

Lawyers reveal Ashton's EEAS proposal breaches EU law, warn development NGOs

Development organisations demand urgent revision of the current proposal as it puts world's poorest at risk

Development organisations from across Europe and beyond call for an urgent review of the proposal on the European External Action Service (EEAS) by foreign policy chief Catherine Ashton, at the EU Foreign Ministers' meeting today in Luxembourg. The blueprint breaches the Lisbon Treaty and goes against common EU interest and that of the world's poorest, the NGOs warn.

What are the lawyers saying?

- "The role of the EEAS under the Treaties is restricted to the EU's Common Foreign and Security Policy (CFSP), which represents only part of the EU's external action. **Development cooperation is outside the scope of the CFSP and therefore the EEAS has no capacity in respect of it.**" (1.2)
- "**The Ashton proposal**, which is intended as an instrument setting out the organisation and functioning of the EEAS, **cannot alter areas of competence as defined under the Treaties**, such as the 'exclusive competence' of the Commission in development cooperation activities. Detracting from the exclusive competence of the Commission **would** require a formal Treaty amendment." (3.11)
- "As primary law the Treaty of the Functioning of the European Union (TFEU) is binding on all EU institutions and therefore irrespective of whether the EEAS becomes involved in development cooperation activities, **poverty reduction must remain the 'primary objective'.**" (4.1)

What is Baroness Ashton putting on the table?

- EEAS to have unprecedented control over development cooperation and its budget.
- To mix intergovernmental and community policy.
- To make poverty reduction objectives subject to foreign policy interests.

What are NGOs calling for?

Developing groups are calling for **a complete review** of Ashton's proposal which involves all stakeholders: European Commission, European Council, European Parliament, and civil society, to ensure that:

- The spirit and letter of the Lisbon Treaty are fully respected.
- The European Commission maintains full control over the development budget
- The binding objective of "poverty eradication" towards developing countries is fully respected.

Signatories

Laura Sullivan, European Policy and Campaigns Manager, ActionAid International – Camilo Tovar, Coordinador Representación en Europa, Asociación Latinoamericana de Organizaciones de Promoción del Desarrollo – Matyas Benyik, President, ATTAC Hungary – Nick Roseveare, Chief Executive, Bond UK – Tommaso Rondinella, Policy Officer, Campagna Sbilanciamoci, Italy – Bernd Nilles, Secretary General, CIDSE – Rina Valeur Rasmussen, Secretary General, Concord Danmark – Jean-Louis Vielajus, President, Coordination SUD – Simon Stocker, Director, Eurostep – Dr. V Rukmini Rao, President, Gramya Resource Centre for Women, India – Vagn Berthelsen, Secretary General, IBIS, Denmark – Marcin Wojtalik, Board member, Institute of Global Responsibility, Poland – Vicky Claeys, Regional Director, IPPF European Network – Michael Gatt, Treasurer/ Board Member, Kopin, Malta – Dr. Arjun Karki, Coordinator, LDC watch – Geetha

Lakmini, Admin Secretary, National Fisheries Solidarity Movement, Sri Lanka – Malgorzata Tarasiewicz, Director, Network of East-West Women/NEWW-Polska – Jeremy Hobbs, Executive Director, Oxfam International – Dr. Sarba Raj Khadka, Coordinator, South Asian Alliance for Poverty Eradication – Herman Kumara, General Secretary, World Forum of Fisher Peoples' [WFFP]

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- a copy of the legal advice is attached -

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Note to the editors

- [High Representative Ashton's proposal for the European External Action Service](#)
- [CAFOD and CIDSE media briefing 'The High Representative's proposal for the set-up and functioning of the European External Action Services \(EEAS\)](#).
- [CONCORD briefing on the EEAS.](#)
- [EEPA briefing on the EEAS.](#)