

**NOTE**

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from : Praesidium

to : Convention

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Subject : EU External Action

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Members of the Convention will find attached a discussion paper on EU External Action.

This paper, and the questions it identifies, is intended to serve as a basis for the debate in the plenary session of the Convention on 11 and 12 July 2002.

## **I INTRODUCTION**

1. There is widespread acknowledgement amongst Europe's citizens of the potential benefits to be gained when the European Union acts collectively on the global stage. At the same time, there is criticism that the Union's international impact currently falls short of what might reasonably be expected given its economic weight, its high degree of internal integration and the resources collectively at its disposal. This issue was highlighted in the Declaration of Laeken, and has been raised by a number of members of the Convention.
2. The purpose of this paper is:
  - first to set out the existing framework for Community/Union action in the field of external relations. This requires looking at i) the legal basis for such action (i.e. the competences which have been entrusted to the Community/Union), ii) the instruments available, and iii) the responsibilities of each of the various actors involved. This section includes some questions, specific to particular aspects of external relations, which merit discussion; and
  - second, to identify some more general issues which might also be looked at when considering the Union's international impact; and to suggest a number of possible areas for reflection on how the Union's role globally could be further developed.

## **II THE EXISTING SITUATION**

3. The main policies in the area of external relations in which the Community was given a role from its inception (and which remain to this day) come under two distinct headings: trade and development co-operation. Since then, the Community has gradually acquired important additional responsibilities in other aspects of external relations. In addition to a number of explicit external Community competences, the ECJ has recognised an implicit external Community competence if international agreements are necessary for the realisation of internal objectives under the Treaty or if they affect internal Community legislation.
4. Informal co-operation in the area of foreign and security policy developed initially outside the Community structures. However with the adoption of the Treaty on European Union in 1993, a new framework was established under the title of Common Foreign and Security Policy. Its scope has recently been expanded following the decision to establish a European security and defence policy. The TEU also provides for external action within the area of Justice and Home Affairs. All these developments have led to various arrangements for representation in international organisations.
5. In the following section of this paper these six fields are presented separately. However, in practice they are closely interlinked; the TEU requires that the Union ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies, with the Council and the Commission responsible for ensuring such consistency (TEU Article 3).

## **A. TRADE**

### **Legal bases**

6. The Community has exclusive competence for the common commercial policy (TCE Article 133 § 1). This has its origins in the requirement for the Community to take responsibility for the external consequences of the internal policy to establish a customs union.  
Article 133 § 1 provides for exclusive Community competence essentially for trade in goods, cross-border services and some very specific aspects of intellectual property rights. However, there is provision for its scope to be extended to include the full range of trade in services, and intellectual property, should the Council decide unanimously to do so (this widening of exclusive powers is further extended under the Nice Treaty).

### **Instruments**

7. The main trade policy instruments are trade co-operation agreements with one or more states or international organisations, and a number of autonomous legal instruments such as the Anti-dumping Regulation and the Generalised System of Preferences (GSP).

### **Actors**

8. In the case of formal agreements, draft negotiating directives are normally submitted by the Commission to the Council for approval. Once agreed, these constitute the basis for the negotiations which are conducted by the Commission in consultation with a Committee designated by the Council under the Treaty (the Article 133 Committee). The Council is responsible for concluding agreements. Responsibility for the day-to-day management of trade policy lies with the Commission, in close contact with the Council. The Commission is assisted in this task by the Article 133 Committee, which meets on a regular basis.
9. The European Parliament, although regularly briefed on trade policy issues and consulted on key questions, has no formal role. The European Court of Justice has developed an important case law in trade matters. The establishment of the World Trade Organisation and the inclusion within the multilateral trading rules of areas which fall outside the scope of the common commercial policy led to a pragmatic arrangement based on a duty of co-operation between the Member States and the Community institutions, but allowing the Commission to maintain responsibility for negotiating across all sectors and for use of WTO dispute settlement mechanisms. The influence of the Community within the WTO reflects its position as the world's largest trading bloc.

