



EUROPEAN COMMISSION

HIGH REPRESENTATIVE OF
THE EUROPEAN UNION FOR
FOREIGN AFFAIRS AND
SECURITY POLICY

Brussels, 28.03.2012
JOIN (2012) 8 final

**JOINT DECISION OF THE COMMISSION AND THE HIGH
REPRESENTATIVE
OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY**

of 28.03.2012

**on Cooperation Mechanisms concerning the Management of Delegations of the
European Union**

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THE EUROPEAN COMMISSION AND THE HIGH REPRESENTATIVE OF THE UNION
FOR FOREIGN AFFAIRS AND SECURITY POLICY,

Having regard to the Treaty on European Union,

Having regard to Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service¹ (hereafter 'the Decision establishing the EEAS'), and in particular Article 13 (4) thereof,

Whereas:

- (1) The EU's new institutional set-up in the external relations area, established in accordance with the Treaty of Lisbon, calls for Commission Services and the European External Action Service ('EEAS') to cooperate closely.
- (2) With the establishment of the EEAS, the former Directorate-General for External Relations and the former Unified External Service, with its network of Delegations, ceased to exist. Commission Delegations became Union Delegations ('Delegations') placed under the authority of the High Representative of the Union for Foreign Affairs and Security Policy ('High Representative') pursuant to Article 221 TFEU.
- (3) Delegations are an integral part of the EEAS (Article 1 (4) of the Decision establishing the EEAS).
- (4) Each Delegation is placed under the authority of Head of Delegation. All staff are placed, whatever their status and for all their activities, under the authority of the Head of Delegation pursuant to Article 5 (2) of the Decision establishing the EEAS.
- (5) Staff in Delegations comprises EEAS staff and, where appropriate for the implementation of the Union budget and Union policies other than those under the remit of the EEAS, Commission staff. The presence of Commission staff in Delegations means that specific arrangements are needed between the EEAS and the Commission Services. Such arrangements should ensure a coherent management of all staff in Delegations.
- (6) The EEAS shall support and work in cooperation with the services of the Commission in order to ensure consistency between the different areas of the Union's external

¹ OJ L 201, 03.08.2010, p.38

action and between those areas and its other policies, as set out in Article 3 (1) of the Decision establishing the EEAS.

- (7) The aim of this Decision is to set up collaborative arrangements between the EEAS and the Commission Services for the management of Delegations.

HAVE DECIDED AS FOLLOWS:

Scope and Definitions

Article 1

1. The EEAS and Commission Services shall cooperate with each other, in conformity with Article 3 of the Decision establishing the EEAS, on the management of Delegations and in particular on all issues falling under the scope of this Decision, with a view to ensuring the smooth functioning of the Delegations.
2. This Decision shall be without prejudice to:
 - The overall management role of the Heads of Delegation over the Delegations, as set out in Article 5 of the Decision establishing the EEAS;
 - The exercise by the High Representative or the Commission of the powers over their staff in Delegations conferred on the Appointing Authority by the Staff Regulations ('AIPN') and on the Authority authorised to conclude contracts by the CEOS ('AHCC');
 - The exercise of the powers conferred on the Authorising Officer by Delegation ('AOD');
 - The applicable budgetary, financial management, security and safety rules, including reporting requirements.
3. For the purposes of this Decision and unless otherwise specified,
 - 'Human resources in Delegations', or 'Delegation staff' shall refer to both EEAS and Commission human resources or staff in Delegations;
 - 'External relations DGs' shall refer to DGs TRADE, ELARG, DEVCO, ECHO as well as the FPI;
 - 'Home DG' shall refer to the Commission DG to which a Commission staff member with a Delegation posting is assigned;
 - 'COMDEL DGs' shall refer to the external relations DGs, the SG, DG BUDG and DG HR.

Steering Committee for Delegations

Article 2

1. A Steering Committee for Delegations ('EUDEL') shall be hereby established.
2. The EUDEL shall ensure cooperation and mutual consultation between the EEAS and the relevant Commission Services for all issues regarding the management of Delegations. It shall constitute a forum for exchanging information on matters of mutual interest, notably in relation to resource management in Delegations, in particular with a view to ensuring the ability of Delegations to adapt swiftly to the political priorities of the external action of the EU, to evolving Commission priorities and to unforeseen crisis or emergency situations.
3. The EUDEL is an advisory body which can, while respecting applicable rules and the available budget, issue recommendations to the EEAS and the relevant Commission Services on any matter covered by this Decision.

Article 3

1. The EUDEL shall be composed of one representative from the EEAS, DG DEVCO, the Secretariat-General, DG BUDG and DG HR. It shall be chaired by the EEAS.
2. Representatives from any COMDEL DG and, if concerned, from other DGs with staff in Delegations may be invited by DEVCO or the Secretariat-General to the EUDEL meetings.
3. The EEAS will provide the Secretariat of the EUDEL.
4. The EUDEL shall meet
 - a. at senior management level (Chief Operating Officer/Director-General) at least once every six months; members may designate a senior management level alternate to a particular meeting;
 - b. at working level on a regular basis.

