Chaillot Papers

April 2002

n°51

From Nice to Laeken

European defence: core documents

Volume II
compiled by Maartje Rutten

Institute for Security Studies
Institut d'études de Sécurité
European Union
Union Européenne

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CHAILLOT PAPER 51

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Institute for Security Studies
European Union

Paris - April 2002

CHAILLOT PAPER 51
(*A French version of this paper is also available from the Institute*)

The European Union Institute for Security Studies

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ISSN 1017-7566

Published by the EU Institute for Security Studies and printed in Alençon, France, by the Imprimerie Alençonnaise.

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Preface

Nicole Gnesotto

ESDP 2001: routine and revolution

A year ago the Institute published a first collection of core documents on the European Union's common security and defence policy, covering the two years of intense activity by the Fifteen between St-Malo and Nice (December 1998 to December 2000). This second volume, again compiled by Maartje Rutten, records the progress made the following year, between Nice and Laeken (December 2000 to December 2001). The Institute, which in the meantime has become an autonomous agency of the European Union, will continue to publish, in the spring of each year, this special series of *Chaillot Papers* which are already reference works on the early history of European defence.

Routine and revolution: these are the two keywords by which developments in ESDP in 2001 will be remembered. Routine, because the Fifteen quite simply needed time to digest and implement the *acquis* ratified at the previous European Council, at Nice, concerning required capabilities, institutional arrangements and relations with NATO. Revolution, because the terrorist attacks of 11 September 2001 against the United States were to change completely the European strategic landscape that was the legacy of the last ten years. But routine again because, despite the immediate political mobilization of the Fifteen against this new international terrorism, developments in ESDP in autumn 2001 continued along the traditional lines laid down the previous year, as if the attacks of 11 September had changed everything – except ESDP.

Grasp all, lose all: there is no doubt that it would have been regrettable if the EU had completely abandoned its aim of forming a force for deployment in the Balkans in order to refocus its defence effort exclusively on protection against terrorism. And of course time is necessary for the emergence of a European consensus on issues as sensitive as defence and security, in other words on the very sovereignty of the Union's member states. If some of them very quickly wanted ESDP to include this new dimension – the terrorist threat – they were unable to obtain the agreement of all of the Fifteen prior to the Laeken Council. Adaptation of the Petersberg tasks, re-evaluation of available budgets and

capabilities, financing of ESDP and a common assessment of the threats are difficult subjects that will therefore be put off till better times arrive.

Let us hope that those issues will be addressed, if the European Union is not to remain for ever unprepared for the next war, indeed for the new world. It is precisely in accordance with a global conception of the Union's security that we at the Institute have already decided to include in this volume, alongside texts dealing with ESDP in the strict sense, those more basic ones produced by the Union on the fight against terrorism. What is new about terrorism is that it has dealt a fatal blow to the ideal of a wholly civil European power developing in an entirely civilised world, with all the consequences that has for the Union's international role, the forming of a common vision of the world, the weight of military power, foreign policy decision-making methods, inter-pillar relations, the balance between interventionist and abstentionist states, etc.

Which amounts to saying that it is really the Union as a whole that finds itself at a turning point, especially since two other revolutionary phenomena will have to be faced by the Fifteen during the coming months: a US administration whose unilateralism is so profound that it is leading to a questioning of the very concept of institutional military alliances; and a momentum of enlargement whose real consequences are so unpredictable that it too could necessitate a fundamental review of the historical *acquis* of the Union as international actor.

Paris, February 2002

Introduction

Maartje Rutten

This *Chaillot Paper* is the second in our series of core documents on European security and defence. Unlike the first volume, which covered the whole period from St-Malo to Nice (December 1998 - December 2001), this volume and subsequent ones will recapitulate developments in European Security and Defence Policy (ESDP) during the preceding year. As the whole world of defence and thus Europe and the ESDP were profoundly affected by the terrorist attacks on the United States on 11 September 2001, we have divided this *Chaillot Paper* into two parts. The first comprises documents on the further development and implementation of the ESDP. The second part contains those documents illustrating the EU's response to the terrorist attacks that we consider most relevant to the goal of this paper.

Compared with the period from St-Malo to Nice, a much more modest start was made in 2001, although one must not underestimate the efforts needed to realise the ESDP plans made up to Nice. However, the lower frequency of bilateral and multilateral meetings and initiatives was noticeable, especially regarding capabilities to give the EU a greater role on the international scene. The momentum of Operation *Allied Force* in Kosovo seemed to have faded somewhat, ultimately to be shaken by the terrorist attacks on 11 September 2001.

As has become a common feature of EU integration processes, the institutional aspects of ESDP were successfully worked out first. The Political and Security Committee, EU Military Committee and EU Military Staff are now permanently established and are functioning well. From this point of view, the ESDP process has definitely been a success. The necessary financial and material arrangements, however, have not kept apace. The capability goals have for the most part not been attained and progress regarding the 58 deficiencies in the area of equipment has not met the expectations raised in the period up to Nice. However, at the Capabilities Improvement Conference in November, an Action Plan was accepted, aimed at giving different EU member states responsibility for certain 'spearhead' capabilities and asking them to report on progress. The peer pressure of such a system is expected to lead to progress.

EU-NATO relations and cooperation remained strained as well during 2001. A slight breakthrough on this question was made in early December but there is no consensus among EU member states on it yet.

The changed dynamics of ESDP in 2001 can also be seen in US reactions. If we reported some fierce American reactions to European defence plans in our previous *Chaillot Paper*, the United States seemed less worried last year. The Bush administration has expressed no explicit objections in addition to the known conditions that EU plans must not duplicate NATO, and that they must add to European capabilities. European cooperation in areas such as the Headline Goal were actually praised.

This, of course, altered as well after 11 September. Initially the aim was to actively find ways to increase transatlantic collaboration in the fight against terrorism but divergences emerged, unfortunately, on strategy, goals and means, not only at the transatlantic level but also within the EU, which hindered a more unified EU response.

Within the EU, the horrifying events of 11 September cast doubt on important parts of the ESDP, strategy, goals, geographic limits and the character of possible operations, military and civil means, etc. Although many initiatives were taken on the civil side as regards counter-terrorism, discussions on possible adjustments on the defence side have not resulted in any changes yet. No consensus was reached on possible modification of the Petersberg tasks and calls for increased spending on the ESDP after 11 September, nor was taking up the fight against terrorism as an ESDP mission accepted. The Laeken Declaration on the Future of the European Union, however, talks of the essence of the EU acting as 'a power resolutely doing battle against all violence, all terror and all fanaticism' and proposes updating of the Petersberg tasks. Hopefully this will cover at least the aspects cited above, such as military needs, geographic limits and the like.

Thus 2002 will remain extremely challenging for the ESDP, as many aspects of the plans remain to be implemented but also as regards defining and adjusting the ESDP, already at this very early stage, to take account of a highly different strategic environment but one in which the EU definitely has an important role to play, a gap to fill and a lot to contribute.

As before, the following editorial criteria have been used for the selection of texts:

- Those EU, WEU and NATO declarations, following summits and ministerial councils that treated further elaboration of the ESDP, or at least those extracts directly relevant for the goal of this *Chaillot Paper*, have been included.

- Those bilateral meetings during the period January to December 2001 which have been reproduced have been selected as they contained further initiatives for elaboration of the ESDP or certain aspects of it.

- The same applies to those speeches and/or newspaper articles to be found in the paper, as they have had an important impact on the European defence debate and process, and have received much attention in the press.

Finally, an introductory remark has been added to some documents in order to highlight their genesis or rationale/usefulness. In other cases, the introduction provides an additional explanation to the developments in question or recapitulates the preparatory work ahead. The Institute wishes to thank those governments that have authorised it to publish certain documents which up till now have not been available to the public.

I ESDP

1 Message from Javier Solana, High Representative for CFSP, to the EU Conference of National Police Commissioners Brussels, 10 May 2001

Compared with the fast pace of developments in the period 'St-Malo to Nice', 2001 certainly got off to a much slower start regarding the further development and implementation of the ESDP. However, a few meetings in the period from 1 January 2001 till the above-mentioned meeting deserve mention, even though no official documents were produced by them. The first PSC-NAC meeting took place on 5 February 2001, after the GAC agreed on 22 January to hold these joint meetings at least three times every six months. On 9 February 2001, at the Franco-British summit at Cahors, the French and British defence ministers held talks on increased cooperation on defence capabilities such as aircraft carriers and Suppression of Enemy Air Defence. It was at this bilateral meeting that a first proposal to hold a second Capabilities Commitment Conference was made. Two informal meetings of EU defence ministers took place on 6 and 13 April 2001. On 6 April it was decided that a second Capabilities Commitment Conference would be held in November 2001. On 13 April it was decided that this second conference would be specifically focused on improvement of deficiencies. Then, on 10 May 2001, the first Conference of National Police Commissioners took place. Again, this meeting was informal but aimed at formalising this type of meeting. On 10 May, most EU member states already announced possible initial commitments of police forces, and the process was formalised and finalised at the first Police Capabilities Commitment Conference on 19 November 2001. We reproduce below the statement made by the High Representative for the CFSP, Javier Solana, at the conference on 10 May 2001.

EU MEMBER STATES POLICE CAPABILITIES FOR INTERNATIONAL CRISIS MANAGEMENT

I would like to thank Police Commissioner Sten Heckscher for the invitation to the Swedish EU Presidency Conference of National Police Commissioners on "EU Member States Police Capabilities for International Crisis Management". I very much appreciate having been invited, and I very much regret not being able to be among you today in Brussels. Unfortunately, a number of commitments linked to real time crisis management, not least concerning the developments in the Former Yugoslav Republic of Macedonia (FYROM), have made it impossible for me to attend.

The situation in FYROM and the Balkans in general reminds us that our work on crisis management is no mere theoretical exercise, but a necessary part of our efforts to project stability in Europe, and beyond. Maintaining law and order and fighting organised crime are integral parts of our crisis management and conflict prevention work throughout the Balkans. Only when we have managed to re-establish law and order in the region and tackle the

organised crime that stretches across the Balkans into the European Union will our crisis management efforts have succeeded.

I am therefore very pleased that our work on police has come this far in such a short time. It is now less than a year since the European Council in Feira adopted the headline goal on police (overall capability of 5,000, of which 1,000 in 30 days, by 2003). I remember the discussions then. Many were sceptical about our ability to reach such an ambitious target, given that we were facing difficulties in providing police officers for the UN mission in Kosovo. Others argued that we should focus our work on the military, which was at the centre of attention.

However, I then insisted on the specific need to send police officers to Kosovo as soon as possible to ensure the maintenance of law and order, and to fill the police vacuum the military forces were both unable and unwilling to fill. I also maintained that the situation in Kosovo, while in many ways new, was not the last of its kind, and that police in general would play an increasingly important and central role in crisis management.

Since then, our work has born this out. We are developing a planning process for police capabilities for crisis management. We have developed a methodology for elaborating the headline goal, drafted scenarios and concepts illustrating the tasks of international police in different types of operations, and drawn up a list of policing functions needed to cover these tasks. This list is long, covering executive as well as training and advisory missions. It shows that we will need contributions from all types of EU police forces, be they of military or civilian status, armed or unarmed, and from the wide range of specialised skills available in the different national police forces.

This pioneering planning work has moved ahead rapidly – largely as a result of the hard work and involvement of your police experts. Let me also pay tribute to the good work done by the Policy Unit here at the Secretariat. This has now allowed the Swedish Presidency to launch the Call for Contributions towards the Feira headline goal. Initial indications given to us before this conference confirm that this work has had a positive and mobilising effect on national police forces and organisations.

Although there is still much work to be done, international policing is gradually being given the importance it deserves at the national level. I have on several occasions asked ministers responsible for police for their support in this respect, and I would like to thank you, as those directly responsible for this important tool of crisis management, for responding so rapidly and clearly. Your continued support will remain crucial for the work ahead on building the EU's crisis management capability.

Thanks to your support, we are apparently close to reaching the Feira headline goals. I am particularly pleased that we seem to have reached the goal for rapid deployment (1,000 in 30 days), as this is where I believe the EU can make a real difference.

We now need to maintain the momentum we have achieved. I look forward to a ministerial level Police Capability Commitment Conference organised by the Belgian Presidency later this year, at which national contributions will be confirmed at political level. This will signal our

strong commitment to the role of police in crisis management, and our support to the international organisations, in particular the UN and the OSCE, with whom we co-operate in this field. Our work on building EU capacities will benefit them, by increasing the capacities available to the international community.

We also need to develop our ability to plan and conduct EU-led police operations, as mandated by Nice. The work of police experts has allowed us to identify the tasks ahead, and I welcome the Presidency initiative to draw up an action plan to get this work going as soon as possible. Much needs to be done by 2003. Given that this task requires the permanent involvement and support of experienced police experts, I have decided to establish a Police Unit at the Council Secretariat, as part of the new Pol-Mil structures for ESDP.

This unit will be headed by a highly professional policeman with international mission experience, dealing with police matters. It will include a strong core of specialised and qualified police experts (mix of experts under national exchange arrangements and recruited officials). It will be part of the directorate dealing with civilian aspects of crisis management within the new political military structure in DG E, thereby underlining the EU's comprehensive approach to crisis management. With this decision, the Council Secretariat will shortly have comprehensive in-house professional police expertise able to contribute substantially to the further development of the EU's overall crisis management capability.

This Police Unit will ensure that police becomes a fully integrated part of our horizontal work on crisis management, such as the development of crisis management procedures and exercises. Police advice needs to be available in our daily work here in the Council. The network between responsible services in the Member States, with international police organisations, with on-going police missions, as well as our expert level contacts with the UN and OSCE headquarters need to be further strengthened. Indeed, there is no shortage of work ahead of us if we are to reach the Feira goals in 2003.

I started by referring to the central role of police in our current efforts to manage the crisis in the Balkans. Out of the more than 3,500 police officers currently deployed by EU Member States in different international missions around the world, more than 3,100 are in different missions in the Balkans. This shows the remarkable commitment and determination of EU police forces exemplified by your meeting in Brussels today, to deal effectively with the crises in the region in a comprehensive and thorough manner. We will need to keep up this commitment, not just to reach the Feira goals, but to bring lasting stability and peace to the Balkans, as well as to other crisis areas around the world.

Thank you.

2 German-Netherlands Memorandum of Understanding on Mutual Cooperation to Reinforce European Air Transport Capacities Brussels, 14 May 2001

MEMORANDUM OF UNDERSTANDING BETWEEN THE MINISTER OF DEFENCE OF THE FEDERAL REPUBLIC OF GERMANY AND THE MINISTER OF DEFENCE OF THE KINGDOM OF THE NETHERLANDS ON MUTUAL CO-OPERATION TO REINFORCE EUROPEAN AIR TRANSPORT CAPACITIES

The Minister of Defence of the Federal Republic of Germany and the Minister of Defence of the Kingdom of the Netherlands

convinced that in support of the Defence Capabilities Initiative and the European Headline Goal European Allies need to develop innovative, efficient and more effective approaches in order to overcome capability shortfalls,

resolved to strengthen European capabilities, in particular in the area of strategic airlift, using a collective approach,

intending to support efforts among European Nations to establish a pool of European strategic airlift capabilities,

confident that the present initiative, which enables the Netherlands to call upon Germany to facilitate the deployment of Netherlands forces in future crisis response or humanitarian assistance operations, sets an important example for the increased quality of binational and multinational defence co-operation,

recalling their Memorandum of Understanding on Mutual Air Transport Support of 1 December 1995 (Vereinbarung über gegenseitige Lufttransportunterstützung/Overeenkomst betreffende Wederzijdse Luchttransportsteun) which continues to be in force,

have reached the following understanding:

Section 1
Netherlands Commitment
(1) Acting in accordance with the Defence Capability Initiative and the European Headline Goal, the Netherlands will commit 100 million hfl (45,378 million Euro) to contribute to strengthening the strategic air transport capabilities of the Bundeswehr in support of international operations in the areas of air-to-air refuelling, medical evacuation (MEDEVAC), and handling and reception capabilities. The aforementioned commitment will be used by Germany to modify the required number of four A 310 aircraft to multi role version (MRTT),

while at the same time Germany can reallocate the respective part of the foreseen budget in order to reinforce European capabilities in other areas in which shortfalls have been identified in the framework of the Defence Capabilities Initiative and the European Headline Goal.
(2) The Netherlands will transfer the sum of 100 million hfl (45,378 million Euro) upon signature of this Memorandum of Understanding.

Section 2
German Commitment
(1) Germany will invest the sum of 100 million hfl (45,378 million Euro) to provide the capabilities described in Section 1.
(2) Germany will provide strategic and tactical air transport services and medical air evacuation services to the Netherlands Armed Forces in the amount of 100 million hfl (45,378 million Euro) without reimbursement.

Section 3
Constitutional Requirements
(1) All German services will be subject to German laws and regulations. Any German participation in a military operation which is regarded as an armed operation under German law (following the ruling of the German Constitutional Court of July 12, 1994; e.g. participation in international armed conflicts or peace keeping missions in accordance with Chapters VI, VII or VIII of the Charter of the United Nations) and which is neither a humanitarian assistance operation nor training or exercise requires the prior consent of the German Parliament.
(2) In the absence of this prior consent the Bundeswehr is not permitted to participate in any such military armed operation. While this Memorandum of Understanding does not oblige the German Minister of Defence to propose to the German Government the German participation in any armed operation and the request of the prior consent of the German Parliament, every effort will be made to meet a Netherlands request within the spirit of this Memorandum of Understanding.

Section 4
Claims Settlement
(1) Claims arising out of or in connection with the execution of this Memorandum of Understanding will be dealt with in accordance with the provisions of Article VIII of the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces of 19 June 1951 (NATO SOFA).
(2) For claims not covered by Article VIII of NATO SOFA, which arise out of or in connection with activities undertaken in the performance of official duty in the execution of this Memorandum of Understanding, the following provisions will apply:

a) The Participants will not be liable towards each other in case of any damage to property of each Participant and/or injury to personnel of each Participant.
b) Third party claims will be dealt with by the Participant involved and settled on a case by case basis in accordance with applicable rules of international law. Where both Participants are liable for damage incurred or in cases in which it is not possible to attribute the damage specifically to either Participant, the amount will be equally shared.

(3) Should the providing Participant be unable to provide a previously requested and approved service or should the requesting Participant need to cancel a request that Participant will advise the other Participant by the fastest means possible. A cancellation by one of the Participants will not justify any claim for damages or costs.
(4) Any air accident or incident involving services provided under this Memorandum of Understanding will be subject to an investigation in accordance with the provisions of STANAG 3531 “Safety Investigation and Reporting of Accidents/Incidents involving Military Aircraft and/or Missiles”.

Section 5
Co-ordination
(1) Representatives of the Ministry of Defence of the Federal Republic of Germany (Fü SKB II 3) and the Ministry of Defence of the Kingdom of the Netherlands (Director of Transport) will meet at least annually to consult and co-ordinate the implementation of this Memorandum of Understanding.
(2) Any dispute concerning the interpretation or application of this Memorandum of Understanding will be settled through negotiations between the Participants without recourse to third parties.

Section 6
Final Clauses
(1) This Memorandum of Understanding will be effective upon signature by both Participants.
(2) This Memorandum of Understanding may be supplemented or amended by mutual written consent of the Participants.
(3) Other Participants may, at the invitation of the Participants, join this Memorandum of Understanding under conditions to be agreed, in particular concerning investments to be made or services to be provided.
(4) After all services under Section 2 (2) have been provided, this Memorandum of Understanding will be terminated.

Done in on 2001 in duplicate, each in the English language.

The Minister of Defence The Minister of Defence of the Federal Republic of Germany of the Kingdom of the Netherlands.

3 North Atlantic Council meeting Budapest, 29-30 May 2001

The first formal meeting of EU and NATO foreign ministers was held in the margins of NATO's Budapest summit. This meeting was devoted almost entirely to solving Turkey's blocking of EU use of NATO assets, unfortunately to no avail. The following is an extract of the NATO Budapest Declaration concerning EU-NATO relations.

FINAL COMMUNIQUE

(…)

39. We took stock of the progress made to date on the development of the European Security and Defence Identity (ESDI) in accordance with the decisions taken at the Washington Summit and subsequent Ministerial meetings. We reaffirmed our determination to reinforce NATO's European pillar and remain committed to a balanced and dynamic transatlantic partnership. We share the EU's commitment to a genuine strategic partnership in crisis management between NATO and the EU. The Alliance will remain the foundation of the collective defence of its members and continue actively to play its important role in crisis management as set out in the Strategic Concept. The partnership between NATO and the EU and the development of a capable and effective ESDI, in accordance with the principles set out at the Washington Summit and subsequent Ministerial meetings, will strengthen the Alliance through which we remain ready to pursue common security objectives wherever possible.

40. We reaffirm our commitment to a transparent, coherent and cooperative NATO-EU relationship that ensures the Alliance's continued military effectiveness and Allied cohesion. Enhancing European capabilities is central to this process. Both NATO and the EU have a common interest in ensuring the coherent development of the military capabilities of their member states.

41. We welcome the intensification of the dialogue between the Alliance and the European Union since our last meeting in Brussels. The close consultation and cooperation between the two organisations and the mutually reinforcing steps taken by them in responding to the situation in the Balkans show that NATO and the EU have engaged in successful practical cooperation on questions of common interest relating to security, defence and crisis management. Continuing such practical cooperation between the two organisations will help ensure that crises can be met with the most appropriate military response and effective crisis management ensured. In this context, we welcome the high level of coordination and cooperation between the Secretary General and the EU High Representative, in particular their joint missions and those of their Personal Representatives to the region. We look forward to the first formal meeting of Foreign Ministers of NATO and the European Union on 30 May.

42. At our December meeting, we inter alia noted and welcomed the proposals made by the European Council at Nice for permanent arrangements to ensure full transparency, consultation and cooperation between NATO and the EU. We agreed that consultations and cooperation would be developed between the two organisations on questions of common interest relating to security, defence and crisis management, so that crises would be met with the most appropriate military response and effective crisis management ensured. We looked forward to the early establishment of such mutually satisfactory arrangements based on the principles enunciated in Washington and at subsequent Ministerial meetings, which would be taken into account in the framework agreement establishing these arrangements. These arrangements would be key to a close, confident and transparent relationship between the two organisations as foreseen in the Washington Summit. Following the results of the NATO Ministerial meetings and the Nice European Council, an exchange of letters took place in January this year between the Secretary General and the EU Presidency. Not less than three meetings between the North Atlantic Council and the EU Political and Security Committee and not less than one Ministerial meeting will be held during each EU Presidency. Either organisation may request additional meetings as necessary. Both organisations are committed to stepping up contacts and meetings in the emergency phase of a crisis.

43. We welcome the four meetings between the North Atlantic Council and the EU Political and Security Committee that have taken place and we look forward to further such meetings. We also welcome the progress made to date in the NATO-EU Ad Hoc Working Groups. We look forward to their future work, taking into account all relevant matters, including those related to participation.

44. We note the successful implementation of the NATO-EU interim agreement on the security of information established last year and welcome the progress made in preparing a permanent security agreement between the two organisations, including the productive work in the NATO-EU Ad Hoc Working Group on Security Issues. We reiterate our readiness to conclude a permanent security agreement between NATO and the EU as a matter of priority.

45. The European Allies are committed to further strengthening their military capabilities and to reinforcing the Alliance's European pillar. This will enhance their ability to contribute both to the Alliance's missions and to EU-led operations for Petersberg tasks where the Alliance as a whole is not engaged. We note that this process does not imply the creation of a European army and that the commitment of national resources for EU-led operations will be based on sovereign decisions.

46. We welcome the further efforts made in the EU towards meeting its Headline Goal by 2003 as set out at the Helsinki European Council, thus contributing to the improvement and strengthening of European military capabilities. The significant additional contributions offered by non-EU European Allies to the pool of forces available for EU-led operations are important and will enhance the range of capabilities potentially available to the EU. We welcome the bilateral meetings held between the EU and the non-EU European Allies in order to clarify and evaluate their contributions to European crisis management on the basis of the same criteria as those applying to EU member states and look forward to the further development of this practice. We note the EU's recognition of the need for further capability improvements. The

Alliance's Defence Capabilities Initiative is also supporting the enhancement of European capabilities. The objectives arising from NATO's DCI and the EU's Headline Goal are mutually reinforcing. We note with satisfaction that NATO, upon request by the EU Presidency and on the basis of a Council decision, agreed to support for the duration of the Swedish EU Presidency the work of the HTF Plus through a team of experts open to national experts of those Allies who wish to participate in this work. In order to continue this important work during the next EU Presidency, NATO stands ready to provide, subject to an early Council decision, further expert advice upon request by the EU.

47. We welcome the further efforts made in the EU towards meeting its Headline Goal by 2003 as set out at the Helsinki European Council, thus contributing to the improvement and strengthening of European military capabilities. The significant additional contributions offered by non-EU European Allies to the pool of forces available for EU-led operations are important and will enhance the range of capabilities potentially available to the EU. We welcome the bilateral meetings held between the EU and the non-EU European Allies in order to clarify and evaluate their contributions to European crisis management on the basis of the same criteria as those applying to EU member states and look forward to the further development of this practice. We note the EU's recognition of the need for further capability improvements. The Alliance's Defence Capabilities Initiative is also supporting the enhancement of European capabilities. The objectives arising from NATO's DCI and the EU's Headline Goal are mutually reinforcing. We note with satisfaction that NATO, upon request by the EU Presidency and on the basis of a Council decision, agreed to support for the duration of the Swedish EU Presidency the work of the HTF Plus through a team of experts open to national experts of those Allies who wish to participate in this work. In order to continue this important work during the next EU Presidency, NATO stands ready to provide, subject to an early Council decision, further expert advice upon request by the EU.

48. We welcome the progress made in developing dialogue, cooperation and consultation between Canada and the EU on the full range of security and defence issues of mutual concern. This includes a joint commitment to intensify consultation in times of crisis, particularly when the EU is considering an operation using NATO assets and capabilities. Canada and the EU have agreed to continue their dialogue to finalise the modalities for consultations with Canada and its participation in operations led by the EU.

49. Taking into account the evolution of relevant arrangements in the EU, work on ESDI is continuing within the Alliance as directed at the Washington Summit and agreed at subsequent Ministerial meetings. It is proceeding on the principle that nothing will be agreed until everything is agreed – the participation issue is also relevant in this context. On this basis, and consistent with the decisions taken at Washington and subsequent Ministerial meetings, intensified discussions on the participation issue since our last meeting in December have strengthened the prospects for progress on the various aspects of the Washington agenda and specifically on arrangements for:

a. assured EU access to NATO planning capabilities able to contribute to military planning for EU-led operations;

b. the presumption of availability to the EU of pre-identified NATO capabilities and common assets for use in EU-led operations;

c. the identification of a range of European command options for EU-led operations, further developing the role of DSACEUR in order for him to assume fully and effectively his European responsibilities; and

d. the further adaptation of the Alliance's defence planning system.

Important work remains to be done which we will pursue intensively, taking account of relevant activities in and proposals from the European Union.

(. . .)

4 European Air Group meeting Berlin, 7 June 2001

Rapid troop transport is one of the major deficiencies among European capabilities. Following an earlier German proposal, on 7 June 2001, a Declaration of Intent, which is reproduced below, was signed aimed at coordination and rationalisation of troop transport. The technical agreement on the creation of the European Air Transport Coordination Cell (EACC) is being worked out and was due to be signed on 28 February 2002, during the official inauguration of the cell.

AGREEMENT ON EUROPEAN AIR TRANSPORT COORDINATION CELL

Following the formal accession of the Federal Republic of Germany to the European Air Group (EAG) earlier this year, the Chief of Staff German Air Force, Lieutenant General G. Back, as the Chairman of the EAG Steering Group, had the pleasure of hosting its annual meeting in Berlin on the 7 June 2001.

The meeting was opened by a welcome address delivered by the State Secretary of the German Ministry of Defence, Dr. Stützle on behalf of the German Minister of Defence.

Currently the EAG SG is composed of the Chiefs of Air Staff from Belgium, France, Germany, Italy, The Netherlands, Spain and United Kingdom, as well as of senior representatives of the Ministries of Foreign Affairs and the Ministries of Defence.

The EAG continues to stimulate mutual understanding between its member Air Forces, aiming to significantly improve their operational capabilities by promoting deeper co-operation, and most importantly interoperability in a wide range of air power issues. The EAG activities complement work being undertaken within other organisations such as NATO or the EU.

This was reflected in a busy agenda covering various ongoing activities within the EAG.

The main topic of the agenda has been devoted to Air Transport. Consequently, a significant decision was made today, during this meeting, to help optimise military air transport, by improved co-operation and co-ordination. Agreement was reached on the establishment of a European Air Transport Co-ordination Cell (EACC) which will be established at the Royal Netherlands Air Force base at Eindhoven.

The EACC will be established by 17 September 2001, and will comprise personnel from all EAG air forces, who contribute to the co-ordination and efficient use of air transport and air-to-air refuelling assets available to the EAG nations now and in the future.

The First Director of the EACC will be provided by the French Air Force.

The decision of establishing the EACC is an important step on the path of closer European military co-operation and will add significant benefit to the EAG members´ air forces. Thus, the EAG is contributing to both the realisation of the European Union Headline Goal and the NATO Defence Capabilities Initiative.

The future introduction of the A400M aircraft into almost all EAG member nations inventories will provide further opportunities for deeper co-operation and will give full strength to the European air transport co-ordination.

5 Speech by M. Jacques Chirac, President of the French Republic, to the Institute for Higher Defence Studies Paris, 8 June 2001

Monsieur le ministre,
Messieurs les ambassadeurs,
Messieurs les parlementaires,
Mesdames et messieurs les officiers généraux,
Mesdames et messieurs,

(. . .)

US MISSILE DEFENCE SYSTEM

As you know, this latter issue has just been placed at the core of the strategic debate through the proposals of our US allies. We do not refute the dangers of ballistic proliferation, although our analysis differs as to the scale of the threat and how it might evolve over time. There can be no single answer to this problem which should be viewed within a broader debate on new security requirements. This debate is under way and the forthcoming NATO Summit will provide an opportunity to take it further. What we feel about this and our concerns are known. These have not changed, but we wish to pursue this debate, a genuine debate founded on exchange and dialogue.

The Fifteen, like the other actors in the multipolar world, must play an active part in defining the new security requirements at the dawn of the twenty-first century.

This is the theme to which I wish to devote our discussion today, emphasizing the fact that peace, like freedom, is a permanent struggle. It is the responsibility of political leaders to ensure its durability for future generations.

As a Frenchman and a European, I am convinced that in the long run our security will rest on three fundamental and complementary pillars: respect for the rule of law, the modernity and Europeanization of our defence capability, and permanence of nuclear deterrence.

INTERNATIONAL SECURITY/NUCLEAR PROLIFERATION

There are two issues on which countries are reluctant to commit themselves: human rights and the rights connected to international security and to disarmament. One cannot be surprised at this, since these are the two issues which most directly affect the sovereignty of States. When it comes to international security, does this mean that one should just give up and take the view that it would be better ensured solely through the balance of power? This is obviously not the

course chosen by France who places the advances of, and respect for, the law at the heart of her policies.

The fundamental requirement is to implement the principles of the United Nations Charter and respect the authority of the Security Council. Beyond that, our priority must be to develop and strengthen the legal instruments crucial to the control of arms proliferation throughout the world.

Much has already been done in this respect. We must, first of all, take care to preserve the achievements of several decades of efforts.

In the nuclear field, the Nuclear Non-Proliferation Treaty (NPT) is a vital instrument for stability. It has led many States with the capacity to become nuclear States to renounce nuclear weapons. The 1995 Review Conference extended the Treaty indefinitely. Let us not weaken this Treaty which also constitutes the basis for implementing nuclear disarmament within the framework of the general and complete disarmament we are calling for.

In this connection, let me remind you of the significant reductions I have implemented since 1996 to adapt our nuclear posture to the post-cold-war context.

France was the first nuclear power to eliminate surface-to-surface missile systems and in April 1998 she ratified the Comprehensive Test Ban Treaty (CTBT).

And, alone amongst the nuclear powers, France dismantled her testing centre and her facilities for the production of fissile material for nuclear weapons.

This contribution to nuclear disarmament is consistent with a policy of constant rejection of the arms race, a policy I find more relevant today than ever before.

France, which, for her part, has already made this considerable effort, therefore cannot but welcome initiatives aimed at a significant reduction of existing arsenals.

By making the first move, our country has sought to create a more general momentum which should, inter alia, bring about the entry into force of the CTBT and opening of negotiations on the Fissile Material Cut-off Treaty (FMCT).

I make no secret of my concern about the deadlock at the Conference on Disarmament in Geneva which has lasted for several months now. The negotiations on the FMCT, which it was decided to launch in 1995, have not yet begun, while the CTBT’s entry into force cannot take place until completion of its ratification process.

When it comes to biological weapons, possibly the most fearsome weapons of mass destruction, the 1972 Biological Weapons Convention remains incomplete through lack of a verification protocol whose negotiation is deadlocked. We are aware of the difficulties that have arisen, but these can be overcome if there is the political will to do so. The stakes are so important that we must succeed.

More generally, a boost must be given to efforts to combat proliferation and stop the drift towards the acquisition of nuclear weapons. I am fully aware that there may have been weaknesses in the control regimes which have been put in place, but the fact that the rule is being bent should not lead us to abandon it. On the contrary, it is necessary to learn the lessons and both improve and strengthen it. The efforts under way must be taken further and brought to a successful conclusion. New avenues must be explored, in particular to prevent ballistic proliferation through better control of technology transfers. The Code of Conduct drawn up in the framework of the MTCR should aim for universality.

The European Union has a special contribution to make on these issues which are one of the central themes of its Common Foreign and Security Policy. In the field of space, European countries, particularly the members of the European Space Agency, have recognized expertise. I would like us to look at the possibility of allowing countries which renounce their own ballistic capabilities to benefit from preferential terms for Arianespace launches. Given all that is at stake and the traditional involvement of European countries in these issues, France would be in favour of the EU initiating an international conference designed to restart ballistic non-proliferation efforts at the political level. I shall be bringing up this issue at the next European Council in Göteborg, in Sweden.

NON-MILITARIZATION OF SPACE/ABM TREATY

In parallel to these priority efforts to enhance arms control, we do not rule out the possibility of seeking military answers to certain challenges posed by proliferation. But this must not upset the equilibria that are crucial to international security.

Space must not be militarized. It has not been so far, despite all the temptations of the cold war. It must remain non-militarized. Opening this new Pandora’s box would further no one’s interests. No one could maintain a monopoly in this area. The result would be a new arms race whose outcome would be disastrous for the world.

In the same spirit, France observes that the ABM Treaty has sealed the strategic balance of the past thirty years. The United States is now keen to define a new framework for this balance. It is above all for Russia to give her opinion on this proposal. France, for her part, is aware that the world has changed and that the very requirements for this balance need to be redefined. But she would like the ABM Treaty - although inspired by a bipolar world France has always denounced - not to be set aside in favour of a non-binding system - one which, under cover of multipolarity, would pave the way for new competition, this time uncontrolled. I appeal for careful consideration to be given to what such a development would mean. Here too, France is prepared to contribute to the debate in a spirit of openness, but without renouncing her convictions.

EUROPEAN DEFENCE

Law and international agreements are the foundation of our security which also relies on more mobile, more collective and more European defence.

France, of course, intends to retain her capacity to act alone if her own interests and bilateral commitments so demand.

Europe, however, is, more than ever before, the required reference for her political and military options.

Europe, whose cities and populations live under the same, diffuse threat - both close and distant - which I was talking about earlier. Europe, which for the past ten years has experienced on its doorstep the conflagration in the Balkans and the war-torn Caucasus and Middle East. Europe, which today is determined to give itself the means to shape its own future.

Everyone knows the progress achieved since Saint-Malo.

Bringing to a successful conclusion the work carried out at Helsinki and Lisbon, the Nice Summit was a milestone in this process. The creation of permanent bodies within the European Union will enable it to make decisions and act completely autonomously, whether or not it uses NATO assets, to prevent or manage crises affecting its security. Above all, however, the military capability objectives to which the Fifteen have committed themselves constitute the foundation of this project which is meant, first and foremost, to be a concrete and realistic one.

Given its already wide range of economic, financial and humanitarian instruments, its acquisition of a military action capability is making Europe a fully-fledged political actor.

That France and Britain, each with their own traditions, have succeeded in paving the way for European defence speaks volumes about this common venture.

The involvement of Germany and of our other main partners, as well as the determination and solidarity of the Fifteen, have made it possible to lay the foundations for this project.

The way we see Defence Europe, it is in no way incompatible with NATO which remains the basis of Allied collective security. It strengthens NATO by affirming a partnership which will be all the stronger if better balanced.

And to those who might suspect France of wanting to weaken the transatlantic link, we can dispassionately point to the weight of our contribution to Alliance-led operations. Need I recall here that a French general will take command of KFOR in Kosovo next October for one year?

FRENCH DEFENCE REFORM

Our country remains true to its commitments and has now given itself the means to honour them.

In February 1996, I proposed to the French a comprehensive reform of our defence system taking into account the changes in our strategic environment, technological innovations and the way our societies have been changing. It also set the armed forces' objectives to be achieved by 2015.

This reform was to provide the foundations for this more mobile, more collective and more European defence system designed to meet our security requirements.

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FUTURE FOR EUROPEAN DEFENCE

Fundamental choices are required today, both as regards building Defence Europe, and developing and adapting our armed forces.

Within the European Union, we must remain on course, successfully conclude the programme decided at the Nice European Council and strengthen Armaments Europe.

We know what challenges we face in this period of transition and establishment of the capabilities we need. The priority objective must be to achieve and enhance the Fifteen's capacity to take action. This is why we attach special importance to the Capabilities Commitment Conference to be held under Belgian Presidency in order to remedy the identified shortfalls and deficiencies.

In this respect, I wish to stress that our American friends, who are themselves making a considerable effort, are not wrong when they say that they will judge European defence by the yardstick of the budgetary efforts agreed by the Fifteen, i.e. by each of us.

Our efforts must be commensurate with our ambitions.

It will therefore be for the EU defence ministers to ensure that the capability objectives are indeed achieved and to bring these up to date through meetings specifically designed for the purpose in which they will fully play their role.

Our second objective during this transitional year must be to consolidate a balanced relationship between the EU and the Alliance, avoiding any unnecessary duplication, facilitating dialogue and cooperation between them, but without calling into question the Fifteen's autonomy in decision-making and their capacity to act, where appropriate, solely with EU capabilities.

Let us be efficient and avoid all dogmatism in this field.

Our third objective must be to establish a strategic partnership between the EU and Russia. It is necessary, on the basis of the declaration adopted in Paris under French Presidency, to sustain a dialogue which both sides deem essential in a world we want to be multipolar.

Finally, our last objective must be to support the growth of Armaments Europe.

A decisive step was taken with the ratification of the OCCAR Convention by four States - the United Kingdom, Germany, Italy and France - which alone account for 75% of the European Union's defence equipment expenditure.

Concurrently, the industrial landscape has radically changed. New players have emerged, less numerous, more powerful, transnational and privatized. Our industry has taken its place in this transformation. The emergence of these European corporations has created the conditions for a more balanced Atlantic dialogue.

We must, moreover, seek to establish without delay a European Armaments Agency, as explicitly provided for by the Maastricht Treaty.

But all these efforts will be in vain if the imbalance grows within the Fifteen between those prepared to spend more on collective security and those who think that because peace is priceless, it is therefore costless.

NEW FRENCH MILITARY PROGRAMME ACT (MULTIANNUAL ESTIMATES ACT)

And this for France is the whole challenge of the next Military Programme Act.

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Thank you.

6 First meeting of EU and NATO Military Committees Brussels, 12 June 2001

On 14 and 15 May 2001, EU defence ministers met with their NATO counterparts and those of EU candidate countries. Most importantly, EU-NATO cooperation was discussed, as well as an EU exercise policy and programme. Then on 23 May the first formal meeting of Chiefs of Defence Staff of EU member countries was held. That meeting focused mainly on the many shortcomings in capabilities to be overcome. It was followed, on 12 June, by the first ever meeting of the EU and NATO Military Committees. No formal record of these meetings has been made public; the following is a press release on the latter meeting from NATO's International Military Staff.

NATO INTERNATIONAL MILITARY STAFF PRESS RELEASE

The Military Committee of the North Atlantic Treaty Organisation and the Military Committee of the European Union met today for the first time. The meeting was held at NATO Headquarters.

The meeting was convened following recent guidance provided by the North Atlantic Council and the European Council. It reflects inter alia that:

- The EU and NATO have undertaken to further strengthen and develop their co-operation in military crisis management on the basis of shared values, equality and in a spirit of partnership.
- Arrangements and modalities for the relationship between the EU and NATO will reflect the fact that each organisation will be dealing with the other on an equal footing.
- The autonomy of NATO and EU decision-making will be fully respected.
- Meetings between the NATO Military Committee and EU Military Committee may be held as required, at the request of either organisation, with at least one such meeting during each EU presidency.

The Chairman of NATO's Military Committee, Admiral Guido Venturoni, and the Chairman of the EU Military Committee, General Gustav Hägglund, chaired the first meeting.

The Agenda focused on mutual information from both organisations. NATO informed about its assets and capabilities, covering the key aspects of current work on the NATO Command Structure, the future Force Structure, and the status of work on the Defense Capabilities Initiative. The EU informed about general aspects of the European Security and Defence Policy (ESDP), its exercise policy programme and Command and Control for EU Operations.

It was agreed to hold a further meeting of the Committees in Autumn 2001.

7 Franco-German Defence and Security Council Fribourg, 12 June 2001

DECLARATION

1. La France et l'Allemagne réaffirment leur détermination à faire rapidement progresser la politique européenne de sécurité et de défense afin que l'Union européenne puisse pleinement jouer son rôle sur la scène internationale. L'Union européenne doit pouvoir disposer de tout l'éventail des instruments civils et militaires de prévention et de gestion des crises. Le développement équilibré de capacités militaires et civiles confère à l'UE son caractère spécifique dans le domaine de la gestion des crises. La France et l'Allemagne se concerteront étroitement sur les prochaines étapes afin que l'Union européenne soit rapidement opérationnelle. Conformément à l'objectif fixé à Nice, une décision à cet effet sera prise au plus tard au Conseil européen de Laeken. La démarche de l'Union s'agissant du développement de la politique européenne de sécurité et de défense est ouverte et transparente. La France et l'Allemagne confirment la grande importance qu'elles accordent au dialogue, à la consultation étroite et à la coopération confiante avec les alliés européens et autres candidats à l'adhésion, ainsi qu'à la consultation et à la coopération avec l'OTAN. A cet égard, nous nous félicitons de la mise en oeuvre des arrangements agréés à Nice sur la base desquels s'est notamment développée la coopération sur les Balkans. La France et l'Allemagne apportent leur appui à la mise en oeuvre sans délai des décisions prises au Sommet de Washington concernant l'accès de l'UE aux capacités et moyens de l'OTAN.

2. La France et l'Allemagne sont convaincues qu'il ne saurait y avoir de politique européenne de sécurité et de défense sans le développement d'une véritable culture européenne de sécurité et de défense. A cet effet, une formation commune des cadres dirigeants civils et militaires est nécessaire. C'est pourquoi la France et l'Allemagne proposeront à leurs partenaires de l'Union européenne la création d'un collège européen de sécurité et de défense. La formation s'appuiera sur un réseau formé à la fois par le collège mais aussi par les institutions nationales existantes.

3. La France et l'Allemagne saluent la décision prise le 7 juin 2001, à Berlin, par les pays représentés au Groupe aérien européen de mettre en place à Eindhoven, en septembre 2001, une cellule européenne de coordination du transport aérien. Celle-ci représente un jalon important vers une coopération renforcée et plus efficace en Europe dans le domaine du transport aérien militaire. La France et l'Allemagne considèrent la cellule de coordination comme un premier pas vers un commandement européen du transport aérien. Elles entendent par la suite favoriser la création d'un commandement européen du transport aérien sur la base d'objectifs communs et dans un cadre multinational approprié.

4. La France et l'Allemagne, qui confirmeront leurs engagements d'acquisition de l'A400M lors du prochain salon du Bourget, sont d'accord pour développer un concept commun de coopération en vue de la mise en service et de l'utilisation de l'avion de transport commun Airbus A400M. Conformément à la volonté des deux pays, ce concept commun doit se concentrer d'abord sur le domaine de "la formation des équipages et du personnel au sol de

l'A400M" ainsi que sur celui de "la maintenance et de la logistique". La France et l'Allemagne expriment leur volonté d'ouvrir ce projet de coopération à d'autres pays utilisateurs de l'A400M.

5. L'Allemagne et la France accordent une haute priorité au développement d'une capacité européenne de reconnaissance satellitaire comme une contribution significative à la prévention civile et militaire des crises. Elles ont élaboré un document commun exprimant ce besoin. Un pas important vers la création d'un système fédéré européen de reconnaissance satellitaire a ainsi été effectué. La France et l'Allemagne souhaitent poursuivre leurs discussions avec l'Italie et l'Espagne sur ce sujet et les étendre à d'autres partenaires européens intéressés.

6. Nous avons également évoqué les idées des Etats-Unis relatives à une nouvelle stratégie de défense et à la défense anti-missiles qui ont été présentées aux alliés européens lors de consultations à haut niveau et lors des rencontres des ministres des Affaires étrangères et de la Défense de l'OTAN à Budapest et à Bruxelles. La France et l'Allemagne attachent une grande importance à la poursuite de ce processus de consultation sur ce sujet sous tous ses aspects. Il devrait être poursuivi en étroite concertation avec les Etats membres de l'Union européenne.

