



**DIRECTORATE-GENERAL FOR EXTERNAL POLICIES  
POLICY DEPARTMENT**



**STRENGTHENING  
THE EU'S EXTERNAL  
REPRESENTATION:  
  
THE ROLE OF THE  
EUROPEAN EXTERNAL  
ACTION SERVICE**

**AFET**

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION

**DIRECTORATE B**

POLICY DEPARTMENT

STANDARD BRIEFING

**STRENGTHENING THE EU'S EXTERNAL  
REPRESENTATION:  
THE ROLE OF THE EUROPEAN EXTERNAL ACTION  
SERVICE**

**Abstract**

This report examines areas that require further consideration in the development of the European External Action Service (EEAS). The report considers six key challenges and explores the extent to which these have been adequately addressed by the October 2009 Presidency report on the EEAS. The first of these is the creation of a distinctive institutional identity that needs to overcome the challenges of integration and inter-institutional competition. The EEAS also needs to address two sets of putative tasks if it is to be effective: those of internal co-ordination and external representation. Further key areas to which consideration need to be given are the composition of the service, including the role of EU delegations and the EU's Special Representatives. Finally, the report explores the relationship between the responsibilities of the Parliament and the EEAS.

This study was requested by the European Parliament's Committee on Foreign Affairs.

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## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY</b>	<b>1</b>
<b>1 INTRODUCTION: STRENGTHENING THE EU'S EXTERNAL REPRESENTATION - THE ROLE OF THE EUROPEAN EXTERNAL ACTION SERVICE</b>	<b>2</b>
<b>2 INSTITUTIONAL IDENTITY: THE SUI GENERIS CHALLENGE</b>	<b>2</b>
2.1 THE INTEGRATION CHALLENGE	3
2.2 INTER-INSTITUTIONAL COMPETITION	3
<b>3 TASKS OF THE SERVICE: INTERNAL CO-ORDINATION WITHIN THE UNION</b>	<b>4</b>
<b>4 TASKS OF THE SERVICE: EXTERNAL REPRESENTATION</b>	<b>6</b>
4.1 A STRATEGY TO GUIDE THE DEVELOPMENT OF EXTERNAL DELEGATIONS	6
4.2 LOCATING DELEGATIONS	6
4.3 THE RELATIONSHIP TO MEMBER STATE EMBASSIES	7
<b>5 COMPOSITION OF THE SERVICE</b>	<b>8</b>
<b>6 EUSRS AND THE EEAS</b>	<b>9</b>
<b>7 THE ROLE OF THE EUROPEAN PARLIAMENT</b>	<b>9</b>
<b>BIBLIOGRAPHY</b>	<b>10</b>

## **EXECUTIVE SUMMARY**

This report examines areas that require further consideration in the development of the European External Action Service (EEAS). The report considers six key challenges and explores the extent to which these have been adequately addressed by the October 2009 Presidency report on the EEAS. The first of these is the creation of a distinctive institutional identity that needs to overcome the challenges of integration and inter-institutional competition. The EEAS also needs to address two sets of putative tasks if it is to be effective: those of internal co-ordination and external representation. Further key areas to which consideration need to be given are the composition of the service, including the role of EU delegations and the EU's Special Representatives. Finally, the report explores the relationship between the responsibilities of the Parliament and the EEAS.

## **1 INTRODUCTION: STRENGTHENING THE EU'S EXTERNAL REPRESENTATION - THE ROLE OF THE EUROPEAN EXTERNAL ACTION SERVICE**

The inclusion of provisions for the European External Action Service (EEAS) within the Lisbon Treaty represents a significant opportunity to enhance the EU's foreign policy making capabilities. The roadmap to be set for the development of the EEAS at this stage of its development is of crucial significance if it is to realise its full potential. Such a roadmap needs to be sufficiently ambitious if the Union is to create a diplomatic service appropriate for the foreign policy challenges of the 21<sup>st</sup> Century.

Discussion of the role and function of the EEAS cannot be fully separated from a discussion of the High Representative for Foreign Affairs and Security Policy as the two are intertwined under article 27(3) of the TEU. Furthermore, as the High Representative has been mandated by the European Council to present the proposal for the organisation and functioning of the EEAS for the heads of state and governments' approval by the end of April 2010, Baroness Ashton will play a key determining role as to the ambitions and scope of the EEAS (European Council).

