or temporary agents coming from the diplomatic services of the Member States**, and be treated equally, in particular as concerns eligibility to assume all positions under equivalent conditions. No distinction shall be made between temporary agents coming from national diplomatic services and officials of the European Union as regards the assignment of duties to perform in all areas of activities and policies implemented by the EEAS.

Amendment

7. **Officials of the European Union and temporary agents coming from the diplomatic services of the Member States**, shall have the same rights and obligations and be treated equally, in particular as concerns eligibility to assume all positions under equivalent conditions. No distinction shall be made between temporary agents coming from national diplomatic services and officials of the European Union as regards the assignment of duties to perform in all areas of activities and policies implemented by the EEAS. **In accordance with the provisions of the Financial Regulation, the Member States shall support the Union in the enforcement of financial liabilities resulting from any liability under Article 66 of the Financial Regulation of EEAS temporary agents coming from national diplomatic services.**

Amendment 44

Proposal for a decision Article 6 – paragraph 8

Text proposed by the High Representative

Amendment

8. The relevant departments and functions in the General Secretariat of the Council and in the Commission listed in the Annex shall be transferred to the EEAS. Officials and temporary agents occupying a post in departments or functions listed in the Annex shall be transferred to the EEAS. This shall also apply to contract and local staff assigned to such departments and functions. SNEs working in those departments or functions shall also be transferred to the EEAS.

deleted

These transfers shall take effect on the day of the adoption of the amending Budget of the European Union providing for the corresponding posts and appropriations in the EEAS.

Upon their transfer to the EEAS, the High Representative shall assign each official to a post in his function group which corresponds to his grade.

Amendment 45

Proposal for a decision Article 6 – paragraph 9

Text proposed by the High Representative

Amendment

9. The High Representative shall establish the selection procedures for EEAS staff, which shall be based on merit **and on the broadest possible geographical basis, in conformity with the Staff Regulations and the Conditions of Employment of Other Servants, with due regard for** gender balance.

9. The High Representative shall establish the selection procedures for EEAS staff, which shall be **undertaken through a transparent procedure** based on merit **with the objective of securing the services of staff of the highest standard of ability, efficiency and integrity while ensuring adequate geographical balance, a need for a meaningful presence of nationals from all EU Member States in the EEAS and aiming towards** gender balance.
Representatives of the Member States, the General Secretariat of the Council and the Commission shall be involved in the

recruitment procedure for vacant posts in the EEAS¹.

¹ *See draft declaration relating to the appointment procedure at the end.*

Amendment 46

Proposal for a decision

Article 6 – paragraph 9 a (new)

Text proposed by the High Representative

Amendment

9a. When the EEAS has reached its full capacity, staff from Member States, as referred to in paragraph 1, first subparagraph, should represent at least one third of all EEAS staff at AD level. Likewise, permanent EU officials should represent at least 60% of all EEAS staff at AD level, including staff coming from the diplomatic services of the Member States, who have become permanent EU officials, in accordance with the provisions of the Staff Regulations. Each year, the High Representative shall present a report to the European Parliament and the Council on the occupation of posts in the EEAS.

Amendment 47

Proposal for a decision

Article 6 – paragraph 9 b (new)

Text proposed by the High Representative

Amendment

9b. The High Representative shall lay down the rules on mobility so as to ensure that the members of the staff of the EEAS are subject to a high degree of mobility. Specific modalities shall apply to the personnel referred to in Article 4 (3), third indent. In principle, all EEAS staff shall periodically serve in Union delegations. The High Representative shall establish

rules to that effect.

Amendment 48

Proposal for a decision Article 6 – paragraph 10

Text proposed by the High Representative

10. The procedures for recruiting staff for posts transferred to the EEAS which are on-going at the date of entry into force of this Decision shall remain valid: they shall be carried on and completed under the authority of the High Representative in accordance with the relevant vacancy notices and the applicable rules of the Staff Regulations and the Conditions of Employment of Other Servants.

In the course of setting up the EEAS, representatives of the Member States, the General Secretariat of the Council and the Commission shall be involved in the recruitment procedure for vacant posts in the EEAS.

The staff of the EEAS central administration shall be made up of officials and other servants from, respectively, relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States.

When the EEAS has reached its full capacity, staff from Member States should represent at least one third of all EEAS staff at AD level. Each year, the High Representative shall present a report to the Council on the occupation of posts in the EEAS.

Amendment

10. In accordance with the applicable provisions of its national law, each Member State shall provide its officials who have become temporary agents in the EEAS with a guarantee of immediate reinstatement at the end of their period of service to the EEAS. This period of service, in accordance with the provisions of Article 50b of CEOS, shall not exceed eight years, unless, it is extended for a maximum period of two years in exceptional circumstances and in the interest of the service¹.

EU officials serving in the EEAS shall have the right to apply for posts in their institution of origin on the same terms as internal applicants.

¹Article 50b(2) of CEOS will read as follows : “2. They may be engaged for a maximum period of

four years. Contracts may be renewed for a maximum period of four years. In total, engagement should not exceed eight years. However, in exceptional circumstances and in the interest of the service, at the end of the eighth year, the contract may be extended for a maximum period of two years. A renewal or extension shall be granted on condition that the secondment from the national diplomatic service is extended for the period of renewal.”

Amendment 49

Proposal for a decision Article 6 – paragraph 11

Text proposed by the High Representative

11. The High Representative shall lay down the rules on mobility so as to ensure that the members of the staff of the EEAS are subject to a sufficient degree of mobility. Specific modalities shall apply to the personnel referred to in Article 4 (3), third hyphen. In principle, all EEAS staff shall periodically serve in Union delegations. The High Representative shall establish rules to that effect.

Amendment

11. Steps shall be taken in order to provide EEAS staff with adequate common training, building in particular on existing national and EU practices and structures. The High Representative shall take appropriate measures to that effect within the year following the entry into force of this Decision.

Amendment 50

Proposal for a decision Article 6 – paragraph 12

Text proposed by the High Representative

12. In accordance with the applicable provisions of its national law, each Member State shall provide its officials who have become temporary agents in the EEAS with a guarantee of immediate reinstatement at the end of their period of secondment to the EEAS. Beyond two consecutive secondments, each Member State may decide to prolong such guarantee in accordance with the applicable provisions of its national law.

Amendment

deleted

EU officials serving in the EEAS shall have the right to apply for posts in their institution of origin on the same terms as internal applicants.

Amendment 51

Proposal for a decision Article 6 – paragraph 13

Text proposed by the High Representative

Amendment

13. Steps shall be taken in order to provide EEAS staff with adequate common training, building in particular on existing national practices and structures. The High Representative shall take appropriate measures to that effect within the year following the entry into force of this Decision.

deleted

Amendment 52

Proposal for a decision Article 6 a (new)

Text proposed by the High Representative

Amendment

Article 6 a

Transitional provisions regarding staff

1. The relevant departments and functions in the General Secretariat of the Council and in the Commission listed in the Annex shall be transferred to the EEAS. Officials and temporary agents occupying a post in departments or functions listed in the Annex shall be transferred to the EEAS. This shall apply mutatis mutandis to contract and local staff assigned to such departments and functions. SNEs working in those departments or functions shall also be transferred to the EEAS with the consent of the authorities of the originating Member State.

These transfers shall take effect on 1 January 2011.

In accordance with the Staff Regulations, upon their transfer to the EEAS, the High Representative shall assign each official to a post in his function group which corresponds to his grade.

2. The procedures for recruiting staff for posts transferred to the EEAS which are on-going at the date of entry into force of this Decision shall remain valid: they shall be carried on and completed under the authority of the High Representative in accordance with the relevant vacancy notices and the applicable rules of the Staff Regulations and the Conditions of Employment of Other Servants.

Amendment 53

Proposal for a decision Article 7 – paragraph 1

Text proposed by the High Representative

1. The High Representative shall *act as authorising officer for the EEAS section of the General Budget of the European Union and* adopt the internal rules for the management of the *corresponding* budget lines. *These internal rules shall lay down which of the powers of the authorising officer are delegated to the Secretary-General and the conditions under which the Secretary-General can sub delegate these powers.*

Amendment

1. *The duties of authorising officer for the EEAS section of the General Budget of the European Union shall be delegated in accordance with Article 59 of the Financial Regulation.* The High Representative shall adopt the internal rules for the management of the *administrative* budget lines. *Operational expenditure shall remain within the Commission section of the budget.*

Amendment 54

Proposal for a decision Article 7 – paragraph 3

Text proposed by the High Representative

3. *As regards operational expenditure*

Amendment

3. *When drawing up estimates of*

arising from the implementation of the CFSP budget, the Instrument for Stability, the Instrument for Cooperation with Industrialised Countries, the Communication and Public Diplomacy as well as the Election Observation Missions, the Commission shall be responsible for their financial management under the authority of the High Representative in her capacity as Vice-President of the Commission.

administrative expenditure for the EEAS, the High Representative will hold consultations with, respectively, the Commissioner for Development Policy and the Commissioner for Neighbourhood Policy regarding their respective responsibility.

Amendment 55

Proposal for a decision

Article 7 – paragraph 3 a (new)

Text proposed by the High Representative

Amendment

3a. In accordance with Article 314(1) of the TFEU, the EEAS shall draw up estimates of its expenditure for the following financial year. The Commission shall consolidate these estimates in a draft budget, which may contain different estimates. The Commission may amend the draft budget as provided for in Article 314(2) of the TFEU.

Amendment 56

Proposal for a decision

Article 7 – paragraph 3 b (new)

Text proposed by the High Representative

Amendment

3b. In order to ensure the budgetary transparency in the area of external action of the Union, the Commission will transmit to the budgetary authority, together with the Draft EU Budget, a working document presenting, in a comprehensive way, all expenditure related to the external action of the Union.

Amendment 57

Proposal for a decision Article 7 – paragraph 4

Text proposed by the High Representative

4. The EEAS shall be subject to the procedures regarding the discharge provided for in Article 319 of the Treaty on the Functioning of the European Union and in Article 145 to 147 of the Financial Regulation.

