



**COUNCIL OF
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NOTE

From : General Secretariat of the Council
To : COREPER/Council

Subject : Guidelines on appointment, mandate and financing of EU Special Representatives

1. On 17 December 2013, the Council (General Affairs) concluded that the 2007 Guidelines on appointment, mandate, salaries and financing of EUSRs (doc. 11328/1/07 REV 1) should be reviewed by the end of March 2014.
2. Following presentation by the EEAS of a draft paper on General Principles on the appointment, mandate and financing of EUSRs on 10 January 2014, the PSC invited the Foreign Relations Counsellors Working Party (RELEX) to work on revised Guidelines.
3. In several meetings in January, February and March 2014, RELEX discussed the EUSRs Guidelines.
4. As a results of the discussions in RELEX, the Guidelines were revised and developed in particular to update the procedures concerning the appointment of EUSRs and the definition of their mandates, in accordance with the Lisbon Treaty. In addition, the issues of the termination or resignation of EUSR mandates were further clarified, and the reporting and evaluation mechanism of EUSRs was also elaborated in greater detail.

5. During the discussions, delegations noted that the Council will decide at a later stage on the most preferred option to share services for administrative and logistical support of EUSRs, on the basis of an in-depth analysis of costs and benefits of various options, including the option of a support cell (joint administrative team for EUSRs) as well as a Shared Service Centre (based on the outcome of the ongoing study).
6. Delegations also noted that the legal, operational and institutional implications of applying a new set of rules for international contracted staff in civilian CSDP missions to EUSRs' international contracted staff still need to be clarified.
7. On 10 March 2014, RELEX reached agreement on all open issues in the revised draft Guidelines as set out in the Annex to this note , with the exception of the salary level of newly appointed EUSRs. Two delegations were unable to accept the Presidency compromise proposal as set out in the first paragraph of Section F of the Guidelines in the Annex hereto.
8. In these circumstances, COREPER is invited to reach consensus on the text of draft Guidelines as set out in the Annex to this note.

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GUIDELINES ON APPOINTMENT, MANDATE AND FINANCING OF EU SPECIAL REPRESENTATIVES

A. LEGAL BASIS

Article 33 of the Treaty on European Union (TEU) provides that the Council may, on a proposal from the High Representative of the Union for Foreign Affairs and Security Policy, appoint a special representative with a mandate in relation to particular policy issue. The special representative shall carry out his/her mandate under the authority of the High Representative. In accordance with Article 31 (2), 4th indent TEU, the Council acts by qualified majority when appointing a special representative in accordance with Article 33 TEU¹.

B. APPOINTMENT AND MANDATE

1. Political context

EUSRs, assisted by the EEAS, and acting in support of and in close coordination with the Council and the HR, should contribute to the unity, consistency and effectiveness of the Union's external action and representation. They should help ensure that all Union instruments and Member States' actions are engaged consistently to attain the Union's policy objectives. In particular, they should contribute to improving the effectiveness of the EU's response to crisis situations, and to the implementation of the EU's strategic policies.

¹ Pursuant to Article 36 TEU and the Interinstitutional Agreement on budgetary discipline, cooperation in budgetary matters and on sound financial management, when the Council adopts a decision appointing an EUSR, on a proposal from the HR, the latter will inform the European Parliament and the Commission no later than five working days thereafter.

2. Procedure

Where it considers that the political context so requires, the Council may invite the HR to present a proposal for the appointment of an EUSR with a mandate in relation to a particular policy issue. Following the presentation of a proposal for an EUSR, the Political and Security Committee (PSC) will assess the proposal and may then invite the competent Council Working Parties to examine the mandate, with a view to its adoption by the Council.

The Foreign Relations Counsellors Working Party (RELEX) will assess the legal, institutional and financial aspects of the mandate, in particular with a view to ensuring consistency of EUSR mandates, and will finalise the draft legal act for adoption by the Council.

Following an agreement in principle on appointing an EUSR, the HR will invite the Member States via the PSC to propose candidates. Member States are encouraged to propose more female candidates. The HR, assisted by the European External Action Service (EEAS), will organise the selection process, during which the Member States will be kept informed, and will submit a recommendation to the PSC regarding the nomination of the EUSR. If the PSC gives its political endorsement to that recommendation, the Council will formally adopt the decision appointing and mandating the EUSR. New and existing mandates and budgets should be proposed in sufficient time to allow Member States both to find suitable candidates and to carry out their national scrutiny procedures.

EUSR mandates generally have a thematic focus, relating to a cross-cutting issue, and/or a geographic focus, in particular mandates covering specific regions.