The European Council has asked the High Representative to present her proposals on the basis of the Presidency Report adopted by the European Council on the 29<sup>th</sup> October 2009 (Council of the European Union, 2009a). The Presidency report takes a cautious and rather conservative line on the development of the EEAS and significantly under-plays the opportunities that the creation of the service represents. The work of the preparatory group established by the High Representative in January to advise her on the EEAS is already underway. The striking omission in its composition is the absence of any representatives from the European Parliament.

While the High Representative will have the task of representing and advocating to third parties the consensual European policies and attitudes which she has helped to bring into being, it is worth stressing at the outset the logical priority of the High Representative's work of consensus-building within and between the European institutions. Without such consensus within the European Union, there will be little indeed in the way of robust and effective European policies which the High Representative can seek to advocate to the wider world. This premise is also pertinent to the EEAS, which will have the twin roles of facilitating consensus between the decision-makers of the Union and presenting the results of this consensus to the wider world, particularly through the Union's external delegations.

This report in the following outlines six areas in which there are challenges to be confronted if the EEAS is to be launched successfully.

## **2 INSTITUTIONAL IDENTITY: THE SUI GENERIS CHALLENGE**

Analyses of the appropriate institutional affiliation of the Action Service have been predictably varied since its creation was first mooted by the European Constitutional Convention (Avery et al.; Crowe; Martin; Paul). The controversy about whether the Service should be more closely associated with the Council of Ministers, with the European Commission, or with neither faithfully reflects the composite status of the High Representative as both a servant of the Council and simultaneously a Vice President of the European Commission. The controversy also reflects differing views as to whether in future the CFSP of the Union should continue to be conducted primarily by intergovernmental agreement indefinitely, or whether in the long term it should become more similar in its operation to

the rest of the Union's workings, with greater roles for the Union's central institutions, namely the Commission, Parliament and Court of Justice.

The Swedish Presidency report on the EEAS has sought to side-step this debate by advocating the EEAS as 'of a *sui generis* nature separate from the Commission and the Council Secretariat' (Council of the European Union, 2009a point 16). Such an approach introduces two sets of challenges for the EEAS to overcome: *integration* and *inter-institutional competition*.

## **2.1 The integration challenge**

A key challenge for the early stages of the EEAS is the inevitable pre-occupation with integrating differing strands of the Union's foreign, security and defence policy-making infrastructure. The essence of the EEAS is a project to draw together disparate strands of the EU's foreign and security policy making and implementation infrastructure in order to realise gains in foreign policy making effectiveness. There is a short-term cost in that the energy and effort of the High Representative and others will be diverted to the challenge of integrating staff and structures from the Commission, Council Secretariat and the Member States.

Drawing together the geographic and thematic desks currently located within the Commission and the Council Secretariat into a new organisational structure is a relatively straightforward proposition. Creating a new institutional ethos is more challenging, particularly as new staff will also be drawn from the Member States. From its foundation the EEAS needs to devote considerable energy to creating a strong institutional loyalty and an *esprit de corps* among its members that trumps pre-existing loyalties. This needs to be approached systematically, with induction and continuing professional development training for EEAS staff that places great stress upon building a collective EEAS 'corporate culture' and which is of particular importance for staff serving in external delegations and geographically distant from the Brussels 'hub' of the Service.

There are also sub-sets of challenges that exist in importing the CSDP decision-making structures directly into the EEAS. The CSDP institutional actors have already established their own modes of operation and a collective identity. The Presidency report asserts that the staff from the Crisis Management and Planning Directorate (CMPD), Civilian Planning and Conduct Capability (CPCC) and the EU Military Staff (EUMS) should preserve their existent functions, procedures and staffing conditions. However, retaining such a distinction for these staff is undesirable if the EEAS is to be constituted in a manner that best suits its needs and purposes. These structures need to be reviewed in the light of the creation of the EEAS to ensure that they are fully 'fit-for-purpose' as the capabilities and responsibilities of the new service are expanded.

## **2.2 Inter-institutional competition**

A key set of challenges will emerge for the EEAS taking the *sui generis* route proposed in the Presidency report. The need to coordinate better the external policies of the Commission, the Council and the member states was the main motivating force behind the original proposal for an EEAS. Setting the EEAS alongside the Union's other institutions introduces new challenges of inter-institutional co-ordination.