Amendment

4. The EEAS shall be subject to the procedures regarding the discharge provided for in Article 319 of the Treaty on the Functioning of the European Union and in Article 145 to 147 of the Financial Regulation. ***The EEAS will, in this context, fully cooperate with institutions involved in the discharge procedure and provide, as appropriate, the additional necessary information, including through attendance in meetings of the relevant bodies.***

Amendment 58

Proposal for a decision Article 8 – title

Text proposed by the High Representative

Programming

Amendment

External Action Instruments and programming

Amendment 59

Proposal for a decision Article 8 – paragraph 1

Text proposed by the High Representative

1. ***In the framework of the*** management of EU external cooperation programmes, ***which remain*** under the responsibility of the Commission, ***the High Representative and the EEAS shall contribute to the programming and management cycle for the following geographic and thematic***

Amendment

1. ***The*** management of EU external cooperation programmes ***is*** under the responsibility of the Commission ***without prejudice to role of the Commission and of the EEAS in programming as set out in the following paragraphs.***

instruments, on the basis of the policy objectives set out in the said instruments:

- the Development Cooperation Instrument,*
- the European Development Fund,*
- the European Instrument for Democracy and Human Rights,*
- the European Neighbourhood and Partnership Instrument,*
- the Instrument for Cooperation with Industrialised Countries,*
- the Instrument for Nuclear Safety Cooperation.*

Amendment 60

Proposal for a decision Article 8 – paragraph 2

Text proposed by the High Representative

2. In accordance with Article 3, throughout the whole cycle of programming, planning and implementation of these instruments, the High Representative and the EEAS shall work with the relevant members and services of the Commission. All proposals for decision will be prepared through Commission procedures and submitted to the Commission for decision.

Amendment

2. The High Representative shall ensure overall political coordination of the EU's external action, ensuring the unity, consistency and effectiveness of the EU's external action in particular through the external assistance instruments:

- the Development Cooperation Instrument,*
- the European Development Fund,*
- the European Instrument for Democracy and Human Rights,*
- the European Neighbourhood and Partnership Instrument,*
- the Instrument for Cooperation with Industrialised Countries,*
- the Instrument for Nuclear Safety*

Cooperation,
- the Instrument for Stability, regarding the assistance foreseen in article 4 of Regulation (EC) n. 1717/2006 of 15 November 2006.

Amendment 61

Proposal for a decision Article 8 – paragraph 3

Text proposed by the High Representative

3. The EEAS shall *in particular* have responsibility for preparing the following Commission decisions *on* the strategic, multi-annual steps within the programming cycle:

- (i) country allocations to determine the global financial envelope for each region (subject to the indicative breakdown of the financial perspectives). Within each region, a proportion of funding will be reserved for regional programmes;
- (ii) country and regional strategic papers (CSPs/RSPs);
- (iii) national and regional indicative programmes (NIPs/RIPs).

Amendment

3. *In particular*, the EEAS shall *contribute to the programming and management cycle for the said instruments, on the basis of the policy objectives set out therein. It shall* have responsibility for preparing the following Commission decisions *regarding* the strategic, multi-annual steps within the programming cycle:

- (i) country allocations to determine the global financial envelope for each region (subject to the indicative breakdown of the financial perspectives). Within each region, a proportion of funding will be reserved for regional programmes;
- (ii) country and regional strategic papers (CSPs/RSPs);
- (iii) national and regional indicative programmes (NIPs/RIPs).

In accordance with Article 3, throughout the whole cycle of programming, planning and implementation of these instruments, the High Representative and the EEAS shall work with the relevant members and services of the Commission without prejudice to Article 1(3). All proposals for decision will be prepared through Commission procedures and submitted to the Commission for decision.

Amendment 62

Proposal for a decision Article 8 – paragraph 4

Text proposed by the High Representative

4. With regard to the European Development Fund and the Development Cooperation Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared by the relevant services in the EEAS and in the Commission under the ***direct supervision and guidance*** of the Commissioner responsible for Development Policy and then jointly submitted with the High Representative for decision by the Commission.

Amendment

4. With regard to the European Development Fund and the Development Cooperation Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared ***jointly*** by the relevant services in the EEAS and in the Commission under the ***responsibility*** of the Commissioner responsible for Development Policy and then jointly submitted with the High Representative for decision by the Commission.

Thematic programmes, except the European Instrument for Democracy and Human Rights, as well as the Instrument for Nuclear Safety Cooperation and the part of the Instrument for Stability referred to in the seventh indent of paragraph 2, shall be prepared by the appropriate Commission Service under the guidance of the Commissioner responsible for Development and presented to the College in agreement with the High Representative and other relevant Commissioners.

Amendment 63

Proposal for a decision Article 8 – paragraph 5

Text proposed by the High Representative

5. With regard to European Neighbourhood and Partnership Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared by the relevant services in the

Amendment

5. With regard to European Neighbourhood and Partnership Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared ***jointly*** by the relevant services in

EEAS and in the Commission under the ***direct supervision and guidance*** of the Commissioner responsible for Neighbourhood Policy and then jointly submitted with the High Representative for decision by the Commission.

the EEAS and in the Commission under the ***responsibility*** of the Commissioner responsible for Neighbourhood Policy and then jointly submitted with the High Representative for decision by the Commission.

Amendment 64

Proposal for a decision

Article 8 – paragraph 5 a (new)

Text proposed by the High Representative

Amendment

5a. Actions undertaken under the CFSP budget, the Instrument for Stability except the part referred to in the seventh indent of paragraph 2, the Instrument for Cooperation with Industrialised Countries, the Communication and Public Diplomacy as well as the Election Observation Missions are under the responsibility of the High Representative/EEAS. The Commission shall be responsible for their financial implementation under the authority of the High Representative in her capacity as Vice-President of the Commission¹. The Commission department responsible for this implementation shall be co-located with the EEAS.

¹ *The Commission will make a declaration to the effect that the High Representative will have the necessary authority in this area, in full respect of the Financial Regulation.*

Amendment 65

Proposal for a decision

Article 8 – paragraph 6

Text proposed by the High Representative

Amendment

6. Thematic programmes shall be prepared by the appropriate Commission

deleted

Service under the guidance of the Commissioner responsible for Development and presented to the College in agreement with the High Representative and other relevant Commissioners.

Amendment 66

Proposal for a decision Article 9 – paragraph 1

Text proposed by the High Representative

1. The High Representative shall decide on the security rules for the EEAS and take all appropriate measures in order to ensure that the EEAS manages effectively the risks to its staff, physical assets and information, and that it fulfils its duty of care responsibilities. Such rules shall apply to all EEAS staff, and all staff in Union Delegations, regardless of their administrative status or origin.

Amendment

1. The High Representative shall, ***after consulting the Committee referred to in Council Decision 2001/264/EC***, decide on the security rules for the EEAS and take all appropriate measures in order to ensure that the EEAS manages effectively the risks to its staff, physical assets and information, and that it fulfils its duty of care responsibilities. Such rules shall apply to all EEAS staff, and all staff in Union Delegations, regardless of their administrative status or origin.

Amendment 67

Proposal for a decision Article 9 – paragraph 1 a (new)

Text proposed by the High Representative

Amendment

1a. Pending the Decision referred to in paragraph 1:

- with regard to the protection of classified information, the EEAS shall apply Council Decision 2001/264/EC;

- with regard to other aspects of security, the EEAS shall apply Commission Decision 2001/844/EC.

Amendment 68

Proposal for a decision Article 11 – paragraph 1

Text proposed by the High Representative

1. The General Secretariat of the Council and the relevant Commission services shall take all necessary measures so that the transfers referred to in **Article 6(8)** can be accompanied by the transfers of the Council and Commission buildings necessary for the functioning of the EEAS.

Amendment

1. The General Secretariat of the Council and the relevant Commission services shall take all necessary measures so that the transfers referred to in **Article 6a** can be accompanied by the transfers of the Council and Commission buildings necessary for the functioning of the EEAS.

Amendment 69

Proposal for a decision Article 12 – paragraph 2

Text proposed by the High Representative

2. The High Representative shall submit a report to the Council on the functioning of the EEAS **in 2012**.

Amendment

2. The High Representative shall submit a report to the **European Parliament and to the** Council on the functioning of the EEAS **no later than the end of 2011. This report shall in particular cover the implementation of the provisions of Article 8 and Article 5(3) and (10).**

Amendment 70

Proposal for a decision Article 12 – paragraph 3

Text proposed by the High Representative

3. **The Council, acting on a proposal from the High Representative, shall review** this Decision in the light of *experience* no later than the beginning of 2014, **in accordance with Article 27 of the TEU.**

Amendment

3. **By mid-2013, the High Representative shall make a review of the functioning and organisation of the EEAS, which will cover inter alia the implementation of the provisions of Article 6(7) and (10). This review, shall, if necessary, be accompanied by appropriate proposals for revision of this Decision. In this case, the Council, in accordance with Article 27(3)**

TEU shall, revise this Decision in the light of *the review* no later than the beginning of 2014.

Amendment 71

Proposal for a decision Article 12 – paragraph 4

Text proposed by the High Representative

4. This Decision shall enter into force on the date of its adoption. Its provisions on financial management and recruitment *going beyond the existing Staff Regulations and Financial Regulation* shall *only produce their legal effects* once the necessary amendments to the Staff Regulations and the Financial Regulation, as well as the amending budget, have been adopted. *In order to ensure a smooth management of the personnel of the EEAS and pending the entry into force of the modifications to the Staff Regulations, the Conditions of Employment of Other Servants and the Financial Regulation necessary for the implementation of this Decision, arrangements* shall be entered into by the High Representative, the General Secretariat of the Council and the Commission, and consultations shall be undertaken with the Member States.

Amendment

4. This Decision shall enter into force on the date of its adoption. Its provisions on financial management and recruitment shall *take effect* once the necessary amendments to the Staff Regulations and the Financial Regulation, as well as the amending budget, have been adopted. *Arrangements* shall be entered into by the High Representative, the General Secretariat of the Council and the Commission, and consultations shall be undertaken with the Member States *to ensure a smooth transition*.

Amendment 72

Proposal for a decision Annex - paragraph 2 - introductory wording (new)

Text proposed by the High Representative

Amendment

All staff in the departments and functions listed below shall be transferred en bloc to the EEAS, except for a limited number of staff mentioned below as exceptions.

Amendment 73

Proposal for a decision

Annex - paragraph 2 - subparagraph 1 - indent 1

Text proposed by the High Representative

- All hierarchy posts

Amendment

- All hierarchy posts ***and support staff directly attached to them***

Amendment 74

Proposal for a decision

Annex - paragraph 2 - subparagraph 2 - indent 1

Text proposed by the High Representative

- All Heads of Delegation and Deputy Heads of Delegation

Amendment

- All Heads of Delegation and Deputy Heads of Delegation ***and support staff directly attached to them***

Amendment 75

Proposal for a decision

Annex - paragraph 2 - subparagraph 3 - indent 5

Text proposed by the High Representative

- Applicable hierarchy posts

Amendment

- Applicable hierarchy posts ***and support staff directly attached to them***

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	5.7.2010
Result of final vote	+: 17 -: 2 0: 0
Members present for the final vote	Carlo Casini, Andrew Duff, Roberto Gualtieri, Ramón Jáuregui Atondo, Paulo Rangel, Algirdas Saudargas, György Schöpflin, József Szájer, Søren Bo Søndergaard, Indrek Tarand, Rafał Trzaskowski, Guy Verhofstadt, Luis Yáñez-Barnuevo García
Substitute(s) present for the final vote	Elmar Brok, Marietta Giannakou, Sylvie Guillaume, Anneli Jäätteenmäki, Íñigo Méndez de Vigo
Substitute(s) under Rule 187(2) present for the final vote	Marta Andreasen, Luigi Berlinguer, Tomasz Piotr Poręba

1.7.2010

OPINION OF THE COMMITTEE ON DEVELOPMENT

for the Committee on Foreign Affairs

on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service
(08029/2010 – C7-0090/2010 – 2010/0816(NLE))

Rapporteur: Filip Kaczmarek

SHORT JUSTIFICATION

The rapporteur for opinion welcomes the results obtained by Parliament's informal negotiating team in the informal quadrilogues with the High Representative, the Council and the Commission.

