Vademecum on Working Relations with the European External Action Service (EEAS)
The Lisbon Treaty enables the European Union to better deliver on many policy challenges, especially in the area of the EU's external policy.

The creation of the post of High Representative of the Union for Foreign and Security Policy who is also a Vice President of the European Commission, served by an European External Action Service (EEAS), represents a step forward in ensuring greater consistency in the EU’s external policy. It also creates new challenges in ensuring that the articulation of external policies between different actors, principally the Commission, Council, the HR/VP and the European External Action Service and the Member States, works optimally.

This Vademecum provides guidance to Commission services on the arrangements that have been put in place to ensure smooth and productive working relations between Commission services and the EEAS.

This first revision takes into account experience since January 2011.
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1. **Introduction**

The main institutional changes introduced by the Lisbon Treaty consist of the creation of new institutional actors and the clarification of the roles of the different actors in terms of policymaking, implementation, and external representation.

The Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) set out both the objectives and the legal framework of the EU's external action, in particular the respective tasks and roles of the institutions. This sets the frame for Commission services' work in areas like planning and decision making, budget implementation, preparation of Summits and other meetings, as well as for their day-to-day working relationships with the services of the other actors in the external relations of the Union.

The TEU contains a chapter with general provisions on the Union's external action, which applies both to the Common Foreign and Security Policy (CFSP) and to the other external policies of the Union. The consistency between the different areas of the Union's external action is set out through common objectives which apply to all policy areas of the Union's external action (Art. 21 TEU), such as support for democracy, rule of law and human rights, fostering the sustainable development of developing countries with the primary aim of eradicating poverty, and integration of all countries in the world economy.

The Common Foreign and Security Policy (CFSP), which includes the Common Security and Defence Policy (CSDP), is governed by the provisions of the specific chapter of the TEU (Articles 23-46) as well as some provisions of the TFEU (e.g. Article 218 on treaty-making procedure). As spelled out in Article 24(1) 2nd sub-paragraph TEU, the CFSP remains subject to specific rules and procedures.

Part Five of the TFEU (Articles 205-222) concerns the Union’s external action, incorporating all the relevant provisions apart from those relating to the CFSP.

In addition to the Council, the European Parliament has a central role in terms of both legislation and accountability, with decisions on measures for common commercial policy, development cooperation, cooperation with third countries and humanitarian aid to be adopted under the ordinary legislative procedure (co-decision), as well as the need for parliamentary consent for almost all non-CFSP international agreements.

1.1. **The President of the European Council and his/her role in external relations**

Article 15 TEU provides for a full-time President of the European Council, elected by the European Council, for 2 ½ years, renewable once.

S/he not only chairs the European Council, but also ensures "at his level and in that capacity ... the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy" (Article 15 (6) TEU).

The President of the European Council co-presides, with the President of the European Commission, EU Summits with third countries (See 4.1.1 below).
1.2. The European Commission's role in external relations

Apart from the CFSP, the Commission has the same role in the Union's external action as in all other Union policies, in particular the right of initiative, the implementation of Union legislation, the management of programmes and the execution of the budget. Article 17 (1) TEU provides that the Commission, "with the exception of the common foreign and security policy, and other cases provided for in the Treaties… shall ensure the Union's external representation". Article 218 TEU maintains the Commission's role as negotiator of international agreements outside CFSP (or, in case the agreement covers both CFSP and non-CFSP matters, in a negotiating team with the HR, the head of which is to be nominated by the Council on the basis of the subject of the envisaged agreement). Art. 21 (3) TEU entrusts the consistency between the different areas of the Union's external action and between these and its other policies to the Council and the Commission, assisted by the High Representative, who shall cooperate to that effect.

Article 17 also provides that the Commission shall "execute the budget and manage programmes".

1.3. The High Representative of the Union for Foreign Affairs & Security Policy / Vice-President of the European Commission (HR/VP) and his/her role in external relations.

Article 18 TEU gives the HR/VP a "double-hat".

As **High Representative**, s/he conducts the Common Foreign and Security Policy and Common Security and Defence Policy, under mandate of the Council, making proposals to develop CFSP and implementing CFSP decisions. S/he also chairs the Foreign Affairs Council. S/he represents the Union for matters relating to the CFSP (Article 27.2 TEU) and conducts political dialogue with third parties on behalf of the European Union, and expresses the Union's position in international organisations and international conferences.

As a member and **Vice-President** of the Commission, he/she is responsible within the Commission for external relations and for coordinating other aspects of the Union’s external action (as defined in Article 21 TEU).

1.4. The European External Action Service (EEAS)

Article 27(3) TEU provides that a European External Action Service (EEAS) assists the HR in fulfilling his/her mandate. This provision is given effect by a Council Decision establishing the organisation and functioning of the EEAS\(^1\). The required changes have also been made to the Financial Regulation and the Staff Regulations\(^2\).

The EEAS is a *sui generis* body, neither part of the European Commission nor of the General Secretariat of the Council (GSC). It is not an institution\(^3\) but a functionally autonomous body, under the authority of the HR (Art. 27(3) TEU). The EEAS is made


\(^3\) Except in the context of the Financial and Staff Regulations. In terms of institutional order, references in documents should therefore be to the "Commission and the High Representative" or, at services level, to the "Commission services and the EEAS", not to the "Commission and the EEAS".
up of a central administration in Brussels and the EU Delegations in third countries and to international organisations. The EEAS comprises officials transferred from the Commission (most of former DG Relex and parts of DG Development) and from the General Secretariat of the Council, as well as personnel from the diplomatic services of the Member States.

The EEAS supports the HR/VP in fulfilling his/her mandate to conduct the CFSP, in his/her capacity as Vice-President of the Commission i.e. responsible 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 prerogatives and tasks of the Commission), as well as in his/her capacity as President of the Foreign Affairs Council.

As the HR/VP's service, the EEAS also assists the Presidents of the European Commission and the European Council as well as other Commissioners in the exercise of their functions in the area of external relations. Commission services, equally, provide services to the HR/VP as a member of the College.

The EU Delegations are under the authority of the HR. They are made up of EEAS staff (performing largely policy/representation functions) and Commission staff (performing functions which are Commission competence e.g. aid implementation, trade policy etc), under the day to day authority of the Head of Delegation. The HR, the EEAS or the Commission can give instructions to the Delegation, in their areas of competence. Such instructions may be transmitted to the Delegations through the EEAS. Separate guidance will be issued shortly on the types of instructions which need to be transmitted through (e.g. political instructions) or copied to the Head of Delegation.

In all areas where the EEAS assists the HR/VP under Article 18(4) TEU, relevant Commission procedures apply (e.g. in the preparation of formal decisions, coordination of both an informal and formal nature and in the policy development context).

1.5. External Representation

Under Article 17 TEU, the Commission is responsible for external representation in all areas of EU competence except CFSP and other areas defined by the Treaties.

At the level of Heads of State and Government, representation of the Union is assured by the President of the European Council for CFSP and by the President of the Commission for other EU policies. At Ministerial level, the HR/VP represents the Union on CFSP issues and the other Commissioners represent the Union on matters related to their respective policy responsibilities.

Issues relating to external representation are explained in more depth in the Vademecum on the External Action of the European Union and chapters 4 and 6 infra.

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4 Operational expenditure can only be managed by the Commission. The Commission staff in the Delegation implementing operational expenditure do so under the authority of the Head of Delegation who has been double-hatted, by the relevant Commission Authorising Officer by Delegation (at headquarters) as an Authorising Officer by sub-Delegation (AOSD).
5 Recital 13 and Article 5(3)paragraph 2 of the EEAS Decision
6 For example, particular arrangements are possible for the external representation of economic and monetary union as provided for in Art. 138(2) TFEU
2. **PLANNING, COORDINATION AND DECISION MAKING**

The consistency and effectiveness of EU external action requires close coordination, from an early stage, between the services of the Commission and the EEAS. In addition, part of the responsibilities of the EEAS is to assist the HR/VP in the task of preparing and presenting texts for adoption by the Commission. The Treaty makes clear that in respect of the HR/VP's responsibilities inside the Commission, normal Commission procedures apply (Article 18.4 TEU). This requires the involvement of the EEAS in the planning, coordination and decision-making mechanisms which serve to prepare decisions taken by the College. Commission decision-making rules and processes apply when the EEAS is preparing proposals for adoption by the College, or preparing the collegiate consideration of proposals to be jointly adopted by the Commission and (as regards CFSP aspects) the HR - including for their publication, notification and transmission, as applicable. This includes full respect for the internal nature of Commission's decision-making procedure, which applies up to the point of adoption by the College.

The European Commission has a well-established strategic planning and programming (SPP) cycle and decision-making processes and procedures, set out in the Commission's rules of procedure and rules giving effect to them. These apply whenever the EEAS is acting as the service of the HR/VP as a Vice-President of the Commission (e.g. preparing programming proposals for adoption by the College).

More information on Joint Documents is to be found in section 2.1.3 infra.

It is in the interest of both the EEAS and the Commission services to keep each other informed and involved on files of common interest from an early stage.

