

Chaillot Papers

December 2003

n° **67**

From Copenhagen to Brussels

European defence:
core documents

Volume IV
compiled by Antonio Missiroli



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Institute for Security Studies
European Union
Paris

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ISSN 1017-7566

Published by the EU Institute for Security Studies and printed in Alençon (France) by the Imprimerie Alençonnaise. Graphic design by Claire Mabile (Paris).

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The year 2003 was for the Union one of crises and contrasts: acute political divisions over the war in Iraq and therefore relations with America; persistent disagreements and thus failure over general reform of the Union's institutions; but considerable progress collectively on security and defence.

Progress in the field of ESDP was very positive in 2003, with three military and police operations in the Balkans and Africa; the finalising of the Berlin-plus agreement between the Union and NATO; the creation of an armaments agency; agreement on a European Military Staff; accords on flexibility and solidarity in defence matters; the drawing up of the first European Security Strategy; the drafting and implementation of a global strategy in the fight against the proliferation of weapons of mass destruction; and so on.

These advances were, however, achieved against a background of general political crisis among the 25, and there are many examples of that: in February, France and Britain fell out in the UN over the legitimacy of military action against Baghdad while at the same time, at their bilateral summit at Le Touquet, agreeing on broad measures to revitalise their military cooperation and ESDP. Within NATO, US strategy in Iraq had military repercussions on Turkey, leading in February to a major disagreement with France, Belgium and Germany, yet a few weeks later the Berlin-plus agreement was finalised and the EU-NATO relationship established to universal satisfaction. Again, throughout the spring of 2003, the question of the Union's strategic autonomy was seen as anathema to NATO primacy by the United States and some European countries, yet in June the Union decided unanimously to launch its first independent military operation, in the Democratic Republic of Congo. In December the draft Constitutional Treaty failed, in particular on the question of voting weights among the 25; however, virtually all clauses related to ESDP, including the most innovative, were approved.

Several lessons can be drawn from this apparently paradoxical situation in 2003, where the more EU member states clashed at the political level, the more they advanced on defence issues. The first lesson is a very traditional one: when it comes to security, European crises usually have positive outcomes. The prospect of an intra-European or transatlantic split drives the Europeans to finding bases for reconciliation elsewhere: already, the crises over the Balkans and Kosovo were followed by St-Malo and the launching of the ESDP. As a result of the Iraq crisis, the Europeans started to take their strategic relationship with the rest of the world more seriously: hence their initiatives over proliferation (to reconcile America and the Union) and, confirming the end of a taboo, consensus on a European Security Strategy (to bring about reconciliation among Europeans): all of this leading in practice to the quite specific approach taken by the Europeans to the question of proliferation in Iran.

The second lesson is more curious: it appears that defence policy can develop quite independently of foreign policy in a sort of cocoon, impervious to any political differences

between states. This complete separation of the military sphere, in contradiction with the declared objectives of a common European defence as an extension of the CFSP, raises an interesting question: if political disagreements do not affect defence, could that be because defence lies outside politics, hardly perturbed by internal disagreements yet unlikely to influence political relations between member states? If that were indeed the case, there could be no strengthening of the Union's global political role unless priority were given to its foreign policy: defence as such does not create policy, and even less European integration.

The third lesson concerns the relationship with America: the Europeans were less divided over Iraq than over American policy and the type of relationship that each wished to establish or maintain with the United States. Following the turning-point of 11 September, American policy has become largely unpredictable, just as likely to mobilise the Europeans as to become a major divisive factor among the 25. Hence the central issue for any European foreign policy: how can American policy be taken into account and if necessary influenced, and how can a European policy be devised that is different from Washington's yet at the same time demonstrates EU-US solidarity? In a sense, most initiatives taken by the Union in the second half of 2003 (its security strategy, its stance on proliferation, its policy towards Iran) can be seen as a common European attempt to respond to that dilemma.

The final lesson to draw from 2003 touches on the question of the leadership of Europe. The Iraq crisis swept away the traditional divisions between the 'big' and 'small' states but produced divisions among the former over the other 'big' actor: America. In the same way, the failure of the IGC happened against a background of major disagreement with Spain and Poland. In both cases the result was paralysis, inexistence, failure. Conversely, management of the Iran question showed the positive influence that the Union can have on international crisis management, on the basis of an agreement between France, Germany and Britain: this was admittedly outside the framework of any treaty but undeniably effective. At the institutional level of ESDP, the efforts of these three countries, via Italy's presidency, also played a decisive role in finding compromise solutions on the questions of the European Military Staff, structured cooperation and mutual defence. If the aim is to improve the Union's collective effectiveness, the challenge now will be to decide collectively on acceptable conditions under which such groups can act as driving forces within a Union of 25.

