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Making EU Foreign Policy more effective, consistent and democratic

The options and variables for the
European External Action Service

Working papers are papers in the subject area of a Research Unit, which are not officially published by SWP. These papers are either preliminary studies that later become papers published by SWP or papers that are published elsewhere. Your comments are always welcome.

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1. Introduction

The detailed mandate of the Heads of State and Government¹ for the convocation of an Intergovernmental Conference (IGC) to draw up a *Reform Treaty* takes on the institutional changes of the failed Treaty establishing a Constitution for Europe (TCE) in the area of the Union's external action. The implementation of two innovations in particular will represent a major step towards a more coherent external action of the EU: the creation of the post of *High Representative of the Union for Foreign Affairs and Security Policy* – merging the jobs of the actual High Representative for the Common Foreign and Security Policy (CFSP) and the Commissioner for External Relations – as well as that of the *European External Action Service (EEAS)*.

The broad terms of the TCE already gave leeway for interpretation and it is likely that the IGC will transfer its provisions within the *Reform Treaty* leaving negotiation to further meetings between representatives of the member states, the Commission and the Council Secretariat. Due to a variety of different diplomatic models within the EU and to conflicting visions of the concrete form of a common diplomatic action, a wide range of sensitive questions will come up at different stages of the negotiating process. In order to prevent the EEAS from being rendered useless in the game of the arguing power interests of the participant actors, areas of potential tensions should be defined and discussed at an early stage.

A permanent body of representatives of the member states, the Commission, the Council Secretariat, the European Parliament as well as selected experts could develop a coherent *Master Plan* for the creation of the new institution and thereby defuse conflicting interests between the actors concerned and help establish a coherent and efficient service committed to continuity. At the same time, measures to improve the Union's external action within the existing legal framework – in place at least until 2009 – should be considered as a means to enhance current European foreign policy as well as to prepare for the provisions of the *Reform Treaty*.

2. Potential for development within the existing legal framework

Since the negative referenda on the TCE in France and Germany, the problem of coherence in European foreign policy² has hardly been

1 *Presidency Conclusions*, Brussels European Council, 21/22 June 2007.

2 This concerns two dimensions: the horizontal coherence relating to the coordination of goals, instruments and procedures between the actual three pillars of the EU and the vertical coherence regarding the relationship between national and European operating levels. See: Julia Lieb / Andreas Maurer, *Europas Rolle in der Welt stärken. Optionen für ein kohärenteres Außenhandeln der Europäischen Union*, SWP-Studie, No. S 15/Juni 2007; Brian Hocking/David Spence (Hg.), *Foreign Ministries in the European Union. Integrating Diplomats*, New York: Palgrave Macmillan,

addressed, even if reports and initiatives identified a wide range of options to improve the Union's external action within the existing legal framework. The advocates of the TCE aimed at preserving its 'political substance' and therefore aimed to avoid any accusation of anticipating its provisions within the 'period of reflection'.

Yet, just as before the agreement was reached by the European Council in June 2007, there remains important scope to improve the foreign policy coherence of the EU in the period until 2009 when the treaty will likely become effective. Moreover, such steps could be recognized and communicated as anticipatory measures to be transferred within the Union's new legal framework.

There are several options that could lead to a more coherent and consistent foreign policy within the EU institutions, between the EU institutions, between the EU institutions and member states as well as between the member states through pragmatic reforms on the basis of the existing treaties and related secondary law. They include informal measures for optimising the day-to-day business of European foreign policy, instruments for streamlining established EU foreign policy structures, possibilities for improvements – with regard to the efficiency, identity and effectiveness of EU foreign policy - in terms of consular arrangements, the development of common training structures and practical cooperation in the field of diplomacy between member states.

As far as the EEAS future structure and policy framework is concerned, it is particularly the following reforms that could be realized in an anticipatory manner (see table 1).