At the request of at least two members or at the initiative of the Chair a meeting will be called at senior or working level.

5. Any member of the EUDEL shall be entitled to put an issue on the agenda. The Secretariat shall distribute the agenda as well as the supporting documents for each meeting, at least five working days before the meeting.
6. The EUDEL shall adopt its recommendations by consensus between its members. The EEAS and the Commission Services will take the necessary steps to implement the recommendations of the EUDEL. Where the EEAS or a Commission Service has difficulty to implement a recommendation, it shall inform the EUDEL.

7. Recommendations of the EUDEL may be adopted, on the proposal of one of its members, either at its meetings or by written procedure, without prejudice to internal coordination arrangements between Commission Services.
8. Written procedures shall be launched by the Secretariat with at least five working days in which to make an objection. For exceptional cases, shorter periods can be applied, unless a member objects to it within the shorter period. Objections should be explained and, where appropriate, accompanied by draft amendments. Once the deadline has expired, if no objection has been raised, the recommendation shall be deemed adopted. If an objection is raised before the deadline, and unless the member who took the initiative for the recommendation requests that the written procedure be relaunched with an amended text, a meeting of EUDEL at working level shall be called as soon as possible to discuss the matter with a view of reaching a consensus.
9. If consensus cannot be reached at working level, the matter will be included in the agenda of a meeting of the EUDEL at senior management level. The members of the EUDEL shall endeavour to adapt their proposals as required to facilitate reaching a consensus on the matter.

If, in spite of those efforts, the issue can still not be settled within one month as of the end of the written or oral procedure, there will be no recommendation on the matter. In such cases, the matter may be referred to the College at the initiative of any of the members of the EUDEL.
10. The EUDEL may lay down further procedural rules if necessary for its operation.

Scope

Article 4

1. As a general principle, the EEAS and the Commission Services shall inform each other through the EUDEL of all management decisions they intend to make relating to the Delegations and which are of relevance for the respective other entity, unless more specified cooperation mechanisms are foreseen in this Decision.
2. The EEAS and the relevant Commission Services **shall elaborate jointly** and endorse through the EUDEL the final drafts for the following documents:
 - a. Guidelines for the Delegations' annual management plans;
 - b. Guidelines for the Delegations' annual activity reports;
 - c. Principles governing inspection missions and guidelines for inspection reports of Delegations;
 - d. Detailed arrangements for implementing Article 96 of the Staff Regulations.

The Guidelines mentioned under points b. and c. shall be drafted in accordance with the framework set by the Commission and each relevant AOD/AOSD.

3. The **EEAS shall consult the Commission Services** through the EUDEL on any of the following decisions regarding Delegations:
 - a. Decisions to be adopted by the High Representative in agreement with the Council and the Commission on the opening or closing of a Delegation;
 - b. “Mandates” given by the High Representative to Heads of Delegation;
 - c. Decisions determining the level of the Delegations and their ranking by category that results from it;
 - d. Guidelines for Delegation evaluation reports, in the sense of Article 5(5) of the Decision establishing the EEAS;
 - e. Instructions to Heads of Delegation for the notification of Delegation staff members to the host country;
 - f. Decisions establishing the classification of each Delegation by living conditions;
 - g. Decisions relating to the duty of care towards staff in Delegations, in particular in the field of health and safety standards and security measures;
 - h. Decisions regarding infrastructure and other assets in Delegations, without prejudice to the rules applicable to real estate projects for which the share of Commission financing exceeds an annual average amount of EUR 500,000.
4. The relevant **Commission and EEAS services shall consult each other** through the EUDEL before taking any of the following decisions concerning the Delegations:
 - a. Decisions regarding the workload assessment of Delegations;
 - b. Decisions on resource (re-)allocations, including the reinforcement, redeployment or withdrawal of establishment plan posts and/or external personal financed with appropriations;
 - c. Decisions on appointments, transfers and rotation of staff in Delegations.
5. Without prejudice to the respective AIPN powers of the EEAS and the Commission and the inherent differences between staffing policies of both institutions, the EEAS and the relevant Commission Services shall cooperate with a view to preventing unnecessary differences in treatment between EEAS staff and Commission staff posted in Delegations through the development of common or equivalent rules, which shall be endorsed by the EUDEL, in the following areas:
 - a. Principles governing Delegation postings;
 - b. Procedures applicable to the annual rotation exercise;
 - c. Training policy and requirements for staff posted in Delegations.

