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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE
EUROPEAN PARLIAMENT**

ESTABLISHMENT OF AN EU DELEGATION TO THE UN IN GENEVA

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1. INTRODUCTION

Since 1 December 2009, the day of entry into force of the Lisbon Treaty, the Commission's Delegations have become EU Delegations. They will be part of the European External Action Service (EEAS) under the authority of the High Representative of the Union for Foreign Affairs and Security Policy and Vice President of the Commission (HR/VP), Catherine Ashton.

In October 2009 the European Council adopted a Presidency report on the EEAS (Doc. 14930/09) which underlined i.a. the need to adapt urgently those EU Delegations in which the needs, in terms of coordination and efficiency of the external action, are of vital importance for political as well as operational reasons. This applies in particular to the five EU Delegations to International Organisations, the Delegation in Geneva being one of them.

The question of EU Delegations is also addressed in the HR's proposal of 25 March 2010 for a Council Decision establishing the organisation and functioning of the EEAS (Doc. 8029/10). On 26 April the Council (General Affairs) has reached a political orientation on the essential elements of the future Decision. Negotiations will continue, including in the context of the proposals of the Commission on the Staff Regulation and on the Financial Regulation.

In this context, it should be noted that in view of the establishment of the EEAS - whose staff will be composed of personnel from the Commission, the General Secretariat of the Council and Member States' diplomatic services - the Commission has opened the 2010 selection procedure for Heads of Delegations to candidates from all three sources of personnel.

It is intended also that the Liaison Office of General Secretariat of the Council in Geneva will be merged with the EU Delegation once the Council has taken a decision on the EEAS.

Against this background the present Communication addresses the issue of splitting the EU Delegation in Geneva in order to enable the EU to take on the new responsibilities in the UN framework. The splitting itself will be done within existing resources under the current conditions, without prejudice to further reinforcement, upon the establishment of the EEAS, to allow the Delegation to the UN to assume its increased responsibilities.

2. RATIONALE FOR CREATING A SECOND EU DELEGATION IN GENEVA

1. A wide range of tasks

The Delegation's current mandate covers the diplomatic work related to the World Trade Organisation on one side and the 18 UN organisations and related bodies and other

specialised agencies¹ based in Geneva on the other. The Delegation has two policy sections, one for the WTO and related economic and trade matters, the other for UN affairs, as well as a common section for administration matters.

The Delegation's responsibilities vis-à-vis WTO negotiations are substantial, given the Union's exclusive competence for external trade, its membership of the WTO, the Commission's role as the sole negotiator for the EU and not least the EU's weight as the world's largest trading bloc. Therefore, ensuring a continued adequate standing for our representation is unquestionably a top priority for the EU.

The role of the EU in the UN framework, and the contribution the EU is making to UN policies and programmes are also considerable, and the Delegation's contribution to the work of many UN bodies has continued to grow. The main objective of the Delegation in this respect is to help strengthening co-operation between the EU and the UN system, ensuring EU policies and competences are reflected in the UN, and improving coherence at the international level. The Delegation increasingly has to participate in the full range of UN activities in Geneva, and providing full and rapid reporting and assistance to Brussels, especially in the field of human rights, humanitarian aid, asylum and migration, health, labour and intellectual property, disarmament and covering the increasing number of regular and special sessions.

Cooperation with EU Member States in Geneva is a crucial aspect of the work of the Delegation, and one to which considerable efforts are devoted. Moreover, the Delegation has the task of promoting the visibility and understanding of the role and policies of the EU through its contacts, information activities and networking with other diplomatic missions and Geneva-based international organisations, bodies and agencies.

In addition, Geneva receives a high number of missions from Brussels, including many Commissioners. The Head/Deputy Head of Delegation must therefore organise, support, accompany as necessary, and assist in reporting on incoming missions from the Commission or, if requested, from other EU institutions.

One of the main challenges for the Delegation has always been for the Head and Deputy Head of Delegation to find the right balance between the WTO and UN activities given that the WTO represents an almost full time job for each position but where UN work is increasingly full time. Already in 1994, the Inspection service of the Commission recommended creating two distinct Deputy Head of Delegation positions, one covering the WTO and the other the UN. The most recent inspection in 2008 also pointed to the growing amount of UN work and the corresponding need to have a separate UN ambassador. There are now as many coordination meetings on UN matters as there are on WTO matters, for example. It also noted EU Member States dissatisfaction with the low status and presence of the EU in the UN context.

2. New challenges

With the Lisbon Treaty in force, the Delegation in Geneva will have to take over the tasks of a local Presidency in terms of local coordination and representation of the Union. This is not yet the case as the Delegation is not sufficiently staffed to do so. In the meantime the Delegation,

¹ HRC, UNCTAD, UNHCR, ITC, ECE, ILO, WHO, WIPO, ITU, WSIS, UPU, WMO, IOM, CoD, BTWC, CCW, APMBT, UNGA 1st Committee

the Spanish Embassy and other Member States' Embassies have worked out pragmatic working arrangements. The same applies to the other EU Delegations to international organisations.