Different strands of the Union's External Action will still remain divided between the Commission and the EEAS. The EU's Trade, Development and Enlargement policies will remain under their relevant Commissioners and the DGs of the European Commission rather than the EEAS. If the Union is to realise the benefits of drawing together all aspects of its foreign policy under the umbrella of External Action (as outlined in Title V of the TEU) it needs to ensure appropriate coordination of activity

between the EEAS and the Commission at all levels. It would be a retrograde step if there was any scope for institutional competition and antagonism between the personnel of the Commission and those of the EEAS. Rather it is to be hoped that the Commission's institutional culture and significant experience as broker and reconciler of differing national and institutional negotiating positions can be inculcated as a key value of the new Service.

### **3 TASKS OF THE SERVICE: INTERNAL CO-ORDINATION WITHIN THE UNION**

Some confusion has been caused in public discussion of the tasks of the Action Service by the conflation of two related but separate tasks of the Service, namely its contribution to the formation of robust, consistent and well-constructed external policies for the Union and its role as representing these policies outside the EU, whether providing individual envoys of the High Representative or providing personnel for Union delegations in third countries. These tasks can and should be considered separately.

The Treaty of Lisbon imposes upon the High Representative at least three different co-ordinating roles within the Union's external policies. The High Representative will chair the Foreign Affairs Council and seek to promote among its members, not least by use of the Representative's right of initiative, the unanimity of view which is the precondition of that Council's action. As the High Representative will be a Vice-President of the European Commission, she will also be responsible as executor or co-ordinator for the different aspects of the Commission's activities which bear on the Union's external relations. The Representative will finally, by her double affiliation in the Council and the Commission, always be vigilant to ensure that the views of these two institutions do not damagingly diverge from each other. This is a challenging spectrum of activity. The EEAS is one of the few instruments of support for the High Representative in these tasks.

From its very inception, the structure of the EEAS must therefore reflect above all the co-ordinating roles of the Representative. In addition to geographic or thematic expertise within the EEAS, the Representative will require frequent and reliable information about the development of opinion on central questions of external relations within the member states, within the Council of Ministers and within the Commission. She will not have the time to follow all such issues in detail, nor, without advice and guidance, be able to recognise at an early stage the possibility of harmful divergence in emerging analyses and policies. This advice and guidance could be provided initially by a relatively small cadre of officials whose primary task it would be to monitor and promote, on the High Representative's behalf, consensual policy formation within the Council, the Commission and the member states, and draw to the Representative's attention those areas where failing efforts of mediation and consensus-building, within or between the institutions, call for her intervention.

The High Representative will have a larger *cabinet* than is the norm for a Commissioner and a key challenge will be to ensure that the interface between these staff and the bulk of the EEAS operates in a manner that allows for effective and efficient policy delivery.

It may well be that in due course the External Service will take on greater thematic and geographic responsibilities currently outside its remit (for example the European Neighbourhood Policy and Development policy), but the Lisbon Treaty has not been interpreted in this manner so far. This is reflective of the Lisbon Treaty representing a compromise between differing views of the Treaty's signatories on the subject of the Union's external policies. According to this uneasy compromise, those tasks which until now have been carried out by the member states individually, by the member states in the Council and by the College of Commissioners, will continue under the Lisbon Treaty to



be carried out as before by essentially the same institutional actors. The High Representative, supported by the External Service, has the new and complex responsibility under the Treaty of weaving these various elements of policy and decision-making into a more coherent whole. But she does not have exclusive or even primary responsibility for the entire range of the Union's External Action.

Decisions already taken about the mandate of the incoming Commissioners illustrate how issues of policy control and co-ordination already represent a challenge to the effectiveness of the Union's foreign policy. For example, the decision to allocate the European Neighbourhood (ENP) to a Commissioner whose portfolio also includes Enlargement, rather than to the High Representative, is a particularly retrograde step. The ENP represents the ideal-type case where CFSP and External Relations need to be closely coupled (and as envisioned in the Lisbon Treaty with the creation of the notion of External Action). The effectiveness of the Union's policy co-ordination has the potential to be compromised by the *de facto* split between the Union's conflict management controlled by the High Representative, and the neighbourhood and other aspects of policy, which fall under the control of another Commissioner. This division is less than ideal, particularly when the programming and implementation of financial instruments is considered. The Presidency report acknowledges that this represents a challenge to be addressed (Council of the European Union, 2009a, points 9-10), and the European Parliament should scrutinise this area carefully to ensure that the Union's financial resources are deployed effectively.