*Nicole Gnesotto
Paris, December 2003*

With the present issue, the 'European defence core documents' annual collection reaches its fourth volume – stretching from Copenhagen, where the last European Council of 2002 was held, to Brussels, where the last one of 2003 took place. In actual fact, the Thessaloniki European Council of June 2003 was the last one to be hosted by the country holding the rotational EU presidency. From now on, all European Councils will take place in Brussels – thus crucially depriving this collection of a distinctive title for each issue.

In retrospect, however, the 2003 title 'from Copenhagen to Brussels' tells more than a purely bureaucratic story. The path, in fact, has been as much an institutional as a political one. If 'Copenhagen' can be used as a metaphor for enlargement, 'Brussels' can similarly be taken as a metaphor for concentration of resources and (hopefully) political will. Not that the latter was immediately apparent in 2003. On the contrary: the enlarging Union looked vertically split on how to deal with 'regime change' in Iraq; old and new cleavages – between current and acceding members, big and small ones and also within each camp – came to the fore on both foreign policy and institutional reform; and even the Intergovernmental Conference (IGC) seemed to grind to a frustrating halt.

Below and beyond such appearances, however, 'European defence' was moving forward at a surprising pace. This was true of the operational dimension: from the EUPM in Bosnia-Herzegovina to *Concordia* in the Former Yugoslav Republic of Macedonia, from *Artemis* in the Democratic Republic of Congo to *Proxima* in FYROM again, the EU has at last started building up a specific operational record, resorting to varying formats (civilian and military, with and without NATO) and formations (from almost unanimous to quite selective). It was also true of the strategic dimension, from the paper on the proliferation of weapons of mass destruction to the European Security Strategy proper, developed in stages and through an innovative method. And, despite appearances, it was true even of the institutional dimension proper: from the deal on military headquarters for EU operations finalised in December to the decision to set up an agency in the field of defence capabilities and research, and up to the latest version of the ESDP-relevant articles of the draft constitutional treaty, which seem to have been virtually accepted by all 25 current and future EU members.

The present collection is not aimed at offering explanations for such an apparent paradox. Yet it can help track down its origins and provisional outcomes. Special attention has been devoted to highlighting the sequence of documents and decisions on specific policy issues, by giving cross-references and basic information on relevant external events. As a result, it should be easier to spot and assess the evolution from the CFSP 'winter of discontent', to the autumn of its

recovery. This applies to all three sub-chapters of this year's core documents: the one on ESDP proper, the one devoted to the Iraq crisis, and the section on the European Convention and the IGC.

As has become usual for this collection, texts have been selected from among the following categories:

- EU and joint declarations following summits and ministerial councils dealing with the development of ESDP;
- documents issued from bi- or multilateral meetings setting out new initiatives or positions on ESDP;
- relevant speeches and articles of particular importance for ESDP.

The Institute wishes to thank those governments that have helped in providing the texts, and the Secretariat-General of the Council for its valuable cooperation. During his time as EUISS head of documentation, Giuseppe Vitiello collected the relevant material. We are also grateful to Nathalie de Larminat who, during her three-month presence at the Institute, was a major help in the mammoth task of collating the texts.

I. ESDP

EUPM – Remarks by Javier Solana

Sarajevo, 15 January 2003

With the onset of the police mission in Bosnia and Herzegovina (see document I-29 in 'From Laeken to Copenhagen' and Joint Action 2002/210/CFSP), the European Security and Defence Policy (ESDP) inaugurates its operational dimension.

REMARKS BY THE EU HIGH REPRESENTATIVE FOR THE CFSP

at the opening ceremony of the EU Police Mission in Bosnia and Herzegovina (EUPM)

Mr. President, Prime Minister, Friends and Colleagues

Let me say what a great pleasure it is for me to welcome you all here today. I have been coming to Bosnia and Herzegovina numerous times in the course of the past decade - often under difficult and tragic circumstances. Today, however, the context is a different one. For me, as for many of you, this day is one of particular personal significance. It is an historic day - a day of hope and of progress for Bosnia and Herzegovina as well as for the European Union.

The EU police mission in Bosnia and Herzegovina - the EUPM - began operations on the first of this month. The EUPM is, for all of us, the start of something new. A shared project through which we can reach common goals.

The EUPM is, first, the start of a new phase in peace implementation in Bosnia. Seven years have passed since Dayton and in that time much progress has been made in building a peaceful, democratic country. Widespread BiH police reform and restructuring, initiated by the United Nations, has taken place. A framework for democratic policing now exists.

The role of the EUPM is to assist the Bosnian government and police authorities in filling out this framework. The framework for a democratic and professional police must also be sustainable. This sustainability is crucial to providing all citizens of Bosnia with a safe and stable environment. A peaceful and stable Bosnia and Herzegovina is our *first common goal* in EUPM.

