

Working Group VII

Working document 19

Working group VII – "External Action"

Subject: "Towards a more effective EU in international relations"
- paper by Ms Teija Tiilikainen, member of the Convention

Members of the Working Group VII will find attached a paper by Ms Teija Tiilikainen, member of the Convention.

TOWARDS A MORE EFFECTIVE EU IN INTERNATIONAL RELATIONS

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Proposal to the Working Group VII

1. The purpose of the working group is to assess how the credibility and effectiveness of the EU as an international actor could be reinforced. The group shall, consequently, address the whole range of activities covered by the Union's external relations.
2. The key problems of the EU's external action are the lack of coherence between various fields of external policy and the lack of commitment to the idea of common policy from the part of the Member States. In the era of globalisation, the EU is powerful only if all aspects of its external relations – political as well as economic – are merged into a single coherent policy vis-à-vis the external world.

For the time being, the field of defence shall, however, be treated separately.

3. In the final report of Working Group on Legal Personality many important amendments are proposed, which undoubtedly contribute to the better coherence of the Union's external relations. The conferment of single legal personality to the EU creates the essential legal conditions for the Union to appear as a single entity on the international arena. The group also proposes that the Union should be represented by a single representation in various bi- and multilateral connections like treaty negotiations and international organisations. A majority of the group expressed itself in favour of a single structure to give the conduct of the Union's external action greater consistency and avoid overlapping between administrations. These proposals shall form the starting point to the deliberations of this working group.
4. The European Council is responsible for the overall policy guidelines for the Union's external action. In order to put these efficiently into practice, the Union needs a coherent machinery for the surveillance of common interests and policy initiation which can take the various fields of external policies together and merge them into a coherent external policy and action. The Commission has successfully played this part for a large part of the Union's

external action. Its role should be extended to the CFSP as well. A single centre for policy preparation leads in the long run into a more coherent international identity of the Union as well as into a stricter commitment from the part of Member States.

5. Policy initiation is not identical with final policy-formulation and decision-making. Member States retain their position as key decision-makers over the whole range of external relations exercising their powers either in the form of the Council of Ministers or the European Council. The use of QMV and constructive abstention should be increased in the whole range of external relations (with the exception of defence policy).
6. It is also important that the EU – in the whole range of its external affairs – is represented in a credible and coherent manner. The weaknesses deriving from the current divided representation shall be avoided in the future. The only rational solution to the problem is to make the Commission – that already successfully represents the EU in a remarkable part of its external relations – the representative for the entire external policy (except defence). This can be achieved by merging the function of the current Commissioner responsible for external relations and that of the High Representative of the CFSP and placing it in the Commission. Only in this manner, the needs of a single administration, a coherent representation of external policy and its parliamentary control can be fulfilled.
7. The idea of keeping the functions of the High Representative and the Commissioner for External Relations separate but assigning the same person to both positions (the so called 'double-hatting') contains serious problems.

How could this person – accountable for a part of his/her duties to the Council – take part in the collective policy formulation in the Commission and share the collective parliamentary responsibility for this policy ? Another question is, how this dual position could function, and would it not lead to an unnecessary duplication of administrations. Such duplication should be avoided as the Working Group on Legal Personality firmly emphasized. A third risk is that of the gradual intergovernmentalisation of that part of external relations, which is currently successfully managed through the Community method. Last but not least, creating such a dual position would hardly correspond to the task of simplification of the EU's political structures that the Convention is provided with.

8. The idea of nominating a more long-term president to the European Council with the EU's external representation as one of his/her duties contains still more serious problems. The problems originate in the doubtful legitimacy and accountability of such a high figure in the European Union. What would his/her policy – as a leader of the intergovernmental organ as the European Council is – be based on and how could his/her accountability be measured in the Member States ? If the reinforcement of the EU's international credibility is the main reason for the establishment of this function, big and small Member States would never stand on an equal footing in the selection of candidates to it. The Convention should show more respect to its original task of increasing the legitimacy and accountability of the Union vis-à-vis the citizens and look for more democratic ways of amending the structures of the Union's external action.
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