**2.1. The Commission's decision-making cycle and tools**

**2.1.1. Multi-annual Commission Work Programme**

The Commission adopts a multi-annual Commission Work Programme in which it describes the priorities which it intends to adopt in the coming year(s) and makes specific commitments to deliver initiatives within the next calendar year. The EEAS is invited to contribute to the Commission Work Programme as regards initiatives which will be presented for adoption by the Commission or by joint adoption by the Commission and the High Representative. The EEAS' SPP correspondent participates in the Commission's internal SPP network.

For more urgent/reactive foreign policy initiatives, where advance planning may be more difficult and which may therefore not appear in the Commission Work Programme, the EEAS is still expected to involve relevant Commission services as early as possible (cf section 2.1.4) in order **inter alia** to ensure that such initiatives are coherent with (a)
external policy initiatives for which the Commission is chef de file and/or (b) relevant internal policy initiatives.

Questions on these issues should be addressed to SG/D3 (SG CWP) and SG/F3 (SG EEAS RELATIONS)

2.1.2. Agenda Planning

Below the level of the Commission Work Programme, Agenda Planning (AP) is the database / management tool\(^\text{11}\) to ensure the operational planning of the main political initiatives to be adopted by the Commission (or the Commission plus High Representative – see section 2.1.3 infra), including, but not limited to those mentioned in the Commission Work Programme, ranging from legislative proposals to Communications, White or Green Papers, proposals for the negotiating, conclusion and signing of international agreements, decisions to be adopted under 'comitology' with a significant impact, or any other issues intended for adoption by the Commission. The information in AP is used as the basis for the preparation of the agendas of College meetings, and the "liste des points prévus" (LPP) and ensures transparency within the Commission as well as towards the other institutions and national parliaments, who receive a monthly implementation report and forecast based on the information in AP. The information in AP is also used by DGT to plan and prioritise future requests for translations. This information is also used to judge whether an Impact Assessment of the proposal is necessary\(^\text{12}\).

The EEAS has an AP correspondent and EEAS staff have access to Agenda Planning. As with Commission services, only the AP-correspondent/planner has write-access to insert or modify items. That correspondent also participates in the Commission's internal network of AP correspondents.

Questions on these issues should be addressed to SG/D3 (SG AP)

2.1.3. Documents for adoption by the College

The Commission can adopt proposals to the other Institutions, Communications, White Papers or Green Papers, Reports, Decisions, Directives, Regulations, Opinions, Recommendations and Commission Working Documents.

Proposals prepared by Commission services or by the EEAS for adoption by the Commission by either oral or written procedure (or empowerment or delegation) must follow the Commission Rules of Procedure. These provide that the lead service must first have undertaken an inter-service consultation of other relevant services on the proposal. Any other document being presented by the Commission to any outside body must have been through at least service-level interservice consultation.

\(^{11}\) \url{http://intragate.ec.europa.eu/agendap/agenda/protected/agendaltems/list_agenda} & \url{http://www.cc.cec/home/dgserv/sg/manupro/index.cfm?doctm=otc_agplan&lang=en&menu=on}

\(^{12}\) \url{http://www.cc.cec/home/dgserv/sg/manupro/index.cfm?doctm=otc_aimpact&lang=en&menu=on}
The lead service must consult all services "with a legitimate interest in the initiative by virtue of their powers or responsibilities or the nature of the subject"\textsuperscript{13}. The lead service decides which services to consult, based on the policy areas which are covered in the text, but \textit{must} in any event consult certain services e.g. the Legal Service on all proposals, and other specific DGs in relation to budgetary, fraud, statistical questions, economic and budgetary surveillance etc. The SG must be consulted and formulates its reply not only on the substance but also in its capacity to ensure that the proposal is coherent with proposals emanating from other services, as well as the correct technical preparation of the proposal\textsuperscript{14}.

These consultations take place through an inter-service consultation tool, CIS-Net \textsuperscript{15}, and in practice might be preceded at the conception or drafting stages by informal contacts or preparatory meetings between the relevant services.

When Commission services are launching an inter-service consultation on issues relevant to the work of the EEAS, the EEAS must be consulted (as DG RELEX was in the past, the EEAS is an entity in CIS-Net) and the EEAS should also use CIS-NET to consult Commission services when preparing a proposal for adoption by the Commission (e.g. a Country Strategy Paper or a Multi Annual Indicative Programme in relation to certain external assistance instruments – where the EEAS Decision sets out the respective responsibilities of the EEAS for the multi-annual stages of programming and of Commission services for the annual stages and implementation\textsuperscript{16}), or where they are in the lead for preparing a joint policy document to be adopted by the Commission plus the High Representative.

This applies equally to inter-service consultation on documents which are not adopted by the College but which are issued or presented to an outside body\textsuperscript{17} e.g. Staff Working Documents, non-papers or important letters.

The EEAS' CIS correspondent participates in the Commission's internal network of CIS correspondents.

In order to consult relevant Commission services on proposals to be adopted by the HR in the field of CFSP on which input is required from Commission services, the EEAS can also decide to use CIS-Net as a tool by which to conduct this consultation. The EEAS is also an entity in e-Greffe (the application by which proposals are prepared and submitted for adoption by the Commission and/or are transmitted to other institutions) and in all other IT applications related to the College decision-making process.

The language rules and workflow applying to the preparation and submission of proposals for the adoption by the College apply equally when the EEAS is involved.

\textsuperscript{13} Article 23(2) and (3) of the Rules of Procedure
\textsuperscript{14} According to Article 23 § 5 of the Rules of Procedure, the SG shall be consulted on all initiatives which are subject to approval by oral procedure (without prejudice to personnel questions concerning individual members of staff); or political importance; part of the Commission's Work Programme; concern institutional issues; are subject to impact assessment or public consultation, and for any joint position or initiative that might commit the Commission vis-à-vis other institutions or bodies.
\textsuperscript{15} http://www.cc.cec/cisnet/
\textsuperscript{16} More details to be found in the Working Arrangements between Commission services and the EEAS in relation to external relations issues (see section 7.2 below)
\textsuperscript{17} http://www.cc.cec/home/dgserv/sv/manupro/index.cfm?doctm=ppi_docservcom plus Art 23.7 of the rules giving effect to the rules of procedure http://www.cc.cec/home/dgserv/sv/manupro/index.cfm?doctm=ppi_nonpaper&lang=en&menu=on
As a Vice-President of the Commission, the HR/VP may also adopt decisions on behalf of the College by empowerment procedure. These cannot be sub-delegated to the Executive Secretary General of the EEAS\(^{18}\) (as it is not a Commission service) but can, if relevant, be sub-delegated to the Director of the FPI (which is a Commission service).

Questions on these issues should be addressed to each services' legislative coordinator or, for granting empowerments, directly to SG GREFFE INFO.

### 2.1.4. Documents for joint adoption by the Commission and the High Representative

The Commission and the High Representative can present Joint Communications, Joint Reports and, in certain cases (e.g. mixed competences on sanctions), joint legislative proposals. The necessary templates for such documents are available\(^{19}\).

While in section 2.1.2 supra, the EEAS acts as the service of the Vice President, in contributing to the preparation of proposals for adoption by the College, the EEAS also acts as the service of the High Representative when preparing or working on proposals for joint adoption by the College and the High Representative.

The "joint" nature of a Communication or Report is decided based on its substance, not because of the services involved in its preparation: i.e. only if the substance is a mixture of Commission competences and CFSP/CSDP issues does the document become a Joint Communication or a Joint Report (or, on sanctions, a joint legislative proposal). The involvement of the EEAS in its preparation does not automatically make it a "joint" document as it may be acting as a service of the Vice President.

Joint documents, in principle, follow normal Commission decision-making procedures. Occasionally, the rapid decision-making required in the foreign policy field may necessitate recourse to flexible arrangements foreseen in the Commission rules of procedure such as fast-tracking at inter-service level and accelerated or urgent procedures at College level. These possible derogations, in relation to Joint papers, are defined in SEC(2011)440\(^{20}\). Any questions in relation to Joint documents – status, procedures or derogations, should be addressed before work even begins on such documents.

Questions on these issues should be addressed to SG/F3 (SG EEAS RELATIONS) and SG Greffe (SG GREFFE INFO)

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\(^{18}\) Although the previous delegations to the Commissioner responsible for external relations still apply to the HR/VP as VP, the previous delegations or sub-delegations to the Director General of DG RELEX have therefore become obsolete.

\(^{19}\) In Legiswrite

\(^{20}\) Replacing the earlier rules (SEC(2007)618 by which joint papers were prepared, since 2007, by Commission services with the General Secretariat of the Council and/or the rotating Presidency and/or EU Special Representatives, presented as Joint Papers from the Commission and the Secretary General / High Representative for CFSP.
2.1.5. Documents which are not for College (or College plus HR) adoption

Documents produced and agreed by the Services but not endorsed by the College are non papers and Staff Working Documents. If the content of such documents is a mixture of Commission competences and CFSP, they may take the form of Joint Staff Working Documents (i.e. from the Commission services and the EEAS).

The same basic rules apply to these as to the documents mentioned above – interservice consultation, transmission by Greffe – with the exception of translation requirements and adoption by the College (or College plus HR). Commission services must consult the EEAS on papers touching upon the HR's competences and the EEAS must consult the relevant Commission services on issues covering the Commission's competences. The necessary Legiswrite templates are available.