The implementation of the peace demands the Rule of Law. So too, does Bosnia and Herzegovina's future in Europe. This is our *second common goal*. The EUPM is a new instrument of the European Union - but firmly part of our established policy in Bosnia through the Stabilisation and Association Process. This policy is clear - Bosnia's future lies in Europe. We want to help you to make this future a reality. Without a rule of law that is transparent, professional and effective, Bosnia's progress to Europe will remain halting.

EUPM is here to assist you in your journey to Europe. It will monitor, mentor, advise and inspect ongoing police reforms to ensure they meet the highest European and international standards required for integration into Europe. These standards include a fully independent, professional police force that serves all citizens regardless of race, class or gender. These standards involve an effective police force that operates in accordance with common established rules and principles. These standards include a commitment at the level of individual police officers as well as police organisations to integrity and honesty in all aspects of their work. These are the values on which European rule of law is based. It is the cement that binds our diverse systems.

The EUPM's 500 police officers, under the leadership of Commissioner Sven Frederiksen, have been individually selected from 33 states to embody these values. So too have the EUPM's 50 international civilian experts. The deployment of skilled and qualified professionals demonstrates the EU's commitment to assisting your police reform. Let me add here my personal gratitude to all EUPM participating States for their generosity and support in seconding personnel.

The mission is supported by the Community's institution-building programmes and, in Brussels, by my Secretariat. The full weight of the European Union is therefore behind you in your police reform efforts.

The *third shared goal* which the EUPM represents is the continuing development of the EU's external identity. The EUPM is the first crisis management operation launched by the Union as part of the European Security and Defence Policy (ESDP). The fact that it takes place in Bosnia is the strongest statement yet of the EU's engagement in and partnership with the Balkans. The fact that the Union's first operation is a police mission - a civilian mission - demonstrates our commitment to a comprehensive crisis management approach that brings real added value.

Above all, however, the participation of 18 Third States in the EUPM illustrates that the ESDP is an open project. The EU is a community of values reflecting values shared by you, our partners. EUPM is the practical embodiment of our common values and I am proud to be in its chain of command.

In conclusion, I would like to be the first to congratulate the men and women of the EUPM today and to wish them well in their historic mission. Expectations are high but I have every confidence that together we will meet our common goals.

Franco-German summit — 40th anniversary of the Elysée Treaty

Paris, 22 January 2003

On the occasion of the solemn celebrations for the 40th anniversary of the Elysée Treaty between France and the Federal Republic of Germany, the leaders of the two countries issued a joint declaration that touched upon both their bilateral relations and many aspects of EU affairs, including the Common Foreign and Security Policy (CFSP).

JOINT DECLARATION BY M. JACQUES CHIRAC, PRESIDENT OF THE FRENCH REPUBLIC, AND M. GERHARD SCHRÖDER, CHANCELLOR OF THE FEDERAL REPUBLIC OF GERMANY

Placing France and Germany's friendship at the service of a shared responsibility for Europe

1. The Elysée Treaty, signed forty years ago between France and the Federal Republic of Germany by General de Gaulle and Chancellor Adenauer, sealed the reconciliation between our two nations and laid the foundations of a lasting peace on the continent.
2. France and Germany, founding members of the European Communities, have played a leading role by giving a boost to the major advances in building Europe, particularly over the past twenty years: the Single European Act, Maastricht Treaty, euro, Schengen Area. Just recently, Germany and France were absolutely determined to contribute to the success of ten candidate countries' accession negotiations concluded in Copenhagen. France and Germany are aware that they exercise a historic joint responsibility to support and pursue the building of Europe. Their ambition is to continue their role of initiating proposals, without imposing anything, and so giving a lead to their partners.
3. The Elysée Treaty also ushered in an era of unprecedented cooperation between our two countries. Our close dialogue and our cooperation in every sphere are encouraging an increasingly high level of exchanges between our societies. Today, we pay tribute to all the players who have contributed to the development and deepening of this dialogue: political figures, local authorities, companies, voluntary organizations, educational, scientific and cultural establishments.
4. We also salute the work of the Franco-German Youth Office (OFAJ — Office franco-allemand pour la Jeunesse) which has enabled over seven million young people to meet each other, the Franco-German University (Université franco-allemande [a network of French and German higher-education establishments created in 1999, with many campuses and an administrative headquarters in Saarbrücken]), through

which every year over 3,000 students follow integrated binational degree courses, and the ARTE television channel, a symbol of our two countries' desire to cooperate, which has just celebrated its tenth anniversary. In the military sphere, we highlight the role played by the Franco-German brigade, which paved the way for the European Corps, which allows us jointly to conduct crisis-management operations. At a time when France and Germany are deciding, on this anniversary, to strengthen the bond uniting them, these institutions and all the Franco-German cooperation structures must adapt their missions to this new era of ever-closer ties and make an even greater effort to incorporate the European dimension in their action.

