

THE EU'S NEW EXTERNAL SERVICE THE "BACK OFFICE" OF THE MEMBER STATES?

In the wake of our requests, the Commission has provided us with some documents related to the establishment of the new External Service. Although it is too soon to attempt to give clear answers to staff members' questions and concerns, all the below signatory Trade Unions provide here their initial impressions on several points that have been raised. The setting up of the external service not only concerns our colleagues from the RELEX family but all women and men working within our European institutions and interested in the future of the European Civil Service. All together, we must defend the Community method which is the only method capable of achieving an adequate level of efficiency and democratic control.

Has the Commission lost all its powers of initiative?

Whether it is a necessary institutional evolution for the EU, or a lack of political courage by this Commission, it is nevertheless the case that the Commission has lost its monopoly of initiative to the benefit of Member States. As of today, the Commission is reduced to assisting the future "High Representative - Vice president of the Commission" in presenting proposals which must then be submitted to the Council. Despite this handicap brought on by the Lisbon Treaty, the Commission must have the courage to exercise its prerogatives in the interest of the largest number, of the European *acquis* and of its personnel.

In our opinion, the Commission must maintain control over the exercise aiming to create the EEAS. It should also avoid taking a route where external policies which fall within the responsibilities of the Community are subordinate to inter-governmental policy like the CFSP and therefore risk losing effectiveness, something that the inter-governmental method has reminded us of frequently over the past 50 years of European integration.

Indeed, the management of the EEAS is entrusted to a single person acting as both H.R./V.P. of the Commission. The H.R. has sole responsibility for the EEAS. The V.P must ensure co-ordination with all other Community policies. These "asymmetrical" conditions are likely to prevent the EU Foreign Policy from providing input to the implementation of European common interests since policy will be confined by the restrictions of inter-governmental co-operation.

The objective of this co-ordination remains open: is it a matter of setting the community method under the control of the intergovernmental approach or is it a chance to bring the Common Foreign and Security Policy (CFSP) closer to the Community method? If the Commission is deprived of DG RELEX, the risk is that the first option will prevail. EU staff must refuse this option.



A new EEAS to do what?

Nobody knows exactly. We know that this service provided for in the Treaty (see the chapter on the intergovernmental CFSP) will be under the responsibility of the High Representative, who is moreover Vice President of the Commission. The genuine political issue is to avoid seeing the Commission relegated to the role of a simple executive agency of the EEAS.

According to certain rumours, we might expect to find in the new service the geographical desks of DG RELEX and certain thematic functions. The debate is lively and nothing is set in stone yet. It seems that DG RELEX will completely disappear and that colleagues within it will be reallocated or not replaced to make way for our friends from the Council and Member States. Naturally, the question of **budgetary neutrality** – a sacrosanct principle imposed by the budgetary authority and accepted by the Institution in order to inflict harm on itself and facilitate the creation of super executive agencies of which it will completely lose control – requires that the creation of the new External Service is carried out within the existing budget. This means that the Commission will have to lose a minimum of 400 posts and some posts into temporary agent posts for staff appointments imposed by Member States.

In our opinion the EEAS should enable the High Representative to achieve her mission in relation to the Lisbon Treaty, i.e. ensure convergence between the Community policies (TRADE, DEV, agreements with the third countries?) and the CFSP, without subordinating Community issues to intergovernmental ones (the CFSP). Accordingly it is important that the Commission keeps its own powers of initiative, of formulation, of coordination and of implementation of Community policies contributing to the Foreign Policy. It is also crucial that the EEAS (increasingly perceived wrongly as a new Institution) has its perimeters for action limited to co-ordination between the CFSP and Community policies. Consequently, it is crucial that the Commission keeps its own capacities of co-ordination (DG RELEX).

In Delegations of the European Union - their new name since 1 December 2009 - it is crucial that the n°2 post is entrusted to a Commission official responsible for steering the decentralised services in direct contact with Headquarters (as is the practice in numerous Member States where Development or Trade functions are directly accountable to their respective Ministries).

Local and Contract Agents absent from the debate. For their benefit?

Member States have not disguised the fact that they are interested in neither Contract Agents nor Local Agents. However, they make up nothing less than 80% of staff in over 140 delegations. They form the backbone of the Commission. For us, taking care of these colleagues is as much of a priority as officials. Among our trade-union demands there is, in particular, a request for a clause to be inserted in the Staff Regulations making it possible to provide the legal basis for the adoption of a pension fund for Local Agents, sickness insurance and disability assurance for retired Local Staff.

The Commission needs more posts in order to work correctly

The Commission announced that posts transferred to the EEAS will be made available through retirements, return to HQ and vacant posts. In the long term, the new service will be able to count on permanent officials but not immediately. We consider that new posts must be created and permitted by the budgetary authority given that the human resources in delegations and within the RELEX family are already largely over-exploited and insufficient to fulfil the new diplomatic missions envisaged in the Treaty.



