

Working Group VII

Working document 42

Working group VII – "External Action"

Subject: **The comments by Ms Lena Hjelm-Wallén to the preliminary draft final report of Working Group VII on External Action (WD 021 - WG VII) and to the draft text on principles and objectives of EU external action (WD 007 - WG VII)**

Members of Working Group VII will find hereafter comments by Ms Lena Hjelm-Wallén, Swedish government representative, member of the Convention.

Comments by Ms Lena Hjelm-Wallén on the preliminary draft final report from WG VII on external action (WD 21)

The following amendments are submitted for inclusion in the revised version of the final report that will be prepared in advance of the WG-meeting on 27 November. The comments and proposed changes follow the structure of the document. In those cases where concrete language is proposed, such text is marked in bold.

Para 4

Add "...There was first of all a general acknowledgement that the Union had much to gain from acting collectively on the international stage, **and that more effective external action would enhance the Union's contribution to the improvement of living conditions around the world.** It was increasingly difficult..."

Para 10

Establishing the principles and objectives of EU external action is important, and the working group should take this opportunity to clarify/adapt current Treaty language. Proposals for amendments to the draft text "Principles and Objectives of EU External Action" are included below, under the heading "annex".

Para 11

The idea of grouping in the new Treaty those articles which constitute the legal bases for EU external action is very useful. Such an exercise would allow for clarification both of EU/EC competencies in various fields, including for example development co-operation, and of the division of responsibilities between institutions.

Para 12

Add the following text after the last sentence in the paragraph: "...as well as the work of the European Parliament. It was proposed that the Council adopt a yearly strategic plan specifically defining the objectives of the Union in the field of external action, to be included in the Council's work programme, in coherence with the Commission's annual strategic priorities document."

Para 18

- i) add at the end of the second sentence "...underlined that a coherent approach in international affairs increased the Union's credibility vis-à-vis its partners, **and the group emphasised the need for improvements in this regard**".
- ii) add at the end of the paragraph (last line) "...many of the Union's internal policies and action could have an impact on its relations with the wider world, **and the group recognised the importance of enhancing consistency between the Union's internal and external policies**."

Para 21

The idea of entrusting a focal point within the Commission with overseeing all external actions within the services of the Commission is very useful, as one possible means of improving the conditions for more coherent action. This proposal should be considered in the broader context of the roles of and the division of responsibilities between the High Representative and the RELEX Commissioner.

Para 24

- i) The contents of this paragraph are closely linked to paragraphs 26-28 and the discussion on the HR and RELEX Commissioner, and should not stand isolated from it.
- ii) On the individual proposals, some redrafting is necessary to correct the impression now wrongly given that a "large majority" supported each of them. Surely, measures that enable the HR to fulfil his mandate even better are justified, and on this the group seems to be in broad agreement. But, very few have spoken in favour of changing the title of the HR into for example Foreign Minister. Such a change gives associations to a governmental system that are inadequate in this context. Furthermore, voices have been raised in the group in favour of retaining the chairmanship of the external action Council as a responsibility of Member States rather than tasking the HR with this. These specific proposals (HR chairing Council and title change respectively) should thus be deleted. Alternatively, the text should make very clear that these proposals do not reflect the majority view.

Para 26

The recommendations for practical measures to enhance the synergy between the functions of the HR and the role of the Commission in external relations, while keeping their functions separate, are extremely valuable. Option 1 has the advantage, as opposed to option 2 (merger) and option 3 (double-hatting), of maintaining and even clarifying the distinct roles and responsibilities of the Council and the Commission as provided by the treaties, and of avoiding confusing the roles and complicating co-ordination. These advantages should be highlighted in the paragraph.

Paras 27-29

The analyses of options 2 (merge) and 3 (double-hatting) in paragraphs 27-29 should be elaborated further.

For example, the report should highlight possible consequences of combining two functions with different mandates, responsibilities and accountabilities. Without a recognition of the fact that the Council and the Commission have different roles according to the Treaty, affecting the HR and the RELEX commissioner, and an analysis of this fact in the context of a merger or a double-hatting, these paragraphs are not complete.