2005; Ian Manners/ Richard G. Whitman (Hg.), *The Foreign Policies of the European Union Member States*, Manchester: Manchester University Press, 2000; Ben Tonra, *The Europeanization of National Foreign Policy, Dutch, Danish and Irish Foreign Policy in the European Union*, Burlington: Ashgate, 2001; Simon Nutall, »Coherence and Consistency«, in: Christopher Hill/Michael Smith (Hg.), *International Relations and the European Union*, Oxford: Oxford University Press 2005, pp. 91–112.

2. Potential for development within the existing legal framework

Table 1: Options for developing the EFAS

Options	Implementation options	Involved parties	Mention/ state of play as far as known **
Within EU institutions			
Council	General improvement of the working methods of the Council and the European Council	ECou, C, C working groups, COREPER	SR 12/06
	Improved consultation between the different Council formations		SR 12/06: first examples of improvement (external dimension of energy policy, JHA)
	Improved coordination between sectoral and regional working groups and COREPER I and II		Non-Paper 06/06
	Role of the HR upgraded in dialogue with third parties; greater involvement in the workings of the European Council	ECou, C, HR, PC	SR 12/06: first examples
	Formal separation of the GAERC formation; HR to chair the Council on External Relations; HR to chair the PSC; HR staff to chair the relevant Council working groups	C, HR	During the German presidency, HR chaired EU meetings with third parties more often than has been so in the past
Commission	Strengthening of the role of the RELEX group (expanded in terms of commissioners); ad-hoc group meetings; guiding discussions within the college; improvement of the collaboration between DGs	COM (President, college of commissioners, DGs)	Cutileiro Report
	Development of the reporting and analysing capabilities, (including flexibility in handling resources and developing training courses at headquarters and in the delegations); more input for PSC, Council working groups and EP committees	COM, C, PSC, C working groups, EP	Cutileiro Report SR 12/06
	Faster policy decision-making	COM	Cutileiro Report
Between EU institutions			
Commission-Council	General improvement of the collaboration between COM and CS	COM, HR, CS, PC, EUSRs, Commission offices and Policy Unit, SitCen, COM's crisis centre	Part of the work programme of the German Presidency SR 12/06
	Mutual involvement in procedures and decisions		Cutileiro Report Non-Paper 06/06 SR 12/06; SR 06/07
	Joint policy proposals: written comments and papers (for the work within the C and its working groups); use of the expertise of the Heads of Delegations		Cutileiro Report SR 12/06: wider exchange of reporting between COM and CS, discussions and first examples
	Joint analysis and reporting (also EC delegations and EUSRs)		SR 12/06: first examples
	Coordinated and joint press statements		Cutileiro Report
	Joint visits to third countries	COM, HR	According to a senior member of the COM, the HR did not respond adequately to the invitations extended by the COM
	Participation of the HR to the RELEX group		Cutileiro Report
	Support of the HR through the EU's delegations; more involvement of EUSRs in country visits of the members of the COM; EC delegation's support (also for visits by EP committees)	COM, CS, HR, EUSRs	Cutileiro Report SR 06/07: increased cooperation between the Commission delegations, HR, EUSRs