When the EEAS tables papers (for Council WGs or PSC) which touch on Commission competences i.e. all non-CFSP external issues) these must be prepared in cooperation with the relevant Commission services and, if necessary, go through inter-service consultation.

Questions on these issues should be addressed to each service's legislative coordinator or SG/Greffe (SG GREFFE INFO) or to SG/F for PSC-related issues (SG PSC)

2.2. Coordination between the HR/VP, Commissioners and services dealing with external relations

The need for coordination and cooperation and the principle of collegiality, as applied between the HR/VP as Vice President and other Commissioners and services dealing with external relations as in all areas of the Commission's work, is clearly established. This is reinforced by the HR/VP's coordination responsibilities under the Treaty.

The distribution of portfolios at Commissioner level is not equated with the organisation of their services. For instance:

- The Commissioner for Development is responsible for DG DEVCO, which manages aid implementation while the EEAS has the responsibility, under his and the HR/VP's responsibility and guidance, for the strategic / multi-annual steps of the programming cycle of certain instruments.
- The Commissioner for Enlargement is responsible for DG ELARG, which manages the enlargement process, a Commission competence, and the programming cycle for the relevant instrument

The Commissioner responsible for the European Neighbourhood Policy is served by the EEAS as regards the policy and DEVCO as regards the implementation of the relevant instrument.

2.2.1. Coordination between the HR/VP and other external relations Commissioners

Article 18.4 TEU gives the HR/VP responsibility, within the Commission and in accordance with Commission procedures, for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action as defined in Article 21 TEU.

This takes place through formal and informal channels. The HR/VP is the chair of one of the External Relations Group of Commissioners 22 established by President Barroso, (unless he attends, in which case he chairs). The other members of the Group, the so-called "Relex family", are the Commissioners responsible for Development, Enlargement, International Cooperation, Humanitarian Aid and Crisis Response), Trade, the Foreign Policy Instruments service and for Economic and Monetary Affairs. Other Commissioners may be invited on an ad hoc basis, depending on agenda items. The mandate of this Group is to ensure the coherence of the Commission's external policies with the Union's external action and it serves as a forum to coordinate positions and prepare College debates on strategic aspects of external relations. The agenda is set by the Chair. As for all of the Commissioners' Groups established by the President, the SG - in this case SG/F3 is responsible for the organisation / secretariat of the Group in close co-ordination with the concerned Commission services and the EEAS.

Questions should be addressed to SG/F3 (SG COMMISSIONERS GROUP RELEX)

2.2.2. Groupe des relations interinstitutionnelles (GRI)

The GRI ensures the coordination of all inter-institutional relations (Commission-Council-Parliament). The group's task is to ensure collective responsibility in the handling of matters under discussion in the Council and Parliament; the sharing of information and anticipation of possible problems; follow-up of institutional questions that may arise in the Council and in the EP and so on. There is a standing agenda point on external relations activities. The Cabinet of the HR/VP participates in the GRI. To the extent that the "pre-GRI" meeting of services is designed to assist Commissioners and Cabinets in preparation of this work, the EEAS may be invited to participate in the pre-GRI meetings. On matters for which the EEAS is the lead service (under the VP) it should present, like Commission services and after appropriate inter-service consultation, the "fiche" which forms the basis for determining the Commission position.

2.2.3. Inter-Service Groups (ISGs)

Under the Lisbon Treaty, responsibility for service-level coordination on a wide range of bilateral, multilateral and CFSP-linked issues falls to the EEAS which should invite

22 http://www.cc.cec/home/dgserv/sg/i/coordpol/interservice_coordination/external_en.htm
Commission services to participate in groups designed to assist in this coordination. The establishment of such groups should be signalled in the first instance to the SG (Directorates D and F) and subsequent invitations should be copied to the SG (F3).

Equally, Commission services chairing Commission inter-service groups with an external relations dimension will invite the EEAS to participate in such groups – as DG RELEX/DEV did before - either on an ongoing basis or where an agenda item has important external implications.

A list of registered inter-service groups is available\(^\text{23}\) and requests to create a group, from Commission services or the EEAS, are authorised by SG/D3\(^\text{24}\).

The same rules on ISGs apply to impact assessment steering groups (IASGs) where the lead service (whether a Commission service or the EEAS) should invite the other relevant services.


\(^{24}\) SG-D-3-Groupes-Interservices@ec.europa.eu
3. **INTER-INSTITUTIONAL RELATIONS**

3.1. **The European Council**

The European Council consists of Heads of State and Government, the President of the European Council and the President of the European Commission. The HR/VP also attends. The European Council meets at least twice every six months, at the invitation of its President. The preparation and follow-up of the work of the European Council is ensured by the General Affairs Council.

The European Commission President's participation in the European Council is prepared and coordinated by the Secretariat General. Commission services and the EEAS contribute to the preparation of the Commission briefing, in their areas of responsibility. For further details on briefing arrangements, see chapter 5.1 below.

Questions should be addressed to SG/F2 (SG COREPER II/COUNCIL BRIEFINGS)

3.2. **General Affairs Council (GAC)**

The Commission is represented in the General Affairs Council by a Vice President and preparation is ensured by the Secretariat General, requesting input from Commission services and the EEAS, as necessary. For further details, see the Guide to relations with the Council.

3.3. **Foreign Affairs Council (FAC):**

- The HR chairs the FAC, in line with the Council's rules of procedure. The Commissioner for Development represents the Commission (mandated by the President of the Commission) unless such representation is ensured by another Commissioner (should an agenda item pertain to his/her portfolio). The Commissioner for Development can nominate a replacement should s/he be unable to attend. As chair, the HR ensures that all Commissioners can take an active part in the FAC on agenda items concerning their respective portfolios and in any related preparatory dinners or press conferences. Commissioners are closely involved in the drafting of relevant FAC Conclusions and statements.

- The HR is responsible for planning and scheduling of the FACs and their agendas. This is done in close coordination with the European Commission (SG/F2). The SG handles consultations on preparation and coordination of agenda items with the President's Cabinet, external relations Commissioners and relevant Commission services, in cooperation with the EEAS.

- In the case of informal Council meetings, such as the Gymnich, the Commissioner for Development represents the Commission and may be replaced by other Commissioners.

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25 Vademecum on relations with the Council SEC(2011)842
3.3.1. Preparation of Foreign Affairs Councils:

- **Forward Planning**: The EEAS will consult the Commission sufficiently in advance before a new semester on the draft agendas for this period (Art 2(7) Council Rules of Procedure). The Commission input to FAC agendas is provided from the SG to the EEAS following consultation of all relevant Commissioners' Cabinets and their services.

- **Agendas**: SG asks the Cabinets of external relations Commissioners, as well as the President's Cabinet, for possible requests for agenda items. Any reactions are collated and transmitted by SG to the EEAS, at the latest by the end of the week in which the preceding Foreign Affairs Council takes place and in any event sufficiently ahead of the deadline provided for in the Council's Rules of Procedure (16 days before the meeting).

The EEAS consults the SG on provisional agendas before they are announced in Antici/Coreper (which is at least 14 days preceding the relevant Council - *Art 3(I) Council Rules of Procedure*). The SG responds after consulting the Cabinets of the external relations Commissioners as well as the President's Cabinet.

- **Preparatory Meetings and Briefings**: For the Commission participation in the FAC, the SG establishes the Commissioner's needs, on the basis of which the EEAS will normally provide a briefing file, taking account of the SG's requests and deadlines of the SG and the Cabinets of the Commissioner for Development or other relevant Commissioners. The SG can request additional input from Commission services. For further detail please see chapter 5.2.2

- **Special formations of the FAC (Trade, Development, Defence)**: When unable to attend, the HR is replaced by the "rotating" Presidency which then chairs these meetings on her behalf. The EEAS provides briefing to the Commission upon request. SG may request (additional) briefing from relevant services.

Questions should be addressed to SG/F2 (SG COREPER II/COUNCIL BRIEFINGS)

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3.3.2. COREPER

The European Council and all Councils are prepared through COREPER and its preparatory Council Working Groups.

The Commission is represented in COREPER by the Deputy Secretary-General who may give the floor to a Director General to present a file. The Commission is also represented in the Antici Group which prepares the COREPER II meetings. The rotating Presidency invites the EEAS to attend Coreper II for FAC-related agenda items.

The SG designates a “chef de file” for each issue among Commission services and performs internal mediation and arbitration functions.

The HR/VP and the EEAS are fully involved in the Commission's preparations for COREPER. The SG takes full account of the responsibility of the HR/VP for ensuring consistency of the Union’s external action within the Commission and for coordinating other aspects of the Union’s external action. The EEAS continues to provide briefings
for the SG for COREPER, on areas of the HR/VP's competence. For further details, see chapter 5.2.2.

Questions about Coreper I issues should be addressed to SG/F1 (SG UNITE F1) and Coreper II issues to SG/F2 (SG COREPER II/COUNCIL BRIEFINGS)

3.3.3. **Political and Security Committee (PSC)**

The permanent chair of the PSC is an EEAS official. The Commission participates in the PSC (and its preparatory – Nicolaidis - meetings), represented by SG/F.