*For discussion: what lessons can one draw from the relative effectiveness of the Community's external trade policy? How could it be made still more effective? And could the factors which contribute to its effectiveness be of wider application?*

## **B. DEVELOPMENT COOPERATION**

### **Legal bases**

10. The Treaty provides for Community action in the area of development co-operation (Articles TCE 177 - 181). This action is in addition to the development and co-operation programmes run by the Member States. As well as these provisions, another important aspect of Community development co-operation is the longstanding relationship between the EC and the African, Caribbean and Pacific countries, which is regulated by the Cotonou Convention between the ACP, the EC and the Member States (a self-standing multilateral agreement on the basis of TCE Article 310). In addition, there are a number of autonomous technical assistance programmes (i.e. MEDA, TACIS) which have been developed on the basis of Article 308. Other Community policies can have important development aspects.

### **Instruments**

11. The Community is the world's largest provider of development and co-operation assistance. Its development assistance budget amounts to over Euro 6 billion annually (excluding pre-accession aid), including about Euro 1 billion for emergency and humanitarian aid. There is in addition a separate fund for assistance to ACP countries (European Development Fund) which falls outside the Community budget and is subject to its own distinct procedures. Loans to third countries are provided by the European Investment Bank. The arrangements for Community development co-operation may also be the subject of internal legal instruments as well as agreements with third countries or international organisations.

### **Actors**

12. The Council is responsible, on the basis of a Commission proposal and in co-decision with the European Parliament, for establishing the legal framework for the allocation of Community development and co-operation assistance, as well as for setting the overall financial envelope. The co-decision procedure does not apply to the conclusion of International agreements, which are concluded by the Council. The Commission is responsible for implementation and management, for which the rules are set out in the legal framework, and which normally include some degree of Member State oversight under the comitology procedure.

*For discussion: could one improve the effectiveness of Development Policy by some fusion of the different instruments? Noting recent Seville decisions, could one further improve coherence between Development Policy and other External Policies by structural changes within (a) the Commission and/or (b) the Council, and/or by increasing the role of the Parliament?*

## **C. OTHER ASPECTS OF COMMUNITY EXTERNAL RELATIONS**

### **Legal bases**

13. The Treaty explicitly provides for shared Community/Member State external competence in the following areas: monetary policy (TCE Article 111), research (TCE Article 170) and environment (TCE Article 174). In addition to these areas, the ECJ has recognised an implicit Community competence externally if international agreements are necessary for the realisation of internal objectives under the Treaty or if they affect internal community legislation, e.g. fisheries, transport and agriculture. Article 310 provides for the negotiation and conclusion of Association agreements.

### **Instruments**

14. The main legal instruments for managing the external aspects of Community policies are agreements with one or more states or international organisations, for which the procedures are set out in TCE Article 300. These agreements frequently bring together in one document a wide range of tools for managing the relationship (e.g. trade, development co-operation, environment policies, research co-operation, and political dialogue). Over the years the Community has developed a network of agreements with individual countries, groups of countries, and international organisations. The early agreements have in many cases been updated, their scope extended, and in some cases replaced by association agreements which involve reciprocal rights and obligations, common action and special procedures. The result is that the Community has an extensive and heterogeneous network of contractual relationships spanning the globe. These agreements almost invariably include obligations for regular consultations at both ministerial and official level, differing depending on the agreement as to frequency, level, and type of EC/EU representation (i.e. Council or Commission), as well as provisions on dispute settlement.

### **Actors**

15. The management of external aspects of these policy areas is in practice shared between the Commission, Council and Member States. The Commission is responsible for negotiating international agreements, on the basis of an authorisation and directive agreed by the Council, and the Council concludes them, after consulting or receiving the assent of the European Parliament. International agreements frequently include some provisions falling inside, and some outside, the competence of the Community ("mixed" agreements). They are signed jointly by the Community and by the Member States and are subject, prior to conclusion, to national ratification procedures as regards those provisions coming under the competence of the Member States. This means that common accord of the Member States is required even for provisions covered by Community competence and approved by qualified-majority voting: failure by one Member State to ratify the provisions falling within its competence means that the entire agreement, including the provisions falling inside Community competence, cannot enter into force. Interim agreements can be used to implement the Community aspects of these agreements on a provisional basis.

