

NOTE

from:	Secretariat
to:	Working Group VII on "External Action"
Subject:	Summary of the meeting held on 8 October 2002

I. Opening of the meeting and introductory remarks by the Chair

1. The Chair opened the meeting, recalled the outcome of the meeting on 24-25 September, along the lines of CONV 307/02 (Summary of the meeting), and confirmed that the next meeting would take place on Tuesday 15 October at 11h00 (instead of 14h30), and that it would not continue on 16 October.
2. The Chair introduced the debate on "Coherence of EU external action" by underlining that if the Union wanted to have a real impact on the international scene, it had to make use of all instruments at its disposal in a coherent and coordinated manner. He pointed out that the EU had many ways by which it could act on the international stage, including common diplomatic actions, financial assistance programmes, the possibility to conclude trade agreements, development cooperation and humanitarian assistance funds, and a crisis management capacity, including the deployment of personnel on the ground, which was now being developed. Using all these means in a coordinated way and in pursuit of a common goal implied the need for coherence at different levels, i.e. within institutions, between institutions and principal actors, as well as on the level of instruments.

II. Intervention of Mr. Chris Patten, Member of the Commission

3. The Chair welcomed Mr Patten and invited him to share his views with the group.
Mr Patten recalled the wide scope of EU external action and welcomed the fact that the Working Group mandate reflected this. He further underlined the need to recognise that significant achievements have been made under the current arrangements and that reforms introduced in EU external action were beginning to show their effect. The High-Representative (HR) and the Commissioner had worked extremely well together (as well as with the successive EU Presidencies), but the functioning of the system in future could not depend just on good relations between individuals.
4. Mr. Patten stressed the importance of the Member States' role and relationship with institutions. One could not focus only on Brussels when endeavouring to improve coherence. He recalled that 80% of the EU's development cooperation assistance came from Member States' budgets and 20% from Community funds. The number of Member States' embassies and delegations was far larger than the Commission's network of delegations (128 offices in 123 countries). He furthermore underlined that no matter how good the architecture, nothing matters as much as the political will of Member States.
5. The Commissioner outlined a number of practical proposals to further improve the effectiveness of the current system:
 - Invitation to HR to attend meetings of the Commission when external action was discussed, even if the HR was not a Member of the Commission;
 - More joint work between the HR and the Commission, from strategic planning to joint policy papers (such as the recent paper on Wider Europe);
 - More coordination and possible joint participation of the HR and the RELEX Commissioner in debates in the European Parliament;
 - The role of delegations and Embassies could be examined. Some progress had been made on information sharing, but one should go beyond this and look at the possibilities of common representation and sharing of certain tasks;
 - Increased financial resources for the HR to support and underpin EU diplomacy decisions. Budget management could be brought under the services of the Commission to avoid creating new structures.

6. The Commissioner spoke in favour of the recommendation in of the Working Group on Legal Personality to attribute a single legal personality to the EU.
This usefully opened the door to simplification of the Treaty and abolition of the pillar structure. On proposals that would imply Treaty change, he recommended certain streamlining of the decision-making procedure in the field of external action and reform of procedures for mixed agreements, where the current ratification procedures entailed significant delays with undesirable effects.
7. Mr Patten addressed the issue of the external representation of the EU and stated that the visibility and the role of the EU in international institutions, in particular in IFI's, should be enhanced. If the EU spoke with the same voice in IFI's, as it did in trade negotiations, it would have much more influence.
8. The system of political dialogue with third countries and regions should be reformed. There were too many meetings and not enough priority-setting. The EU lacked a strategic outlook on what it wanted to achieve in these meetings. It suffered from "meetingitis". The Troika system was unclear to third parties and should be abolished. The creation of the post of HR had given a greater profile to EU external representation and it was desirable to reinforce his role as interlocutor with international partners.
9. Mr Patten spoke in favour of giving the HR the chair of the external part of the GAER Council. He should in addition have the (explicit) right of proposal. In order to allow him to concentrate on the function of HR, the post should be delinked from that of Secretary General of the Council. The HR should furthermore be given an adequate budget.
10. Decision-making in CFSP should be made easier. Mr Patten called for more flexible mechanisms that would allow the EU to react more promptly to international developments. He spoke in favour of more use of constructive abstention and enhanced cooperation. While he recognised that voting in this field was not the most desirable course and that ideally decisions should be taken by consensus, there was nevertheless scope to extend the use of

QMV in CFSP. Mr Patten mentioned in this context the possibility of using QMV for possible joint initiatives by the HR and the Commission. He added that any joint proposal would seek to keep all Member States on board. He further signalled that the experience from the first pillar showed that in reality the Council had proceeded to a vote in very few cases and that the mere existence of the possibility of voting encouraged Member States to try to arrive at a consensus.

11. The Commissioner said that achieving greater credibility in CFSP, in particular in relation to the US, depended on the ability of the EU to address the issue of security. Attempts at reinforcements in this field were insufficient and there was a serious need to address these problems more clearly.
12. The following elements came up in the debate: One member asked whether any change in the institutional architecture would have made a difference in the effectiveness of EU policy on the Middle East. The Commissioner replied that the HR had done a great job in the Middle East and that he did not believe that a different institutional architecture would have produced a better result. There were no impediments deriving from the institutional set-up. All depended on convergence of views and political will, which was difficult to achieve since views and perceptions on Middle East issues vary widely from one Member State to another.
13. In reply to a question inquiring about "who is in overall charge" regarding the protection of EU interests in relation to major international issues, such as nuclear safety and the strategic importance of certain regions in terms of natural resources, the Commissioner recalled that for most Member States foreign policy is so closely linked with the concept of being a nation state that the notion of one person being "in overall charge", above the national level, was difficult to envisage. Efforts were made at coordination on issues such as nuclear safety, in for instance the G7, and programmes had been set up at both Community and Member States level.