5. In the past 40 years, the background to Franco-German cooperation has radically changed. The end of the Cold War and German unification marked the beginning of Europe's reunification. The combination of the European Union's enlargement and the adoption of a common Constitution confront our two countries with considerable challenges. Against the background of globalization, the achievements of 40 years of cooperation augur well for our ability to take on the tasks of the new Europe. So we are determined to embark on a new stage in our two countries' cooperation.
Exercising our joint responsibility in Europe
6. France and Germany are bound together by a community of destiny. Our common future is inextricably linked to that of a deepened and enlarged European Union. We therefore want to propose to our partners a common vision of tomorrow's Europe and are determined to do our utmost to promote the strengthening of this Union.
7. After a painful history, we welcome the European reunion on which the Copenhagen European Council set the seal and are resolved to make a success of the enlargement by helping the new member countries to integrate harmoniously within the European Union and to promote, at our side, the values which are the essence of the European project. We are together preparing the future accessions, particularly those of Bulgaria and Romania and shall be encouraging the establishment of a particularly close partnership with the States bordering the EU, in order to guarantee the stability and prosperity of Europe and its neighbours.
8. This enlarged, more diverse and consequently more complex Union must retain its ability to take decisions and act. To this end, we desire the success of the Convention on the Future of Europe. We have submitted to the Convention our contribution on the ways to enable the European Union to take up the internal and external challenges confronting it. We call on it to establish the foundations of a stronger, more democratic, more mutually-supportive and efficient Union with a higher profile and enjoying greater credibility on the world stage. We are keen for the Union's institutions to be more capable of taking action and have greater accountability and stability. We also wish to build a genuine people's Europe. This is one of the reasons why the Charter of Fundamental Rights should be integrated into the text of the Constitution, giving their full force to the values and principles which are the bedrock of our European project.

9. We are determined to make the Common Foreign and Security Policy and European Security and Defence Policy enter a new stage so that the Union can take on its full role in the international arena and promote at world level freedom, peace and democracy in accordance with its values. We are proposing the creation of a European Security and Defence Union which will give concrete shape and efficacy to its members' solidarity and common security and must also contribute to strengthening the European pillar of the Atlantic Alliance. To signal our determination to pursue such a development of the European Security and Defence Policy, we shall embark on the requisite efforts to improve military capabilities and, by so doing, shall significantly step up our bilateral cooperation.
10. We shall also endeavour to promote new solidarity with the countries of the South in order inter alia to ensure the development of the poorest countries, particularly in the framework of the negotiations under way at the World Trade Organization.
11. It is our joint responsibility to develop the Union's common policies and adapt them to the new realities of the European enterprise since these policies constitute the essential bedrock of the solidarity between the Union's countries. We shall also prepare together for the great debate which is going to open on the Union's financial perspective and the future of the common policies post-2006, keeping in mind the concern to keep control of overall expenditure which informed the conclusions of the recent Brussels European Council (24-25 October 2002).
12. We shall ensure respect for linguistic pluralism in the Union's institutions and are determined to take the necessary measures to promote the use of German and French in the European Union bodies, for example by encouraging future European civil servants, particularly those from the new member countries, to learn both languages as part of their degree or vocational training courses.
13. We want to strengthen Europe as an area of freedom, security and justice so that all European citizens live in security throughout the Union, particularly in the face of the development of new threats. The European Union must be a community under the rule of law and an area in which weight is given to the role of individuals as corporate citizens. So we intend to encourage freedom of movement in the Union by abolishing the requirement for residence permits for European citizens. We shall also work for a common European policy on the right of asylum, and immigration. We also pledge to campaign actively for the establishment of a European Prosecutor's office, creation of a European criminal record system, the strengthening of Europol's capabilities and setting-up of a European border police force, which will enable the effective combating of illegal migration.
Increasing solidarity between France and Germany through more intense cooperation
14. To play to the full their role of injecting momentum and giving a lead within the European Union, our two countries must develop their cooperation in an exemplary

manner within the European Union. Our objective is for our projects to serve as the basis for the European policies. We shall therefore take bilateral initiatives allowing us to try out, in the priority action areas, a closer union between our citizens, our societies and our institutions.

[...]

Foreign policy

25. France and Germany will ensure they adopt common positions in the international bodies, including the Security Council, and define agreed strategies vis-à-vis third countries, especially in the framework of the Common Foreign and Security Policy.
26. Our Ministers of Foreign Affairs will increase the complementarity of our diplomatic and consular networks, particularly by establishing joint premises and services. We are also asking them to look at the possibility of opening joint Franco-German embassies.
27. The services rendered to our citizens in the partner country will also have to be improved through greater cooperation, under the aegis of our Ministries of Foreign Affairs, between the consular and administrative services of the country of residence. Mutual assistance provided for our fellow citizens living in third countries will also be stepped up.

