

Working Group VII

Working document 68 REV

Working group VII – "External Action"

Subject: The comments by Ms Lena Hjelm-Wallén to the revised draft final report of Working Group VII on External Action (WG VII – WD 21 REV 3)

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 revised draft final report from Working Group VII on External Action (WD 21)

The following comments are submitted in response to the revised draft final report dated 9 December (WG VII WD 21 rev 3). All proposals for new language are marked in bold.

General remarks

We must achieve more effective decision-making procedures, improve co-ordination between institutions and enhance coherence between all policy areas affecting external action, including internal policies. The Convention provides an excellent opportunity to propose treaty changes that may help attain these objectives. The aim should be to improve the current system so that roles and responsibilities are clarified and actors/institutions equipped to carry out their mandates in a coherent fashion.

The intergovernmental character of the common foreign and security policy constitutes a basic premise. A new treaty and the possible abandonment of the pillar structure as we know it today should not affect these fundamentals.

I have expressed doubts on the proposals for a merger or "doublehatting" of the High Representative and the Commissioner for External Relations. I believe such a measure would blur the lines between the Council and the Commission, while what we need is enhanced synergies between these two, clearly distinct, institutions. It is important that the report gives a full account of the various positions expressed in the Group on important issues such as this. I hope that some of the amendments below will contribute to such an account.

Specific comments

- *Part A – Recommendations*

Para 3

The proposal that the EU define strategic objectives and interests in relation to a specific country/region or situation and then examine the realisation of these objectives is useful. However, the European Council should not be burdened with tasks of this kind unless it provides clear added value. Instead, the External Action Council (as envisaged in para 6) should be given responsibility for defining objectives and interests in relation to specific countries/regions or situations.

Para 5, last lines

This paragraph should reflect that other members of the group favoured solutions different from a "European External Representative". Such a balanced account could be achieved by adding for example **"Other members of the group argued for different solutions, including keeping the two functions separate while enhancing synergies between them, alternatively merging the two completely."** to follow after "...dependent on a satisfactory solution on the whole institutional setting."

Para 6, second indent

Quite a few members of the Group argued *against* the idea of the High Representative chairing the External Action Council. Phrasing it in the following way would be more adequate **"Many members were in favour of the person holding the function of HR chairing the External Action Council. Others argued that Member States should retain the chairmanship, thereby also avoiding too great a concentration of responsibilities in one individual"**.

Para 8 (b)

The proposal that a new provision be inserted in the Treaty, providing the European Council with the possibility of extending the use of QMV on CFSP matters, is interesting. However, the exact significance of this proposal is not clear from the report. The Group should recognise that the idea needs careful analysis. The text should read "In addition, the Group recommends that a new provision be inserted in the Treaty, **under conditions to be specified**. This could provide for the possibility of the European Council agreeing by unanimity to extend the use of QMV in the field of CFSP."

Para 8 (c)

During the Working Group's deliberations, attention has been brought to the fact that many Member States have particular, national concerns preventing them from agreeing to a general use of QMV in all areas of commercial policy, including services and intellectual property. The recommendation should be more balanced to reflect this fact. At the very least, the description "There was a very large consensus in..." should be replaced by "**Many members of...**".

Para 9, second section

Pending further analysis of the proposal to integrate the European Development Fund into the overall EU budget, a more open wording would be appropriate, for example "**A consensus** emerged in favour of **considering** an integration of..." or "**Many members supported** an integration of...". (*This comment is also applicable to paragraph 56 in section B.*)

Para 9, third section

In order to stress the importance of coherence across the board to ensure an effective development policy, the following amendment should be made "...underlines the need for ensuring coherence between development co-operation and other aspects of EU external action **as well as of external aspects of internal policies**, since development assistance could be considered as an element of the global strategy of the Union vis-à-vis third countries."

- *Part B – Detailed report of the discussions*

Para 16

In line with the argument above (para 3, recommendations) on charging the External Action Council with defining objectives and interests in relation to specific countries/ regions or situations, it should be the External Action Council – not the European Council – that adopts the proposed annual strategic plan for external action.

Para 21

Revert to the wording in WD 21 rev 2: "Notwithstanding the progress achieved over past years, the Group was of the opinion that **current arrangements in the European architecture** could be further improved to allow more co-ordinated use of the different instruments."

Para 27

The proposal to establish a focal point in the Commission to co-ordinate all external issues is important. However, not all members of the Group agreed that this task should be entrusted to a Vice-President of the Commission. "The Group..." should be replaced by **"Some members of the Group..."**

Para 52

Replace "There was a very large consensus..." in the third sentence with **"Many members of the Group were..."** (in line with argument above on paragraph 8c). In addition, the wording "One member of the Group..." does not accurately reflect positions expressed in the Group. Replace this with **"Some members were of the view..."**

Para 66

Though individual Group members have argued for a single representation of the Eurozone in the international financial institutions, this is not a consensus view within the Group. The current wording "The Group expressed support..." should be replaced with **"Some members of the Group expressed..."**

Para 68

Though agreeing that current arrangements in external representation lacked clarity, members of the Group differed on how such clarity should be achieved. Some favoured a general provision for the High Representative to represent the Union in bilateral relations. Others considered that the HR should assume this responsibility when relevant and practical, and that neither Presidency nor Troika should be excluded from representing the Union. This could be reflected through the following amendment: "The Group considered in this respect that the person holding the function of HR should assume the representation of the Union, **if the Council does not decide otherwise. This could** improve the visibility, clarity and continuity of the Union on the global stage." At the very least, "The Group..." should be replaced with "Some members...".