*For discussion: could one improve coherence between the external aspects of Community policies (e.g. environment, agriculture) and other external policies by structural changes within (a) the Commission and/or (b) the Council? Could one simplify procedures for mixed agreements?*

## **D. THE COMMON FOREIGN AND SECURITY POLICY**

### **Legal bases**

16. The objectives of the common foreign and security policy, as defined in the Treaty, include the safeguarding of the Union's common values, its interests and integrity, the strengthening of peace and security both within the Union and on the international stage; and the promotion of international co-operation, democracy, the rule of law and human rights (TEU, title V).
17. Member States are bound by the Treaty to support the Union's CFSP actively and without reserve, to enhance mutual political solidarity and to abstain from any action that runs against the interests of the Union or that undermines its efficiency on the international scene. In order to formulate and implement this common policy, instruments such as the "common action" and the "common position" were created, in addition to the existing mechanisms for co-ordination and consultation. The Treaty of Amsterdam further reinforced the CFSP by creating the post of High Representative; defining more explicitly the Union's competence in crisis management; and adding the instrument of the "common strategy", which covers both Community and CFSP dimensions and extends the possibility of voting by qualified majority.
18. Within the fields of foreign affairs and security there are no limits on the potential scope and intensity of a common policy. The decision whether and how far to use the existing options provided for in the Treaty depends entirely on the political will of the different actors involved. In other words, there are no impediments deriving from the delimitation of competence between the Union and Member States. (The only constraint on Union action is of a different kind: the division of competences with the EC must be respected (Article 47 TEU).)

### **Instruments**

19. The instruments used in CFSP are of a different nature to those used in the Community area. Not all activities under CFSP are the result of legally binding acts. In fact, the driving force of CFSP is the political will of Member States to co-ordinate their positions and to reach a common view in order to be able collectively to exercise more influence on the international stage. It is for this reason that Member States agreed in the Treaty to strengthen systematic co-operation on foreign affairs issues (without however any obligation to reach an agreed position). Once an agreed position has been reached, it can be put into effect through a legal CFSP act, although this is not always necessary.
  - a) **Legal acts: common strategies, joint actions, common positions and decisions**
20. Legal acts require a formal decision by either the European Council or the Council. Common strategies are decided by the European Council, on the basis of unanimity, with respect to those countries/regions or themes where Member States share a strong common interest, and cover both Community and CFSP aspects. Once a common strategy has been adopted, the Council can take decisions on follow-up measures on the basis of QMV. Three common strategies have so far been agreed: Russia, Ukraine and the Mediterranean region. Joint actions are used in cases where operational activity by the Union is considered necessary. They are decided upon by unanimity (except in the framework of a common strategy) and are binding on Member States. The Council can also adopt common positions

on international, regional or thematic issues. They require unanimity, except in the framework of an existing common strategy. Member States are obliged to bring their national policies in line with a common position, and to defend it, including in the framework of international organisations. The Council adopts decisions mainly to extend or modify existing common positions or joint actions. Member States who do not wish either to join or to block consensus can use their right of constructive abstention (art. 23).

**b) Systematic co-operation: co-ordination, consultation and information**

21. The Treaty stipulates that Member States co-ordinate their positions in international organisations and during international conferences. Such co-ordination in many cases results in a common EU approach. Co-ordination and consultation also take place in third countries, through the diplomatic representation of Member States, and the delegations of the Commission. Regular meetings allow for exchange of information and the preparation of joint analyses of political issues, which can subsequently serve as an input to the discussions in the Council. The network of cypher messages (COREU) that links Member States, the Commission and the Secretariat General is an important channel for the exchange of information and analysis, and the preparation of CFSP decisions and declarations.