While the 25 March proposal by the High Representative and the political agreement reached by the Council in April foresaw the integration - and even the absorption - of the Union's own development cooperation (as distinct from the Member States' own national development cooperations) in the EEAS, the new proposal resulting from the quadrilogues restores most of the responsibilities for the Union's own development cooperation to the Commission, under the direct responsibility of the competent Commissioner, as provided for in the Lisbon Treaty. It also preserves the unity of the Union's development cooperation - already proposed in the original draft proposal from the High Representative - by making the same administrative service responsible for the programming of its two main financing instruments (the DCI and the EDF).

The proof of the pudding, however, is in the eating. Whether it will be possible to preserve and strengthen the specificity of the Union's development policy as an autonomous policy domain of the Union's external action with specific objectives, and whether it will be possible to enforce the Treaty requirement for policy coherence for development, will depend on how the relationship between the High Representative, the EEAS under her authority, and the Commission services under the authority of the Commissioner for development, develops on the ground, both at headquarters in Brussels and in the Union delegations.

Your rapporteur considers it Parliament's task to ensure that a maximum of safeguards for the preservation of the specificity of the Union's own development policy under the authority and responsibility of the Commissioner for development are built into the Council decision. In this

respect, he cannot but regret that the wording of Article 8 is still rather vague and ambiguous on a number of aspects of the relationship between the High Representative and the Commissioner for development, between the EEAS and the Commission services, and between the Commissioner for development and the EEAS.

Your rapporteur remains convinced that closer contacts between Parliament's negotiators and the Committee on Development in the preparation of the informal quadrilogues would have allowed for a more forceful defence of Parliament's position on the place of development in the institutional architecture.

AMENDMENTS

The Committee on Development calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a decision

Recital 3 a (new)

Text proposed by the High Representative

Amendment

(3a) In its contribution to the EU external cooperation programmes, the EEAS should seek to ensure that these programmes respond to the objectives for external action as set out in Article 21 TUE, in particular its paragraph (2)(d) and that they respect the objectives of EU development policy in line with Article 208 TFEU, as well as the requirement that the Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries, also contained in Article 208 TFEU. In this context, the EEAS should also promote the fulfilment of the objectives of the European Consensus on Development and the European Consensus on Humanitarian Aid.

Justification

In Council's political agreement of 26 April, this new recital only mentions the objectives of Article 208 TFEU. It is also important to mention the Treaty requirement for policy coherence

for development: it ensures that the specificity of the Union's development policy is duly respected. It should be noted that development cooperation is the only policy domain in the field of external action which is explicitly protected by the Treaty; the intention to do so should be duly reflected in the text of the Council decision.

It is, however, not sufficient to mention this Treaty requirement in a recital, it should also be inserted in the legally binding body of the Decision.

Amendment 2

Proposal for a decision

Article -1 (new)

Text proposed by the High Representative

Amendment

Article -1

Definition

***For the purposes of this Decision, the following definition shall apply:
–"diplomatic service" shall mean any service of a Member State dealing with any aspect of that Member State's foreign action, including its commercial, defence and security, development, environmental and other policies.***

Justification

In the working groups on the EEAS there was agreement that the possibility should be created for Member State officials working in development, environment, and any other policy areas under the remit of the EEAS, to work in that Service. As in many Member States officials working in other areas of external action remain outside their "diplomatic service" it is necessary to broaden the scope of "diplomatic service".

Amendment 3

Proposal for a decision

Article 3 – paragraph 1

Text proposed by the High Representative

Amendment

1. The EEAS shall work in cooperation with the General Secretariat of the Council and the services of the Commission, ***as well as with the diplomatic services of the Member States***, in order to ensure

1. The EEAS shall ***support and*** work in cooperation with the ***diplomatic services of the Member States as well as with the*** General Secretariat of the Council and the services of the Commission, in order to

consistency between the different areas of the *Union* external action and between these and its other policies.

ensure consistency between the different areas of the *Union's* external action and between these and its other policies, *as well as their consistency with the specific objectives of the Union's development policy and its obligation to take account of those objectives in the policies that it implements which are likely to affect developing countries, in accordance with Article 208 of the TFEU.*

Justification

The necessity to preserve the specificity and the specific objectives of the Union's development cooperation, as enshrined in the Treaty, must also and primarily be mentioned in the legally binding body of the Decision. See also justification to amendment 1.

Amendment 4

Proposal for a decision Article 8 – paragraph 1

Text proposed by the High Representative

1. *In the framework of the management of EU external cooperation programmes, which remain under the responsibility of the Commission, the High Representative and the EEAS shall contribute to the programming and management cycle for the following geographic and thematic instruments, on the basis of the policy objectives set out in the said instruments:*

- the Development Cooperation Instrument,*
- the European Development Fund,*
- the European Instrument for Democracy and Human Rights,*
- the European Neighbourhood and Partnership Instrument,*
- the Instrument for Cooperation with Industrialised Countries,*
- the Instrument for Nuclear Safety Cooperation.*

Amendment

1. *The planning, programming, management and implementation of operational expenditure under the financing instruments of EU external action shall be the responsibility of the Commission.*

Amendment 5

Proposal for a decision

Article 8 – paragraph 1 a (new)

Text proposed by the High Representative

Amendment

1a. The High Representative shall provide coordination and shall assist the Council and the Commission in ensuring consistency between the different areas of the Union's external action and between these and its other policies.

The EEAS shall contribute to the programming and management cycle for the following geographic and thematic instruments, on the basis of the policy objectives set out in each of those instruments:

- the European Instrument for Democracy and Human Rights,***
- the European Neighbourhood and Partnership Instrument,***
- the Instrument for Cooperation with Industrialised Countries,***
- the Instrument for Nuclear Safety Cooperation,***
- the Instrument for Stability, as regards the assistance provided for in Article 4 of Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability¹.***

¹ OJ L 327, 24.11.2006, p. 1.

Justification

There is no need to mention DCI and EDF in this paragraph, as they are covered by the special provisions in paragraph 4 of this article.

Amendment 6

Proposal for a decision Article 8 – paragraph 2

Text proposed by the High Representative

2. In accordance with Article 3, throughout the whole cycle of programming, planning and implementation of **these** instruments, the High Representative and the EEAS shall work with the relevant members and services of the Commission. All proposals for *decision* will be prepared through Commission procedures and submitted to the Commission for decision.

Amendment

2. In accordance with Article 3, throughout the whole cycle of programming, planning and implementation of **the** instruments **listed in paragraph 1a above**, the High Representative and the EEAS shall work with the relevant members and services of the Commission. All proposals for *decisions* will be prepared through Commission procedures and submitted to the Commission for decision.

Amendment 7

Proposal for a decision Article 8 – paragraph 3 – introductory wording

Text proposed by the High Representative

3. **The** EEAS shall in particular have responsibility for preparing the following Commission decisions on the strategic, multi-annual steps within the programming cycle:

Amendment

3. **For the instruments listed in paragraph 1a above, the** EEAS shall in particular have responsibility for preparing the following Commission decisions on the strategic, multi-annual steps within the programming cycle:

Amendment 8

Proposal for a decision Article 8 – paragraph 4

Text proposed by the High Representative

4. With regard to the European Development Fund and the Development Cooperation Instrument, any proposals, **including those** for changes in the basic regulations **and the programming documents in paragraph 3 above**, shall **be prepared** by the relevant services **in the EEAS and** in the Commission **under the**

Amendment

4. With regard to the European Development Fund and the Development Cooperation Instrument, **the Commissioner responsible for development shall prepare and formulate** any proposals for changes in the basic regulations **and shall submit them for decision by the Commission.**

direct supervision and guidance of the Commissioner responsible for Development Policy and then jointly submitted with the High Representative for decision by the Commission.

The Commissioner responsible for development, assisted by the relevant services in the Commission and in the EEAS working under his or her authority, shall prepare and formulate any proposals for the planning, programming, management and implementation of financial assistance, and shall submit them for decision by the Commission. The Commissioner responsible for development shall work closely with the High Representative throughout this process.

The High Representative shall assist the Council and the Commission in ensuring consistency between the different areas of the Union's external action and between these and its other policies, and shall ensure that the Union takes account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries.

Justification

See press release of Conference of Presidents of 10 June: "We believe that the relevant Commissioner should be the responsible person for the formulation of development policy and for programming of financial assistance in this area. This, however, must be done in conjunction with HRVP's responsibility for overall political coordination of the EU's external action."

Amendment 9

**Proposal for a decision
Article 8 – paragraph 6**

Text proposed by the High Representative

Amendment

6. Thematic programmes shall be prepared by the appropriate Commission Service under the guidance of the Commissioner responsible for

deleted

*Development and presented to the College
in agreement with the High
Representative and other relevant
Commissioners.*

Justification

*With the proposed wording of paragraph 4, there is no need to make specific provisions for
the thematic programmes under the DCI.*

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	1.7.2010
Result of final vote	+: 14 -: 0 0: 0
Members present for the final vote	Thijs Berman, Corina Crețu, Leonidas Donskis, Enrique Guerrero Salom, Filip Kaczmarek, Norbert Neuser, Ivo Vajgl, Anna Záborská
Substitute(s) present for the final vote	Kriton Arsenis, Santiago Fisas Aixela, Martin Kastler, Cristian Dan Preda, Judith Sargentini, Bart Staes

29.6.2010

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

for the Committee on Foreign Affairs

on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service
(08029/2010 – C7-0090/2010 – 2010/0816(NLE))

Rapporteur: Jan Zahradil

SHORT JUSTIFICATION

The establishing of the European External Action Service (EEAS) under the authority of the High Representative for Foreign Affairs and Security Policy and Vice-President of the Commission (HR/VP) has the potential to make the EU's external action more effective on the world stage. To this aim, and without prejudice to the provisions laid down in the Treaties as regards other individual external policies of the EU, the rapporteur emphasises the importance of a timely coordination of the different policy areas in the framework of the EU's external policy on the Commission's side. Clear definition of competences within the College of Commissioners would also make it easier to avoid conflicts of competences between the HR/VP and the EEAS, on the one hand, and EU Commissioners and their respective Directorates General, on the other hand.