Para 33

This paragraph rightly notes that common strategies have not led to the desired effect. However, these deficiencies do not negate the need for an instrument of this kind. The group should thus seek to be more elaborate in terms of how this tool, or something similar, could be shaped and used more effectively in the future. This could be done by the following amendment after the first sentence "...had not led to the desired effect. **However, the continued need for a tool of this kind to pool EU resources and enhance coherence, whether or not under the specific name of common strategy, was identified. Such an instrument should be concrete and operational, for every-day use on both regional and horizontal topics. Efficiency could also be increased if the Council, rather than the European Council, would adopt strategies of that kind.**"

Para 34

The idea of joint proposals by the HR and the RELEX Commissioner is interesting and should have great potential of enabling integrated approaches and coherence between policy areas. However, this shared right of initiative should apply not only to proposals concerning a particular country or region or theme, but also include proposals for common strategies, positions and actions. The paragraph should thus be redrafted in the following way: "The Group discussed the possibility of introducing a new **form of initiative within** EU external action, in the form of joint proposals by the HR and the RELEX Commissioner. **This shared right of initiative** would present an integrated approach of foreign policy considerations and concrete supporting measures **and should enable the HR and the Commissioner jointly to propose Council measures including common strategies, positions and actions. Joint proposals could concern the Union's relations with a particular country or region or have a thematic approach, submitted to the Council for adoption and implemented by the different institutions/actors in the field of competencies attributed to them.**"

Para 39

The possibility of constructive abstention is important to allow a further strengthening of the common foreign and security policy. The current threshold for constructive abstention is adequate to prevent decisions that do not enjoy wide support among Member States. The idea of an increase from the current one third of weighted votes to 50% has not been discussed properly in the group, and the text

in brackets ("The Group agreed... would have a positive effect on efficiency of decision-making in CFSP") should thus be deleted.

Para 42

It is correct that improvements could be made of the current system. However, the need for adequate funds for CFSP (B8, heading 4) and the Council Secretariat (B8, heading 5) is perhaps even more urgent. The need to remedy the lack of funds should be added as the last element in "There was strong support in the Group to **simplify and improve** the current system and make it more compatible with the EU's needs, **and to ensure that adequate funds are provided for common foreign policy and security purposes**".

Para 43

- i) The idea of providing the HR with a certain degree of autonomy in financing certain activities could be elaborated, by adding "...for the implementation of his mandate. **The HR could be given such autonomy over a specified, limited share of the CFSP-budget (provided that the budget is increased). The use of these resources should rest on clear guidelines from the Council and require clearance in advance from the PSC.**"
- ii) Decisions on the financing of crisis management operations should be taken by the Council in connection with decisions on the operation itself. The report should not prescribe a certain option for financing preparatory steps of an operation. The text in brackets "In particular, the Group noted the need to establish an effective start-up fund, which would allow the HR to finance on an urgent basis the preparatory steps of crisis management operations." should be replaced by "**In particular, the Group noted the need to allow for the financing of preparatory measures, which would allow...**" and continue as is.

Para 47

A paragraph on representation in international fora can not bypass the United Nations. A sentence of general character should be added towards the end of the paragraph, such as "**Mechanisms should be established that build on TEU article 19 (on Member States and international organisations, including the United Nations and the Security Council), consolidate advances made so far and allow further steps toward a more coherent EU voice in international organisations.**"

Principles and Objectives of EU External Action

The following changes - in bold - should be made to the proposed principles and objectives (please note too that the bullets under paragraph 2 have been reordered). With these changes the text will better reflect the spirit of EU external action in international affairs.

- "1. The Union's action on the international stage will be guided by, and designed to advance in the wider world, the very values which have inspired its own creation, development and enlargement: democracy, **solidarity and equality**, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, freedom from **hunger and from fear of violence, oppression and injustice**, and respect for the independence of sovereign states. The Union will seek to develop relations and build partnerships with all countries, and regional or global organisations, who share its values; will seek multilateral solutions to common problems; will fully respect all international obligations; and will act in accordance with the Charter of the United Nations.
2. The European Union will define and pursue common policies and Union actions, and will work for a maximum degree of co-operation in other international fields, in order:
 - (a) **to promote a just and lasting peace all over the world and to strengthen international security, in accordance with the United Nations Charter;**
 - (b) **to uphold the principles of human dignity and equality and** to consolidate and support democracy, the rule of law, international justice and human rights;
 - (c) to encourage the integration of all countries into the world economy to **foster sustainable development and a globalisation that is just**, including through the **promotion of free and fair trade;**
 - (d) to foster the economic and social development of developing countries, and to reduce poverty in the world, in particular in the least developed countries;
 - (e) to develop international measures to preserve the environment and global natural resources, and ensure sustainable development;
 - (f) to assist communities, countries or regions confronting man-made or natural disaster **and major diseases;**
 - (g) to safeguard the interests, independence and integrity of the Union.
3. Some EU internal policies have external aspects. When considering such aspects, the Union will **pay full regard to** the above objectives."