**c) Special representatives, political dialogue, declarations and demarches**

22. The Council's practice of appointing special representatives was formalised under the Treaty of Amsterdam (Article 18.5). The Union currently has special representatives active on the ground in the Great Lakes region, the Middle East Peace Process, the Stability Pact for South-Eastern Europe, Afghanistan, FYROM and Bosnia-Herzegovina. The EU engages in political dialogue with more than 50 countries and 10 international organisations. Nearly 300 meetings, ranging from Summits to expert level meetings, take place annually. The Union is represented by the Presidency, assisted by the High Representative, or by the Troika (which is the case for most political dialogue meetings) or by the High Representative alone. Declarations (not mentioned in Chapter V of the Treaty) are widely used to make the Union's view on international developments known: more than 100 declarations are published each year. Demarches are used in cases where the Union wishes to express its views directly to those concerned, and ask for action: they are often of a confidential nature, but can be made public if appropriate.

**d) Conclusion of international agreements**

23. The Council can conclude international agreements with one or more States or international organisations (Article 24 TUE). The Presidency negotiates on the basis of a mandate given by the Council (on the basis of unanimity). Such agreements, once concluded, are in principle binding on all Member States.

**e) Finance for CFSP**

24. The CFSP budget, part of the general budget of the Communities (Chapter B8), was established to finance operational activities (CFSP administrative expenditure is charged to the EC budget for the institution to which such expenditure falls). Financial management of CFSP expenditure coming under the EC budget is the responsibility of the Commission. The CFSP budget is on average some 30-40 million Euro per year (less than 1% of the total external relations budget), and regularly proves insufficient to finance and implement foreign policy decisions. In principle funds can then be transferred from a different

(Community) budget line, but this possibility, cumbersome and institutionally sensitive, has only been used once. Financing CFSP action directly by Member States is also possible, but has been done only rarely (e.g. to finance the transfer of WEU assets to the EU). Financing decisions are particularly complex in areas where there is a strong foreign policy dimension (and implications) and where the Community has acquired and exercised competences.

## **Actors**

25. The CFSP is part of the single institutional framework. This means that the same institutions serve both the Community and the CFSP. But on CFSP the execution of policy is largely by the Member States, and the respective roles of the Council, the Member States, the Commission and the European Parliament differ in the two cases.

The European Council decides principles and general orientations, including those related to defence and security. It also decides, by unanimity, on common strategies proposed by the Council.

The Council (in GAC formation), brings together Ministers of Foreign Affairs, the High Representative and the Commissioner for External Relations to discuss CFSP issues and ensure the unity, coherence and efficiency of the Union's external action (art. 13 TUE). It develops common policies on the basis of the European Council's guidelines, orientations and common strategies; and to that end adopts joint actions, common positions, decisions, conclusions, declarations etc.

The greater effectiveness of the CFSP in recent years owes much to the pivotal part played, since October 1999, by the High Representative in assisting the Council in formulating and undertaking foreign policy initiatives. He can also be mandated, by the Council or the European Council, to act on behalf of the Union, as in the Balkans and the Middle East. The Treaty (art.18 and 26) grants him special responsibilities in representing the Union in political dialogue meetings with third parties. He is assisted by a policy planning and early warning unit, established on the basis of a declaration annexed to the Treaty of Amsterdam. His active role in "hot spot" diplomacy, e.g. in the Balkans and the Middle East, has been widely noted.

The Member State holding the six monthly Council Presidency plays an important role in presenting initiatives, identifying common ground and ensuring implementation of decisions. The Presidency represents the Union in dialogue meetings with third countries and presents the Union's position in multilateral fora, such as the UN, the Council of Europe or the OSCE.

The Commission is fully associated and shares with Member States the right to raise questions related to CFSP and to submit proposals to the Council (Article 27 and 22, TEU). It is also associated in representing the Union, a task which is primarily conferred on the Presidency assisted by the High Representative (Article 18 TEU). The delegations of the Commission in third countries are also associated with CFSP activities.



The Presidency and the Commission regularly inform the European Parliament on CFSP-related matters (Article 21 TUE). The High Representative also addresses the European Parliament on a regular basis. The Treaty (Article 21) also stipulates that the Presidency consult the Parliament and that its views be taken into account.

The Court of Justice has no role in CFSP matters, except regarding the delimitation of competences between the Community and the Union.