Defence

28. In the framework of the European Security and Defence Policy, France and Germany stress, on this occasion which also marks the fifteenth anniversary of the Franco-German Security and Defence Council, the high quality and importance of their cooperation on defence and their determination to strengthen it within a European context. This involves inter alia the development of military capabilities and establishment of new forms of cooperation, particularly by harmonizing the planning of military needs, pooling capabilities and resources, contributing to the implementation of a European armaments policy and promotion of a European security and defence culture.

[...]

Strengthening our bilateral consultation procedures

36. The Franco-German summits will take the form of a Franco-German Council of Ministers. It will be prepared by the Ministers of Foreign Affairs. The Council of Ministers will ensure the coordination of Franco-German cooperation at the highest level and the monitoring of its implementation in the priority action areas. Select Council of Ministers meetings may be convened to deal with specific issues.
37. The Committee and Franco-German Security and Defence Council meetings will be held back-to-back with the Franco-German Council of Ministers.
38. If an agenda item is particularly relevant to a minister's remit, he/she will attend the partner country's Council of Ministers and be invited to present proposals for common Franco-German legislation.
39. Our two countries' ministers will also have to meet more systematically and more frequently outside the European Union Councils, especially to prepare the agenda of the Franco-German Council of Ministers.
40. The regularity of the high-level meetings between the President and the Chancellor, in the presence of the two Foreign Ministers, will be maintained and additional meetings can be held whenever necessary.
41. The post of secretary-general for Franco-German cooperation will be established in each country. It will be held by a very senior figure, attached personally to the Chancellor [Germany] and the Prime Minister [France] and have appropriate facilities at the relevant Foreign Ministry. They will coordinate the preparation, implementation and monitoring of both the decisions taken by the political consultative bodies and our two countries' efforts to work more closely together in the European fora. Each secretary-general will be assisted by a deputy from the partner country.

The secretary-general for Franco-German cooperation will participate in the Franco-German Council of Ministers. He/she will chair the Interministerial Commission for Cooperation between the two countries.
42. In order to improve each country's knowledge of the other's administrative practices and the efficacy of our joint efforts in our two countries' government departments, we are asking our ministers to increase the number of civil servants posted to the partner country's civil service, at national as well as local level, systematize contacts between those with the same remit in each State, step up information exchanges, improve knowledge of the partner's language and put in place joint training schemes, particularly for supervisory staff. We are also urging them to include in their team, in their private offices, a national from the partner country. We are also inviting the local authorities to set up such exchanges.

43. The implementation of the present declaration is the joint responsibility of the relevant ministries of each country. They will submit a joint cooperation programme at the summit following this 40th anniversary. Every Franco-German Council of Ministers will then assess the implementation of the cooperation programmes and update their priorities.

Franco-German summit — 40th anniversary of the Elysée Treaty

Paris, 22 January 2003

DECLARATION BY THE FRANCO-GERMAN DEFENCE AND SECURITY COUNCIL

— I —

In 1963, France and Germany embarked on the path of security and defence cooperation of unequalled strength, the first step towards a common European policy in this sphere. The Elysée Treaty was expanded to include the creation of the Franco-German Defence and Security Council in 1988, whose 15th anniversary is today.

A very dense network of relations between the two armies enabled the creation of the Franco-German brigade in 1988 and the European Corps in 1993, which proved themselves in crisis-management operations in the Balkans. The growing harmonization of doctrines led, inter alia, to the 1996 “Franco-German common security and defence concept”, which testifies to our convergence of views.

In the new strategic context born of the end of the Cold War, characterized not only by new threats but also new opportunities, France and Germany supported the strengthening of the European Union’s ability to act through development of the European Security and Defence Policy (ESDP). Our two countries are keen for the ESDP to be transformed into a European Security and Defence Union (ESDU), so that the European Union can play its full role in the international arena.

— II —

Convinced of the need to ensure the common security of the Union’s member States and to reflect the solidarity uniting them, France and Germany have presented the following common proposals to the Convention on the Future of Europe in the field of external security and defence.

France and Germany propose the transformation of the ESDP into a European Security and Defence Union (ESDU), which must also contribute to strengthening the Alliance’s European pillar.

Their common objective, with a view to efficient crisis prevention and management, is to enable the Union to use the whole range of capabilities it has available to ensure the security of its territory and peoples, and contribute to the stability of its strategic environment.