In the future, there will be a much heavier workload for the Head of Delegation to coordinate the EU position in different UN fora. This includes not least the need for the physical presence of the Head of Delegation in the different EU coordination meetings at Head of Delegation level. At the same time, the "UN part" of the Delegation will need to gear up to its new role of replacing the rotating presidency in terms of representing the EU in the UN, assuring internal coordination, and moving from analysis and reporting to a more proactive role of also carrying out political action. This evolution relates more to the work in the UN and the other agencies than for the WTO where the Delegation has a long established and even more substantive role, as described above.

The WTO process is very much Ambassador-driven, with negotiations sometimes only taking place among a limited number of Heads of Mission present in Geneva, including the EU's Head of Delegation, but not Member States. In other less restricted WTO meetings, the EU Head of Delegation or the EU Deputy Head speak on behalf of the EU. Due to the Union's exclusive competence, it is important that the EU's WTO Ambassador remains of the highest level and equivalent to his/her counterparts as he/she would have to maintain good and effective contacts with third countries accredited to the WTO, and the WTO Director General, and effectively coordinate with EU Member States on a daily basis.

The EU WTO Ambassador must also continue to ensure the Delegation's participation, where mandated, in all WTO negotiations and meetings and represent the EU at official ceremonies and at diplomatic functions in Geneva linked to this function. This includes his/her presence in Senior Official Meetings, active involvement in Dispute Settlement cases and even acting as a negotiator in the many instances when representation from Brussels on the appropriate level is not always possible.

It should be noted that due to the substantial work in both WTO and the UN, other global players as the US, China, Canada, India, Australia and Brazil also tend to have two ambassadors and most often two separate missions, one for WTO and one for UN issues.

In conclusion, it is clear that one Head of Delegation cannot and will be even less able in the future to carry all the new responsibilities created by the expansion of UN work and the Lisbon Treaty provisions, and that due to the very different nature of tasks – WTO on one side, UN et al. on the other – the EU Delegation in Geneva should be turned into two separate Delegations, with two Ambassadors devoted respectively to the UN and to the WTO. The division into two Delegations will have to be implemented within existing means and capabilities. The two Delegations should share the same premises and the administration section, in order to use synergies in the most effective fashion. The final internal organisation of these two missions should be spelled out once the Liaison Office of the Council Secretariat has been merged with the EU Delegation.

3. HUMAN AND BUDGETARY RESOURCES

The proposal is to remain at a constant number of posts. The post of the second Head of Delegation will be created using the existing post of Deputy Head of Delegation, the

publication of which, in the 2010 rotation, will be cancelled. This post will be upgraded and republished at a higher level.

It is the intention that, when budgetary resources permit, posts of deputy Head of Delegation will be created in both Delegations. This may be possible in the framework of the creation of the EEAS and the merging of the EU Delegation and the Council Liaison Office. In the meantime, the staff numbers in the EU Delegation will remain constant.

This, together with the fact that the existing Administration Section will remain common to both Delegations, will limit any extra costs to the minimum associated with the existence of a second Head of Delegation, to be covered by the existing resources.

SIMPLIFIED FINANCIAL STATEMENT

1 Title of draft decision:

**Communication from the Commission to the Council and the European Parliament:
ESTABLISHMENT OF AN EU DELEGATION TO THE UN IN GENEVA**

2 Policy area(s) and ABB activity(ies) concerned:

Policy Areas: External Relations, Trade, Development, Enlargement

Activity: External Service – Administrative expenditure of the delegations

3 Legal basis:

☒ Administrative autonomy ☐ Other (*specify*): _____

4 Description and grounds:

It is proposed to split the current Delegation into two separate entities, one dealing with WTO affairs and the other one with UN affairs. This is necessary following the increased workload of the Delegation following the entry into force of the Lisbon Treaty and in particular due to the necessity to have the European Union represented at both the WTO and the UN at an appropriate level. It is no longer possible for this task to be accomplished by one single Head of Delegation.

The current post of deputy Head of Delegation will therefore be upgraded from AD13 to AD 14/15.

Apart from this change there will be no additional resources required as both delegations will share the same premises and administrative sections. The post of secretary to the new Head of Delegation will be covered by redeployment of existing resources.

5 Duration and estimated financial impact:

5.1 Period of application:

☐ **Decision with a limited duration**

☐ Decision in force from [YYYY] to [YYYY]

☐ Financial impact from [YYYY] to [YYYY]

☒ **Decision with an indefinite duration** in force from 2010

5.2 Estimated budgetary impact:

The draft decision entails:

- ☐ savings
- ☒ additional costs (if so, specify the heading(s) of the multiannual financial framework concerned):

The additional costs, which are negligible, will be funded from the existing resources of the External Service under Heading 5.