Coordination should take place, in relation to any issues of Commission competence, between the Chair and the Commission (SG/F) before presentation of the agenda. Briefings from the EEAS or Commission services, as relevant are provided to SG/F upon request. For further details, see chapter 5.2.2.

Questions should be addressed to SG/F (SG PSC)

3.3.4. **Council Working Groups**

The Council's internal rules of procedure provide that the Commission attends all Council meetings, unless specifically asked not to attend. The Commission has an institutional right to attend all Council body meetings and it is for the Commission alone to decide whether or not it attends and if so, at what level.

In its decision of 1 December 2009, the Council decided to split the chairmanship of the FAC preparatory groups between the rotating Presidency and the EEAS. There are four categories:

- Category 1 in the area of Trade and Development for which the rotating Presidency retains the chair;
- Category 2, the (cross-pillar) geographic groups, that will be chaired by a representative of the HR (EEAS);
- Category 3, the horizontal preparatory bodies, six of which are chaired by the rotating Presidency (foreign relations, terrorism, consular, public international law, law of the sea); nine by a representative of the HR;
- Category 4, the CSDP preparatory groups chaired by a representative of the HR (EEAS). The representatives of the HR chairing these Working Parties are members of the EEAS.

There may be cases, where the EEAS was the lead service, within the Commission (under the authority of the HR/VP as VP or another Commissioner), in preparing a Commission proposal. Procedures in relation to the presentation or defence of that Commission proposal at the relevant Council Working Group should be worked out on a case by case basis, involving the SG and the Commission representative in that Working Group. If necessary, a binding Commission position will be prepared in the GRI (section 2.2.2 supra) or adopted by the College.
The Commission continues to be represented in these working groups. Operational arrangements have been worked out, identifying a lead Commission service for each group. This contact point ensures *inter alia*:

- Coordination of all interested Commission services and necessary contacts with the Chair/secretariat of the Group (whether the Council Secretariat or the EEAS), requests to put items on the agenda, circulation of the agenda to Commission services, organisation of participation by relevant Commission services for relevant agenda items;

- Presence in the meetings, as well as in preparatory meetings with the rotating Presidency, EEAS and GSC;

- Appropriate reporting to Commission services (see section 5.5.2.3).

The Council decides seating arrangements in Council fora. The Commission maintains its traditional place, opposite the Chair of the meeting. In FAC preparatory WGs, when the meeting is chaired by the rotating Presidency (i.e. not chaired by the EEAS), the EEAS is seated to the right of the rotating Presidency. For non-FAC preparatory WGs, if the EEAS is present this is at the invitation of the rotating Presidency.

Questions should be addressed to the contact points or to SG/F (SG PSC)

3.4. European Parliament

As a Vice-President of the Commission, the HR/VP is bound by the Framework Agreement on relations between the European Parliament and the European Commission, including as regards the provision of information to the EP. In her statement on political accountability, the HR/VP also stated her intention to apply this inter-institutional agreement *mutatis mutandis* for international agreements falling under her area of responsibility as High Representative, where the consent of the Parliament is required. Thus the European Parliament shall, in accordance with Article 218(10) TFEU, be immediately and fully informed at all stages of the procedure, including for agreements concluded in the area of CFSP. Nevertheless, in accordance with recital 6 of the EEAS Decision, the HR/VP applies, with regard to access to sensitive information in the case of “purely” CFSP agreements, the 2002 Inter-Institutional Agreement between the Council and the European Parliament and not the 2010 Commission – EP Framework Agreement.

Concerning attendance, should the HR/VP be unable to attend a plenary debate, s/he decides on a case-by-case basis and depending on the subject matter, whether s/he will be

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27 "(...) Specific arrangements should be made with regard to access for Members of the European Parliament to classified documents and information in the area of CFSP. Until the adoption of such arrangements, existing provisions under the Interinstitutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy will apply."

replaced by a Commissioner for issues falling exclusively or prevailingly into Commission competence or a Member of the Foreign Affairs Council for issues falling exclusively or principally into the area of CFSP. In the latter case, a Commissioner may be present and add elements on issues of the Commission's competence. On coordination, for matters under Commission competence, the positions to be taken in plenary sessions are prepared collegially in the context of the Commission decision-making procedures referred to above (see Section 2.2.2).

The EEAS contributes to Commission SP notes from EP Committee meetings; the EEAS and Commission services share reports with each other.

Coordination is necessary between the EEAS and Commission services as regards the preparation of responses to EP Questions, Reports or Resolutions, as well as to Opinions of National Parliaments, when these touch upon issues falling under the competences of both.

Following changes to the Parliament's rules of procedure, MEPs may now address questions to either the President of the European Council, the Council, the Commission or the High Representative. If a question is incorrectly addressed to one of these, the EP Secretariat should normally detect and try to correct this before the question is sent.

a) Questions addressed to the Commission

Within the Commission, the tool used for coordination of parliamentary questions is BASIL, to which the EEAS has been given access, where all questions addressed to the Commission are currently handled. Depending on the subject matter of questions addressed to the Commission, the first draft of the reply may be prepared by a Commission service or the EEAS, and the EEAS may be consulted like any other service. Replies on behalf of the Commission may be delivered by any member of the College, including the HR/VP (as VP). For instance, EEAS might prepare a first draft of a reply on neighbourhood policy, consulting several other relevant services, which would ultimately be delivered by the Commissioner responsible for the neighbourhood.

If the Commission receives a question that it considers comes under the sole responsibility of the HR or the Council, the Commission sends Parliament a standard reply that "The matter in question is not within the Commission's remit".

b) Questions addressed to the High Representative

As the EEAS doesn't have its own IT tool to handle parliamentary questions, the Commission still receives and handles, in BASIL, all questions addressed to the HR. SG examines all questions addressed to the HR and determines if they fall within the sole remit of the HR or if they are of mixed competence.

Should a question addressed to the HR also concern Commission competences, SG asks the EEAS to consult / ask for contributions from the relevant Commission

29 Art. 117 of the Rules of procedure
services and Cabinets, through BASIL. In these cases, the Legal Service of the Commission and the SG are also consulted on the draft reply. The text is, however, not submitted for approval by the College since the reply is by the HR on her own behalf.

Should a question addressed to the HR concern only Commission competences, ideally a standard reply should be sent stating that the question has been misattributed. If, however, the HR/VP wishes, under her VP coordination function, to reply to the question, input will be sought from relevant Commission services who will ensure, in contributing to the draft reply, that it reflects the prerogatives of the Commission.

Questions should be addressed to SG BASILII QP

Mutatis mutandis, coordination of replies to EP Petitions takes place through the PETITIONS2 database, managed by the SG, to which the EEAS has been given annex.

Questions should be addressed to SG PETITIONS

3.5. National Parliaments

Coordination is also necessary between the EEAS and Commission services as regards the preparation of responses to Opinions of National Parliaments, when these touch upon issues falling under the competences of both.

Sometimes Opinions of National Parliaments will touch on issues which are exclusive Commission or HR competences or, frequently, mixed competences. Where the National Parliament sends the same Opinion to both the Commission and the HR, without indicating this to either, the HR/VP’s Cabinet should normally inform the Commission SG of any Opinions which it receives and vice versa, in order to ensure coherence in any reply(ies) and avoid duplication. If the Commission receives an Opinion covering mixed competences, the EEAS is asked to contribute, like other services, to the final Commission reply. Where the Opinion is wrongly addressed to the Commission, the Commission forwards it to the HR and informs the National Parliament, and vice versa.

Questions should be addressed to SG/G (SG NATIONAL PARLIAMENTS)

3.6. European Economic and Social Committee, Committee of the Regions and the Ombudsman

The EEAS and the Commission services coordinate in order to respond to inquiries, opinions or reports from other EU bodies where these touch upon areas of their respective responsibilities. For complaints by the Ombudsman and Petitions, such coordination takes place through a specific database (Médiateur 2), to which the EEAS
has been given access. Communications from the Ombudsman relating to Commission competences can only be addressed to the President of the Commission. The SG coordinates the replies involving the EEAS if the issue is one of mixed competence.

If the Commission receives a communication from the Ombudsman on issues of the HR's competence, it informs the Ombudsman's office of the incorrect attribution, requesting the Ombudsman to reformulate the communication/complaint and address it instead to the High Representative. In the reverse situation, where the Ombudsman addresses a communication / complaint to the HR, on issues for which the Commission is competent, the Cabinet informs the Ombudsman in writing of the incorrect attribution and requests him to reformulate the communication / complaint and address it instead to the President of the Commission.

As regards replies to opinions of the European Economic and Social Committee and the Committee of the Regions, these are adopted via the pre-GRI/ GRI procedures.

For arrangements in relation to the Mediator, see chapter 7.6 infra.

3.7. Comitology

Where a measure to be adopted by the Commission which requires an opinion of a committee composed of representatives of Member States, as is the rule for instance with most external assistance instruments (Article 291), has been prepared by the EEAS, the EEAS shall present, explain and defend that Commission proposal before that Committee.

Commission officials chair the meetings of these Committees and are responsible for the tasks which the Comitology Regulation entrusts to the chair (e.g. submission of a modified draft). Arrangements have been worked out between the EEAS and the relevant Commission services in relation to agenda setting and the transmission of documents to the relevant committee.

