

NOTE

from: Presidency
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Subject: IGC 2003
– The Union Minister for Foreign Affairs: main points

The concept of the Foreign Minister

1. The creation of a Union Minister of Foreign Affairs, according to the formula of the "double-hat", combines in one post the responsibilities currently falling to the High Representative and the Commissioner for External Relations. It is widely considered to be one of the main achievements of the Convention. The concept of the double-hatted Foreign Minister has not been called into question by any delegation.
2. The primary purpose of the post of Foreign Minister is to improve coherence in both the formulation and expression of the Union's external relations policy. Its effectiveness depends on the concept of "double-hatting". In practice this means that the minister combines:
 - a. being a member of the Commission, with specific responsibility there for external relations;
 - b. having an autonomous role within the area of CFSP within the structure of the Council.
3. This combination is the key to the success of the Foreign Minister.
4. There is a general and wide political support for the broad concept of the post of Foreign Minister. Some details are more difficult to be agreed upon.

5. There is a number of specific provisions in the text of the draft Constitutional Treaty on which delegations seek clarification or have different interpretations. These concern some aspects of the Minister's status, the Minister's role within the CFSP and his responsibilities for other (non-CFSP) aspects of external relations.

The Minister's status

6. Delegations are split on the interpretation of Art. I 25.3, 26.2, 27.3. According to some of them, the Foreign Minister is part of the College and is therefore included in the system of equal rotation for the selection of Commissioners. Consequently, he will always be able to vote in the Commission, regardless of the kind of the issue which is at stake. On the other hand, other delegations consider that the FM is not part of the college and is therefore able to vote on external relations matters only.
7. Some delegations consider that the Foreign Minister, as a Commissioner, is included in the provision under which the Commission must resign if subject to a censure motion passed by the Parliament (Article I-25.5). Others do not accept this, pointing to the separate rules for ending the tenure of the Foreign Minister set out in Article I-27.1. This also raises the question as to whether the rule whereby any Commissioner is obliged to resign at the request of the Commission President (Article I-26.3) should apply to the Minister.

The role of the Minister: Common Foreign and Security Policy (including CSDP)

8. On CFSP, the draft Constitutional Treaty includes a comprehensive and fairly clear set of provisions covering the Minister's responsibilities. These build on the existing responsibilities of the High Representative, but also include several important new provisions such as the formal (and, excepting the Member States, exclusive) power of initiative and the fact that the Minister will chair the Foreign Affairs Council. In this area the Minister acts independently of the Commission since the text is clear that he is not bound by Commission procedures for CFSP (Article I-27.2). Whilst there are some delegations which do not accept that the Minister chair the Foreign Affairs Council, the remainder of the CFSP provisions are considered to be clear and seem to be broadly acceptable to delegations.
9. The provisions on CFSP, stating that the Minister is not bound by Commission procedures, apply *a fortiori* to the Common Security and Defence policy (which is considered to be an integral part of the CFSP).

The role of the Foreign Minister: Other aspects of external relations

10. The text states that the Minister has responsibility for coordinating "other aspects of the Union's external action" (Article I-27.3). There has to be clarity over the way the Minister could carry out this coordinating function.