Commission-Council-EP	Involvement of the EP as monitoring and budgetary authority	IIA	C, PC, COM, EP	Cutileiro Report SR 06/07: stronger involvement under German Presidency
Between EU institutions and MS				
Commission-Member States	Internalisation of common positions: intensified coordination in Brussels; better use of EC delegations, EUSRs and bilateral embassies Advance preparation of meetings at European level and with third parties	Informal, IIA Informal	COM, C, MS C, PC, HR, COREPER, COM	Cutileiro Report SR 12/06; SR 06/07: Introduction of high-level external relations meetings Cutileiro Report Non-Paper 06/06 SR 12/06: pre-GAERC briefing meetings between PC, HR, COM; involvement of COREPER at initial stages; support of evaluation reports of EU Heads of Mission SR 06/07: strategic planning for summit meetings with the USA, Russia, Canada and Japan under German Presidency based on concept papers, prepared by PC, CS and/or COM Cutileiro Report Non-Paper 06/06
	Advance preparation of the PC in the foreign policy domain (every 6 months)	Informal	HR, Pres C, Pres COM, Pres ECou, RELEX Commissioner	Cutileiro Report Non-Paper 06/06
	Coordination meetings between PC and COM	Informal	PC, COM	SR 06/07: Meeting under German Presidency (9.1.2007)
	Practical cooperation	Informal, agreement	Bi- und multilateral embassies, EC delegations and EUSRs	Non-Paper 06/06 SR 12/06: evaluation of practical cooperation between MS/PC and the EC delegations; issues raised during discussions: better availability documents and analysis of COM, better planning and coordination of activities
	Joint reports and analysis	Informal, IIA, agreements	COM, CS, MS	Non-Paper 06/06 SR 12/06
	Intensified exchange of personnel	Programme	COM, CS, MS	Cutileiro Report Non-Paper 06/06 SR 06/07: Measures agreed
	Joint training structures, launch of mutual education programmes, training measures at EU level, intensified EU training at national level	Framework programmes, programme, decision of the PSC	COM, C, CS, MS	Cutileiro Report EDP runs since the end of the 90s DESP in pilote phase since July 2006 (PC, MS, RS, COM) SR 12/06
	Diplomatic academy of the European Union	C Decision (see CEPOL)		Covered in the Draft TCE (Convention version) but absent in the TCE
	Extension of the 'double hats' or at least continuation and cooperation between COM and EUSRs	Two legal bases (CFSP-joint action and COM-internal decision)	COM, C, MS	Cutileiro Report Non-Paper 06/06 SR 12/06; SR 06/07 Test case in Macedonia, currently preparation of a 'double-hatted' function in the AU in Addis Ababa
Commission-Member States	Sharing of premises and supporting services	Agreement	MS, COM (EC Delegations, bilateral embassies)	Cutileiro Report

<p>Consular activities</p>	<p>Visa policy: better and more effective cooperation of MS in involving the COM; Joint centres for visa applications; Formulation of a Community Code on Visas</p>	<p>REG</p>	<p>COM, C, MS</p>	<p>Different proposals of the COM for a modification of the Common Consular Instructions and the introduction of a Community Code on Visas SR 12/06; SR 06/07: efforts enhanced regarding the establishment of common visa application centres: pilot project by Hungary in Chisinau (April 2007, initial partners Austria and Slovenia); proposal of an EU Common Visa Centre for ADS in Beijing; BLODEV pilot project on the cooperation in collecting data of visa applicants (supported by eight member states, launched in July 2007 in 13 third country locations and 9 locations within the EU)</p>
	<p>Measures to ensure the implementation of Art. 20 TEU (diplomatic and consular protection); creation of joint centres in test areas</p>	<p>REG</p>	<p>COM, C, MS</p>	<p>Green Paper of the COM (November 2006) Non-Paper 06/06 SR 12/06 SR 06/07: improvement of exchange of information and cooperation between MS; lead state approach in the context of consular crisis (pragmatic and limited supporting role of EC delegations)</p>
	<p>EuropeAid: Creation of an operational centre; development of training courses; merging of consular structures; creation of a contact point within COM; flying consular teams; common European consulates; Community Code on Consular Affairs</p>	<p>Established procedures. If not possible recourse to enhanced cooperation</p>	<p>COM, C, CS, MS</p>	<p>Barrier Report General reservation on the part of Germany SR 12/06: discussion on consular crisis mechanism, reinforcement of the Presidency mission and formulation of a framework/lead nation concept</p>
<p>Between Member States</p>				
	<p>Improvement of advance coordination for consensus building on relevant EU issues; united front on international stage WTO and other international organisations as examples to emulate</p>	<p>(implementation of Art. 19 TEU)</p>	<p>MS, (C), (COM)</p>	<p>Cutileiro Report SR 12/06 SR 06/07: discussions and reporting concerning EU positioning within OSCE, Council of Europe, IMF, UN</p>
	<p>Arrangements of diplomatic representation to be adapted to the current situation</p>	<p>Update of arrangements, nonbinding guidelines</p>	<p>MS</p>	<p>SR 12/06: RELEX Counsellors' working group: update of the existing arrangements on the diplomatic representation of the Presidency in third countries (dating from 1977) in progress; to be concluded at the end of 2006; nonbinding guidelines for the diplomatic representation of the Presidency by another Member State in third countries in the field of CFSP</p>
	<p>Cooperation of embassies - Sharing of premises - Exchange of personnel</p>	<p>Bilateral agreements Programmes</p>	<p>MS MS</p>	<p>Test cases (e.g. Nordic embassies Germany, UK-German embassy Iceland) Exchange programmes for diplomats in progress</p>

