

**NOTE**

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from:	Secretariat
to:	Working Group VII on "External Action"
Subject:	Summary of the meeting held on 24-25 September 2002

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**I Opening**

1. Vice President Dehaene (Chair) opened the meeting and informed members of practical arrangements. He indicated that interpretation from another language than French or English could be provided if strictly necessary, invited written contributions on issues discussed by the Group, and called upon members to limit the number of assistants that attended the meeting to one per member. He expressed the hope that in future meetings more members would be present, which was important to strengthen the representativity of the Group's work.
2. The Chair presented the annotated mandate as set out in CONV 252/02, as well as the work programme and recalled that the reflection note on external action (CONV 161/02) and the results of the subsequent plenary debate (CONV 200/02) would serve as an input for the Group's discussion. Further notes would be provided on specific issues.
3. He informed the Group that hearings of HR Solana and Commissioners Patten, Lamy and Nielson were under preparation. One member suggested to invite one of the EU special representatives (Miguel Moratinos was mentioned in this context). Another member proposed to also take evidence from one or several Ministers of Foreign Affairs.

## **II Debate on common interests and broader issues**

4. The Group welcomed the scope of the mandate and agreed to the proposed approach. In the debate that followed, members had an exchange of views on common interests as well as on other questions mentioned in the mandate. The following general observations and specific issues came up in the course of the discussion:

### **General observations**

5. The Group felt that it was important for the EU to think first of the objectives of a common policy before discussing the modalities and institutional aspects. A common policy could not be an end in itself but needed to be seen and designed in view of the objectives the EU aimed at.
6. There was a general acknowledgement that the different fields covered by the EU's external action called for different arrangements and decision making procedures. One single approach or decision making procedure covering all the different fields was not considered realistic.
7. When considering how the current system could be improved, one should look at the progress achieved so far in the different fields. Practical arrangements, which would not imply Treaty change, could be very useful. Some members felt that progress in CFSP had been underestimated.
8. It was acknowledged that acting collectively on the global stage depended to a large extent on political will and solidarity among Member States. This was particularly true for foreign policy, which was considered a core issue to national sovereignty. In this respect some members expressed doubts as to the use of QMV in this area (see also below).
9. Diversity among Member States was not necessarily a weakness. The specific situations and relations of Member States with third countries and regions could be an asset to further develop the EU's external action. More use of "constructive abstention" and "strengthened cooperation" were mentioned as ways to prevent the risk of diversity restricting collective

action. Diversity posed a challenge to identifying common interests. For some members this meant that interests could only be identified collectively, while others believed that this task should be entrusted to one central point in Brussels (see also below).

### **Specific issues**

10. In the discussion on how the EU could identify common interests and set priorities, several members underlined the need to better define the underlying objectives of EU external action. One member stressed that for the EU to have a common policy in foreign affairs, its added value had to be made clear first. One member was of the view that the EU should adopt a "declaration of principles", stating the overall objectives and underlying principles of EU external action in a manner clear to the public and the EU's partners. Such a declaration could contain three core elements – peace, independence and solidarity (see document by Mr. Lamassoure distributed in the meeting which will be circulated shortly). It was also suggested that the EU should have an annual debate about its strategic external action objectives. It was in this respect recalled that the Commission adopted an annual strategic priorities document and that the General Affairs Council held a debate on the EU's foreign policy, both of which could be developed further in the framework of a comprehensive annual debate. Some members pointed out that common interests had to be defined collectively, while others called for strengthening of the role of institutions that defended the common interest, including more involvement of the European Parliament in the foreign policy debate. The possibility of giving the HR more power in identifying and defending common interests in foreign policy was mentioned as well.
11. The group had a brief exchange of views on whether there was a need to clarify in the Treaty the scope of EU external action, making more explicit the Community's external competencies that derived from its internal competencies. Several underlined the need to explore how the latter could be clarified.
12. The group had an exchange of views on how efficiency, coordination and consistency in EU external action could be improved. It was underlined that if the EU wanted to have a real foreign policy and influence developments on the ground, it had to have the adequate means and resources. Members agreed that it was increasingly difficult to separate the different

areas of EU external action in practice. The EU should be able to deploy the whole panoply of available instruments in pursuit of common objectives. A comprehensive approach was needed in terms of policy making as well as in terms of instruments that could be used. In this context, the need to reinforce the coordination between the HR and the external relations Commissioner(s) was underlined. Some argued for a merger of the functions of HR and external relations Commissioner, but other members cautioned against it and underlined the need to look at the implications more in detail. One member suggested to examine why the instrument of common strategies was not used more frequently and another member pointed out to the inconsistency between the EU's development cooperation policy and its common agriculture policy.

13. Some members expressed the opinion that a President of the EU would help increase the visibility and continuity of EU external action. Some suggested that a Congress assembling the EP and national parliaments could be entrusted with electing the EU President. The President would according to this proposal represent the EU at the highest international level and the High Representative (HR) would serve as the foreign minister of the EU and preside over the Foreign Affairs/General Affairs Council.
14. There was a general recognition of the fact that the creation of the post of the High Representative had been highly useful. Several members considered that the High Representative should (continue to) be designated by the European Council, and some suggested that the President of the Commission should be consulted in the process. It was furthermore suggested that the function of HR be separated from that of Secretary General of the Council, to allow the HR to focus exclusively on EU foreign policy. To ensure coherence between CFSP and the rest of EU external action, several members suggested that the HR should attend meetings of the Commission when EU external action was on the agenda. It was also suggested that the HR should have the right of proposal alongside Member States and the Commission. Several members were in favour of joint initiatives of the HR and the external relations Commissioner(s). It was also suggested by some that the HR should be able to draw directly on the services of the Commission and its delegations in third countries.

15. Several members underlined the need to ensure that the HR had adequate resources at his disposal. It was underlined that the capacity for planning and analysis needed strengthening and some suggested in this respect that a reinforced policy unit be conceived as a common service to the HR and the Commission. The necessity of examining how to achieve a better coherence between aims and means was underlined. The complexity of procedures involved in drawing on available resources was in this context highlighted. It was suggested that the group examine the situation with regard to financing, looking in this context also at the possibility of a "start-up fund".
16. The group discussed whether the decision process could be facilitated by extending qualified majority voting (QMV) to certain areas of foreign policy or by the possibility of recourse to constructive abstention. Several members were of the opinion that foreign policy was not an issue upon which one could vote, particularly not actions that could require the deployment of personnel. It was argued that voting could not be the general rule, and that there was a need to seek consensus. Some favoured the designation of an authority in the field, who would work under the responsibility of the European Council, be in charge of the necessary external contacts and have the capacity to act. Others were in favour of extending the areas in which decisions would be taken by QMV. Some suggested that the group examine more in detail different scenarios to explore in which further areas or cases decisions could potentially be taken by QMV. It was also suggested that the group examine further the possibilities of having recourse to constructive abstention, as well as the possibility of reinforced cooperation between some Member States in certain areas. Some of the members of the group advanced the arguments that EU external action must reflect the different competencies of the EU and the Community in different areas and that it is necessary to recognise that the Community method should be used for some areas while an intergovernmental model was better suited for others.

### **III Other business**

The Chair drew the attention of members to the final report from the working group on legal personality, which will be presented at the plenary session on 3-4 October, and in particular the chapter related to implications in the field of external relations.