

Working Group VII

Working document 39

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

**Subject:**     **The comments by Mr Lamberto Dini 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 Lamberto Dini, member of the Italian Parliament, member of the Convention.

Rome, November 20, 2002

Dear Jean Luc,

Allow me first to offer my congratulations for the draft final report prepared by the Presidency, which addresses in a systematic and exhaustive manner the issues that are the subject of the Group's mandate.

I nonetheless believe that a further effort is needed to define the institutional structure in a way that is clear and consistent with the Group's objectives and mandate.

The proposal of the Working Group with regard to the granting of a legal personality in order to overcome the pillar-based structure, with which the Convention has expressed clear agreement, entails the need to simplify the institutional structure of the Union's external relations.

We must reduce the number of voices.

Hence the proposal, included only in part in paragraph 28, to create a Minister of Foreign Affairs to be entrusted with the mandates currently performed by the High Representative and the Commissioner for External Relations. A single person acting under two mandates and according to the separate procedures provided for today by the Community and intergovernmental pillars.

As President Giscard has made clear, overcoming the pillars does not mean unifying the procedures. Hence the rationalization that follows from the unification of the persons on whom the mandates of the HR and the Commissioner are conferred does not in itself entail any change in the institutional equilibrium, either in the sense of a strengthening of the Commission (of which the Minister could be the Vice-President) or of the Council (by which the Minister should be appointed through a procedure similar to that for the election of the President of the Commission). None of the new functions to be attributed to the Minister

(set out in paragraph 24 of the report) would be directly linked in any way to the Commission merely because the Minister was also Vice-President of the Commission and a member of that college. The new Treaty should clarify that the tasks the Minister inherits from the High Representative and all the others deriving from a mandate given by the Council will not be subject to collegial assessment by the Commission, unlike the tasks that fall within the scope of the Commission's own powers.

The unification of the two roles in a single person is therefore a rationalization that will allow, as recommended in the final report of the group on legal personality, the Union to be represented by a single voice in foreign policy matters. In this context the HR-Commissioner for External Relations will also have to be responsible for development cooperation, although this could be delegated to a junior Commissioner if the structure of the Commission permitted such an eventuality.

The importance and the compelling logic of such a unification for Europe in the twenty-first century can be seen in paragraph 44 of the report, where reference is made, however, to the merger of the functions of the HR and the Commissioner for External Relations, whereas the same effect in operational terms can be obtained simply by conferring the two mandates on the same person, without impinging in any way on the institutional equilibrium.

In paragraph 48 the report recognizes that interpersonal trust plays an essential role in international relations; but it is impossible to build such trust unless the number of voices is reduced. Consequently, there is no sense in strengthening the role of the HR if the competing position of Commissioner for External Relations is maintained. The harm and confusion stemming from the existence of these two voices have been underscored by many speakers in the meetings of the Group.

Lamberto Dini