2. Potential for development within the existing legal framework

Abbreviations:

ADS = Approved Destination Status; C = Council of the European Union; COM = European Commission; COREPER = Committee of Permanent Representatives; CS = Council Secretariat; DESP = Diplomatic Exchange and Secondment Programme; DG = Directorate General; EGou = European Council; EDP = European Diplomatic Programme; EP = European Parliament; EUSR = EU Special Representative; GAERC = General Affairs and External Relations Council; HR = High Representative for the CFSP; IIA = Interinstitutional Agreement; JHA = Justice and Home Affairs; MS = Member States; PSC = Political and Security Committee; PC = Presidency of the Council; Pres = President; REG = Regulation; RP = Rules of Procedure; TCE = Treaty establishing a Constitution for Europe

** References:

- SR 06/07** = Stocktaking report: Measures to increase the effectiveness, coherence and visibility of EU external policies, Council of the European Union, 13 June 2007 (8909/07).
- SR 12/06** = Stocktaking Report on the implementation of measures to increase the efficiency, coherence and visibility of EU external policies and future work, Council of the European Union, 8 December 2006 (16419/06).
- Non Paper 06/06** = Non Paper of the Finnish Presidency, "Checklist of measures to increase the efficiency, coherence and visibility of EU external policies", July 2006.
- Green Paper** = European Commission Green Paper on diplomatic and consular protection of Union citizens in third countries, 28 November 2006 (COM(2006) 712 final - Official Journal C 30 of 10.02.07).
- Cutileiro-Report** = Europe in the World - Some Practical Proposals for Greater Coherence, Effectiveness and Visibility, Communication from the Commission to the European Council, 8 June 2006 (COM(2006) 278 final).
- Barnier Report** = For a European civil protection force, Report by Michel Barnier, May 2006.

3. Critical path toward a European foreign service

The provisions for establishing the EEAS are clear: The double-hatted High Representative of the Union for Foreign Affairs and Security Policy is due to act as the linchpin of the new foreign policy conception of the EU. S/he can refer to a qualitatively new supporting institution:

In fulfilling his or her mandate, the Union Minister for Foreign Affairs [now entitled: High Representative of the Union for Foreign Affairs and Security Policy] 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. (Art. III-296(3) TCE).

However, new opportunity structures such as these are no guarantee for the implementation of a more coherent, consistent, and integrated European foreign policy. The pragmatic consolidation of the three elements of European foreign policy – the European Community's external dimension, the CFSP and national foreign policies – while maintaining existing institutional constellations³ provides an opportunity but not a guarantee for more horizontal and vertical coherence for the Union's external representation and action. A clash of diverging objectives due to hardly compatible ideas of an EEAS is still possible, since the TCE's provisions are only a rather unstable compromise between intergovernmental and supranational methods and concepts of EU foreign policy-making.⁴

It is likely that the IGC will transfer the provisions of the TCE into the *Reform Treaty* leaving negotiation to further meetings between representatives of the member states, the Commission and the Council Secretariat. Due to a variety of different diplomatic models within the EU and conflicting visions on the concrete form of a common diplomatic action, a wide range of sensitive questions will come up at different stages of the negotiating process. In order to prevent the EEAS from being rendered useless in the game of the arguing power interests of the participant actors, areas of potential tensions should be defined and discussed at an early stage.

