

## **Coherence and Consistency in the EU's external policies: Negotiation towards an External Action Service**

### **Impressum**

**Author**  
Mirjam van Reisen

**Layout**  
Benny Gommers  
Filip de Keukeleere

**Published by**  
EEPA

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## **Introduction**

In December 2007, EU heads of state and government signed the Lisbon Treaty. Following its ratification, the Lisbon Treaty will provide the legal basis for the EU's cooperation with developing countries. This new legal basis will bring about a number of important reforms in the institutional structure of the EU's external policies, including the creation of the both the position of 'High Representative of the Union for Foreign Affairs and Security Policy' and a 'European External Action Service'.

The stated objective of the abovementioned institutional reforms is to increase the effectiveness of the EU's external policies by increasing both their "coherence" and "consistency". Together with their fellow principles of "coordination" and "complementarity", these principles (collectively known as "the four Cs") are central to EU development cooperation. It is, therefore, crucial that they are translated into an administrative structure which is fully conducive to the objectives of EU development policy.

The purpose of this briefing paper is to provide some clarification about the principles of coherence and consistency in order to promote a better understanding of the potential impact of the forthcoming institutional changes on the implementation of the EU's cooperation with developing countries.

## **Background**

The principle of coherence was introduced by the 1992 Maastricht Treaty. Article 130u set out the following as objectives of Community (EC) development policy:

- the sustainable economic and social development of the developing countries, and more particularly the most disadvantaged among them;
- the smooth and gradual integration of the developing countries into the world economy; and
- the campaign against poverty in the developing countries.

Article 130v provided that:

*'The Community shall take account of the objectives referred to in Article 130u in the policies that it implements which are likely to affect developing countries.'*

*'In this way, the Maastricht Treaty introduced an obligation on the EC to consider the impact of all its policies (agriculture, security, immigration, trade etc) on the stated objectives of its development policy. This effectively established a hierarchy of policies.'*

Article C of the Maastricht Treaty introduced the principle of consistency:

*'The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency. They shall ensure the implementation of these policies, each in accordance with its respective powers.'*

The principle of consistency implied that all of the EU's various external policies should not contradict one another. It also implied that all external policies should be treated on an equal footing and that no single policy area should be pursued at the expense of another.

Articles 130u and 130w were renumbered as articles 177 and 178 by the 1997 Amsterdam Treaty. Article C was amended and renumbered as Article 3.

The 2004 Constitutional Treaty maintained the principles of consistency and coherence in articles III-292 and III-316 respectively.

Article III-292:

*'The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the Union Minister for Foreign Affairs, shall ensure that consistency and shall cooperate to that effect.'*

Article III-316:

*'Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries.'*

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### Lisbon Treaty

The principles of coherence and consistency are included in the Lisbon Treaty as follows:

Article 10A:

*'The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect.'*

Article 188D:

*'Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries.'*

The Lisbon Treaty also includes the following article (Article 13A) which provides for the creation of a 'European External Action Service':

*'In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from 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. The organisation and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission.'*

### Assessment

- The Lisbon Treaty reflects the policy reality that the EU's external policies have developed along parallel tracks;
- The Lisbon Treaty also reflects the history of the EU's external relations building on development policy and that the broadening of the external policy dimension must always take into account the development objectives;
- The Lisbon Treaty will result in reforms to the institutional structure of the EU's external policies, including the creation of the External Action Service (EAS);
- The institutional arrangements for the EAS must be based on the Treaty stipulations on external relations. It must, therefore, be based on the following principles:
  1. EU development cooperation is defined as an independent competence of the European Community (shared with Member States);
  2. EU development cooperation is a first pillar competence with executive power in the European Commission and European Parliamentary scrutiny in co-decision procedure;

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3. EU development cooperation is independent and distinct from other EU external policy areas;
4. EU development cooperation is not subordinate to any other external policy or set of policies from the EU;
5. EU development cooperation is defined as a policy to all developing countries as defined by the OECD/DAC;
6. All EU external policies should be consistent with each other, including with EU development policy;
7. All EU policies impacting on developing countries should take the EU development objective into account.

### Conclusions

The Lisbon Treaty marks an important step towards strengthening the EU's external dimension by including development cooperation as an independent element of the EU's external actions and by maintaining the principles of coherence and consistency.

Following the ratification of the Lisbon Treaty, there will be a clear opportunity to translate the clear legal framework into an administrative structure which fully reflects this reality.

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