To ensure greater policy coherence of the EU's external action as a whole, consultations between the EEAS and Member States diplomatic services are also key to avoid inconsistencies, duplication of work, and ensure long-term consistency in the promotion of EU's strategic interests and fundamental values abroad.

The draftsperson stresses that in line with Articles 207 and 218 TFEU as amended by the Lisbon Treaty, the definition, management and implementation of the EU's trade policy and relations with third countries lie with the EU Commissioner for Trade assisted by the respective Directorate General. To clarify the Council's decision in this respect, the rapporteur proposes the first amendment to strengthen the right of the Commission to issue instructions to EU Delegations in areas of its competences.

The rapporteur welcomes the accountability of the EEAS to the European Parliament in terms of political control, legislative and budgetary scrutiny. In order to involve both Parliament and Commission in the future review of this Decision, the rapporteur proposes the second amendment aiming at the inclusion of both EU institutions among the addressees of the High Representative's future report on the functioning of the EEAS.

AMENDMENTS

The Committee on International Trade calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a decision Article 5 – paragraph 3

Text proposed by the High Representative

The Head of Delegation shall receive instructions from the High Representative **and** the EEAS, and shall be responsible for their execution.

In areas where the Commission exercises the powers conferred **to** it by the Treaties, the Commission may also issue instructions to delegations, which shall be executed under the overall responsibility of the Head of Delegation.

Amendment

3. With respect to the Head of Delegation and the delegation the following rules shall apply:

(a) the Head of Delegation shall receive instructions from the High Representative *assisted by* the EEAS *and, where appropriate, from the Commission in the exercise of the powers conferred on it by the Treaties*, and shall be responsible for their execution.

(b) the High Representative shall under no circumstances issue any instructions in the area of the common commercial policy as provided for by Article 207 of the TFEU.

(c) in areas where the Commission exercises the powers conferred *on* it by the Treaties, the Commission, *through the respective Commissioner assisted by its services*, may also issue instructions to delegations, which shall be executed *by the relevant Commission staff* under the overall responsibility of the Head of Delegation, *who, as the representative of the EEAS within the EU delegation, shall have been duly informed of those instructions. The Heads (supervisors) of the trade units within the delegations shall be nominated by the Trade Commissioner and the respective budgets of those units shall be determined by the relevant Commission services. The Commission staff executing instructions in the area of*

the common commercial policy shall report back to the Trade Commissioner and the High Representative via the Head of Delegation.

(d) the European Parliament, as co-legislator with the Council in the area of trade, shall be involved in the trade-related aspects of foreign and security policy, so as to ensure democratic legitimacy and to exercise scrutiny over the Union's external action. The EEAS shall ensure that the European Parliament has contact persons in EU delegations that deal with any trade-related aspect of the EU's external policy, in order to guarantee close cooperation with the European Parliament.

(e) where any conflict arises between the EU Trade Commissioner and the High Representative, the President of the Commission shall make the final decision.

Justification

In accordance with Article 207 of the Lisbon Treaty, the Commission represented by the EU Commissioner for Trade assisted by relevant services shall in the area of the Common commercial policy be the only competent authority to issue instructions to EU Delegations and the relevant Commission staff therein.

Amendment 2

Proposal for a decision Article 12 – paragraph 2

Text proposed by the High Representative

The High Representative shall submit a report to the Council on the functioning of the EEAS in 2012.

Amendment

The High Representative shall submit a report to **the European Parliament, the Council and the Commission** on the functioning of the EEAS in 2012.

Justification

As the establishing of the EEAS involves both the Opinion of the European Parliament and the consent of the Commission, these two European institutions should be kept informed about

the functioning of the EEAS and provided with the High Representative's report to the Council.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	1.6.2010
Result of final vote	+: 23 -: 1 0: 2
Members present for the final vote	William (The Earl of) Dartmouth, Kader Arif, David Campbell Bannerman, Daniel Caspary, Harlem Désir, Christofer Fjellner, Joe Higgins, Yannick Jadot, Metin Kazak, David Martin, Vital Moreira, Godelieve Quisthoudt-Rowohl, Niccolò Rinaldi, Tokia Saïfi, Helmut Scholz, Peter Šťastný, Gianluca Susta, Iuliu Winkler, Jan Zahradil
Substitute(s) present for the final vote	Josefa Andrés Barea, Catherine Bearder, George Sabin Cutaş, Mário David, Béla Glattfelder, Salvatore Iacolino, Syed Kamall, Georgios Papastamkos, Michael Theurer

5.7.2010

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Foreign Affairs

on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service
(08029/2010 – C7-0090/2010 – 2010/0816(CNS))

Rapporteur: Roberto Gualtieri

AMENDMENTS

The Committee on Budgets calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a decision

Recital 2

Text proposed by the High Representative

(2) In accordance with Article 21(3), second subparagraph, of the TEU, the Union will ensure consistency between the different areas of its external action and between these and its other policies;

Amendment

(2) In accordance with Article 21(3), second subparagraph, of the TEU, the Union will ensure consistency *and coherence* between the different areas of its external action and between these and its other policies;

Amendment 2

Proposal for a decision

Recital 3

Text proposed by the High Representative

(3) The EEAS will support the High Representative in fulfilling her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union and to ensure the consistency of the EU's external action;

Amendment

(3) The EEAS will support the High Representative in fulfilling her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union and to ensure the consistency **and coherence** of the EU's external action;

Amendment 3

Proposal for a decision

Recital 7

Text proposed by the High Representative

(7) Provisions should be adopted relating to the staff of the EEAS and their recruitment. For matters relating to its staff the EEAS should be treated as an institution within the meaning of the Staff Regulations. ***In accordance with Article 27(3) of the TEU, the EEAS will comprise officials from the General Secretariat of the Council and the Commission as well as personnel seconded from the diplomatic services of the Member States.*** The High Representative will be the *Appointing Authority*, in relation both to officials subject to the Staff Regulations of ***Officials of the European Communities ("Staff Regulations")*** and agents subject to the ***Conditions of Employment of Other Servants. The High Representative will also have authority over the Seconded National Experts ("SNEs") in post in the EEAS.*** The number of officials and servants of the EEAS will be decided each year as part of the budgetary procedure and will be reflected in the establishment plan.

Amendment

(7) Provisions should be adopted relating to the staff of the EEAS and their recruitment ***where such provisions are necessary in order to establish the organisation and functioning of the EEAS. In parallel, necessary amendments should be made, in accordance with Article 336 of the Treaty on the Functioning of the European Union ("TFEU"), to the Staff Regulations of Officials of the European Communities ("Staff Regulations") and the Conditions of Employment of Other Servants of those Communities ("CEOS"), without prejudice to Article 298 of the TFEU.*** For matters relating to its staff the EEAS should be treated as an institution within the meaning of the Staff Regulations. The High Representative will be the *appointing authority*, in relation both to officials subject to the Staff Regulations and agents subject to the ***CEOS***. The number of officials and servants of the EEAS will be decided each year as part of the budgetary procedure and will be reflected in the establishment plan.

Amendment 4

Proposal for a decision Recital 8

Text proposed by the High Representative

(8) ***In order to ensure the budgetary autonomy necessary for the smooth operation of the EEAS, the Financial Regulation should be amended in order to treat the EEAS as an "institution" within the meaning of the Financial Regulation, with a specific section in the Union budget. The EEAS will be subject to the procedures regarding the discharge as provided for in Article 319 of the Treaty on the Functioning of the European Union and in Articles 145 to 147 of the Financial Regulation.***

Amendment

(8) The Financial Regulation should be amended in order to ***include the EEAS in Article 1*** of the Financial Regulation, with a specific section in the Union budget. ***In accordance with applicable rules, and as is the case for other institutions, a part of the annual report of the Court of Auditors will be dedicated also to the EEAS and the EEAS will respond to such reports.*** The EEAS will be subject to the procedures regarding the discharge as provided for in Article 319 of the TFEU and in Articles 145 to 147 of the Financial Regulation. ***The European Parliament will be provided with all support necessary to complete its right as discharge authority. The implementation of the operational budget will be the Commission's responsibility in accordance with Article 317 of the TFEU. Decisions having a financial impact will in particular respect the responsibilities laid down in Title IV of the Financial Regulation, especially Article 75 thereof regarding expenditure operations and Articles 64 to 68 regarding liability of the financial actors.***

Amendment 5

Proposal for a decision Article 3 – paragraph 4

Text proposed by the High Representative

4. The EEAS shall extend appropriate support and cooperation to the other institutions and bodies of the Union.

Amendment

4. The EEAS shall extend appropriate support and cooperation to the other institutions and bodies of the Union, ***in particular to the European Parliament. The EEAS may also benefit from the support and cooperation of those***

institutions and bodies, including agencies as appropriate. The EEAS internal auditor shall cooperate with the internal auditor of the Commission to ensure the consistency of audit policy, with particular reference to the Commission's responsibility for operational expenditure. In addition, the EEAS shall cooperate with the European Anti-Fraud Office (OLAF) in accordance with Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)¹. It shall in particular swiftly adopt the decision required by this Regulation on terms and conditions for internal investigations. As provided for in this Regulation, Member States, in accordance with national provisions, and institutions shall give the necessary support to enable OLAF's agents to fulfil their task.

¹ OJL 136, 31.5.1999, p. 1.

Amendment 6

Proposal for a decision Article 4 – paragraph 1

Text proposed by the High Representative

1. The EEAS shall be managed by *a* Secretary-General who will operate under the authority of the High Representative. The Secretary-General shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management. He shall ensure effective coordination between all departments in the central administration as well as with the Union delegations, *and shall represent the EEAS.*

Amendment

1. The EEAS shall be managed by *an executive* Secretary-General who will operate under the authority of the High Representative. The *executive* Secretary-General shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management. He shall ensure effective coordination between all departments in the central administration as well as with the Union delegations. *The High Representative shall appoint, in accordance with the normal rules of*

recruitment, a Director General for budget and administration who shall work under the authority of the High Representative. He shall be responsible to the High Representative for the administrative and internal budgetary management of the EEAS. He shall follow the same budget lines and administrative rules as those applicable under section III of the EU general budget.