3 See: Andreas Maurer/Sarah Reichel, *Der Europäische Auswärtige Dienst. Elemente eines Drei-Phasen-Plans*, Berlin: Stiftung Wissenschaft und Politik, November 2004 (SWP-Aktuell 53/04); Giovanni Grevi/Daniela Manca/Gerrard Quille, »The EU Foreign Minister: Beyond Double-Hatting«, in: *The International Spectator*, 40 (Januar-März 2005) 1, pp. 59–75 (67); Nadja Klein/Wolfgang Wessels, »A ›Saut constitutionnel out of an Intergovernmental Trap? The Provisions of the Constitutional Treaty for the Common and Security Policy«, in: Lenka Rovná/Wolfgang Wessels (Hg.), *EU Constitutionalisation: From the Convention to the Constitutional Treaty 2002–2005. Anatomy, Analysis, Assessment*, Prague 2006, pp. 196–233 (224ff); Daniel Thym, *The Institutional Matrix of European Foreign Policy in the Constitutional Treaty*, Berlin: WHI, 2005, (WHI Paper, Nr. 5/05), pp. 17ff.

4 Graham Avery, "The European External Action Service. The Viewpoint of the Commission", Speech at a seminar on the future of European diplomacy, Berlin, 17 October 2005.

National representatives will remain reluctant to open the EEAS dossier as long as the IGC is negotiating on the new EU treaty and as long as the result has not passed the national procedures of ratification. Nevertheless, the seven months of preparatory work – between the signature of the Constitutional Treaty by the Heads of State and Government and the French and Dutch referenda – have shown areas of potential tension and underlined the necessity of debate at an early stage. As in 2004/2005, this could be done at the beginning in small groups and closed sessions.

3.1. Institutional arrangements and financing, competencies and instruments

The projected institutional arrangements represent the most sensitive point (besides the crucial question of financing which has not even been tackled yet). Preparations will have to start on the basis of the political ‘acquis’ reached during the 2004/2005 negotiations. According to the last Progress Report there has been an agreement to establish a service *sui generis* and therewith “a service (...) with close links to both the Council and the Commission”.⁵ Yet, there is an obvious conflict between the Commission and Council Secretariat concerning the precise institutional setting. The question is expected to come up again, as both aim at preserving their own structures.

The Commission, with its headquarters’ specialised DGs – the majority having an external dimension – and with its widespread network of delegations, fears some kind of intergovernmental contamination and combined re-nationalisation of integrated foreign policy structures as well as their transformation into some kind of a technical supporting body. The Council Secretariat is focusing on the development of its comparatively small Policy Unit and the implementation of the European Security Strategy’s (ESS) “more extensive vision (...) in terms of composition and function”⁶ of the EEAS while member states are divided depending on national sensibility and their understanding of European integration in general.

The clarification of the institutional configuration is a necessary precondition for the development of the EEAS with important consequences for the structures and hierarchies of the new service. This also concerns the operational level of EU foreign policy-making and the question of competences and functional instruments of a common diplomatic service. The Progress Report remains imprecise on that point, only mentioning the common will to avoid duplications and to integrate at least the Council’s DG E, its Policy Unit, probably the military staff and the Commission’s DG RELEX.

5 European Commission/Secretary-General: *Joint Progress Report to the European Council: European External Action Service*, 9956/05, 9 June 2005.

6 Simon Duke: *A Foreign Minister for the EU: But where is the Ministry?*, Den Haag: Netherlands Institute of International Relations, Clingendael, November 2003 (Discussion Papers in Diplomacy, N° 89), p. 9. The ESS aims at consolidating the “full spectrum of instruments for crisis management and conflict prevention at our disposal, including political, diplomatic, military and civilian, trade and development activities.” Javier Solana: *A Secure Europe in a Better World. European Security Strategy*, S0138/03, 20 July 2003, p. 17.

Because of this potential conflict situation, as a first step, the question of the linking of the EEAS to the Council Secretariat and the Commission needs to be treated. The division of labour and the closeness of the relationship between the new service and the EU institutions mirrors the integrative power of a coherent EU foreign policy. Thus, the principal of coherence only briefly alluded to within the TCE will have to be made more concrete and oriented in the context of any future policy of integration.