*For discussion: how could one maximise the improvements in the effectiveness of the CFSP resulting from the appointment of the High Representative? Should his role be reinforced; if so, how (for example, by giving him power of proposal)? How could one best improve coherence between the CFSP and specific external policies? Could one simplify the instruments of the CFSP, in particular by enabling more use of the common strategy instrument, with the streamlined decision-taking procedures which it unlocks? How can one best use the diplomatic strengths, analytical and representational, of the Member States? Could more effective means of, and procedures for, financing the CFSP be devised?*

## **E. EUROPEAN SECURITY AND DEFENCE POLICY**

### **Legal bases**

26. Security issues have been considered to be part of CFSP since its inception under the Treaty on European Union. However the Treaty of Amsterdam included a more explicit Treaty base for security issues. It made explicit the possibility of the Union participating in, or leading, a range of crisis management missions (the so-called 'Petersberg tasks'). These provisions have the effect of defining security and defence policy as essentially the management of crises, and not as territorial defence, although the Treaty leaves open the possibility (Article 17) that CFSP might lead to a common defence policy should the European Council so decide. Eleven Member States are NATO allies (10 are members of WEU) and thus already have mutual assistance commitments: the other Member States have neutral status. Under the terms of a protocol annexed to the Treaty, Denmark does not participate in the elaboration of decisions and actions of the Union which have defence implications.

### **Instruments**

27. The legal instruments in the field of ESDP are essentially the same as for CFSP. Any decision to launch a crisis management operation would be taken on the basis of a Joint Action. However the Treaty (Article 23) explicitly excludes the use of majority voting in any decision having military or defence implications (and the "enhanced co-operation" provisions of the Nice Treaty do not apply to this area.) For operational instruments the Treaty (Article 17) foresaw the option of the Union drawing on WEU to elaborate and implement decisions and actions with defence implications. In practice however this provision has been overtaken by the fact that the Union is itself developing operational capabilities, and the Nice Treaty includes new provisions which reflect this reality. The overall approach to the development of such capabilities is to envisage both (a) use of the full range of instruments, civil and military, available to the Union and Member States, and (b) the necessity of co-operation and complementarity with NATO. (Some Member States have, on a voluntary – and non-EU -basis, initiated joint units, e.g. Eurocorps.)

## **Actors**

28. The actors are essentially the same as for the CFSP, although their roles and responsibilities are a little different. The Member States are the driving force behind Security and Defence Policy. Given the responsibility of Heads of State and Government for national decisions on defence issues and crisis management, the European Council's role would be particularly important. It is for the Council to decide, by unanimity, on the launching of a military operation. Thereafter it is for each Member State to decide whether and how to contribute. Efforts to encourage enhanced national capacities to contribute are in train: so far with mixed success.
29. The establishment of ESDP has led to the creation of some new structures within the Council, notably the Political and Security Committee, which apart from its general role in preparing policy on CFSP has a specific function for exercising political control and strategic direction during times of crisis, the Military Committee, which is the source of military advice, and a Military Staff, composed of personnel detached from Member States, to provide military expertise and assist the Military Committee. The particular role of the High Representative in crisis management operations was acknowledged by the Nice European Council which agreed that he should be able to preside over the Political and Security Committee at times of crisis. The Commission is fully associated in non-military aspects of ESDP.

*For discussion: how can one best build a genuine ESDP, taking account of the specific approaches to defence and security issues of the Member States? How can one best ensure a real improvement in capacity in this area?*

## **F. THE EUROPEAN UNION/EUROPEAN COMMUNITY IN INTERNATIONAL ORGANISATIONS**

30. Co-operation in international organisations and multilateral fora is an essential element of external policy in general. Multilateral action, whether financial, economic or political, serves to underpin stability and interdependence on the global stage. The international impact of the Union's policies, internal as well as external, is widely acknowledged. But the Union's position and status in international organisations is less clear and very complex.
31. The European Union as such has no legal status in multilateral organisations such as the UN, OSCE, Council of Europe, the International Financial Institutions, or international fora such as the G7 or G8. The statutes of these organisations in general provide for full membership by sovereign states only.
32. In spite of this general rule, the participation of the European Community in UN bodies and institutions has developed considerably over the years. In certain areas where the EC/EU has exclusive or shared competencies, the Member States have negotiated with the relevant UN body to have the status of the EC recognised/reinforced. This has in no way changed the legal status of Member States within these organisations. The status of the EC, represented by the Commission, at present varies from one UN body to another. The EC has full membership of WTO and FAO and fisheries organisations, but has only observer status at the UN General Assembly, ECOSOC and the majority of their subordinate bodies. It has no status in the International Court of Justice, the UN Security Council or UNICEF. The EC has the status of "full participant" in the OECD. The Commission, representing the EC, is an