Questions should be addressed to the comitology coordinator within each DG who will liaise, if necessary with the Secretariat General.

3.8. Relations with EU Agencies

EU Agencies exist in many areas of EU competence and generally have a close relationship with the Commission DG or service responsible for the relevant policy area. Depending on Agencies’ founding acts, the Commission is represented in the board of the Agencies, along with EU Member States. Boards can also include representatives of the European Parliament, EU candidate countries, non-EU countries, other agencies and/or

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30 For complaints on which the Commission is chef de file, the consultation (including EEAS, if relevant) occurs up to the level of Cabinets. For complaints on which EEAS is chef de file, it may use the database mechanism to consult other services at service level, stopping before the consultation of the Commission's Legal Service.


32 Chapter “EU financial assistance and cooperation” in the Working Arrangements between Commission services and the EEAS in relation to external relations issues (see section 7.2 below).
institutions as well as individuals. Contacts on external relations issues between the EEAS and Agencies, and vice versa, should either be direct (in the case of CFSP Agencies under the authority of the High Representative – see below) or otherwise be channelled through the relevant Commission DG or service.

Questions about these issues should be addressed to SG/G4 (SG-AGENCES)

**Commission representatives on the boards of CFSP Agencies**

The Governing Boards of the three CFSP Agencies are composed of representatives of EU Member States, as well as a representative from the Commission

The Commission, along with EU Member States, is part of the Governing Boards of the three CFSP Agencies:
- the European Satellite Centre (where the Commission is represented by the JRC)
- the Institute for Security Studies (where the Commission is represented by BEPA)
- the European Defence Agency (where the Commission is represented by VP Tajani, supported by DG ENTR).

The Board of these Agencies is chaired by the High Representative or his/her representative (EEAS).

Questions about these issues should be addressed to SG/G4 (SG AGENCES)
4. ARRANGEMENTS IN RELATION TO COMMISSION PARTICIPATION IN SUMMITS AND THIRD COUNTRY VISITS

4.1. Summits with third countries

4.1.1. EU Representation:

In accordance with the Treaties, at meetings with third countries, regional or international organisations at Head of State and Government level the EU is represented by the President of the European Commission (for non-CFSP matters) and the President of the European Council (for CFSP matters). They decide the composition of their respective delegations.

4.1.2. Planning and preparation:

The EEAS prepares the Summits under the guidance of the Cabinets of the President of the European Council and the European Commission and in close consultation with the Cabinet of the HR/VP and the General Secretariats of the Commission and the Council. The Cabinets of the President of the European Council and the European Commission identify the date for a Summit, in consultation with the EEAS.

The Cabinet of the President of the European Council, in agreement with the Cabinet of the President of the Commission, convenes a kick-off meeting with the relevant members of the Cabinet of the HR/VP, the EEAS, the Commission Secretariat General, and the Council Secretariat General, to discuss topics for the orientation note and the choreography of the Summit meeting. The kick-off meeting is held approximately three months ahead of the Summit. The EEAS prepares a background note on the Summit for this meeting. The Cabinet of the President of the Commission convenes a meeting of Cabinets of concerned Commissioners to prepare the Commission's contribution prior to this kick-off meeting.

Based on the outcome of the kick-off meeting, the background note is revised and an orientation note is prepared by the EEAS, under the guidance of the Cabinets of the Presidents and the HR/VP and in consultation with the Commission Secretariat General and other Commission Directorate Generals as appropriate. The EEAS then submits the draft for final approval to the Cabinets of the President of the Commission and the President of the European Council. The EEAS transmits the approved orientation note to the Council Secretariat General for submission directly to COREPER. The COREPER discussion takes place 2-3 months before the Summit.

The Summit is prepared through the Council working groups feeding into the Foreign Affairs Council (FAC), on the basis on this orientation note, and in consultation with the Commission services. As indicated above, Commission services participate in these working groups. The Commission representative in the Council working groups informs relevant Commission services about discussions on Summit preparations and transmits related documents to them.

Based on the orientation note and subsequent COREPER discussion the EEAS prepares a draft joint Summit statement (when the EU hosts, otherwise partner country prepares first draft) in consultation with relevant Commission services. After approval of the draft statement by the Cabinets of the President of the Commission and the President of the
European Council, the EEAS transmits it to the Council Secretariat General for dissemination to EU Member States and discussion in the Council Working Group(s) and subsequently to the third country/organisation for negotiation. The Commission representative in the Council working groups keeps relevant Commission services informed about discussions in the Council.

When the partner country/organisation hosts the summit and therefore provides the first draft joint Summit statement, the EEAS consults relevant Commission services. After approval of the comments to the draft statement by the Cabinets of the President of the Commission and the President of the European Council, the EEAS transmits it to the Council Secretariat General for dissemination to EU Member States and discussion in the Council Working Group(s) and subsequently to the third country/regional organisation for further negotiation.

COREPER is updated on the Summit preparations before the event takes place.

4.1.3. Briefing

The briefing for the COREPER discussion on the Summit orientation note is prepared by the EEAS, in consultation with Commission services concerned.

Based on the orientation note and subsequent COREPER discussion, the Cabinets of the President of the European Commission and the President of the European Council convene another preparatory meeting with the Cabinet of the HR/VP, the EEAS, the General Secretariat of the Council, the Commission Secretariat General, and the respective Spokespersons' Services (SPP) of the Council and the Commission, to discuss content / steer for a common briefing book. The Cabinets of the Presidents agree on a division of labour and on speaking responsibilities and the deadline for common briefing book.

The Commission Secretariat General (SG INTERNATIONAL) sends out a Summit briefing request for the President of the Commission, the President of the European Council and the HR/VP, to the EEAS Policy Coordination Division (mailbox; EEAS BRIEFINGS), copying concerned Commission services and the Cabinet of the HR/VP. On this basis, the EEAS prepares a common briefing book for the two Presidents and the HR/VP.

In order to provide SG and the European Council President's Cabinet sufficient time to finalise the file for the respective Presidents (in particular, reviewing the steering brief and speaking notes), the common briefing book is delivered by the EEAS a minimum of 7 working days before the Summit. An update is provided before the Summit, if necessary, to take into account intervening developments.

Provided that the President's Cabinet agrees, a copy of the final briefing file is sent to EEAS BRIEFINGS, the EEAS lead desk and other services as relevant.


4.1.4. Reporting
The EEAS note-taker at the Summit sends a short e-mail flash report to the Commission President's Cabinet for approval for onward transmission to the Spokespersons' Service, speechwriters and any Commission services that have contributed to the briefing. The full report of the Summit is sent to the Council and any Commission services that have contributed. The note-taker prepares an Information Note to the College, as well as any information note for Coreper (or Coreu) to inform Member States.

4.1.5. Follow-up
The Cabinet of the President of the European Council, in agreement with the Cabinet of the President of the Commission, convenes a follow-up meeting mid-term between two Summits with the Cabinet of the HR/VP, the EEAS, the Commission Secretariat General, and the Council Secretariat General to discuss follow-up and implementation of Summit results and with a view to the next Summit.

Questions should be addressed to SG/F3 (SG INTERNATIONAL)

4.2. G8 and G20 Summits
The G8 and G20 are not institutions but informal gathering of world leaders working on yearly cycles whose work culminates in annual Summits of Leaders, at Heads of State and Government level. The Summits are prepared by the personal representatives of the Heads of State and Government (the Sherpas). As there is no G8/G20 secretariat, the "machinery" is ensured by the country holding the yearly G8 or G20 Presidency which convenes and chairs the meetings and presents initiatives and documents for consideration. Beside Leaders' summits, there are Ministerial meetings organised within both G8 and G20.

The G8 scope of activities is broad (focusing mostly on geopolitical and international issues, development, climate change, trade etc.) while the G20 focuses mainly on economic and financial issues but also on such issues as trade, development, climate finance, and food security.

4.2.1. EU representation
The European Union is a full member of the G8 and the G20. At Summits, the EU is represented at the Leaders' level by both the President of the European Commission and the President of the European Council. The Presidents head the EU delegation to the Summits (based on the principles of one delegation, one flag, one voice). Both Presidents have agreed on working arrangements to ensure this unity of representation. These arrangements provide that the Sherpa of the President of the European Commission represents the EU in the G20 Sherpa meetings, while the Sherpa of the President of the European Council represents the EU in the G8 Sherpa meetings. For the Summits, both Presidents are accompanied by their Sherpas, and by the Commissioner for Economic and Financial Affairs and the Director-General of ECFIN.

33 http://myintracomm.ec.europa.eu/sg/en/f/Pages/g8g20.aspx
For the G8, the EU Sherpa is the Head of the Cabinet of the President of the European Council. He is assisted by a Foreign Affairs Sous-Sherpa (FASS). A Financial Sous-Sherpa (FISS) and a Political Director (PD) cover sub-tracks of the G8 agenda. The G8 FASS is a Deputy Secretary-General of the Commission, the FISS is a Director from ECFIN, and the PD is a Deputy Secretary-General of the EEAS.

The HR/VP participates in the G8 Foreign Ministers meetings. The Commission or the EEAS represent the EU in the different G8 working groups.