7. La France et l'Allemagne considèrent que les risques de prolifération balistique nécessitent un renforcement des instruments multilatéraux de non-prolifération. Elles estiment que l'Union européenne devrait prendre une initiative en ce sens, fondée sur l'universalisation du code de conduite du régime de contrôle de la technologie des missiles. L'adoption par l'UE d'une position commune sur la lutte contre la prolifération balistique permettrait de concrétiser cette initiative qui pourrait déboucher, le moment venu, sur la tenue d'une Conférence internationale.

8 Article by Javier Solana, High Representative for CFSP 'Destined to cooperate', Financial Times, 14 June 2001

Amid concerns that the two sides of the Atlantic are drifting apart, today's EU-US summit in Gothenburg offers an opportunity to demonstrate the depth, resilience and adaptability of the transatlantic link.

A change in US administration always means a new chapter in the relationship. And it is true that a number of issues have created divisions and misgivings in recent months. They include recurrent trade irritants, Americas rejection of the Kyoto protocol on global warming, the US's plans for missile defence, and uncertainty about continued US engagement in the Balkans. But the much-touted rift in transatlantic relations is more rhetorical than real.

Given their global roles, the EU and the US are destined to compete in world markets. But given the convergence of their strategic interests, they are also destined to co-operate in addressing crises and global challenges. Differences may arise but the relationship is strong enough to withstand frank exchanges from time to time.

When the EU and the US work closely together, they are an engine for positive change in the world. This is why Europeans regret the US reluctance to join international endeavours such as the International Criminal Court, the treaty banning landmines or the Kyoto protocol. There is no sense in seeking separate solutions to global problems. The widely recognised danger of global warming will be impossible to tackle effectively without the positive involvement of the world's largest producer of greenhouse gas emissions. International agreements may not always be perfect in every way, but they can make a real difference and they remain the best avenue for concerted action.

Many other difficult issues in the transatlantic relationship, such as the death penalty, the environment or disarmament and non-proliferation, are the subject of strong, deeply rooted sensitivities in European public opinion. The US public holds strong views on these and other issues too. But in the day-to-day co-operation between the US and the EU in addressing specific crises, there is no problem.

In the Balkans, for example, 54,000 European troops are deployed alongside 11,000 US troops. Both the US and the EU are major donors of financial assistance, with the EU providing the greater share. That is right and proper, but it is essential that US engagement should continue. The latest outbreak of violence in Macedonia calls on both Europe and America to remain more actively involved than ever. Experience in the region suggests that the earlier and the more concerted the action, the more effective it is.

In the Middle East, the EU and the US form the core of the international coalition for peace that is trying to break the cycle of violence, restore confidence and re-launch a political process.

They are promoting the implementation of the recommendations of the Sharm-el -Sheikh fact-finding committee, a model of European-American effort. The prospect of peace in the region depends very much on maintaining this co-operation.

The challenges of the 21st century require an updated and strengthened transatlantic partnership. That means America being committed to international co-operative efforts, and Europe bearing an increasing share of the burden of tackling international crises. This is what the EU proposes to do. It is working hard to develop a substantial pool of rapidly deployable military forces for crisis management operations where Nato as a whole is not engaged. It is putting in place the political and military decision-making structures needed to control such operations. All of this has been taken forward in a co-operative, transparent manner with Nato. By developing a European Security and Defence Policy, the EU will become a stronger partner for the US, more capable of addressing the crises affecting the security of the transatlantic community.

The EU and the US agree on the need to consult on the many challenges to their security, such as ballistic missile proliferation. I welcome therefore the US commitment to consult closely about its plans for missile defence, even though a number of EU governments have misgivings. An open dialogue has started, and the US has listened to European concerns, especially about the impact on international disarmament and non-proliferation agreements. The dialogue will also allow both sides to compare their assessments of the threat and go over the technical details, which the US accepts have yet to be finalised.

Of course, Europe and America are not identical but they remain equally concerned about common values and shared responsibility. They are strong, long-standing allies. The relationship is so vast in scope and rests on such a solid foundation that it can sustain any adjustments necessary. Too many opportunities for co-operation are at stake for Europe, the US and for the rest of the world for it to be otherwise.

9 Remarks by President Bush at Warsaw University 15 June 2001

'IT IS TIME TO PUT TALK OF EAST AND WEST BEHIND US'

Thank you very much. Mr. President, thank you very much for your gracious hospitality that you and your wife have shown Laura and me. Mr. Prime Minister, members of the government, distinguished members of the clergy, distinguished citizens, and this important friend of America, students, Mr. Rector, thank you very much for your warm greeting.

It's a great honor for me to visit this great city – a city that breathes with the confidence, creativity and success of modern Poland.

Like all nations, Poland still faces challenges. But I am confident you'll meet them with the same optimistic spirit a visitor feels on Warsaw's streets and sees in the city's fast-changing skyline. We find evidence of this energy and enterprise surrounding us right now in this magnificent building. And you can hear it in the air. Today's own – Poland's orchestra called Golec's – [laughter and applause] – is telling the world, "on that wheat field, I'm gonna build my San Francisco; over that molehill, I'm gonna build my bank." [Laughter and applause.]

Americans recognize that kind of optimism and ambition – because we share it. We are linked to Poland by culture and heritage, kinship and common values.

Polish glass makers built and operated the New World's first factory in Jamestown, Virginia in 1608. Seeking the right to vote, those same Poles also staged the New World's first labor strike. They succeeded. [Laughter.] It seems the Poles have been keeping the world honest for a long period of time.

Some of the most courageous moments of the 20th century took place in this nation. Here, in 1943, the world saw the heroic effort and revolt of the Warsaw Ghetto; a year later, the 63 days of the Warsaw Uprising; and then the reduction of this city to rubble because it chose to resist evil.

Here communism was humbled by the largest citizens' movement in history, and by the iron purpose and moral vision of a single man: Pope John Paul II. Here Polish workers, led by an electrician from Gdansk, made the sparks that would electrify half a continent. Poland revealed to the world that its Soviet rulers, however brutal and powerful, were ultimately defenseless against determined men and women armed only with their conscience and their faith.

Here you have proven that communism need not be followed by chaos, that great oppression can end in true reconciliation, and that the promise of freedom is stronger than the habit of fear. In all these events, we have seen the character of the Polish people, and the hand of God in your history. Modern Poland is just beginning to contribute to the wealth of Europe – yet, for

decades, you have contributed to Europe's soul and spiritual strength. And all who believe in the power of conscience and culture are in your debt.

Today, I have come to the center of Europe to speak of the future of Europe. Some still call this "the East" – but Warsaw is closer to Ireland than it is to the Urals. And it is time to put talk of East and West behind us.

Yalta did not ratify a natural divide, it divided a living civilization. The partition of Europe was not a fact of geography, it was an act of violence. And wise leaders for decades have found the hope of European peace in the hope of greater unity. In the same speech that described an "iron curtain," Winston Churchill called for "a new unity in Europe, from which no nation should be permanently outcast."

Consider how far we have come since that speech. Through trenches and shell-fire, through death camps and bombed-out cities, through gulags and food lines men and women have dreamed of what my father called a Europe "whole and free." This free Europe is no longer a dream. It is the Europe that is rising around us. It is the work that you and I are called on to complete.

We can build an open Europe – a Europe without Hitler and Stalin, without Brezhnev and Honecker and Ceaucescu and, yes, without Milosevic.

Our goal is to erase the false lines – our goal is to erase the false lines that have divided Europe for too long. The future of every European nation must be determined by the progress of internal reform, not the interests of outside powers. Every European nation that struggles toward democracy and free markets and a strong civic culture must be welcomed into Europe's home.

All of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom – and the same chance to join the institutions of Europe – as Europe's old democracies have.

I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings. [Applause.] The question of "when" may still be up for debate within NATO; the question of "whether" should not be. As we plan to enlarge NATO, no nation should be used as a pawn in the agendas of others. We will not trade away the fate of free European peoples. No more Munichs. No more Yaltas. [Applause.] Let us tell all those who have struggled to build democracy and free markets what we have told the Poles: from now on, what you build, you keep. No one can take away your freedom or your country. [Applause.]

Next year, NATO's leaders will meet in Prague. The United States will be prepared to make concrete, historic decisions with its allies to advance NATO enlargement. Poland and America share a vision. As we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom. [Applause.]

The expansion of NATO has fulfilled NATO's promise. And that promise now leads eastward and southward, northward and onward.

I want to thank Poland for acting as a bridge to the new democracies of Europe, and a champion of the interests and security of your neighbors, such as the Baltic states, Ukraine, Slovakia. You are making real the words: "For your freedom and ours."

All nations should understand that there is no conflict between membership in NATO and membership in the European Union. My nation welcomes the consolidation of European unity, and the stability it brings. We welcome a greater role for the EU in European security, properly integrated with NATO. We welcome the incentive for reform that the hope of EU membership creates. We welcome a Europe that is truly united, truly democratic, and truly diverse – a collection of peoples and nations bound together in purpose and respect, and faithful to their own roots.

The most basic commitments of NATO and the European Union are similar: democracy, free markets, and common security. And all in Europe and America understand the central lesson of the century past. When Europe and America are divided, history tends to tragedy. When Europe and America are partners, no trouble or tyranny can stand against us.

Our vision of Europe must also include the Balkans. Unlike the people of Poland, many people and leaders in Southeast Europe made the wrong choices in the last decade. There, communism fell, but dictators exploited a murderous nationalism to cling to power and to conquer new land. Twice NATO had to intervene militarily to stop the killing and defend the values that define a new Europe.

Today, instability remains and there are still those who seek to undermine the fragile peace that holds. We condemn those, like the sponsors of violence in Macedonia, who seek to subvert democracy. But we've made progress. We see democratic change in Zagreb and Belgrade; moderate governments in Bosnia; multi-ethnic police in Kosovo; the end to violence in southern Serbia. For the first time in history, all governments in the region are democratic, committed to cooperating with one another, and predisposed to join Europe.

Across the region, nations are yearning to be a part of Europe. The burdens – and benefits – of satisfying that yearning will naturally fall most heavily on Europe, itself. That is why I welcome Europe's commitment to play a leading role in the stabilization of Southeastern Europe. Countries other than the United States already provide over 80 percent of the NATO-led forces in the region. But I know that America's role is important, and we will meet our obligations. We went into the Balkans together, and we will come out together. And our goal must be to hasten the arrival of that day. [Applause.]

The Europe we are building must include Ukraine, a nation struggling with the trauma of transition. Some in Kiev speak of their country's European destiny. If this is their aspiration, we should reward it. We must extend our hand to Ukraine, as Poland has already done with such determination.

The Europe we are building must also be open to Russia. We have a stake in Russia's success – and we look for the day when Russia is fully reformed, fully democratic and closely bound to the rest of Europe. Europe's great institutions – NATO and the European Union – can and should build partnerships with Russia and with all the countries that have emerged from the wreckage of the former Soviet Union.

Tomorrow, I will see President Putin, and express my hopes for a Russia that is truly great – a greatness measured by the strength of its democracy, the good treatment of minorities, and the achievements of its people.

I will express to President Putin that Russia is part of Europe and, therefore, does not need a buffer zone of insecure states separating it from Europe. NATO, even as it grows, is no enemy of Russia. Poland is no enemy of Russia. America is no enemy of Russia. [Applause.] We will seek a constructive relationship with Russia, for the benefit of all our peoples.

I will make the case, as I have to all the European leaders I have met on this trip, that the basis for our mutual security must move beyond Cold War doctrines. Today, we face growing threats from weapons of mass destruction and missiles in the hands of states for whom terror and blackmail are a way of life. So we must have a broad strategy of active non-proliferation; counter-proliferation; and a new concept of deterrence that includes defenses sufficient to protect our people, our forces, and our allies; as well as reduced reliance on nuclear weapons.

And, finally, I'll make clear to President Putin that the path to greater prosperity and greater security lies in greater freedom. The 20th century has taught us that only freedom gets the highest service from every citizen – citizens who can publish, citizens who can worship, citizens who can organize for themselves – without fear of intimidation, and with the full protection of the law.

This, after all, is the true source of European unity. Ultimately, it's more than the unity of markets. It is more than the unity of interests. It is a unity of values.

Through a hard history, with all its precedents of pain, Europe has come to believe in the dignity of every individual: in social freedom, tempered by moral restraint; in economic liberty, balanced with humane values.

"The revolutions of 1989," said Pope John Paul II, "were made possible by the commitment of brave men and women inspired by a different, and ultimately more profound and powerful, vision: the vision of man as a creature of intelligence and free will, immersed in a mystery which transcends his own being and endowed with the ability to reflect and the ability to choose – and thus capable of wisdom and virtue."

This belief successfully challenged communism. It challenges materialism in all its forms. Just as man cannot be reduced to a means of production, he must find goals greater than mere consumption. The European ideal is inconsistent with a life defined by gain and greed and the lonely pursuit of self. It calls for consideration and respect, compassion and forgiveness – the habits of character on which the exercise of freedom depends.

And all these duties, and all these rights are ultimately traced to a source of law and justice above our wills and beyond our politics – an author of our dignity, who calls us to act worthy of our dignity.

This belief is more than a memory, it is a living faith. And it is the main reason Europe and America will never be separated. We are products of the same history, reaching from Jerusalem and Athens to Warsaw and Washington. We share more than an alliance. We share a civilization. Its values are universal, and they pervade our history and our partnership in a unique way.

These trans-Atlantic ties could not be severed by U-boats. They could not be cut by checkpoints and barbed wire. They were not ended by SS-20s and nuclear blackmail. And they certainly will not be broken by commercial quarrels and political debates. America will not permit it. Poland will not allow it. [Applause.]

This unity of values and aspiration calls us to new tasks. Those who have benefitted and prospered most from the commitment to freedom and openness have an obligation to help others that are seeking their way along that path. That is why our trans-Atlantic community must have priorities beyond the consolidation of European peace.

We must bring peace and health to Africa – a neighbor to Europe, a heritage to many Americans, a continent in crisis, and a place of enormous potential. We must work together to shut down the arms trafficking that fuels Africa's wars; fight the spread of AIDS that may make 40 million children into orphans; and help all of Africa share in the trade and promise of the modern world.

We must work toward a world that trades in freedom – a world where prosperity is available to all through the power of markets; a world where open trade spurs the process of economic and legal reform; a world of cooperation to enhance prosperity, protect the environment, and lift the quality of life for all.

We must confront the shared security threats of regimes that thrive by creating instability, that are ambitious for weapons of mass destruction, and are dangerously unpredictable. In Europe, you're closer to these challenges than the United States. You see the lightning well before we hear the thunder. Only together, however, can we confront the emerging threats of a changing world.

Fifty years ago, all Europe looked to the United States for help. Ten years ago, Poland did, as well. Now, we and others can only go forward together. The question no longer is what others can do for Poland, but what America and Poland and all of Europe can do for the rest of the world. [Applause.]

In the early 1940s, Winston Churchill saw beyond a world war and a Cold War to a greater project: "Let the great cities of Warsaw and Prague and Vienna banish despair even in the midst of their agony," he said. "Their liberation is sure. The day will come when the joy bells will ring again throughout Europe, and when victorious nations, masters not only of their foes but of

themselves, will plan and build in justice, in tradition, and in freedom a house of many mansions where there will be room for all."

To his contemporaries who lived in a Europe of division and violence, this vision must have seemed unimaginable. Yet, our fathers – yours and mine – struggled and sacrificed to make this vision real. Now it is within our grasp. Today, a new generation makes a new commitment: a Europe and an America bound in a great alliance of liberty – history's greatest united force for peace and progress and human dignity. The bells of victory have rung. The Iron Curtain is no more. Now, we plan and build the house of freedom – whose doors are open to all of Europe's peoples and whose windows look out to global challenges beyond. Our progress is great, our goals are large, and our differences, in comparison, are small. [Applause.] And America, in calm and in crisis, will honor this vision and the values we share.

Poland, in so many ways, is a symbol of renewal and common purpose. More than half a century ago, from this spot, all one could see was a desert of ruins. Hardly did a single unbroken brick touch another. This city had been razed by the Nazis and betrayed by the Soviets. Its people were mostly displaced.

Not far from here is the only monument which survived. It is the figure of Christ falling under the cross and struggling to rise. Under him are written the words: "Sursum corda" – "lift up your hearts."

From the determination in Polish hearts, Warsaw did rise again, brick by brick. Poland has regained its rightful place at the heart of a new Europe and is helping other nations to find their own.

"Lift up your hearts" is the story of Poland. "Lift up your hearts" is the story of a new Europe. And, together, let us raise this hope of freedom for all who seek it in our world.
God bless. [Applause.]

10 European Council Göteborg, 15-16 June 2001

On 14 June 2001 US President George W. Bush visited Göteborg, where he met EU heads of state and government participating in the European Council. This was the first EU-US summit since the new Administration had taken office, although no official document resulted from it. On 15 June the European Council commenced.

PRESIDENCY CONCLUSIONS

(…)

V. COOPERATING FOR PEACE AND SECURITY

European Security and Defence Policy (ESDP)

47. The European Union is committed to developing and refining its capabilities, structures and procedures in order to improve its ability to undertake the full range of conflict prevention and crisis management tasks, making use of military and civilian means. As reflected in the Presidency report and its annexes adopted by the Council, the development of the ESDP strengthens the Union's capacity to contribute to international peace and security in accordance with the principles of the UN Charter. The European Union recognises the United Nations Security Council's primary responsibility for the maintenance of international peace and security.

48. New concrete targets have been set for civilian aspects of crisis management which should be achieved by 2003 through voluntary contributions. The permanent political and military structures have been established in the Council and the Council Secretariat. Foundations have been laid for the successful conduct of the conferences on military capability improvement and on police capabilities during the next Presidency.

49. Progress has been made in the development of a permanent and effective relationship with NATO. Permanent arrangements for consultation and cooperation have been agreed and implemented, as exemplified by the close cooperation in crisis management in the Western Balkans. Rapid agreement is called for on arrangements permitting EU access to NATO assets and capabilities.

50. Arrangements have been implemented concerning the consultation and participation of non-EU European NATO members and other countries which are candidates for accession to the EU, and relations with Canada and other potential partners, such as Russia and Ukraine.

51. The incoming Belgian Presidency is invited to take forward work on all aspects of the ESDP, together with the Secretary-General/High Representative, and to report on progress

towards achieving the objective of making the EU quickly operational. Progress must continue so that a decision to that end can be taken as soon as possible and no later than at the European Council in Laeken.

Conflict prevention

52. The European Council endorsed the EU Programme for the Prevention of Violent Conflicts which will improve the Union's capacity to undertake coherent early warning, analysis and action. Conflict prevention is one of the main objectives of the Union's external relations and should be integrated in all its relevant aspects, including the European Security and Defence Policy, development cooperation and trade. Future Presidencies, the Commission and the Secretary-General/High Representative are invited to promote the implementation of the programme and to make recommendations for its further development. The European Council welcomes Swedish readiness to host a regional meeting with organisations involved in conflict prevention in Europe.

EU-UN Cooperation

53. Important decisions have been taken by the Council to reinforce the political dialogue and strengthen cooperation between the European Union and the UN. Substantial progress has been made in building an effective partnership with the UN in the fields of conflict prevention and crisis management as well as development cooperation, humanitarian affairs, asylum policies and refugee assistance. This partnership is further strengthened by the mutually reinforcing approaches to conflict prevention and by ensuring that the European Union's evolving military and civilian capacities provide real added value for UN crisis management activities. The Western Balkans, the Middle East and Africa will be given highest priority in this reinforced cooperation. The conclusion of framework agreements between the European Community and relevant UN organisations will enhance cooperation.

54. The European Council adopted a declaration on prevention of proliferation of ballistic missiles (cf. Annex I).

(…)

PRESIDENCY REPORT TO THE GÖTEBORG EUROPEAN COUNCIL ON EUROPEAN SECURITY AND DEFENCE POLICY

Following the meeting of Coreper of 11 June 2001, and with a view to submission to the Council for the European Council in Göteborg, delegations will find attached the draft Presidency report on ESDP as well as the following annexes:

- Annex I: Police Action Plan;
- Annex II: Contributions of non-EU States to EU police missions on civilian crisis management;
- Annex III: New concrete targets for civilian aspects of crisis management;
- Annex IV: EU Exercise Policy[2];
- Annex V: EU co-operation with international organisations on civilian aspects of crisis management.

ANNEX

GÖTEBORG EUROPEAN COUNCIL
PRESIDENCY REPORT ON THE
EUROPEAN SECURITY AND DEFENCE POLICY

I. INTRODUCTION

1. In order to play its full role on the international stage, the European Council decided two years ago in Cologne, in pursuit of Common Foreign and Security Policy (CFSP) objectives, to give the European Union the ability to take decisions on the full range of conflict prevention and crisis management tasks defined in the Treaty on European Union, the Petersberg Tasks. The European Security and Defence Policy (ESDP) has since been developed at successive meetings of the European Council, notably in Helsinki, Feira and Nice. During the Swedish Presidency work has been taken forward, in association with the Secretary General/High Representative, on all aspects of ESDP.

2. Priority has been given to the task of further developing military and civilian capabilities. To this end work has been advanced in order to achieve the Headline Goal for military capabilities as well as the agreed civilian targets by 2003.

3. The Nice European Council set the objective of making the EU quickly operational. To that end and in accordance with the mandate given in Nice to the Swedish Presidency, permanent structures for crisis management have been put in place and work has begun on developing and validating crisis management procedures. Arrangements for consultation and co-operation between the EU and NATO have been established. In that framework, close practical co-operation has been successfully developed between the EU and NATO in crisis management in the Western Balkans, in particular in the Former Yugoslav Republic of

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[2] Text already approved by the Council on 14 May 2001.

Macedonia and Southern Serbia. Discussions have continued on the other elements of EU-NATO relations. Progress on these and other areas is reported below.

4. The development of ESDP, in pursuit of the objectives of CFSP, will strengthen the Union's capacity to contribute to international peace and security in accordance with the principles of the United Nations Charter. The European Union recognises the primary responsibility of the UN Security Council for the maintenance of international peace and security. During the Swedish Presidency concrete steps have been taken for strengthened co-operation between the EU and the UN.

5. The development of ESDP has, since the outset, also been intended to strengthen the EU's capacity for action in the crucial field of conflict prevention. A European Programme for the Prevention of Violent Conflicts is presented separately.

6. In connection with the submission of this report, the Presidency noted that Denmark drew attention to the Protocol No 5 annexed to the Treaty of Amsterdam on the position of Denmark.

II. DEVELOPING THE CAPACITY TO ACT

7. The European Union is committed to developing and refining its capabilities, structures and procedures in order to improve its ability to undertake the full range of conflict prevention and crisis management tasks, making use of military and civilian means. This will also enable Europeans to respond more effectively and more coherently to requests from lead organisations such as the UN or the OSCE. The EU is determined to develop an autonomous capacity to take decisions and, where NATO as a whole is not engaged, to launch and conduct EU-led military operations in response to international crises. This does not involve the establishment of a European army. The commitment of national resources by Member States to such operations will be based on their sovereign decisions.

A. Enhancing capabilities

Military capabilities

8. The Helsinki Headline Goal for the development of military capabilities aims to enable the EU by 2003 to deploy rapidly and then sustain forces capable of the full range of Petersberg tasks, including the most demanding. Building on the results achieved during the French Presidency, in particular the Capabilities Commitment Conference, work has been taken forward, with the support of NATO expertise where necessary. In particular:

– shortfalls have been identified as a result of an analysis of the capabilities requirements in relation to the force contributions already made by Member States. On this basis Member States will be requested to review their contributions and indicate planned projects, national and/or multinational, to meet these shortfalls;
– requirements for operational and strategic capabilities have been further developed and refined. This includes the requirements for interoperability, rotation and readiness as well as those concerning key enabling capabilities such as C3I (command, control and

communications and information); ISTAR (intelligence, surveillance, target acquisition and reconnaissance); strategic mobility and logistics;
– a list of forces and capabilities available to the Union already before the end of 2001 has been drawn up.

9. Ministers of Defence of the Member States met twice informally during the Swedish Presidency and addressed capability issues and means to meet the shortfalls.

10. The Swedish Presidency, in co-operation with the incoming Belgian Presidency, has developed a plan for the work on military capabilities in order to ensure the appropriate preparation of a Capability Improvement Conference in November 2001. At the Conference, Member States will be asked to commit themselves to specific additional measures in order to address the identified shortfalls.

11. The offers by the non-EU European NATO members and other countries which are candidates for accession to the EU have been reviewed and clarified in bilateral meetings with all 15 States in question, with a view to their possible participation in EU-led operations. They are welcomed as significant additional contributions to the improvement of European military capabilities, and have been evaluated according to the same criteria as those applied to the Member States. These forces will increase and bolster the capabilities available for EU-led operations.

12. In order to ensure continuing EU action to strengthen capabilities, the details of the follow-up and evaluation mechanism for military capabilities are being elaborated in accordance with the aims, principles and tasks agreed in Nice. The aim is to facilitate progress towards realisation of the commitments made with a view to achieving the Headline Goal, to review its aims in the light of changed circumstances, and also to contribute to ensuring the compatibility of the commitments made in the EU framework with, for the countries concerned, the pledges undertaken in the framework of NATO planning or the Planning and Review Process of the Partnership for Peace.

Civilian capabilities

13. Member States have responded with strong support to a call for voluntary contributions for police and major progress has been made towards reaching the Feira concrete targets for 2003, covering the two generic concepts as defined in Nice: strengthening of and substituting for local police forces. As a result of these efforts, commitments at a ministerial conference later this year should confirm that the targets will be met.

14. A Conference of National Police Commissioners on EU Member States Police Capabilities for International Crisis Management was held on 10 May. The work of the Conference and contributions by Member States have formed the basis of a Police Action Plan contained in Annex I.

15. EU criteria for selection, training and equipment of police officers for international assignments have been elaborated, for implementation at national level.

16. Guiding principles and modalities for contributions of non-EU states to EU police missions undertaken under Title V of the TEU have been developed and are set out in Annex II. States that, in accordance with these modalities, are willing and capable of contributing may be invited by the Council to take part in such operations.

17. New concrete targets, to be achieved by 2003 through voluntary contributions, have been identified in the areas of the rule of law, civilian administration and civil protection, and are set out in Annex III. The EU should accordingly:

– reinforce its ability to contribute to strengthening the rule of law capabilities. Within this overall target, Member States working together should be able to contribute up to 200 officials for crisis management operations especially to supplement police in the criminal justice process.
– establish a pool of experts able to take on assignments within civilian administration in the context of crisis management and, as needed, capable of deployment within a short timeframe.
– strengthen its capacity in the field of civil protection. Member States working together should as a final objective be able to provide intervention teams of up to 2 000 persons at short notice. Member States should also be able to provide assessment and/or co-ordination teams as well as supplementary or more specialised resources.

18. In all these areas the EU has also undertaken to develop common standards and modules for training, and as regards civil protection, common exercises.

19. The need for possible additional EU civilian crisis management capacity areas should be kept under review.

B. Structures, procedures and exercises

20. At the first General Affairs Council during the Swedish Presidency decisions were taken to make permanent the Political and Security Committee (PSC), the EU Military Committee (EUMC), and the EU Military Staff (EUMS), which had been functioning as interim bodies since March 2000:

– The PSC, which became permanent on 22 January 2001, deals with all CFSP issues, including ESDP. The establishment of the PSC has strengthened the ability of the Union to deal with these issues and to address crisis situations in a coherent way.
– The EU Military Committee became permanent on 9 April, when the Council appointed the permanent chairman of the EUMC. The EUMC is responsible for providing the PSC with military advice and recommendations on all military matters within the EU as well as providing military direction to the EUMS.
– The EU Military Staff was declared permanent on 11 June. The EUMS, under the military direction of the EUMC, provides military expertise and support to the ESDP, including the conduct of EU-led military crisis management operations.

21. The Committee for civilian aspects of crisis management has, under the Swedish Presidency, carried out intensive work on civilian capabilities and other aspects of civilian crisis management, providing advice and recommendations to the PSC and to other appropriate Council bodies in accordance with its mandate.

22. The Secretary General/High Representative has taken decisions in order to strengthen the Council Secretariat, in particular its politico-military structures, enabling it to give the necessary additional support to the developing work on the ESDP. As part of this, the Police Unit, now being established in the Council Secretariat and able to be rapidly reinforced from Member States in times of crisis, will give the EU the ability to plan and conduct police operations (including integrated planning and co-ordination, situation assessment, preparation of exercises, and preparation of legal frameworks and rules). The Secretary General/High Representative will keep arrangements for the Unit under review and adjust them as necessary.

23. The Commission has an essential role to play in helping to ensure coherence of the EU's external policies including the CFSP and ESDP and to strengthen co-operation with international organisations. The Commission contributes to the development of common political approaches, in proposing action to the Council as well as in managing instruments relevant to crisis management and conflict prevention within its areas of competence. The ongoing reform of external aid and financial management rules will enable more effective delivery of Community support to EU crisis management operations.

24. The Council adopted a Regulation for a Rapid Reaction Mechanism in February 2001. This Regulation will enable the Community to mobilise its capabilities for civilian crisis management more rapidly.

25. Following the Nice European Council decisions of principle on the inclusion of the appropriate functions of the WEU in the field of the Petersberg tasks:

– Work has been carried out which should enable the Council to take decisions in the near future, to establish as agencies a European Union Satellite Centre and a European Union Institute for Security Studies in support of the CFSP, including the ESDP. The Satellite Centre will support the decision-making of the Union by analysis of satellite imagery and other relevant data. The Institute will contribute to the development of the CFSP by conducting academic research and analysis in relevant fields.
– The Commission has set up a co-operation project taking over from the WEU Multinational Advisory Police Element in Albania (MAPE).
– The Council has decided to extend its support to WEU's Demining Assistance Mission in Croatia (WEUDAM) until November this year in order to allow it to complete its ongoing projects.

26. The Swedish Presidency has initiated work on identifying principles applying to the financing of operations having military or defence implications. The need to address the financial aspects of police operations, as well as for other civilian capacity areas, in particular civil protection, has also been underlined.

27. The Council approved the EU Exercise Policy, Annex IV, and an EU Exercise Programme. The Policy identifies the EU requirements for and categories of exercises, including joint exercises with NATO, and will be the basis for the effective implementation of all EU exercises. Arrangements for the involvement of the non-EU European NATO members and other candidates for accession to the EU are provided for in the EU Exercise Policy. The Exercise Programme covers the period 2001-2006, with a sequence of exercises designed to ensure appropriate readiness and efficient functioning in a crisis. In the exercise programme no military exercises below the level of Force Headquarters are envisaged. Concrete work to prepare the 2002 exercise will start as soon as possible.

28. Crisis management procedures are being developed that should guarantee quick, effective and coherent decision-making. They will be tested at the Crisis Management Workshop to be conducted by the PSC in June 2001. The procedures will be updated and revised following this workshop and in the light of experience.

29. For the Union to be able to act effectively in crisis management it must be able to deploy the full range of civilian and military means at its disposal in a coherent and co-ordinated manner. Taking into consideration the work initiated at the seminar organised by the Presidency in Ystad, priority will be accorded to further developing instruments and modalities for civil-military co-ordination in the ESDP context.

30. Adequate gender sensitivity training is important for all those who take part in EU crisis management operations.

III. COOPERATION WITH NATO

31. Development of a permanent and effective relationship with NATO, based on the principles agreed at Feira and Nice, is a crucial element of the ESDP. This development will lead to a genuine strategic partnership with NATO in the management of crises with due respect for the two organisations' decision-making autonomy. Consequently, consultation and co-operation are being developed between the EU and NATO on questions of common interest relating to security and defence and crisis management, so that crises can be met with the most appropriate military response and effective crisis management ensured.

32. Following the Nice report and conclusions and NATO's response, an exchange of letters between the Swedish Presidency and the NATO Secretary General took place confirming permanent arrangements for consultation and co-operation between the EU and NATO. In the relations between the EU and NATO as organisations, there will be no discrimination against any of the Member States.

33. The Swedish Presidency has conducted work in accordance with these arrangements. The first formal EU-NATO Ministerial Meeting was held at Budapest on 30 May 2001. In addition to several meetings of the PSC and NAC, a meeting has also been held at the level of Military Committees. The EU-NATO ad hoc group on capabilities has allowed exchanges of views and information on relevant aspects of EU and NATO work in that area. The support of NATO

experts on the development of the Headline Goal and the EU Exercise Programme has been valuable.

34. The EU and NATO have entered into close co-operation on issues of crisis management in the Western Balkans, notably Southern Serbia and the former Yugoslav Republic of Macedonia. This includes political consultations at Ministerial and PSC/NAC level, joint activities of the Secretary-General/High Representative and NATO Secretary-General, as well as of their representatives in the region. Furthermore, the EU Monitoring Mission (EUMM) and KFOR have established close co-operation in the field.

35. Rapid agreement is called for on arrangements permitting EU access to NATO assets and capabilities (i.e. guaranteed permanent access to NATO's planning capabilities, presumption of availability of pre-identified assets and capabilities and identification of a series of command options) on the basis of the arrangements approved by the Nice European Council. Timely conclusion of a security agreement, according to the Nice and Feira European Council conclusions, is also expected.

IV. COOPERATION WITH INTERNATIONAL ORGANISATIONS

36. The evolving capacities generated by the ESDP, call for an intensified, mutually reinforcing co-operation between the European Union and other international organisations, including the UN, OSCE and the Council of Europe, without unnecessary duplication. In the civilian field the EU has identified a set of principles and areas for co-operation with international organisations, which are set out in Annex V.

37. As has been mutually recognised by the EU and the UN Secretary General, there is a clear potential to develop the co-operation with the UN on both military and civilian aspects of crisis management and conflict prevention as concluded by the General Affairs Council on 11 June 2001. Ensuring that the EU's evolving military and civilian capacities provide a real contribution to the UN is of particular importance. Member States' commitment to EU concrete targets will increase the overall pool of resources available to international crisis management.

38. During the Swedish Presidency themes and areas for EU-UN co-operation have been identified and endorsed by the Council as the focus of the EU's efforts to intensify interaction with the UN. They include conflict prevention as well as civilian and military aspects of crisis management. The Western Balkans, the Middle East and Africa have been identified as particular areas for this co-operation.

39. Modalities providing a platform for intensified co-operation in crisis management and conflict prevention have been established. The Council requested the Presidency, assisted by the Secretary General/High Representative, to pursue the implementation of this co-operation and report to the Council on progress made.

40. The OSCE, with its comprehensive and co-operative approach to security and broad experience in crisis management and conflict prevention through numerous field missions, is an important partner for the EU. Therefore particular attention has been attached to developing the

co-operation between the EU and the OSCE, focusing on concrete measures, methods and instruments as well as functional and geographical areas.

V. CO-OPERATION WITH NON-EU EUROPEAN NATO MEMBERS AND OTHER COUNTRIES WHICH ARE CANDIDATES FOR ACCESSION TO THE EU

41. The European Union attaches particular importance to the close involvement in the ESDP of non-EU European NATO Member States and other countries which are candidates for accession to the EU, within the single inclusive structure provided for in Nice.

42. The Swedish Presidency has implemented the arrangements approved by the Nice European Council. EU Foreign Ministers and Defence Ministers, respectively, met on 15 May with their colleagues of the non-EU European NATO Members and candidates for accession to the EU (the "15") as well as of the non-EU European NATO Members (the "6"). Discussions have covered current work on ESDP, follow-up to the Capabilities Commitment Conference, civilian aspects of crisis management, the implementation of the arrangements for consultation and participation, EU-NATO relations, as well as crisis related topics, such as the crisis management in the Western Balkans.

43. To facilitate close contacts with relevant EU bodies, the non-EU European NATO Members and other countries which are candidates for accession to the EU have appointed interlocutors to the PSC as well as points of contact to the EU Military Staff (EUMS). In addition to the meetings at Ministerial and PSC levels, first meetings at EUMC level have been held during the Swedish Presidency.

VI. CO-OPERATION WITH OTHER POTENTIAL PARTNERS

44. During the Swedish Presidency, arrangements have been implemented for the consultation and participation of other potential partners, the principles of which were laid down by the European Council at Nice.

45. Canada, with its long experience in peacekeeping, is a valuable partner to the European Union in the area of the ESDP. The EU welcomes the readiness of Canada to contribute to crisis management efforts undertaken by the Union. As a result of the Canada-EU Summit last December, and further to the arrangements agreed by the European Council at Nice, the EU and Canada have begun regular consultations on ESDP-related issues of mutual concern. The EU will work with Canada to take forward the modalities for Canadian participation in EU-led operations.

46. At their recent Summit the EU and Russia reaffirmed their attachment to promoting closer dialogue and co-operation on political and security matters in Europe. The successful implementation of the decisions of the Nice European Council on the arrangements for strengthened dialogue and co-operation with Russia should lay the necessary ground for possible participation by Russia in EU-led crisis management operations under agreed conditions.

47. On-going dialogue takes place between the EU and Ukraine on ESDP issues, making full use of the arrangements agreed at Nice.

VII. MANDATE FOR THE BELGIAN PRESIDENCY

48. On the basis of the present report, the Belgian Presidency is invited, together with the Secretary-General/High Representative, to continue work within the General Affairs Council on developing the ESDP, implementing the measures necessary:

(a) to achieve the objective of making the EU operational in this area. A decision to that end should be taken no later than at the European Council in Laeken.
To that end, building on the work accomplished by the Swedish Presidency, the Belgian Presidency, is invited to:

– take the measures necessary for the further implementation and validation of the crisis-management mechanisms, including structures and procedures;
– continue discussions with NATO with a view to quickly establishing the envisaged arrangements between the EU and NATO.

(b) to ensure the follow-up of the military capabilities objectives by organising a Capabilities Improvement Conference at Ministerial level in order to address shortfalls and contribute to the achievement of the Headline Goal and the collective capability goals agreed at Helsinki;

(c) to work out the practical modalities related to the implementation of the military and civilian aspects of crisis management, including civil-military co-ordination;

(d) to work out the financing related to the implementation of crisis management operations;

(e) to organise a Commitment Conference at Ministerial level for police and to begin implementation of the Police Action Plan;

(f) to take forward steps to implement and elaborate the agreed concrete targets in the areas of the rule of law, civilian administration and civil protection;

(g) to fully implement the agreed arrangements for consultation and participation with non-EU European NATO members and other countries which are candidates for accession to the EU;

(h) to fully implement the agreed arrangements for consultation and participation of other potential partners;

(i) to further elaborate the agreed modalities for contributions of non-EU states to EU police missions and develop principles for possible contributions of non-EU states to other civilian missions;

(j) to develop EU co-operation with the UN, the OSCE and other relevant organisations;

(k) to enhance further the cohesion and the effectiveness of EU conflict prevention.

49. The Belgian Presidency is invited to submit a report to the European Council in Laeken.

Annex I to the ANNEX

POLICE ACTION PLAN

I. INTRODUCTION

1. At the European Council in Feira, Member States committed themselves to providing by 2003, by way of voluntary co-operation, up to 5 000 police officers, 1 000 of them to be deployable within 30 days, for international missions across the range of conflict prevention and crisis management operations. In Nice, the European Council mandated the incoming Presidency, in association with the Secretary General/High Representative, to continue work and to implement the measures necessary for the "development of a capability for planning and conducting police operations". The Presidency was requested to "specify requirements for the planning and conduct of European policing operations."

2. This Action Plan is presented with this purpose. It will allow incoming Presidencies to carry forward and complete work of making the EU fully operational in the field of police for international crisis management. This will enable the EU to provide support to UN and OSCE-led police operations, ensuring that the EU's efforts are consistent and mutually reinforcing with those of the international organisations, as well as conduct EU-led autonomous operations.

3. This Action Plan may be revised as required as more experience is gained.

II. ACTION PLAN

4. Work within the Council, as well as proposals to, and discussions at, the Presidency Conference of National Police Commissioners on EU Member States' Police Capabilities for International Crisis Management on 10 May 2001, have contributed to the identification of requirements for the planning and conduct of international policing operations, including contributions to international organisations. The following aspects deserve particular attention:

– The development and validation of *arrangements for planning and conduct of police operations at political-strategic level*, including the development of a capability for generic, contingency and operational planning for police operations, the integration of police expertise and input into EU structures for early warning and timely assessment (including EU fact-finding missions), the development of an ability to rapidly set up operational headquarters, the possible assembly of integrated police units, and the development of required interfaces with military and other civilian components of crisis management operations. This work will contribute to the on-going refinement of procedures for coherent, comprehensive EU crisis management and to EU crisis management exercises.

– The development and validation of concepts and systems for *command and control of police operations*, at the operational level as well as at the political level within the Council, including police operations as part of EU crisis management operations involving also military means.
– The development and validation of a *legal framework* for police operations in crisis management, including a framework 'Status of Forces Agreement' and a compendium of rules of engagement.
– The development and validation of arrangements necessary to ensure the *interoperability of police forces participating in EU police operations*, including those for common equipment, administration and logistical support, and the development of a common vocabulary and guidelines for international policing. (NB: The term police forces covers both police forces with civilian status and police forces of gendarmerie type.) These arrangements will i.a. build further on EU criteria for the selection, training and equipment of police officers participating in international police operations.[2]
– The development and implementation of *a programme of training* of police officers for international crisis management, including basic as well as specialised training, and with particular attention paid to training of senior police officers for command functions in police operations.
– The identification of appropriate *modalities for financing* EU police operations.

III. IMPLEMENTATION

5. Further work on and consideration of these requirements for an EU operational capability for police including the drawing up of a timetable, will be taken forward in the appropriate Council bodies by the Presidency, assisted by the Secretary General/High Representative.

6. The implementation of the Action Plan will be demand-driven. It will take due account of lessons learned from on-going and concluded international police missions. Attention will be paid to the experience of the United Nations, and in particular the conclusions of, and follow-up to, the Brahimi report.

7. The establishment of a Police Unit in the Council Secretariat, as decided by the Secretary General/High Representative, will provide police expertise and support for this work to the Secretary General/High Representative and the relevant bodies of the Council and facilitate day-to-day working level contacts with Member States and international organisations.

8. Continued co-ordination and co-operation should be ensured between the Council and the Commission, and within the Council as regards police and judicial co-operation (Title VI of the TEU). The European Police College (CEPOL) plays a key role in the training of senior police officers for crisis management.

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[2] "EU selection criteria for police officers, their equipment, and requirements for their training in the context of civilian crisis management" Document 5038/3/01 ENFOPOL 1 REV 3 COR 1, 2 of 7 May 2001.

9. Close civil-military co-ordination will be ensured, as appropriate, through the relevant EU crisis management structures and procedures, in particular the PSC. The Commission will be fully associated with this work.

10. The implementation of the Action Plan will involve appropriate consultation with the United Nations, the OSCE and, where relevant, the Council of Europe, in order to achieve compatibility between EU police capabilities and arrangements and relevant international standards.

11. The implementation of the Action Plan should, where relevant, take into account the agreed guiding principles and modalities for contributions by non-EU States to EU-led police missions.

Annex II to the ANNEX

CONTRIBUTIONS OF NON-EU STATES TO EU POLICE MISSIONS IN CIVILIAN CRISIS MANAGEMENT

I. INTRODUCTION

1. At the European Council in Nice it was agreed that *"The contribution of non-EU Member States to the EU's civilian crisis management operations, in particular in EU police missions, will be studied in a positive spirit, in accordance with procedures to be determined."* The Presidency was invited to submit proposals for the modalities of participation by third states in the civilian aspects of crisis management.

2. In accordance with the Nice mandate, the elaboration of specific modalities for third states' contributions to EU civilian operations will initially focus on police missions. The principles suggested below pertain to police operations undertaken under Title V of the TEU, exclusively.

II. GUIDING PRINCIPLES AND MODALITIES FOR POLICE MISSIONS

3. Non-EU states could make valuable contributions to EU police operations. Such contributions will therefore be given favourable consideration, in accordance with modalities to be determined. This should be done with full respect for the decision-making autonomy of the EU and the single institutional framework of the Union.

4. In an EU-led police operation the same international standards would be applied by all participating states.

5. The EU has agreed, for EU-led crisis management operations, on arrangements providing for consultation with non-EU European NATO members and other countries candidates for accession (EU + 15 format) on a regular basis, as well as for their possible contribution to EU-led military operations in times of crisis. Dialogue and information on issues related to police could thus also take place within the EU + 15 format. In the event of a crisis, this structure

could also serve for consultation, in view of possible contributions to a mission, in the period leading up to a decision of the Council to launch a police operation.

6. In order to facilitate co-operation in this field with a broad range of potential partners, i.a. Russia, Ukraine, other European States with which the Union maintains political dialogue, and other interested States such as Canada, police could be included in the dialogue, co-operation and consultation on ESDP issues with the countries concerned within the framework of existing arrangements.

7. The PSC plays a major role in enhancing consultations with third states also in the context of police.

8. Upon a decision by the Council to launch a police operation or an integrated operation with police components, states that are willing and capable of contributing to a particular operation may be invited, by a decision by the Council, to take part in the operation.

9. All third states, which are making significant contributions to an EU-led police operation, will have the same rights and obligations in terms of day-to-day management of the operation as EU Member States taking part in the operation. To that end, appropriate formulas for day-to-day management should be developed in the case of EU police operations, as well as in the case of integrated operations involving both military and police components.

10. This is without prejudice to the possibility that depending on, among other considerations, the size and type of the operation, police operations may be conducted following other procedures as decided.