Amendment 7

Proposal for a decision Article 4 – paragraph 2

Text proposed by the High Representative

2. The Secretary-General shall be assisted by two Deputy Secretaries-General.

Amendment

2. The **executive** Secretary-General shall be assisted by two Deputy Secretaries-General.

Amendment 8

Proposal for a decision Article 4 – paragraph 3 – indent 2

Text proposed by the High Representative

- a directorate general for administrative, staffing, budgetary, security and communication and information system matters ***under the direct authority of the*** Secretary-General;

Amendment

- a directorate general for administrative, staffing, budgetary, security and communication and information system matters ***working within the EEAS framework managed by the executive*** Secretary-General;

Amendment 9

Proposal for a decision Article 4 – paragraph 3 – indent 3

Text proposed by the High Representative

- the crisis management and planning

Amendment

- the crisis management and planning

directorate, the civilian planning and conduct capability, the European Union Military Staff and the European Union Situation Centre, placed under the direct authority and responsibility of the High Representative *in her capacity as High Representative for Foreign Affairs and Security Policy; the specificities of these structures, as well as the particularities of their functions, recruitment and the status of the staff shall be respected.*

directorate, the civilian planning and conduct capability, the European Union Military Staff and the European Union Situation Centre, placed under the direct authority and responsibility of the High Representative, *assisting her in the task of conducting the Union's CFSP in accordance with the provisions of the TFEU while respecting, in accordance with Article 40 of the TEU, the other competences of the Union.*

Amendment 10

Proposal for a decision Article 5 – paragraph 5

Text proposed by the High Representative

5. The operation of each delegation shall be periodically evaluated by the Secretary General of the EEAS; evaluation shall include financial and administrative audits. The Secretary General of the EEAS may request to be assisted for this purpose by the relevant Commission departments.

Amendment

5. The operation of each delegation shall be periodically evaluated by the Secretary General of the EEAS; evaluation shall include financial and administrative audits. The Secretary General of the EEAS may request to be assisted for this purpose by the relevant Commission departments. *In addition to internal measures taken by the EEAS, OLAF shall exercise its powers, notably by conducting anti-fraud measures, in accordance with Regulation (EC) No 1073/1999.*

Amendment 11

Proposal for a decision Article 6 – paragraph 2

Text proposed by the High Representative

2. The staff members of the EEAS shall carry out their duties and conduct themselves solely with the interests of the Union in mind. Without prejudice to Articles 2(1), third *subparagraph*, 2(2) and 5(3), they shall neither seek nor take instructions from any Government,

Amendment

2. The staff members of the EEAS shall carry out their duties and conduct themselves solely with the interests of the Union in mind. Without prejudice to Articles 2(1), third *indent*, 2(2) and 5(3), they shall neither seek nor take instructions from any Government, authority,

authority, organisation or person outside the EEAS or any body or person other than the High Representative.

organisation or person outside the EEAS or any body or person other than the High Representative. ***In accordance with the second paragraph of Article 11 of the Staff Regulations, EEAS staff may not accept any payments of any kind whatever from any other source outside the EEAS.***

Amendment 12

Proposal for a decision Article 6 – paragraph 7

Text proposed by the High Representative

7. All members of the staff of the EEAS covered by the Staff Regulations and the Conditions of Employment of Other Servants shall have the same rights and obligations, regardless whether they are officials of the European Union or temporary agents coming from the diplomatic services of the Member States, and be treated equally, in particular as concerns eligibility to assume all positions under equivalent conditions. No distinction shall be made between temporary agents coming from national diplomatic services and officials of the European Union as regards the assignment of duties to perform in all areas of activities and policies implemented by the EEAS.

Amendment

7. Officials of the European Union and temporary agents coming from the diplomatic services of the Member States shall have the same rights and obligations, subject to the Staff Regulations and the CEOS, and shall be treated equally, in particular as concerns eligibility to assume all positions under equivalent conditions. No distinction shall be made between temporary agents coming from national diplomatic services and officials of the European Union as regards the assignment of duties to be performed in all areas of activities and policies implemented by the EEAS. Notwithstanding the provisions of the Financial Regulation, the Member States shall support the Union in the enforcement of financial liabilities resulting from any liability under Article 66 of the Financial Regulation in respect of staff seconded to the EEAS as temporary agents.

Amendment 13

Proposal for a decision Article 7 – paragraph 1

Text proposed by the High Representative

1. The High Representative shall act as

Amendment

1. The duties of authorising officer for the

authorising officer for the EEAS section of the General Budget of the European Union **and** adopt the internal rules for the management of the corresponding budget lines. ***These internal rules shall lay down which of the powers of the authorising officer are delegated to the Secretary-General and the conditions under which the Secretary-General can sub delegate these powers.***

EEAS section of the General Budget of the European Union ***shall be delegated in accordance with Article 59 of the Financial Regulation. The High Representative shall*** adopt the internal rules for the management of the corresponding ***administrative*** budget lines. ***Operational expenditure shall remain within the Commission section of the budget.***

Amendment 14

Proposal for a decision

Article 7 – paragraph 2 a (new)

Text proposed by the High Representative

Amendment

2a. When drawing up estimates of administrative expenditure for the EEAS, the High Representative shall hold consultations with, respectively, the Commissioner for Development Policy and the Commissioner for Neighbourhood Policy regarding matters within their respective areas of responsibility.

Amendment 15

Proposal for a decision

Article 7 – paragraph 2 b (new)

Text proposed by the High Representative

Amendment

2b. In accordance with Article 314(1) of the TFEU, the EEAS shall draw up estimates of its expenditure for the following financial year. The Commission shall consolidate these estimates in a draft budget, which may contain different estimates. The Commission may amend the draft budget as provided for in Article 314(2) of the TFEU.

Amendment 16

Proposal for a decision

Article 7 – paragraph 2 c (new)

Text proposed by the High Representative

Amendment

2c. In order to ensure budgetary transparency in the area of external action of the Union, the Commission shall transmit to the budgetary authority, together with the draft EU budget, a working document presenting, in a comprehensive way, all expenditure related to external action of the Union.

Amendment 17

Proposal for a decision

Article 7 – paragraph 3

Text proposed by the High Representative

Amendment

3. As regards operational expenditure arising from the implementation of the CFSP budget, the Instrument for Stability, the Instrument for Cooperation with Industrialised Countries, the Communication and Public Diplomacy as well as the Election Observation Missions, the Commission shall be responsible for their financial management under the authority of the High Representative in her capacity as Vice-President of the Commission.

deleted

Amendment 18

Proposal for a decision

Article 7 – paragraph 4

Text proposed by the High Representative

Amendment

4. The EEAS shall be subject to the procedures regarding the discharge provided for in Article 319 of the Treaty on

4. The EEAS shall be subject to the procedures regarding the discharge provided for in Article 319 of the Treaty on

the Functioning of the European Union and in *Article* 145 to 147 of the Financial Regulation.

the Functioning of the European Union and in *Articles* 145 to 147 of the Financial Regulation. ***The EEAS shall, in this context, fully cooperate with institutions involved in the discharge procedure and shall provide, as appropriate, all such additional information as may be necessary, including through attendance in meetings of the relevant bodies.***

Amendment 19

Proposal for a decision Article 8

Text proposed by the High Representative

Amendment

Programming

External action instruments and programming

1. ***In the framework of*** the management of EU external cooperation programmes, ***which remain*** under the responsibility of the Commission, the High Representative ***and the EEAS shall contribute to the programming and management cycle for the following geographic and thematic instruments, on the basis of the policy objectives set out in the said*** instruments:

- the Development Cooperation Instrument,
- the European Development Fund,
- the European Instrument for Democracy and Human Rights,
- the European Neighbourhood and Partnership Instrument,
- the Instrument for Cooperation with Industrialised Countries,
- the Instrument for Nuclear Safety Cooperation.

1. The management of EU external cooperation programmes ***shall be*** under the responsibility of the Commission, ***without prejudice to the role of the Commission and of the EEAS in programming as set out in the following paragraphs.***

2. The High Representative shall ***ensure overall political coordination of the EU's external action, ensuring the unity, consistency and effectiveness, in particular through the following external assistance*** instruments:

- the Development Cooperation Instrument,
- the European Development Fund,
- the European Instrument for Democracy and Human Rights,
- the European Neighbourhood and Partnership Instrument,
- the Instrument for Cooperation with Industrialised Countries,
- the Instrument for Nuclear Safety Cooperation,
- ***the Instrument for Stability, as regards***

the assistance provided for in Article 4 of Regulation (EC) No 1717/2006 of the European Parliament and of the Council of 15 November 2006 establishing an Instrument for Stability¹.

2. In accordance with Article 3, throughout the whole cycle of programming, planning and implementation of these instruments, the High Representative and the EEAS shall work with the relevant members and services of the Commission. All proposals for decision will be prepared through Commission procedures and submitted to the Commission for decision.

3. The EEAS shall *in particular* have responsibility for preparing the following Commission decisions *on* the strategic, multi-annual steps within the programming cycle:

(i) country allocations to determine the global financial envelope for each region (subject to the indicative breakdown of the financial perspectives). Within each region, a proportion of funding will be reserved for regional programmes;

(ii) country and regional strategic papers (CSPs/RSPs);

(iii) national and regional indicative programmes (NIPs/RIPs).

4. With regard to the European

3. *In particular*, the EEAS shall *contribute to the programming and management cycle for the said instruments, on the basis of the policy objectives set out therein. It shall* have responsibility for preparing the following Commission decisions *regarding* the strategic, multi-annual steps within the programming cycle:

(i) country allocations to determine the global financial envelope for each region (subject to the indicative breakdown of the financial perspectives). Within each region, a proportion of funding will be reserved for regional programmes;

(ii) country and regional strategic papers (CSPs/RSPs);

(iii) national and regional indicative programmes (NIPs/RIPs).

In accordance with Article 3 but without prejudice to Article 1(3), throughout the whole cycle of programming, planning and implementation of those instruments, the High Representative and the EEAS shall work with the relevant members and services of the Commission. All proposals for decision shall be prepared through Commission procedures and submitted to the Commission for decision.

4. With regard to the European

Development Fund and the Development Cooperation Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared by the relevant services in the EEAS and in the Commission under the ***direct supervision and guidance*** of the Commissioner responsible for Development Policy and then jointly submitted with the High Representative for decision by the Commission.

5. With regard to European Neighbourhood and Partnership Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared by the relevant services in the EEAS and in the Commission under the ***direct supervision and guidance*** of the Commissioner responsible for Neighbourhood Policy and then jointly submitted with the High Representative for decision by the Commission.

6. Thematic programmes shall be prepared by the appropriate Commission Service under the guidance of the Commissioner responsible for Development and presented to the College in agreement with the High Representative and other relevant Commissioners.