It would be helpful to recall the TCE's division of functions between the Council and the Commission and to respect it systematically during the development of the EEAS. The concept of the TCE stipulates the formerly designated "*foreign minister*" and the Commission to submit proposals regarding EU foreign policy-making to the Council, which in turn decides either alone or – as the case may be - jointly with the European Parliament. Hence, the Council does not have to be integrated into the operational work of the EEAS in the same way as the Commission's services do. Since the coherence of the Union's external action even in the early stages of the foreign policy-cycle (background papers, strategy papers, green papers etc) can only be established through an intensive interlocking of related policy areas, one should clearly opt for a symbiosis between the EEAS and the Commission. Given that the Union's external relations are affected by the work of almost all the Commission's directorates general, anyway, EEAS and Commission have to be involved in a process of mutual (internal) consultation.

3.2. Delegation and rotation

The Progress Report is imprecise on the aspects of the delegation and rotation of staff too. The minimum agreement points to: regular rotation of staff; no quotas as regards the nationality of staff but adequate representation and geographical balance; equal status of all members; nomination on merit and appropriate selection procedures. The next steps should therefore focus on the question of influence with regard to conflict and cooperation between the Commission and the Council Secretariat, between the member states, as well as between the European and national operating levels.

From a supranational perspective, one should opt for a balance between the three institutions, otherwise the idea of an EEAS as a joint and jointly identified project will lose its original objective. At the same time, the preparations should prevent the emergence of a core and a periphery within the EEAS, i.e. an administrative division between the Brussels based EU institutions and the national foreign services. Finally, the question of rotation should raise awareness with regard to the obvious ambivalence of the genesis of an EU diplomacy. If member state representatives call for a Union that acts efficiently and speaks with one voice at the international stage, this has therefore to come along with a willingness to effectively provide for appropriate instruments and procedures.

3.3. Training, career planning and creation of an 'esprit de corps'

Can and should the EEAS contribute to the emergence of an European diplomatic *esprit de corps*? If the answer is yes, it would be necessary to create a shared culture of diplomacy that implies adaptations in the area of training and career planning. This concerns the national as well as the European level. During the last decades, member state diplomacies, little by little, elaborated their training programmes in European affairs and re-oriented their staffing policy. The more diplomacy is formulated and executed at the European level, the more the member states will be obliged to further arrange their diplomatic structures.

On the background of persisting different national traditions and priorities, a European dimension of diplomacy demands adequate institutional structures for training at a supranational level. In a short-term perspective, existing programmes and new initiatives should be further developed. In a longer-term perspective, an integrated concept has to be elaborated. Until now, a European diplomatic academy has not received the approval of the member states. The question arises why they have not aimed for the implementation of a concept similar to the virtual and decentralised *European Security and Defence College (ESDC)*.⁷

3.4. Relationship between delegations and bilateral embassies

The Progress Report conceives the present EC-delegations as an "*integral part of the EEAS*". Delegation staff would not necessarily have to be members of the EEAS. A constellation similar to that of bilateral embassies, i.e. the integration of experts from other governmental departments, could be embraced. Yet, the final composition of delegation staff depends upon the abovementioned decision on the system of delegation and rotation of the whole EEAS.

Another important question concerns the relationship between the then-upgraded delegations and the national embassies. On this aspect, the Progress Report restates the need for "*detailed examination*". The question is a crucial one, as it impacts on the future European diplomatic action towards third parties. A clarification of the form of cooperation and division of labour could partly be undertaken at present by converging activities and intensifying contacts. Equally, the field of consular affairs could produce some spillover effect in other, more political, spheres of diplomacy.

7 See Council Joint Action 2005/575/CFSP of 18 July 2005 establishing a European Security and Defence College (ESDC), Official Journal of the European Union L 194/15.