Tasks of Delegation Staff

Article 5

1. The job descriptions of all Delegation staff shall contain a common objective reflecting their contribution to the projection and promotion of EU policies and values in the wider world. The job descriptions of all Commission staff in Delegations shall set out the job assignment that should remain their core and preponderant task, but shall include a reference to the flexibility provisions in Article 6 of this Decision.
2. Job descriptions of EEAS Delegation staff shall be decided by the EEAS.
3. The final decision on a job description of Commission staff shall be taken by the Commission, after consultation with the Head of Delegation who shall notably provide the elements specific to the local situation. Job descriptions of Commission Delegation staff shall be decided by the respective home DG incorporating, as appropriate, elements from other Commissions services where the policy responsibilities of the post go beyond those of the home DG.

Article 6

1. Commission Delegation staff funded from the administrative budget (Heading 5) shall as a general rule not perform CFSP or CSDP tasks within the responsibility of the EEAS. However, for a limited period of time, at the request of the Head of Delegation and without the need to obtain the prior agreement of the Home DG, Commission staff may contribute to the work of the Delegation that falls outside their normal line of duty, provided that (a) the staff member has relevant expertise in the area where he/she is asked to work, and (b) the arrangement does not jeopardise the performance of his/her core and preponderant tasks as detailed in the job description, and (c) the tasks so undertaken do not exceed a reasonable proportion of working time (indicatively no more than 20%). Where the limited period of time referred above exceeds two months, the Head of Delegation shall seek the prior agreement of the Home DG.
2. Commission Delegation staff funded from programmes (Heading 4) shall not be used for other work than programme preparation, implementation and evaluation. The following tasks shall be deemed to be part of the tasks of this category of staff:
 - a. Contributing to the drafting of national and regional programming documents;
 - b. Supporting and providing a direct input into sector policy dialogues with the host country in areas of Commission responsibility drawing from sector expertise built through the implementation of development aid activities in the concerned sectors. For instance, where the Commission manages Budget Support programmes the Delegation benefits from macro economic and sector policy analysis brought by Commission staff;

- c. Contributing to the Delegation reporting in the various sector policy areas of Commission responsibilities, including for staff working on this subject the monitoring and reporting on human rights issues;
 - d. Contributing to the Delegation information and intelligence gathering in these areas;
 - e. Participating and/or organising Delegation public events related to areas of Commission responsibilities.
3. If there is a disagreement on the implementation of the flexibility arrangements between a Commission staff member and the Head of Delegation, the matter shall be referred to Headquarters (simultaneously to the Chief Operating Office of the EEAS and the Director-General of the Home DG) or to EUDEL, as appropriate.

Organisation Charts of Delegations

Article 7

1. The organisation charts of Delegations and changes thereof (creation, suppression, move or change of title of entities or management functions) shall be decided by the Chief Operating Officer of the EEAS, who is empowered by the High Representative to take such decisions.
2. The EEAS will seek the agreement of the Commission prior to the adoption of complete organisation chart of any Delegation containing Commission posts.
3. The EEAS shall also seek the agreement of the Commission wherever the proposed modification of an organization chart concerns Commission posts or the entity they belong to.
4. All organisation chart changes, which concern Commission entities or functions in Delegations, require – in addition to the agreement of the EEAS – adoption pursuant to the Commission's internal rules. Proposed changes shall be submitted to the EUDEL.
5. The EEAS shall inform the EUDEL of all proposed changes relating to Delegations or Delegation sub-entities, which do not concern Commission posts.

Careers of Officials and Other Staff in Delegations

Article 8

1. EEAS and Commission establishment plan posts in Delegations due to become vacant shall, as a general rule, be filled by means of an annual rotation exercise.
2. The EEAS and the Commission Services shall publish their rotation lists at the same time. The EUDEL shall discuss the rules governing the respective mobility procedures with a view to obtaining maximum convergence of the rotation exercises.

3. The EEAS shall invite a representative of the Commission Services, and the Commission Services shall invite a representative of the EEAS, to participate in the selection panels in charge of selecting candidates for posts in Delegations.
4. The EUDEL shall be consulted on the candidate lists once they have been established.

Article 9

Appraisal and promotion procedures for Delegation staff shall follow respectively the systems in the EEAS and in the Commission. The Heads of Delegation shall provide a substantial contribution to the appraisal of Commission staff under their authority while in the Delegations, in accordance with the procedures and deadlines established by each institution.

Article 10

1. Compulsory pre-posting training shall be proposed for all staff selected to a posting in a Delegation. The EEAS and the Commission shall try to coordinate the respective schedules.
2. The EEAS and the Commission Services shall take all necessary arrangements to ensure that staff participate in compulsory training for their function and their place of posting, including training in financial management for Heads of Delegation.
3. The EUDEL shall carry out an annual review of the quality of training initiatives to ensure a high standard of the trainings provided. It shall also review the contents of the common pre-posting training schedule and make recommendations to ensure that it fulfils the strategic requirements of both the EEAS and the Commission. It shall review the experience gained each year and propose operational improvements for implementation the following year.

Final Provisions

Article 11

The present Decision shall enter into force on the day of its adoption.

Done at Brussels,

*The High Representative of the Union for
Foreign Affairs and Security Policy*

Catherine ASHTON

*For the Commission
The President*

José Manuel BARROSO