11. The decision by the EU to end a police operation will be made following consultation between the participating states.

III. FURTHER DEVELOPMENT OF PROPOSALS FOR THE MODALITIES OF THIRD STATES' CONTRIBUTIONS TO EU POLICE MISSIONS

12. The specific modalities for third states' contributions to police operations will require further elaboration, as well as consideration by the PSC. This work would have to take into account that all the necessary procedures for EU civilian crisis management are not yet fully developed.

Annex III to the ANNEX

NEW CONCRETE TARGETS FOR CIVILIAN ASPECTS OF CRISIS MANAGEMENT

1. Following the outcome of the European Councils at Feira and at Nice, the Council has now identified concrete targets in the areas of Rule of Law, Civilian Administration and Civil Protection, to be achieved by 2003 through voluntary contributions.

I. RULE OF LAW

2. The EU attaches great importance to the strengthening of the rule of law as a tool for both conflict prevention and crisis management. Experience shows that strengthening the rule of law is a pre-condition for consolidation of peace and security. International efforts to strengthen, and where necessary re-establish, credible local police forces cannot be fully successful if the police are not complemented by a functioning judicial and penal system.

3. Strengthened capabilities in the field of rule of law will serve both to enable the EU better to respond to requests from an international lead organisation, and to carry out autonomous EU missions. To contribute to strengthening the rule of law across the range of conflict prevention and crisis management operations, the EU should focus on identifying and training officials within the broad spectrum of functions essential for upholding the rule of law, who can be made available to international missions.

4. International missions mainly rely on Member States' official personnel, but as regards efforts to support the rule of law there is also considerable potential for contributors other than Member States' public institutions, e.g. academic and non-governmental organisations, to provide experts. It is in this context important to underline the voluntary nature of all participation.

5. This work will require concerted effort by the EU, bearing in mind the need to identify a sufficient number of qualified officials and experts with experience from different legal systems.

A. Concrete Targets

Strengthening overall EU capabilities

6. In a crisis management situation, missions in the field of rule of law comprising i.a. legal, judicial and penitential penal expertise could be tasked with strengthening local institutions through advice, training or monitoring, or mandated to perform executive functions through the temporary assignment of international staff, notably when local institutions are absent. In such a situation, the re-establishment of local judicial and penal systems should be initiated as soon as possible. While rule of law missions would usually be deployed as a complement to a police component, they could also be undertaken without such a component. In any given mission, rapid build-up of local capacity and subsequent hand-over to local ownership is essential.

7. Experience also shows the need for continuity between short-term crisis management assistance and longer-term initiatives. A coherent policy that integrates immediate crisis management with long-term support to institution building is essential. Implementation of these different efforts involves a mixture of EU instruments. The EU will in particular make full use of Community instruments. At the Community level, i.a. the Rapid Reaction Mechanism will constitute an important instrument.

8. Member States should strengthen in phases their ability to provide judges, prosecutors and further categories of officials and experts in the field of rule of law, to international missions. A sufficiently large pool of Member States' officials and experts in this field should be created.

9. Complementarity between Member States' relative expertise and strengths could allow for specialisation. The institutional capacity within Member States to provide qualified personnel should be developed. Member States should carry out a general review, on the basis of an exchange of information, of terms and conditions for officials volunteering to take up international assignments.

Capabilities and rapid deployment

10. Within the general target for overall capabilities, Member States should in particular develop their capacity to deploy officials to public prosecution, courts and detention activities in crisis management operations, primarily in order to ensure a complete and functioning criminal justice process in operations in which international police perform an executive role.

11. Strengthening their capabilities in phases, Member States should, on a voluntary basis, by 2003 be able to contribute up to 200 officials adequately prepared for crisis management operations in the field of rule of law. There should be an appropriate balance between the various officials needed, which includes prosecutors and judges as well as correctional officers.

12. This target should include a capability to supplement police rapid deployment units and fact-finding missions with officials with broad knowledge in the field of rule of law, enabling an early planning of rule of law support, which could be deployed within 30 days.

13. It will be of paramount importance to ensure co-ordination and coherence between EU rule of law components and other elements of an EU crisis management operation.

Raising standards

14. The EU and its Member States should develop on a phased basis a comprehensive range of agreed standards for selection, training and equipment of officials and experts in the field of rule of law, and modules for their training. Also, the establishment of common training programmes should be envisaged. EU standards should be compatible with, and usefully build further on, those developed by the relevant international organisations.

15. It is noted that the Commission will during 2001 launch a project for Community action in support of the development of common training modules for officials and experts in the field of rule of law to be deployed in civilian crisis management.

16. The EU should also step up its efforts to play a catalysing role within international organisations, and in this context promote the definition of clear mandates for international missions involving officials and experts in the field of rule of law, as well as the elaboration within the UN framework of a basic, directly applicable, interim legal framework, to be used when the international community faces an institutional and normative vacuum.

17. The EU will ensure adequate gender sensitivity training of officials and experts assigned to such crisis management missions.

B. Implementation

18. The specific concrete targets are the expression of political will and commitment of the EU. They should be further elaborated by the appropriate Council instances. The EU's work should take full account of the experience built up by the UN and the OSCE as well as the Council of Europe, which has a particular body of experience in this area. The European Union should ensure that its own efforts and those of these organisations are consistent and mutually reinforcing, without any unnecessary duplication.

19. A method should be developed through which the quantitative phased target can be met and maintained through voluntary contributions. National expertise and strengths should be identified by Member States. This work should be carried out in close co-operation with Member States' expertise in this field.

20. The targets require pre-identification, in terms of capacity and functions needed, and basic training of a sufficiently large pool of Member States' officials and experts in the field of rule of law, to cover all fields of work required. They may also necessitate the reinforcement of mechanisms for rotation and sufficient financial and logistical resources.

21. General information on rule of law capabilities, including readiness, as well as on specific national expertise should be fed into the rule of law database established at the Council Secretariat as part of the Co-ordinating Mechanism for Civilian Aspects of Crisis Management. Specific information should be registered in Member States, according to modalities to be agreed. Further work should be undertaken concerning national arrangements, including on specific information on capabilities and single national contact points.

II. CIVILIAN ADMINISTRATION

22. The Feira European Council identified civilian administration as a priority area where the EU should seek to enhance its capacity. This commitment was reiterated by the Nice European Council, which underlined that the European Union should *"continue its discussions, on the basis of the recommendations made by the European Council in Feira, with the aim of defining concrete targets and equipping the EU with suitable resources for it to cope effectively with complex political crises."*

A. Concrete targets

23. To strengthen the European Union's capacity in the field of civilian administration, allowing it to contribute to the broadest possible spectrum of crisis management operations both for autonomous EU-led crisis management operations and operations led by international organisations, the Union has set the following concrete targets, to be reached by 2003.

Strengthening overall EU capabilities

24. Recognising the central role of administrative experts in international crisis management operations and the increasing need for such experts, the EU undertakes to establish a pool of experts able on a voluntary basis to take on assignments within civilian administration in the context of crisis management operations and, as needed, capable of deployment within a short timeframe.

25. The pool should be dynamic and gradually increase as capacity is strengthened. Information on the pool of experts should be fed into a database established by the Co-ordinating Mechanism for civilian aspects of crisis management at the Council Secretariat in close co-operation with the Commission.

26. Operations with participation of administrative experts could involve a mix of EU instruments. At the Community level, the Rapid Reaction Mechanism will, among others, constitute an important instrument in the crisis phase.

27. It will be of paramount importance to ensure co-ordination and coherence of action between the EU civilian administration components and other elements of an EU crisis management operation.

28. The pool of experts should cover a broad spectrum of functions relevant for crisis management operations. The functions could build upon the illustrative list below, which in turn draws upon experiences of crisis management operations in e.g. the Western Balkans and East Timor. Specific priorities could be identified at a subsequent stage.

29. General administrative functions: Civil registration, Registration of property, Elections/appointments to political bodies, Taxation, Local administration, Custom Services.

30. Social functions: Education, Social services, Health and medical services.

31. Infrastructure functions: Water supply, Energy supply, Telecommunications, Permanent infrastructure, Transport, Waste management.

32. The close link between civilian administration in crisis management and long-term structural assistance – not least due to the involvement of similar categories of functions and the activities' overlap in time – makes continuity crucial. A smooth transition from one phase and its specific objectives and activities to another should be ensured.

33. The pool of experts should be prepared to work in different stages of a crisis. They should be able to carry out advisory, training and monitoring as well as executive tasks in a variety of situations, ranging from situations where there are existing local structures in need of support to complex emergencies, where local structures are weak or non-existent. The most immediate aim of the deployment of a civilian administration component within a crisis management operation will be to set up, or ensure the existence of, a functioning administrative apparatus, while promoting transition to local ownership as early as possible.

34. The EU should aim at close co-operation with other relevant actors, i.e. international organisations, non-governmental organisations, the private sector and civil society at large.

Strengthening capabilities for training and assessment

35. Recognising that the ability to rapidly deploy qualified administrative experts to international missions depends, to a large extent, on preparatory training, the EU undertakes to develop appropriate common standards and modules for training in this field.

36. Recognising that assessment of local needs, conditions and capacity is crucial for the elaboration of strategies and the identification of resources to a particular mission, Member States undertake to strengthen their capacity to contribute with the required expertise to advance teams for this purpose.

B. Implementation

37. These concrete targets are the expression of the political will and commitment of the EU. Both quantitative and qualitative aspects will be further elaborated.

38. As a first step towards strengthening overall EU capabilities, a more detailed list of functions and expert categories should be elaborated, with the help of Member States' experts preferably with international mission experience. Member States could then indicate to what functions and expert categories they would be particularly able to contribute. Advanced teams could be indicated as a specific function. The result could be included in the database.

39. As a further step, functions and expert categories where capacity would need to be strengthened should be identified and shortcomings addressed. Given the dynamic character of the pool of experts this process would continue after the target date 2003.

40. The implementation of the target on training should be carried forward as a matter of priority. It is noted that the Commission will shortly launch a project for development of common training modules for rule of law and other civilian personnel in civilian crisis management. These modules should be developed in co-operation with relevant international organisations, in particular the UN, OSCE and the CoE, to ensure complementarity and interoperability.

III. CIVIL PROTECTION

41. The Feira European Council identified Civil Protection as a priority area where the EU should seek to enhance its capacity. This commitment was reiterated by the Nice European Council, which concluded that discussions would have to continue with the aim of defining concrete targets in the field of Civil Protection, thereby equipping the EU with suitable resources for it to be able to cope effectively with complex crises.

A. Role of Civil Protection in crisis management

42. Civil Protection includes Member States' resources within the emergency services, which are primarily organised for protection and rescue tasks at the national level. However, these resources are also used to respond, upon request, to major natural, technological and environmental emergencies in other Member States as well as in third countries.

43. In recent years Civil Protection has also increasingly been used in crisis management situations, often under the lead of UN/OCHA. Such situations are often more complex than major natural, technological and environmental emergencies. There is generally a more diversified presence of international actors and, in case of armed conflict, international humanitarian law applies. The ability of Civil Protection to respond at short notice as well as to handle emergency situations of different types, and the daily experience of operating under strain and difficult conditions has proved valuable in such complex situations.

44. In crises, Civil Protection will therefore be called upon to assist, inter alia, humanitarian actors, in covering the immediate survival and protection needs of affected populations, in respect to e.g. search and rescue, construction of refugee camps and systems of communications and provisions of other types of logistical support.

45. It should be noted that the organisation of Civil Protection is different from one Member State to another, and different resources and organisations will be used by Member States for crisis management.

B. Concrete targets

46. In order to strengthen its capacity in the field of Civil Protection, the EU has set the following concrete targets to be reached by 2003.

Strengthening overall EU capabilities

47. Recognising the vital role of Civil Protection in crisis management operations and the increasing need for Civil Protection teams and other resources for such operations, the EU undertakes to strengthen its capability in this field. Member States should as a final objective be able to provide, on a voluntary basis:

– 2 - 3 assessment and/or co-ordination teams consisting in all of 10 experts, that could be dispatched within 3 – 7 hours, depending on the circumstances. The experts should be on 24 hour call from a group of up to 100 specially selected experts for this purpose;
– Civil Protection intervention teams consisting of up to 2,000 persons at short notice;
– supplementary or more specialised resources from the competent services or, where relevant, non-governmental organisations and other entities in response to the specific needs in each crisis, that could be dispatched within 2 days to a week.

48. Strengthened capabilities in the field of Civil Protection will serve both to enable the EU better to respond to requests from an international lead organisation, such as the UN, and to

carry out autonomous EU missions. Member States will provide Civil Protection resources to operations to which they voluntarily decide to contribute.

49. These resources should be able to carry out Civil Protection tasks in crisis management operations and in response to the different Civil Protection needs at the different stages of these operations. They should be highly qualified and drawn from the services of Member States.

50. The Civil Protection teams and other resources should reinforce the existing resources on site and work closely with relevant local authorities and/or international co-ordination mechanisms.

Strengthening the EU's response capability

51. The deployment of the EU's response capability will require appropriate consideration of financial aspects, in particular as concerns transport costs.

52. In order to fulfil the need for efficient Civil Protection action and compatibility and complementarity between the teams, comprehensive training and exercise programmes for crisis management should be established by 2003. These should consist of:

– a basic comprehensive training and a refresher training conducted at EU level for experts selected for the assessment and/or co-ordination teams and for team commanders;
– training in accordance with agreed requirements and carried out under the responsibility of Member States for other personnel;
– a system for exercises.

53. The training programmes should be developed in cooperation with relevant global and regional international organisations in order to make full use of their experiences and knowledge, to avoid duplication and to ensure interoperability. When established, the system for exercises should be reflected in the EU exercise policy and programme.

Cooperation with armed forces and use of military resources

54. Where available and appropriate, the use of military resources, such as transport capacity, in support of Civil Protection operations in the context of crisis management can improve the EU Civil Protection capacity. Procedures and arrangements for cooperation at different levels could be developed as a reflection of the Union's commitment to ensure synergy between civilian and military aspects of crisis management. This work should take into account national and international guidelines.

C. Implementation

55. The concrete targets for Civil Protection in crisis management are the expression of the political will and commitment of the EU. They will be further elaborated and followed up. *The Community Mechanism to facilitate reinforced cooperation in Civil Protection assistance interventions,* once established through a Council Decision, will play a key role in the

implementation of the concrete targets. The Mechanism could under conditions to be determined be a tool for facilitating and supporting crisis management referred to in Title V of the Treaty on European Union.

56. The capability targets should be further elaborated on the basis of different scenarios and Civil Protection experience from crisis management in recent years. Different situations where resources are being used for Civil Protection purposes in crisis management operations should be carefully distinguished. This would allow for a more detailed analysis of what resources Member States could make available. Account should also be taken of the specific strengths and experience of individual Member States.

57. Aspects on co-operation with the armed forces and the use of military resources could be further elaborated by relevant bodies, in particular through crisis management exercises.

58. A methodology will be developed to guarantee that these more specific capability targets will be met and maintained through voluntary contributions.

Annex IV to the ANNEX

Exercise Policy of the European Union

Table of Contents

I. Introduction

1. In accordance with the conclusions of the European Council at Cologne, Helsinki, Feira and Nice, the European Union is developing both its military and civilian crisis management capabilities in a coherent framework encompassing the instruments pertaining to different pillars across the whole range of Petersberg tasks as defined in the Treaty covering humanitarian and rescue tasks, peacekeeping and tasks of combat forces in crisis management, including peacemaking. This will be in support of the CFSP and will also strengthen the Union's contribution to international peace and security in accordance with the principles of the UN Charter.

2. The EU needs to be able to carry out effectively its role in the field of crisis management. Therefore, the EU must ensure that structures, procedures and arrangements are properly tested and validated through exercises in order to ensure appropriate readiness and efficient functioning in a crisis. Exercises can also indicate possible requirements for new capabilities

and represent a valuable means to demonstrate the solidarity between the Member States of the Union and their willingness to contribute to conflict prevention and crisis management. Hence, exercises contribute substantially to the credibility of the CESDP in support of the CFSP.

3. The Union is developing an autonomous capacity to take decisions and, where NATO as [a] whole is not engaged, to launch and then to conduct EU-led military operations in response to international crises in support of the objectives of the CFSP. This requires adequate military capabilities and effective decision-making arrangements. NATO elements like assured access to NATO planning capabilities and presumed availability of pre-identified assets and capabilities are also of particular importance for EU-led operations.

4. In the civilian field, a number of measures have been taken to enhance and to improve the co-ordination of civilian crisis management resources and instruments of the Community, Union and the Member States. Ensuring their rapid and smooth deployment, in particular the effective co-ordination between civil and military instruments, is one of the main objectives in testing crisis management procedures so that they can be adapted in the light of experience.

5. This EU Exercise Policy is developed in full respect of the EU single institutional framework. It identifies the EU requirements for exercises and categories of exercises, and will be the basis for the effective implementation of all EU exercises. Subsequent conceptual and technical exercise documents will be based on this document.

6. The exercise policy will be revised as necessary in the light of further developments in the EU, in particular the entry into force of the Treaty of Nice.

II. EU Requirements for exercises

7. Exercise objectives will be defined according to the spectrum of exercise requirements as set out in this section. This becomes important in the context of programming and in the design of each individual exercise (elaboration of exercise specifications). The number and complexity of selected objectives for an individual exercise will determine the effort (time, personnel and money) required for the planning and conduct of the exercise.

8. In general, the following aspects would need to be covered by exercises: (1) the Union's internal structures and mechanisms, in particular the interaction among EU institutional actors and Member States; (2) the whole range of civilian and military instruments available and their interaction in a comprehensive, coherent and co-ordinated manner; (3) the strategic partnership between the EU and NATO in the management of crises, with due regard for the two organisations' decision-making autonomy; (4) consultation with and participation of non-EU European NATO members and other countries which are candidates for accession to the EU; (5) consultation and co-operation with other international organisations like the UN, the OSCE and the Council of Europe; (6) consultation and participation of other potential partners.

9. As the Union is following a comprehensive approach, any action on Petersberg-type assignments may require a strong synergy between military and civilian components. Exercises must contribute to the achievement of this objective. They should involve both military and

civil assets and capabilities as well as instruments of the Community, the Union and Member States'. In its exercises the EU will also address public relations aspects comprehensively.

10. The Union's determination to increase and improve its capacity to respond effectively to crises includes actions in civilian areas in which the Commission will play a prominent role. Furthermore, Member States have undertaken to strengthen their crisis response capacity in the field of police, the strengthening of the rule of law, civil administration and civil protection. These civilian capacities and the interaction between Community, the Union and Member States' resources and instruments will need to be tested in exercises.

11. The Union does not have a permanent military command structure. For crisis management operations involving military force a range of exercises will be necessary to ensure that all levels of the chain of command from the relevant Council instances to potential Operation Headquarters (OHQ) and Force Headquarters (FHQ) level (whether provided by Member States -national and multinational headquarters- or NATO), are exercised in accordance with crisis management procedures. The EU must exercise each of these possible courses of action, from the Political and Security Committee (PSC) ensuring the political control and strategic direction, down to the level of Forces Headquarters (FHQ). Normally only two levels of command would be exercised at any one time. For those aspects of such crisis management exercises involving military capabilities which have a civilian dimension, the appropriate involvement of the Commission and the relevant bodies and structures within the Council will be necessary.

12. The EU is committed to strengthening its institutional and practical co-operation with NATO on the question of military responses to crises to ensure effective crisis management. In this context, key elements are the assured access to NATO planning capabilities and the presumed availability of pre-identified NATO assets and capabilities in times of crisis, which will need to be tested in exercises. Co-operation will take place inter alia in full respect of the decision-making autonomy of the EU and NATO, each organisation dealing with the other on an equal footing and without discrimination against any of the Member States. Lessons learnt from joint WEU/NATO exercises (CMX/CRISEX 2000 and JES01) could be taken into account as appropriate.

13. The EU is also committed to dialogue, consultation and co-operation with non-EU European NATO members and other countries who are candidates for accession to the EU as well as other prospective partners in EU-led crisis management. These arrangements too will need to be covered in relevant exercises.

14. EU's operational capacities could also be used in response to a request by a lead organisation like the UN or the OSCE. Exercises must contribute to this objective. Relevant modalities for EU contributions to UN- and OSCE-led missions will need to be developed and tested as appropriate. Exercises should therefore, as appropriate, involve observers and/or participation from these organisations. Co-operation with other organisations, including NGOs, could be given consideration.

15. Given the EU's place within the European security architecture, exercises need to be carried out on the basis of necessary transparency and complementarity between the EU and other organisations, the economy of resources and the avoidance of unnecessary duplication. The EU will co-ordinate its exercise programme with those of Member States, NATO/PfP and other relevant organisations as much and as early as possible. Experience gained in exercises in the form of lessons learnt should be exchanged.

III. Categories of Exercises

16. For the effective implementation of EU-led operations, the European Union will have to determine, according to the requirements of the case, whether it will conduct

– EU-led operations using NATO assets and capabilities or
– EU-led operations without recourse to NATO assets and capabilities.

The Union must exercise each of these possible courses of actions as well as the pre-decisional phase where both options are open.

17. The design of each individual exercise will depend on the selection of and the focus on specific exercise objectives. EU Exercises can include the following:

a) The EU will need to test its crisis management procedures, measures and arrangements at the strategic politico-military level. This will require crisis management exercises (CME) involving the Member States (capitals and delegations), the relevant Council instances, the Secretary General/High Representative, the Commission and other levels as appropriate. Appropriate structures and modalities established for dialogue and consultation with NATO and third countries respectively can also be subject to such exercises. Legal arrangements such as status of forces agreements and host nation support should also be exercised.

b) EU Exercises could also test the ability of the EU to deploy and to co-ordinate in the crisis area a combination of civilian and military instruments in a timely and co-ordinated manner. The degree of involvement of headquarters (OHQ/FHQ, military and/or civilian, i.e. for police forces), depends on the selected objectives in this regard.

c) EU's contributions to civil crisis management will be the subject of specific EU Exercises. These will involve Member States, the Commission, the co-ordinating mechanism for civil crisis management, other relevant Council instances and selected potential civil assets and capabilities in accordance with defined exercise objectives. These exercises could test the Union's planning and decision-making arrangements, e.g. regarding the mobilisation of civil capabilities (e.g. police, judges) and the pooling of these resources as part of a common approach in co-ordination with the Community instruments.

d) The EU will similarly conduct exercises concentrating on military aspects only, e.g. Command Post Exercises (CPX) involving the level below that of politico-military decision making. Such military exercises would include potential EU Headquarters designated for the purposes of the exercise, but may also involve Member States (capitals and delegations) and relevant Council services (i.a. SitCen, Military Staff and DG E).

e) When the EU examines options with a view to an operation, drawing up its strategic military options could involve a contribution from NATO's planning capabilities in accordance with the provisions of the agreement for EU guaranteed permanent access to NATO's planning capabilities. This will have to be taken into account in exercises with a military element.

f) The Council Secretariat and/or the Commission might consider it necessary to test and train the functioning of overall co-operation and co-ordination between relevant internal services. This will be done through the planning and conduct of either an internal Council Secretariat exercise or an internal Commission exercise or an exercise in which both will work together.

g) Joint crisis management exercises with NATO will be based on scenarios to EU-led operations when the EU will have recourse to NATO assets and capabilities. These exercises could include i.a. politico-military crisis management exercises, and will normally involve Member States, EU institutions (e.g. Council, Commission) and NATO Headquarters in Brussels. EU and NATO might consider it necessary to exercise NATO-provided military Headquarters in the specifics of EU-led operations. Such military exercises (CPX) will e.g. concentrate on the chain of command below the strategic politico-military level, in other words, on the interaction of an Operation Headquarters (OHQ) and Force Headquarters (FHQ)/ Combined Joint Task Force Headquarters (CJTF HQ) provided by NATO. These joint EU/NATO exercises could also concentrate on EU's ability to deploy and co-ordinate a combination of civil and military instruments. Programming, planning, conduct, evaluation and reporting will have to be done in close co-ordination between EU and NATO using, respectively, compatible procedures.

h) EU exercises may also involve other organisations like the UN, the OSCE and as appropriate NGOs, if the Council so decides.

IV. Participation and observation in Exercises

18. The decision to invite other states and organisations to participate or to observe in the conduct of each exercise will be taken by the Council:

a) EU will invite NATO, on the basis of reciprocity regarding crisis management exercises, to observe EU exercises including those which are not executed jointly.

b) Non-EU European NATO members and other countries which are candidates for accession to the EU will be invited to participate in the conduct of relevant exercises in line with the provisions for their participation in EU-led operations. In line with the established dialogue, consultation and co-operation, these countries should be invited to observe in relevant exercises.

c) States engaged in political dialogue with the Union and other interested states should as appropriate be invited to participate in or to observe relevant exercises.

d) EU exercises should as appropriate be open for participation and observation by other international organisations and as appropriate NGOs.

19. Decisions on participation and observation in EU-NATO exercises will be taken, after EU-NATO consultations, by the Council and the appropriate body in NATO. In this context the EU will seek to ensure that all non-NATO EU candidate countries participate in or observe these exercises.

20. Modalities of participation and observation by other states and organisations in exercises will be laid down in the relevant exercise specifications which will be subject to a decision by the Council.

V. Other Exercise Activities

21. The EU does not intend to carry out exercises involving military forces below the FHQ level. Exercises of national and multinational forces below this level will remain under the responsibility of Member States. This type of exercise can also be conducted, for the nations concerned, within the framework of NATO's command structure and/or NATO's Partnership for Peace (PfP). It is assumed that a Member State or a group of Member States may plan and conduct exercises based on scenarios related to potential EU-led crisis management operations. To the extent they may contribute to these operations relevant information should be shared with the other Member States through the Military Staff which for information purposes will make a compilation of it. Member States, the Council Secretariat and the Commission could be invited to attend as observers.

22. Participation of the Union in exercise activities other than described above can be envisaged e.g. by invitations for observation of exercises forwarded officially to the EU by third countries or international organisations. Each invitation is likely to be different and ought to be assessed according to the politico-military implications, contributions and benefits. Therefore, participation of EU observers will be decided by the relevant authorities as set out below on a case-by-case basis taking into account the specific objectives of the exercise concerned.

VI. Roles and Responsibilities

23. The EU Exercise Policy will be developed and implemented in accordance with EU procedures and fully respecting the competence of the institutions and bodies as set out in the Treaty. Responsibility for all EU exercises will lie with the Union. The Commission will be associated in accordance with the relevant Treaty provisions.

24. The Council will approve the Exercise Policy and, in close association with the Commission, ensure the consistency between the different bodies involved in the implementation of the Exercise Policy and take the relevant decisions. The Council approves the annual EU Exercise Programme and the basic planning document of each individual exercise - the Exercise Specifications (EXSPEC) - in close association with the Commission as appropriate.

25. Without prejudice to paragraph 28, the PSC has the overall responsibility for the programming, planning, conduct, evaluation and reporting of all EU exercises, in particular the preparation of the annual EU Exercise Programme and the development of the Exercise Specifications (EXSPEC). The Military Committee supported by the EUMS will provide its advice to the PSC on all relevant aspects of the exercise policy, the exercise concept, the exercise programme and its implementation. Exercises concentrating on purely military aspects will take place under the direction of the Military Committee, which is supported by the EUMS, and under the guidance of the PSC. The Committee for Civilian Aspects of Crisis Management will also provide information, formulate recommendations and give advice as well as play a role in accordance with the guidelines for the Committee agreed by the Council. For exercises concentrating on civilian crisis management tools, the Commission will take an active part.

26. The EU may decide to ask Member States (e.g. national/multinational HQ) and/or NATO (e.g. DSACEUR/CJPS according to the relevant arrangements for assured access) to support and contribute to the planning of EU exercises.

27. Conceptual and procedural documents, including exercise specifications, will have to be elaborated. Preparatory work for programming including co-ordination of EU exercise programmes with that of NATO and other organisations will need to be carried out. This work will be led by the Council Secretariat/Directorate Operations and Exercises together with the Operations and Exercises Division in the EUMS under the authority of the SG/HR. Relevant structures of the Commission will participate in this work. This principle applies also to the planning, conduct, evaluation and reporting of individual exercises. Necessary contacts with Member States' experts in the preparatory process could be conducted through an extended PMG/MCWG working format.

28. Internal Council Secretariat exercises, internal Commission exercises or exercises in which both will work together will be subject to decisions by the SG/HR and the Commission respectively.

VII. Guidelines for the Implementation of the Exercise Policy

29. This policy paper defines the political and operational framework for future EU exercise activities. Further details for the implementation as well as for the selection and shaping of exercises will be provided as soon as possible in an EU exercise concept. This will also include the definition of procedures for the planning, conduct, evaluation and reporting for each individual exercise.

30. An annual exercise programme needs to be established and forwarded for Council approval. It must be progressive, with each exercise taking into account the lessons learnt from those which preceded it, and allow adequate long-term planning of exercises in the EU including co-ordination with other organisations. The overall programme of agreed, tentatively agreed and envisaged exercises should therefore encompass a five-year period. The impact of real live commitments must also properly be taken into account.

31. In order to take into account the various demands on Member States' exercise planning capacity responsible for input into both EU, national and multinational and NATO programmes, close co-ordination not only of programming but also of planning meetings will be essential.

32. Modalities for financing of exercises will have to be elaborated.

Annex V to the ANNEX

EU CO-OPERATION WITH INTERNATIONAL ORGANISATIONS IN CIVILIAN ASPECTS OF CRISIS MANAGEMENT

I. INTRODUCTION

1. Member States of the EU are actively engaged in crisis management and conflict prevention as members of international organisations. Such action is co-ordinated in accordance with Article 19 of the TEU. It includes efforts aimed at strengthening the capacity of international organisations by playing a catalysing role in raising standards and implementing reforms.

2. Successive European Councils (Helsinki, Feira and Nice) have underlined that the EU should develop its crisis management capacity with a view to improve its ability to contribute to operations conducted by lead organisations, such as the UN or the OSCE, and carry out EU-led autonomous missions.

3. This paper addresses co-operation with international organisations, which should be developed in a mutually reinforcing way. Work will involve the identification of both possible areas and modalities for co-operation. The latter is developed in the overall context of ongoing work on EU co-operation with international organisations.

4. Civilian crisis management is a particularly important area for the development of such co-operation, given the intention of the EU to strengthen its capacity to contribute to the work of international organisations, as well as to benefit from their experiences.

II. GUIDING PRINCIPLES

5. The following principles, which apply to all relevant capacity areas, should guide the Union's co-operation with relevant international organisations:

– Added value. The EU will seek to add value to the work of international organisations in the area of conflict prevention and crisis management. It can do so by e.g. improving its capacity, including its rapid reaction capacity, and thereby be able to provide – on a more systematic basis – sizeable quantitative and qualitative contributions to peace missions led by international organisations, without unnecessary duplication and bureaucracy.
– Interoperability. The EU should learn from experiences of international organisations and make sure that procedures and guidelines (e.g. training standards and criteria for

recruitment), which are being developed as part of political and operational concepts for EU civilian crisis management, are interoperable and compatible with those of international organisations. This would facilitate contributions to operations led by international organisations.

– Visibility. EU action should be visible also in situations where the Union co-operates with international organisations or contributes to their work. This would underline the active role of the EU in crisis management and consequently strengthen the ESDP.
– Decision-making autonomy. The decision-making autonomy of the EU and its single institutional framework must be fully respected.

III. OPTIONS FOR OPERATIONS

6. The European Council in Feira stated that an increased effectiveness of the European Union in civilian crisis management can be used in operations conducted by lead agencies, such as the UN or the OSCE, or EU-led autonomous missions. There is thus a wide range of options available for specific operations:

– EU Member States can contribute nationally to an operation led by international organisations, without any EU co-ordination.
– EU Member States can contribute nationally to such an operation, but following EU consultations aimed at e.g. identifying opportunities to pool resources.
– A co-ordinated EU contribution could be provided to an operation led by an international organisation.
– The EU could provide and lead a whole component (e.g. police) in an operation under the overall lead of an international organisation. A model could be a Kosovo-type situation, with a pillar structure between different organisations and under the leadership of one of them.
– The EU could lead an operation, but with some components provided by international organisations with particular expertise and experience in relevant fields.
– The EU could lead an autonomous operation.

7. The actual decision which of these or other options, which are not listed in any order of priority, that will be chosen in a concrete crisis situation will be a political one. It will depend on a political assessment of the situation at hand and the capacity of the Union.

8. Ongoing work in the EU will strengthen the capacity of the Union and of Member States to contribute to actions throughout this wide spectrum.

9. Practical aspects of EU contributions to civilian operations and activities led by the UN, the OSCE and the Council of Europe should be further elaborated.

IV. EXCHANGE OF EXPERIENCES WITH INTERNATIONAL ORGANISATIONS

10. In pursuing the development of its civilian crisis management capabilities the EU should make full use of experiences and knowledge of international organisations. Conversely, the Union should make its expertise and experience available to international organisations.

11. The UN has a unique role in and experience of civilian crisis management, including police operations, but also strengthening of the rule of law, civilian administration and civil protection. Experiences and lessons learned from these and other areas, including those set out in the report by the Brahimi panel, should be fully taken into account by the EU in developing its civilian crisis management capacity.

12. The OSCE with its comprehensive and co-operative approach to security and broad experience in crisis management and conflict prevention through numerous field missions is a key partner for the EU in civilian crisis management. The REACT system, training standards and OSCE procedures for rapid reaction are particularly important for the developing EU capacity in this field.

13. To promote the protection of human rights, pluralist democracy and the rule of law the Council of Europe has set up legal and monitoring mechanisms as well as specific Convention control mechanisms. It can provide specialised knowledge and expertise in e.g. the legislative and institutional fields.

14. Co-operation should be developed between the EU and international organisations on civilian crisis management, based on Presidency work-plans and of projects and programmes developed by the Commission.

COUNCIL CONCLUSIONS ON EU-UN COOPERATION IN CONFLICT PREVENTION AND CRISIS MANAGEMENT

The Council underlines the commitment of the EU as well as of its Member States to contribute to the objectives of the UN in conflict prevention and crisis management, noting the United Nations' primary responsibility for the maintenance of international peace and security. The Swedish Presidency has taken forward the mandate given to it by the Nice European Council to identify possible areas and modalities for co-operation with the UN in crisis management.

The Council reaffirms its determination to develop and strengthen co-operation in the areas of crisis management and conflict prevention, following ministers' discussions with the UN Secretary-General in May.

The co-operation should develop progressively in close co-ordination with the UN, focusing on substantive issues and concrete needs. It will increase in scope and importance as the ESDP evolves.

The Council acknowledges the need for an integrated approach to conflict prevention and crisis management, encompassing also development co-operation and other measures addressing root causes of conflict, and in this context welcomes the important communications – on conflict prevention and on building an effective partnership with the UN in the field of development and humanitarian affairs – recently presented by the Commission. On the latter, the Council also recalls its conclusions of 31 May 2001. Furthermore the Council notes the intention of the Commission to launch a dialogue with the UN on exchanging its Country Strategy Papers with the UN Common Country Assessments.

Specific themes and areas of co-operation

Contacts with the UN Secretariat have identified themes and areas for EU-UN co-operation. The Council endorses the following specific themes and areas as the focus of the EU's efforts to intensify interaction with the UN. They include:

1. Conflict prevention, in particular ensuring mutually reinforcing approaches; exchange of information and analyses concerning on-going and potential crises; co-operation on fact-finding; co-ordination of diplomatic activity and messages, including consultations between Special Representatives; field co-ordination and training; increased co-operation in electoral assistance and election monitoring.
2. Civilian and military aspects of crisis management, in particular ensuring that EU's evolving military and civilian capacities provide real added value for the UN, i.a. by enhancing compatibility of training standards for civilian crisis management personnel, and exchange of information on questions related to the planning and implementation of crisis management; co-ordination in the field.
3. Particular regional issues, Western Balkans, Middle East and Africa, in particular the Great Lakes, Horn of Africa and West Africa, will be for the time being the priority areas of reinforced co-operation between the EU and the UN.

Modalities for EU-UN co-operation

The following arrangements will provide a platform for the intensified co-operation by facilitating guidance, continuity and coherence at all levels:

i.) EU Ministerial meetings, where appropriate in Troika format, with the UN Secretary-General;
ii.) Meetings and contacts between the Secretary-General/High Representative and External Relations Commissioner with the UN Secretary-General and UN Deputy Secretary-General;
iii.) Political and Security Committee meetings, where appropriate in Troika format, with the UN Deputy Secretary-General and Under Secretaries-General; and other levels and formats as appropriate;
iv.) Contacts of the Council Secretariat and the Commission services with the UN Secretariat at the appropriate levels.

The Council requests the Presidency assisted by the Secretary-General/High Representative, and the Commission, drawing on EU Heads of Missions in New York, as appropriate, to pursue discussions with the UN with a view to implementing practical forms for co-operation to be reported to the Council.

The Council agrees that the Presidency will convey the content of these Council conclusions in a letter to the UN Secretary-General.

EUROPEAN UNION PROGRAMME FOR THE PREVENTION OF VIOLENT CONFLICTS

1. The international community has a political and moral responsibility to act to avoid the human suffering and the destruction of resources caused by violent conflicts. The European Union is a successful example of conflict prevention, based on democratic values and respect for human rights, justice and solidarity, economic prosperity and sustainable development. The process of enlargement will extend this community of peace and progress to a wider circle of European states.

2. In line with the fundamental values of the EU, the highest political priority will be given to improving the effectiveness and coherence of its external action in the field of conflict prevention, thereby also enhancing the preventive capabilities of the international community at large.

3. Conflict prevention calls for a co-operative approach to facilitate peaceful solutions to disputes and implies addressing the root-causes of conflicts. It is an important element of all aspects of the external relations of the European Union. The development of ESDP has, since the outset, been intended to strengthen the EU's capacity for action in the crucial field of conflict prevention.

4. In keeping with the primary role of the UN in conflict prevention, EU actions will be undertaken in accordance with the principles and purposes of the UN Charter. Recalling that the main responsibility for conflict prevention rests with the parties concerned, assistance to local and regional capacity building according to principles of local ownership is of particular importance.

5. The European Union, through this programme, underlines its political commitment to pursue conflict prevention as one of the main objectives of the EU's external relations. It resolves to continue to improve its capacity to prevent violent conflicts and to contribute to a global culture of prevention. The Commission communication on conflict prevention is welcomed as a major contribution to EU capabilities for conflict prevention.

6. The EU will:

- set clear political priorities for preventive actions,
- improve its early warning, action and policy coherence,
- enhance its instruments for long- and short-term prevention, and
- build effective partnerships for prevention.

I. Political priorities for preventive actions

7. Successful conflict prevention relies on preparedness to take action before a situation deteriorates into violence. Development of policy options must start with clear political priorities and direction, set out through regular reviews of potential conflict areas.

8. In order to **set clear political priorities for preventive actions**:

– the Council will schedule a broad consideration of potential conflict issues at the outset of each Presidency, including at the time of the yearly orientation debate, prepared with assistance from the High Representative, relevant Council bodies, including the Political and Security Committee (PSC), and the Commission, to identify priority areas and regions for EU preventive actions;

– the Council will pursue coherent and comprehensive preventive strategies, using appropriate existing instruments and taking into account ongoing actions, in order to identify challenges, set clear objectives, allocate adequate resources and ensure co-operation with external partners;
– the implementation of preventive strategies will be monitored by the Council, drawing on contributions from the Secretary General/High Representative (SG/HR) and the Commission;
– the Commission is invited to implement its proposal on strengthening the conflict prevention elements in the Country Strategy Papers, as stipulated in the Council conclusions on Linking Relief, Rehabilitation and Development (LRRD), i.a. through more systematic analyses of potential conflict situations.

II. Early warning, action and policy coherence

9. Successful prevention must be based on accurate information and analysis as well as clear options for action for both long- and short-term prevention. It requires enhanced field co-operation. Coherence must be ensured in early warning, analysis, planning, decision-making, implementation and evaluation.

10. In order to ensure **early warning, action and policy coherence**:

– Coreper will continue to ensure coherence between different policy areas of the Union, paying specific attention to the question of coherent preventive activities;
– the PSC will further strengthen its role in developing and monitoring conflict prevention policies within the Common Foreign and Security Policy (CFSP) and the ESDP, building upon information from relevant bodies, and bringing issues to the attention of the Council;
– Member States, their Heads of Mission, EU Special Representatives, EC delegations and other representatives of the Commission, as well as the Council Secretariat, including the Policy Planning and Early Warning Unit (PPEWU) and the EU Military Staff (EUMS), should provide regular information on developments of potential conflict situations, i.a. through the development and use of standard formats and methods for early warning reports;
– full use will be made of information from field based personnel of the UN and the OSCE, as well as other international organisations and civil society;
– increased exchange of information between the Member States and the Commission is encouraged, i.a. through exchange of Country Strategy Papers and respective strategy documents of Member States, as well as through the establishment of a system of exchange of information at working level under development by the Commission;
– full use will be made of the Guidelines for strengthening operational co-ordination between the Community, represented by the Commission, and the Member States in the field of external assistance, adopted by the Council on 22 January 2001.

III. EU instruments for long- and short-term prevention

11. The Union has an extensive set of instruments for structural long-term and direct short-term preventive actions. The long-term instruments include development co-operation, trade, arms control, human rights and environment policies as well as political dialogue. The Union also

has a broad range of diplomatic and humanitarian instruments for short-term prevention. Structures and capabilities for civil and military crisis management, developed within the framework of the ESDP, will also contribute to the capabilities of the EU to prevent conflicts.

12. It must use these instruments in a more targeted and effective manner in order to address root-causes of conflict such as poverty, lack of good governance and respect for human rights, and competition for scarce natural resources.

13. To **strengthen EU instruments for long- and short-term prevention**:

- all relevant institutions of the Union will mainstream conflict prevention within their areas of competence, taking into account the recommendations made in the Commission communication on conflict prevention;
- the Commission is invited to implement its recommendations on ensuring that its development policy and other co-operation programmes are more clearly focused on addressing root-causes of conflicts in an integrated way within the framework of the poverty reduction objective;
- EU's political dialogue will be used in a systematic and targeted way to address potential conflicts and promote conflict prevention;
- the Commission, taking into account the Council conclusions on EU electoral assistance and observation of 31 May 2001, is invited to implement its recommendations on more targeted action in support of democracy, and the particular attention paid to support to electoral processes, including electoral observers, administration of justice, improving police services and human rights training for the whole security sector, as means of contributing to conflict prevention;
- the capacities of the Union will, as needs are identified, be strengthened by developing instruments in areas such as expertise on human rights and democracy, fact-finding missions, disarmament, demobilisation and reintegration (DD&R), and demining;
- the Council will examine how instruments for disarmament, arms control and non-proliferation, including Confidence and Security Building Measures, can be used more systematically for preventive purposes, including as means for early warning and post-conflict stabilisation and as element in the political dialogue, whilst avoiding duplication of the activities of regional and international organisations;
- the EU will support the ratification and implementation of agreements to tackle the problem posed by unregulated spread of small arms and light weapons in all its aspects, including the proposed UN Programme of Action;
- Member States and the Commission will tackle the illicit trade in high-value commodities, including by taking forward work to identify ways of breaking the link between rough diamonds and violent conflicts and through support for the Kimberly process;
- the Council will develop proposals on the further improvement of its diplomatic instruments, i.a. on the more effective use of Special Representatives, and to this end draw on contributions from the SG/HR;
- the Council, assisted by the SG/HR, and the Commission will, within their areas of competence, examine how to use the crisis management capabilities more effectively for preventive purposes.

IV. Co-operation and partnerships

14. The EU must build and sustain mutually reinforcing and effective partnerships for prevention with the UN, the OSCE and other international and regional organisations as well as the civil society. Increased co-operation is needed at all levels, from early warning and analysis to action and evaluation. Field co-ordination is of particular importance. EU action should be guided by principles of value added and comparative advantage.

15. In order to **increase co-operation and build effective partnerships**:

- The EU will intensify its exchange of information and practical co-operation with the UN system, the OSCE, the Council of Europe, other regional and subregional organisations and the international financial institutions, making full use of recent work on intensified EU-UN and EU-OSCE co-operation in the field of conflict prevention and crisis management;
- in accordance with the principles agreed at Feira and Nice, the EU and NATO, in developing their co-operation in crisis management, notably in the Western Balkans, will also increasingly contribute to conflict prevention;
- exchange of information, dialogue and practical co-operation with humanitarian actors such as the ICRC, relevant non-governmental and academic organisations should also be strengthened;
- the Union and its Member States will, in accordance with article 19 of the Treaty of the European Union, co-ordinate their action to promote conflict prevention in international organisations where they are members;
- joint training programmes for EU, UN and OSCE field and headquarters personnel should be developed, benefiting from the Commission's willingness to consider funding of such programmes;
- the EU will invite organisations involved in conflict prevention in Europe to a meeting on how to improve preventive capabilities, in order to contribute to the dialogue on peace-building initiated by the UN Secretary-General;
- the Union should also contribute to the strengthening of preventive capacities of regional and subregional organisations outside Europe, i.a. through the Commission recommendation on support to regional and subregional integration and, in particular organisations with a clear conflict prevention mandate;
- methods for EU co-operation with the private sector in the field of conflict prevention will be developed, drawing i.a. on progress made by the UN Global Partnership, the OECD guidelines for multinational enterprises and the G8.

V. Implementation

16. The EU and its Member States share the responsibility to implement this programme. Future Presidencies are invited to promote this implementation and make recommendations on its further development. The Commission is invited to implement the recommendations made in its communication on conflict prevention, within its area of competence. Members States are encouraged to develop national action plans to increase their capabilities for conflict prevention.