Although this position is challenging, it also provides an opportunity for the EEAS to demonstrate its effectiveness by taking the lead in clearly defining the EU's 'grand strategy' for the neighbourhood and delineating the ambitions for all aspects of the Union's policy towards the states covered by the ENP. Furthermore, the EEAS can potentially mitigate the potential for policy dislocation by ensuring that the Union's strategy and policies are clearly delineated and unambiguously understood and implemented both through the Union's delegations in ENP states, in Brussels and Member State capitals.

Similar challenges confront the co-ordination of the political aspects of the Union's policy towards ACP states, especially as programming and implementation of development policy take place within other DGs. The Union has made a strong commitment to the 'security-development' nexus in its Security Strategy (Council of the European Union, 2009b). The requirement to synchronise the EU's development and CFSP/CSDP policies, especially towards sub-Saharan Africa, will need the EEAS to provide robust direction to policy co-ordination. This might be best undertaken by policy 'task forces' led by the High Representative, who is unambiguously responsible for agenda-setting and leadership. Such task forces would be composed of all relevant Commissioners to direct the implementation of policy in areas in which multiple Commissioners and responsibilities mean that policy is not totally under the control of the EEAS.

The area that has been the least clearly considered to date is the relationship between the EEAS and the foreign ministries and diplomatic services of the member states. If the EEAS is to support the High Representative's agenda-setting effectively, by providing thematic and geographical expertise, policy assessment, and drafting policy proposals, there will be the need for effective working relationships with the relevant services within the member states. Furthermore, if the member states are to benefit from the European assessment of European policies that the EEAS will provide, national capitals need to consider how best to organise the relationship between their national diplomatic services and the EEAS. One way in which this could be achieved is to 'embed' EEAS staff within the foreign ministries of each of the member states during the early stages of the development of the new service. The primary function of these EEAS staff within the national diplomatic services would be to ensure

effective liaison develops between the new service and the member state capitals in a manner that facilitates reliable information exchange and awareness of the opportunities presented by the creation of the EEAS.

## **4 TASKS OF THE SERVICE: EXTERNAL REPRESENTATION**

Different arguments apply to the contribution which the new Service can make to the external representation of the Union. The decision to re-badge the Commission's delegations as Union delegations and to relocate them under the authority of the High Representative as a part of the EEAS is to be welcomed. However, the delegations also represent one of the most significant challenges for the EEAS.

The transformation of the roles, functions and responsibilities of these delegations from their former responsibilities under the Commission to their new role as representations of the EU in third countries is a formidable undertaking. As currently composed the delegations do not have the appropriate staffing, resources or institutional culture appropriate to the tasks that may be required of them under the auspices of the EEAS.

### **4.1 A strategy to guide the development of external delegations**

As a key component of her plans for the future development of the EEAS the High Representative will need to develop a strategy for the upgrading and development of the Union's delegations. A crucial element of this strategy should be the evaluation of two aspects.

First, what is the necessary infrastructure to conduct diplomacy in the 21<sup>st</sup> Century? To what extent have communications technologies and the content of contemporary diplomacy rendered older notion of diplomatic representation in third countries redundant? Issues for consideration here include, for example, the extent to which staff need to be based 'in-country' and the 'geographic footprint' of delegations that Union needs to ensure that its foreign policy can be effectively formulated and represented in third countries. A priority for the EEAS should be to concentrate energy and resources on enhancing its delegations to international organisations. Devoting particular attention to the delegation to the UN in New York would provide a reinforcement of the EU's claim to seek effective multilateralism.

Second, does the EU's unique characteristics as a non-state actor within international relations call for a different approach to the role and function of diplomatic representation in third countries? For example, should the EU use standard diplomatic discourse to describe its staff and their functions (ambassador, first secretary etc) or should it seek to convey a different image for the Union with alternative labels?

### **4.2 Locating delegations**

The EEAS will inherit the location of its delegations from the network established by the European Commission. At an early stage the EEAS should develop a view as to the ideal structure for its network of delegations in third countries.

The possible future coverage of the EEAS network could be expressed in maximalist versus minimalist terms. The *maximalist* approach is predicated on the premise that the service will (eventually) have universal coverage of its missions. Its main advantage lies in a consistent diplomatic approach to all third countries alike. This would help tackle some of the problems currently associated with past Union Presidencies with differential third country coverage.

