

Working Group VII

Working document 34

Working group VII – "External Action"

Subject: **The comments by Mr Ernâni R. Lopes to the preliminary draft final report of Working Group VII on External Action (WD 021 - WG VII)**

Members of Working Group VII will find hereafter comments by Mr Ernâni R. Lopes, Portuguese government representative, member of the Convention.

Working Group VII – “External Action”

Comments by Mr. Ernâni R. Lopes to the Preliminary draft final report (WD 21, 8 November 2002)

1. I wish first of all to praise the quality of the WD 21 which, in general, expresses faithfully the various points of view put forward on each of the items tabled for discussion.
2. I agree that there is a need to increase coherence and efficiency of the EU's external action. The role played in this regard by the HR/SG deserves praise and we should look into ways of making it more effective. Therefore, we can consider ways of strengthening his role. However, I have doubts that changing his title will contribute on its own to that objective. Furthermore, the possibility of having him chairing the external action Council is a matter that needs to be discussed on the context of a wider institutional debate.

Therefore, I propose the following amendment:

– paragraph 24, line 6, replace the word “would”, by “could”;

3. The significance of practical measures to enhance the synergy between the functions of the HR and the role of the RELEX Commissioner suggested by Commissioner Patten and AR Javier Solana deserve, in my view, to be highlighted.

Therefore, I propose the following amendment:

- paragraph 26 add the sentence: “These measures should be considered by the Plenary”.

4. I think that the two options referred to in paragraphs 27 and 28 need further evaluation. Indeed, it is not evident what institutional implications they might have and what differences exist between them, both in theory and in practice. In particular, the option of the “double hating” does not explain how the new role is going to be exercised, notably in relation to the competencies of the Commission beyond the CFSP area and to its functioning as a collective body in a single institutional frame.

Therefore, I propose paragraph 31 to be amended as follows:

- ***“Different views on the possible merger of both functions should be further evaluated on their full implications, both at competencies and institutional levels. Members agreed, etc. (to continue unchanged)”***

5. Concerning paragraphs 36 to 38 on the possible extension of QVM. I would like to recall that this rule is already enshrined in the TEU (article 23) but has not yet been fully applied. Let us therefore make good use of the instruments and procedures already in place before embarking upon new Treaty changes.

Therefore, I propose to add at the end of paragraph 37 the following sentence:

- ***“In this regard it was noted that the possibility of using QVM allowed by article 23 of the TEU has not yet been fully exploited”.***

6. The references made to a “permanent President of the European Council” does not, in my view, take into account the strong reservations expressed in this regard by many members of the Convention, including myself.

Therefore, I propose to redraft paragraph 49 as follows:

-“Some considered that representation at the highest political level (heads of State or Government) should be the responsibility of a permanent President of the European Council. Others disagreed and expressed strong reservations on the question of a permanent President of the European Council. The Group considered that wider institutional questions should be discussed in the Plenary”.

7. I consider as premature the setting up of a EU diplomatic service. And I have also reservations on the idea that the Delegations of the Commission could become EU Embassies.

Therefore, I propose to add the following sentence to paragraph 59:

- ***“However, others considered premature the creation of a EU diplomatic service as well as the idea of Commission delegations to be turned to EU Embassies”.***

8. I think the report should try to elaborate further on the possible consequences of giving legal personality to the Union. If this is to be agreed, as I hope, it will represent a very important step forward in CFSP.

Therefore, I propose to add to paragraph 44, 4th line, after “European Union” the following sentence;

- *“which, if decided, may represent an important step forward for future CFSP developments”.*