To achieve this objective, France and Germany wish to promote;

- a comprehensive vision of the European Union's security. France and Germany propose introducing a passage on "solidarity and common security" in the new version of the Treaty (values) and appending to the Treaty a political declaration with the same title to identify every kind of risk, including in particular that of terrorism, and the means to confront them.
- greater flexibility within the Union, by extending and adapting the enhanced cooperation mechanism to the ESDP, which would be open to the rest of the member States and even the Union as a whole.
- the strengthening of military capabilities, which presupposes a better allocation of resources, stepping up the equipment effort of our armed forces, and developing new forms of cooperation, particularly by harmonizing the planning of needs, pooling resources and capabilities and, eventually, sharing out tasks.
- better coordination of cooperation on armaments and strengthening the defence technological and industrial base (DTIB), which requires the definition of a European armaments policy including the creation of a European Armaments Agency. This agency could be based on OCCAR (Organization for Joint Cooperation in Armaments), which could be progressively enlarged.

In the face of the risks of every kind, including that of terrorism, France and Germany pledge, right now, paying due regard to their respective internal legislation, together to use all their available capabilities to provide relief and assistance. They invite their European Union partners to join them.

France and Germany actively support the European Union's commitment on the ground to serve peace: since 1 January the Union has already been committed in Bosnia-Herzegovina, where our two countries are supplying the largest contingents of the Police Mission (EUPM); the first European Union military mission could begin in March in FYROM, where our two countries will remain committed. France and Germany also fully support the European Union's plan to take over militarily from NATO in Bosnia, possibly at the beginning of 2004.

France and Germany both consider that the balanced, concurrent development of military and civilian capabilities is a particular strength of the CSDP. They are intent on continuing to champion the strengthening of the European Union's civilian crisis-management capabilities and establishment, at the Council Secretariat, of planning and operational support capabilities.

– III –

Looking ahead to the constitution of an ESDU, France and Germany are determined to develop:

1. The European Union's rapid reaction capability. France and Germany will consider, between now and the next summit, ways to strengthen the European Union's command capabilities based on the existing capabilities and also taking into account the "Berlin Plus" arrangements. France and Germany will also study the creation of a joint staff at forces command level, in order to use resources and capabilities efficiently.

France and Germany wish to be able to use the Franco-German Brigade as a very rapidly available element of the European Union's rapid reaction capability. To this end our two countries are resolved to continue increasing:

- the subordination of the Brigade to the European Corps, under terms and conditions to be defined in agreement with our partners.
- the integration and readiness of the Brigade's units;
- the Brigade's initial deployment capability for rapid reaction; and
- harmonization of the Brigade's operational and statutory rules of deployment.

Moreover, both our countries reiterate the high quality of the cooperation between their naval forces, which was reflected in 1992 by the creation of the Franco-German Naval Force. France and Germany are continuing to pursue the goal of a rapid transformation of the European Air Transport Coordination Cell into a European air transport command. They intend to go on developing the structures and capabilities of the European Air transport Coordination Cell and use them in their crisis-management operations.

2. Pooling their capabilities

The A-400M programme is of fundamental importance, it is the concrete manifestation of the desire for European cooperation and an important means of strengthening the ESDP. France and Germany intend playing a pioneering role in the field of training, exercises, commitment and logistics. In this context, France and Germany also intend eventually to form a joint air transport squadron.

France and Germany will embark on pooling their capabilities for supporting forces deployed in crisis-prevention and management operations. This particularly involves NRBC [nuclear, radiological, biological and chemical] protection, services de santé [equivalents: UK – Royal Medical Corps; US – Medical Department] and command forces and support capabilities, and airborne strategic and tactical reconnaissance systems.

3. Common analysis of the threat

France and Germany reaffirm that the European Union must have a common analysis of the risks hanging over its member States. To this end, our two countries are preparing an analysis of the threat constituted by the proliferation of weapons of mass destruction (WMD) and their means of delivery. This document will be proposed to our European Union partners in the Political and Security Committee (PSC). Concurrently, France and Germany agree to explore the possibilities of coordinating their efforts to draw up projects for consideration in the framework of the G8 world partnership against the proliferation of weapons of mass destruction.

Our two countries support the proposal for a meeting of United Nations Security Council heads of State and government in the margins of the United Nations General Assembly to give, in the light of recent crises, a new boost to the non-proliferation policy.

4. Preventing and fighting terrorism International terrorism is a threat to our security to which we must respond by mobilizing all appropriate means with the aim of ensuring comprehensive preventive security. France and Germany are today considering the contribution which the ESDP can make to preventing and fighting terrorism. They will present joint proposals on this subject to their European Union partners.

France and Germany pledge to follow up the ministerial meeting of the Security Council on the fight against terrorism held on 20 January. The two countries are resolved inter alia to continue cooperating closely in the fight against the financing of terrorism.