All this leads us to believe that the network of delegations should stay as it is and that the new External Service should be added to the Commission's existing network and should not replace it. From one day to the next. **All the financial and administrative management of staff and offices should remain within the Commission's competencies.** EU Delegations should have a number 2 post responsible for all Community interventions and connected directly to Headquarters.

Of course, the new EU delegations will need to accommodate the EEAS members appointed to develop the new axis of the EU foreign policy. However, as long as transparent recruitment procedures and the progressive convergence of CFSP towards the Community method, the EEAS must reinforce the current delegation network and not aim at replacing two thirds of EU civil servants currently in post.

The battle for posts and the risk of political appointments

Only the highest AD category of Officials posts are of interest to our friends in the Council and in Member States. That is why the Commission's proposal covers only a small section covering **500 to 600 staff** in all. The personnel of the new service will come from three sources: the Commission, the Member States and the Secretariat-General of the Council. The service will be directly and exclusively accountable to the new HR (in that capacity and not as Vice-President of the Commission!) whether in terms of recruitment, career progression, promotion etc.

There will no longer be any seconded national experts, but Temporary Agents, staff from Member State diplomatic services that will be treated in exactly the same way as European Public Service staff. Similar to the European Parliament, we demand that the filling of Temporary Agent posts and/or secondments for officials be based on merit and be the subject of transparent, clear procedures and open to all.

Both the Commission and the European Parliament insisted that **management posts be awarded on merit and via transparent recruitment procedures.** Panels that include the Commission should therefore be set up to handle recruitment. We should also make room for the inclusion of Member States' diplomats in panels. Evidently the EU's External Service risks being carved up between the larger Member States who may wish to retain their zones of influence, particularly in their former colonies.

The nomination of future Heads of Delegation for the EU will undoubtedly be "political" and will do serious harm to the independence of Heads of Delegation and the sound financial management of EU resources. What procedures and "safety checks" will be put in place by the institutions to allow Heads of Delegation to **resist pressure from Member States** to favour their national enterprises in the attribution of public sector contracts? What guarantees of independence will be provided? Based on all the information available, and while EEAS staff are not recruited on the basis of transparent open competition open to all organised by EPSO, we are of the opinion that national diplomats should remain AS "temporary diplomatic staff" (a new category to be created in the Staff Regulations governing other servants) and their contracts should be limited in duration.

The Commission will have to carry out a certain level of reorganisation in the service. Member States already consider that the number of posts is insufficient for them. As far as consular posts are concerned, they will progressively be introduced but in a way as to not overload the EEAS from the start; ditto for military personnel under the High Representative's authority which might stay outside. Again, as long as there is no competition to recruit civil servants for the EEAS, the ratio between Council, Commission and Member States ought to stay the same.



Finally, we are asking for reciprocity in the matter of postings. If the Commission is obliged **to make way for national diplomats** and colleagues from the Council so they can understand how the EU acts in other countries, Member States and the Council should also be ready to receive European civil servants in their diplomatic services who are extremely enthusiastic about the idea of deepening their knowledge on how Member States operate in terms of security, military and consular affairs.

Other-worldliness is in charge, the Community method is at risk.

*"Fear not ". "Member States are not familiar with EU policies". "The Commission will have a big influence because it has the political expertise". "This external service will be in a class of its own, very closely connected with the Commission". "The Commission has no fear that the new service might become intergovernmental as all will under the spell of the Community dimension". "Member States don't want their diplomats to be stuck in the service for too long a period". All these affirmations heard here and there that do not reassure colleagues. In spite of its size, the Commission is considered a **political and diplomatic dwarf** whose only vocation is to be the secretariat of the Council. The European Parliament seems to be the only body to have understood what is politically at stake and to resist the creation of such an agency without any democratic scrutiny.*

For us, the creation of a European Diplomacy section within a truly **European School of Administration** is an absolute necessity in order to preserve the Community method. To start with, we request that the European Administrative School put into place a European diplomatic training programme and a programme of exchanges such as "ERASMUS for DIPLOMATS".

There will be a dialogue between staff and management in good and due form

There will be most certainly a **social dialogue** between the Commission and your staff representatives because the new External Service will not be able to see the light of day without modifications to the Staff Regulations, to the financial rules and corrections to the budget. The extent of modifications to the Staff Regulations remains unknown but it is clear that we will demand the insertion of a certain number of **clauses designed to protect the community method and the interests of staff** which must be involved from the outset in what is deemed to become the largest and the most dangerous revamping of Commission services in our history.

The Commission confirmed that it was important to inform Staff but that the formal negotiation phase would come later, once the required changes to the Staff Regulations are known. We will keep you informed of all developments because your involvement in this process is essential.

R&D, SFIE, FFPE, CSE, SE, USHU, TAO-AFI and U4U