4. Proposal for a Master Plan towards effective preparation

So long as no central coordinator prepares the development of the EEAS, each of the affected parts of the administration, including the 27 national foreign ministers, will continue to tinker with its own model. Whether, at the end, the individual models will be compatible and can come together as one unified service without serious problems due to the model's incompatibility, remains, under these conditions, left to coincidence and is rather unlikely in the light of the diversity of the European policy and coordination systems of the member states. The overabundance of different concepts as well as disputes over competencies and fights over distributions among the EU institutions can only be avoided if, as soon as possible, a coherent *Master Plan* for the creation of the new institution is developed, which commits all of the participating actors to a strategic goal.

A convincing development plan should defuse the obvious conflicting interests between the Council Secretariat and the European Commission on the one hand and between the member states on the other. This task should be transferred to a permanent body,⁸ which could put together a multistage concept for the development of the EEAS. Members of this group should be: representatives of the member states, the Commission, the Council Secretariat, the European Parliament as well as selected experts from research fields that are close to the practice of politics. This group should not sketch out the final form of the EEAS, but rather develop a step-by-step plan, which could include three phases (around 2009, 2012 and 2015):

By the end of *Phase 1* in 2009, just before the *Reform Treaty* is likely to come into force, the coordination effort, for which the staffing and funding has been provided, for the strategy, analysis and early warning units of the external policy service of the Commission, the Council and the member states should be ensured. Therefore the available coordination and communication systems should be checked for their adequacy for the EEAS and reformed if necessary.

In this context, offering uniform training for all of the forces rotating into the service, preparing them to operate coherently in the sense of ensuring European values and interests, should be considered. In addition to the representatives of the three very heterogeneous administrations, ultimately diplomats from 27 completely different structured national services and possibly other officials from other ministries will have to work together. For the rotations through the EEAS, it would thus be necessary to develop a procedure that prevents the deliberate creation of a two-class administration. If one wants to secure acceptance of the EEAS in the member state capitals, one should avoid the impression that a 'EEAS core' of officials of the Commission and the Council Secretariat and a 'EEAS Periphery' of the delegated national officials is emerging. By developing two to three month long EEAS training sessions, the shorten-

8 The composition of this body could follow the model of the Delors Group of 1989 for the planning of the – admittedly different – project of the monetary union.

ing of the effective employment time of the rotating representatives of the member states, because the training is too long, should be avoided. This can be reinforced by ensuring that an assignment to the EEAS would cover a minimum time period to four years.

Early on during Phase 1, committing the personnel who are sent to the EEAS to a Diplomatic Code of Conduct, which forbids them – as with the Commission members today – from receiving instructions from a government, an organ, private industry or any other source, should be considered.

By the end of *Phase 2*, approximately in 2012 (expiration of the financial perspective) the strategic coordination capacities under the leadership and responsibility of the High Representative should be thriving to such an extent that the EEAS could be tested and evaluated in selected ‘pilot representations’. The goal of the work in Phase II should be for the EEAS to collect its first field experiences with foreign representation, which will be subject to an evaluation agreed to by all the member states, and subsequently to develop general as well as policy-, case- and region-specific standards for the foreign engagement of the EU.

Phase 3, the final phase, could be concluded in 2015. By this point in time, the indicators for reaching the ‘EEAS Critical Mass’ will have been established. These indicators could be defined, based on the evaluation of Phase 2 and the number and quality of foreign representations and their functions. Towards the end of the third phase, the question about the right to give instructions to EEAS diplomats, and control thereof, which was also raised in Phase 1, should finally be resolved legally. This would be possible through the establishment of the recommended Diplomatic Code of Conduct. A more robust alternative would be a formal Council decision, pursuant to which the institutions which are sending delegates declare a sort of renouncement of their right to instruct diplomats. For questions related to recruitment, training and evaluation, a legal and politically viable model should be developed during the third phase at the latest. This model must be based on the two pillars of a diplomatic academy of the EU and EU-wide harmonized standards for the training and continuing education of personnel.

A three phase concept has a realistic chance, on the basis of the already existing ideas and in consideration of the institutional framework of the EU, of developing a coherent, efficient service which is committed to continuity. By following a step-by-step approach, one can avoid the danger that the ‘double hatted’ High Representative and his service are rendered useless in the game of the arguing power interests of the participating actors.