Development Fund and the Development Cooperation Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared ***jointly*** by the relevant services in the EEAS and in the Commission under the ***responsibility*** of the Commissioner responsible for Development Policy and then jointly submitted with the High Representative for decision by the Commission.

Thematic programmes, except the European Instrument for Democracy and Human Rights, as well as the Instrument for Nuclear Safety Cooperation, shall be prepared by the appropriate Commission service under the guidance of the Commissioner responsible for Development and presented to the College in agreement with the High Representative and other relevant Commissioners.

5. With regard to European Neighbourhood and Partnership Instrument, any proposals, including those for changes in the basic regulations and the programming documents in paragraph 3 above, shall be prepared ***jointly*** by the relevant services in the EEAS and in the Commission under the ***responsibility*** of the Commissioner responsible for Neighbourhood Policy and then jointly submitted with the High Representative for decision by the Commission.

6. Actions undertaken under the CFSP budget, the Instrument for Stability except the part referred to in paragraph 1, the Instrument for Cooperation with Industrialised Countries, the Communication and Public Diplomacy and the Election Observation Missions shall be under the responsibility of the High Representative/EEAS. The Commission shall be responsible for their financial implementation under the authority of the High Representative in

her capacity as Vice-President of the Commission.¹ The Commission department responsible for this implementation shall be co-located with the EEAS.

¹ OJ L 327, 24.11.2006, p. 1.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	5.7.2010
Result of final vote	+ : 28 - : 2 0 : 5
Members present for the final vote	Damien Abad, Alexander Alvaro, Marta Andreasen, Francesca Balzani, Reimer Böge, Giovanni Collino, Andrea Cozzolino, Jean-Luc Dehaene, Göran Färm, Eider Gardiazábal Rubial, Salvador Garriga Polledo, Jens Geier, Ingeborg Gräßle, Estelle Grelier, Carl Haglund, Jutta Haug, Sidonia Elżbieta Jędrzejewska, Sergej Kozlík, Jan Kozłowski, Alain Lamassoure, Giovanni La Via, Vladimír Maňka, Barbara Matera, Nadezhda Neynsky, Dominique Riquet, László Surján, Angelika Werthmann
Substitute(s) present for the final vote	Frédéric Daerden, Arnaud Danjean, Roberto Gualtieri, Iotova Lliana, Lokkegaard Morten, Riikka Manner, Georgios Stavrakakis, Axel Voss

1.7.2010

OPINION OF THE COMMITTEE ON BUDGETARY CONTROL

for the Committee on Foreign Affairs

on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service
(08029/2010 – C7-0090/2010 – 2010/0816(NLE))

Rapporteur: Ivailo Kalfin

SHORT JUSTIFICATION

The draftsman shares the position that the 25 March 2010 proposal for the Council decision establishing the EEAS is to be seen as a part of a package (including the proposal itself, the proposal for amending the Financial Regulation, the proposal for amending the Staff Regulation as well as an amending Budget). As a consequence, your draftsman also maintains the position that any negotiations can only commence when all the proposals are received.

As regards the proposal on the EEAS, the draftsman endorses the general line of the main committee, in particular as expressed in the constantly updated working document by Elmar Brok (AFET) and Guy Verhofstadt (AFCO).

Therefore your draftsman has tabled corresponding amendments in the areas of the CONT committee competence, i.e., where implementation, management and control of the budget, the discharge provisions, as well as the questions of cost-effectiveness are concerned.

Apart from the support to the general line of the house, the draftsman has also tabled more specific amendments to the above-mentioned areas, in particular:

- a provision for the Heads of Delegation to be subject to the Staff Regulations (with all the rights and obligations ensuring the corresponding level of responsibility),
- a provision that the operation of delegations should be evaluated by the VP/HR or her deputy (in order to give the evaluation process a political dimension, as well as to limit the role of the SG/ Director general),
- a provision to inform the Parliament about the decisions concerning the immovable property (buildings' policy), and, finally,
- provisions for the documents and reports to be submitted by the VP/HR to the Parliament (in order to ensure that it receives all the necessary information for the discharge procedure).

AMENDMENTS

The Committee on Budgetary Control calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a decision Recital 3 a (new)

Text proposed by the High Representative

Amendment

(3a) In its contribution to the EU's external cooperation programmes, the EEAS should seek to ensure that those programmes correspond to the objectives for external action set out in Article 21 of the TEU, in particular point (d) of paragraph 2 thereof, and that they respect the objectives of EU development policy in line with Article 208 of the TFEU. In this context, the EEAS should also promote the fulfilment of the objectives of the European Consensus on Development and the European Consensus on Humanitarian Aid.

Amendment 2

Proposal for a decision Recital 7 a (new)

Text proposed by the High Representative

Amendment

(7a) The Commission and the EEAS will agree on modalities relating to the issue of instructions from the Commission to delegations. Those modalities should provide in particular that, when issuing instructions to delegations, the Commission is required simultaneously to send a copy of those instructions to the Head of Delegation and to the EEAS central administration.

Amendment 3

Proposal for a decision Recital 8

Text proposed by the High Representative

(8) ***In order to ensure the budgetary autonomy necessary for the smooth operation of the EEAS, the Financial Regulation should be amended in order to treat the EEAS as an "institution" within the meaning of the Financial Regulation, with a specific section in the Union budget. The EEAS will be subject to the procedures regarding the discharge as provided for in Article 319 of the Treaty on the Functioning of the European Union and in Articles 145 to 147 of the Financial Regulation.***

Amendment

(8) ***The Financial Regulation should be amended in order to include the EEAS within the ambit of Article 1 of the Financial Regulation, with a specific section in the Union budget. In accordance with applicable rules, and as is the case for other institutions, a part of the annual report of the Court of Auditors should be dedicated also to the EEAS and the EEAS should respond to such reports. The EEAS will be subject to the procedures regarding the discharge as provided for in Article 319 of the TFEU and in Articles 145 to 147 of the Financial Regulation. The High Representative should provide the European Parliament with all support necessary to enable the European Parliament fully to exercise its right as discharge authority. The implementation of the operational budget should be the Commission's responsibility in accordance with Article 317 of the TFEU. Decisions having a financial impact should in particular respect the responsibilities laid down in Title IV of the Financial Regulation, especially Article 75 thereof regarding expenditure operations and Articles 64 to 68 regarding liability of the financial actors.***

Amendment 4

Proposal for a decision Recital 8 a (new)

Text proposed by the High Representative

Amendment

(8a) The establishment of the EEAS

should be guided by the principle of cost-efficiency aimed at budget neutrality. To that end, recourse will need to be had to transitional arrangements and a gradual build-up of capacity. Unnecessary duplication of tasks, functions and resources with other structures should be avoided. All opportunities for rationalisation should be used.

Amendment 5

Proposal for a decision

Recital 12

Text proposed by the High Representative

(12) *This Decision should be reviewed in the light of experience in* the beginning of 2014.

Amendment

(12) *The High Representative should, by mid-2013, carry out a review of the functioning and organisation of the EEAS, accompanied, if necessary, by proposals for a revision of this Decision. The measures resulting from such revision should be adopted no later than* the beginning of 2014.

Amendment 6

Proposal for a decision

Article 3 – paragraph 4

Text proposed by the High Representative

4. The EEAS shall extend appropriate support and cooperation to the other institutions and bodies of the Union.

Amendment

4. The EEAS shall extend appropriate support and cooperation to the other institutions and bodies of the Union, *in particular to the European Parliament. The EEAS may also benefit from the support and cooperation of those institutions and bodies, including agencies, as appropriate. The Commission's Internal Audit Service (IAS) shall be entitled to audit all operational budgets implemented by the Heads of Delegations. The EEAS shall provide full assistance in this regard to*

the IAS. In addition, the EEAS shall cooperate with the European Anti-Fraud Office (OLAF) in accordance with Regulation (EC) No 1073/1999 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-Fraud Office (OLAF)¹. The EEAS shall in particular swiftly adopt the decision required by Regulation (EC) No 1073/1999 on terms and conditions for internal investigations. As provided for in Regulation (EC) No 1073/1999, Member States, in accordance with national provisions, and institutions shall give the necessary support to enable OLAF's agents to fulfil their task.

¹ OJ L 136, 31.5.1999, p. 1.

Amendment 7

Proposal for a decision Article 4 – paragraph 1

Text proposed by the High Representative

1. The EEAS shall be managed by *a* Secretary-General who will operate under the authority of the High Representative. The Secretary-General shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management. He shall ensure effective coordination between all departments in the central administration as well as with the Union delegations, *and shall represent the EEAS.*

Amendment

1. The EEAS shall be managed by *an executive* Secretary-General who will operate under the authority of the High Representative. The *executive* Secretary-General shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management. He *or she* shall ensure effective coordination between all departments in the central administration as well as with the Union delegations. *The High Representative shall appoint, in accordance with the normal rules of recruitment, a Director General for budget and administration who shall work under the authority of the High Representative. The Director General for budget and administration shall be responsible to the High Representative for*

the administrative and internal budgetary management of the EEAS. The Director General for budget and administration shall follow the same budget lines and administrative rules as those applicable under section III of Heading V of the EU general budget.

Amendment 8

Proposal for a decision

Article 4 – paragraph 3 – subparagraph 1 – indent 2

Text proposed by the High Representative

- a directorate general for administrative, staffing, budgetary, security and communication and information system matters *under the direct authority of the Secretary-General*;

Amendment

- a directorate general for administrative, staffing, budgetary, security and communication and information system matters *working within the EEAS framework managed by the executive Secretary-General*;

Amendment 9

Proposal for a decision

Article 4 – paragraph 3 – subparagraph 1 – indent 3

Text proposed by the High Representative

- the crisis management and planning directorate, the civilian planning and conduct capability, the European Union Military Staff and the European Union Situation Centre, placed under the direct authority and responsibility of the High Representative *in her capacity as High Representative for Foreign Affairs and Security Policy; the specificities of these structures, as well as the particularities of their functions, recruitment and the status of the staff shall be respected.*

Amendment

- the crisis management and planning directorate, the civilian planning and conduct capability, the European Union Military Staff and the European Union Situation Centre, placed under the direct authority and responsibility of the High Representative, *assisting her in the task of conducting the Union's CFSP in accordance with the provisions of the TEU while respecting, in accordance with Article 40 thereof, the other competences of the Union.*

Amendment 10

Proposal for a decision

Article 4 – paragraph 3 – subparagraph 2 – indent 1a (new)

Text proposed by the High Representative

Amendment

- an Ethics Office reporting directly to the Secretary-General;

Amendment 11

Proposal for a decision

Article 5 – paragraph 3 – subparagraph 2

Text proposed by the High Representative

Amendment

In areas where the Commission exercises the powers conferred *to* it by the Treaties, the Commission may also issue instructions to delegations, which shall be executed under the overall responsibility of the Head of Delegation.