17. The first report on the progress made in implementation of this programme should be submitted by the Presidency to the European Council in Seville.

11 WEU Council meeting Brussels, 28 June 2001

In accordance with its Marseille Declaration, WEU assumed a reconfigured status on 1 July 2001, retaining a residual secretariat in Brussels. The last meeting of the WEU Council prior to that date was held on 28 June. The minutes of that meeting are classified; an extract of a reply by the WEU Council to a written question put by WEU parliamentary assembly member Mr Martinez-Casan relating to the changes in WEU, which were discussed at that meeting, is reproduced below.

REPLY TO WEU ASSEMBLY WRITTEN QUESTION

(. . .)

On 28 June during the 1352nd meeting of the Council of the Western European Union the Secretary-General stated the following with regard to the period from 1 January 2002:

"From this time, WEU's role will be limited to performance of those residual functions identified by the member states and agreed at the Marseille Ministerial meeting last November (maintenance of the Treaty-based commitments, relations with the WEU Assembly, support for WEAG/WEAO). The member states are however of the view that, in the present foreseeable circumstances, there is no need to make any formal change to the statuses of non-full members. In practical terms, what does this mean?

No formal decisions are presently required relating to the statuses either for the period until the end of this year or for the period from 1 January 2002.

Associate Members, Observers and Associate Partners would continue to nominate representatives to the WEU Council.

From 2002, the possibility of Council or working group meetings and/or circulation of documents at 21 or 28 would remain (e.g. for notation of WEAG/WEAO business or for business related to the WEU Assembly where a particular input from non-full members was required due to the participation of their parliamentarians in the WEU Assembly.

The security agreements between WEU and non-full member countries would be maintained.

From 2002, no further financial contributions would be requested from the non-full members to WEU budgets."

(. . .)

12 EU Council Joint Action, Brussels, 20 July 2001

THE ESTABLISHMENT OF A EUROPEAN UNION INSTITUTE FOR SECURITY STUDIES

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

(1) On 10 November 2000 the Council recorded its agreement in principle on the setting up of an Institute for Security Studies incorporating the relevant features of the existing Western European Union (WEU) structures.

(2) The establishment of an Institute for Security Studies within the European Union will assist the implementation of the Common Foreign and Security Policy (CFSP) and in particular of the European Security and Defence Policy (ESDP).

(3) The statute and structure of the Institute should enable it to respond to the requirements of the European Union and its Member States and to fulfil its functions in close collaboration with Community, national and international institutions.

(4) The European Union Institute for Security Studies should have legal personality and work in complete intellectual independence, while maintaining close links with the Council and having due regard for the general political responsibilities of the European Union and its institutions,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Establishment

1. A European Union Institute for Security Studies (EUISS), hereinafter referred to as "the Institute" is hereby established. It shall be operational as from 1 January 2002.
2. The Institute shall have its headquarters in Paris.
3. The initial infrastructure will be provided by the WEU.

Article 2

Mission

The Institute shall contribute to the development of the CFSP, including the ESDP, by conducting academic research and analysis in relevant fields. To that end, it shall, inter alia, produce and, on an ad hoc basis, commission research papers, arrange seminars, enrich the transatlantic dialogue by organising activities similar to those of the WEU Transatlantic Forum and maintain a network of exchanges with other research institutes and think-tanks both inside and outside the European Union. The Institute's work shall involve this network as broadly as possible. The Institute's output shall be distributed as widely as possible, except as regards confidential information, for which the Council security regulations as set out in Decision 2001/264/EC(1) shall apply.

Article 3

Political supervision

The Political and Security Committee shall, in accordance with its responsibilities for CFSP, and in particular the ESDP, exercise political supervision over the activities of the Institute, without impinging on the intellectual independence of the Institute in carrying out research and seminar activities.

Article 4

Legal personality

The Institute shall have the legal personality necessary to perform its functions and attain its objectives. Each of the Member States shall take steps to accord it the legal capacity accorded to legal persons under its laws as necessary; it may, in particular, acquire or dispose of movable and immovable property and be a party to legal proceedings. The Institute shall be non profit-making.

Article 5

Board

1. The Institute shall have a Board that approves its annual and long-term programme of work and the appropriate budget. The Board shall be a forum for discussing issues related to the Institute functioning and staff.
2. The Board shall be chaired by the Secretary-General/High Representative (SG/HR) or, in the event of that person's absence, by his or her representative. The SG/HR shall report to the Council on the work of the Board.
3. The Board shall be composed of one representative appointed by each Member State and one appointed by the Commission. Each member of the Board may be represented or accompanied by an alternate. Letters of appointment, duly authorised by the Member State or the Commission, as appropriate, shall be directed to the SG/HR.
4. The Director of the Institute or his or her representative shall, as a rule, attend Board meetings. The Director-General of the Military Staff and the Chairman of the Military Committee, or their representatives, may also attend Board meetings.
5. Decisions of the Board shall be taken on a vote by the representatives of the Member States by qualified majority, the votes being weighted in accordance with the third subparagraph of Article 23(2) of the Treaty, without prejudice of Article 12(2) of this Joint Action. The Board shall adopt its rules of procedure.
6. The Board may decide to create ad-hoc working groups or standing committees with the same format as the Board, dealing with specific subjects or issues within its overall responsibility and acting under its supervision. The decision to create such a group or committee shall set out its mandate, composition and duration.
7. The Board shall be convened by the Chairman at least twice a year and at the request of at least one third of its members.

Article 6

Director

1. The Board shall appoint the Director of the Institute from among Member States' nationals. Member States shall submit candidatures to the SG/HR, who shall forward them to

the Board. The Director shall be appointed for three years, with the possible extension of one two-year term.

2. The Director shall be responsible for recruiting all other staff of the Institute. Members of the Board shall be informed in advance of the appointment of researchers.

3. The Director shall ensure the execution of the tasks of the Institute in accordance with Article 2. The Director shall further uphold a high level of expertise and professionalism of the Institute, as well as efficiency and effectiveness in the pursuit of its missions.

The Director shall also be responsible for:

– drafting the Institute's annual work programme as well as the annual report on the Institute's activities;
– preparing the work of the Board, in particular the Institute's draft annual work programme;
– the day-to-day administration of the Institute;
– all personnel matters;
– preparing the statement of income and expenditure and implementing the Institute's budget;
– informing the Political and Security Committee on the annual work programme;
– ensuring contacts and close collaboration with Community, national and international institutions in related fields.

4. Within the agreed work plan and budget of the Institute, the Director shall be empowered to enter into contracts, to recruit staff approved in the budget and to incur any expenditure necessary for the operation of the Institute.

5. The Director shall prepare an annual report on the Institute's activities by 31 March the following year. The report shall be forwarded to the Board and to the Council, which shall forward the report to the European Parliament, the Commission and the Member States.

6. The Director shall be accountable to the Board.

7. The Director shall be the legal representative of the Institute.

Article 7

Staff

1. The staff of the Institute, consisting of researchers and administrative staff, shall have the status of contract staff members and shall be recruited from among nationals of the Member States. The initial staff shall be recruited as needed from among the staff of the WEU Institute of Security Studies.

2. The Institute's researchers shall be recruited on the basis of merit and academic expertise with regard to CFSP and, in particular, the ESDP through fair and transparent competition procedures.

Article 8

Provisions applicable to staff

The provisions relating to the staff of the Institute shall be laid down by the Council acting on a recommendation from the Director.

Article 9

Intellectual independence

The Director and the researchers shall enjoy intellectual independence in carrying out the Institute's research and seminar activities.

Article 10

Work programme

No later than 30 November each year, the Board shall, on the basis of a draft submitted by the Director of the Institute, adopt the Institute's annual work programme for the following year. The measures to be carried out under the annual programme shall be accompanied by an estimate of the necessary expenditure.

Article 11

Budget

1. All items of income and expenditure of the Institute shall be included in estimates to be drawn up for each financial year, which shall correspond to the calendar year, and shall be shown in the budget of the Institute, which shall include a list of the staff.
2. The income and expenditure shown in the budget of the Institute shall be in balance.
3. The income of the Institute shall consist in contributions from the Member States according to the GNP scale. With the agreement of the Director, additional contributions may be accepted from other sources for specific activities.

Article 12

Budgetary procedure

1. The Director shall establish by 30 June of each year a draft budget for the Institute covering administrative expenditure, operational expenditure and expected revenue for the following financial year and shall submit it to the Board. The Director shall send the draft budget to the Council for information.
2. The Board shall adopt the budget of the Institute by unanimity of the representatives of Member States by 15 December of each year, adjusting it to the various contributions granted to the Institute and to its other resources.

Article 13

Control of the budget

1. Control of the commitment and payment of all expenditure and the recording and collection of all revenue shall be carried out by an independent financial controller appointed by the Board.
2. By 31 March of each year, the Director shall submit to the Council and the Board the detailed accounts of all revenue and expenditure from the previous financial year, including a report on the Institute's activities.
3. The Board shall give discharge to the Director in respect of the implementation of the budget.

Article 14

Financial rules

The Board, with the assent of the Council, shall draw up, on a proposal from the Director, detailed financial rules specifying in particular the procedure to be followed for establishing and implementing the budget of the Institute.

Article 15

Privileges and immunities

Privileges and immunities necessary for the performance of the duties of the Institute, the Director of the Institute and its staff, shall be provided for in an agreement between the Member States.

Article 16

Legal liability

1. The contractual liability of the Institute shall be governed by the law applicable to the contract concerned.
2. The personal liability of staff towards the Institute shall be governed by the relevant provisions applying to staff of the Institute.

Article 17

Visiting researchers

Visiting researchers may for limited time periods be seconded to the Institute by Member States and Third States, after agreement by the Director, to participate in the activities of the Institute in accordance with Article 2.

Article 18

Access to documents

Upon a proposal by the Director, the Board shall adopt, by 30 June 2002 rules on public access to the Institute's documents, taking into account the principles and limits laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents(2).

Article 19

Review

The SG/HR shall present, no later than five years from its entry into force, a report to the Council on the implementation of this Joint Action with a view to its possible review.

Article 20

Transitional provisions

1. The first Board of the Institute shall be appointed, and the Director designated, by 31 July 2001. The Director shall be entrusted with the management of the transition from WEU subsidiary body to the new entity.
2. The designated Director shall present a draft budget for the year 2002 by 15 September 2001. The Board shall adopt the budget by 15 November 2001.
3. The Institute shall be substituted for the WEU as the employer of the staff serving on 31 December 2001. Obligations arising from existing staff contracts, as defined in the applicable acts, shall be honoured by the new employer.
4. Contracts not relating to staff, signed by the WEU on behalf of the WEU Institute [for] Security Studies shall also be taken over by the Institute.
5. The budget for expenditure borne by the Member States shall be EUR 3.2 million for the financial year 2002.

Article 21
This Joint Action shall enter into force on the day of its adoption.

Article 22
This Joint Action shall be published in the Official Journal.

Done at Brussels, 20 July 2001.

For the Council
The President
J. VANDE LANOTTE

(1) OJ L 101, 11.4.2001, p. 1.
(2) OJ L 145, 31.5.2001, p. 43.

13 EU Council Joint Action, Brussels, 20 July 2001

THE ESTABLISHMENT OF A EUROPEAN UNION SATELLITE CENTRE

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

(1) On 10 November 2000 the Council recorded its agreement in principle on the setting up of a Satellite Centre within the European Union, incorporating the relevant features of the existing Western European Union (WEU) structures.

(2) The establishment of a European Union Satellite Centre is essential for strengthening early warning and crisis monitoring functions within the context of the Common Foreign and Security Policy (CFSP), and in particular of the European Security and Defence Policy (ESDP).

(3) The statute and structure of the Centre should enable it to respond to the requirements of the European Union and its Member States and to fulfil its functions in close collaboration with [the] Community, in particular the Commission's Joint Research Centre, national and international institutions. It should be coherent with the European Strategy for Space endorsed by the Council on 16 November 2000.

(4) The European Union Satellite Centre should have legal personality, while maintaining close links with the Council and having due regard for the general political responsibilities of the European Union and its institutions.

(5) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications. This provision, however, does not exclude the participation of Denmark in the civilian activities of the Centre on the basis of a declared willingness of Denmark to contribute to covering the expenses of the Centre not having defence implications.

HAS ADOPTED THIS JOINT ACTION:

Article 1

Establishment

1. A European Union Satellite Centre (EUSC), hereinafter referred to as 'the Centre', is hereby established. It shall be operational as from 1 January 2002.
2. The Centre shall have its headquarters at Torrejón de Ardoz, Spain.
3. The initial infrastructure of the Centre will be provided by the WEU.

Article 2

Mission

1. The Centre shall support the decision-making of the Union in the context of the CFSP, in particular of the ESDP, by providing material resulting from the analysis of satellite imagery and collateral data, including aerial imagery as appropriate, in accordance with Articles 3 and 4.

2. A Member State or the Commission may address requests to the Secretary-General/High Representative, who, if the capacity of the Centre allows, will direct the Centre accordingly, in conformity with Article 4.

3. Third States having agreed to the Provisions set out in the Annex on the association with the Centre's activities may also address requests to the Secretary-General/High Representative, who, if the capacity of the Centre allows, will direct the Centre accordingly, in conformity with Article 4.

4. International organisations such as the United Nations (UN), Organisation for Security and Cooperation in Europe (OSCE) and North Atlantic Treaty Organisation (NATO), may also address requests to the Secretary-General/High Representative, who, if the capacity of the Centre allows, may direct the Centre accordingly, in conformity with Article 4.

Article 3

Political supervision

The Political and Security Committee (PSC) will, in accordance with its responsibilities for CFSP and in particular for the ESDP, exercise political supervision over the activities of the Centre and issue guidance to the Secretary –General/High Representative on the Centre's priorities.

Article 4

Operational direction

1. The Secretary-General/High Representative shall give operational direction to the Centre, without prejudice to the responsibilities of the Board and of the Director of the Centre, respectively, as set out in this Joint Action.

2. In the execution of his tasks as set out in this Article, the Secretary-General/High Representative shall report as appropriate and at least once every six months to the Political and Security Committee.

Article 5

Products of the Centre

1. The products of the Centre in response to requests made in accordance with Articles 2(1), 2(3) and 2(4) shall be made available at the General Secretariat of the Council to Member States, the Commission, and the requesting party, in accordance with applicable security Provisions. They shall be made available to Third States having agreed to the Provisions set out in the Annex and in accordance with those Provisions.

2. In the interest of transparency, the Secretary-General/High Representative shall make available all tasking requests made in accordance with Article 2 to the Member States and the Commission, and to Third States having agreed to the Provisions set out in the Annex in accordance with the detailed rules specified in those Provisions.

3. The products of the Centre resulting from requests made in accordance with Article 2(2) shall be made available to the Member States, the Commission and/or Third States having agreed to the Provisions set out in the Annex, upon decision of the requesting Party.

Article 6
Legal personality
The Centre shall have the legal personality necessary to perform its functions and attain its objectives. Each of the Member States shall take steps to accord it the legal capacity accorded to legal persons under its laws. The Centre may, in particular, acquire or dispose of movable and immovable property and be a party to legal proceedings. The Centre shall be non profit-making.

Article 7
Board
1. The Centre shall have a Board that approves its annual and long-term programme of work and the appropriate budget. The Board shall be a forum for discussing issues related to the Centre's functioning, staff and equipment.
2. The Board shall be chaired by the Secretary-General/High Representative or, in the event of that person's absence, by his or her representative. The Secretary-General/High Representative shall report to the Council on the work of the Board.
3. The Board shall be composed of one representative appointed by each Member State and one appointed by the Commission. Each member of the Board may be represented or accompanied by an alternate. Letters of appointment, duly authorised by the Member State or the Commission, as appropriate, shall be directed to the Secretary-General/High Representative.
4. The Director of the Centre or its representative shall, as a rule, attend Board meetings. The Director-General of the Military Staff and the Chairman of the Military Committee, or their representatives, may also attend Board meetings.
5. Decisions of the Board shall be taken on a vote by the representatives of the Member States by qualified majority, the votes being weighted in accordance with Article 23(2), third subparagraph, of the Treaty on European Union, without prejudice to Article 13(2) of this Joint Action. The Board shall adopt its rules of procedure.
6. The Board shall be convened by the Chairman at least twice a year and at the request of at least one third of its members.
7. The Board may decide to create ad-hoc working groups or standing committees with the same format as the Board dealing with specific subjects or issues within its overall responsibility and acting under its supervision. The decision to create such a group or committee shall set out its mandate, composition and duration.

Article 8
Director
1. The Board shall appoint the Director of the Centre, from among Member States' nationals. Member States shall submit candidatures to the Secretary-General/High Representative who shall forward them to the Board. The Director shall be appointed for three years, with the possible extension of one two year term.

2. The Director shall appoint the Deputy Director of the Centre for a period of three years after approval by the Board. The Director shall be responsible for recruiting all other staff of the Centre.

3. The Director shall ensure the execution of the mission of the Centre in accordance with Article 2. The Director shall furthermore uphold a high level of expertise and professionalism at the Centre, as well as efficiency and effectiveness in the pursuit of its mission. The Director shall take all necessary measures to this end, including the training of personnel and the conduct of research and development projects in support of its mission.

4. The Director shall also be responsible for:

– preparing the work of the Board, in particular the draft annual work programme of the Centre;
– the day-to-day administration of the Centre;
– preparing the statement of income and expenditure and implementing the Centre's budget;
– security aspects;
– all personnel matters;
– informing the Political and Security Committee on the annual work programme;
– ensuring close cooperation and information exchange with Community space-related services, in particular with the Commission's Joint Research Centre;
– establishing contacts with other national and international institutions in the field of space.

5. Within the work programme and budget of the Centre, the Director shall be empowered to enter into contracts, to recruit staff approved in the budget and to incur any expenditure necessary for the operation of the Centre.

6. The Director shall prepare an annual report on the Centre's activities by 31 March the following year. The report shall be forwarded to the Board and to the Council, which shall forward the report to the European Parliament, the Commission and the Member States.

7. The Director shall be accountable to the Board.

8. The Director shall be the legal representative of the Centre.

Article 9

Staff

1. The staff of the Centre, including the Director, shall consist of contract staff members recruited on the broadest possible basis from among nationals of the Member States. The initial staff will be recruited as needed from among the staff of the WEU Satellite Centre.

2. The staff shall be appointed by the Director on the basis of merit and through fair and transparent competition procedures.

3. The provisions relating to the staff of the Centre shall be adopted by the Council acting on a recommendation from the Director.

Article 10

Security

1. The Centre shall apply the Council's security regulations set out in Decision 2001/264/EC[1].

[1] OJ L101, 11.4.2001, p. 1.

2. The Centre shall ensure appropriate security and speed in its communications with the General Secretariat of the Council, including the EU Military Staff.

Article 11

Work programme

No later than 30 November each year, the Board shall, on the basis of a draft submitted by the Director of the Centre, adopt the Centre's annual work programme for the following year. The measures to be carried out under the annual programme shall be accompanied by an estimate of necessary expenditure.

Article 12

Budget

1. All items of income and expenditure of the Centre shall be included in estimates to be drawn up for each financial year, which shall correspond to the calendar year, and shall be shown in the budget of the Centre, which shall include a list of the staff.
2. The income and expenditure shown in the budget of the Centre shall be in balance.
3. The income of the Centre shall consist in contributions from the Member States except Denmark according to the GNP scale and payments made in remuneration for services rendered.
4. Tasking requests from a Member State, the Commission, international organisations or from Third States having agreed to the Provisions set out in the Annex shall be subject to cost recovery charges in accordance with Guidelines set out in the Financial Rules referred to in Article 15.
5. By way of derogation from paragraph 4, until 31 December 2003, products resulting from tasking requests made in accordance with Article 2(2) shall be free of charge. By way of derogation from Article 5(3), products resulting from these requests shall be made available to all Member States, to the Commission and, upon decision of the requesting party, to Third States having agreed to the Provisions set out in the Annex and in accordance with those Provisions.

Article 13

Budgetary procedure

1. The Director shall establish by 30 June each year a draft budget for the Centre covering administrative expenditure, operational expenditure and expected income for the following financial year and shall submit it to the Board. The Director shall send the draft budget to the Council for information.
2. The Board shall adopt the budget of the Centre by unanimity of the representatives of Member States by 15 December of each year.
3. If, while monitoring a crisis, resources available to the Centre are not adequate to meet the demand for products, the Director may propose a supplementary budget to the Board.

Article 14

Control of the budget

1. Control of the commitment and payment of all expenditure and the recording and collection of all income shall be carried out by an independent financial controller appointed by the Board.

2. By 31 March each year at the latest, the Director shall submit to the Council for information, and to the Board the detailed accounts of all income and expenditure from the previous financial year and the report on the Centre's activities.

3. The Board shall give discharge to the Director in respect of the implementation of the budget.

Article 15

Financial rules

The Board, with the assent of the Council, shall draw up, on a proposal from the Director, detailed financial rules specifying in particular the procedure to be followed for establishing and implementing the budget of the Centre.

Article 16

Privileges and immunities

Privileges and immunities necessary for the performance of the duties of the Centre, the Director of the Centre and its staff, shall be provided for in an agreement between the Member States.

Article 17

Seconded personnel

1. In agreement with the Director, experts from Member States and the Commission may be seconded to the Centre, for periods not exceeding one year, with a view to familiarising themselves with its functions. The candidates shall be experienced image analysts possessing professional qualifications allowing them to work on digital imagery and to be integrated in the operational activities of the Centre. The detailed rules for secondment shall be laid down by the Director of the Centre.

2. In the event of a crisis, the Centre may be reinforced by specialist staff, seconded by the Member States, the Commission or the General Secretariat of the Council. The need for and the length of such secondments shall be determined by the Secretary-General/High Representative in consultation with the Director of the Centre.

Article 18

Legal liability

1. The contractual liability of the Centre shall be governed by the law applicable to the contract concerned.

2. The personal liability of staff towards the Centre shall be governed by the relevant Provisions applying to staff of the Centre.

Article 19

Access to documents

Upon a proposal by the Director, the Board shall adopt, by 30 June 2002, rules on public access to the documents of the Centre, taking into account the principles and limits laid down in the Regulation No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents[2].

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[2] OJ L145, 31.5.2001, p. 43.

Article 20

The position of Denmark

The Danish member of the Board shall take part in the work of the Board in full respect of Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community.

Denmark may address requests not having defence implications to the Secretary-General/High Representative in accordance with Article 2(2).

Products arising from the missions under Article 2 shall be made available to Denmark under the same conditions as to the other Member States except requests having defence implications under Article 2(2), (3) and (4) and the resulting products.

Denmark has the right to second staff to the Centre in accordance with Article 17.

Article 21

Association of Third States

Non-EU European NATO members and other States which are candidates for accession to the EU shall be entitled to be involved in the Centre's activities in accordance with the Provisions set out in the Annex.

Article 22

Review

The Secretary-General/High Representative shall present no later than five years from its entry into force, a report to the Council on the implementation of this Joint Action with a view to its possible review.

Article 23

Transitional provisions

1. The first Board of the Centre shall be appointed, and the Director shall be designated, by 31 July 2001. The Director shall be entrusted with the management of the transition from the WEU subsidiary body to the new entity.
2. The designated Director shall present a draft budget for the year 2002 by 15 September 2001. The Board shall adopt the budget by 15 November 2001.
3. The Centre shall be substituted for the WEU as the employer of the staff serving on 31 December 2001. Obligations arising from existing staff contracts, as defined in the applicable acts, shall be honoured by the new employer.
4. Contracts not relating to staff, signed by the WEU on behalf of the WEU Satellite Centre, shall also be taken over by the Centre.
5. Tasks already requested under the WEU regime up to 31 December 2001 will be completed, free of charge for the requesting party.
6. The budget for expenditure borne by the Member States for the financial year 2002 shall be EUR 9,3 million, which will include a voluntary contribution from Denmark.

Article 24

This Joint Action shall enter into force on the day of its adoption.

Article 25
This Joint Action shall be published in the Official Journal.

Done at Brussels, 20 July 2001.

For the Council
The President
J.VANDE LANOTTE.

ANNEX

PROVISIONS ON THE ASSOCIATION OF THIRD STATES WITH THE EUROPEAN UNION SATELLITE CENTRE'S ACTIVITIES

Article 1
Purpose
These Provisions set up the scope of and detailed rules for the involvement of Third States in the activities of the Centre.

Article 2
Scope
Third States mentioned in Article 21 of the Joint Action shall be entitled:
– to submit national requests for imagery analysis to be implemented by the Centre;
– to submit candidates for secondment as image analysts to the Centre for a limited time;
– to have access to products of the Centre in accordance with Article 5 of these Provisions.

Article 3
Task requests
1. Any requests for imagery analysis tasks to be implemented by the Centre may be submitted by Third States to the Secretary-General/High Representative in accordance with Article 2(3) of the Joint Action.
2. If the capacity of the Centre allows, the Secretary-General/High Representative, will direct the Centre accordingly, in conformity with Article 4 of the Joint Action.
3. Third States shall accompany each request by collateral data as appropriate, and shall reimburse the Centre in accordance with Article 12(4) of the Joint Action and the rules for cost recovery charges specified in the Centre's Financial Rules. Third States shall indicate whether tasking requests and/or products should be made available to other third States and international organisations.

Article 4
Secondment of image analysts
1. Third States shall be entitled to submit to the Centre candidates for secondment as image analysts for a limited time with a view to familiarising themselves with its functioning.
2. Candidatures shall be taken into consideration subject to the availability of positions.

3. The duration of the stay shall start with a six month period, subject to review based on a proposal by the Director of the Centre and depending on the Centre's available capabilities for a prolongation for a maximum of six months. The broadest possible rotation among candidates from interested Third States shall be taken into consideration.
4. Candidates shall be experienced image analysts possessing professional qualifications allowing them to work on digital imagery. Experts on secondment shall normally take part in those operational activities of the Centre that use commercial imagery.
5. Image analysts from Third States shall comply with the relevant Centre security regulations and enter into a confidentiality commitment with the Centre.
6. Third States shall cover the salary of its seconded image analyst, all related costs such as allowances, social charges, installation and travel costs, as well as any additional costs to the budget of the Centre as determined in the detailed rules referred to in paragraph 8.
7. Mission expenses inherent to the activities of the seconded image analyst from Third States in the Centre shall be met by the Centre's budget.
8. The detailed rules for the secondment shall be established by the Director of the Centre.

Article 5
Availability of the Centre's products
1. The Secretary-General/High Representative shall inform Third States when products requested in accordance with Article 2 of the Joint Action are available at the General Secretariat of the Council.
2. Tasking requests and products made in accordance with Article 2(1) of the Joint Action shall be made available to Third States when the Secretary-General/High Representative judges it relevant for the dialogue, consultation and cooperation with the European Union on ESDP.
3. Tasking requests and products of the Centre resulting from requests made in accordance with Article 2(2), (3) and (4) of the Joint Action shall be made available to Third States upon decision of the requesting Party.

Article 6
Security
In their relations with the Centre and with respect to its products, the Third States shall, in an Exchange of Letters with the Centre, confirm that they apply the security standards defined in Council Decision 2001/264/EC, as well as those set out by possible providers of classified data.

Article 7
Consultative Committee
1. A Consultative Committee shall be set up, chaired by the Director of the Centre, or his or her representative, and composed of representatives of the members of the Board and representatives of Third States having accepted the present Provisions. The Consultative Committee may meet in different compositions.
2. The Committee shall address matters of common interests falling within the scope of these Provisions.
3. The Committee shall be convened at the Centre by the Chairman at his or her initiative or at the request of at least one third of its members and in any case not less than twice a year.

Article 8

Entry into force

1. These Provisions shall become effective with regard to each Third State on the first day of the month following a notification to the Secretary-General/High Representative by the competent authority of the Third State on acceptance of the terms set out in these Provisions.
2. The Third State shall notify the Secretary-General/High Representative at the latest one month before its decision not to avail itself any longer of these Provisions.

14 European Parliament Report on the progress achieved in the implementation of the CFSP Strasbourg, 25 October 2001

Since the Treaty of Amsterdam, the EU Council has prepared an annual report on the main aspects and basic choices of the CFSP, including the financial implications. The EP reacts with its own annual report, presented by the Chairman of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy. The following report was adopted by the Parliament on 25 October 2001. According to the Treaty on European Union, however, the ESDP is not subject to any scrutiny or formal approval by the European Parliament.

MOTION FOR A RESOLUTION

European Parliament resolution on the progress achieved in the implementation of the common foreign and security policy (C5-0194/2001 - (2001/2007(INI))

The European Parliament,

– having regard to the 2000 annual report from the Council, submitted to Parliament on 4 May 2001 pursuant to point H, paragraph 40, of the Interinstitutional Agreement of 6 May 1999, on the main aspects and basic choices of the CFSP, including the financial implications for the general budget of the European Communities (C5-0194/2001),
– having regard to Article 21 of the EU Treaty and Article 103(3),
– having regard to its resolution of 30 November 2000 on the progress achieved in the implementation of the common foreign and security policy[1],
– having regard to the European Council report to the European Parliament on the progress achieved by the Union in 2000, submitted pursuant to Article 4 of the EU Treaty,
– having regard to the Presidency report to the Göteborg European Council on European Security and Defence Policy (9526/1/01),
– having regard to the EU programme, adopted by the Göteborg European Council, for the prevention of violent conflicts (9537/1/01),
– having regard to Rule 163 of its Rules of Procedure,
– having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy (A5-0332/2001),

A. having regard to the horrific terror attacks of 11 September 2001 in the United States of America and the changed security-policy situation that has resulted,
B. having regard to the newly created decision-making machinery under European Security and Defence Policy (ESDP), set up following the Nice European Council,
C. welcoming the Commission's reform efforts seeking to bring traditional means of Community action into line with the requirements of an effective and coherent EU foreign policy, which have produced, for example, 'EuropeAid', to administer EU cooperation

[1] OJ C 228, 13.8.2001, p. 165.

programmes as a whole, including development aid, the 'Rapid Reaction Mechanism' (RRM), to provide initial funding for civil crisis management measures, and the measures to set up an integrated external service,

D. acknowledging the Council's willingness to link budgetary decisions on the Union's external aid more closely to the foreign policy goals and priorities agreed in advance and to hold a proper keynote debate on that subject in January of each year,

E. noting that the new civil and military crisis management machinery has been set up under European Security and Defence Policy (ESDP) but that provision of the projected military capabilities in accordance with the 'headline goal' laid down in Helsinki is still overdue,

F. looking to the EU and NATO to agree on joint operations planning and the provision of NATO resources and capabilities, without undermining the decision-making autonomy of the two organisations,

G. having regard to the first official EU-NATO ministerial meeting, held in Budapest on 30 May 2001, and acknowledging the fruitful cooperation between the EU and NATO in crisis management in the western Balkans, especially in southern Serbia and the Former Yugoslav Republic of Macedonia,

H. welcoming the EU programme adopted by the Göteborg European Council for the prevention of armed conflicts and endorsing the shift in the EU's substantive aspirations after Nice, whereby future EU foreign policy is to be built on the twin pillars of 'conflict prevention' and (civil and military) 'crisis management',

I. renewing its earlier call in connection with the annual CFSP debate for the Commission and Council likewise to submit an annual report on the progress achieved in conflict prevention and crisis management using civil resources, which should make a qualitative assessment of actual progress on the ground and not merely specify the number of measures undertaken,

J. acknowledging that, by sending EU observers (EUMM) to parts of the Former Yugoslav Republic of Macedonia and arranging European monitoring of observers in the occupied territories in the Middle East, the EU is making an important contribution to measures to build confidence between the parties to the respective conflicts,

K. whereas the effectiveness of joint strategies must be improved by creating a closer tie-in to practical measures; whereas, above all, their implementation must be goal oriented so as to enable common positions and joint actions to be adopted by majority vote,

L. whereas the troika under the Swedish Presidency visited North Korea in early May 2001 to prevent the incipient moves towards *détente* between North and South Korea from stopping short and to offer EU support to help bring about a lasting peace settlement for the Korean peninsula; whereas Parliament is making its own contribution by establishing parliamentary relations with North Korea,

M. having regard to the visit to Kaliningrad in July 2001 by a joint parliamentary delegation from Poland, Lithuania, Russia, and the European Parliament,

CFSP trends in the years 2000 and 2001

1. Recognises, now that the CFSP bodies and tools have finally been put in place in accordance with the Treaty of Amsterdam, that the EU is, for the first time, trying to give effectively expression to the political will to develop a distinctive foreign policy profile and the ability to act on its own initiative in crisis situations;

2. Acknowledges that, as the crises have intensified in the western Balkans and the Middle East, the EU has assumed a diplomatic mediation role with the aim of linking short-term operational crisis management measures to long-term prospects;
3. Applauds the personal commitment of the High Representative, Mr Solana, and the Member of the Commission responsible for external relations, Chris Patten, to the reform of the EU's external relations now under way and, although the pillar structure is still in place, their joint efforts to provide consistency and coherence in European foreign and security policy; continues nevertheless to support its goal of consolidating the office of high representative within the Commission by requiring the High Representative to be accountable to both the Council and Parliament;

Progress in European Security and Defence Policy (ESDP)

4. Hopes that a decision on the operational readiness of a European 'Rapid Reaction Force' can be reached no later than the December 2001 Laeken European Council; hopes in that connection that despite restrictive budget policies sufficient financial resources can be raised to overcome the strategic imperfections of an effective ESDP and achieve the EU's own headline goal;
5. Looks to Turkey, as a member of NATO and a candidate country for membership of the EU, to respect the decision-making autonomy of the EU as such and to refrain from further blocking the provision of NATO resources and capabilities; welcomes Turkey's willingness to take part in EU crisis management measures;
6. Calls for a strong parliamentary dimension to the ESDP both by fostering a security and defence policy culture within the EP and by intensifying cooperation between the EP and the national parliaments; recommends, therefore, that:
   – a standing delegation from the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy be set up to handle relations with the NATO Parliamentary Assembly, of which the EP is already an associate member, and
   – the chairmen of the foreign affairs and defence committees of the national parliaments and the EP hold joint meetings and the conference thus constituted be expanded to include other members of the committees concerned so as to make it politically representative;
7. Looks to the Member States to conduct an intensive debate on the new security threats and, without prejudice to existing disarmament and non-proliferation treaties, work out a common European attitude to the US missile defence system;
8. Considers that combating international terrorism must become a central component of European foreign and security policy, with aspects of external security having to be combined with those of internal security; calls on the Commission and the Council to draw up a comprehensive common strategy on combating terrorism making use of all capabilities of Europol and Eurojust, which should have an improved legal basis and a greater operability; advocates that in the course of a sustained campaign to combat terrorism, EU Member States urgently step up their efforts to improve exchanges of intelligence agency information, against money laundering, drug trafficking and computer crime. Notes in that connection that the close alliance with both the United States and other major geo-politically crucial powers will be necessary; the United Nations and its Security

Council would be an important platform for a comprehensive and global anti-terror alliance;

9. Notes that NATO remains indispensable for collective security in Europe; the OSCE also plays an important role in the European security structure;
10. Stresses that in the field of conflict prevention the EP should establish the same contacts with the OSCE as it has established with NATO for the ESDP;
11. Regrets that the transfer of the WEU Institute for Security Studies to the European Union in the form of a Joint Action adopted by the Council on 20 July 2001 without consulting or informing the European Parliament, and the fact that it is understood by the Council as a pure instrument of the Member States rather than as a scientific Community agency; considers that in view of the Institute's research function it should have been founded as an agency under standard Community legislative procedure;

Conflict prevention and crisis management

12. Believes that the EU should strictly enforce the principle of conditionality when mediating in crisis situations;
13. Maintains, therefore, that the Stability and Association Agreement (SAA) should not be applied to the Former Yugoslav Republic of Macedonia unless constitutional reform and a lasting end to military activities on both sides are successfully accomplished;
14. Appeals to all states not to supply arms to Macedonia, and instead of arming that country to contribute to its economic and social development;
15. Acknowledges that EU crisis management has proved more effective in the Macedonian crisis but notes that the EU was slow to intervene and missed the opportunity for early conflict prevention;
16. Criticises the fact that responsibilities for the many and varied forms of EU involvement in the western Balkans continue to be fragmented and calls for a more transparent unified leadership structure to be established both for conflict mediation and for reconstruction measures, with the duties of the Special Envoy on the Stability Pact perhaps being incorporated into this uniform leadership structure, and a more efficient and rapid processing of aid measures;
17. Regrets that economic aid to south-east Europe is too slow and too modest***;***
18. Supports the 'road-map' proposed by the Mitchell Commission for the resumption of the Middle East peace process and repeats its call for a freeze on settlement building in ***and the sending of international observers to*** the occupied territories;
19. Recommends that implementation of the association agreement with Israel and financial aid for the Palestinian Authority should be closely linked to the recommendations of the Mitchell Commission;
20. Calls on the Council, the Commission and the Member States to proceed without delay with drawing up a consistent European Union policy on the countries of the Middle East having as its principal objective the establishment of the rule of law and democracy in all countries of the region;
21. Believes that giving priority to the Barcelona Process would absolutely enhance conflict prevention and crisis management and restore political and social peace in the Mediterranean area and calls for a rapid flow of resources to be provided under the MEDA Programme; regrets that the development of the Euro-Mediterranean Partnership is directly

linked to the situation in the Middle East therefore suffering from the repercussions of the present deadlock of the peace process;

22. Takes the view that a European foreign policy based on conflict prevention should increasingly address itself to matters with implications across the board, for example energy and water supplies and the trade in drugs, diamonds, and small arms, and also, wherever possible, promote regional cooperation so as to build greater mutual trust between countries and strengthen economic integration;

Strategic partnerships

23. Believes that enlargement of the EU and NATO will do much to preserve peace and stability in Europe and foster cooperation between Europe and its neighbours; however, leaves each candidate country free to decide whether to apply for NATO membership;
24. Points once again to the significance of relations with **Russia**, and welcomes the medium-term strategy for developing relations between the Russian Federation and the EU proposed by the Russian government in October 1999; considers that practical cooperation issues, for example in the energy sector or in the field of security or regarding Russian participation in EU-led military crisis management operations, should have pride of place; believes that the dialogue on Kaliningrad should be continued; takes the view that critical scrutiny must continue to be brought to bear on the situation of the independent media in Russia and continuing pressure exerted to bring about a political and humanitarian solution to the Chechnya question;
25. Recommends that a coherent and comprehensive long-term policy be devised for the Caucasus region with a view to contributing to the stability and the development of the whole area;
26. Welcomes the invitation from the Göteborg European Council for **Ukraine** and Moldova to join the European Conference; hopes that incorporation of the partnership with Ukraine within a multilateral forum of that kind will assist Ukraine's efforts to promote democratic development, respect human rights and the rule of law, and implement market-oriented economic reforms; considers it necessary, in view of the failure of the EU and Ukraine to agree on their long-term relations, to link the Ukraine closely to Europe by establishing an EU-Ukraine free-trade area;
27. Encourages the Belgian Presidency, acting in the spirit of the Cotonou Agreement, to frame a common strategy for conflict prevention in Africa, focusing above all on the greater involvement of grass-roots organisations in all stages of development cooperation, as already provided for under the Cotonou Agreement; considers the EU common position of May 2001 as an encouraging step in that direction;
28. Is of the opinion, now that the EU has developed bilateral relations with the Rio Group and the different regional groups, that the time is right to build a strategic partnership with **Latin America**; a key part would be played in such a common strategy by efforts to support the peace process and foster social change in **Colombia**;
29. Considers it essential to extend the scope of transatlantic relations between the US and the EU beyond foreign and security policy issues and believes that closer cooperation, not least in the areas of trade, environment, internal security, and drug policy, together with international efforts to combat terrorism, will constitute a key building block of a transatlantic market; considers that as the two partners seek more actively to develop their

respective regional integration systems, a more intensive transatlantic relationship will assume increasing importance;

30. Underlines that the EU should undertake everything possible to strengthen the peace-building capacity of the United Nations;

Global responsibility for peace, security, and sustainable development

31. Expects a stronger commitment from the EU in the **Maghreb and Mashreq** countries to supporting the process of economic and social modernisation, with a special emphasis on the social impact of those processes. That commitment should have built into it a comprehensive social dialogue, including a dialogue of religions, so as to create a common region of stability and peace; recommends that troika contacts be stepped up with Algeria to foster political dialogue encompassing all Algerians and takes the view that the outcome of the ongoing negotiations on an association agreement must be made conditional on a peaceful solution to the internal crisis;
32. Believes that the EU must step up contacts with groups in Afghanistan which, in contrast to the present regime, wish to create greater democracy and restore the right of women to take part in public life, receive an education and in general have their ordinary civil rights reinstated; recommends that greater attention be paid to circumstances in Chechnya, focusing among other things on a resolution of the conflict between Russia and Chechnya;
33. Takes the view, despite the continuing US sanctions against **Iran** on account of that country's armaments policy, that the EU should support the reforming forces in Iranian society through a policy of gradual rapprochement; expects at all events from Iran a clear renunciation of support in any form for international terrorism before it will support a Commission negotiating mandate for a trade and cooperation agreement with Iran;
34. Believes that the political dialogue with **Indonesia** should be continued and calls for Community aid programmes to be coordinated more effectively with those of the Member States;
35. Considers it vital to develop relations with ASEAN and to step up the ASEM process in order to prevent conflicts (China/Taiwan and Korea), promote political stability, uphold human rights, and foster economic and cultural cooperation; welcomes, consequently, the strategic framework adopted by the EU Commission on 4 September 2001 for relations between the EU and Asia for the coming decade; calls for a joint parliamentary conference to be held within the next year before the ASEM IV meeting, without, at all events, participation by representatives from Burma;
36. Believes, in this respect, that relations should be strengthened, in particular with all the democratic countries in the continent whose role is a key factor for the development of human rights and fundamental liberties all over Asia;
37. Renews its call for a peaceful negotiated solution to the Kashmir question and appeals to the Council to use its influence on the parties to the conflict, India and Pakistan, to help bring this about;
38. Instructs its President to forward this resolution to the Council and Commission and the national parliaments.

15 Police Capabilites Commitment Conference Brussels, 19 November 2001

DECLARATION

1. Successive European Councils have reaffirmed their commitment to developing the civil and military resources and capabilities required to enable the Union to take and implement decisions on the full range of conflict prevention and crisis management missions defined in the Treaty on European Union, the so-called "Petersberg tasks". The Union will thus be able to make a greater contribution to international security in keeping with the principles of the United Nations Charter and the Helsinki Final Act. The Union recognises the primary responsibility of the United Nations Security Council for the maintenance of international peace and security.

2. In the field of civilian capabilities, the European Council at Feira identified four priority areas of work: police, strengthening the rule of law, strengthening civilian administration and civil protection. Recognising the central role of police in international crisis management operations, and the increasing need for police officers for such operations, EU Member States, cooperating voluntarily have set themselves concrete targets on overall EU capabilities, rapid deployment capability and raising standards for international police missions. In particular, Member States agreed that by 2003 they should, as a final objective, be able to provide up to 5,000 police officers for international missions across the range of crisis prevention and crisis management operations, and in response to specific needs at the different stages of these operations. Within this target for overall EU capabilities, Member States also undertook to be able to identify and deploy up to 1,000 police officers within 30 days.

3. The police capabilities the EU is developing will increase and improve the effectiveness of the Union's capacity to respond to crises. This will enable the EU to provide support to UN and OSCE-led police operations as well as conduct EU-led autonomous operations. The European Union will ensure that its own efforts and those of the United Nations, the OSCE and the Council of Europe are consistent and mutually reinforcing, without any unnecessary duplication.

4. A Police Capabilities Commitment Conference at Ministerial level took place in Brussels on 19 November 2001 in order to draw together the national commitments to meet the police capabilities goals set by the Feira European Council. The Conference also considered current and future work on the implementation of the Police Action Plan adopted at the European Council in Göteborg, as a follow-up to the Presidency Conference of National Police Commissioners which took place on 10 May 2001.

5. At the Conference, Member States on a voluntary basis have made the following quantitative and qualitative commitments to build up the EU police capacity for crisis management operations. In doing so, they contribute to the creation of a new and essential capacity for crisis management, capable of covering the full range of police missions identified by the European Councils of Nice and Göteborg, i.e. from training, advisory and monitoring

missions to executive missions. The targets set at Feira have therefore been met.

(a) Quantitative aspects
With regard to the overall objective, Member States have undertaken to provide 5,000 police officers by 2003. With regard to the objective of deploying police officers within thirty days, Member States have undertaken to provide up to 1,400 police officers by 2003. As part of their commitments, some Member States have undertaken to provide rapidly deployable, integrated and interoperable police units.

(b) Qualitative aspects
With regard to the qualitative aspects, the two types of mission – strengthening of, and substituting for local police forces – draw on all specialist policing functions available in Member States. The capabilities are committed on the basis of individual police officers or integrated police units. The latter can constitute an efficient asset in the early stages of complex situations as identified at the Nice European Council.

The police capabilities committed comprise both police forces with civil status and police forces with military status of gendarmerie type. This diversity is a qualitative asset for the European Union. In the case of an operation involving military and police components, the EU's action on Petersberg-tasks requires a strong synergy between the police and the military components of such an operation. On the ground, this will be ensured by close coordination between the two components, taking into account the constraints on the deployment of Member States police forces.

The Union will thus be able to achieve or provide the full range of police missions, at various stages of crisis management and conflict prevention. These missions, in close conjunction with missions aimed at strengthening the rule of law, can contribute positively to the securing of a democratic society, respectful of human rights and liberties.