For the G20, the EU Sherpa is the Senior Economic Advisor to the President of the Commission. At the meetings of G20 Finance Ministers and Central Bank Governors, the Commissioner for Economic and Financial Affairs, the Rotating Presidency of the Council of the EU, and the European Central Bank represent the EU. At G20 Deputies meetings, the EU is represented by the Director General of ECFIN, the Rotating Presidency of the Council of the EU, and the European Central Bank. In G20 finance working groups, the EU is represented by the Commission and the European Central Bank, given the technical nature of the work. In other G20 working groups, the Commission alone represents the EU.

At sectoral G8/G20 Ministerial meetings, the EU is represented by the European Commission and sometimes accompanied by the Rotating Presidency of the Council of the EU. The Commission participates in the preparatory meetings leading up to these Ministerials.

4.2.2. Planning and preparation

The G8 and G20 Sherpas respectively coordinate the preparations for the Summits as described above. The Commission Secretariat General takes a leading role in these preparations via the G8 FASS and the G8/G20 Sherpa and FASS assistants (SG F) and ensures the close cooperation with the concerned Commission Cabinets and services and with the EEAS. The position of the EU and of those EU Member States that are members of the G20 is established by the European Council prior to the G20 Summit. Both Presidents send two joint letters ahead of the G20 Summits, a first one ahead of the European Council to propose to Member States the EU position for the Summit, and then after the European Council to inform our G20 partners about the agreed EU G20 positions.

The G8 and G20 Sherpas are assisted by the Commission Secretariat General (SG F3) in preparing the Sherpa meetings. They consult with EU Member States by regularly debriefing COREPER about the state of negotiations.

The Cabinet of the Commissioner for Economic and Financial Affairs and his services are leading on the preparations for the G20 Finance Ministers and Deputies Meetings and cooperate closely with DG MARKT. They liaise regularly with the G20 Sherpa on their work. The position of the EU for these G20 meetings is fixed by the Economic and Financial Affairs Council (ECOFIN).

The G20 Ministerial meetings are prepared by senior officials from the relevant Commission services who participate in various G8 and G20 working structures. The position of the EU for these meetings is prepared in consultation with the relevant Council Working Parties and/or Council formations. The EEAS prepares the G8 Foreign Ministers meetings via the PD track.
Participation in G8 and G20 working groups is organised by the respective Commission service or the EEAS, in coordination with SG F3, for all cases except the G8 foreign and security policy track which is handled by the EEAS.

4.2.3. Briefing

SG/F3 prepares the briefings for the President(s) for the G8 and G20 Summits and also for the preparatory meetings (Sherpa and G8 FASS). To this end, SG/F3 requests briefings from the relevant Commission services and the EEAS by contacting the internal G8 and G20 networks and also copying the DG or EEAS briefing correspondents. The steering brief is prepared by SG/F3 and, in the case of G20, with the help of ECFIN (for finance issues).

ECFIN prepares the briefings for meetings on the G20 finance track (Finance Ministers, Deputies) in close cooperation with DG MARKT.

ECFIN also prepares the briefings for the meetings on the G8 Financial Sous Sherpa (FISS) track, whereas the EEAS prepares the briefings for meetings on the G8 Political Directors track. The relevant units in ECFIN and the EEAS contact other services for briefing input, as necessary.

4.2.4. Reporting and follow-up

The reporting and follow-up are ensured by the respective EU representatives. For the Summits, SG F3 prepares an info note to the college by the Commission President. The EU G8 and G20 Sherpas write a political report after each Sherpa meeting which is sent to both Presidents and concerned Commission services/Cabinets and the EEAS together with an extended report prepared by SG F3. The EU G8 FASS circulates a report after each G8 FASS meeting. The EEAS prepares a report after the G8 ministerial meeting and the PD meetings. Cabinet of the Commissioner for Economic and Monetary Affairs/DG ECFIN circulate reports on the G20 finance track meetings and the G8 FISS meetings. The respective Commission service/EEAS circulate reports concerning the different G8 G20 working group meetings.

Questions should be addressed to SG/F3 (SG G8 G20)

4.3. Visits to or from third countries

4.3.1. Preparation and logistics

Outgoing: The EEAS and the relevant EU Delegations provide support (briefings, local logistics) to the President of the Commission, the HR/VP and visiting Commissioners.

Commission staff travelling to third countries will inform both the relevant EEAS geographic desk and the EU Delegation. EU Delegations continue to provide services, to visiting Commission staff.

Incoming: The EEAS and the relevant Commission services will keep the European Commission's Protocol Department and the SG informed, in good time, about incoming high-level visits. The Protocol Department, situated in the Secretariat General, has the role of facilitating high-level diplomatic contact between the European Commission,
including the HR/VP as a member of the Commission, and EU Member States or third countries and international organisations.

Both for incoming and outgoing meetings, a **website** has been established\(^{34}\) by the Secretariat General for transparency and coordination/planning purposes.

Questions and information should be addressed to SG/F3 (SG INTERNATIONAL)

5. Briefing and Reporting Procedures

The following sets out the procedures to be followed for briefings requested for the President of the European Commission, the HR/VP and other Commissioners, as well as their services\(^\text{35}\). In general, application of a 'centre of gravity' principle will determine the lead DG/service for the preparation/coordination of the briefing. For example, when the dominant subject matter of the meeting is related to sector policies such as energy, climate or transport, the concerned sector Directorate Generals are in the lead and produce a coordinated file for the concerned meeting.

As regards external relations, the arrangements between the external relations Directorate Generals and the EEAS depend on the dominant subject matter of the meeting or visit:

- Common Foreign and Security Policy (CFSP) or country-specific (except for countries covered by the enlargement process), the EEAS will be in the lead
- Trade and trade policy, DG TRADE will be in the lead
- Development policy, DG DEVCO will be in the lead
- Relations with countries covered by enlargement policy, DG ELARG will be in the lead
- Related to crisis situations in third countries which involves a mobilisation of EU humanitarian aid and/or the EU civil protection mechanism, DG ECHO will be in the lead

in producing a coordinated briefing file for the relevant meeting or visit.

5.1. Briefings for the President of the European Commission on external relations matters

Specific arrangements in relation to the President's participation in Summits have been covered in Chapter 4.

The SG has been delegated the responsibility for issuing the briefing requests on behalf of the President's Cabinet and preparing briefing files for the President\(^\text{36}\). On the basis of a request from the President's Cabinet, the Secretariat General (F3) sends a request for contributions to relevant Commission services or the EEAS. Requests are sent, as relevant, to designated briefing coordination contact points in DGs and the EEAS Policy Coordination Division (EEAS BRIEFING). The briefing request may identify a lead service to produce a coordinated file and the associated services which should contribute. Upon reception of the consolidated briefing contribution, SG finalises the briefing for the

\(^{35}\) General principles and procedures for relations between the Cabinets, including briefing relations, are set out in the Communication from the President "The Working Methods of the Commission 2010-2014" (C/2010/1100).

\(^{36}\) Details on contact points, the process, templates and formats are available at: http://myintracomm.ec.europa.eu/corp/sg/en/briefings/Pages/index.aspx
President. Requested press points are transmitted to the SPP for finalisation of the President's press file.

Provided that the President's Cabinet agrees, a copy of the final briefing file is sent to EEAS BRIEFINGS and the EEAS lead desk or the relevant Commission service/desk.

Questions should be addressed to SG/F3 (SG INTERNATIONAL)

5.2. **Briefings requested for Commissioners and their services on external relations issues**

Commissioners and their services may request briefings from the EEAS, as from Commission services. The request for Commissioners and for high level visits should be made from the Cabinet of the Commissioner or the DGs' Assistant /Briefing Coordinator to the Cabinet of the concerned Commissioner (or DGs' Assistant /Briefing Coordinator) or, for the EEAS, the Policy Coordination Division (mailbox: EEAS BRIEFINGS), copying the Cabinet of the HR/VP and SGF3. Service level requests from the DGs should be made directly to the EEAS at the appropriate level (desk, head of division etc), copying the Policy Coordination Division.

5.2.1. **External Relations Commissioners and their services**

Given the specific responsibilities of the external relations Commissioners, specific provisions are necessary to facilitate direct requests for briefings from the concerned Cabinets and services to the EEAS and vice versa.

For meetings and events where the HR/VP and external relations Commissioners are meeting the same third country interlocutor on the same day or occasion, the HR/VP and the Commissioners concerned should get one consolidated briefing file. Depending on the subject matter and the person to be briefed, either the EEAS or the relevant Commission service is in the 'lead' for its preparation. If the briefing is country-specific\(^{37}\) or CFSP focused, the EEAS is in the lead in briefing preparation. If development; enlargement, trade or humanitarian or macroeconomic policy issues are the focus of a meeting or event, DG DEVCO, DG ELARG, DG TRADE, DG ECHO and DG ECFIN, respectively, will take the lead in producing a coordinated briefing file. The 'lead' service should duly take into consideration the respective roles and responsibilities of the HR/VP and Commissioner(s) and tailor the briefing and speaking points accordingly.

The EEAS Policy Coordination Division and a central contact point in each external relation Commission service will coordinate briefing preparations and agree as early as possible on the attribution of 'lead' for briefing requests. The briefing coordinators should inform each other of briefing requests and exchange information and briefing materials in an open, transparent manner.