5. a common policy on cooperation on armaments France and Germany intend to promote a common policy on exports and common rules based on free trade between our two countries on the basis of the European Union Code of Conduct and provisions of the Letter of Intent (LoI) on exports to third countries. An adequate policy and new regulations will facilitate exchanges in the framework of cooperation programmes on armaments.

6. joint personnel training They are proposing to their European Union partners the creation of a "European Security and Defence College", designed to promote a common culture for senior civilian officials and military officers of the European Union member States in this sphere.

France and Germany stress the high quality of the cooperation between their forces in combat search and rescue (CSAR). They invite their European Union partners to join their common initiative with a view to creating a European Union centre in this sphere.

France and Germany are determined to develop joint officer training schemes in order to encourage the formulation of common concepts.

France and Germany have decided to step up exchanges of fully integrated personnel between their Foreign and Defence Ministries. They will continue to strengthen their dialogue on security and defence issues within the European Union./.

General Affairs and External Relations Council

Brussels, 27 January 2003

Shortly after the actual start of the EUPM in Bosnia and Herzegovina, the prospect of a second ESDP operation came to the fore – namely, a military operation in the Former Yugoslav Republic of Macedonia, to be conducted in cooperation with NATO under the so-called ‘Berlin-plus’ framework agreement reached in mid-December 2002 (see document I-28 in ‘From Laeken to Copenhagen’).

CONCLUSIONS

(...)

European Security and Defence Policy

Operation in the Former Yugoslav Republic of Macedonia

“Following the letter from President Trajkovski inviting the European Union to take over the operation in FYROM, which is based on the UNSC resolution 1371, and in light of the European Council conclusions of Copenhagen, the Council adopted a Joint Action with a view to an early take-over of the mission, based on agreed arrangements with NATO. To this end, the EU has intensified planning and preparations in consultation with the FYROM authorities and with NATO.

The take-over of the mission by the EU will underline the Union’s pledge to a stable and secure FYROM, committed to fully implement the Framework Agreement and determined to make further progress towards European integration in the context of the Stabilisation and Association process.”

The Joint Action provides that, based on arrangements with NATO and subject to a further decision by the Council, the Union shall conduct an EU Military Operation in the Former Yugoslav Republic of Macedonia, at the request of the FYROM government, in order to ensure the follow-on to the NATO operation “Allied Harmony”. The operation shall be carried out with recourse to NATO assets and capabilities, on the basis agreed with NATO. The Council will appoint an EU Operation Commander. NATO will be invited to agree that Admiral R. Feist (Germany), Deputy Supreme Allied Commander for Europe (D-SACEUR) be appointed EU Operation Commander, and that the EU Operational HQ be at the Supreme Headquarters of Allied Powers in Europe (SHAPE).

The Council also adopted, without debate, a decision establishing an operational financing mechanism to provide for the financing of the shared costs of the EU operation in FYROM. The Treaty on European Union foresees that operational expenditure arising from decisions on operations with military or defence implications is chargeable to Member States. The mechanism established is intended to cover the part of the operational expenditure to be jointly financed. The remaining operational expenditure will be chargeable to each participating State individually.

European Union Police Mission in Bosnia and Herzegovina (EUPM) — Council conclusions

“The Council welcomed the successful start of the European Union Police Mission in Bosnia and Herzegovina (EUPM) on 1 January 2003, the first operation under the European Security and Defence Policy (ESDP). The EUPM, which follows on from the UN’s International Police Task Force, is now fully deployed throughout Bosnia and Herzegovina. The Council congratulated the 500 police men and women from 33 States participating in this EU-led mission on the occasion of the official inauguration of EUPM on 15 January 2003. It noted in particular the close cooperation underway between the EUPM and international organisations in Bosnia and Herzegovina, particularly the OHR whose High Representative is also EU Special Representative.

The Council welcomed the commitments made publicly by the new government of Bosnia and Herzegovina to work with the EUPM in achieving the goal of sustainable policing arrangements under BiH ownership in accordance with best European and international practice. The Council underlined that Rule of Law reform is a crucial prerequisite for Bosnia and Herzegovina’s progress towards Europe.”

(...)

Military operation in the Former Yugoslav Republic of Macedonia

Brussels, 27 January 2003

Council Joint Action 2003/92/CFSP

On the European Union military operation in the Former Yugoslav Republic of Macedonia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 14, Article 25, third subparagraph, Article 26 and Article 28(3) thereof,

Whereas:

(1) The European Council has announced the readiness of the European Union to conduct a military operation to follow on the NATO operation in the Former Yugoslav Republic of Macedonia, in order to further contribute to a stable, secure environment, to allow the FYROM Government to implement the Ohrid Framework Agreement.