6. Member States, on the basis of the work of the Police Unit in the Council Secretariat, have taken forward implementation of the Police Action Plan, adopted at the European Council of Göteborg. The Commitment Conference welcomed the considerable progress made so far on qualitative requirements on training and selection criteria, as well as on guidelines for command and control and for interoperability, and looked forward to further work in these areas.

The Commitment Conference stressed the importance of providing adequate resources to the Police Unit, in particular to ensure rapid implementation of the Police Action Plan. The Police Unit was established to give the EU the ability to plan and conduct police operations (including through integrated planning and coordination, situation assessment, preparation of exercises and preparation of legal frameworks and rules).

At the European Council in Nice it was agreed that the contribution of non-EU Member States to the EU's crisis management operations, in particular in EU police missions, will be given favourable consideration, in accordance with procedures to be determined.
The European Council in Göteborg then adopted guiding principles and modalities for contributions of non-EU states to EU police missions.

Therefore, the interest shown by non-EU States in the area of EU crisis management operations with civilian means, and the contributions they might be willing to offer are warmly welcomed. The meeting on 20 November with non-EU European NATO members and other countries which are candidates for accession to the EU will present an opportunity to inform these countries of progress made in the area of police, to learn about their own efforts in this regard, and for those who wish to do so, to indicate their readiness to make supplementary contributions to police missions carried out by the EU.

16 Conference on EU Capability Improvement Brussels, 19 November 2001

On 11-12 October 2001 another informal meeting of EU defence ministers was held in preparation for the forthcoming Capability Improvement Conference. A Dutch proposal for an Action Plan to remedy shortcomings was presented on that occasion. Other topics discussed were a capabilities review system, the possible establishment of a formal Defence Ministers' Council, the drawing up of a European defence 'White Paper', funding, the accommodation of Turkey in ESDP plans and increased collaboration, including the exchange of intelligence, in the fight against terrorism and the direction of the ESDP following the events of 11 September 2001. One month later a General Affairs Council was held at which defence ministers of EU countries participated, ministers responsible for police having taken part the previous day.

STATEMENT ON IMPROVING EUROPEAN MILITARY CAPABILITIES

I. DEVELOPMENT OF MILITARY CAPABILITIES

1. In connection with the pursuit of the objectives of the CFSP, the efforts which have been undertaken since the Cologne, Helsinki, Feira, Nice and Göteborg European Councils aim to give the European Union the means to play a full part at international level in accordance with the principles of the United Nations Charter and to face up to its responsibilities to cope with crises by developing the range of instruments already at its disposal and adding a military capability to carry out all the conflict-prevention and crisis-management tasks as defined in the Treaty on European Union ("Petersberg tasks"). Such a development also calls for a true strategic partnership between the EU and NATO in crisis management, with due regard for the decision-making autonomy of the two organisations.

2. At the Capability Improvement Conference in Brussels on 19 November 2001[3], the Ministers for Defence reaffirmed their responsibility for the development of the headline goal (being able to deploy 60 000 men in less than 60 days and to sustain them for at least one year). On that occasion, they emphasised their determination to seek solutions and new forms of cooperation in order to develop the necessary military capabilities and make good the shortcomings identified, while making optimum use of resources.
Member States reaffirm their steadfast commitment to meet the objectives set in Helsinki in full and to respond to the shortcomings which had been identified. Their revised national contributions strengthen the realisation of the headline goal. Member States also agreed on a "European Capability Action Plan" (see Chapter III) incorporating all the efforts, investments, developments and coordination measures executed or planned at both national and multinational level with a view to improving existing resources and gradually developing the capabilities necessary for the Union's activities.

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[1] Denmark drew attention to Protocol No 5 annexed to the Amsterdam Treaty.

That Conference represents an important stage in a demanding process for strengthening the Union's military capabilities, with the aim of achieving by 2003 the headline goal which has been set. That process will continue beyond that date in order to achieve the strategic capability goals within the framework of a dynamic and permanent process for adapting forces and capabilities.

II. CONTRIBUTIONS

3. General

At the Capability Improvement Conference, Member States voluntarily confirmed their contributions as established at the Conference in November 2000, and made significant improvements in terms of both quantity and quality, which enabled some shortcomings to be rectified. The multi-role possibilities of certain capabilities and the substitution process are also enabling other deficiencies to be made good in whole or in part.

An assessment of the revised national contributions confirms that the EU should be able to carry out the whole range of Petersberg tasks by 2003.

However, efforts must be made if the Union is to be able to carry out the most complex operations as efficiently as possible and to reduce any limitations and restrictions in terms of the breadth of the operation and the period of deployment as well as the level of risk.

4. Forces

Contributions and progress made

In quantitative terms, Member States' voluntary contributions confirm the existence of a body of resources consisting of a pool of more than 100 000 men, around 400 combat aircraft and 100 ships, fully satisfying the requirements defined by the headline goal to conduct different types of crisis-management operations. Ground element contributions meet the basic requirements for forces and support and back–up resources. Maritime requirements are well catered for. The air capabilities offered meet the quantitative requirements for air defence and ground troop support.

Member States have made substantial additional contributions, thus rectifying several shortcomings and deficiencies in whole or in part. In the case of land-based resources, this relates in particular to multiple rocket launcher, transmission, electronic warfare, armoured infantry and bridging engineering units. With regard to naval resources, progress has been achieved in the naval aviation sector. As regards aviation resources, additional contributions have been made in the fields of combat search and rescue and precision guided weapons.

Efforts to be made

Additional efforts must be made with regard to protecting forces deployed, commitment capability and logistics. The degree of availability of ground elements, operational mobility and the flexibility of the force deployed must also be improved.

Improvements in the fields of naval aviation resources and maritime medical evacuation must continue to be sought. There are still problems to be solved with regard to air elements, *inter alia* in the fields of combat search and rescue and precision guided weapons.

5. **Strategic capabilities**

Contributions and progress made

With regard to command, control, communications and intelligence resources (C3I), Member States are offering a sufficient number of headquarters at the levels of operation, force and component, as well as deployable communications units.

Member States have also offered a number of intelligence resources to contribute towards the EU's analysis and surveillance capabilities. The air and sea transport available will enable an initial entry force to be deployed; strategic mobility has also been improved.

Progress has been made in the C3I field and in maritime strategic mobility.

Efforts to be made

A qualitative analysis of certain C3I resources has yet to be made. If this analysis reveals certain deficiencies, they must be regarded as critical. Moreover, shortcomings exist with regard to deployable communications units.

Additional efforts must be made with regard to assistance for strategic decision-making as the possibilities for intelligence, achievement of goals, surveillance and reconnaissance (ISTAR) remain limited.

As regards strategic mobility, the main shortcomings relate to wide-body aircraft and roll-on/roll-off ships. However, the impact of those shortcomings could be reduced by making more effective use of existing resources (coordinated or joint use of resources, planning of movements, etc.) and using commercial resources on a methodical basis.

6. **Qualitative improvements**

In addition to these quantitative improvements, all Member States have - without exception - taken measures which will undoubtedly help to achieve the headline goal of crisis management by enhancing the qualitative aspects of their Armed Forces. Their many efforts are focused on the following eight areas: structures of the Armed Forces; budgets; staff; multinational cooperation; logistics; training; research and technology, industrial cooperation, public procurement; civilian/military cooperation. The steps taken by Member States, which they are planning to pursue, are likely to improve the availability, deployability, survivability, sustainability and interoperability of the Armed Forces.

The analysis of the progress and efforts to be made, in particular to ensure the easy availability of certain forces defined in the Helsinki headline goal, will be continued.

7. **Contributions by the Fifteen and the Six**

The non-EU European Member States of NATO and the other candidate countries for accession to the EU have also helped improve European military capabilities through the highly valuable additional contributions made at the Ministerial Meeting on 21 November 2000 and included in a supplement to the Forces Catalogue.

Those countries were invited to update their contributions at the Ministerial Meeting on 20 November 2001 in accordance with a procedure parallel to that applicable to the 15 Member States, as was the case last year. Their offers, revised in terms of both quantity and quality, are welcomed as additional capabilities which contribute to the range of capabilities available for EU-led operations. Those contributions will be evaluated in cooperation with the countries concerned in accordance with the same criteria as those applicable to the Member States.

8. **Capability development mechanism (CDM)**

As agreed at the Göteborg European Council, and in order to ensure the sustainability of measures to strengthen the EU's capabilities, Member States will recall the importance of adopting a detailed monitoring and evaluation mechanism for military capabilities in accordance with the Nice conclusions. To avoid any unnecessary duplication for the Member States concerned, that mechanism will take account of NATO's defence planning processes and the planning and review process of the Partnership for Peace (PARP).

III. EUROPEAN CAPABILITY ACTION PLAN

9. **Introduction**

In keeping with decisions taken at the Helsinki European Council and subsequent Councils, Member States have undertaken, on a voluntary basis, to continue improving their military capabilities with a view to boosting development of European crisis-management capabilities. At the Capability Improvement Conference (CIC) on 19 November 2001, the Member States identified shortcomings and agreed on a plan of action for remedying them. This plan will help to achieve the goals set by the European Council in Helsinki. It is based on national decisions (a "bottom-up" approach). By rationalising Member States' respective defence efforts and increasing the synergy between their national and multinational projects, it should make for an enhanced European military capability. The European Capability Action Plan is also designed to back up the political plan which gave rise to the headline goal and to create the necessary impetus for achieving the aims which the Union set in Helsinki.

The European Capability Action Plan, which will be implemented in a spirit of transparency, is mainly designed to rectify the remaining deficiencies. The capability development mechanism (CDM), which will comprise the tools required for the permanent and detailed process, will make it possible to arrange for the monitoring and progress of the development of European military capabilities.

10. **Principles of the European Capability Action Plan**

The Action Plan is therefore based on the following principles:

- **Enhanced effectiveness and efficiency of European military capability efforts**
  The current fragmentation of defence effort provides scope for Member States to rationalise. This might be done by stepping up military cooperation between Member States or groups of Member States.
- **A "bottom-up" approach to European defence cooperation**
  Member States' commitments would be on a voluntary basis, with due regard for national decisions. The required capabilities will be achieved partly by carrying out national and multi-national projects which are already planned and partly by developing new projects and initiatives to make good remaining deficiencies.
- **Coordination between EU Member States and cooperation with NATO**
  Application of this principle is essential to target specific shortcomings, avoid wasteful duplication and ensure transparency and consistency with NATO.
- **Importance of broad public support**
  The public in the Member States must have a clear vision of the context in which CFSP development is situated, of the existing shortcomings and the efforts to be made to achieve

the objectives set. This transparency of the Action Plan will help to make the action plan more effective and back up the political action and political will underpinning it.

11. **National and multinational projects**

It appears from an analysis of ongoing national and multinational projects, whether planned or envisaged, that if these projects are brought to a conclusion and the resources made available to the EU, they will enable the vast majority of existing shortcomings to be addressed in full or in part.

However, this analysis of projects and initiatives shows that they are not currently sufficient to remedy all the shortcomings which have been identified. It is therefore important to find ways of making good each remaining deficiency.

The action plan will be effective only if the Member States undertake to make good all deficiencies by bringing their current and future projects and initiatives to a conclusion and making these new capabilities available to the EU. The success of this process will necessitate major, on-going efforts from the Member States.

12. **Implementation of the Action Plan**

a. There is a very broad range of options available to remedy the remaining shortcomings:

- if national forces and capabilities other than those already declared were made available and included in future projects and initiatives, this would enable some deficiencies to be made good, particularly those in relation to forces;
- other alternatives would consist, first, of making existing capabilities more effective and efficient and, second, of seeking creative responses, going beyond the traditional framework of military procurement programmes;
- multinational solutions might include the co-production, financing and acquisition of capabilities, particularly for large-scale projects but also for very specific capabilities. These solutions might also extend to the management and use of the equipment when it is [used].

b. Taking account of the results of the meeting of senior national experts responsible for defence procurement and planning, whose role is important in this context, an analysis and evaluation, both in qualitative and quantitative terms, of all the shortcomings will be continued under the responsibility of the Military Committee. This analysis should produce detailed specifications which will assist the quest for appropriate solutions.

c. For the sake of efficiency and flexibility and in order to render Member States accountable, the HTF must be brought together, by type of capability, in the formation of panels of experts, adapted on a case-by-case basis. The panels' remit will be to analyse remaining deficiencies as a whole and to identify all the feasible national or multinational solutions. A pilot country (or group of countries) could be responsible for leading, coordinating and summarising the work of these panels.

d. In connection with its responsibilities as defined in the conclusions of the Nice European Council for the political management of military capability development, the PSC will report to the Council at regular intervals on the basis of the Military Committee's opinions.

IV. ARMS INDUSTRY

13. The Ministers assessed the progress being made towards a restructuring of European defence industries and towards strengthening the industrial and technological defence base, which has to be competitive and dynamic. This is a positive factor which constitutes a major step forward and contributes to the strengthening of the Union's capabilities and hence also to the success of the European Military Capability Action Plan.
The Ministers also acknowledged the importance of improving harmonisation of military requirements and the planning of arms procurement, as seen fit by Member States.
The Ministers also recognised the importance of collaboration between defence industries.

The Council raised the matter of the best way to tackle defence-related issues within the Council. It agreed to examine the matter further during the coming Presidency.

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SUMMARY OF INTERVENTIONS BY JAVIER SOLANA

Today's Capabilities Improvement Conference constitutes an extremely important step in the development of the EU Defence and Security Policy. I welcome the preparatory work made by the Belgian Presidency and the Member States.

MILITARY CAPABILITIES

- Work done has yielded a better analysis of our needs, an updating of national contributions and a better understanding of efforts.
- Encouraging result: significant qualitative and quantitative improvement, a good number of shortfalls fulfilled.
- Assessment of the revised national contributions, done under the direction of the Military Committee, states that the EU will be able to carry out the whole range of Petersberg tasks by 2003, albeit with possible restrictions in terms of scale and deployment time and perhaps a higher level of risk.
- Shows that more effort is needed to be able to carry out the most complex operations as efficiently as possible and to reduce any limitations. Have to ask whether some of those among you, having now seen the overall analysis, can make increased offers.
- I welcome the development of a European Capability Action Plan, based on voluntary contribution, bottom up approach. Needs to be supplemented by rapid agreement on a Capability Development Mechanism.
- Overall aim is further improvements in military capacities, including by rationalising defence efforts and increasing synergy between national and multinational projects.
- In this respect, I also would like to welcome the next Presidency's intention to cover the question of high readiness forces. Having a credible operational capability will also be dependent on being able to react rapidly to surprise changes in the crisis environment.
- All of this takes us in a good direction. Consistent with what I have seen in the last two years since I became High Representative. The EU has been taking its international

responsibilities seriously and making a major effort to play a greater international role. Across the whole of CFSP, we are already seeing concrete tangible results.

- The Declaration of the Capabilities Improvement Conference strikes a suitable balance between work done and work remaining. But we should not be shy about acknowledging publicly the work that remains and that it will require a sustained commitment of resources: important sign of seriousness and credibility. Believe publics will understand, especially this in the current climate.

OPERATIONALITY

- Also important as we approach Laeken that we reflect on the building blocks for operationality.
- In the current international context, I fully support a declaration of progressive operationality in a manner where there is a strong link between capability improvement and the level of operational readiness, in accordance to the Nice Summit Conclusions.
- Need to establish relations with other actors in crisis management, essentially international organisations such as UN, OSCE and of course NATO.

STRUCTURES/RENSEIGNEMENT

- Structures nécessaires ont été mises en place du coté militaire, mais aussi au Secrétariat du Conseil.
- Il faut maintenant s'assurer que ces structures sont parfaitement adaptées à ce que l'on attend d'elles. Un programme d'exercices approprié devra être mis en œuvre.
- Il faut aussi renforcer les capacités du Secrétariat à produire des évaluations de situation de bonne qualité utiles aux organes du Conseil et aux Etats-membres.
- Ceci suppose que les Etats-membres fournissent plus d'informations confidentielles et que soient mises en place au Secrétariat du Conseil des structures et méthodes adaptées au traitement de ces informations sensibles, en particulier s'agissant de leur protection.
- Le but est de mieux vous servir et de produire des évaluations de qualité et des compte rendus qui seraient mis à disposition des organes du Conseil et des Etats-membres.

EU/NATO RELATIONS

- Important that we keep moving forward on the relationship with NATO. Lack of agreement on Berlin plus disappointing, but much can still be done to strengthen the basis for operational co-operation.
- Other areas that we can pursue include exercises and to wrap up an EU/NATO security agreement, as well as pursuing a dialogue with NATO on the practical modalities for EU access to NATO assets.

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MINISTERIAL DECLARATION ON COOPERATION ON FUTURE CAPABILITIES AND TECHNOLOGIES FOR COMBAT AIR SYSTEMS

The Minister of Defence of the French Republic, the Federal Minister of Defence of the Federal Republic of Germany, the Minister of Defence of the Republic of Italy, the Minister of Defence of the Kingdom of Spain, the Minister for Defence of the Kingdom of Sweden and the Secretary of State for Defence of the United Kingdom of Great Britain and Northern Ireland

Acting in the spirit of the statement by the Heads of State and Government on 9 December 1997, which stated that they shared a vital political and economic interest in an efficient and globally competitive European aerospace and defence electronics Industry,

Acting in the spirit of the framework agreement on measures to facilitate the restructuring and operation of the European Defence Industry signed on 27 July 2000, and in particular the chapters concerning defence-related research and technology and the harmonisation of military requirements,

Recognising the need for their countries and for Europe to retain a strong and competitive industrial and technology base and a long-term capability to design, manufacture and integrate combat air systems,

Considering possible needs for such systems towards the end of the next decade (2020),

Promoting the harmonisation of military requirements in this sector,

Have decided in particular to carry out a joint study between now and summer 2002 aimed at delivering an initial assessment of their respective capability requirements in a 2020 timeframe and identifying the types of systems and their related technology base that might appropriately be developed jointly,

Have decided to launch, in co-operation with industry, a focused research and technology programme (the so-called European Technology Acquisition Programme, ETAP) to lay the foundations for future combat air systems covering key fields within this sector.

Are asking their National Armament Directors to give priority to continued support for technology programmes already underway in order to ensure the achievement of their objectives and ensure the rapid signature of the necessary inter-governmental arrangements for ETAP whose management could be assigned in whole or part to OCCAR in due time,

Intend to allocate appropriate government funding for these activities,
Encourage European industry:

- to make a suitable financial contribution to this effort;
- to propose innovative solutions and initiatives to support this activity, including suggestions for possible regroupings and/or co-operation to make the most of existing capabilities in the industries of each country.

17 Franco-German Defence and Security Council Nantes, 23 November 2001

DECLARATION

I
La France et l'Allemagne rappellent solennellement leur solidarité avec leur allié américain, victime des tragiques attentats du 11 septembre, et leur détermination, avec l'ensemble de leurs alliés et de leurs partenaires européens, à poursuivre, sur la base des résolutions du Conseil de sécurité, la lutte contre le terrorisme international, qui constitue une menace pour nous tous.

Dans ce contexte, le renforcement de la capacité d'action internationale de l'Union européenne est plus urgent que jamais. A cette fin, il est indispensable d'accélérer résolument la mise en oeuvre de la politique européenne de sécurité et de défense. La PESD, grâce aux capacités militaires et civiles qu'elle développe pour la gestion de crise, doit contribuer à la prévention et la maîtrise de la menace terroriste, et ce faisant à la protection de nos populations.

II
A Nice, le Conseil européen s'est engagé à ce que l'UE devienne opérationnelle le plus tôt possible et au plus tard à Laeken. La France et l'Allemagne se félicitent que l'UE puisse désormais conduire des opérations de gestion de crise. L'UE pourra désormais conduire des opérations de gestion de crise en fonction des capacités civiles et militaires dont elle dispose et de celles appelées à monter en puissance ; la poursuite déterminée des efforts pour développer ces capacités permettra à l'Union de mener des opérations de gestion de crise dans tout l'éventail des missions de Petersberg, y compris les opérations les plus difficiles.

A cet égard, la France et l'Allemagne se félicitent de la détermination des Etats membres lors de la Conférence d'engagement de capacités militaires et de police, qui s'est tenue à Bruxelles les 19 et 20 novembre, à poursuivre leurs efforts en vue de la réalisation de l'objectif global en 2003 et à lancer de nouveaux projets au-delà. A cet égard, la France et l'Allemagne soulignent l'importance de l'avion de transport militaire A 400M pour l'industrie d'armement européenne. Elles réaffirment que les engagements pris seront strictement respectés. Il est convenu qu'une dernière étape de la négociation clarifiera les dernières conditions avec l'industriel afin que le contrat soit signé avant la fin de l'année 2001.

La France et l'Allemagne soulignent leur satisfaction du résultat des deux conférences d'engagement de capacités et l'importance qu'elles attachent au développement équilibré des capacités civiles et militaires, qui constitue l'avantage comparatif spécifique de la PESD. Les contributions annoncées à cette occasion par les pays candidats à l'UE et les Alliés européens non-membres de l'UE représentent un élément appréciable et soulignent que la PESD est un projet ouvert et que l'UE privilégie, dans ce domaine également, la coopération.

La France et l'Allemagne se félicitent de la mise en place des arrangements de consultation et de coopération avec l'OTAN et appellent de leurs vœux la finalisation rapide des accords

portant sur l'accès aux moyens et capacités de l'OTAN, qui sont encore en suspens et qui constitueront un élément important du partenariat stratégique de l'UE et de l'OTAN dans la gestion de crise. Elles se félicitent à cet égard de la coopération couronnée de succès entre l'UE et l'OTAN dans les Balkans qui a fait la preuve de son caractère exemplaire et de son efficacité et montre que les deux organisations se renforcent mutuellement.

III
Reconnaissant la nécessité de faire de la Russie un partenaire à part entière de la sécurité européenne et transatlantique, la France et l'Allemagne appellent de leurs vœux la mise en oeuvre du partenariat entre la Russie et l'UE. Elles s'engagent par ailleurs à travailler ensemble pour la relance et l'approfondissement de la coopération entre l'OTAN et la Russie.

IV
Rappelant leurs contributions respectives à la tête de la KFOR et de l'opération "Renard roux" en Macédoine, la France et l'Allemagne soulignent, comme en témoignent leurs contributions militaires, leur engagement commun pour la sécurité de la région des Balkans. Elles soulignent également l'importance de leurs contributions civiles et du développement de ces capacités pour la stabilisation durable de la région des Balkans. L'Allemagne et la France se félicitent enfin des perspectives de coopération dans le cadre du Pacte de stabilité.

V
Grâce à son concept de sécurité, l'OSCE offre un cadre utile permettant de lutter contre le terrorisme et ses causes. L'Allemagne et la France poursuivront leur coopération étroite dans ce cadre et se félicitent que la lutte contre le terrorisme soit un des thèmes principaux au Conseil des ministres qui se tiendra les 3 et 4 décembre.

DECLARATION CONJOINTE SUR L'AVENIR DE L'UNION EUROPEENNE

La coopération franco-allemande a parmi ses objectifs traditionnels celui d'être un moteur de l'intégration européenne. Comme cela a déjà été le cas dans l'histoire de l'intégration européenne, la France et l'Allemagne sont déterminées, au moment où s'engage un débat sur l'avenir de l'Union et dans la perspective de la Conférence intergouvernementale de 2004, à donner de nouvelles impulsions pour préserver et renforcer la dynamique du projet européen.

Les terribles attentats terroristes du 11 septembre 2001 ont placé l'Union devant de nouveaux défis. Ils rendent encore plus pressante la nécessité, pour les Etats membres de l'UE, d'assumer plus efficacement leurs responsabilités à l'intérieur – vis-à-vis de leurs ressortissants – et aussi à l'extérieur - par rapport aux événements mondiaux.

* * *

Face à la menace d'un terrorisme mondial, l'Union doit renforcer ses politiques, en particulier dans les domaines de la justice et des affaires intérieures ;
Dans ses relations extérieures, l'Union doit améliorer ses instruments et ses structures lui permettant d'assumer pleinement son rôle dans le monde ;

- L'élargissement de l'Union doit être poursuivi résolument et sans retard ;
- Le débat sur l'avenir de l'Europe et notre objectif commun d'une Constitution européenne ont pour enjeu une Union efficace, forte et démocratique, dotée d'une direction et d'une responsabilité claires.

* * *

1. La création d'un espace de liberté, de sécurité et de justice, engagée par le Conseil européen de Tampere, doit être menée à terme avec une énergie renouvelée. En réponse aux attaques terroristes du 11 septembre 2001, le Conseil européen a adopté, le 21 septembre 2001, un plan d'action comportant des mesures et des objectifs ambitieux afin de lutter contre le terrorisme. Ce plan d'action porte, notamment, sur une définition commune du terrorisme, la création d'un mandat d'arrêt européen, la lutte contre le blanchiment d'argent et le financement du terrorisme, ainsi que sur l'échange d'informations et la coopération entre autorités chargées de la sécurité. La France et l'Allemagne sont résolues à conjuguer leurs efforts pour que les décisions prévues soient prises dans les délais impartis.

A plus long terme, d'autres initiatives ambitieuses devraient être examinées pour garantir encore mieux la sécurité de notre continent, telles que la mise en place d'une police européenne permettant d'assurer une meilleure surveillance des frontières extérieures de l'Union, le renforcement d'Europol, dans la perspective de la création d'une police intégrée chargée de la lutte contre le terrorisme international et la criminalité organisée, en coopération avec les administrations nationales concernées, le renforcement de la coopération judiciaire, en particulier d'Eurojust, dans la perspective d'un parquet européen, le rapprochement des activités conduites par les consulats des Etats membres hors de l'Union.

2. L'Europe se trouve également confrontée aujourd'hui à de nouveaux défis dans le domaine de la politique étrangère et de sécurité. L'Union joue dès à présent un rôle central dans le sud-est de l'Europe et un rôle croissant au Moyen-Orient. La situation internationale renforce encore l'importance de son action pour endiguer la violence, prévenir les conflits et assurer la paix.

La France et l'Allemagne considèrent que l'Union européenne doit compléter ses moyens lui permettant de jouer de manière encore plus efficace son rôle dans le monde. Il convient d'améliorer la cohérence entre la politique extérieure des Etats membres et la politique extérieure de l'Union. L'Union doit, notamment, mieux mobiliser le large éventail d'instruments dont elle dispose et qui constitue un atout précieux. Afin de renforcer l'action extérieure de l'Union et de lui donner plus de cohérence et de visibilité, il convient de développer la synergie entre l'action du Haut Représentant pour la politique étrangère et de sécurité commune et celle du Commissaire chargé des relations extérieures. La France et l'Allemagne présenteront des propositions à cette fin.

Le développement et la mise en œuvre d'une politique européenne de sécurité et de défense doit également être poursuivie énergiquement et acquérir une nouvelle dimension. La France et l'Allemagne estiment que le projet de défense européenne ne saurait se limiter aux "missions de

Petersberg", et doit s'inscrire, conformément au Traité sur l'Union européenne, dans la perspective d'une défense commune. L'Alliance atlantique reste la base de la défense collective de ses Etats membres. La PESD doit également mettre en place les moyens nécessaires à la lutte contre le terrorisme international. Enfin, la dimension industrielle de la défense européenne doit être une priorité.

3. Les défis économiques auxquels est confrontée l'Europe se sont également accrus et exigent des réponses convaincantes. Le 1er janvier 2002, avec l'introduction des pièces et billets en euro, le processus historique de création d'une monnaie européenne aura trouvé son épilogue. Grâce à l'euro, l'Union repose, même en cas d'instabilité de l'économie mondiale, sur une assise économique plus large et plus stable. La monnaie unique renforce la capacité de l'Europe à mieux faire entendre sa voix dans le concert monétaire international.

Au-delà des politiques communes déjà existantes et qui devront être poursuivies et intensifiées, comme, par exemple, la coordination des politiques économiques des Etats membres, nos deux pays estiment important de faire des progrès dans les domaines suivants : une harmonisation de la fiscalité, notamment celle des entreprises, l'établissement d'un véritable marché financier unique, l'amélioration et le renforcement du modèle social européen en préservant, notamment, les services d'intérêt économique général, la lutte contre les exclusions et les discriminations.

4. En raison même des nouveaux défis internationaux auxquels l'Union doit faire face, la France et l'Allemagne sont résolues à maintenir, avec la même énergie, le cap de son élargissement, conformément au calendrier convenu. Avec l'entrée en vigueur du traité de Nice, l'Union sera prête à admettre de nouveaux membres. Les candidats à l'adhésion doivent, en poursuivant activement les processus de réforme, créer de leur côté les conditions d'une prompte adhésion, à savoir la reprise de l'acquis communautaire et la capacité de l'appliquer. Les pays candidats à l'adhésion, mais aussi tous les Etats membres actuels de l'Union, profiteront directement de l'élargissement, tant sur le plan politique qu'économique. Il constitue une contribution fondamentale à l'unité d'une Europe divisée depuis trop longtemps.

5. La Conférence intergouvernementale de 2004 et le processus de débat démocratique qui la précédera ont pour objectifs une intégration plus grande, le fonctionnement efficace d'une démocratie européenne plus transparente et plus légitime. La Constitution européenne que souhaitent l'Allemagne et la France sera une étape essentielle dans le processus historique d'intégration européenne.

La France et l'Allemagne se réjouissent de la prochaine mise en place, lors du Conseil européen de Laeken, de la Convention composée de représentants des Etats membres, des parlements nationaux, du Parlement européen et de la Commission européenne, dont les travaux associeront étroitement les pays candidats et qui organisera une concertation intense avec la société civile. Cette convention constitue un instrument novateur pour préparer les options nécessaires aux réformes dont l'Europe a besoin. Ces réformes doivent, notamment, permettre au citoyen de mieux percevoir où se situe, à l'échelon européen, la responsabilité politique d'une décision et d'exercer une influence démocratique sur cette décision. C'est dans ce contexte plus large qu'il convient de traiter les quatre thèmes qui figurent dans la Déclaration sur l'avenir de l'Union : la question de la délimitation des compétences entre l'Union et les

Etats membres, le rôle des parlements nationaux, la simplification des traités et l'incorporation de la Charte des droits fondamentaux dans les traités. Ces questions conduisent à des réflexions plus approfondies au sujet du processus de constitutionnalisation des traités et des relations entre les institutions de l'Union, y compris une clarification des fonctions législatives et exécutives. Nos deux pays demeurent ouverts à la discussion de tous les thèmes liés à la réforme portant sur l'avenir de l'Union. Cela comprend aussi la question de l'extension du vote à la majorité qualifiée.

L'Allemagne et la France partagent déjà des positions identiques sur un grand nombre de ces réformes, comme, par exemple, l'intégration de la Charte des droits fondamentaux de l'Union européenne dans la future constitution européenne, ou la division des traités en une partie constitutionnelle et une partie infra-constitutionnelle plus facile à faire évoluer, ou encore une organisation des compétences qui soit plus compréhensible et plus transparente.

Nous sommes résolus à rechercher, constamment et dans la durée, des accords sur toutes les questions qui résulteront des travaux de la convention et nous sommes très confiants dans la possibilité de parvenir à ces consensus. Le Conseil européen de Laeken intervient à un moment de choix politiques importants. Il dépend des Etats membres de l'Union, dont la France et l'Allemagne, que ce Conseil pose les bonnes questions qui permettront de donner les réponses appropriées aux défis auxquels est confrontée l'Union.

18 Franco-British summit London, 29 November 2001

DECLARATION ON ESDP

The United Kingdom and France note with deep satisfaction the progress made in ESDP since their Summit in St Malo, in particular towards the development of civil and military capabilities, the setting up of structures and procedures and the permanent arrangements with NATO. They look forward to the European Council in Laeken, which in conformity with the engagements made in Nice will enable the EU to conduct some crisis management operations. The Union will be in a position to take on progressively more demanding operations as the assets and capabilities at its disposal continue to develop.

In this perspective, the United Kingdom and France will do all in their power so that the EU, in pursuit of the EU's external policy goals, can conduct crisis management operations where NATO as a whole is not engaged, particularly where the requirement is for an integrated civil/military/police approach, closely coupled with the relevant trade, financial and aid policies. The European Union's distinctive contribution stems from its ability to mobilize the full range of those various instruments. To this end, we reiterate our commitment to work together, and with our EU Partners, on the development of crisis management capabilities, both military and civilian. Following the tragedies of 11 September, it is more important than ever to have credible and effective EU crisis management capabilities, and thus to reinforce the transatlantic security partnership.

Critical to the success of ESDP is the development of Europe's military capabilities. France and the United Kingdom welcome the adoption, at the 19-20 November Capabilities Improvement Conference (CIC), of an Action Plan, under which Member States commit themselves, in dedicated groups, to work on specific areas in which efforts will be made to enhance European capabilities. The United Kingdom and France are already involved in contributing to most of the Helsinki Headline Goal capability areas and have contributed to all the specific improvements in capabilities noted at the CIC. We are committed to working closely with the forthcoming Spanish EU Presidency to develop the procedures and concepts required to deploy the rapid response elements of the Helsinki Headline Goal. Moreover, in order to implement the Action Plan as soon as possible, we declare ourselves ready to participate in launching action groups, including specifically those in the following three capability areas :

- Air to air refuelling,
- Unmanned Air Vehicles, and
- Nuclear, Biological, and Chemical protection.

We would welcome other EU Partners joining us in these action groups, and call upon our Partners to commit themselves to tackling the remaining shortfalls.

The United Kingdom and France reaffirm the importance of the military transport aircraft A400M. The two countries recall their determination to see the programme launched, in accordance with the agreed timetable and participation.

As permanent members of the UN Security Council, deeply committed to the success of ESDP, France and UK will work further together to ensure that the EU, in pursuing its external policy goals, makes a significant contribution to the UN Security Council's task of maintaining peace and international security because :

- The EU integrates civilian and military crisis management capabilities, with existing economic, development, trade, justice and home affairs tools, allowing the Union to play a role from the first reaction to a crisis right through to rehabilitation and reconstruction;
- Its procedures have been specifically designed to meet the demands of modern integrated crisis management ;
- It allows the EU to respond to crises in any area of the world as far as military and civilian capabilities permit.

In line with the commitment at the Gothenburg European Council, France and the United Kingdom reaffirm their determination to develop and strengthen dialogue between the EU and the United Nations in the area of crisis management, fully taking into account the principles set out in the Brahimi report on peacekeeping.

19 European Council
Laeken, 14-15 December 2001

PRESIDENCY CONCLUSIONS

(. . .)

I. THE FUTURE OF THE UNION

The Laeken declaration

3. Following the conclusions adopted in Nice, the European Council adopted the declaration set out in Annex I. That declaration and the prospects it opens mark a decisive step for the citizen towards a simpler Union, one that is stronger in the pursuit of its essential objectives and more definitely present in the world. In order to ensure that preparation for the forthcoming Intergovernmental Conference is as broadly-based and transparent as possible, the European Council has decided to convene a Convention, with Mr V. Giscard d'Estaing as President and Mr G. Amato and Mr J.L. Dehaene as Vice-Presidents. All the candidate countries will take part in the Convention. In parallel with the proceedings of the Convention, a Forum will make it possible to give structure to and broaden the public debate on the future of the Union that has already begun.

4. In parallel with the proceedings of the Convention, a certain number of measures can already be taken without amending the Treaties. In this context, the European Council welcomes the Commission's white paper on governance and the Council Secretary-General's intention of submitting, before the European Council meeting in Barcelona, proposals for adapting the Council's structures and functioning to enlargement. The European Council will draw the operational conclusions from it at its meeting in Seville. Finally, the European Council welcomes the final report by the High-Level Advisory Group ("Mandelkern Group") on the quality of regulatory arrangements and the Commission communication on regulatory simplification, which should lead to a practical plan of action in the first half of 2002.

(…)

The European security and defence policy

6. The European Council has adopted the declaration on the operational capability of the European security and defence policy set out in Annex II, as well as the Presidency report. Through the continuing development of the ESDP, the strengthening of its capabilities, both civil and military, and the creation of appropriate structures within it and following the military and police Capability Improvement Conferences held in Brussels on 19 November 2001, the Union is now capable of conducting some crisis-management operations. The Union is determined to finalise swiftly arrangements with NATO. These will enhance the European Union's capabilities to carry out crisis-management operations over the whole range of

Petersberg tasks. In the same way, the implementation of the Nice arrangements with the Union's partners will augment its means of conducting crisis-management operations. Development of the means and capabilities at its disposal will enable the Union progressively to take on more demanding operations.

(…)

II. THE UNION'S ACTION FOLLOWING THE ATTACKS IN THE USA ON 11 SEPTEMBER

The Union's action in Afghanistan

13. The European Council welcomes the signing in Bonn on 5 December of the agreement defining the provisional arrangements applicable in Afghanistan pending the re-establishment of permanent State institutions. It urges all Afghan groups to implement that agreement.

14. The European Council has undertaken to participate in the efforts of the international community with a view to restoring stability in Afghanistan on the basis of the outcome of the Bonn Conference and the relevant resolutions of the United Nations Security Council. In that context, it encourages the deployment of an international security force, which would be mandated, on the basis of a resolution of the United Nations Security Council, to contribute to the security of the Afghan and international administrations established in Kabul and the surrounding areas and to the establishment and training of a new Afghan security and armed forces. The Member States of the Union are examining their contributions to such a force. The participation of the Member States of the Union in that international force will provide a strong signal of their resolve to better assume their crisis-management responsibilities and hence help stabilise Afghanistan.

15. The urgent needs of the Afghan people mean that humanitarian aid continues to be an absolute priority. The delivery of such aid, inter alia for refugees and displaced persons, must be adapted to changes in the situation and must take place in as efficient and well-coordinated a manner as possible. The Union has already pledged or is ready to pledge a total of EUR 352 million for humanitarian aid, of which EUR 103 million will come from the Community budget.

16. More than twenty years of war and political instability have destroyed the structures of Afghan society, completely disrupted the functioning of the public institutions and authorities and caused immense human suffering. The European Union will help the Afghan people and its new leaders rebuild the country and encourage as swift a return to democracy as possible. The situation of women will merit particular attention. Rehabilitation and reconstruction will require international cooperation and coordination. The European Union has appointed Mr Klaus-Peter Klaiber Special Representative in Afghanistan under the authority of the High Representative for the CFSP. On 21 December in Brussels, the Union will co-chair the first meeting of the steering group to support political renewal in Afghanistan and better coordinate donors' efforts with a view to the ministerial conference scheduled for January 2002 in Tokyo. At those meetings, the Union will undertake to help to cover the requirements, alongside the USA, the Arab countries and Japan, inter alia.

Combating terrorism

17. The European Union reaffirms its total solidarity with the American people and the international community in combating terrorism with full regard for individual rights and freedoms. The plan of action adopted on 21 September is being implemented in accordance with the timetable set. The progress which has been achieved indicates that the objectives will be met. Agreement on the European arrest warrant constitutes a decisive step forward. The common definition of terrorist crimes, the drawing up of lists of terrorists and terrorist organisations, groups and bodies, the cooperation between specialist services and the provisions concerning the freezing of assets which have been adopted following Resolution 1373 of the United Nations Security Council all constitute practical responses in the campaign against terrorism. The European Council invites the Council and the Commission to move swiftly towards finalising the programme to improve cooperation between Member States with regard to threats of the use of biological and chemical means; the work of the European Civil Protection Agency will provide the framework for such cooperation.

18. The European Union is committed to alleviating the consequences of the attacks of 11 September for the aviation sector with a view to ensuring a rapid and coordinated response from all Member States. The European Council welcomes the adoption of a common position of the Council on the Regulation on aviation security.

(…)

ANNEX I

LAEKEN DECLARATION ON THE FUTURE OF THE EUROPEAN UNION

I. EUROPE AT A CROSSROADS

For centuries, peoples and states have taken up arms and waged war to win control of the European continent. The debilitating effects of two bloody wars and the weakening of Europe's position in the world brought a growing realisation that only peace and concerted action could make the dream of a strong, unified Europe come true. In order to banish once and for all the demons of the past, a start was made with a coal and steel community. Other economic activities, such as agriculture, were subsequently added in. A genuine single market was eventually established for goods, persons, services and capital, and a single currency was added in 1999. On 1 January 2002 the euro is to become a day-to-day reality for 300 million European citizens.

The European Union has thus gradually come into being. In the beginning, it was more of an economic and technical collaboration. Twenty years ago, with the first direct elections to the European Parliament, the Community's democratic legitimacy, which until then had lain with the Council alone, was considerably strengthened. Over the last ten years, construction of a political union has begun and cooperation been established on social policy, employment,

asylum, immigration, police, justice, foreign policy and a common security and defence policy. The European Union is a success story. For over half a century now, Europe has been at peace. Along with North America and Japan, the Union forms one of the three most prosperous parts of the world. As a result of mutual solidarity and fair distribution of the benefits of economic development, moreover, the standard of living in the Union's weaker regions has increased enormously and they have made good much of the disadvantage they were at.

Fifty years on, however, the Union stands at a crossroads, a defining moment in its existence. The unification of Europe is near. The Union is about to expand to bring in more than ten new Member States, predominantly Central and Eastern European, thereby finally closing one of the darkest chapters in European history: the Second World War and the ensuing artificial division of Europe. At long last, Europe is on its way to becoming one big family, without bloodshed, a real transformation clearly calling for a different approach from fifty years ago, when six countries first took the lead.

The democratic challenge facing Europe

At the same time, the Union faces twin challenges, one within and the other beyond its borders. Within the Union, the European institutions must be brought closer to its citizens. Citizens undoubtedly support the Union's broad aims, but they do not always see a connection between those goals and the Union's everyday action. They want the European institutions to be less unwieldy and rigid and, above all, more efficient and open. Many also feel that the Union should involve itself more with their particular concerns, instead of intervening, in every detail, in matters by their nature better left to Member States' and regions' elected representatives. This is even perceived by some as a threat to their identity. More importantly, however, they feel that deals are all too often cut out of their sight and they want better democratic scrutiny.

Europe's new role in a globalised world

Beyond its borders, in turn, the European Union is confronted with a fast-changing, globalised world. Following the fall of the Berlin Wall, it looked briefly as though we would for a long while be living in a stable world order, free from conflict, founded upon human rights. Just a few years later, however, there is no such certainty. The eleventh of September has brought a rude awakening. The opposing forces have not gone away: religious fanaticism, ethnic nationalism, racism and terrorism are on the increase, and regional conflicts, poverty and underdevelopment still provide a constant seedbed for them.

What is Europe's role in this changed world? Does Europe not, now that it is finally unified, have a leading role to play in a new world order, that of a power able both to play a stabilising role worldwide and to point the way ahead for many countries and peoples? Europe as the continent of humane values, the Magna Carta, the Bill of Rights, the French Revolution and the fall of the Berlin Wall; the continent of liberty, solidarity and above all diversity, meaning respect for others' languages, cultures and traditions. The European Union's one boundary is democracy and human rights. The Union is open only to countries which uphold basic values such as free elections, respect for minorities and respect for the rule of law.

Now that the Cold War is over and we are living in a globalised, yet also highly fragmented world, Europe needs to shoulder its responsibilities in the governance of globalisation. The role it has to play is that of a power resolutely doing battle against all violence, all terror and all fanaticism, but which also does not turn a blind eye to the world's heartrending injustices. In short, a power wanting to change the course of world affairs in such a way as to benefit not just the rich countries but also the poorest. A power seeking to set globalisation within a moral framework, in other words to anchor it in solidarity and sustainable development.

The expectations of Europe's citizens

The image of a democratic and globally engaged Europe admirably matches citizens' wishes. There have been frequent public calls for a greater EU role in justice and security, action against cross-border crime, control of migration flows and reception of asylum seekers and refugees from far-flung war zones. Citizens also want results in the fields of employment and combating poverty and social exclusion, as well as in the field of economic and social cohesion. They want a common approach on environmental pollution, climate change and food safety, in short, all transnational issues which they instinctively sense can only be tackled by working together. Just as they also want to see Europe more involved in foreign affairs, security and defence, in other words, greater and better coordinated action to deal with trouble spots in and around Europe and in the rest of the world.

At the same time, citizens also feel that the Union is behaving too bureaucratically in numerous other areas. In coordinating the economic, financial and fiscal environment, the basic issue should continue to be proper operation of the internal market and the single currency, without this jeopardising Member States' individuality. National and regional differences frequently stem from history or tradition. They can be enriching. In other words, what citizens understand by "good governance" is opening up fresh opportunities, not imposing further red tape. What they expect is more results, better responses to practical issues and not a European superstate or European institutions inveigling their way into every nook and cranny of life.

In short, citizens are calling for a clear, open, effective, democratically controlled Community approach, developing a Europe which points the way ahead for the world. An approach that provides concrete results in terms of more jobs, better quality of life, less crime, decent education and better health care. There can be no doubt that this will require Europe to undergo renewal and reform.

II. CHALLENGES AND REFORMS IN A RENEWED UNION

The Union needs to become more democratic, more transparent and more efficient. It also has to resolve three basic challenges: how to bring citizens, and primarily the young, closer to the European design and the European institutions, how to organise politics and the European political area in an enlarged Union and how to develop the Union into a stabilising factor and a model in the new, multipolar world. In order to address them a number of specific questions need to be put.