observer in the Council of Europe and the OSCE and participates in most activities of the G7/G8 (with the exception of G7 finance). When the Council Presidency is held by a non-member of the G7/G8, it is invited to Summits and ministerial meetings of the G7/G8. Relations between the Community and certain international organisations or their subordinate bodies are governed by specific Treaty provisions (UN: TCE Article 302, Council of Europe : TCE Article 303, OECD : TCE Article 304).

33. In spite of the fact that the European Union has no legal status in international organisations, its Member States are bound by the common foreign and security policy to defend the Union's positions, which are in general presented by the Presidency, within these organisations. This principle applies e.g. in the framework of a number of committees of the UNGA, the UN Commission on Human Rights, the Council of Europe and the OSCE. The Member State holding the Presidency can present initiatives on behalf of the EU, a possibility that has been increasingly used over the last years. In addition, article 19 TEU stipulates that EU Member States which are members of the UN Security Council will concert together, inform other Member States, and ensure the defence of the Union's positions and interests: co-ordination now takes place before Security Council meetings.
34. In the Bretton Woods institutions (IFI's) EU Member States belong to a range of different IMF constituencies, which are represented on the executive board (the ECB is invited as an observer when the executive board discusses Euro-related issues.) Member States informally co-ordinate their positions in regular meetings, at which the Commission is present. On some issues, co-ordination takes place at the level of the Economic and Financial Committee, or among Finance Ministers in the Council. Such co-ordination is much rarer in respect of IBRD (World Bank) discussions. At the annual joint IMF/IBRD meetings, each Member State submits a written contribution, the President of the ECOFIN Council submits a written speech on behalf of the EU, the Commission and the ECB have observer status for the unrestricted part of the meeting, and the Commission, acting for the Community, submits a written speech to the Development Committee.

*For discussion: could the Union speak, in a wider range of international organisations (a) with one voice, or (b) with a common message, or (c) with better co-ordination?*

### **III. ISSUES FOR CONSIDERATION**

35. In considering how further progress to maximise international impact can best be made, four specific areas merit consideration. Some would entail Treaty revision.

#### **a) Ensuring coherence**

There is a general agreement that the Union must develop its policies and use its resources in a coherent way in order to be a credible and effective player on the international stage. The Union's economic and political relations with third countries/regions and its action within international organisations are governed by different rules and decision-making procedures. Some have argued that the current system makes it difficult to ensure that the multiplicity of instruments are used harmoniously in pursuit of common objectives. Does this point to structural changes, within and between Parliament, Commission and Council? Could one - particularly in a

crisis situation - envisage providing the Council with a single proposal covering proposed uses of all particular management tools?

**b) Identifying common interests**

The extent of integration achieved within the European Community/Union means that Member States increasingly share a number of interests in common. Defining such common interests depends in part on sharing and jointly assessing information: this can also play an important role in bolstering mutual confidence. While the Member States and the Commission share the right to raise issues within the CFSP, a common approach can only be determined collectively. The European Council has been considering how it could be better equipped for its strategic role. Arrangements within the General Affairs Council are also under consideration. What more could be done to define and prioritise common interests?

**c) Promoting flexibility**

A dynamic foreign policy implies that the Union is capable of responding promptly to international developments, drawing on the most appropriate resources. Many believe that the current financial constraints on CFSP, and the rule by which the Union cannot act in CFSP unless all Member States agree unanimously, restrict the Union's capacity to act, and result in policy driven by (a) cost-cutting and (b) only the highest available common factor of agreement. Should one consider introducing more flexibility to help overcome these difficulties?