5.3 Third-party contributions to the financing of the draft decision: NONE

5.4 Explanation of figures:

The additional costs arising, on the basis of budget 2010 figures concern:

The marginal salary cost between an AD 13 and an AD 15 – estimated at €5,000 per month

The marginal costs of an official residence compared to standard housing: €29,200 per annum

Additional representation costs: €20,000 per annum

The purchase of an official car: €30,000 in 2010 and annual running costs of €2,400 per year.

These costs are calculated for 6 months in 2010 and 12 months 2011 et seq. The car would be replaced in year 4.

The purchase of furniture for the residence in 2010: €43.000

6 Compatibility with the current multiannual financial framework:

- ☒ The proposal is compatible with existing financial programming.
- ☐ The proposal will entail reprogramming of the relevant heading in the multiannual financial framework.
- ☐ The proposal requires use of the flexibility instrument or revision of the multiannual financial framework².

7 Impact of savings or additional costs on the allocation of resources:

- ☐ Resources to be obtained by means of internal redeployment within departments
- ☒ Resources already allocated to the department(s) concerned
- ☐ Resources to be requested during the next APS/PDB procedure

² See points 19 and 24 of the Interinstitutional Agreement.

The human and administrative resources required will be covered by the allocation which may be granted to the managing DG under the annual allocation procedure in the light of existing budgetary constraints.

ANNEX:

**ESTIMATED FINANCIAL IMPACT (savings or additional costs) FOR
APPROPRIATIONS OF AN ADMINISTRATIVE NATURE OR FOR HUMAN RESOURCES.**

FTE=Full-Time Equivalent			XX is the policy area or title concerned						EUR million (to 3 decimal places)							
FTE in staff/year	Year n		Year n+1		Year n+2		Year n+3		Year n+4		Year n+5		Year n+6 and later		TOTAL /Annual cost	
Heading 5	FT E	app.	FT E	app.	FT E	app.	FT E	app.	FT E	app.	FT E	app.	FT E	app.	FT E	app.
Establishment plan posts (officials and/or temporary staff)																
XX 01 01 01 (Headquarters and Commission's Representation Offices)																
XX 01 01 02 (Delegations)	0	0,30	0	0,60	0	0,60	0	0,60	0	0,60	0	0,60	0	0,60	0	0,390
External staff																
XX 01 02 01 (total budget)																

XX 01 02 02 (Delegations)															
Other budget lines (<i>specify</i>)															
Subtotal – Heading 5	0	0,30	0	0,60	0	0,60	0	0,60	0	0,60	0	0,60	0	0,60	0 0,390
Outside Heading 5															
Establishment plan posts (officials and/or temporary staff)															
XX 01 05 01 (Indirect research)															
10 01 05 01 (Direct research)															
External staff															
XX 01 04 yy															
- Headquarters															
- Delegations															
XX 01 05 02 (Indirect research)															
10 01 05 02 (Direct research)															
Other budget lines (<i>specify</i>)															

Subtotal – Outside Heading 5																
TOTAL	0	0,036	0	0,072	0	0,072	0	0,072	0	0,072	0	0,072	0	0,072	0	0,468

Other administrative appropriations XX is the policy area or title concerned EUR million (to 3 decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5	Year n+6 and later	TOTAL
Heading 5								
<u>Headquarters</u>								
XX 01 02 11 01 - Missions and entertainment expenses								
XX 01 02 11 02 - Meetings and conferences								
XX 01 02 11 03 - Committees								
XX 01 02 11 04 - Studies and consultations								
XX 01 02 11 05 - Information systems								
XX 01 02 11 06 - Further training								
XX 01 03 01 03 - Equipment and furniture								
XX 01 03 01 04 - Services and other operating expenditure								

Other budget lines (<i>specify where necessary</i>)								
<u>Delegations:</u>								
XX 01 02 12 01 - Missions, conferences and entertainment expenses	0,010	0,020	0,020	0,020	0,020	0,020	0,020	0,130
XX 01 02 12 02 - Further training of officials								
XX 01 03 02 01 - Purchase and rental costs and related expenditure	0,015	0,029	0,029	0,029	0,029	0,029	0,029	0,189
XX 01 03 02 02 - Equipment, furniture, supplies and services	0,074	0,002	0,002	0,002	0,032	0,002	0,002	0,116
Subtotal – Heading 5	0,099	0,051	0,051	0,051	0,081	0,051	0,051	0,435
Outside Heading 5								
XX 01 04 yy – Expenditure on technical and administrative assistance (not including external staff) from operational appropriations (former 'BA' lines)								
- Headquarters								
- Delegations								
XX 01 05 03 - Other management expenditure - indirect research								
10 01 05 03 - Other management expenditure - direct research								
Other budget lines (<i>specify where necessary</i>)								
Subtotal – Outside Heading 5								

GRAND TOTAL	0,099	0,051	0,051	0,051	0,081	0,051	0,051	0,435
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