A better division and definition of competence in the European Union

Citizens often hold expectations of the European Union that are not always fulfilled. And vice versa – they sometimes have the impression that the Union takes on too much in areas where its involvement is not always essential. Thus the important thing is to clarify, simplify and adjust the division of competence between the Union and the Member States in the light of the new challenges facing the Union. This can lead both to restoring tasks to the Member States and to assigning new missions to the Union, or to the extension of existing powers, while constantly bearing in mind the equality of the Member States and their mutual solidarity.

A first series of questions that needs to be put concerns how the division of competence can be made more transparent. Can we thus make a clearer distinction between three types of competence: the exclusive competence of the Union, the competence of the Member States and the shared competence of the Union and the Member States? At what level is competence exercised in the most efficient way? How is the principle of subsidiarity to be applied here? And should we not make it clear that any powers not assigned by the Treaties to the Union fall within the exclusive sphere of competence of the Member States? And what would be the consequences of this?

The next series of questions should aim, within this new framework and while respecting the "acquis communautaire", to determine whether there needs to be any reorganisation of competence. How can citizens' expectations be taken as a guide here? What missions would this produce for the Union? And, vice versa, what tasks could better be left to the Member States? What amendments should be made to the Treaty on the various policies? How, for example, should a more coherent common foreign policy and defence policy be developed? Should the Petersberg tasks be updated? Do we want to adopt a more integrated approach to police and criminal law cooperation? How can economic-policy coordination be stepped up? How can we intensify cooperation in the field of social inclusion, the environment, health and food safety? But then, should not the day-to-day administration and implementation of the Union's policy be left more emphatically to the Member States and, where their constitutions so provide, to the regions? Should they not be provided with guarantees that their spheres of competence will not be affected?

Lastly, there is the question of how to ensure that a redefined division of competence does not lead to a creeping expansion of the competence of the Union or to encroachment upon the exclusive areas of competence of the Member States and, where there is provision for this, regions. How are we to ensure at the same time that the European dynamic does not come to a halt? In the future as well the Union must continue to be able to react to fresh challenges and developments and must be able to explore new policy areas. Should Articles 95 and 308 of the Treaty be reviewed for this purpose in the light of the "acquis jurisprudentiel"?

Simplification of the Union's instruments

Who does what is not the only important question; the nature of the Union's action and what instruments it should use are equally important. Successive amendments to the Treaty have on each occasion resulted in a proliferation of instruments, and directives have gradually evolved towards more and more detailed legislation. The key question is therefore whether the Union's various instruments should not be better defined and whether their number should not be reduced.

In other words, should a distinction be introduced between legislative and executive measures? Should the number of legislative instruments be reduced: directly applicable rules, framework legislation and non-enforceable instruments (opinions, recommendations, open coordination)? Is it or is it not desirable to have more frequent recourse to framework legislation, which affords the Member States more room for manoeuvre in achieving policy objectives? For which areas of competence are open coordination and mutual recognition the most appropriate instruments? Is the principle of proportionality to remain the point of departure?

More democracy, transparency and efficiency in the European Union

The European Union derives its legitimacy from the democratic values it projects, the aims it pursues and the powers and instruments it possesses. However, the European project also derives its legitimacy from democratic, transparent and efficient institutions. The national parliaments also contribute towards the legitimacy of the European project. The declaration on the future of the Union, annexed to the Treaty of Nice, stressed the need to examine their role in European integration. More generally, the question arises as to what initiatives we can take to develop a European public area.

The first question is thus how we can increase the democratic legitimacy and transparency of the present institutions, a question which is valid for the three institutions.

How can the authority and efficiency of the European Commission be enhanced? How should the President of the Commission be appointed: by the European Council, by the European Parliament or should he be directly elected by the citizens? Should the role of the European Parliament be strengthened? Should we extend the right of co-decision or not? Should the way in which we elect the members of the European Parliament be reviewed? Should a European electoral constituency be created, or should constituencies continue to be determined nationally? Can the two systems be combined? Should the role of the Council be strengthened? Should the Council act in the same manner in its legislative and its executive capacities? With a view to greater transparency, should the meetings of the Council, at least in its legislative capacity, be public? Should citizens have more access to Council documents? How, finally, should the balance and reciprocal control between the institutions be ensured?

A second question, which also relates to democratic legitimacy, involves the role of national parliaments. Should they be represented in a new institution, alongside the Council and the European Parliament? Should they have a role in areas of European action in which the European Parliament has no competence? Should they focus on the division of competence

between Union and Member States, for example through preliminary checking of compliance with the principle of subsidiarity?

The third question concerns how we can improve the efficiency of decision-making and the workings of the institutions in a Union of some thirty Member States. How could the Union set its objectives and priorities more effectively and ensure better implementation? Is there a need for more decisions by a qualified majority? How is the co-decision procedure between the Council and the European Parliament to be simplified and speeded up? What of the six-monthly rotation of the Presidency of the Union? What is the future role of the European Parliament? What of the future role and structure of the various Council formations? How should the coherence of European foreign policy be enhanced? How is synergy between the High Representative and the competent Commissioner to be reinforced? Should the external representation of the Union in international fora be extended further?

Towards a Constitution for European citizens

The European Union currently has four Treaties. The objectives, powers and policy instruments of the Union are currently spread across those Treaties. If we are to have greater transparency, simplification is essential.

Four sets of questions arise in this connection. The first concerns simplifying the existing Treaties without changing their content. Should the distinction between the Union and the Communities be reviewed? What of the division into three pillars?

Questions then arise as to the possible reorganisation of the Treaties. Should a distinction be made between a basic treaty and the other treaty provisions? Should this distinction involve separating the texts? Could this lead to a distinction between the amendment and ratification procedures for the basic treaty and for the other treaty provisions?

Thought would also have to be given to whether the Charter of Fundamental Rights should be included in the basic treaty and to whether the European Community should accede to the European Convention on Human Rights.

The question ultimately arises as to whether this simplification and reorganisation might not lead in the long run to the adoption of a constitutional text in the Union. What might the basic features of such a constitution be? The values which the Union cherishes, the fundamental rights and obligations of its citizens, the relationship between Member States in the Union?

III. CONVENING OF A CONVENTION ON THE FUTURE OF EUROPE

In order to pave the way for the next Intergovernmental Conference as broadly and openly as possible, the European Council has decided to convene a Convention composed of the main parties involved in the debate on the future of the Union. In the light of the foregoing, it will be the task of that Convention to consider the key issues arising for the Union's future development and try to identify the various possible responses.

The European Council has appointed Mr V. Giscard d'Estaing as Chairman of the Convention and Mr G. Amato and Mr J.L. Dehaene as Vice-Chairmen.

Composition

In addition to its Chairman and Vice-Chairmen, the Convention will be composed of 15 representatives of the Heads of State or Government of the Member States (one from each Member State), 30 members of national parliaments (two from each Member State), 16 members of the European Parliament and two Commission representatives. The accession candidate countries will be fully involved in the Convention's proceedings. They will be represented in the same way as the current Member States (one government representative and two national parliament members) and will be able to take part in the proceedings without, however, being able to prevent any consensus which may emerge among the Member States.

The members of the Convention may only be replaced by alternate members if they are not present. The alternate members will be designated in the same way as full members.

The Praesidium of the Convention will be composed of the Convention Chairman and Vice-Chairmen and nine members drawn from the Convention (the representatives of all the governments holding the Council Presidency during the Convention, two national parliament representatives, two European Parliament representatives and two Commission representatives).

Three representatives of the Economic and Social Committee with three representatives of the European social partners; from the Committee of the Regions: six representatives (to be appointed by the Committee of the Regions from the regions, cities and regions with legislative powers), and the European Ombudsman will be invited to attend as observers. The Presidents of the Court of Justice and of the Court of Auditors may be invited by the Praesidium to address the Convention.

Length of proceedings

The Convention will hold its inaugural meeting on 1 March 2002, when it will appoint its Praesidium and adopt its rules of procedure. Proceedings will be completed after a year, that is to say in time for the Chairman of the Convention to present its outcome to the European Council.

Working methods

The Chairman will pave the way for the opening of the Convention's proceedings by drawing conclusions from the public debate. The Praesidium will serve to lend impetus and will provide the Convention with an initial working basis.

The Praesidium may consult Commission officials and experts of its choice on any technical aspect which it sees fit to look into. It may set up ad hoc working parties.

The Council will be kept informed of the progress of the Convention's proceedings. The Convention Chairman will give an oral progress report at each European Council meeting, thus enabling Heads of State or Government to give their views at the same time.

The Convention will meet in Brussels. The Convention's discussions and all official documents will be in the public domain. The Convention will work in the Union's eleven working languages.

Final document

The Convention will consider the various issues. It will draw up a final document which may comprise either different options, indicating the degree of support which they received, or recommendations if consensus is achieved.

Together with the outcome of national debates on the future of the Union, the final document will provide a starting point for discussions in the Intergovernmental Conference, which will take the ultimate decisions.

Forum

In order for the debate to be broadly based and involve all citizens, a Forum will be opened for organisations representing civil society (the social partners, the business world, non-governmental organisations, academia, etc.). It will take the form of a structured network of organisations receiving regular information on the Convention's proceedings. Their contributions will serve as input into the debate. Such organisations may be heard or consulted on specific topics in accordance with arrangements to be established by the Praesidium.

Secretariat

The Praesidium will be assisted by a Convention Secretariat, to be provided by the General Secretariat of the Council, which may incorporate Commission and European Parliament experts.

ANNEX II

DECLARATION ON THE OPERATIONAL CAPABILITY OF THE COMMON EUROPEAN SECURITY AND DEFENCE POLICY

(A) At Nice and Göteborg, the European Council undertook to make the European Union quickly operational in this field and to take a decision to that end no later than at the European Council in Laeken. The extraordinary European Council meeting on 21 September 2001 reaffirmed the objective: "it is by developing the Common Foreign and Security Policy (CFSP) and by making the European Security and Defence Policy (ESDP) operational at the earliest opportunity that the Union will be most effective".

Through the continuing development of the ESDP, the strengthening of its capabilities, both civil and military, and the creation of the appropriate EU structures, the EU is now able to conduct some crisis-management operations. The Union will be in a position to take on progressively more demanding operations, as the assets and capabilities at its disposal continue to develop. Decisions to make use of this ability will be taken in the light of the circumstances of each particular situation, a determining factor being the assets and capabilities available.

(B) Such a capability to act results from the substantial progress that has been accomplished since the European Councils in Cologne and Helsinki.

CAPABILITIES

The conferences on military and police capabilities have enabled progress to be made towards the achievement of the capability objectives. The Member States have made voluntary contributions on the basis of national decisions. The development of military capabilities does not imply the creation of a European army. Non-EU European Member States of NATO and other candidates for accession to the European Union have made highly valuable additional military and police contributions, with the aim of enhancing European capabilities.

STRUCTURES AND PROCEDURES

On the basis of the approved exercise policy and programme, the Union has begun to test its structures and procedures relating to civilian and military crisis-management operations. The European Union has established crisis-management structures and procedures which enable it to analyse and plan, to take decisions and, where NATO as such is not involved, to launch and carry out military crisis-management operations.

ARRANGEMENTS BETWEEN THE EUROPEAN UNION AND NATO

The Union’s crisis-management capability has been strengthened by the development of consultations, cooperation and transparency between the two organisations in crisis management in the Western Balkans.

ARRANGEMENTS WITH ITS PARTNERS

The implementation of the arrangements with the non-EU European Member States of NATO and other candidates for accession to the European Union and with Canada, Russia and Ukraine has been taken further.

(C) To enable the European Union to carry out crisis-management operations over the whole range of Petersberg tasks, including operations which are the most demanding in terms of breadth, period of deployment and complexity, substantial progress will have to be made:

BALANCED DEVELOPMENT OF MILITARY AND CIVILIAN CAPABILITIES

The balanced development of military and civilian capabilities is necessary for effective crisis management by the Union: this implies close coordination between all the resources and instruments both civilian and military available to the Union.

The strengthening of military capabilities in accordance with the European Action Plan to remedy shortcomings identified and the implementation of the exercise policy will be necessary to enable the Union progressively to carry out more complex operations. The importance of adopting the planned mechanism for the development of military capabilities should be emphasised, in particular to avoid all unnecessary duplication and, for the Member States concerned, to take into account NATO's defence planning process and the planning and review process of the Partnership for Peace (PARP).

The Police Action Plan will be implemented to enable the Union to be capable in the near future of carrying out police operations. The Union will continue its efforts to develop means of rapidly achieving and implementing concrete targets in the following priority areas: rule of law, civilian administration and civil protection.

To achieve these objectives, the Union, and in particular the Ministers responsible, will seek solutions and new forms of cooperation in order to develop the necessary capabilities, in accordance with this report, making optimum use of resources.

FINALISATION OF THE ARRANGEMENTS WITH NATO

The Union intends to finalise the security arrangements with NATO and conclude the agreements on guaranteed access to the Alliance's operational planning, presumption of availability of pre-identified assets and capabilities of NATO and identification of a series of command options made available to the Union. These agreements are essential for the ESDP and will substantially increase the Union's available capabilities.

IMPLEMENTATION OF THE ARRANGEMENTS WITH ITS PARTNERS

The full and complete implementation of the Nice arrangements with the 15 and the 6, their additional contribution to the civilian and military capabilities and their participation in a crisis-management operation in accordance with those arrangements (in particular by setting up a Committee of Contributors in the event of an operation) will appreciably strengthen crisis-management operations carried out by the European Union.

PRESIDENCY REPORT ON EUROPEAN SECURITY AND DEFENCE POLICY

INTRODUCTION

1. Under the Belgian Presidency, the European Union has continued its efforts in the framework of the European security and defence policy. These efforts come within the framework of the principles established at the European Councils of Cologne, Helsinki, Feira, Nice and Göteborg. On the basis of those principles and of the progress already made, the Union is determined to continue increasing its civil and military capabilities.

2. Developing the ESDP will also increase the EU's capacity to act in preventing conflicts. In this area, the Presidency has begun implementing the European Union's programme for preventing violent conflicts and has paid particular attention to conflict prevention in the Western Balkans, the Middle East and Africa.

3. In presenting this report, the Presidency has noted that Denmark has drawn attention to Protocol No 5 annexed to the Treaty of Amsterdam on Denmark's position.

FOLLOW-UP TO THE ATTACKS OF 11 SEPTEMBER

4. The terrible attacks against the United States demonstrated that terrorism was a real challenge for Europe. In that light, it is essential to speed up resolutely implementation of the ESDP. Through the military and civil capabilities developed by the European Union for crisis management, the CFSP will become stronger and better contribute to preventing and controlling the terrorist threat for the benefit of the populations concerned.

5. The terrorist attacks and their diplomatic and military consequences have led to a strengthening of the solidarity between the EU and the US. Increased consultations have made it possible to contribute to the establishment of a broad coalition against terrorism under the aegis of the United Nations. Consultations with the United States will be stepped up, including at PSC level.

CONTINUOUS REINFORCEMENT OF THE EUROPEAN UNION'S CAPACITY TO TAKE DECISIONS AND TO ACT

IMPROVING MILITARY CAPABILITIES

6. The Capability Improvement Conference held in Brussels on 19 November 2001 helped to reinforce the military capabilities of the European Union. At the Conference, Member States reaffirmed their commitment to meet fully the objectives defined at Helsinki and to make good the shortcomings identified. Going beyond the contributions established at the November 2000 Conference, which they confirmed, Member States voluntarily made significant improvements in terms of both quantity and quality.

An assessment of the revised national contributions confirms that the EU should be able to carry out the whole range of Petersberg tasks by 2003. However, efforts must be made if the Union is to be able to carry out the most complex operations as efficiently as possible and to reduce any limitations and restrictions in terms of the breadth of the operation and the time taken to deploy forces as well as the level of risk.

7. That Conference represents an important stage in a demanding process for strengthening the Union's military capabilities, with the aim of achieving by 2003 the headline goal which has been set. That process will continue beyond that date in order to achieve the strategic capability goals within the framework of a dynamic and permanent process for adapting forces and capabilities. The Council has approved the statement adopted at the Capability Improvement Conference and the European Capability Action Plan designed to rectify the remaining shortcomings (Annex I). This Action Plan defines a method making it possible to mobilise voluntarily all efforts, investments, developments and coordination measures, both nationally and multinationally, in order to improve existing resources and progressively develop the capabilities needed for the Union's crisis-management actions. The analysis and assessment of the shortcomings will be continued under the responsibility of the Military Committee and account will be taken in particular of the discussions of the HTF, including in the format of groups of experts suited to the particular case. The capability development mechanism, which will comprise the tools required for the permanent and detailed process, will make it possible to arrange for the monitoring and progress of the development of European military capabilities. The Council recognised the importance of collaboration between defence industries.

IMPROVING CIVIL CAPABILITIES

8. The Union has continued to improve its civil capabilities in the four priority areas identified at Feira: police, strengthening the rule of law, strengthening civilian administration and civil protection.

9. Action in the police field has assumed a paramount role in the improvement of civil capabilities. At the Ministerial Police Capabilities Commitment Conference held on 19 November 2001, Member States undertook to provide up to 5 000 police officers by 2003, of whom up to 1 400 could be deployed in under 30 days.

These commitments, which constitute a new and essential crisis-management capability, have made it possible to confirm that the specific targets set at Feira for 2003 have been met. On 19 November 2001 the Council approved the declaration adopted by the Ministerial Police Capabilities Commitment Conference (Annex II).

10. To take forward implementation of the Police Action Plan adopted at Göteborg, the Presidency accorded special importance to three themes identified as priority areas in the Plan: command and control, training and selection criteria and interoperability. With the help of the Police Unit established in the Council Secretariat, considerable progress has been made in these fields at this stage (Annex II).

11. Work has also continued on developing the specific goals defined at Göteborg in the other priority areas:

– Rule of law: in accordance with the Göteborg mandate and to give added value to the work of international organisations, the EU has undertaken to promote the development of a minimum temporary legal framework within the framework of the UN, taking into account the relevant international standards applicable in situations where there is an institutional vacuum or where local law does not apply or is deemed to contradict general principles of law (Annex III).
– Civilian administration: among the sectors identified at Göteborg, the Union examined in particular the possible participation of customs experts, particularly as regards identifying the functions needed.
– Civil protection: the Union has begun the process of identifying the Member States' capabilities which will make it possible to improve the Union's response in crisis aid missions on the basis of possible scenarios and with the help of the Community Civil Protection Mechanism (Annex III).

12. Particular attention has been paid to training personnel for civilian crisis management. The Union has continued work on police training and selection criteria and the Commission has launched an initiative, in cooperation with Member States and the competent international organisations, to develop training modules on strengthening the rule of law and civilian administration.

STRENGTHENING POLITICAL AND SUPPORT STRUCTURES

13. The permanent bodies (Political and Security Committee and Military Committee) set up in the first half of 2001 have become fully operational. To support the work of these permanent bodies, the politico-military structure of the Secretariat has been reinforced and includes a police unit. The military staff has completed its expansion and an integrated civil and military situation centre is in permanent operation, providing in particular an early-warning system and crisis-situation monitoring.

The Ministers for Defence have reaffirmed their responsibility in developing the headline goal. In addition to the holding of General Affairs Councils extended to Ministers for Defence, discussion has begun on the establishment of a Defence Ministers Council to monitor development of military capabilities.

On the basis of his report to the General Affairs Council on 19 November 2001, the SG/HR is continuing his efforts to increase intelligence cooperation to support the Union's crisis-management capability.

14. The Institute for Security Studies and the European Union Satellite Centre will come into operation on 1 January 2002.

DEVELOPING PROCEDURES AND PREPARING EXERCISES

15. Crisis-management procedures to make it possible to take decisions rapidly and efficiently and adequately coordinate all the Union's instruments continue to be developed and improved: a second workshop on 24 and 25 October 2001 in the form of a meeting of the EU's Political and Security Committee and Military Committee made significant progress in the process of validating these procedures. Preparation of the crisis-management exercise planned for 2002 continues in accordance with the policy and programme of exercises endorsed at Göteborg.

16. Detailed examination of the procedures for financing crisis-management operations has begun.

17. Special attention has been paid to improving the way public opinion is informed. The Institute for Security Studies will work in particular on a publication on European defence in the framework of the Petersberg tasks.

The Presidency has continued its dialogue with the Parliamentary Assemblies on developments in ESDP and crisis management.

Health issues related to military operations were the subject of an initiative aimed at secure and efficient exchanges of information.

COOPERATION WITH NATO

18. The establishment of an ongoing and effective relationship and a strategic partnership in crisis management with NATO, on the basis of the principles approved at Feira and Nice, is an essential element of the ESDP. Consultations and cooperation between the two organisations have continued in matters of security, defence and crisis management of common interest in order to make possible the most appropriate military response to a given crisis and ensure effective crisis management, while fully respecting the decision-making autonomy of NATO and the EU.

19. The EU and NATO have cooperated closely on issues of crisis management in the Western Balkans, notably the former Yugoslav Republic of Macedonia and Southern Serbia. This cooperation has proved particularly fruitful and been exemplary in all respects. Consultations have also intensified in the wake of the terrorist attacks of 11 September.

This cooperation has taken the form, in particular, of political consultations at ministerial level between the Political and Security Committee and the North Atlantic Council, and of meetings between the respective Military Committees. The Secretary-General/High Representative and the Secretary General of NATO and their representatives conducted joint actions in the Western Balkans.

20. Discussions between the EU and NATO on arrangements, based on those approved by the European Council at its Nice meeting, to allow the EU to use NATO resources and capabilities, are continuing with high priority. Work has progressed with a view to rapidly concluding a

definitive security agreement in accordance with the conclusions of the Nice and Feira European Councils. The provisional agreement remains in force in the meantime. Progress in the field of military capabilities has benefited from the support of NATO experts.

COOPERATION WITH THE INTERNATIONAL ORGANISATIONS

21. The development of European crisis-management capabilities increases the range of instruments for responding to crises available to the international community. The efforts made will also enable the Union and Member States to respond more effectively and more coherently to requests from leading organisations such as the UN or the OSCE.

22. The Union has begun to cooperate more fully with the United Nations in crisis management and conflict prevention concerning the themes and in the specific areas endorsed by the Göteborg European Council. Regular contacts at different levels with the representatives of the United Nations have made it possible to keep up the necessary links on the main subjects of common interest. Those contacts have also led to examination, on the basis of the principles and procedures established, of how the development of European capabilities in the ESDP could contribute to United Nations efforts in peacekeeping operations.

23. Management of the crisis in the Former Yugoslav Republic of Macedonia constitutes a new positive expression of cooperation with the OSCE, which will be turned to account in continuing to develop links between the European Union and the OSCE on all matters of common interest.

COOPERATION WITH THE NON-EU EUROPEAN MEMBER STATES OF NATO AND OTHER CANDIDATES FOR ACCESSION TO THE EU

24. The European Union reaffirms that the ESDP is an open project: it has therefore particularly sought to implement the arrangements agreed at Nice.

On 20 November the EU Ministers for Foreign Affairs and Defence met their counterparts from the non-EU European Member States of NATO and other candidates for accession to the EU to inform them of the outcome of the Capability Improvement Conference. The European Union welcomes the continuation of consultations with its partner countries and the announcements of military contributions made at that meeting, which help to broaden the range of capabilities available for EU-led operations.

The Ministers of the Member States of the European Union responsible for police matters met their counterparts from those countries for the first time to inform them about the process of committing police capabilities. The meeting confirms the Union's interest in involving those countries in civilian crisis management operations. The Union welcomes the contributions to police missions announced by those countries and additional to those made by the EU.

During the Presidency, meetings at PSC and Military Committee level have enabled a regular dialogue to be kept up with those countries, including assessment of the security situation following the attacks in the United States.

COOPERATION WITH OTHER POTENTIAL PARTNERS

25. The arrangements agreed at Nice on strengthening dialogue, cooperation and consultation on security and defence matters with the countries concerned have been implemented during the Presidency. At those meetings, exchanges of views on ESDP and crisis-management issues, and on developments following the events of 11 September, took place. The Union will continue to consider ways for these countries to participate in Union-led operations.

26. Further detailed consultations have been held with Canada on the basis of the arrangements defined at the EU-Canada Summit on 19 December 2000.

27. The Union reaffirms its determination to implement its partnership with Russia. Implementation of the Joint Statement adopted at the EU-Russia Summit on 3 October 2001 on strengthening dialogue and cooperation on political and security issues has deepened the relationship with Russia in those areas, in particular via more regular Troika meetings of the PSC.

28. The Union has continued to strengthen its dialogue with Ukraine, in particular on the occasion of the EU-Ukraine Summit on 11 September, and is examining the possibility of practical cooperation with Ukraine.

MAKING THE EU OPERATIONAL

29. **(A)** At Nice and Göteborg, the European Council undertook to make the Union quickly operational in this field and to take a decision to that end no later than at the European Council in Laeken. The extraordinary European Council meeting on 21 September 2001 reaffirmed the objective: "it is by developing the Common Foreign and Security Policy (CFSP) and by making the European Security and Defence Policy (ESDP) operational at the earliest opportunity that the Union will be most effective".

Through the continuing development of the ESDP, the strengthening of its capabilities, both civil and military, and the creation of the appropriate EU structures, the EU is now able to conduct some crisis-management operations. The Union will be in a position to take on progressively more demanding operations, as the assets and capabilities at its disposal continue to develop. Decisions to make use of this ability will be taken, in the light of the circumstances of each particular situation, a determining factor being the military and civil assets and capabilities at the disposal of the Union at that particular stage.

(B) Such a capability to act results from the substantial progress that has been accomplished since the European Councils in Cologne and Helsinki.

Capabilities.
The conferences on military and police capabilities have enabled progress to be made towards the achievement of the capability objectives. The Member States have made voluntary contributions on the basis of national decisions. The development of military capabilities does not imply the creation of a European army. Non-EU European Member States of NATO and

other candidates for accession to the EU have made highly valuable additional military and police contributions, with the aim of enhancing European capabilities (see paragraphs 6, 7, 9 and 24).

Structures and procedures
On the basis of the approved exercise policy and programme, the Union has begun to test its structures and procedures relating to civilian and military crisis-management operations (see paragraphs 13, 14 and 15). The European Union has established crisis-management structures and procedures which enable it to analyse and plan, to take decisions and, where NATO as such is not involved, to launch and carry out military crisis-management operations.

Arrangements between the EU and NATO
The Union's crisis-management capability has been strengthened by the development of consultations, cooperation and transparency between the two organisations in crisis management in the Western Balkans (see paragraph 19).

Arrangements with its partners
The implementation of the arrangements with the non-EU European Member States of NATO and other candidates for accession to the EU and with Canada, Russia and Ukraine has been taken further (see paragraphs 24, 25, 26, 27 and 28).

(C) To enable the European Union to carry out crisis-management operations over the whole range of Petersberg tasks, including operations which are the most demanding in terms of breadth, period of deployment and complexity, substantial progress will have to be made:

Balanced development of military and civilian capabilities
The balanced development of military and civilian capabilities is necessary for effective crisis management by the Union: this implies close coordination between all the resources and instruments both civilian and military available to the Union.

The strengthening of military capabilities in accordance with the European Action Plan to remedy shortcomings identified and the implementation of the Exercise Policy will be necessary to enable the Union progressively to carry out more complex operations. The importance of adopting the planned mechanism for the development of military capabilities should be emphasised, in particular to avoid all unnecessary duplication and, for the Member States concerned, to take into account NATO's defence planning process and the planning and review process of the Partnership for Peace (PARP).

The Police Action Plan will be implemented to enable the Union to be capable in the near future of carrying out police operations. The Union will continue its efforts to develop means of rapidly achieving and implementing concrete targets in the following priority areas: rule of law, civilian administration and civil protection.

To achieve these objectives, the Union, and in particular the Ministers responsible, will seek solutions and new forms of cooperation in order to develop the necessary capabilities, in accordance with this report, making optimum use of resources.

Finalisation of the arrangements with NATO

The Union intends to finalise the security arrangements with NATO and conclude the agreements on guaranteed access to the Alliance's operational planning, presumption of availability of pre-identified assets and capabilities of NATO and identification of a series of command options made available to the Union. These agreements are essential for the ESDP and will substantially increase the Union's available capabilities.

Implementation of the arrangements with its partners

The full and complete implementation of the Nice arrangements with the 15 and the 6, their additional contribution to the civilian and military capabilities and their participation in a crisis-management operation in accordance with those arrangements (in particular by setting up a Committee of Contributors in the event of an operation) will appreciably strengthen crisis-management operations carried out by the European Union.

MANDATE FOR THE SPANISH PRESIDENCY

30. On the basis of the present report, the Spanish Presidency is invited, in association with the Secretary General/High Representative, to continue work within the General Affairs Council on developing the European security and defence policy, implementing the measures necessary for the following:

– to progress in the building of European military capabilities and in remedying the remaining shortfalls in view of the completion of the Headline Goal and, in particular,
(i) to implement the European Capabilities Action Plan
(ii) to ensure the improvement of Command and Control arrangements for national and multinational Headquarters
(iii) to take forward the Helsinki mandate to develop the procedures and concepts required to deploy the rapid response elements of the Headline Goal;

– to enhance cooperation in the field of armaments as Member States consider appropriate;

– to continue work on defining the details of the capabilities development mechanism for military capabilities as specified in Nice;

– to continue discussions with NATO as a matter of urgency with a view to establishing as soon as possible the envisaged arrangements for the implementation of the conclusions of the Nice European Council and to enhance EU-NATO cooperation in crisis management;

– to take the measures necessary for the further improvement, testing and validation of the crisis-management mechanisms, including structures and procedures. To this end a crisis management exercise (CME 02), which will test the decision-making and the coordination of the full range of military and civilian instruments, will be carried out;

– with a view to achieving the objectives laid down in Feira, to continue implementing the Police Action Plan;

– to make progress with the attainment of the objectives as regards the rule of law, as defined by the Göteborg European Council;

– to make progress with the attainment of the concrete objectives identified by the Göteborg European Council in the other priority areas of the civil aspects of crisis management, namely civil administration and civil protection;

– to work out the practical modalities of civil-military coordination;

– to continue work with a view to finalising the financing arrangements related to the implementation of crisis-management operations;

– to continue examining the Presidency proposal for the establishment of formal meetings of the Union's Defence Ministers;

– to report on the implementation of the European programme for the prevention of violent conflicts;

– to implement fully the agreed arrangements for consultation and participation with non-EU European NATO members and other countries which are candidates for accession to the EU;

– to implement fully the agreed arrangements for consultation and participation of other potential partners;

– to continue developing and giving further practical expression to EU cooperation with the UN, the OSCE and other relevant organisations.

The Spanish Presidency is invited to submit a report to the European Council in Seville.

ANNEX I

STATEMENT ON IMPROVING EUROPEAN MILITARY CAPABILITIES

EUROPEAN CAPABILITY ACTION PLAN

I. DEVELOPMENT OF MILITARY CAPABILITIES

1. In connection with the pursuit of the objectives of the CFSP, the efforts which have been undertaken since the Cologne, Helsinki, Feira, Nice and Göteborg European Councils aim to give the European Union the means to play a full part at international level in accordance with the principles of the United Nations Charter and to face up to its responsibilities to cope with crises by developing the range of instruments already at its disposal and adding a military capability to carry out all the conflict-prevention and crisis-management tasks as defined in the Treaty on European Union ("Petersberg tasks"). Such a development also calls for a true

strategic partnership between the EU and NATO in crisis management, with due regard for the decision-making autonomy of the two organisations.

2. At the Capability Improvement Conference in Brussels on 19 November 2001,[1] the Ministers for Defence reaffirmed their responsibility for the development of the headline goal (being able to deploy 60 000 men in less than 60 days and to sustain them for at least one year). On that occasion, they emphasised their determination to seek solutions and new forms of cooperation in order to develop the necessary military capabilities and make good the shortcomings identified, while making optimum use of resources.

Member States reaffirm their steadfast commitment to meet the objectives set in Helsinki in full and to respond to the shortcomings which had been identified. Their revised national contributions strengthen the realisation of the headline goal. Member States also agreed on a "European Capability Action Plan" (see Chapter III) incorporating all the efforts, investments, developments and coordination measures executed or planned at both national and multinational level with a view to improving existing resources and gradually developing the capabilities necessary for the Union's activities.

That Conference represents an important stage in a demanding process for strengthening the Union's military capabilities, with the aim of achieving by 2003 the headline goal which has been set. That process will continue beyond that date in order to achieve the strategic capability goals within the framework of a dynamic and permanent process for adapting forces and capabilities.

II. CONTRIBUTIONS

3. General

At the Capability Improvement Conference, Member States voluntarily confirmed their contributions as established at the Conference in November 2000, and made significant improvements in terms of both quantity and quality, which enabled several shortcomings to be rectified. The multi-role possibilities of certain capabilities and the substitution process are also enabling other deficiencies to be made good in whole or in part.

An assessment of the revised national contributions confirms that the EU should be able to carry out the whole range of Petersberg tasks by 2003.

However, efforts must be made if the Union is to be able to carry out the most complex operations as efficiently as possible and to reduce any limitations and restrictions in terms of the breadth of the operation and the period of deployment as well as the level of risk.

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[1] Denmark drew attention to Protocol No 5 annexed to the Amsterdam Treaty.

4. **Forces**

Contributions and progress made

In quantitative terms, Member States' voluntary contributions confirm the existence of a body of resources consisting of a pool of more than 100 000 men, around 400 combat aircraft and 100 ships, fully satisfying the requirements defined by the headline goal to conduct different types of crisis-management operations. Ground element contributions meet the basic requirements for forces and support and back–up resources. Maritime requirements are well catered for. The air capabilities offered meet the quantitative requirements for air defence and ground troop support.

Member States have made substantial additional contributions, thus rectifying several shortcomings and deficiencies in whole or in part. In the case of land-based resources, this relates in particular to multiple rocket launcher, transmission, electronic warfare, armoured infantry and bridging engineering units. With regard to naval resources, progress has been achieved in the naval aviation sector. As regards aviation resources, additional contributions have been made in the fields of combat search and rescue and precision guided weapons.

Efforts to be made

Additional efforts must be made with regard to protecting forces deployed, commitment capability and logistics. The degree of availability of ground elements, operational mobility and the flexibility of the force deployed must also be improved.

Improvements in the fields of naval aviation resources and maritime medical evacuation must continue to be sought. There are still problems to be solved with regard to air elements, *inter alia* in the fields of combat search and rescue and precision guided weapons.

5. **Strategic capabilities**

Contributions and progress made

With regard to command, control, communications and intelligence resources (C3I), Member States are offering a sufficient number of headquarters at the levels of operation, force and component, as well as deployable communications units. Member States have also offered a number of intelligence resources to contribute towards the EU's analysis and surveillance capabilities. The air and sea transport available will enable an initial entry force to be deployed; strategic mobility has also been improved. Progress has been made in the C3I field and in maritime strategic mobility.

Efforts to be made

A qualitative analysis of certain C3I resources has yet to be made. If this analysis reveals certain deficiencies, they must be regarded as critical. Moreover, shortcomings exist with regard to deployable communications units. Additional efforts must be made with regard to

assistance for strategic decision-making as the possibilities for intelligence, achievement of goals, surveillance and reconnaissance (ISTAR) remain limited. As regards strategic mobility, the main shortcomings relate to wide-body aircraft and roll-on/roll-off ships. However, the impact of those shortcomings could be reduced by making more effective use of existing resources (coordinated or joint use of resources, planning of movements, etc.) and using commercial resources on a methodical basis.

6. **Qualitative improvements**

In addition to these quantitative improvements, all Member States have - without exception - taken measures which will undoubtedly help to achieve the headline goal of crisis management by enhancing the qualitative aspects of their Armed Forces. Their many efforts are focused on the following eight areas: structures of the Armed Forces; budgets; staff; multinational cooperation; logistics; training; research and technology, industrial cooperation, public procurement; civilian/military cooperation. The steps taken by Member States, which they are planning to pursue, are likely to improve the availability, deployability, survivability, sustainability and interoperability of the Armed Forces. The analysis of the progress and efforts to be made, in particular to ensure the easy availability of certain forces defined in the Helsinki headline goal, will be continued.

7. **Contributions by the Fifteen and the Six**

The non-EU European Member States of NATO and the other candidate countries for accession to the EU have also helped improve European military capabilities through the highly valuable additional contributions made at the Ministerial Meeting on 21 November 2000 and included in a supplement to the Forces Catalogue. Those countries were invited to update their contributions at the Ministerial Meeting on 20 November 2001 in accordance with a procedure parallel to that applicable to the 15 Member States, as was the case last year. Their offers, revised in terms of both quantity and quality, are welcomed as additional capabilities which contribute to the range of capabilities available for EU-led operations. Those contributions will be evaluated in cooperation with the countries concerned in accordance with the same criteria as those applicable to the Member States.

8. **Capability development mechanism** (CDM)

As agreed at the Göteborg European Council, and in order to ensure the sustainability of measures to strengthen the EU's capabilities, Member States will recall the importance of adopting a detailed monitoring and evaluation mechanism for military capabilities in accordance with the Nice conclusions. To avoid any unnecessary duplication for the Member States concerned, that mechanism will take account of NATO's defence planning processes and the planning and review process of the Partnership for Peace (PARP).

III. EUROPEAN CAPABILITY ACTION PLAN

9. **Introduction**

In keeping with decisions taken at the Helsinki European Council and subsequent Councils, Member States have undertaken, on a voluntary basis, to continue improving their military capabilities with a view to boosting development of European crisis-management capabilities. At the Capability Improvement Conference (CIC) on 19 November 2001, the Member States

identified shortcomings and agreed on a plan of action for remedying them. This plan will help to achieve the goals set by the European Council in Helsinki. It is based on national decisions (a "bottom-up" approach). By rationalising Member States' respective defence efforts and increasing the synergy between their national and multinational projects, it should make for an enhanced European military capability. The European Capability Action Plan is also designed to back up the political plan which gave rise to the headline goal and to create the necessary impetus for achieving the aims which the Union set in Helsinki. The European Capability Action Plan, which will be implemented in a spirit of transparency, is mainly designed to rectify the remaining deficiencies. The capability development mechanism (CDM), which will comprise the tools required for the permanent and detailed process, will make it possible to arrange for the monitoring and progress of the development of European military capabilities.

10. Principles of the European Capability Action Plan

The Action Plan is therefore based on the following principles:

- **Enhanced effectiveness and efficiency of European military capability efforts.** The current fragmentation of defence effort provides scope for Member States to rationalise. This might be done by stepping up military cooperation between Member States or groups of Member States.
- **A "bottom-up" approach to European defence cooperation.** Member States' commitments would be on a voluntary basis, with due regard for national decisions. The required capabilities will be achieved partly by carrying out national and multinational projects which are already planned and partly by developing new projects and initiatives to make good remaining deficiencies.
- **Coordination between EU Member States and cooperation with NATO.** Application of this principle is essential to target specific shortcomings, avoid unnecessary duplication and ensure transparency and consistency with NATO.
- **Importance of broad public support.** The public in the Member States must have a clear vision of the context in which CFSP development is situated, of the existing shortcomings and the efforts to be made to achieve the objectives set. This transparency of the Action Plan will help to make the action plan more effective and back up the political action and political will underpinning it.

11. National and multinational projects

It appears from an analysis of ongoing national and multinational projects, whether planned or envisaged, that if these projects are brought to a conclusion and the resources made available to the EU, they will enable the vast majority of existing shortcomings to be addressed in full or in part. However, this analysis of projects and initiatives shows that they are not currently sufficient to remedy all the shortcomings which have been identified. It is therefore important to find ways of making good each remaining deficiency. The action plan will be effective only if the Member States undertake to make good all deficiencies by bringing their current and future projects and initiatives to a conclusion and making these new capabilities available to the EU. The success of this process will necessitate major, on-going efforts from the Member States.

12. **Implementation of the Action Plan**

a. There is a very broad range of options available to remedy the remaining shortcomings:

– if national forces and capabilities other than those already declared were made available and included in future projects and initiatives, this would enable some deficiencies to be made good, particularly those in relation to forces;

– other alternatives would consist, first, of making existing capabilities more effective and efficient and, second, of seeking creative responses, going beyond the traditional framework of military procurement programmes;

– multinational solutions might include the co-production, financing and acquisition of capabilities, particularly for large-scale projects but also for very specific capabilities. These solutions might also extend to the management and use of the equipment when it is use.

b. Taking account of the results of the meeting of senior national experts responsible for defence procurement and planning, whose role is important in this context, an analysis and evaluation, both in qualitative and quantitative terms, of all the shortcomings will be continued under the responsibility of the Military Committee. This analysis should produce detailed specifications which will assist the quest for appropriate solutions.

c. For the sake of efficiency and flexibility and in order to render Member States accountable, the HTF must be brought together, by type of capability, in the formation of panels of experts, adapted on a case-by-case basis. The panels' remit will be to analyse remaining deficiencies as a whole and to identify all the feasible national or multinational solutions. A pilot country (or group of countries) could be responsible for leading, coordinating and summarising the work of these panels.

d. In connection with its responsibilities as defined in the conclusions of the Nice European Council for the political management of military capability development, the PSC will report to the Council at regular intervals on the basis of the Military Committee's opinions.

IV. ARMS INDUSTRY

13. The Ministers assessed the progress being made towards a restructuring of European defence industries and towards strengthening the industrial and technological defence base, which has to be competitive and dynamic. This is a positive factor which constitutes a major step forward and contributes to the strengthening of the Union's capabilities and hence also to the success of the European Military Capability Action Plan. The Ministers also acknowledged the importance of improving harmonisation of military requirements and the planning of arms procurement, as seen fit by Member States. The Ministers also recognised the importance of collaboration between defence industries.

ANNEX II

MINISTERIAL POLICE CAPABILITIES COMMITMENT CONFERENCE

DECLARATION

1. Successive European Councils have reaffirmed their commitment to developing the civil and military resources and capabilities required to enable the Union to take and implement decisions on the full range of conflict-prevention and crisis-management missions defined in the Treaty on European Union, the so-called "Petersberg tasks". The Union will thus be able to make a greater contribution to international security in keeping with the principles of the United Nations Charter and the Helsinki Final Act. The Union recognises the primary responsibility of the United Nations Security Council for the maintenance of international peace and security.

2. In the field of civilian capabilities, the European Council at Feira identified four priority areas of work: police, strengthening the rule of law, strengthening civilian administration and civil protection. Recognising the central role of police in international crisis-management operations, and the increasing need for police officers for such operations, EU Member States, cooperating voluntarily have set themselves concrete targets on overall EU capabilities, rapid deployment capability and raising standards for international police missions. In particular, Member States agreed that by 2003 they should, as a final objective, be able to provide up to 5 000 police officers for international missions across the range of crisis-prevention and crisis-management operations, and in response to specific needs at the different stages of these operations. Within this target for overall EU capabilities, Member States also undertook to be able to identify and deploy up to 1 000 police officers within 30 days.

3. The police capabilities the EU is developing will increase and improve the effectiveness of the Union's capacity to respond to crises. This will enable the EU to provide support to UN and OSCE-led police operations as well as conduct EU-led autonomous operations. The European Union will ensure that its own efforts and those of the United Nations, the OSCE and the Council of Europe are consistent and mutually reinforcing, without any unnecessary duplication.

4. Police Capabilities Commitment Conference at Ministerial level took place in Brussels on 19 November 2001 in order to draw together the national commitments to meet the police capabilities goals set by the Feira European Council. The Conference also considered current and future work on the implementation of the Police Action Plan adopted at the European Council in Göteborg, as a follow-up to the Presidency Conference of National Police Commissioners which took place on 10 May 2001.

5. At the Conference, Member States on a voluntary basis have made the following quantitative and qualitative commitments to build up the EU police capacity for crisis-management operations. In doing so, they contribute to the creation of a new and essential capacity for crisis management, capable of covering the full range of police missions identified by the European Councils of Nice and Göteborg, i.e. from training, advisory and monitoring missions to executive missions. The targets set at Feira have therefore been met.

(a) Quantitative aspects

With regard to the overall objective, Member States have undertaken to provide 5 000 police officers by 2003. With regard to the objective of deploying police officers within thirty days, Member States have undertaken to provide up to 1 400 police officers by 2003. As part of their commitments, some Member States have undertaken to provide rapidly deployable, integrated and interoperable police units.

(b) Qualitative aspects

With regard to the qualitative aspects, the two types of mission – strengthening of, and substituting for local police forces – draw on all specialist policing functions available in Member States. The capabilities are committed on the basis of individual police officers or integrated police units. The latter can constitute an efficient asset in the early stages of complex situations as identified at the Nice European Council.

The police capabilities committed comprise both police forces with civil status and police forces with military status of gendarmerie type. This diversity is a qualitative asset for the European Union. In the case of an operation involving military and police components, the EU's action on Petersberg tasks requires a strong synergy between the police and the military components of such an operation. On the ground, this will be ensured by close coordination between the two components, taking into account the constraints on the deployment of Member States' police forces.

The Union will thus be able to achieve or provide the full range of police missions, at various stages of crisis management and conflict prevention. These missions, in close conjunction with missions aimed at strengthening the rule of law, can contribute positively to the securing of a democratic society, respectful of human rights and liberties.

6. Member States, on the basis of the work of the Police Unit in the Council Secretariat, have taken forward implementation of the Police Action Plan, adopted at the European Council of Göteborg. The Commitment Conference welcomed the considerable progress made so far on qualitative requirements for training and selection criteria, as well as on guidelines for command and control, and looked forward to further work in these areas.

The Commitment Conference stressed the importance of providing adequate resources to the Police Unit, in particular to ensure rapid implementation of the Police Action Plan. The Police Unit was established to give the EU the ability to plan and conduct police operations (including through integrated planning and coordination, situation assessment, preparation of exercises and preparation of legal frameworks and rules).