\(^{37}\) except for countries covered by the enlargement process
5.2.2. Briefings for Commissioners and their services for the Foreign Affairs Council (FAC) and its preparation (COREPER II and PSC), or the General Affairs Council (GAC):

See chapter 3 for a general description of preparation and participation in such meetings.

As regards briefings, the EEAS Policy Coordination Division will provide a briefing file for the Commission participation in the FAC, taking account of the requests and deadlines of the SG and the Cabinets of Commissioner Piebalgs (who represents the Commission in the FAC) or other relevant Commissioners. For Trade and Development and Defence formations of FACs, the briefing requests and comments on draft briefings from the relevant Cabinets or the SG will be directed to DG TRADE, DG DEVCO, ECHO, FPI, EEAS or ENTR. For segments of the FAC dealing with countries covered by the enlargement policy, the lead service (ELARG and/or EEAS) will be determined in line with the respective roles and responsibilities as set out in Section 2. The 'lead' service should duly take into consideration the respective roles and responsibilities of the HR/VP and Commissioner(s) and tailor the briefing and speaking points accordingly.

The EEAS will also provide briefings for the SG for COREPER II, when requested.

The SG may also request the EEAS for background briefings for PSC. These requests should be channelled via the EEAS Policy Coordination Division.

Similar arrangements exist as regards preparation of external relations points on the agenda of the General Affairs Council.

5.3. Briefings for the HR/VP and the EEAS

5.3.1. For the HR/VP

The HR/VP Cabinet has delegated the responsibility for making briefing requests to the Commission services and to the EEAS Policy Coordination Division. This unit will send requests directly to a designated contact in each service, copying the relevant Cabinet and SGF3 on the request. The DGs' contribution should be sent to the EEAS lead division, copying EEAS BRIEFINGS, SGF3 and, depending on the working arrangements between the concerned DG and their Cabinet, the Cabinet concerned. The EEAS should send an electronic copy of the final briefing to SGF3 and the concerned DG.

The internal approval circuit applicable to the briefing contributions for HR/VP briefings is at the discretion of the concerned service (e.g. it will depend on the specific working arrangements between the concerned Cabinet and service). The good practice of providing feedback of meetings/events to the services that have contributed to the briefing file should be observed.

5.3.2. For the EEAS at service level

Briefing requests from EEAS services to Commission services (e.g. for senior officials) will be sent to the DGs' assistants or briefings coordination contact points, with the response and its routing aligning with the concerned DG's internal rules on briefings.
5.4. Other

There may be instances where the President of the European Council requests a briefing from the EEAS. Most requests do not require any inputs from the Commission DGs. However, should contributions be required, the EEAS will issue a briefing request to the Commission services, copying the Cabinet concerned and SGF3. The concerned service should provide a Line to Take and background briefing, based on agreed Commission positions. The DG's contribution should be sent to the EEAS lead division, copying EEAS BRIEFINGS, SG/F3 and, depending on the working arrangements between the concerned DG and their Cabinet, the Cabinet concerned. The EEAS will send an electronic copy of the final briefing to SG/F3 and the concerned DG.

5.5. Reporting

5.5.1. General

In practice, Commissioners and their Cabinets provide information and feedback to each other on any issues of interest. Meeting reports are copied to other external relations Commissioners and Cabinets, to the President's Cabinet and the SG, depending on the subject matter. If EEAS representatives are present at meetings with the President of the Commission, their reports must be copied to SG F3 (SG INTERNATIONAL) and all relevant Cabinets.

5.5.2. Meetings in Council fora

5.5.2.1. (Foreign Affairs) Councils

Except where discussions are restricted (on which reports are provided by Coreu), the EEAS will, on subjects under their responsibility, provide input for the Commission's SI notes reporting on the FAC (or other Council meetings), as DGs RELEX/DEV did previously. The Commission will provide copies of these SI notes to the EEAS.

5.5.2.2. Coreper

SG "flash reports" on FAC-related discussions at COREPER II are circulated to relevant Commission services and, upon request, to the EEAS. The EEAS provides input for the Commission's SI notes on FAC-related items at COREPER II.

Questions should be addressed to SG/F2 (SG COREPER II/COUNCIL REPORTS)

5.5.2.3. Political and Security Committee:

The Commission receives, like other participants, the formal EEAS reports of PSC meetings. Following PSC and Nicolaides meetings, the SG's PSC team (SG/F) provides a flash report to Commission services on issues of interest to them / of their competence. SG/F requests any additional follow-on detail or action from Commission services and the EEAS, as relevant.

5.5.2.4. FAC-preparatory Council Working Groups

In addition to whatever report may be prepared by the EEAS or GSC, the Commission contact points for the FAC-related Council WGs should provide a report, focussed on issues of Commission interest/competence, to SG/F, the other contact points and other interested colleagues. The EEAS usually also receives a copy unless the item is exclusively of Commission interest.

5.5.3. Political Reporting from EU Delegations

Political reporting from EU Delegations will continue be made available to all interested Cabinets and Commission services. Commission services may also request reports – either regular or ad hoc reporting on specific issues - directly from relevant Delegations, copying EEAS HQ.

Some DGs have special reporting relationships with the Delegations. For example, EU Delegations in candidate countries and potential candidates provide important reporting to Commission services on monitoring pre-accession preparations, contributions for the annual enlargement package and input into any Commission Opinions, as well as reporting on their implementation of assistance.
6. EU EXTERNAL REPRESENTATION: MEETINGS AND AGREEMENTS WITH THIRD COUNTRIES

The way in which the EU represents itself to the world, whether in meetings with third countries (e.g. in the context of regional or bilateral agreements, mainly framework agreements which are multi-sectoral in scope) or in multilateral fora is based on the external representation provisions in the Treaties. These are clear but are sometimes proving difficult to implement in practice. A separate Vademecum on the external action of the EU\(^{39}\) provides detail on the legal principles and issues relating to the EU's external representation. Among the issues which can arise, on which it sets out guidance, are:

- **the EU's representation in and/or chairing** of bodies (where rules may be set out in the agreement itself or in the Council Decision concluding the agreement and/or in the rules of procedure for the relevant body - some of which need to be updated to align with the Treaty of Lisbon),

- **type of representation** – which can depend on the level of the meeting, the subject matter / division of competences (including whether this is clear or mixed between Commission and CFSP competences) and even the availability of the EU representative. The general principle is that the Presidents of the European Commission and European Council represent the EU at head of state level (Summits) in their areas of competence, the HR/VP chairs and she and Commissioners represent at Ministerial level (depending on the forum) and, at lower level, if the issue is of Commission competence such as trade, development, macro-economic policy, transport etc, the relevant Commission services present the EU position in their respective policy areas and may chair, or (co-)chair with the EEAS, the relevant (sub-) committees in their area of responsibility.

- The High Representative is responsible for the EU’s **political dialogue** with third countries on CFSP matters (Art. 27(2) TEU) and the Commission remains responsible for political dialogue with candidate and potential candidate countries (as the EU perspective is not foreign but enlargement policy) and for political dialogue on all non-CFSP matters. Political dialogue meetings, at whatever level, involve a single EU delegation with a single head.

- **the EU's negotiation and conclusion of international agreements** – where specific rules apply (Article 218 TFEU).

The EEAS, in close cooperation with Commission services, is responsible for **organising** meetings with partner countries at all levels (e.g. agenda, conducting discussions, chairing or co-chairing meetings, preparing minutes, etc) while Commission services remain responsible for sectoral policy meetings within their areas of competence. Under agreements with candidate and potential candidate countries, the Commission (DG ELARG) chairs the Committees and Subcommittees and maintains its overall coordination role for the (Stabilisation and) Association Agreements.

\(^{39}\) SEC(2011)880
Article 220 TFEU provides the basis for relations between the EU and the United Nations (UN), its specialised agencies (e.g. WHO, FAO, etc.) as well as any other international organisation and assigns the task of implementing these provisions to the HR/VP and the Commission. The EU’s situation in international or multilateral fora varies greatly – from full voting membership (e.g. WTO, the FAO, most regional fisheries organisations - given exclusive Union powers in these areas) to observer status (with or without the right to speak), full participant status (without voting rights) or as a contracting party to international agreements/conventions where the subject matter falls under the area of Union competences. Further guidance on external representation in these bodies is provided in the VadeMecum on the external action of the EU.

The EEAS has prepared guidance in relation to the conduct of CFSP demarches. The SG (is preparing) guidance on the conduct of demarches on non-CFSP issues.

Questions should be addressed to SG/F3 (SG EEAS RELATIONS)

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40 [http://intradel/eeas/web/fm_send/2441](http://intradel/eeas/web/fm_send/2441)

7. **Specific relations between particular parts of the Commission and the EEAS**

7.1. **Service Level Agreements with the EEAS**

A general Framework Service Level Agreement has been signed with the EEAS. Further individual service-legal agreements (covering human resources, supply of information technology, translation and other administrative matters which are of an 'invoiceable' nature) have been signed with e.g. OIB, PMO, HR, DGT, DIGIT etc.

The basic principle underlying the SLAs is that the EEAS receives the same level of service/support as previously received by the relevant parts of former DGs RELEX and DEV - only amounts above this level can be invoiced.