In exceptional cases a Head of an EU Delegation has also been appointed as an EUSR.

C. STRUCTURE OF THE COUNCIL DECISION AND DURATION OF MANDATE

The Council Decision appointing an EUSR will cover the following elements:

- scope, policy objectives of the EUSR's mandate and the EUSR's tasks, including where appropriate standard language to cover horizontal issues;

- appointment of the EUSR;
- respective roles of the HR and the PSC;
- duration of the mandate;
- criteria and modalities for reporting to the relevant EU institutions and bodies;
- co-ordination and liaison in Brussels and in the field;
- appropriate indicators for assessing the achievement of objectives;
- evaluation and review of the implementation of the mandate;
- financial aspects (in particular financial reference amount and accountability);
- constitution and composition of the EUSR's team;
- privileges and immunities for the EUSR and his/her staff;
- security related aspects.

As a general rule, an EUSR should be appointed for a period of 12 months while his/her total tenure of office should not exceed 4 years. Consideration should be given to harmonising, where possible, the dates of expiry of EUSRs' mandates, whilst taking into account the timing of specific events related to the mandate.

D. OPERATIONAL PRINCIPLES

1. Role of the HR and PSC

The PSC will act as the primary point of contact within the Council and provide political direction and strategic guidance to the EUSR within the framework of the mandate. The HR should give the necessary operational direction to the EUSR. In accordance with Article 33 TEU, the EUSR carries out his/her mandate under the authority of the HR.

2. Reporting

The EUSR should present to the HR and the Council a progress report after the first four months of his/her mandate, and a comprehensive mandate implementation report including financial aspects and analysis against performance indicators, three months before the expiry of the mandate.

Progress and mandate implementation reports by the EUSRs should address the actions they have undertaken and provide their evaluation of the mandate, as detailed in the Annex.

The RELEX Working Party will be informed on a six-monthly basis on the financial aspects of the aforementioned reports, including a detailed Note on the execution of the “Budgetary Impact Statement” presented and discussed in that Council Working Party.

The EUSRs will provide two additional reports focusing on their activities to the HR and to the PSC. EUSRs will attend PSC meetings during each mandate, as well as meetings of relevant Council Working Parties including with a view to preparing discussions in the PSC. Written reports will be circulated through the Coreu network. The EUSR may also provide reports to the Foreign Affairs Council.

The EUSR may also be involved in briefing the European Parliament, in accordance with Article 36 TEU.

3. Coordination/liaison

The EUSR and the relevant departments of the EEAS should work together in close coordination and mutual support. The EUSR should also coordinate, where appropriate, with the Commission. In the field, the EUSR should maintain close liaison with and provide regular briefings to Member States' diplomatic representations and Union delegations. The Heads of Union delegations and of Member States' diplomatic representations should make every effort to assist the EUSR in the implementation of the mandate.

Where the EU conducts a crisis management operation in the same country or region the EUSR should provide, in coordination with the relevant Head(s) of Union delegation(s), local political guidance to the Head of Mission or Force Commander. The EUSR should also liaise with other international and regional actors in the field.

4. Evaluation/Review

The implementation of the mandate and its consistency and complementarity with other contributions from the European Union to the region should be kept under regular review by the PSC and the Council. The EUSR's progress report and comprehensive mandate implementation report to the HR and the Council will form a basis for evaluation of the mandate by the relevant Council Working Parties and the PSC.

On the basis of the evaluation of the EUSR's mandate, the PSC will assess whether the mandate should be extended, modified or discontinued. Where the PSC considers that implementation has been completed, the mandate should be discontinued. Where there are significant obstacles to delivery, it will be necessary to consider whether to modify or discontinue the mandate, or to replace the EUSR.

If the PSC considers that the mandate should be extended or modified, the HR should present a proposal to the Council.

5. Resignation of mandate

The EUSR is engaged to carry out his/her duties for the entire duration of the mandate.

In case the EUSR decides to resign before the expiry of the mandate, he/she should present to the HR and the Council a complete report on his/her implementation of the mandate up to the date of resignation.

On the basis of that report, the Council/PSC will assess whether the mandate should be continued by a new EUSR, and invite the HR to present a proposal as appropriate. If the mandate is to be continued, the HR will invite the Member States to propose candidates.

E. Administrative and practical modalities for the EUSR and his/her staff

1. The EUSR and his/her team

For administrative purposes, the EUSR will be recruited by the Commission as a Special Adviser in accordance with the Conditions of Employment of Other Servants (CEOS), notably Article 5 and Title VI thereof.