At the European Council in Nice it was agreed that the contribution of non-EU Member States to the EU's crisis-management operations, in particular in EU police missions, will be given favorable consideration, in accordance with procedures to be determined.

The European Council in Göteborg then adopted guiding principles and modalities for contributions of non-EU states to EU police missions.

Therefore, the interest shown by non-EU States in the area of EU crisis-management operations with civilian means, and the contributions they might be willing to offer are warmly welcomed. The meeting on 20 November with non-EU European NATO members and other countries which are candidates for accession to the EU will present an opportunity to inform these countries of progress made in the area of police, to learn about their own efforts in this regard, and for those who wish to do so, to indicate their readiness to make supplementary contributions to police missions carried out by the EU.

ANNEX III

PURSUIT OF THE CONCRETE OBJECTIVES RELATING TO THE RULE OF LAW AND CIVIL PROTECTION IN THE CONTEXT OF CIVILIAN ASPECTS OF CRISIS MANAGEMENT

RULE OF LAW

The Göteborg European Summit agreed that:

– "The EU attaches great importance to the strengthening of the rule of law as a tool for both conflict prevention and crisis management. Experience shows that strengthening the rule of law is a pre-condition for consolidation of peace and security. International efforts to strengthen, and where necessary re-establish, credible local police forces cannot be fully successful if the police are not complemented by a functioning judicial and penal system."

– "The EU should also step up its efforts to play a catalysing role within international organisations, and in this context promote the definition of clear mandates for international missions involving officials and experts in the field of rule of law, as well as the elaboration within the UN framework of a basic, directly applicable, interim legal framework, to be used when the international community faces an institutional and normative vacuum."

Moreover the Belgian Presidency was mandated to take measures in order to promote the setting-up and implementation of the concrete objectives identified notably in the field of the rule of law.

On this basis, the following conclusions have been reached during the Belgian Presidency:

1. Difficulties encountered in the field of rule of law

Several conclusions have been drawn, notably by the UN, concerning difficulties encountered in the restoration of the rule of law in relation to crisis-management operations. It is therefore

necessary to promote solutions to address legal problems that transitional missions in the field of the administration of justice have to face under some circumstances.

These problems include the restoration of a non-existing or non-functioning judicial system, the insecurity resulting from breakdown of law and order, the possible conflict between security and respect for human rights.

Furthermore, the Göteborg Council agreed that the EU and its Member States should develop on a phased basis a comprehensive range of agreed standards for selection, training and equipment of officials and experts in the field of the rule of law, and modules for their training. It should also be examined to what extent SOFA and rules of engagement would affect their missions.

2. Necessity of a legal framework within the framework of the UN

Considering this conclusion shared by all national and international actors and on the basis of the Göteborg mandate, the Presidency has identified the following elements to be taken into account.

2.1. Recognition and observance of the local law

As a principle, local law should be applied by the international and local actors to the largest extent possible. In the case of the temporary absence or inapplicability of local law, recourse might be made to an interim legal framework to be elaborated within the framework of the UN.[1]

It would be desirable that international actors, police forces and judiciary have a good knowledge, in their respective field, of the law and the procedures of the region in crisis but should also possess the means to guarantee in the field the enforcement of the fundamental rights that are the pillars of the rule of law. For this purpose, an identification of the relevant international standards to be taken into account could be helpful.

2.2. Role of the EU in the promotion of the elaboration of a basic interim legal framework

An interim framework based on public international law and able to be immediately used by all actors participating in a crisis-management mission should be developed in the framework of the United Nations.

The EU is willing to provide significant added value to the complex task of elaborating such a framework, which will demand deep reflection and work within the international community and in particular the UN.[2] Such a framework should reconcile the particular nature of crisis-

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1 To note in particular experience gained in Kosovo and East Timor.

2 To note the Community co-funding of a 2-year project presented by the office of the UN High Commissioner for Human Rights entitled “Restoring the rule of law: supporting rights-sensitive transitional justice arrangements in post-conflict and post-crisis countries”.

management operations in the field of security, and respect for human rights, and should allow in the long run a restoration of the rule of law.

CIVIL PROTECTION

A "mechanism to facilitate reinforced cooperation in civil protection assistance interventions" was established by a Council Decision of 23 October 2001. The date of entry into force of the mechanism has in part been brought forward to 1 November 2001, so as to enable a number of practical measures to be taken.

Work has been set in hand on ascertaining how that mechanism could be used as a tool for facilitating and supporting crisis management as referred to in Title V of the Treaty on European Union.

With regard to the concrete targets set in Göteborg, moreover, a method of work and a questionnaire have been drawn up in order to identify Member States' response capabilities and ensure that the relevant capabilities can be achieved and maintained by means of voluntary contributions. Work has begun on determining possible crisis scenarios.

The plan to establish a network of national training institutions, lastly, could make an important contribution in seeking to achieve the concrete targets for civil protection training.

II THE IMPACT OF THE EVENTS OF 11 SEPTEMBER

20 Special meeting of the General Affairs Council, Brussels, 12 September 2001

'Appalled', was the first EU reaction to the barbaric terrorist attacks in the United States on 11 September 2001. There was complete consensus within the EU on solidarity with the United States, denouncing terrorism, and the need for support and action in countering and tackling it. Dozens of meetings were held, visits made, statements issued and reports adopted every month following the attacks, of which, in our view, the documents most relevant to the goal of this Chaillot Paper *follow in this section. As suggested in the Introduction, the effects of 11 September on the ESDP remain subject to debate. The need for a more ambitious Headline Goal to enable the EU to take over in the Balkans, and to increase its profile in the Middle East and possibly even further east, more (Feira) police, taking up the fight against terrorism in the ESDP – these are some of the suggestions made in the context of the ESDP but on which there is no consensus yet. It is essential that serious discussions continue on these topics, as part of a wider discussion on redefining the role of the EU in a different international scene and adaptation of the ESDP to a new strategic environment.*

DECLARATION BY THE EUROPEAN UNION

The Council of the European Union, meeting in special session today, in the presence of the Secretary-General of the Atlantic Alliance, expressed its horror at yesterday's terrorist attacks in the United States. The Council stressed its complete solidarity with the government of the United States and the American people at this terrible time and extended its deepest sympathy to all the victims and their families. We ask all Europeans to observe 3 minutes silence Friday, 14 September 2001at 12h00[1] and we also declare 14 September 2001 a day of mourning. These horrendous acts are an attack not only on the United States but against humanity itself and the values and freedoms we all share. The life and work of our open and democratic societies will continue undeterred.

The Union utterly condemns the perpetrators and sponsors of these acts of barbarism. The Union and its Member States will spare no efforts to help identify, bring to justice and punish those responsible: there will be no safe haven for terrorists and their sponsors.

The Union will work closely with the United States and all partners to combat international terrorism. All international organisations, particularly the United Nations, must be engaged and all relevant instruments, including on the financing of terrorism, must be implemented.

The Community and its Member States have offered to the United States all possible assistance with search and rescue operations. Discussions are underway to establish what help would be most useful.

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1 12h00 Brussels time.

Recalling the strong and enduring ties which exist between the European Union and the United States, the Council has asked the Presidency to stay in close contact with the government of the United States in order to convey this message of solidarity.

COUNCIL CONCLUSIONS

The Council expressed the profound solidarity of the European Union with the American people and approved a declaration condemning the terrorist attacks in the United States.

The Council was informed of the security measures taken by the Member States. To ensure maximum cooperation between the latter, the Council asks its Justice and Home Affairs and Transport compositions to take all the necessary measures as soon as possible to maintain the highest level of security, particularly in the field of air transport, and any other measure needed to combat terrorism and prevent terrorist attacks. The Justice and Home Affairs Council meeting on 27 and 28 September, or if necessary earlier, and the informal meeting of Transport Ministers on 14 and 15 September will evaluate the measures which will already have been taken and those which should supplement them. The Council reaffirms its determination to combat all forms of terrorism with all the resources at its disposal. The Council also took note of the declaration by the Commission and the President of the ECOFIN Council.

The Council has requested the Presidency, the High Representative for the Common Foreign and Security Policy and the Commission to submit, as soon as possible, a report on concrete measures that may be recommended to speed up the implementation and the strengthening of the operational instruments of both the Common Foreign and Security Policy and Justice and Home Affairs. These measures will be aimed at increasing the capacity of the European Union to effectively fight, together with the United States and other partners, international terrorism. The Council intends to return to this regularly, in order, in particular, to ensure coordination of all the European Union’s action.

21 Javier Solana, EU High Representative for the CFSP, 'A broad consensus against terrorism' Financial Times, 13 September 2001

Terrorism is the scourge of our times. None of us is immune. The attacks carried out in New York and Washington show that its perpetrators have plumbed new depths. They resort to violent acts because they reject the values of the civilised world: the rule of law, democracy, an open society and freedom. It is a terrible irony that the more open a society, the more exposed it is to such acts. But we cannot renounce those values; to do so would be giving in to the terrorist.

More than once in recent history the US has come to the assistance of others in defence of the values of the civilised world. It is now right that it has that same support from its European friends. We stand together in denouncing terrorism in any form and we are ready to uphold and defend those values that the terrorists reject. Our solidarity goes beyond mere expressions of support and is absolute.

We are also prepared to help in more immediate and concrete ways. First, only hours after this tragedy struck, the member states of the European Union offered any urgent support that may be needed in helping with search and rescue, clearance and any other assistance that may be helpful in either New York or Washington.

That is the first priority. It is for the US to say what would be useful. As friends and allies we will respond.

Second, as European ministers agreed at their meeting on Wednesday, we stand ready to offer our support in identifying and bringing to justice all those who were behind these terrorist acts. Terrorism knows no borders. It operates through hidden networks that spread throughout the world.

If we are to be successful in tackling terrorism, we also have to co-operate through sharing intelligence and in breaking down their networks. Of course, this already happens - but we must devote more resources to it. In particular, we must track down those responsible for this week's attacks before they strike again.

Third, we have to reflect together on how to manage a world that will be changed by this week's attacks. On a practical level, measures will clearly have to be taken to tighten up on security worldwide.

I have no doubt that that will mean some inconvenience. For example, we shall encounter more delays when travelling - but it will be a small price to pay for greater peace of mind.

We shall also have to build a new consensus with all those who are willing to work with us in combating terrorism. Nothing was more sickening than the images of some individuals rejoicing in the suffering of the American people. They represent no one other than themselves and their warped values.

On the other hand, it was encouraging to see the genuine shock and solidarity expressed by many countries whose interests are not traditionally seen as coinciding with those of the US and Europe. We may disagree with them on many issues but they share with us the aim of not allowing the terrorist to have his way. If this week's crimes were aimed at isolating the US internationally, they have utterly failed: they have led to unparalleled expression of support and solidarity.

We must strike hard at terrorists, as well as at those who harbour them or offer them support and protection of any sort. To do so we must build alliances with all those who share this objective, not least our friends in the Arab world.

We cannot allow whole nations or groups of people to be tarred with the terrorist brush. That credits the terrorist with a level of support that he does not have. We must take action against any governments or states found to be supporting terrorism but at the same time we must recognise that they do not represent the views of the majority of their people. They are not democracies. Indeed, in many cases they are punishing their own people as well as threatening our interests.

Nothing can compensate those who lost loved ones in this week's attacks. But we can take steps to reduce the risk of anything similar ever happening again. Europe is ready and willing to help the US in ensuring that the perpetrators are given no opportunity to repeat their ugly acts.

That must be our priority. We shall have to take some measures to help protect all of us as we go about our daily lives but let us never compromise our fundamental freedoms, which are the target of the terrorist.

Last, we must work with all those throughout the world who share a sense of outrage at what happened in the US, in tackling the scourge of terrorism.

Brussels, 12 September 2001

22 Joint Declaration by the Heads of State and Government of the EU, the President of the European Parliament, the President of the European Commission and the High Representative for the CFSP Brussels, 14 September 2001

In Europe, and around the world, the horrific terrorist attacks on the United States have shocked our citizens. As an expression of solidarity with the American people, Europe has declared 14 September a day of mourning. We invite all European citizens to observe, at noon, a three-minute silence to express our sincere and deepest sympathy for the victims and their families.

On 12 September, the European Union condemned the perpetrators, organisers and sponsors of these terrorist attacks in the strongest possible terms. The European Union announced that it would make every possible effort to ensure that those responsible for these acts of savagery are brought to justice and punished. The US Administration and the American people can count on our complete solidarity and full cooperation to ensure that justice is done. We will not, under any circumstances, allow those responsible to find refuge, wherever they may be. Those responsible for hiding, supporting or harbouring the perpetrators, organisers and sponsors of these acts will be held accountable.

This assault on humanity struck at the heart of a close friend, a country with which the European Union is striving to build a better world. But these terrible terrorist attacks were also directed against us all, against open, democratic, multicultural and tolerant societies. We call on all countries that share these universal ideals and values to join together in the battle against terrorist acts perpetrated by faceless killers who claim the lives of innocent victims. Nothing can justify the utter disregard for ethical values and human rights. Global solidarity is at stake. Together, irrespective of our origins, race or religion, we must work tirelessly to find solutions to the conflicts that all too often serve as a pretext for savagery.

We call on all countries to redouble their efforts in the fight against terrorism. This is essential for security of our citizens and the stability of our societies. International organisations, and the United Nations in particular, must make this an absolute priority. We shall act with determination and ambition to overcome any obstacles in our path. To eliminate this evil, the police and judicial authorities of all our countries must, in the coming days, intensify their efforts. International law makes it possible to hunt the perpetrators, organizers and instigators of terrorism wherever they are. It is not tolerable for any country to harbour terrorists.

These tragic events oblige us to take urgent decisions on how the European Union should respond to these challenges :

- The European Union must commit itself tirelessly to defend justice and democracy at a global level, to promote an international framework of security and prosperity for all countries, and to contribute towards the emergence of a strong, sustained and global action against terrorism.
- We shall continue to develop the Common Foreign and Security Policy with a view to ensuring that the Union is genuinely capable of speaking out clearly and doing so with one voice.
- We shall make the European Security and Defence Policy operational as soon as possible. We will make every effort to strengthen our intelligence efforts against terrorism.
- The European Union will accelerate the implementation of a genuine European judicial area, which will entail, among other things, the creation of a European warrant for arrest and extradition, in accordance with the Tampere conclusions, and the mutual recognition of legal decisions and verdicts.

Our citizens will not be intimidated. Our societies will continue to function undeterred. But today our thoughts are with the victims, their families and the American people.

Guy Verhofstadt, Nicole Fontaine, Romano Prodi, Tony Blair, Wolfgang Schüssel, Gerhard Schröder, José-Maria Aznar, Tarja Halonen, Poul Nyrup Rasmussen, Paavo Lipponen, Kostas Simitis, Antonio Guterres, Silvio Berlusconi, Jacques Chirac, Lionel Jospin, Bertie Ahern, Wim Kok, Göran Persson, Jean-Claude Juncker, Javier Solana

Date: 14/09/2001

23 Joint EU-US ministerial statement on combating terrorism Brussels, 20 September 2001

On 20 September 2001 the EU Troika, composed of the Belgian Foreign Minister, Louis Michel, representing the EU Presidency, the High Representative for CFSP, Javier Solana, and EU External Relations Commissioner, Chris Patten, visited Washington for a meeting with Secretary of State Colin Powell, in the context of their effort to eliminate international terrorism. A joint statement was issued by them following this meeting.

In the coming days, weeks and months, the United States and the European Union will work in partnership in a broad coalition to combat the evil of terrorism. We will act jointly to expand and improve this co-operation world-wide. Those responsible for the recent attacks must be tracked down and held to account. We will mount a comprehensive, systematic and sustained effort to eliminate international terrorism – its leaders, its actors, its networks. Those responsible for aiding, supporting or harbouring the perpetrators, organisers and sponsors of these acts will be held accountable. Given the events of 11 September 2001 it is imperative that we continue to develop practical measures to prevent terrorists from operating.

Our resolve is a reflection of the strength of the US-EU relationship, our shared values, and our determination to address together the new challenges we face. The nature of our democratic societies makes it imperative to protect our citizens from terrorist acts, while at the same time protecting their individual liberties, due process, and the rule of law. The US and the EU are committed to enhancing security measures, legislation and enforcement. We will work together to encourage greater co-operation in international fora and wider implementation of international instruments. We will also co-operate in global efforts to bring to justice perpetrators of past attacks and to eliminate the ability of terrorists to plan and carry out future atrocities. We have agreed today that the European Union and the United States will vigorously pursue co-operation in the following areas in order to reduce vulnerabilities in our societies:

- Aviation and other transport security
- Police and judicial co-operation, including extradition
- Denial of financing of terrorism, including financial sanctions
- Denial of other means of support to terrorists
- Export control and non-proliferation
- Border controls, including visa and document security issues
- Law enforcement access to information and exchange of electronic data.

24 Extraordinary European Council meeting Brussels, 21 September 2001

CONCLUSIONS AND PLAN OF ACTION OF THE EXTRAORDINARY EUROPEAN COUNCIL MEETING ON 21 SEPTEMBER 2001

The European Council met in extraordinary session on 21 September 2001 in order to analyse the international situation following the terrorist attacks in the United States and to impart the necessary impetus to the actions of the European Union.

Terrorism is a real challenge to the world and to Europe. The European Council has decided that the fight against terrorism will, more than ever, be a priority objective of the European Union.

Moreover, the European Union categorically rejects any equation of groups of fanatical terrorists with the Arab and Muslim world.

The European Council reaffirms its firm determination to act in concert in all circumstances.

1. SOLIDARITY AND COOPERATION WITH THE UNITED STATES

The European Council is totally supportive of the American people in the face of the deadly terrorist attacks. These attacks are an assault on our open, democratic, tolerant and multicultural societies. They are a challenge to the conscience of each human being. The European Union will cooperate with the United States in bringing to justice and punishing the perpetrators, sponsors and accomplices of such barbaric acts. On the basis of Security Council Resolution 1368, a riposte by the US is legitimate. The Member States of the Union are prepared to undertake such actions, each according to its means. The actions must be targeted and may also be directed against States abetting, supporting or harbouring terrorists. They will require close cooperation with all the Member States of the European Union.

Furthermore, the European Union calls for the broadest possible global coalition against terrorism, under United Nations aegis. In addition to the European Union and the United States, that coalition should include at least the candidate countries, the Russian Federation, our Arab and Muslim partners and any other country ready to defend our common values. The European Union will step up its action against terrorism through a coordinated and inter-disciplinary approach embracing all Union policies. It will ensure that that approach is reconciled with respect for the fundamental freedoms which form the basis of our civilisation.

2. THE EUROPEAN POLICY TO COMBAT TERRORISM

The European Council approves the following plan of action:

Enhancing police and judicial cooperation

1. In line with its conclusions at Tampere, the European Council signifies its agreement to the introduction of a European arrest warrant and the adoption of a common definition of terrorism.

The warrant will supplant the current system of extradition between Member States. Extradition procedures do not at present reflect the level of integration and confidence between Member States of the European Union. Accordingly, the European arrest warrant will allow wanted persons to be handed over directly from one judicial authority to another. In parallel, fundamental right and freedoms will be guaranteed.

The European Council directs the Justice and Home Affairs Council to flesh out that agreement and to determine the relevant arrangements, as a matter of urgency and at the latest at its meeting on 6 and 7 December 2001.

In addition, the European Council instructs the Justice and Home Affairs Council to implement as quickly as possible the entire package of measures decided on at the European Council meeting in Tampere.

2. The European Council calls upon the Justice and Home Affairs Council to undertake identification of presumed terrorists in Europe and of organisations supporting them in order to draw up a common list of terrorist organisations. In this connection improved cooperation and exchange of information between all intelligence services of the Union will be required. Joint investigation teams will be set up to that end.

3. Member States will share with Europol, systematically and without delay, all useful data regarding terrorism. A specialist anti-terrorist team will be set up within Europol as soon as possible and will cooperate closely with its US counterparts.

The European Council trusts that a cooperation agreement will be concluded between Europol and the relevant US authorities by the end of the year.

Developing international legal instruments

4. The European Council calls for all existing international conventions on the fight against terrorism (UN, OECD, etc.) to be implemented as quickly as possible. The European Union supports the Indian proposal for framing within the United Nations a general convention against international terrorism, which should enhance the impact of the measures taken over the last twenty-five years under UN aegis.

Putting an end to the funding of terrorism

5. Combating the funding of terrorism is a decisive aspect. Energetic international action is required to ensure that that fight is fully effective. The European Union will contribute to the full. To that end, the European Council calls upon the ECOFIN and Justice and Home Affairs Councils to take the necessary measures to combat any form of financing for terrorist activities,

in particular by adopting in the weeks to come the extension of the Directive on money laundering and the framework Decision on freezing assets. It calls upon Member States to sign and ratify as a matter of urgency the United Nations Convention for the Suppression of the Financing of Terrorism. In addition, measures will be taken against non-cooperative countries and territories identified by the Financial Action Task Force.

Strengthening air security

6. The European Council calls upon the Transport Council to take the necessary measures to strengthen air transport security at its next meeting on 15 October. These measures will cover in particular:

– classification of weapons;
– technical training for crew;
– checking and monitoring of hold luggage;
– protection of cockpit access;
– quality control of security measures applied by Member States.

Effective and uniform application of air security measures will be ensured in particular by a peer review to be introduced in the very near future.

Coordinating the European Union's global action

7. The European Council instructs the General Affairs Council to assume the role of coordination and providing impetus in the fight against terrorism. Thus, the General Affairs Council will ensure greater consistency and coordination between all the Union's policies. The Common Foreign and Security Policy will have to integrate further the fight against terrorism. The European Council asks the General Affairs Council systematically to evaluate the European Union's relations with third countries in the light of the support which those countries might give to terrorism.

The General Affairs Council will submit an overall report on these issues to the next European Council.

3. THE UNION'S INVOLVEMENT IN THE WORLD

The fight against terrorism requires of the Union that it play a greater part in the efforts of the international community to prevent and stabilise regional conflicts. In particular, the European Union, in close collaboration with the United States, the Russian Federation and partners in the Arab and Muslim world, will make every endeavour to bring the parties to the Middle East conflict to a lasting understanding on the basis of the relevant United Nations resolutions.

It is by developing the Common Foreign and Security Policy (CFSP) and by making the European Security and Defence Policy (ESDP) operational at the earliest opportunity that the Union will be most effective. The fight against the scourge of terrorism will be all the more

effective if it is based on an in-depth political dialogue with those countries and regions of the world in which terrorism comes into being.

The integration of all countries into a fair world system of security, prosperity and improved development is the condition for a strong and sustainable community for combating terrorism.

The members of the European Council issue an appeal to the international community to pursue, in all multilateral fora, dialogue and negotiation with a view to building, at home and elsewhere, a world of peace, the rule of law and tolerance. In this respect, the European Council emphasises the need to combat any nationalist, racist and xenophobic drift, just as it rejects any equation of terrorism with the Arab and Muslim world.

The European Union will give special attention to the problem of refugee flows.
The European Council asks the Commission to set up urgently an aid programme particularly for Afghan refugees.

4. WORLD ECONOMIC PROSPECTS

The events of 11 September mean that the slowdown of the economy will be more pronounced than foreseen. The members of the European Council will remain vigilant. The members of the European Council welcome the concerted action by the European Central Bank, the US Federal Reserve Bank and other central banks, on both sides of the Atlantic, which should provide the financial markets with further leeway.

The European Council calls upon the Commission to submit an analysis of trends in the economic situation and any recommendations to the next European Council.

Stability, which is the fruit of the policies and structural reforms put in place by the European Union over latter years, is enabling the Union to face up to such a situation. Thanks to the single currency, the countries of the euro zone are sheltered from the shocks associated with monetary fluctuations. The forthcoming putting into circulation of the euro will make it possible for each of us to become aware of the positive effects of this increased stability.

At the same time, the efforts made to consolidate public finances have provided the necessary room for manoeuvre to enable automatic stabilisers to come into play. They have also enabled the European Central Bank to play a central role in facing up to the shock affecting European economies. In the present circumstances, such action should suffice to restore consumer confidence. The European Council reaffirms its commitment to respect the framework, rules and application in full of the stability and growth pact.

The European Council welcomes the decision of OPEC to ensure the continuity of oil supplies.

The European Council has asked the Presidency to establish contact with the candidate countries for accession so that the latter may associate themselves with these conclusions.

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The European Council has decided to send a ministerial troika mission to present the European Union's position to certain partners, particularly in the Middle East.

The European Council has asked the Presidency of the European Union to convey and explain the outcome of the extraordinary European Council meeting on 21 September 2001 to the highest authorities of the United States.

25 Statement to the press by NATO Secretary-General, Lord Robertson Brussels, 4 October 2001

STATEMENT ON THE NORTH ATLANTIC COUNCIL DECISION ON IMPLEMENTATION OF ARTICLE 5 OF THE WASHINGTON TREATY FOLLOWING THE 11 SEPTEMBER ATTACKS AGAINST THE UNITED STATES

Following its decision to invoke Article 5 of the Washington Treaty in the wake of the 11 September attacks against the United States, the NATO Allies agreed today – at the request of the United States – to take eight measures, individually and collectively, to expand the options available in the campaign against terrorism. Specifically, they agreed to:

- enhance intelligence sharing and co-operation, both bilaterally and in the appropriate NATO bodies, relating to the threats posed by terrorism and the actions to be taken against it;
- provide, individually or collectively, as appropriate and according to their capabilities, assistance to Allies and other states which are or may be subject to increased terrorist threats as a result of their support for the campaign against terrorism;
- take necessary measures to provide increased security for facilities of the United States and other Allies on their territory;
- backfill selected Allied assets in NATO's area of responsibility that are required to directly support operations against terrorism;
- provide blanket overflight clearances for the United States and other Allies' aircraft, in accordance with the necessary air traffic arrangements and national procedures, for military flights related to operations against terrorism;
- provide access for the United States and other Allies to ports and airfields on the territory of NATO nations for operations against terrorism, including for refuelling, in accordance with national procedures.

The North Atlantic Council also agreed:

- that the Alliance is ready to deploy elements of its Standing Naval Forces to the Eastern Mediterranean in order to provide a NATO presence and demonstrate resolve; and
- that the Alliance is similarly ready to deploy elements of its NATO Airborne Early Warning force to support operations against terrorism.

Today's collective actions operationalise Article 5 of the Washington Treaty. These measures were requested by the United States following the determination that the 11 September attack was directed from abroad.

These decisions clearly demonstrate the Allies' resolve and commitment to support and contribute to the US-led fight against terrorism.

26 Informal meeting of defence ministers Brussels, 12 October 2001

The informal meeting of defence ministers held on 12 October 2001, called by the Belgian EU Presidency, was originally aimed at preparing the forthcoming Capabilities Improvement Conference but the discussions were actually dominated by the terrorist attacks of 11 September. Spain suggested that the fight against terrorism be included as an ESDP mission. No consensus was reached, however, on the question whether the Petersberg Tasks should be modified in the light of terrorism. Also, the French proposal for increased national spending on the ESDP and improved capabilities in the wake of the terrorist attacks was rejected.

SUMMARY OF INTERVENTION BY JAVIER SOLANA, EU HIGH REPRESENTATIVE FOR THE COMMON FOREIGN AND SECURITY POLICY

Capability improvement:

- Now more than ever, it is of the utmost importance to reiterate at the highest political level our joint commitment to the agreed capability objectives. Defence ministers should be a driving force in that respect. Real progress has to be made and new projects identified in order to fill the gaps. The upcoming Capabilities Improvement Conference will be an opportunity to show such progress. We must also be aware that the process will require a sustained effort and have a long term plan to achieve our goals.
- Shortfalls have been clearly identified, it is important now to agree on methods to fill the gaps. Very useful contributions have been presented in this regard.
- To sustain work on improving capabilities, there is a continuing need for a credible and permanent review mechanism. It would enable us to concentrate on the way forward. Capability improvement is a long-term effort, going well beyond 2003. This should be kept in mind even if it is appropriate to look at short-term solutions to remedy key shortfalls.
- Among possible options, I note with great interest suggestions such as multinational approaches and pooling of resources. Joint solutions should be examined more closely.
- One urgent task is the definition of common requirements, with the involvement of national procurement authorities.
- We should find ways to make the best use of the contributions of candidate countries and NATO allies, which we have associated in the capability process.

Impact of global terrorism on ESDP:

- The September 11th events add new responsibilities for CFSP.
- The fight against terrorism does not make Petersberg tasks less relevant. But we must be aware of pressure on resources as some countries might want to develop additional capabilities concerning military and police responses to terrorism.

- We might have to be ready to take up more responsibilities in peace keeping missions on shorter notice than previously envisaged, if the international context so requires. Therefore, we must place additional emphasis on our preparations for operational readiness.
- We must also review our capabilities to ensure that we take full account of the terrorist threat to our forces when deployed on crisis management operations. It means checking our requirements for the assessment of the terrorist threat and force protection measures. But this should not stop at protecting our forces. One concern should also be for the protection of civilian populations, our own and those that could be affected in a theatre of operations.
- The attacks of 11 September also demonstrate the importance of improving further the information available to policy makers in the European Union. Not just on the threats posed by terrorism itself, but also to assist in the early warning process, giving advance notice of harmful trends and potential causes of terrorism and other threats to European interests. I propose to strengthen the capacity of the General Secretariat, and in particular the EU Situation Centre, to handle confidential information, thereby contributing to enhanced situation analysis and early warning.

27 Extraordinary session of the General Affairs Council Luxembourg, 17 October 2001

COUNCIL CONCLUSIONS OF 17 OCTOBER 2001
ACTION BY THE EUROPEAN UNION FOLLOWING THE ATTACKS IN THE UNITED STATES OF AMERICA

1. The European Union declares its total solidarity with the United States, with which it shares the objectives of combating terrorism. It reiterates the importance of its close consultations with the United States. It confirms its wholehearted support for the action taken in the context of legitimate defence and in accordance with the UN Charter and UN Security Council Resolution 1368.

2. The Council reiterated the importance of a multilateral and global approach under United Nations aegis in order to strengthen the international coalition in its fight against terrorism in all its aspects. The Union will act with determination within the United Nations and the other international organisations competent for furthering the fight against terrorism. It will take advantage, in particular, of the November Ministerial session of the United Nations General Assembly to advance its objectives.

3. Emergency humanitarian aid in Afghanistan is an absolute priority of the Union, which undertakes to mobilise without delay aid amounting to more than EUR 320 million. In this respect, the releasing of EUR 25 million from the reserve will enable the Commission (ECHO) to respond to the most urgent humanitarian needs. Mobilisation and convoying of aid will be regularly examined.

4. The Council expresses its concern at the difficulties of access and of convoying humanitarian aid in Afghanistan. It supports the efforts of the United Nations specialised agencies, of the ICRC and of all humanitarian organisations in seeking practical and flexible solutions. The Council also appeals to the countries of the region to facilitate by all means possible the humanitarian operations for hosting fresh flows of Afghan refugees and will implement the necessary means to assist them in doing so.

5. The General Affairs Council agreed on the following points to guide the Union's future proceedings on Afghanistan, once it is freed of the Al Quaida network and of its terrorists:

– the establishment in Afghanistan of a stable, legitimate and broadly representative government, expressing the will of the people;
– the essential role of the UN in seeking a peace plan for Afghanistan;
– maintaining absolute priority for emergency humanitarian aid;
– a plan for the reconstruction of the country;
– the regional dimension of the stabilisation of Afghanistan.

It instructs the Presidency, the High Representative and the Commission to make contact without delay with the international community and in particular the Secretary-General of the United Nations and his personal representative, Mr Brahimi, in order to contribute effectively to the United Nations' efforts.

6. The Council has decided to intensify the European Union's relations with the countries neighbouring Afghanistan in order to contribute to the stability of the region. The political dialogue with Pakistan, whose efforts in the current situation are deserving of praise, will be stepped up. The signing of a cooperation agreement with Pakistan will be envisaged. The Council notes the proposals made by the Commission regarding trade and welcomes its intention to provide financial assistance, in coordination with international financial institutions.

7. The President of the Council informed the Indian Government on 15 October 2001 of the Union's intention to define, with a view to the EU/India Summit on 23 November, intensification of the political dialogue and cooperation with that country.

8. While continuing the political dialogue with Iran, the Council welcomes the Commission's undertaking to submit in November 2001 negotiating directives for a Trade and Cooperation Agreement with Iran.

9. Relations with the countries of central Asia will be developed more actively. The Council noted the Commission's intention of submitting at the earliest opportunity a communication on central Asia including concrete initiatives in the context of strengthening the Union's relations with these countries. The Council also invited the High Representative to make proposals.

10. Further to the ministerial Troika mission at the end of September, the Union is determined to continue a close and coordinated political dialogue with our Arab and Muslim partners and invites the Presidency and the High Representative to keep the Council informed.

11. The Union emphasises the urgent need to relaunch the Middle-East peace process. Recalling its declaration of 8 October 2001, the Council invited the High Representative to continue, with the United States and the principal players, his efforts to bring the parties to the conflicts in the Middle East to work towards a political settlement, based on the principle of the establishment of a Palestinian State and the right of Israel to live in peace and security.

12. The Member States will consult each other on the measures they take, in particular in order to ensure the effectiveness of ministerial visits in the region.

13. Furthermore, the Union will be more effective in developing the Common Foreign Security Policy and making the European Security and Defence Policy operational as soon as possible.

14. The Council examined the Presidency's report on the work done by the various configurations of the Council on the fight against terrorism.

15. It welcomes the fact that, in all the Council's configurations, work on stepping up the fight against terrorism is progressing satisfactorily and has already produced its initial results. The

conclusions of the extraordinary informal European Council of 21 September 2001 have everywhere produced effects. It noted in particular the following results:

– the measures which have already been taken, in particular pursuant to UN Security Council Resolution 1373, against the sources that fund terrorism, such as the political agreement on the Directive against money laundering, application in full of the FATF measures and freezing the assets of persons and organisations linked to the Taliban;
– work in progress to draw up a list of terrorist organisations and the valuable contribution made by the intelligence services; the Council believes that their regular meetings are vital if terrorism is to be combated successfully; the Council approved a system of indicators making it possible to evaluate the commitment and the cooperation of third countries in the fight against terrorism;
– the progress already made in the examination of the Commission proposals on the European arrest warrant and terrorist offences and the establishment of a coordinated EU position in the context of the conclusion of a global UN convention on international terrorism; the Council requests that at the same time consideration should be given to any measure facilitating mutual assistance with third countries concerning the pursuit of terrorists or terrorist organisations;
– the many current contacts with the USA and in particular the Troika's meeting at operational level planned for 19 October 2001 in Washington, which will include representatives from the Police Task Force, Europol's anti-terrorism group, Eurojust and the intelligence services.

16. The Council welcomed the road map submitted by the Presidency, which sets out all the initiatives and work carried out by the Council and lists those responsible for implementation, the time frames and progress made. The Council asked for the road map to be regularly updated by Coreper. It considers this to be an essential instrument for measuring the results obtained in all configurations of the Council. It is on the basis of the updated road map that at its next meeting the Council will examine further progress.

17. The Council instructed the Permanent Representatives Committee to ensure that, in accordance with Security Council Resolution 1373, the Union reports back on the measures it has taken to implement that Resolution.

28 Meeting of the Heads of State or Government of the European Union and the President of the Commission Ghent, 19 October 2001

DECLARATION BY THE HEADS OF STATE OR GOVERNMENT OF THE EUROPEAN UNION AND THE PRESIDENT OF THE COMMISSION

FOLLOW-UP TO THE SEPTEMBER 11 ATTACKS AND THE FIGHT AGAINST TERRORISM

The European Council again unequivocally states its full support for the action being taken against terrorism in all its aspects within the framework defined by the United Nations and reaffirms its total solidarity with the United States.

1. The European Council has taken note of the reports by the President of the General Affairs Council. It attaches particular importance to information, consultation and coordination with the United States.

The European Council confirms its staunchest support for the military operations which began on 7 October and which are legitimate under the terms of the United Nations Charter and of Resolution 1368 of the United Nations Security Council. It notes that these targeted actions are in accordance with the conclusions of the Extraordinary European Council meeting on 21 September 2001. The partners will continue to do everything in their power to shield civilian population groups.

The European Council is determined to combat terrorism in every form, throughout the world. In Afghanistan the objective is still elimination of the Al Quaida terrorist organisation, which is responsible for the attacks on 11 September and the leaders of which have not been handed over by the Taliban regime. We must now, under the aegis of the United Nations, work towards the emergence of a stable, legitimate and representative government for the whole of the Afghan people, one which respects human rights and develops good relations with all the neighbouring countries. As soon as that goal is attained, the European Union will embark with the international community on a far-reaching and ambitious programme of political and humanitarian aid for the reconstruction of Afghanistan with a view to stabilising the region. The Presidency, with the High Representative and the Commission, will maintain contact with all the countries in the region to associate them with this policy.

The European Council will continue its efforts to strengthen the coalition of the international community to combat terrorism in every shape and form.

2. The European Council has examined the implementation of the Action Plan against terrorism. Pursuant to that Plan, 79 operations have already begun. Those operations are continuing at a steady pace and have already produced their first results. Without losing its

overall view of those operations it requests the Council to focus in particular on four points which must be put into effect as soon as possible:

– approval at the Council meeting on Justice and Home Affairs on 6 and 7 December 2001, on the basis of the progress already made, of the practical details of the European arrest warrant, the common definition of terrorist offences and the freezing of assets. The European Council reaffirms its determination to abolish the principle of double criminality for a wide range of actions, in particular terrorist offences that give rise to a request for direct surrender;
– increased cooperation between the operational services responsible for combating terrorism: Europol, Eurojust, the intelligence services, police forces and judicial authorities. Such cooperation should in particular enable a list of terrorist organisations to be drawn up by the end of the year.
– effective measures to combat the funding of terrorism by formal adoption of the Directive on money laundering and the speedy ratification by all Member States of the United Nations Convention for the Suppression of the Financing of Terrorism. Moreover, the commitments made in the FATF, the mandate of which must be broadened, must be turned into legislative instruments by the end of the year;
– approval without delay of the Commission's proposals on air transport security.

3. Humanitarian aid for Afghanistan and the neighbouring countries is an absolute priority. The European Union and the Member States will make available, along with other donors, all the humanitarian aid necessary to cover the needs of the Afghan population and Afghan refugees. The Union will carry out its work in the framework of the United Nations, the ICRC and other humanitarian organisations. It expresses its appreciation of the offer by the Russian Federation to cooperate closely in the convoying of aid.

The European Council has examined the economic and financial impact of the Afghan crisis on the neighbouring countries which are taking in refugees. Reception of refugees in those countries can only be temporary, the objective being their return to Afghanistan once the crisis has been resolved. The Union will do everything possible to lessen the negative consequences for these countries at economic, financial and humanitarian level. In accordance with the conclusions of the General Affairs Council of 17 October 2001, the Union will intensify its relations with the countries in the region.

4. In the same context, the European Council has also examined the concrete proposals for cooperation which the US authorities made following the meeting on 27 September 2001 between the President of the European Council and the President of the United States. Technical examination of those proposals has already been initiated and they are already the subject of discussions between the US authorities and the Troika operational in Washington. Most of those proposals are already covered by the European Union's action plan. The Union is moreover prepared to engage with the United States in reciprocal initiatives such as:

– facilitation of mutual judicial assistance between the competent authorities of the United States and of the Member States, as well as extradition in connection with terrorism in accordance with the constitutional rules of the Member States;

– enhancement of the joint efforts with regard to non-proliferation and export controls regarding both arms and chemical, bacteriological and nuclear substances capable of being used for terrorist purposes;
– intensification of our cooperation to ensure the security of passports and visas, and the fight against false and forged documents.

5. The European Council has examined the threats of the use of biological and chemical means in terrorist operations. These call for adapted responses on the part of each Member State and of the European Union as a whole. No attack of this kind has occurred in Europe. The authorities will maintain increased vigilance and cooperation between the intelligence, police, civil protection and health services will be stepped up.

In tandem with the measures already taken, the European Council asks the Council and the Commission to prepare a programme to improve cooperation between the Member States on the evaluation of risks, alerts and intervention, the storage of such means, and in the field of research. The programme should cover the detection and identification of infectious and toxic agents as well as the prevention and treatment of chemical and biological attacks. The appointment of a European coordinator for civil protection measures will be part of the programme.

The Member States will react firmly with regard to any irresponsible individuals who take advantage of the current climate to set off false alarms, particularly by applying severe criminal penalties for such offences.

6. The European Council emphasises the crucial need to relaunch the Middle East peace process without any pre-conditions. Resolutions 242 and 338 must remain the foundation for a political settlement, based on the establishment of a Palestinian State and the right of Israel to live in peace and security. Such a settlement is necessarily conditional upon the cessation of violence and recognition of the principle of two States. The Presidency of the European Council is instructed, together with the High Representative and the Commission, to visit the countries directly concerned to determine the means by which the Union can foster the relaunch of such a process. The Union will attach special importance to reviving economic activity and investment in Palestinian territory.

7. The European Union will increase its efforts in other regions of the world to promote a fair international system based on security, prosperity, democracy and development. Law must be restored to areas of lawlessness. A return to stability in the Balkans remains one of the European Union’s clear priorities.

8. To avoid any equating of terrorism with the Arab and Muslim world, the European Council considers it essential to encourage a dialogue of equals between our civilisations, particularly in the framework of the Barcelona process but also by means of an active policy of cultural exchange. The Union invites those responsible in the Member States to give concrete priority to the dialogue between cultures both at international level and within their societies.

'ROAD MAP' OF ALL THE MEASURES AND INITIATIVES TO BE IMPLEMENTED UNDER THE ACTION PLAN DECIDED ON BY THE EUROPEAN COUNCIL ON 21 SEPTEMBER 2001

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
GENERAL AFFAIRS COUNCIL						
1.	Extend the anti-terrorist coalition and make it more effective	Political dialogue/Troika or SG/HR visits/use of multilateral fora/concerted ministerial visits	Ongoing	Presidency/SG/HR/ Commission	– Troika visit to several key countries from 24-28 September – Inclusion of the topic of terrorism in all political-dialogue meetings since 11 September (including the EURO-MED Ministerial meeting on 5 and 6 November and the meetings on the occasion of the UNGA) Visit by the President of the European Council/ SG/HR/Commission to the Middle East (16-20/11)	Continuation of systematic and ongoing dialogue, at all levels, with partners NB: forthcoming: visits by the President of the European Council/ SG/ HR/Commission to the Middle East. Report by the Presidency of the Laeken European Council on action taken following the terrorist attacks in the United States
2.	Strengthen the partnership with the United States[1]	Various contacts at all levels	Ongoing	Presidency/SG/HR/ Commission	– Ministerial meeting on 20/09/01 – Talks between President of the Council and President of the Commission in Washington on 27/9/01	– Continued dialogue at all levels – Exchange of views and follow-up to cooperation proposals submitted by the United States and proposals which the EU

[1] See also points 50 to 57 and 67.