Other corporate level arrangements concerning the information technology underlying document management, inter-service consultation, handling EP questions etc have been dealt with through exchanges of letters.

Questions should be addressed to SG/B1 (SG B UNITE B1)

7.2. **Relations between the Relex "family" of DGs and the EEAS**

**Working arrangements** between the Commission External Relations family and the EEAS have been negotiated.

As regards Commission staff in EU Delegations (who belong to their "home" DGs), relevant AIPN Decisions have been adopted by the Commission (ref). A Commission Decision is under preparation in relation to the management of Commission resources in EU Delegations (COMDEL, chaired by DEVCO) and arrangements are being made for a joint coordination committee between the EEAS and Commission services in relation to issues such as staff, rotations etc (replacing the former CDSE/CGSE arrangements in relation to the former External Service, which had been chaired by DG RELEX).

A Service Level Agreement (SLA) mainly concerning services and payments in relation to Commission staff in Delegations was signed between the EEAS and DEVCO (on behalf of other DGs/services with staff in Delegations).

Questions should be addressed to SG/B1 (SG B UNITE B1)

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7.3. Relationship with the Commission Legal Service

The Commission's Legal Service is under the direct authority of the President of the Commission and serves the whole Commission. It provides comprehensive legal advice and assistance on all matters relating to the external action of the Union, in particular where the EEAS assists the HR/VP in his/her function as a Vice President of the European Commission. Appropriate mechanisms have been put in place to ensure full – formal (e.g. through CIS-Net) and informal, standard and ad hoc - involvement of the Commission Legal Service in such circumstances. Upstream legal advice will continue to be provided by the Commission Legal Service e.g. during the conduct of negotiations, in order to ensure an overall coherent legal line on Commission action.

The Legal Service of the Commission defends cases before the Court of Justice of the EU in which the Commission is an applicant (e.g. infringements) or defendant, including cases with respect to acts adopted or attributable to the Commission even if prepared by the EEAS, or to the execution of the operational budget in EU Delegations. Mutatis mutandis, the Council Legal Service will continue to defend cases in which the Council is a defendant.

The EEAS has its own legal division whose tasks are defined by the HR/VP. It cannot substitute the responsibilities of the Commission Legal Service where the EEAS assists the HR/VP in his/her function as a Vice President of the European Commission. The Commission Legal Service is not responsible for defending cases, in Union courts, relating to acts adopted by the EEAS as a functionally autonomous body which produce legal effects for third parties (e.g. staff cases including pre-litigation in the complaint procedure under Article 90 of the Staff Regulations for Appointment Authority Decisions taken by the EEAS, including decisions taken by the EEAS as Appointment Authority by delegation for Commission Staff in Union Delegations in accordance with Articles 90c and 91a of the Staff Regulations), or disputes relating to the implementation of the administrative budget of the EEAS e.g. procurement procedures, or disputes concerning requests to access to documents for which the EEAS takes the final administrative decision under Regulation (EC) 1049/2001. The same applies to EU Delegations' contracts and local litigation of EU Delegations in third countries which will be handled by the EEAS under its own responsibilities.

7.4. Communication issues

The Commission and the EEAS share relevant press monitoring and reporting products, including from Delegations.

The service for Foreign Policy Instruments handles the press and communication (public diplomacy) budget, on behalf of the EEAS and relevant Commission services. The EEAS has a strategic communications unit responsible for the HR/VP's press and communication activities and coordination of communication matters with EU Delegations. Communication strategies for Delegations in countries covered by EU enlargement policy are established by and implemented in agreement with DG ELARG. Press relations between the EEAS and DG ECHO/ECHO field offices are covered in the "Relex family" Working Arrangements. Coordination at services level, on communication strategy and priorities, is through the External Relations Information Committee (ERIC), chaired by the EEAS.
DG Communication continues to provide the previous type and level of services to the EEAS as previously to RELEX and DEV e.g. audiovisual services to the HR/VP by DG Communication, as for all members of the College. Cooperation between the Commission's Visits Service and the EEAS continues as previously - the EEAS Information Unit assists in finding relevant EEAS speakers and in programming visits requested by the EU Delegations. The Commission continues to provide the previous level of service as regards Europa/EEAS websites. The Europe Direct network, managed by DG Communication, can also support the EEAS in its communication efforts, by disseminating relevant information and helping answer enquiries from the general public received by the EEAS.

The HR/VP spokespersons and press officers participate in the normal planning and work of the Spokesperson's Service. Spokespersons coordinate and share "lines to take" when these could be of relevance for each other, as well as press releases on each others' areas, to ensure the coherence of the Commission's and EU's external action. EU Delegations also receive relevant lines to take. Normal SPP procedures apply to the approval of content and finalisation of joint materials.

7.5. Relations with the Commission's Representations in EU Member States

The European Commission Representations (Representations) in the Member States provide support to Commissioners (including the HR/VP if so requested) for visits to EU Member States. Cabinets should notify the relevant Head of Representation of visits to the Member States in advance of such visits. An electronic "Commissioners' Visits Checklist" is available for this purpose. Where possible, the Head of the Representation should accompany the mission to relevant meetings. Where appropriate, the Head of the Representation can debrief contacts on the visit.

Support for visits of EEAS senior management will be provided in an equivalent way to visits of Commission senior management.

Contacts and cooperation between Representations and EU Delegations, particularly those in neighbouring third countries, should continue (e.g. in making presentations of external policy issues in the host Member States). Should a particular Member State be affected by crisis situations in third countries, e.g. through evacuations the Representation should be informed. A continued flow of information and 'Lines to Take' from the EEAS Communications Division to the Representation is particularly important.

Representations should not participate in demarches vis-à-vis the Member States and should not take on any coordination role in respect of international organisations. Nevertheless, they may provide support in demarches vis-à-vis international organisations upon specific request and with the specific agreement of the Secretariat General.

7.6. Relations between the Commission Mediator and the EEAS Mediator

The EEAS has its own Mediator to deal with relevant issues involving EEAS staff.

The Commission's Mediation Service is available to all Commission staff, including those posted in EU Delegations. For the latter staff, the Commission's Mediation Service may deal with issues other than day to day working relationships directly related to the
daily work in the Delegation, and other than those linked to the rights and obligations relating to their being posted in EU Delegations. As these issues have been delegated to the Head of Delegation / EEAS, they should be dealt with by the EEAS Mediator.

Close cooperation is ensured by both Mediation Services, with regular exchanges of information.

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<tr>
<th>Questions from Commission officials to the Commission Mediator should be addressed to EC MEDIATRICE DE LA COMMISSION. Questions from Commission officials to the EEAS Mediator should be addressed to EEAS MEDIATOR.</th>
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8. RELATIONS BETWEEN THE COMMISSION AND THE EEAS ON CORPORATE ISSUES

8.1. Arrangements in relation to document management

The Secretariat General is responsible for document management and archive policy for the Commission and is the system owner for the IT tools by which these are managed (including Hermes-Ares-NonCom HAN).

The SG allows EEAS to use HAN and associated systems in line with the general administrative arrangement between the Commission services and the EEAS, as complemented by the administrative arrangement between DIGIT and the EEAS, subject to the EEAS applying the same document management and archive policy as the Commission for non-classified documents, respecting the protection of personal data and managing public access to documents. Issues in relation to the eventual archiving of EEAS files and open Commission files held by the EEAS at the time of its creation are covered by the Service Level Agreement between the EEAS and the OIB.

The EEAS' Document Management Officer (DMO) participates as an observer in the inter-service DMO network as well as other meetings in the eDomec framework.

Questions from Commission services (or the EEAS) should be addressed to their own individual DMOs (who will liaise with the SG if required).

8.2. Arrangements in relation to EU classified information (EUCI)

Until the EEAS' departure from the relevant Commission premises (in early 2012), it operates the Commission's cipher equipment located in the Charlemagne building. This means that it continues to provide the service that RELEX had previously provided, under delegation from the Secretariat General i.e. it receives and distributes Coreus and ciphers and certain other classified information. As regards transmission, it is responsible for the physical transmission of Coreus, ciphers and other classified information which have been authorised by the relevant Commission Director General or head of service.

Arrangements are being put in place as regards the Commission circuits for handling of EU classified information after the EEAS vacates the Charlemagne building.

Questions should be addressed to the SG Registry Control Officer http://www.cc.cec/security/contacts/bl_roe_en.htm

8.3. Arrangements in relation to business continuity

The EEAS is responsible for adopting its own business continuity measures and defining their content. Commission staff in EU Delegations are covered by the EEAS' Business

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Continuity Plan (BCP), once it is adopted, which ensures continuity of service for Commission staff housed in EU Delegations. As a Commission service, the Foreign Policy Instrument service is covered by the Commission's Business Continuity framework, even though it is co-located with the EEAS.

Contacts between the Commission and the EEAS in crisis/emergency situations will be maintained via the 24/7 Duty Officer Contact Points (SG/B3 and EEAS/xx). Where there exist close physical links and joint processes, the two Institutions will consult on decision-making and communication protocols. Wider working relationships on business continuity will be maintained via the existing inter-institutional business continuity network.

Questions should be addressed to SG-CORPORATE-BUSINESS-CONTINUITY