

Working Group VII

Working document 17

## **Working group VII – "External Action"**

**Subject:**     **"Double hat"**  
                  **- paper by Mr Gunter Pleuger, alternate member of the Convention**

Members of the Working Group VII will find hereafter a paper by Mr Gunter Pleuger, alternate member of the Convention.

## **1. Enhancing the Union's capability to act in the sphere of external relations**

Greater demands will be placed on an enlarged Union, especially in the field of external relations. The Union must enhance its capability to act in this area in order to meet these increased demands. For this it is vital that the Union speaks with one voice to the outside world on external relations issues. Moreover, the Union must strive for greater coherence in the formulation and implementation of foreign policy decisions. The relationship between the External Relations Commissioner and the High Representative for the CFSP is a key issue here. The current good cooperation due to the personal qualities of the present office holders should not blind us to the rivalry inherent in the current system. We must overcome these structural weaknesses.

## **2. Options for improving the structures**

### **a. Maintaining the status quo**

The External Relations Commissioner would remain in the Commission and the High Representative in the Council; the coordination mechanisms between the two offices would be enhanced. This would not solve the underlying problems of formulating coherent policy proposals and of a unified external representation.

### **b. Merger of the two offices**

The only options which would fully solve the coherence problem, i.e. the complete merger of the two offices, their substructures and their areas of responsibility, would appear to be unrealistic at present: the complete transfer of the High Representative's tasks to the Commission while maintaining the Council's decision-making competence would most likely not be acceptable to all member states at the present time and could create new problems in the area of ESDP. Merging the offices and locating it within the Council would mean the renationalization of areas already communitarized, for example external assistance, and would thus not be acceptable to Germany and other member states.

**c. "Double hat"**

We must therefore seek a necessarily less perfect compromise which would generate the maximum degree of synergy possible at present. In our view, this would be the exercise of the two offices by one person (so-called "double hat"). The apparatuses would remain separate, also the different decision-making procedures for the different competences would remain unchanged.

**3. Details of the "double hat" model**

**a. Tasks**

The "double hat" ("European External Representative") should conduct the Union's operative foreign policy, in particular the external representation of the Union in foreign policy issues below European Council level. In order to perform this task, the bearer of the double hat would exercise both the functions of High Representative and of External Relations Commissioner. In his function as High Representative he or she would chair the General Affairs Council (External Relations) and have the right of initiative in CFSP issues. The common European foreign policy would become more visible. Through his twofold responsibility for foreign policy, and for external relations and cooperation, as well as his greater weight in the CFSP sphere, the "double hat" would become the natural and influential contact person for EU partners in foreign policy issues. It would have to be examined whether the "double hat" could also remain Secretary-General of the Council.

**b. Appointment**

A special procedure taking into account the two functions should be agreed upon for the appointment of the "double hat". He or she must enjoy the confidence of both the Council and of the Commission President. The "double hat" should therefore be nominated unanimously by the European Council and, following approval by the Commission President, be endorsed by the European Parliament.

**c. Internal organisation**

In order to ensure that the "double hat" is able to perform his office effectively, he or she would have to be able to rely on an efficient substructure consisting of the following elements:

- the External Relations Directorate-General of the Commission, which would be answerable to the "double hat" in his or her capacity as External Relations Commissioner. It would remain part of the Commission in terms of organisation;
- a consolidated foreign policy unit ("European Foreign Policy Unit"), which should consist of those parts of the Council Secretariat currently responsible for foreign policy (inter alia, Policy Unit and Situation Centre as well as the External Relations Directorate-General) and of civil servants seconded for a certain period from the member states and the Commission;
- external representations which report back to the "double hat". To this end, the Commission delegations should be transformed into EU delegations and merged with the branches abroad of the Council Secretariat. The current staff would be extended to include personnel from the foreign policy unit;
- two deputies – one for Commission affairs who could represent him or her and have the right to vote in the College in his or her absence (amendment of the Commission's rules of procedure, if necessary), and one in his or her capacity as High Representative who could, in particular, represent the "double hat" as chairman of the PSC, and in exceptional cases also in the General Affairs Council (External Relations). These deputies should be appointed by the "double hat" and approved by the Council (by qualified majority) and by the Commission President;
- a joint cabinet which ensures the practical coordination of the two substructures. This cabinet would replace the existing cabinets of the High Representative and of the External Relations Commissioner and also assist the two deputies of the "double hat".

**d. Decision-making procedures and policy implementation**

The decision-making procedures for Commission affairs and CFSP issues would remain separate.

- In his or her capacity as External Relations Commissioner, the "double hat" would put forward proposals on Commission affairs in the College, which would then take a majority decision as is customary. The Council thus could not interfere with decisions made in the College.
- Decisions on CFSP affairs would continue to be made in the Council (which should, as a rule, – with the exception of military issues – take decisions by qualified majority). As the "double hat" would not have the right to vote in the Council, the Commission College could not interfere with CFSP decisions.

The "double hat" would carry out the implementation of "pure" Council decisions on CFSP on his or her own (e.g., political dialogue). If the Council takes decisions or formulates recommendations which render necessary action by the Commission, the College would be responsible. The "double hat" could explain the Council's position in the College but would have, as in other cases, just one vote. The College's autonomy would thus not be in jeopardy. As numerous CFSP decisions by the Council make action by the Commission necessary, the presence of the "double hat" in both bodies would contribute greatly towards coherent policy formulation and implementation.

#### **e. External representation**

- Within the framework of the EU's external representation, the "double hat" would assume the tasks of the Presidency respectively of the Troika below European Council level. As a rule, Foreign Ministers of the EU member states should not take any uncoordinated action if, following an appropriate decision by the Council, the "double hat" is acting on behalf of the EU.
- The EU should act as far as possible as one during international negotiations and at international conferences (as well as in international organisations) also in CFSP issues. It should be examined whether this task could be performed by the "double hat" where another Commissioner is not responsible (e.g. trade policy). The "double hat" (or the Commission) should not exclusively represent the Union in areas in which the member states are competent (in particular third pillar and EMU).

**f. Financial resources**

In order to be effective, the "double hat" requires adequate financial resources, both for his or her administrative expenditure and for operative expenditures, particularly in the CFSP sphere.