In areas where the Commission exercises the powers conferred *on* it by the Treaties, the Commission may, ***in accordance with Article 221(2) of the TFEU***, also issue instructions to delegations, which shall be executed under the overall responsibility of the Head of Delegation.

Amendment 12

Proposal for a decision

Article 5 – paragraph 4

Text proposed by the High Representative

Amendment

4. The Head of Delegation shall implement operational credits in relation to EU projects in the corresponding third country, where sub-delegated by the Commission, in accordance with the Financial Regulation.

4. The Head of Delegation shall implement operational credits in relation to EU projects in the corresponding third country, where sub-delegated by the Commission, in accordance with the Financial Regulation. ***In order to ensure proper implementation of the EU budget, the Commission may issue an opinion on the short-listed candidates for posts as Heads of Delegation prior to their appointment by the High Representative. Furthermore, upon appointment, Heads of Delegation***

shall sign a charter, proposed by the Commission, imposing on them a legally binding obligation to fulfil all the requirements for proper budget management. The Commission shall have the right at any time to withdraw the sub-delegation of powers to implement operational credits from Heads of Delegation, thus not discharging them from any liabilities in respect of the period during which those sub-delegated powers were vested in them.

Amendment 13

Proposal for a decision

Article 5 – paragraph 4 a (new)

Text proposed by the High Representative

Amendment

4a. The Commission shall propose all the measures necessary in order to provide a full assurance that the sub-delegation of powers will not impede the discharge procedure in the European Parliament, where the Commission assumes the full responsibility for the operational budget of the EEAS.

Amendment 14

Proposal for a decision

Article 5 – paragraph 5

Text proposed by the High Representative

Amendment

5. The operation of each delegation shall be periodically evaluated by the Secretary General of the EEAS; evaluation shall include financial and administrative audits. The Secretary General of the EEAS may request to be assisted for this purpose by the relevant Commission departments.

5. The operation of each delegation shall be periodically evaluated by the **executive** Secretary General of the EEAS; evaluation shall include financial and administrative audits. The **executive** Secretary General of the EEAS may request to be assisted for this purpose by the relevant Commission departments. ***In addition to internal measures taken by the EEAS, OLAF shall exercise its powers, notably by taking anti-fraud measures, in accordance with***

Amendment 15

**Proposal for a decision
Article 6 – paragraph 6**

Text proposed by the High Representative

6. **All appointments** in the EEAS shall be based on merit **and on the broadest possible** geographical **basis**. The staff of the EEAS shall comprise **a meaningful** presence of nationals from all the Member States.

Amendment

6. **Recruitment** in the EEAS shall be based on merit **whilst ensuring an adequate** geographical **and gender balance**. The staff of the EEAS shall comprise **an adequate** presence of nationals from all the Member States. **Concrete measures analogous to those provided for in Council Regulation (EC, Euratom) No 401/2004 of 23 February 2004 introducing, on the occasion of the accession of Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia, special temporary measures for recruitment of officials of the European Communities¹ should be taken to ensure adequate geographical representativity in all grades within the EEAS, both in headquarters and in delegations. Those measures should apply to nationals from under-represented Member States.**

¹ OJ L 67, 5.3.2004, p. 1.

Amendment 16

**Proposal for a decision
Article 6 – paragraph 7**

Text proposed by the High Representative

7. **All members of the staff of the EEAS covered by the Staff Regulations and the Conditions of Employment of Other Servants** shall have the same rights and obligations, **regardless whether they are**

Amendment

7. **Officials of the European Union and temporary agents coming from the diplomatic services of the Member States**, shall have the same rights and obligations and **shall** be treated equally, in particular

officials of the European Union or temporary agents coming from the diplomatic services of the Member States, and be treated equally, in particular as concerns eligibility to assume all positions under equivalent conditions. No distinction shall be made between temporary agents coming from national diplomatic services and officials of the European Union as regards the assignment of duties to *perform* in all areas of activities and policies implemented by the EEAS.

as concerns eligibility to assume all positions under equivalent conditions. No distinction shall be made between temporary agents coming from national diplomatic services and officials of the European Union as regards the assignment of duties to *be performed* in all areas of activities and policies implemented by the EEAS. ***In accordance with the provisions of the Financial Regulation, the Member States shall support the Union in the enforcement of financial liabilities resulting from any liability under Article 66 of the Financial Regulation in respect of EEAS temporary agents coming from national diplomatic services.***

Amendment 17

Proposal for a decision Article 6 a (new)

Text proposed by the High Representative

Amendment

Article 6a

Transitional provisions regarding staff

1. The relevant departments and functions in the General Secretariat of the Council and in the Commission listed in the Annex shall be transferred to the EEAS. Officials and temporary agents occupying posts in departments or functions listed in the Annex shall be transferred to the EEAS. This shall apply mutatis mutandis to contractual and local staff assigned to such departments and functions. SNEs working in those departments or functions shall also be transferred to the EEAS with the consent of the authorities of the Member State from which they originate.

These transfers shall take effect on 1 January 2011.

In accordance with the Staff Regulations, upon being transferred to the EEAS, each official shall be assigned by the High

Representative to a post in his or her function group which corresponds to his or her grade.

2. The procedures for recruiting staff for posts transferred to the EEAS which are ongoing at the date of entry into force of this Decision shall remain valid. Such procedures shall be carried on and completed under the authority of the High Representative in accordance with the relevant vacancy notices and the applicable rules of the Staff Regulations and the Conditions of Employment of Other Servants.

Amendment 18

Proposal for a decision Article 7 – paragraph 1

Text proposed by the High Representative

1. The **High Representative shall act as** authorising officer for the EEAS section of the General Budget of the European Union **and** adopt the internal rules for the management of the corresponding budget lines. **These internal rules shall lay down which of the powers of the authorising officer are delegated to the Secretary-General and the conditions under which the Secretary-General can sub delegate these powers.**

Amendment

1. The **duties of** authorising officer for the EEAS section of the General Budget of the European Union **shall be delegated in accordance with Article 59 of the Financial Regulation. The High Representative shall** adopt the internal rules for the management of the corresponding **administrative** budget lines. **Operational expenditure shall remain within the Commission section of the budget.**

Amendment 19

Proposal for a decision Article 7 – paragraph 1 a (new)

Text proposed by the High Representative

Amendment

1a. The EEAS budget shall be the subject of a discharge procedure by the European Parliament.

Amendment 20

Proposal for a decision Article 7 – paragraph 3

Text proposed by the High Representative

3. As regards operational expenditure arising from the implementation of the CFSP budget, the Instrument for Stability, the Instrument for Cooperation with Industrialised Countries, the Communication and Public Diplomacy as well as the Election Observation Missions, the Commission shall be responsible for their financial management under the authority of the High Representative in her capacity as Vice-President of the Commission.

Amendment

3. When drawing up estimates of administrative expenditure for the EEAS, the High Representative shall hold consultations with, respectively, the Commissioner for Development Policy and the Commissioner for Neighbourhood Policy regarding matters within their respective areas of responsibility.

Amendment 21

Proposal for a decision Article 7 – paragraph 3 a (new)

Text proposed by the High Representative

3a. In accordance with Article 314(1) of the TFEU, the EEAS shall draw up estimates of its expenditure for the following financial year. The Commission shall consolidate those estimates in a draft budget, which may contain different estimates. The Commission may amend the draft budget as provided for in Article 314(2) of the TFEU.

Amendment

Amendment 22

Proposal for a decision Article 7 – paragraph 3 b (new)

Text proposed by the High Representative

Amendment

3b. In order to ensure budgetary transparency in the area of external action of the Union, the Commission shall transmit to the budgetary authority, together with the draft EU budget, a working document presenting, in a comprehensive way, all expenditure related to external action of the Union.

That document shall in particular contain:

- the establishment plans of the Union's Delegations displayed by grade and by category including contractual and local agents;***
- a line-by-line presentation of the expenditure related to the external action of the Union per country and per mission.***

Amendment 23

Proposal for a decision Article 7 – paragraph 4

Text proposed by the High Representative

Amendment

4. The EEAS shall be subject to the procedures regarding the discharge provided for in Article 319 of the *Treaty on the Functioning of the European Union* and in *Article 145 to 147 of the Financial Regulation*.

4. The EEAS shall be subject to the procedures regarding the discharge provided for in Article 319 of the *TFEU* and in *Articles 145 to 147 of the Financial Regulation*. ***The EEAS shall, in this context, fully cooperate with institutions involved in the discharge procedure and shall provide, as appropriate, all such additional information as may be necessary, including through attendance in meetings of the relevant bodies.***

Amendment 24

Proposal for a decision

Article 8 – paragraph 5 a (new)

Text proposed by the High Representative

Amendment

5a. Actions undertaken under the CFSP budget, the Instrument for Stability except for the part referred to in paragraph 1, the Instrument for Cooperation with Industrialised Countries, and the Communication, Public Diplomacy and Election Observation Missions shall be under the responsibility of the High Representative/EEAS. The Commission shall be responsible for their financial implementation under the authority of the High Representative in her capacity as Vice-President of the Commission. The Commission department responsible for this implementation shall be co-located within the EEAS.

Amendment 25

Proposal for a decision

Article 11 – paragraph 2

Text proposed by the High Representative

Amendment

2. The terms on which immovable property is made available to the EEAS central administration and to the Union delegations shall be decided on jointly by the High Representative and the General Secretariat of the Council and the Commission, as appropriate.