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
					(UNGA) – Ministerial meeting of the 5 on 11/11/01 – Bilateral contacts between COPS/COTER, sectoral experts and their United States counterparts – Mission by Police/ Justice/Europol/Eurojust/ Commission officials to Washington on 18/10/01 – Coordination of contacts by SLG on 3 and 24/10/01 and 30/11/01 – PRO-Eurojust mission to Washington on 19/11/01 – Reply to US suggestions for strengthening cooperation; letter sent to President Bush on 28/11/01	submitted to the USA – Coordination of contacts in the framework of the New Transatlantic Agenda – COTER/JHA Troika meeting in December
3.	Strengthen the Union's relations with certain countries of Asia particularly concerned by the current situation					
3a.	Pakistan	Strengthen relations, in particular by:		Presidency/SG/HR/ Commission	Meeting at ministerial Troika level in New York	– Implementation of the agreement; adoption by

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
		– Community assistance (trade package) – signing the third-generation Cooperation Agreement			on 14/11/01 Agreement signed at Islamabad by Presidency/ Commission/President Musharraf on 24/11/01	the Council of proposals to facilitate trade; disbursement of additional financial aid (EUR 50 million) and accelerated disbursement in the framework of existing programmes; – Assistance for legislative elections in October 2002
3b.	Iran	Strengthen relations, in particular by consultations with a view to negotiation of a Trade and Cooperation Agreement	Ongoing	Presidency/SG/HR/ Commission	Negotiating directives for a Trade and Cooperation Agreement adopted by the Commission on 19/11/01	Discussion within COMEM and Council adoption of negotiating directives
3c.	Countries of Central Asia	Strengthen commitment and relations, substantial contribution to the Bichkek Conference (13-14/12/01), definition of a strategy for the strengthening of cooperation	Ongoing	Presidency/SG/HR/ Commission	– Troika visit 30/10 to 3/11/01 – Suggestions put forward by SG/HR at GAC on 29/10/01 – Adoption of the conclusions at the GAC on 10/12	
3d.	India	Definition of the strengthening of cooperation	Second EU-India Summit (23 November)	Presidency/SG/HR/ Commission	COTER Troika on 9/11 Joint communiqué and action plan adopted by the	Implementation of the action plan

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
					summit on 23/11/01 (with reference to terrorism)	
4.	Strengthen humanitarian aid in Afghanistan and adjacent countries	Making aid available directly and through the UNHCR and other specialised agencies	Depends on political and military developments	Commission/ Member States/ Development Council	Confirmation by GAC on 10/12 of a cumulated allocation of EUR 321 million (to date) High-level meeting (Verhofstadt/Prodi) with the NGOs working in Afghanistan and Pakistan	– Additional contributions depending on needs and developments
5.	EU support for a political and reconstruction process in Afghanistan	Various instruments	Urgent following latest developments	Member States/ Presidency/SG/HR/ Commission	– Meeting President of the Council/UNSG/ Brahimi on 23 October – Meeting SG/HR/King Zahir Shah in Rome on 20 October – Open meeting of United Nations Security Council on Afghanistan (New York 13/11/01) – Meeting of the Steering Committee (reconstruction) in Washington on 20/11/01 – Appointment of an EU special representative by GAC on 10/12/01	– COASI will take account of this in discussions on the Commission communication on a new strategy for Asia – Organisation of a Conference in Brussels by the EU on 17/12 following the Conference in Washington
6.	UN : ensure follow-up to Resolution 1373 adopted by the UN Security Council	Various measures to be adopted	End of the year (90 days from the date of adoption of the	Member States/ Commission GAC and other Councils		– Examination to be continued by the Working Party on External Relations, in

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
			Resolution)			close collaboration with other competent fora – Preparation of a detailed common response by 27/12
6a.	Combat all forms of funding of terrorist activities	Proposal for a Regulation on specific restrictive measures directed against certain persons and entities with a view to combating international terrorism (freezing of assets)	19 December 2001 at the latest	GAC	– Examination of the Commission proposal by Coreper, since 15 October – Acceptance by the Parliament following the urgent procedure (4/10/01) – Amended proposal put forward by the Commission – Instruments submitted to GAC on 10/12	
7.	UN: Follow-up to any decisions concerning the freezing of Taliban assets taken by the Sanctions Committee set up in UNSC Resolution 1267	Amendments by Commission to Council Regulation (EC) No 467/2001	Depends on decisions taken in New York	Commission	Last amendments adopted on 12 November 2001	Depends on developments
8.	UN: Conclusion of a UN General Convention on International Terrorism	Negotiations with the UN partners with a view to reaching global agreement	Immediate	GAC/Member States	– Ongoing coordination among the 15 on occasion of UN 6th Committee working party meeting – No agreement at this stage in New York	– Negotiation to be monitored by COTER in close collaboration with CATS – New meetings of the 6th Committee Working

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
					– Demarches by the Troika in New York and in the capitals of certain countries	Party on 28/1 and 2/2/2002
9.	UN: Signing and ratification of the Convention for the Suppression of the Financing of Terrorism		Ratification by all the Member States as soon as possible	Member States	All the Member States have signed the Convention (7.10). 1 ratification (2 others planned)	Monitoring of the progress of ratifications by the COTER Working Party
10.	UN: Speeding up of the signing, ratification and rapid implementation of all relevant international Conventions (*NB. there are 12 sectoral Conventions)*	Political dialogue/demarches	Ratification by all the Member States as soon as possible. Demarches with third States as soon as possible	GAC/SG/HR/ Member States	– Troika demarches – Use of Ministerial meetings during the UNGA Ministerial week	Monitoring of the progress of ratifications by the COTER Working Party
11.	Systematic evaluation of the Union's relations with third countries in the light of their possible support for terrorism	Reference framework ('Benchmarks' and 'analysis grid')	GAC 10 December 2001	GAC/Member States	– Virtually all reports already received from the HOMs – Drafting of reference format for analysing the reports – COTER and Working Party recommendations for certain areas – CODUN/CONOP Troika with USA on 5/6 December	– Examination of possible measures to be taken – First COTTER analysis undertaken: Central Asian countries Troika with COARM
12.	Adjustment of EU	– Joint Consideration	Draft	Presidency/GAC	– CODUN Troika on	– CODUN/CONOP/

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
	policies on non-proliferation and disarmament	– Contacts with the United States –GAC conclusions	conclusions will be submitted to the GAC on 10/12/01 with a view to subsequent definition of a common position		biological weapons with the United States delegation on 25 October – Videoconference with the United States at experts level on 8/11/01 – Adoption of GAC conclusions on 10/12/01	COARM Working Parties will continue discussion of the Presidency working document
13.	Step up scrutiny of candidate countries' activities to combat money laundering	Peer evaluation	Immediate	Commission	Meeting of PAPEG Group on 29/11 (examination of principle 13 of the Pre-accession Pact)	
JUSTICE AND HOME AFFAIRS (JHA) COUNCIL *NB: This 'road map' contains only actions and measures endorsed in principle by the European Council or the Council. Some Member States have suggested other initiatives which could be incorporated in the 'road map' depending on how they are received. (see 13176/01). At its meeting on 6 and 7 December 2001 the Council (JHA) noted the German delegation's proposals set out in 13176/01 and instructed the Article 36 Committee and the Strategic Committee on Immigration, Frontiers and Asylum to examine them as soon as possible.*						
LEGISLATIVE MEASURES						
14.	Make Eurojust operational	– Framework Decision – Decision on Headquarters		Council/European Council	Political agreement by Council on 6 December 2001 on draft Decision setting up Eurojust	
15.	European arrest warrant	Framework Decision		Council	The President of the Council noted political agreement by 14 at the JHA Council on 6 and 7 December 2001	Reconsultation of the EP (urgent procedure)
16.	Definition of terrorist offences	Framework Decision		Council	Provisional agreement by the Council on the draft	Reconsultation of the EP under the urgent

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
					Framework Decision on 6/7 December 2001	procedure
17.	Freezing of assets	Framework Decision	The details must be fixed no later than 6 and 7 December 2001	Council	The JHA/ECOFIN Council held a debate on 16/10. CATS examined the draft on 12/11	CATS meeting on 19/12
18.	Entry into force of the two Extradition Conventions of 1995 and 1996	Ratification by Member States	1 January 2002	Member States	At CATS meeting on 8/10/01 it was stated that both Conventions should in principle be ratified by last five Member States (F/UK/IRL/I, and – in the case of the 1995 Convention – B) by the end of 2001	
19.	Entry into force of the Convention on Mutual Assistance in Criminal Matters	Ratification by Member States	In the course of 2002	Member States	At CATS on 8/10/01: all Member States confirmed that they intended to meet the deadline set	
20.	Mutual assistance in respect of money laundering and financial crime	Protocol to the Convention on Mutual Assistance		Council	The Protocol was signed on 16 October 2001 (JHA Council)	To be ratified by the Member States
21.	Examination of legislation with reference to the 'terrorist threat'	Commission report	By the end of 2002	Commission/ Council/Parliament		The process is under way at the Commission for rules on asylum and immigration. Identification of common indicators
22.	Setting up joint	Framework Decision	6 and 7	Council	– Agreement by Coreper	DK parliamentary

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
	investigation teams *For operational implementation, see point 33*		December 2001		on 3/10 – Urgent procedure initiated by the European Parliament – The Framework Decision will be formally adopted by the Council once those Member States which have entered reservations are able to withdraw them	scrutiny reservation
23.	Prevention of crime involving the use of electronic communication systems	(1) Framework Decision concerning attacks on information systems (2) Framework Decision on the mutual recognition of pre-trial orders in investigations into computer crime	As soon as possible after submission by the Commission	Commission/ Council		(1) Proposal will be forwarded by Commission at beginning of November 2001 (2) Proposal will be forwarded by Commission shortly
24.[1]	Ensure a balance between data protection and police efficiency	Directive concerning the processing of personal data and the protection of privacy in the electronic communications sector	6/7 December 2001	Commission/ Transport Council	Directive adopted on 6 December 2001	Article 15 of the draft Directive offers some scope for the retention of traffic data for investigative purposes

[1] See also point 68.

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
25.[1]	Setting up a Community mechanism in the field of the coordination of civil-protection measures	Decision		Council	Adoption by the Council on 23/10	
OPERATIONAL MEASURES						
26.	Identification of suspected terrorists in Europe and of the organisations which support them in order to draw up a common list of terrorist organisations	Cooperation between services of Member States/Europol	6/7 December 2001	– Council (JHA) – Persons responsible for anti-terrorist units, intelligence and Europol	Joint list of terrorist organisations brought to the attention of the JHA Council on 6 and 7 December 2001	
27.	Systematic transmission to Europol of any piece of data relevant to terrorism	Cooperation Member States/Europol	Immediate	Member States	The Director of Europol reported to the Council on 6 and 7 December 2001	
28.	Strengthening cooperation between the heads of anti-terrorist units	Meetings		Presidency/Police Chiefs Task Force	The first meeting was held on 15/10/2001 – Meeting of Police Chiefs Task Force 30-31/10 (13747/01) – Recommendations on terrorism were discussed by the Working Party on Terrorism on 10	

[1] See also point 47.

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
					November 2001	
29.	Strengthening cooperation between anti-terrorist magistrates	Meetings	Immediate	Pro-Eurojust	A first meeting was held on 10 October 2001	
30.	Better cooperation and exchanges of information between all intelligence services	Regular meetings of heads of intelligence services	Immediate		– A meeting of heads of anti-terrorist units of intelligence services was held on 11/12 November – A second meeting of heads of anti-terrorist units of intelligence services took place on 19 November	
31.	Strengthening cooperation between police services, including Europol and intelligence services		Immediate	Presidency/CATS	Policy debate held by CATS on 23/11	Discussion of methodology at CATS on 19/12 on basis of Presidency note
32.	Setting up of a team of anti-terrorist specialists within Europol	Established for 6 months	Urgent	Member States/ Europol Management Board	Following a letter from the President of the Council on 10/11, most of the Member States have sent specialists to Europol	Team operational in November 2001 and report to Council in March 2002 on the progress made and the problems encountered
33.	Setting up of one or more joint investigation teams *See also point 22*		Immediate	Member States (police, magistrates/ intelligence services)/Europol/ Pro-Eurojust		

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
34.	Better coordination between Europol/Pro-Eurojust and the Police Chiefs Task Force		Immediate	CATS	A meeting of those responsible for the three bodies was held on 29/10 to prepare the discussion by CATS on 19/12/01	
35.	Speeding up the linking of the EJN to the VPN secure electronic network		Immediate	General Secretariat of the Council	Technical examination under way by GSC. Pilot project under way; will be evaluated on 15/12/01	
36.	Updating of the list of Europol competences	Implementation of a common action	Immediate/ ongoing	Europol/Council	– Letter from the Presidency to the Director of Europol on 9/10 – Europol report to the JHA Council on 6 and 7/12	
37.	Possible extension of SIS access to other public services		Immediate	Council	– First discussions by Council/COMIX on 6/7 December 2001 – Agreement by JHA Council on 6 and 7/12 on the new SIS II functionalities	
38.	Peer assessment of national arrangements for combating terrorism[1]		Evaluation report before end 2002	Council/General Secretariat of the Council	Letter from General Secretariat of the Council to the Permanent Representatives	– Procedure to be launched at beginning of October – Call for candidates for

[1] See in this connection the letter sent on 26/9 to his colleagues by the Permanent Representative of Germany to the EU asking to be informed of the general political measures and plans adopted by each Member State for combating terrorism.

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
						the 2 national experts
39.	Inventory of national measures and early warning plans		Urgent	WP on Terrorism and Police Chiefs Task Force	– Meeting of Police Chiefs Task Force on 15/10 – Report to Council (JHA) on 6 and 7/12	
40.	Send TE-SAT report to the European Parliament		6/7 December 2001	Council	Draft report will be submitted to the Parliament before end of 2001	
41.	Intensify cooperation on and harmonisation of legislation on arms and explosives		Immediate	Commission/ Council	Working Party on Terrorism made recommendations annexed to 10564/2/01	Initiative to be taken by the Commission before March 2002
42.	Strengthening of external border checks	Report	Council meeting on 6/7 December	Presidency/Member States/Police Chiefs Task Force/Immigration Services	– Operation HIGH IMPACT on 2 and 3 October 2001 – Report to Council (JHA) on 6/7 December 2001(14570/01 and 14181/01)	
43.	Coordinated recourse to Article 2(2) of Schengen Convention (re-establishment of border checks)		Immediate	Council	– First examination in the Working Party on Terrorism on 26/10 – CATS on 23/11 approved a definition of a terrorist threat of exceptional gravity proposed by the Working Party on Terrorism (14181/01)	– Initiative to be included in the proposal to be made by the Commission on Art. 2(2) procedure – Role of Working Party on Terrorism in determining terrorist threats of exceptional gravity

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
44.	Establish network for exchanging information on visas issued		Immediate	Commission		Commission requested to submit proposals to Council before March 2002
45.	Improve input of alerts into SIS (Arts. 95, 96 and 99)		Immediate	Member States	The Presidency drafted a report on measures taken and proposed (14193/01)	
46.	Internal security and compliance with international obligations regarding protection of fundamental rights	Report	Urgent	Council/ Commission		Commission proposal to come
47.	Setting up a Community mechanism in the field of the coordination of civil-protection measures[1]	Decisions	1 January 2002	Commission	On 11 and 12/10, the DGs for Civil Protection adopted an action plan anticipating implementation of the Community mechanism – setting up a Working Party of NBC Experts, available round the clock – strengthening the network of round-the-clock contacts between civil protection services – closer cooperation and exchange of information	– The Commission intends to make part of the mechanism operational before it actually comes into force on 1/1/2002 – the 13 candidate countries and the EEA countries will also take part in the mechanism

[1] See also point 24.

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
					between national and Community services – exchange of information on accidents or threats of terrorist attacks – CIVCOM, strengthened by PROCIV experts, will examine the use of the mechanism in crisis management operations outside the EU	
47a.	Increase cooperation in civil protection and health, particularly in matters of: – risk assessment – use of biological and chemical weapons in terrorist action – alert and intervention – storage of BC agents – research – detection – identification of infectious and toxic agents – prevention and treatment of BC attacks	Programme designed to improve cooperation between Member States Appointment of a European coordinator for civil protection action	Urgent The Council meeting on 16 October decided to give priority to this issue	Commission/ Council/Member States: Civil Protection Departments	Commission communication containing a draft programme of action in the field of civil protection, health, research, etc. (14948/01)	– From 17 to 19 December 2001, the Commission and the Presidency will be organising a workshop which will focus on bioterrorism and deal more generally with nuclear and chemical terrorism – Examination of the possible use of military resources in support of civil protection action within the Union – Discussion of coordination requirements and the profile of the coordinator in COREPER

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
48.	Increase security standards at airports and on board aircraft *(see point 64)*		Urgent	Council/Member States	Austrian delegation has submitted proposals	Add to agenda for next meeting of Police Chiefs Task Force and work closely with transport industry
49.	Extension of machinery for automatic information exchange between the Financial Intelligence Units (FIUs)		Urgent	Council	– Operational meeting of heads of FIUs on 12/10 – Meeting of the informal group of FIU experts on the occasion of the MDG meetings on 20/9 and 9/11	
COOPERATION IN THE JHA FIELD WITH THE UNITED STATES *N.B.: A delegation made up of representatives of the Ministry of the Interior (including the Department for State Security and the Aliens Department), the Ministry of Justice and the Police Services of the present and incoming Presidencies, the Commission, the Council General Secretariat, Europol and Pro-Eurojust travelled to Washington on 18 October 2001 to discuss arrangements for implementing the measures described below. All of these points were discussed during the trip to the United States.* *Practical steps have been taken (designation of contacts, attendance by US delegates at some meetings, concrete proposals for cooperation between departments, documents describing various aspects of the problems sent for examination, particularly as regards data protection).*						
50.	Assessment of all aspects of terrorist threat	Meetings/contacts	Urgent	Europol/Council		Several contact points identified : – Joint COTER/WP on Terrorism Troikas twice every six months – Team of counter-terrorism specialists set up within Europol must work closely with its American counterparts
51.	Increased EU-US	Meetings/contacts	Ongoing	Council/Member		Monitoring by COTER

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
	cooperation in relevant international fora			States		and transatlantic dialogue bodies
52.	Pressure on countries where banking systems facilitate the generation and transfer of funds which could finance terrorism	Diplomatic contacts	Ongoing	Council/Member States/Commission	At its meeting in Washington (29 and 30/10) the FATF, extending its mandate to cover action to combat the financing of terrorism, adopted 8 recommendations	Monitoring of FATF discussions by ECOFIN and JHA Councils Preparation of common EU positions in the FATF
53.	Share best practices in the fight against terrorism	Contacts	Immediate	Member States	Mandate to Police Chiefs Task Force	
54.	Intensify cooperation between Europol and American law enforcement agencies	– Informal cooperation – Agreement without exchange of data – Negotiation of an agreement		Europol/Council	– Signing of the agreement between Europol and the US on 6/12 (excl. personal data) – Council agreement on 6/12 for the Director of Europol to open negotiations for an agreement with the US (incl. exchange of personal data)	– Possible appointment of a liaison officer by US to Europol and by Europol to US – Possible meetings of ad hoc Working Party/US (FAA)
55.	Intensify cooperation on mutual assistance in criminal matters	EU-US agreement based on Art. 38 TEU	Immediate	Presidency/Council	Exploratory discussions began in Brussels (24.9.2001), were continued in Washington on 18 October 2001 and are continuing in Brussels	Mandate to Presidency at JHA Council meeting in February 2002

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
					in mid-December 2001	
56.	Intensify cooperation between Pro-Eurojust/ Eurojust and US magistrates specialising in counter-terrorism	Contacts	Immediate	Pro-Eurojust	– Visit by 3 members of Pro-Eurojust to Washington on 19/11 – Appointment of a US contact point for Eurojust	
57.	Intensify cooperation with the United States in field of illegal immigration, visas and false documents	Contacts	Immediate	Strategic Committee (SCIFA)	Evaluation of the meeting between SCIFA and the US (26/10) at the SCIFA meeting on 14/11	On 10/11 December 2001 ad hoc group of experts at the Commission will make specific proposals for submission to SCIFA as soon as possible
ECOFIN COUNCIL						
58.	Possible insider offences linked to the attacks on 11/9				Report submitted to ECOFIN Council on 16.10 Committee of European Securities Regulators is continuing its investigations	
59.	Prevention of use of financial system for money-laundering purposes	Directive	End of November 2001	Council/European Parliament	Directive adopted in November 2001	Transposition in Member States
60.	Examination of relevant EC and EU instruments ensuring that banking systems do not permit the	Commission report	Immediate	Council		

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
	financing of terrorism					
61.	Measures to counter insider dealing and market manipulation (market abuse)	Directive	Immediate	Council/European Parliament	Under examination at Working Party level	Council common position on 13/12
62.	Establishing minimum transparency criteria for various types of legal entities (such as trusts, trust funds and foundations), for the purpose of identifying the beneficial owners more easily	Definition of priorities and measures	Before the end of the year	Commission/ Council	Council has taken note of Commission's report	Commission will shortly be proposing possible priority measures
63.	Measures against non-cooperating countries and territories (NCCTs) identified by the FATF and enlargement of FATF action to include measures to combat financing of terrorism. Better coordination between Member States	Coordination in FATF Implementation by the Member States of 40 FATF recommendations on money laundering		Council/Member States	– Joint JHA/ECOFIN Council decided on 16 October that Member States would take a series of joint counter-measures (12665/01) – Plenary meeting of the FATF in Washington on 29-30/10 (at which FATF remit extended to cover funding of terrorism). Decision to identify, as from June 2002, countries which do not combat the financing of terrorism	CATS to examine the model for standard agreement on mutual assistance in criminal matters with a view to its adoption by the JHA Council
64.	Adoption of air	– Regulation on	Council on	Council/Parliament	– Council on 16 October:	– Contacts between

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
	security standards in the following areas: – Checking access to sensitive zones at airports and to aircraft – Checking and monitoring of hold baggage – Checking passengers and passengers' hand luggage – Checking cargo and mail – Training of ground staff – Classification of prohibited items Specifications of equipment used to carry out checks	ground checks in EU airports (First part of discussions in ad hoc multidisciplinary group) – Also framework cabin-crew Directive	6-7/12/2001	Council/Parliament	give maximum priority to this dossier – Working Party meetings: 29/30 October + 14 November – Letter from Council Presidency to Parliament. Positive response by Parliament by immediate appointment of the rapporteur (Ms J. Foster – PPE, UK) – Agreement in Council on 16 October on main point (concept of cabin crew)	Presidency and rapporteur – EP first reading (RETT 20 November, plenary 28/29 November) – Common position in December 2001
65.	– Additional security measures in civil aviation – Making cockpits secure – Air-ground communication – Training – Video-cameras	Ad hoc multidisciplinary group (continuation of work)	Council on 6-7/12/2001	Commission/ Presidency	– Conclusions of Transport Council on 16/10/2001 – Ad hoc multidisciplinary group meetings on 12, 19 and 26/11/2001	– Subsequently, the Commission will have to submit a new report with an action programme
66.	Economic situation of	State aid/Commission	Immediate	Commission/	Transport Council	Council may review the

	OBJECTIVE	MEANS/ INSTRUMENTS	DEADLINE	BODY RESPONSIBLE	PROGRESS ALREADY MADE	FORTHCOMING WORK
	air transport sector, particularly: – Compensation for losses in wake of closure of American and Israeli airspace (11 to 14 September) – Covering higher insurance charges	examination		Member States	conclusions on 16 October 2001	situation at its meeting on 6 December Problem of US and Swiss predatory practices
67.	Increase international cooperation in interests of heightened security, particularly with the US and Japan	ICAO Conference (ministerial/high level) on civil aviation security and high-level bilateral talks	If possible, before end 2001	Commission/ Council/Member States	– Agreement obtained at 33rd ICAO Assembly on broad outlines of future action, in particular revision of Annex 17 to Chicago Convention	Preparation by ad hoc multidisciplinary group/Commission/ Council
68.[1]	Ensure a balance between data protection and police efficiency	Directive concerning the processing of personal data and the protection of privacy in the electronic communications sector	Immediate	Commission/ Council	Adoption of Directive by Transport/Telecoms Council on 6/7 December 2001	Police efficiency aspects should be checked by Coreper (Part 2)

[1] See also point 24.

29 European Council, Laeken, 14-15 December 2001

PRESIDENCY REPORT ON EUROPEAN UNION ACTION FOLLOWING THE ATTACKS IN THE UNITED STATES

1. Few events have galvanised the international system into action so completely in so short a time as the horrific attacks of 11 September in the United States. In the immediate aftermath, the Union expressed its full solidarity with the United States and its support for the action, including military action, which it was taking. The fight against terrorism is more than ever a major policy objective of the European Union.

2. At its extraordinary meeting in Brussels on 21 September, the European Council underscored its firm determination to act in concert in all circumstances and agreed a coordinated and comprehensive Action Plan to combat terrorism. The commitment to strengthen the coalition of the international community to combat terrorism in every shape and form was forcefully reaffirmed at the General Affairs Council on 17 October and at the informal European Council in Ghent on 19 October.

3. This report is an interim assessment of implementation of the diplomatic, legislative and operational measures which have been taken to date under the Action Plan.[1] These measures are aimed at strengthening solidarity and cooperation with the United States; developing the Union's policies to combat terrorism; enhancing the Union's role internationally in pursuit of these objectives and contributing to the multilateral and global efforts under the aegis of the UN; and countering the economic consequences of the 11 September attacks for the Union and the world.

4. The Action Plan has been regularly reviewed and updated by the General Affairs Council, which has overall responsibility for coordinating and providing impetus in the fight against terrorism. Progress across the board in implementing the Plan has been substantial with many tangible results already achieved within the target dates envisaged by the European Council. In most other areas where action by the Union is required over the medium term, significant headway has already been made.

I. STRENGTHENING SOLIDARITY AND COOPERATION WITH THE UNITED STATES

5. The European Union underlined its total solidarity with the US at the meetings of the European Council on 21 September and 19 October. This solidarity includes full support for the action being taken by the US against terrorism in all its aspects within the framework defined by the United Nations.

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[1] For a detailed roadmap see document 14925/01.

6. Since 11 September, there has been significantly enhanced cooperation between the EU and US on all aspects of the fight against terrorism. This has been supported by a number of high-level meetings, including a visit of the Troïka at ministerial level to Washington on 20 September, a meeting in the US between the President of the European Council, the President of the Commission and President Bush on 27 September, as well as ministerial level meetings and contacts in the margins of the UN General Assembly.

7. The EU has kept the US fully informed of progress in the implementation of the action plan adopted at the 21 September European Council. Several items in the action plan, such as more effective liaison between law enforcement agencies, are designed specifically to enhance cooperation with the US. Since the adoption of the action plan, there has been increased and sustained contact between representatives of the EU and the US administration on specific issues, in particular in the area of Justice and Home Affairs (see below). Mutual cooperation will be strengthened through contacts and exchanges of information as foreseen in the letter from the President of the European Council and the President of the Commission to President Bush.

8. The Union has also taken into account various proposals from the US following a request for suggestions on areas where the EU might take additional action. The regular meetings under the New Transatlantic Agenda have in addition provided regular opportunities for mutual exchange of information and enhanced coordination.

II. REINFORCING THE UNION'S POLICIES TO COMBAT TERRORISM

9. The 11 September attacks have given renewed impetus to a wide range of legislative and operational measures designed to enhance police and judicial cooperation, to staunch the funding of terrorism, to strengthen security in the air and at airports and to respond to threats of use of biological and chemical weapons. All these have either been agreed in accordance with the target dates set by the European Council, or are well on the way to being implemented. The Presidency has maintained close contacts with the European Parliament throughout in order to ensure optimum cooperation between the Council and the European Parliament for the rapid adoption of legislative measures, particularly in those areas where accelerated procedures are being applied.

Police and judicial cooperation

10. Substantial progress achieved in this field underscores the Union's commitment to putting in place rapidly practical measures which can deliver effective results. In particular, political agreement was reached by the Justice and Home Affairs Council on 6/7 December on a common definition of various types of terrorist crimes and the provision of severe sanctions which strikes a balance between the need to deal with such crimes effectively and the need to guarantee individuals' fundamental rights and freedoms. The legal text formally enacting this agreement will be adopted as soon as possible.

11. Political agreement has also been reached on the framework decision for the European arrest warrant which is designed to supplant the current procedures of extradition between

Member States and enable wanted persons to be surrendered to judicial authorities in other EU Member States without verification of the double criminality of the act for a wide range of offences, subject to agreed swift judicial review procedures.

12. A common list of terrorist organisations was brought to the attention of the Council. This list has been drawn up in close cooperation with operational services responsible for combating terrorism, including intelligence services, police forces and judicial authorities.

13. Eurojust will shortly become fully operational following the agreement reached in the JHA Council on 6 December. Substantial progress has also been made in stepping up cooperation and exchanges of information among officials on many other operational matters.

14. Following the EU law enforcement Troïka visit to Washington on 18 October, many practical steps have been taken to step up cooperation with the United States on a range of counter-terrorist matters, including signature of the agreement intensifying cooperation between Europol and US law enforcement agencies on 6 December. The Council has also authorized the Director of Europol to start negotiations for a further agreement allowing the exchange of personal data with US law enforcement agencies.

Staunching the funding of terrorism

15. A range of measures have been taken or are at an advanced stage of work in order to cut off the funding of terrorist activities. In particular, the Council has:

- reached political agreement on putting in place EU restrictive measures including the freezing of assets directed at certain individuals and entities involved in terrorism following UNSCR 1373;

- and adopted a directive on the prevention of the use of the financial system for money-laundering purposes.

16. In addition, coordination among Member States in the FATF has been stepped up in order to take measures against non-cooperating countries and territories and enlarge the scope of FATF action to include the financing of terrorist activities. The eight recommendations by the FATF to combat the financing of terrorism also set a standard in this sector for EU Member States in future.

Strengthening security in the air and at airports

17. Following the agreement by the Transport Council to implement fully the essential measures to prevent unlawful acts against civil aviation contained in Document 30 of ICAO, maximum priority has been given by the Council and the European Parliament to examining the proposed regulation on the adoption of air security standards covering access to airports, baggage monitoring, passengers, cargo and mail checks, ground staff training and prohibited items. On 7 December, the Council reached political agreement on a draft regulation on establishing common rules in the field of civil aviation security. After legal finalisation, this

draft will be transmitted as a common position to the European Parliament under the codecision procedure.

18. The recommendations resulting from the work undertaken by the *ad hoc* multidisciplinary group were welcomed by the Council as an action programme on additional security measures in civil aviation. The Commission has been invited to give appropriate follow up to these recommendations as soon as possible by formulating new legislative proposals. The Community and Member States have also agreed to promote increased international co-operation in the interests of heightened security at the forthcoming inter-ministerial conference on aviation security organised by ICAO scheduled for 19 and 20 February 2002 in Montreal.

19. Given the extent of the difficulties for the aviation sector as a consequence of the events of 11 September, the Commission and Member States have taken steps to allow compensation for losses in the wake of the temporary closure of US and Israeli airspace. Pending the restoration of normal market conditions, higher insurance charges could be covered until the end of March 2002 at the latest subject to monitoring by the Commission.

Responding to threats of use of biological and chemical weapons

20. The Ghent European Council requested that a programme of action be drawn up to improve cooperation on combating the threat of bioterrorism, and that a European coordinator for civil protection measures be appointed. Work in this field has commenced and will continue over the coming months.

III. ENHANCING THE UNION'S ROLE INTERNATIONALLY IN THE FIGHT AGAINST TERRORISM

Political and Diplomatic Action

21. The European Union has since 11 September worked actively to bolster support for the international coalition against terrorism under the aegis of the United Nations. Within the framework set out in the conclusions of the General Affairs Council of 17 October, this subject has been systematically included in the agendas of political dialogue meetings at all levels with third countries in order both to inform them of the action being undertaken by the European Union, and to persuade them of the need for their continued practical support. The issue has notably been the object of several Troika visits at ministerial or Head of Government level to countries particularly concerned by the situation in Afghanistan (see below) and will be an important element in systematically evaluating the Union's relations with third countries.

22. The Union has also taken full advantage of the large number of opportunities for discussions by ministers, in particular in the margins of the ministerial week of the United Nations 56th General Assembly (10-16 November 2001). The European Union also took the initiative of convening on 20 October a meeting of the European Conference, bringing together all the candidate countries, the EFTA countries, those participating in the Stabilisation and Association Process, as well as in addition, the Russian Federation, Ukraine and Moldova. This

meeting was dedicated to the issues of the combat against terrorism and resulted in a declaration of support for the international coalition.

23. The ministerial level meeting of the Euro-Mediterranean partnership (5-6 November) was a further important opportunity to reinforce support generally for the coalition, as well as to take forward the inter-cultural dialogue, on which several initiatives were proposed.

International Conventions

24. Member States of the European Union have been working actively within the UN in support of a Comprehensive Convention on international terrorism, and continue to contribute to resolving the outstanding issues so that the Convention can be agreed as soon as possible.

25. The Union has placed a priority on ensuring that all the existing relevant UN Conventions are implemented by its Member States and become effective as soon as and as widely as possible. This is particularly important in the case of the Convention for the suppression of the financing of terrorism. The EU has carried out démarches throughout the world to encourage both constructive participation in the discussions on the Comprehensive Convention and a wide application of the other relevant UN conventions.

26. Many of the actions referred to here constitute the Union's response to the obligations set out in UN Security Council Resolution 1373, which is the subject of an EU common position, and complement those being undertaken by the Member States. As required under the terms of the Resolution, a report is being prepared on the actions which have been or are being taken to implement the resolution. This report covers action taken collectively within the Union framework, and will be submitted to the UN within the 90 day deadline.

The Union's approach to Afghanistan and the region

27. The Union has declared its wholehearted support for the action that is being taken in self-defence and in conformity with the UN Charter and UNSCR 1368. The Union has bolstered support for the coalition in the fight against terrorism, as well as, in the case of those states bordering Afghanistan, for assistance in the delivery of humanitarian aid. The Union has welcomed the agreement on political transition in Afghanistan signed in Bonn on 5 December which opens the way to fulfilling the objective of a stable, legitimate and democratic government.

28. The Union has demonstrated its support for the action already being undertaken by countries bordering Afghanistan through a number of specific measures, notably the signature with Pakistan on 24 November of a Cooperation Agreement, agreement to take forward work on a possible Trade and Cooperation agreement with Iran, and a reassessment of its relations with the countries of Central Asia.

29. In the case of Afghanistan, the Union has played a major role in the provision of humanitarian aid, with a total of more than EURO 320 million worth of emergency aid distributed to date. It has taken an active role in support of the UN's efforts to the process of re-

establishing a future broad-based administration in Afghanistan, as foreseen in UN Security Council Resolution 1378, and has been involved from the beginning in the discussions on reconstruction, notably through its participation in the first meeting on this issue which took place in Washington on 20 November.

30. On 10 December, the Council decided to appoint Klaus Klaiber as special representative for Afghanistan. The special representative will work under the authority of the High Representative and will support his actions and those of the Presidency.

31. Ministerial level visits of the Troika have been made to several countries either bordering on Afghanistan or having a direct interest in it. These include a visit to several Middle East States, Saudi Arabia, Pakistan and Iran (24 - 28 September) as well as to Uzbekistan, Turkmenistan and Tajikistan (30 October - 2 November). In addition, the President of the European Council, accompanied by the President of the Commission, visited a number of Middle East countries (16 - 20 November) as well as India (for the Second summit meeting) and Pakistan (23 - 24 November).

Non-proliferation, disarmament and arms control

32. The Union agreed a plan of action to respond effectively to the threat of terrorism in the area on non-proliferation. This targeted initiative includes the need to review and strengthen relevant instruments in this field, the strengthening of export controls, assistance to others in destroying weapons of mass destruction, and enhancing political dialogue in this area.

IV. COUNTERING THE ECONOMIC CONSEQUENCES FOR THE UNION AND THE WORLD

33. The 11 September attacks had a direct negative effect on a world economy which was already experiencing a slowdown. In response, the ECB took immediate steps to ensure liquidity of the markets and cut interest rates by 0.5%, in parallel with other central banks. This was followed by a subsequent cut of a further 0.5%. Thanks to the achievements of the Stability and Growth Pact in securing sound public finances, fiscal policy in the EU is now able to respond to the economic slowdown by means of automatic stabilisers.

34. The Council and European Council also sought to boost market confidence in their conclusions issued after 11 September. Despite expectations of lower growth in the short term, sound economic fundamentals, due to the efforts made in the context of economic and monetary union, combined with the arrival of the Euro, should facilitate a gradual recovery in 2002.

30 Fight against terrorism – acts adopted by the Council, Brussels, 27 December 2001

COMMON POSITION ON COMBATING TERRORISM

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:
(1) At its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union.
(2) On 28 September 2001, the United Nations Security Council adopted resolution 1373(2001), reaffirming that terrorist acts constitute a threat to peace and security and setting out measures aimed at combating terrorism and in particular the fight against the financing of terrorism and the provision of safe havens for terrorists.
(3) On 8 October 2001, the Council reaffirmed the determination of the EU and its Member States to play their full part, in a coordinated manner, in the global coalition against terrorism, under the aegis of the United Nations. The Council also reiterated the Union's determination to attack the sources which fund terrorism, in close cooperation with the United States.
(4) On 19 October 2001, the European Council declared that it is determined to combat terrorism in every form throughout the world and that it will continue its efforts to strengthen the coalition of the international community to combat terrorism in every shape and form, for example by the increased cooperation between the operational services responsible for combating terrorism: Europol, Eurojust, the intelligence services, police forces and judicial authorities.
(5) Action has already been taken to implement some of the measures listed below.
(6) Under these extraordinary circumstances, action by the Community is needed in order to implement some of the measures listed below,

HAS ADOPTED THIS COMMON POSITION:

Article 1
The wilful provision or collection, by any means, directly or indirectly, of funds by citizens or within the territory of each of the Member States of the European Union with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorist acts shall be criminalized.

Article 2
Funds and other financial assets or economic resources of:
– persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts;
– entities owned or controlled, directly or indirectly, by such persons; and

– persons and entities acting on behalf of or under the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities, shall be frozen.

Article 3

Funds, financial assets or economic resources or financial or other related services shall not be made available, directly or indirectly, for the benefit of:

– persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts;
– entities owned or controlled, directly or indirectly, by such persons; and
– persons and entities acting on behalf of or under the direction of such persons.

Article 4

Measures shall be taken to suppress any form of support, active or passive, to entities or persons involved in terrorist acts, including measures aimed at suppressing the recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists.

Article 5

Steps shall be taken to prevent the commission of terrorist acts, including by the provision of early warning among Member States or between Member States and third States by exchange of information.

Article 6

Safe haven shall be denied to those who finance, plan, support, or commit terrorist acts, or provide safe havens.

Article 7

Persons who finance, plan, facilitate or commit terrorist acts shall be prevented from using the territories of the Member States of the European Union for those purposes against Member States or third States or their citizens.

Article 8

Persons who participate in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts shall be brought to justice; such terrorist acts shall be established as serious criminal offences in laws and regulations of Member States and the punishment shall duly reflect the seriousness of such terrorist acts.

Article 9

Member States shall afford one another, as well as third States, the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts in accordance with international and domestic law, including assistance in obtaining evidence in the possession of a Member State or a third State which is necessary for the proceedings.

Article 10

The movement of terrorists or terrorist groups shall be prevented by effective border controls and controls on the issuing of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents. The Council notes the Commission's intention to put forward proposals in this area, where appropriate.

Article 11

Steps shall be taken to intensify and accelerate the exchange of operational information, especially regarding actions or movements of terrorist persons or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communication technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups.

Article 12

Information shall be exchanged among Member States or between Member States and third States in accordance with international and national law, and cooperation shall be enhanced among Member States or between Member States and third States on administrative and judicial matters to prevent the commission of terrorist acts.

Article 13

Cooperation among Member States or between Member States and third States, particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of terrorist acts shall be enhanced.

Article 14

Member States shall become parties as soon as possible to the relevant international conventions and protocols relating to terrorism listed in the Annex.

Article 15

Member States shall increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and United Nations Security Council Resolutions 1269 (1999) and 1368 (2001).

Article 16

Appropriate measures shall be taken in accordance with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts. The Council notes the Commission's intention to put forward proposals in this area, where appropriate.

Article 17

Steps shall be taken in accordance with international law to ensure that refugee status is not abused by the perpetrators, organisers or facilitators of terrorist acts and that claims of political motivation are not recognised as grounds for refusing requests for the extradition of alleged

terrorists. The Council notes the Commission's intention to put forward proposals in this area, where appropriate.

Article 18
This Common Position shall take effect on the date of its adoption.

Article 19
This Common Position shall be published in the Official Journal.

Done at Brussels, 27 December 2001

For the Council
The President
L. MICHEL

ANNEX

List of international conventions and protocols relating to terrorism referred to in Article 14

1. Convention on Offenses and Certain Other Offenses Committed on Board Aircraft - Tokyo 14.09.63
2. Convention for the Unlawful Seizure of Aircraft - The Hague 16.12.70
3. Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft - Montreal 23.09.71
4. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Personnel - New York 14.12.73
5. European Convention for the Suppression of Terrorism - Strasbourg 27.01.77
6. Convention Against the Taking of Hostages - New York 17.12.79
7. Convention on the Physical Protection of Nuclear Materials - Vienna 03.03.80
8. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Aviation, complementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Aircraft - Montreal 24.02.88
9. Convention for the Suppression of unlawful Acts Against the Safety of Maritime Navigation - Rome 10.03.88
10. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms on the Continental Shelf - Rome 10.03.88
11. Convention on the Marking of Plastic Explosives for the Purpose of Detection - Montreal 01.03.91
12. UN Convention for the Suppression of Terrorist Bombings - New York 15.12.97
13. UN Convention for the Suppression of Financing of Terrorism - New York, 09.12.99

COUNCIL COMMON POSITION ON THE APPLICATION OF SPECIFIC MEASURES TO COMBAT TERRORISM

THE COUNCIL OF THE EUROPEAN UNION,
Having regard to the Treaty on European Union, and in particular Articles 15 and 34 thereof,

Whereas:
(1) At its extraordinary meeting on 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and that the fight against terrorism will be a priority objective of the European Union.
(2) On 28 September 2001, the United Nations Security Council adopted Resolution 1373(2001) laying out wide-ranging strategies to combat terrorism and in particular the fight against the financing of terrorism.
(3) On 8 October 2001, the Council reiterated the Union's determination to attack the sources which fund terrorism, in close cooperation with the United States.
(4) On 26 February 2001, pursuant to UNSC Resolution 1333(2000), the Council adopted Common Position 2001/154/CFSP (1) which provides inter alia for the freezing of funds of Usama bin Laden and individuals and entities associated with him. Consequently, those persons, groups and entities are not covered by this Common Position.
(5) The European Union should take additional measures in order to implement UNSC Resolution 1373(2001).
(6) Member States have transmitted to the European Union the information necessary to implement some of those additional measures.
(7) Action by the Community is necessary in order to implement some of those additional measures; action by the Member States is also necessary, in particular as far as the application of forms of police and judicial cooperation in criminal matters is concerned,

HAS ADOPTED THIS COMMON POSITION:

Article 1
1. This Common Position applies in accordance with the provisions of the following Articles to persons, groups and entities involved in terrorist acts and listed in the Annex.
2. For the purposes of this Common Position, "persons, groups and entities involved in terrorist acts" shall mean:
– persons who commit, or attempt to commit, terrorist acts or who participate in, or facilitate, the commission of terrorist acts;
– groups and entities owned or controlled directly or indirectly by such persons; and persons, groups and entities acting on behalf of, or under the direction of, such persons, groups and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons, groups and entities.
3. For the purposes of this Common Position, "terrorist act" shall mean one of the following intentional acts, which, given its nature or its context, may seriously damage a country or an international organisation, as defined as an offence under national law, where committed with the aim of:
(i) seriously intimidating a population, or

(ii) unduly compelling a Government or an international organisation to perform or abstain from performing any act, or
(iii) seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation:
(a) attacks upon a person's life which may cause death;
(b) attacks upon the physical integrity of a person;
(c) kidnapping or hostage taking;
(d) causing extensive destruction to a Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in major economic loss;
(e) seizure of aircraft, ships or other means of public or goods transport;
(f) manufacture, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of, biological and chemical weapons;
(g) release of dangerous substances, or causing fires, explosions or floods the effect of which is to endanger human life;
(h) interfering with or disrupting the supply of water, power or any other fundamental natural resource the effect of which is to endanger human life;
(i) threatening to commit any of the acts listed under (a) to (h);
(j) directing a terrorist group;
(k) participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the group.
For the purposes of this paragraph, "terrorist group" shall mean a structured group of more than two persons, established over a period of time and acting in concert to commit terrorist acts. "Structured group" means a group that is not randomly formed for the immediate commission of a terrorist act and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.
4. The list in the Annex shall be drawn up on the basis of precise information or material in the relevant file which indicates that a decision has been taken by a competent authority in respect of the persons, groups and entities concerned, irrespective of whether it concerns the instigation of investigations or prosecution for a terrorist act, an attempt to perpetrate, participate in or facilitate such an act based on serious and credible evidence or clues, or condemnation for such deeds. Persons, groups and entities identified by the Security Council of the United Nations as being related to terrorism and against whom it has ordered sanctions may be included in the list.
For the purposes of this paragraph "competent authority" shall mean a judicial authority, or, where judicial authorities have no competence in the area covered by this paragraph, an equivalent competent authority in that area.
5. The Council shall work to ensure that names of natural or legal persons, groups or entities listed in the Annex have sufficient particulars appended to permit effective identification of specific human beings, legal persons, entities or bodies, thus facilitating the exculpation of those bearing the same or similar names.

6. The names of persons and entities on the list in the Annex shall be reviewed at regular intervals and at least once every six months to ensure that there are grounds for keeping them on the list.

Article 2
The European Community, acting within the limits of the powers conferred on it by the Treaty establishing the European Community, shall order the freezing of the funds and other financial assets or economic resources of persons, groups and entities listed in the Annex.

Article 3
The European Community, acting within the limits of the powers conferred on it by the Treaty establishing the European Community, shall ensure that funds, financial assets or economic resources or financial or other related services will not be made available, directly or indirectly, for the benefit of persons, groups and entities listed in the Annex.

Article 4
Member States shall, through police and judicial cooperation in criminal matters within the framework of Title VI of the Treaty on European Union, afford each other the widest possible assistance in preventing and combating terrorist acts. To that end they shall, with respect to enquiries and proceedings conducted by their authorities in respect of any of the persons, groups and entities listed in the Annex, fully exploit, upon request, their existing powers in accordance with acts of the European Union and other international agreements, arrangements and conventions which are binding upon Member States.

Article 5
This Common Position shall take effect on the date of its adoption.

Article 6
This Common Position shall be kept under constant review.

Article 7
This Common Position shall be published in the Official Journal.

Done at Brussels, 27 December 2001

For the Council
The President
L. MICHEL

Chaillot Papers

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This is the second volume in our special series of *Chaillot Papers* presenting core documents on the EU's security and defence policy. Unlike the first volume, which focused on the whole period from St-Malo to Nice (December 1998 - December 2000), this volume and subsequent ones will recapitulate developments regarding ESDP during the preceding year.

2001 reveals relatively less progress than the period up to Nice, although efforts needed to realise ESDP plans up to that date must not be underestimated. However, a lower frequency of meetings and initiatives was noticeable, especially as regards capabilities. In addition, 2001 was marked by the horrifying terrorist attacks in the US on 11 September, which impacted on the EU and ESDP, although the exact extent of this impact and possible required changes remain the subject of discussion. We have therefore divided this *Chaillot Paper* into two parts. The first part covers documents on further development of ESDP, while the second contains documents on EU responses to the terrorist attacks that are most closely related to ESDP and thus to the goal of this *Chaillot Paper*.

published by
the European Union
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phone: +33 (0) 1 56 89 19 30
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e-mail: institute@iss-eu.org
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6 €