Within the limits of the mandate and the corresponding financial means made available, the EUSR is responsible for constituting his/her team, assisted by the HR and the EEAS, and in full association with the Commission. The team should include the expertise on specific policy issues as required by the mandate, while taking account of the need to prioritise coordination with the EEAS and share resources.

EUSRs will continue to share administrative and logistical support, whilst further efforts will be made at all appropriate levels to enhance overall efficiency and to reduce costs.

EUSRs' teams may be composed of:

- staff seconded by Member States or institutions of the European Union, including the EEAS;
- international contracted staff who must have the nationality of an EU Member State;
- local staff (Brussels based or in a third country).

All A-type posts which are not covered by secondment will be advertised as appropriate by the EUSR and also notified to Member States and EU institutions in order to recruit the best-qualified applicants.

The RELEX Working Party will be informed by the EAAS and FPI where requested staff changes may have significant financial implications for the subsequent mandate period. The EEAS will regularly update Member States on the composition of the teams.

2. Access to information and logistical support

The EEAS, Member States, the Commission and the Council Secretariat will ensure that EUSRs are given access to any relevant information.

EUSRs and EU delegations will work closely together. The EEAS will provide all possible support to EUSRs in Brussels and in the field. EUSRs should where feasible be accommodated in the EEAS premises, either at the EEAS headquarters or in EU Delegations.

The Member States and the Commission will provide appropriate and reasonable support to the EUSRs from their own resources.

3. Rules applicable to staff

Seconded staff will be subject to the employment rules and conditions of the seconding Member State or institution.

The rules and conditions for international contracted staff in the CSDP missions will be applied to EUSRs' international contracted staff.

Local staff (Brussels based or in a third country) will be subject to local employment laws and conditions.

4. Security of EU classified information

The EUSR and the members of his/her team shall respect security principles and minimum standards established by the Decision of the High Representative, of 19 April 2013, on the security rules for the EEAS.¹

All EUSRs and their seconded and international staff will need to have valid security clearance to at least the level of CONFIDENTIEL UE.

¹ OJ C 190, 29.6.2013, p. 1.

5. Security

The *Policy of the European Union on the security of personnel deployed outside the EU in an operational capacity under Title V of the Treaty on European Union* ("field security policy")¹ applies to the EUSRs and their teams.

The EUSR will take all reasonably practicable measures, in conformity with his/her mandate and the security situation in his/her geographical area of responsibility, for the security of personnel under his/her direct authority, by applying the relevant measures referred to in the field security policy document, such as in particular:

- establishing a mission-specific security plan;
- ensuring coverage of personnel deployed outside the EU by high risk insurance;
- ensuring appropriate security training for team members;
- putting into place adequate protection measures including, as appropriate, relocation and evacuation procedures.

The EEAS Security Office will assist the EUSR in meeting his/her field security responsibilities by providing him/her with advice and by contributing to the definition of a security plan, budgetary requirements, profiles for security staff, etc. A security handbook will moreover serve as manual for use by the EUSR.

¹ Council Doc. 9490/06.

F. FINANCIAL PRINCIPLES - REMUNERATION

The EUSR will be appointed with a base salary of 14.500,00 EUR per month, plus allowances and subject to the method for updating remuneration as provided for in the EU Staff Regulations.

All expenditure will be charged to the CFSP chapter in the EU budget. The financial commitments set out in the Council legal act will be detailed in a budgetary impact statement drawn up on the basis of a draft prepared by the Commission services (FPI), which will be assessed by the RELEX with a view to approval by COREPER/Council, together with the legal act.

Any subsequent request for substantial changes in budgetary commitments should be properly justified for due consideration by the RELEX Working Party.

The management of the expenditure is subject to a contract between the EUSR and the Commission. In the framework of his contract with the Commission, the EUSR will be accountable to the Commission for all expenditure charged to the CFSP chapter in the EU budget.

G. REVIEW

These Guidelines will be kept under constant review and updated as appropriate.

Content of progress and mandate implementation reports**(a) Actions undertaken:**

- tasks carried out in pursuit of the objectives set in the mandate,
- how resources were used (budgeting, measures taken to ensure efficiency),
- steps taken to ensure coordination with other EU actors (in the field and in Brussels) and liaison with other international actors in the field.

(b) Evaluation:

- degree to which objectives have been achieved (benchmarks for evaluation, assessment of overall effectiveness),
- developments in the country/area of responsibility;
- obstacles encountered / reasons for non-attainment of objectives,
- possible better use of resources (budgeting),
- challenges ahead.