2. The terms on which immovable property is made available to the EEAS central administration and to the Union delegations shall be decided on jointly by the High Representative and the General Secretariat of the Council and the Commission, as appropriate. ***Detailed information in that regard shall be provided annually to the European Parliament.***

Amendment 26

Proposal for a decision Article 12 – paragraph 2

Text proposed by the High Representative

2. The High Representative shall submit a report to the Council on the functioning of the EEAS *in 2012*.

Amendment

2. The High Representative shall submit a report to *the European Parliament*, the Council *and the Commission* on the functioning of the EEAS *no later than the end of 2011. That report shall in particular cover the implementation of the provisions of Article 5(3) and (10) and of Article 8.*

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	1.7.2010
Result of final vote	+: 18 -: 1 0: 1
Members present for the final vote	Marta Andreasen, Jean-Pierre Audy, Inés Ayala Sender, Ryszard Czarnecki, Luigi de Magistris, Martin Ehrenhauser, Jens Geier, Ville Itälä, Cătălin Sorin Ivan, Iliana Ivanova, Bogusław Liberadzki, Monica Luisa Macovei, Bart Staes, Georgios Stavrakakis
Substitute(s) present for the final vote	Zuzana Brzobohatá, Christofer Fjellner, Edit Herczog, Ivailo Kalfin, Marian-Jean Marinescu, Véronique Mathieu, Derek Vaughan
Substitute(s) under Rule 187(2) present for the final vote	Elmar Brok, Sabine Verheyen

24.6.2010

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND GENDER EQUALITY

for the Committee on Foreign Affairs

on the proposal for a Council decision establishing the organisation and functioning of the European External Action Service
(08029/2010 – C7-0090/2010 – 2010/0816(NLE))

Rapporteur: Franziska Katharina Brantner

AMENDMENTS

The Committee on Women's Rights and Gender Equality calls on the Committee on Foreign Affairs, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Proposal for a decision

Recital 3

Text proposed by the High Representative

(3) The EEAS will support the High Representative in fulfilling her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union and to ensure the consistency of the EU's external action. The EEAS will support the High Representative in her capacity as President of the Foreign Affairs Council, without prejudice to the normal tasks of the General Secretariat of the Council. The EEAS will also support the High Representative in her capacity as Vice-President of the Commission, for her

Amendment

(3) The EEAS will support the High Representative in fulfilling *his or* her mandate to conduct the Common Foreign and Security Policy ("CFSP") of the European Union and to ensure the consistency of the EU's external action. The EEAS will support the High Representative in *his or* her capacity as President of the Foreign Affairs Council, without prejudice to the normal tasks of the General Secretariat of the Council. The EEAS will also support the High Representative in *his or* her capacity as

responsibilities within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action, without prejudice to the normal tasks of the Commission services.

Vice-President of the Commission, for **his or** her responsibilities within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action, without prejudice to the normal tasks of the Commission services.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 2

Proposal for a decision Recital 7 a (new)

Text proposed by the High Representative

Amendment

(7a) Appointments should be based on merit whilst ensuring an adequate geographical and gender balance; it should be borne in mind in this context that, among the Commission officials originating from Member States with low employment rates, women outnumber men quite significantly, and that employing officials from those Member States in the EEAS would help to secure both a geographical and a gender balance;

Justification

Zgodnie z dokumentem "Bulletin Statistique le Personnel de la Commission" (Styczeń 2010) do państw o największym udziale kobiet wśród zatrudnionego personelu należą Rumunia (78,6%), Estonia (75,8%), Łotwa (75%), Bułgaria (73,9%), Litwa (71,1%), Polska (68,7%), Czechy (65,7%) i Słowenia (65,5%), przy średniej dla całej UE 51,5%. Te same państwa można wskazać jako liderów w zatrudnianiu kobiet na wyższych stanowiskach administratorów - w każdym z nich procent kobiet sięga powyżej 50, przy średniej dla całej UE na poziomie 38,4%. Jednocześnie, zgodnie z "modelem Kinnocka", wszystkie te państwa oraz inne nowe państwa członkowskie, a także Wielka Brytania, Niemcy, Włochy i Luksemburg, są niedoreprezentowane w dotychczasowym RELEXie, przy czym większość z nich zappełniła jedynie ok. 20-30% stanowisk.

Amendment 3

Proposal for a decision Recital 10 a (new)

Text proposed by the High Representative

Amendment

(10a) It is recalled that the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation is enshrined in Article 157 of the Treaty on the Functioning of the European Union and there exists a comprehensive body of legislation on equal treatment of men and women in relation to access to employment and working conditions.

Amendment 4

Proposal for a decision Article 4 – paragraph 1

Text proposed by the High Representative

Amendment

1. The EEAS shall be managed by a Secretary-General who will operate under the authority of the High Representative. The Secretary-General shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management. ***He*** shall ensure effective coordination between all departments in the central administration as well as with the Union delegations, and shall represent the EEAS.

1. The EEAS shall be managed by a Secretary-General who will operate under the authority of the High Representative. The Secretary-General shall take all measures necessary to ensure the smooth functioning of the EEAS, including its administrative and budgetary management. ***The Secretary-General*** shall ensure effective coordination between all departments in the central administration as well as with the Union delegations, and shall represent the EEAS.

Amendment 5

Proposal for a decision Article 4 – paragraph 3 – subparagraph 2 – indent 2 a (new)

Text proposed by the High Representative

Amendment

- a department with competence to ensure

the integration of the gender dimension in all policy areas, headed by a high-level coordinator for gender equality.

Amendment 6

Proposal for a decision

Article 5 – paragraph 2 – subparagraphs 1 and 2

Text proposed by the High Representative

2. Each Union delegation shall be led by a Head of Delegation.

The Head of Delegation shall have authority over all staff in the delegation, whatever their status, and for all its activities. **He** shall be accountable to the High Representative for the overall management of the work of the delegation and for ensuring the coordination of all actions of the Union.

Amendment

2. Each Union delegation shall be led by a Head of Delegation. ***A 50/50 distribution between men and women at the level of Head of Delegation shall be sought.***

The Head of Delegation shall have authority over all staff in the delegation, whatever their status, and for all its activities. ***The Head of Delegation*** shall be accountable to the High Representative for the overall management of the work of the delegation and for ensuring the coordination of all actions of the Union.

Amendment 7

Proposal for a decision

Article 6 – paragraph 6

Text proposed by the High Representative

6. All appointments in the EEAS shall be based on merit and on the broadest possible geographical basis. The staff of the EEAS shall comprise a meaningful presence of nationals from all the Member States.

Amendment

6. All appointments in the EEAS shall be based on merit and on the broadest possible geographical basis ***and gender balance shall be ensured at all levels.*** The staff of the EEAS shall comprise a meaningful presence of nationals from all the Member States.

Amendment 8

Proposal for a decision Article 6 – paragraph 9

Text proposed by the High Representative

9. The High Representative shall establish the selection procedures for EEAS staff, which shall be based on merit and on the broadest possible geographical basis, in conformity with the Staff Regulations and the Conditions of Employment of Other Servants, ***with due regard for*** gender balance.

Amendment

9. The High Representative shall establish the selection procedures for EEAS staff, which shall be based on merit and on the broadest possible geographical basis, in conformity with the Staff Regulations and the Conditions of Employment of Other Servants, ***ensuring*** gender balance ***at all levels***.

Amendment 9

Proposal for a decision Article 6 – paragraph 13

Text proposed by the High Representative

13. Steps shall be taken in order to provide EEAS staff with adequate common training, building in particular on existing national practices and structures. The High Representative shall take appropriate measures to that effect within the year following the entry into force of this Decision.

Amendment

13. Steps shall be taken in order to provide EEAS staff with adequate common training, building in particular on existing national practices and structures. ***This training shall include concepts and methods for gender mainstreaming and gender equality***. The High Representative shall take appropriate measures to that effect within the year following the entry into force of this Decision.

Amendment 10

Proposal for a decision Article 7 – paragraph 4 a (new)

Text proposed by the High Representative

Amendment

4a. The EEAS section of the General Budget of the European Union shall contain provisions for the promotion of gender equality and women's empowerment in external relations.

Amendment 11

Proposal for a decision Article 12 – paragraph 2

Text proposed by the High Representative

2. The High Representative shall submit a report to the Council on the functioning of the EEAS in 2012.

Amendment

2. The High Representative shall submit a report to the Council on the functioning of the EEAS in 2012. ***The report shall include objective, reliable and comparable information and data on equality between men and women within the EEAS and an analysis of the need for the development of appropriate tools for the elimination of all forms of discrimination on grounds of sex.***

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	23.6.2010
Result of final vote	+: 29 -: 0 0: 1
Members present for the final vote	Edit Bauer, Emine Bozkurt, Andrea Češková, Marije Cornelissen, Silvia Costa, Edite Estrela, Ilda Figueiredo, Iratxe García Pérez, Jolanta Emilia Hibner, Mary Honeyball, Sophia in 't Veld, Lívia Járóka, Teresa Jiménez-Becerril Barrio, Philippe Juvin, Nicole Kiil-Nielsen, Rodi Kratsa-Tsagaropoulou, Barbara Matera, Antonyia Parvanova, Frédérique Ries, Raúl Romeva i Rueda, Joanna Katarzyna Skrzydlewska, Eva-Britt Svensson, Marc Tarabella, Britta Thomsen, Marina Yannakoudakis, Anna Záborská
Substitute(s) present for the final vote	Christa Klaß, Elisabeth Morin-Chartier, Mariya Nedelcheva, Chrysoula Paliadeli
Substitute(s) under Rule 187(2) present for the final vote	Julie Girling, Gesine Meissner

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	6.7.2010
Result of final vote	+: 68 -: 7 0: 2
Members present for the final vote	Gabriele Albertini, Pino Arlacchi, Sir Robert Atkins, Dominique Baudis, Bastiaan Belder, Frieda Brepoels, Elmar Brok, Arnaud Danjean, Mário David, Michael Gahler, Marietta Giannakou, Ana Gomes, Andrzej Grzyb, Richard Howitt, Anna Ibrisagic, Anneli Jäätteenmäki, Jelko Kacin, Tunne Kelam, Nicole Kiil-Nielsen, Maria Eleni Koppa, Andrey Kovatchev, Paweł Robert Kowal, Wolfgang Kreissl-Dörfler, Eduard Kukan, Alexander Graf Lambsdorff, Ryszard Antoni Legutko, Krzysztof Lisek, Sabine Lösing, Ulrike Lunacek, Barry Madlener, Mario Mauro, Willy Meyer, Francisco José Millán Mon, Alexander Mirsky, María Muñiz De Urquiza, Norica Nicolai, Raimon Obiols, Ria Oomen-Ruijten, Justas Vincas Paleckis, Pier Antonio Panzeri, Ioan Mircea Pașcu, Vincent Peillon, Alojz Peterle, Mirosław Piotrowski, Bernd Posselt, Cristian Dan Preda, Libor Rouček, José Ignacio Salafranca Sánchez-Neyra, Nikolaos Salavrakos, Jacek Saryusz-Wolski, Werner Schulz, Adrian Severin, Marek Siwiec, Ernst Strasser, Hannes Swoboda, Charles Tannock, Zoran Thaler, Inese Vaidere, Johannes Cornelis van Baalen, Geoffrey Van Orden, Kristian Vigenin, Boris Zala
Substitute(s) present for the final vote	Charalampos Angourakis, Nikolaos Chountis, Göran Färm, Lorenzo Fontana, Roberto Gualtieri, Liisa Jaakonsaari, Georgios Koumoutsakos, Monica Luisa Macovei, Godelieve Quisthoudt-Rowohl, Judith Sargentini, Indrek Tarand, Traian Ungureanu, Ivo Vajgl, Janusz Władysław Zemke
Substitute(s) under Rule 187(2) present for the final vote	Guy Verhofstadt