**d) Ensuring a clearer Union voice**

Traditionally, external representation has been provided by the Presidency or the Commission, depending on the subject matter. In practice, particularly in capitals where few Member States have diplomatic representation, an informal practice of "lead nation" has sometimes developed. Moreover, the creation of the High Representative means that, particularly in crisis situations, it is often he who in practice represents the Union and takes a lead on political dialogue on behalf of the Council. (Political dialogue is also frequently conducted in the "Troika" format, which many find unwieldy and inefficient.) Although it might be clear in specific situations who is in practice the Union's main interlocutor, the overall situation is complicated for those outside the Union wanting to know who to address. How can we best ensure a clearer Union voice?

36. When examining these four issues, the following underlying factors should be kept in mind:

- a) Increasing globalisation, and the fact that a growing number of essentially internal Community policy issues now have an important international dimension, puts a premium on ensuring effective strategic overview of the international impact of such policies. Equally, External Trade and Development policies have direct implications on foreign policy while the credibility and impact of foreign policy often require concrete deliverables. Ensuring coherence therefore matters greatly.

- b) But few international events produce the same reaction, or intensity of reaction, in every Member State. Geographical situations and historical backgrounds differ, as do human and economic factors. National traditions of involvement in particular geographical areas, and the extent to which Member States are willing to engage in such areas, vary considerably. Such traditional links could nevertheless be seen as assets for the Union.
- c) All agree that where the Union can act together it should do so. It might be unrealistic to assume that, in the absence of Union consensus on action, those Member States directly or strongly affected by an exogenous event will refrain from taking action themselves. When a Member State considers that its vital national interests are seriously affected, pressure from public opinion and in its national parliament could require it to take action.

In addition, while a number of Member States are party to NATO/WEU mutual defence obligations, an EU collective military action would not be possible under current arrangements if a Member State were under attack or if its vital interests were threatened. Some Member States might not be willing to make a sufficient commitment, either of political will or of resources for military capabilities. Others argue that a common defence lacking will or resources would not be credible.

- d) The establishment of the common foreign and security policy, with its specific legal framework, instruments and procedures, represents the acknowledgement by Member States that while their vital interests do not always coincide, they share a common interest in working together wherever possible. This co-operation is increasing, and the trend has been reflected in subsequent procedural modifications, and the introduction of new instruments, as in the Amsterdam Treaty. One could consider how to further strengthen this trend.

#### **IV AREAS FOR REFLECTION**

- 37. The basis of the EU's approach to external relations is that the Union benefits from acting collectively on the international stage, and that its resources should be used coherently and efficiently. When reflecting on how these aspirations could be better achieved in the future the following general questions might be addressed.
  - i) How can one reinforce the convergence of views between Member States on the different subjects of external policy, taking account of differing national traditions and interests; and encourage solidarity amongst them? And how can one ensure that the consequent policy prescription process does not produce convergence on a common policy set at the level of the least ambitious?
  - ii) How can one reinforce coherence between the different objectives of Union policies, e.g. between development policy and other policies, external or internal?
  - iii) To what extent could use of the Community method be extended to further policy areas? On matters currently considered in CFSP, could one envisage extending the possibilities by which the Council can take decisions without the need for unanimity? And/or should more flexible arrangements be introduced, allowing a group of Member States to undertake an initiative on behalf of the Union?

- iv) How could use of the Community method be made more effective, e.g. by greater coherence within and between (a) the Commission and/or (b) the Council and/or (c) by increasing the role of the Parliament?
  - v) What lessons can be drawn from experience with the newly created post of High Representative?
  - vi) On Common Defence Policy, which missions, if any, beyond the Petersberg tasks, should be assigned to the Union? Do we want to provide the Union with real operational capacity, including military capacity? If so, how can we ensure the provision of the capabilities necessary for credibility? Should we envisage, along the lines of what has been done for monetary union, admission criteria and a pact to be complied with subsequently?
  - vii) Is there a need to change the current arrangements for representation of the Union/Community, in third countries, and/or in international organisations?
-