

Working Group VII

Working document 45

Working group VII – "External Action"

Subject: The comments by Mr Klaus Hänsch 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 Mr Klaus Hänsch, member of the European Parliament, member of the Convention.

Note for the attention of Working Group VII "External Action"

Re: Comments of Mr Klaus HÄNSCH, Member of the Praesidium of the Convention, on working document 21 "Preliminary draft final report"

1. There is consensus in the Convention that Europe should speak with one voice in the world. The foreign policy of the Union needs, therefore, structural changes in order to become more efficient. The existing resources and mechanisms should be revised, concentrated and used in a coherent manner.

Therefore, the working group should give particular attention to the following elements:

- the constitution should give the Common Foreign and Security Policy as well as the Defence Policy enough flexibility in order to cope with existing and future challenges;
- only one person should be **internally** responsible for foreign policy and should **externally** represent the European Union as a "EU Representative for Foreign Affairs";
- the resources of Commission and Council should be coupled;
- the decision-making procedures should be made efficient.

2. In the light of these crucial needs I support in particular the following points:

Principles and objectives of an EU Foreign Policy

Article 10 and annex I: The principles and objectives of EU External Action should be part of the constitution. Nevertheless, the principles laid down in the annex should be open to new elements in order to preserve a flexibility in the light of new international developments and challenges to the Union. Given the fact that the Convention's objective is a constitution the external policy goals should be mentioned in a clear, coherent and precise manner. Revised version of the annex is attached.

Qualified majority as principle procedural element

Article 36 and 37: In order to allow an enlarged European Union to take action efficiently, the decision-making procedure should become qualified majority in all CFSP matters. Unanimity should remain only in the field of European Defence Policy.

Creation of an "EU Representative for Foreign Affairs" ("EU Minister for Foreign Affairs", "Foreign Secretary")

Article 28: In the light of the discussions in the working group so far on whether the role of an external policy representative should be given to the Council or to the Commission, the most pragmatic compromise seems to be that both offices are exercised by one "double-hatted" person while keeping the apparatuses and decision-making processes separate. This solution I strongly support. This person should act as a member of the Commission in the competences allocated to, it is at the same time responsible to the Council relating to issues of CFSP and European Defence Policy. This solution can provide a synergy between the foreign policy areas of the Commission and the Council.

Article 48: It should be made clear that the "EU Representative for Foreign Affairs" is the only voice of the European Union in foreign policy matters below the level of the European Council. The existing confusing system of Presidency, High Representative, Troika and Member States should be abolished.

Article 24: The "EU Representative for Foreign Affairs" should chair the "General Affairs and External Relations Council" in its formation for foreign relations. Furthermore, he should be given the right of initiative in CFSP matters together with the Member States.

Structural requirements for a single European Foreign Policy

Article 29: The "EU Representative for Foreign Affairs" should have several deputies in the respective policy areas (Commission, Council) who are only accountable to him. In order to be able to fulfil his tasks the "EU Representative for Foreign Affairs" should rely internally on the Directorate-general on External Relations of the Commission and a newly created directorate-general for foreign relations attached to the Council secretariat.

Article 50: Externally, he should rely on EU representations. The existing delegations of the Commission should be merged with the delegations of the Council and converted into "EU Embassies" reporting to him.

Principles and Objectives of EU External Action

1. The Union's action on the international stage will be guided by, and designed to advance in a wider world the values of democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, solidarity, respect for the independence of sovereign states and the promotion of sustainable development. The Union will seek bilateral and multilateral solutions to international problems 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 bilateral and multilateral co-operation in order to:
 - preserve peace and strengthen international security in conformity with the principles of the United Nations Charter,
 - safeguard the independence, integrity and interest of the Union,
 - consolidate and support democracy, the rule of law, international justice and human rights,
 - foster the social and economic development of developing countries and reduce poverty in the world,
 - contribute to international efforts to preserve the environment and global natural resources and ensure sustainable development.