A *minimalist* approach is that the missions will be less universal and (perhaps) based on a system of regional hubs and/or covering gaps in the existing member state coverage. EU embassies would be established to solve the most pressing problems of local representation in countries where only few member states are present. Conversely, in locations where many member states maintain resident embassies, EEAS staff in EU embassies are much more likely to face, at best, duplication with their colleagues in national embassies. Under these circumstances, it remains to be seen how effective the EEAS can be, especially in its first years of operation.

An alternative rationale for the development of EU diplomatic representation in third countries would be based on substantive foreign policy considerations. The *organic* idea is that the EU establishes missions in the areas in which it already has 'dense' EU CFSP/external relations commitments and the establishment of missions is determined on the basis of where the EU is 'deepening' its foreign policy commitments. Such an approach would mirror the development of national diplomatic services, which have established missions where they were needed most. The *inorganic* principle is that the EU decides up-front the set number of missions it wants (or can afford) and implements accordingly.

### **4.3 The relationship to member state embassies**

Whether the delegations chart a new direction or seek to replicate existing diplomatic practices, appropriate staffing (and training) for the delegations is a key challenge. The organizational structure of Union delegations in the medium term could well come to resemble that of most national embassies in foreign capitals. The question of how far the Union delegations staffed by the EEAS could take over the tasks of national embassies is a different and more complicated one. An attraction of the EEAS for some national governments is the possibility that in the medium to long term it may be able to take over some or all of the responsibilities exercised currently by national representations abroad – especially if one considers that the economics of national representation have become more and more costly. This prospect is an entirely feasible one for consular matters. There is no reason at all why in the course of time the Union representations in third countries, particularly small third countries geographically remote from Europe, should not carry out consular duties for all EU citizens in the countries to which they are accredited, and in particular provide Schengen visas to citizens of these countries wishing to visit the EU. The emergence of a specialized corps of consular officials within the External Service would be an entirely logical development, and would demonstrate the Union's ability to save the money of European tax-payers by common action.

Much less clear cut is the extent to which Union delegations could replace in the foreseeable future the work of political reporting and representation of national interests which are today core tasks of national embassies. It may well be that no definite answer can yet be given to this question. Size, economic development and historical ties to specific countries or regions all make for a very varied calculus of interests between different member states. It is difficult to envision at this time that any member state would be prepared to give up its national embassy in Washington.

Shared political reporting and even representation of specifically national interests is altogether easier to envisage in less economically and politically significant capitals geographically remote from Europe. Any agreements made now for the future development of the Service in this direction can only be preliminary, tentative and facilitatory. In due course, the Union delegations might develop into a sophisticated form of political reporting for the High Representative. Some rotation can also be expected among the officials involved in the co-ordination of EU foreign policy and those representing the EU abroad, as it is usually the case in national diplomatic services. The ability of these returning officials to use in Brussels the experience they have acquired in national capitals will be an important element of this embryonic 'European diplomatic service'.

## 5 COMPOSITION OF THE SERVICE

As the EEAS will comprise officials from relevant departments of the General Secretariat of the Council and of the Commission, as well as staff seconded from national diplomatic services of the member states, it is important to ensure that this blending is effective. As noted above, attention needs to be given to the ethos of the EEAS.

If the External Service is to perform its co-ordinating function effectively it must be seen as an honest broker between the interested parties, particularly when conflicting views and interests fall for resolution. The internal culture of the Service must not merely be non-partisan, but must be understood to be such by outsiders. A number of administrative arrangements for the new Service would be helpful in facilitating this culture and its external perception. A strong mix of officials from different backgrounds at every level of the Service will reinforce the non-partisan credentials of the new organization. It should be a conscious policy of the personnel department of the Service to ensure in every working unit adequate representation of all three main streams of recruitment, Council, Commission and national civil services. It should also be the responsibility of the officials themselves and their managers to ensure that this mixture of backgrounds leads to the constructive integration of different strands of interest and argument, rather than a simple reproduction within the Service of institutional rivalries that have been traditional outside the Service. Long standard periods of employment within the Service, a code of professional conduct for the Service, regular and repeated training for new entrants and the rapid establishment of a career pattern exclusively within the Service would all be helpful in this regard. A natural guarantee for the independence of the Service is the recognition that all personnel questions are the exclusive responsibility of the High Representative.