14. In relation to a question on the effects of the six-monthly EU Presidencies on the effectiveness of EU external action, Mr. Patten underlined that the cooperation between the Commission and each Presidency had always been very constructive. There were nevertheless negative effects deriving from the system of rotation of the Presidency that needed to be addressed.
15. In relation to the possible merger of the function of HR and Commissioner RELEX, Mr Patten said that he was in favour of practical arrangements to enhance the synergy between the two functions. He was of the opinion that it would be very difficult for one person to carry out both the post of HR and that of external relations Commissioner (double-hatting). There were arguments for giving a Vice-President of the Commission an overall responsibility in the field of external relations. If the HR were to chair a future Foreign Affairs/External Relations Council, this would help to clarify relations and work in favour of a closer cooperation HR-Commission. A number of practical steps could be taken to improve coordination, without making one person responsible for both jobs.
16. On the subject of possible common services HR-Commission, Mr. Patten mentioned that one could envisage joint press services and joint strategic planning and policy units. He further indicated that the possible merging of Commission delegations and Council liaison offices in New York and Geneva should be considered, as well as the possibility of sharing functions/posts on political reporting in overseas delegations.
17. Concerning common strategies, the Commissioner said that their scope was too wide and the content too general. They should be focussed on narrower issues.

III. Discussion

18. Members agreed that political will and solidarity of Member States was of crucial importance to the development of a common policy.

19. There was general recognition of the need to define more clearly in a future Treaty the underlying objectives of EU external action. It was suggested that the Group should analyse in which areas the Member States wanted to or were prepared to act together. Members suggested that the following elements should figure in a definition of the objectives of EU external action: global objectives such as peace, solidarity, prosperity; the role of the EU as a global player; the relations between EU and other regions of the world (those in crisis and others), including their nature (the issue of openness or protectionism was raised by one of the members); bilateral relations and multilateral action (in particular UN).
20. Some of the members recalled an earlier proposal to agree, possibly each year, on a declaration on the external policy priorities of the EU. One member proposed that the Group could also look more closely at common strategies and how these could provide more specific instruments for a more long-term definition of the EU's aims and interests.
21. Members of the group were of the view that the competencies in the field of external action should be clarified. A member of the Group proposed that a list of the distribution of competencies in the different fields of EU external actions should be drawn up and that the group consider whether there was scope for change. It was suggested that the Group would examine issues such as development cooperation, international negotiations (in areas such as the economic, commercial, social, environmental or technical), broad long term issues that are important for the security or the interests of the EU (examples given included nuclear safety, the strategic aspect of petroleum resources in certain regions, consequences on the third world of policy choices in the agricultural/foodstuffs field), international crises of weaker and stronger intensity (the latter involving the Security Council and transatlantic partners) (see WD 5). One of the members of the Group pointed to the need to codify in the Treaty the external competence of the Community that derives from its internal competencies (codification of the AETR case law and practice).

22. Members acknowledged that in order to make EU external action more efficient, there was a need to improve decision-making procedures. Members also agreed that it was important to maintain a differentiated approach. Some were in favour of extending the use of QMV to parts of the CFSP, while others underlined that they did not consider it realistic to envisage voting on matters relating to foreign and security policy, in particular not in cases where the deployment of personnel was involved.
23. Some pointed to the need to improve in particular the capacity of the EU to respond rapidly and efficiently to situations of crisis.
24. There was general acknowledgement of the need to increase the coherence between existing institutional structures, and in particular between the posts of HR and the Commissioner in charge of external relations. Several members pointed to a link between the question of EU foreign policy representative and the question of the Presidency of the Union, but the group agreed that overall institutional issues would need to be addressed at a later stage of the Convention, as planned.
25. Some of the members argued in favour of merging the two posts into one (double-hatting), placing the post either within the Commission or within the Council. Such a function with a "double hat" would be occupied by one person who could have two deputies, one of which would focus on the HR role, the other on the Commission role. Other members suggested the HR be mandated by the Council in his role of HR and by the Commission for actions under the authority of the Commission. It was further proposed that the holder of the "double hat" should be able to rely on a European diplomatic service, consisting of Commission external relations services, an autonomous policy unit with staff from the General Secretariat of the Council, the Commission and Member States, and a network of external representations (Commission delegations transformed into EU delegations). Some members raised questions in relation to the proposal of double-hatting, noting that it would

be necessary to clarify the role and the mechanisms as well as the issue of who would appoint him and to whom he would be accountable. They indicated that such a set up would undermine the principle of collegiality of the Commission and make the system even more complicated.

26. Several members argued in favour of maintaining two separate functions. Practical measures that would enhance the synergy between the two functions, and more clarity in the respective mandates and tasks were the right way forward. Some did not exclude that at a later stage measures towards merging the two functions could be taken. There was broad support for the idea that the HR should chair the Foreign Affairs/External Relations part of the GAER Council, that he should have power of initiative, and that his function should be delinked from SG of the Council. One member questioned however where that would put the HR in the institutional architecture.
27. Some advocated that a permanent President of the European Council should represent the EU at Head of State/ Government level HR, while the HR would become the "EU foreign minister" representing the EU on ministerial level. Others questioned this proposal, which they believed would undermine the institutional balance.