The staffing and conditions of service proposed for EEAS personnel are outlined in the Presidency Report. The principle of equality of opportunity and treatment of staff irrespective of their previous institutional or member state background is reinforced as being of importance. However, the EEAS should also devote extra attention to ensuring that the service (and especially in its delegations in third countries) provides a true representation of the gender and ethnic identity of the Union's population.

The recruitment of national staff into the ranks of the EEAS is a key aspect of ensuring that the service contains insight from all the member states. More generally, the Service will be dependent upon national administrations for a supply of national administrators who can ensure that the ethos of the new organization adequately reflects the contribution to and competences in European external affairs of national governments. It will be difficult to achieve this without the willing collaboration of national governments, probably operating initially on at least a loose quota system. The assurance that senior positions will be available to suitably qualified candidates from national administrations will be one precondition of attracting candidates of appropriate quality from the civil services of the member states. National Foreign Ministries will also need to be prepared in terms of training, and think carefully about the implications of the establishment of the WWAS.

It is clear that the European Parliament, as joint budgetary authority, will have great influence over the financial affairs of the new EEAS. It will be a matter for political decision within the Parliament how and how far it wishes to make use of this influence. The understandable and proper desire of the Parliament to hold the EEAS and indeed the High Representative to democratic account may conflict, particularly in the early years of the Service, with another goal of the Parliament, namely to demonstrate the Union's enhanced capacity for external action after the Lisbon Treaty, of which the rapid establishment and effective functioning of the External Service will be a major element.

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## 6 EUSRS AND THE EEAS

The creation of the EEAS provides a timely opportunity to review the roles, responsibilities and functioning of the EUSRs (EU Special Representatives). The Presidency report has nothing substantive to say on the role of the SRs.<sup>1</sup> The system of EUSRs has evolved on an *ad hoc* basis but been perpetuated under the Lisbon Treaty and with the line of reporting and management now falling under the High Representative.<sup>2</sup> The High Representative is clearly already considering how the EUSRs fit with her responsibilities. This is highlighted by her decision to 'double-hat' the EUSR for Afghanistan as Head of the EU Delegation in Kabul and replicating the arrangement for FYROM and the African Union.

With the creation of the EEAS, and especially with the new Union delegations in third countries, the designation and function of the EUSRs can be fruitfully reconsidered. It would be unhelpful, in terms of the standing and status of the Head of the Union delegation in third countries, if any future EUSR was to be also designated for that country or possibly the region. Such a situation would also complicate the Union's diplomacy unnecessarily. Ideally the EUSR designation should be reserved for extraordinary diplomatic initiatives by the Union where shuttle-diplomacy is envisioned, and primarily for the purposes of conflict resolution. The role of Personal Representatives should also be abolished as the functions previously undertaken by these individuals will now be absorbed into the EEAS.

The existing EUSRs for specific countries should be phased out as their mandates lapse with the role taken on by the Head of Delegation, while those for thematic issues should be re-designated to be of equal standing to the Head of Delegation/Ambassador role and be part of the Union's normal arrangements for the appointment of diplomats to senior postings. All Head of Delegation/Ambassador appointments should be subject to European Parliamentary approval as these posts are of sufficient status and standing to be scrutinised in a manner comparable to the role of the US Senate in ambassadorial appointments.

## 7 THE ROLE OF THE EUROPEAN PARLIAMENT

The European Parliament also needs to take a considered view as to how it will enact its responsibilities under the CFSP with respect to the EEAS. The Presidency report is rather thin on the arrangements for liaison between the EEAS and the Parliament. An important omission in the report is that there is no reference to the long-standing Parliamentary diplomacy conducted by the EP and the function of the Parliament's members and delegations as strands of the Union's relationships with third countries. The High Representative and the EEAS will need to consider how it supports this work.

For its part, if the Parliament wishes to be closely involved in the future development of the Union's foreign policy it does need to ensure that appropriate liaison and oversight arrangements are in place. The Parliament needs to consider what arrangements it wishes to enable so that it is able to convey its views to the EEAS at the earliest stages of policy formation. In particular, the Parliament should consider whether it embeds members of its staff within the EEAS to ensure that a successful dialogue is continuously conducted with the staff of the EEAS.

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<sup>1</sup> Point 14 reads: The EUSRs or their tasks should be integrated into the EEAS.

<sup>2</sup> For a comprehensive account of the development of the role of Special Representatives see: Adebahr.

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## DIRECTORATE-GENERAL FOR EXTERNAL POLICIES

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