(2) Pursuant to the Ohrid Framework Agreement, the Union's contribution is based upon a broad approach with activities to address the whole range of rule of law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The activities of the Union, supported, inter alia, by the Community's institution building programmes under the CARDS Regulation, will contribute to the overall peace implementation in the Former Yugoslav Republic of Macedonia as well as to the achievements of the Union's overall policy in the region, notably the stabilisation and association process.

(3) The Union appointed an EU Special Representative to contribute to the consolidation of the peaceful political process and the full implementation of the Ohrid Framework Agreement, to help to ensure the coherence of the EU external action and to ensure coordination of the international community's efforts to help in the implementation and sustainability of the provisions of that Framework Agreement.

(4) The UN Security Council Resolution 1371 (2001) adopted on 26 September 2001 welcomes the Framework Agreement and supports its full implementation by the efforts of, inter alia, the EU.

(5) On 17 January 2003, the authorities of the Former Yugoslav Republic of Macedonia invited the Union to assume responsibility for the follow-on to the NATO operation 'Allied Harmony'; to this end, an exchange of letters between the authorities of the Former Yugoslav Republic of Macedonia and the Union will follow. The EU is stepping up a process of consultations with NATO, as foreseen in Nice arrangements.

(6) In order to plan for and prepare the deployment of an EU force in the Former Yugoslav Republic of Macedonia, the appointment of an Operation Commander is envisaged.

(7) The European Union is committed to reaching a comprehensive agreement with NATO on all relevant outstanding permanent arrangements between the EU and NATO, in full conformity with the principles agreed in the European Council, and in particular at its meeting at Nice on 7 to 9 December 2000, and at Copenhagen on 12 and 13 December 2002.

(8) The Political and Security Committee should exercise political control of and provide strategic direction to the EU-led operation and take the relevant decisions in accordance with Article 25, third paragraph of the Treaty on European Union.

(9) In conformity with the guidelines of the European Council meeting at Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary General/High representative in accordance with Articles 18 and 26 of the Treaty on European Union in the implementation of measures falling within the political control and strategic direction exercised by the Political and Security Committee (PSC), in accordance with Article 25 of the Treaty on European Union.

(10) Third States should participate in the operation in accordance with the guidelines laid down by the European Council.

(11) In accordance with Article 28(3) of the Treaty on European Union, the operational expenditure arising from this Joint Action having military implications shall be charged to the Member States consistent with the general framework laid down in the Council Decision of 17 June 2002.

(12) Article 14(1) of the Treaty on European Union calls for the indication of the means available to the Union for the whole period of implementation of the Joint Action; in this context, a financial reference amount should be indicated.

(13) The financial reference amount for the common costs of the operation, whose parameters have been defined in the general concept approved by the Council on

23 January 2003 constitutes the best current estimate and is without prejudice to the final figures that will be included in a budget to be approved in accordance with the principles laid down in the general framework decision mentioned in recital 11.

(14) 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, Denmark does not participate in the financing of the operation,

Has adopted this joint action:

Article 1

Mission

1. Based on arrangements with NATO and subject to a further decision by the Council, as specified in Article 3, the European Union shall conduct a European Union military operation in the Former Yugoslav Republic of Macedonia, at the request of the FYROM government, in order to ensure the follow-on to the NATO operation 'Allied Harmony'.
2. The forces deployed to that effect shall operate in accordance with the objectives set out in the general concept approved by the Council.
3. The operation shall be carried out with recourse to NATO assets and capabilities, on the basis agreed with NATO.

Article 2

Appointment of the Operation Commander

1. The Council will appoint an EU Operation Commander.
2. NATO will be invited to agree that Admiral R. FEIST, Deputy Supreme Allied Commander for Europe (D-SACEUR), be appointed EU Operation Commander.
3. NATO will be invited to agree that the EU Operational Headquarters be at the Supreme Headquarters of Allied Powers in Europe (SHAPE).

Article 3

Planning and launching of the Operation

Once the Council has taken the necessary decisions foreseen in the EU crisis management procedures, including decisions on the Operation Commander (Op Cdr), the operation plan (OPLAN), the rules of engagement (RoE), the Operation Headquarters (OHQ) and the EU Force Commander (F Cdr), the Council shall decide on the launching of the operation.

Article 4

Political control and strategic direction

1. The Political and Security Committee shall exercise under the responsibility of the Council the political control and strategic direction of the operation. The Council hereby authorizes the Political and Security Committee to take the relevant decisions in accordance with Article 25 of the Treaty on European Union. This authorisation shall include the powers to amend the operation plan, the chain of command and the rules of engagement. The powers of decision with respect to the objectives and termination of the operation shall remain vested in the Council, assisted by the Secretary General/High Representative.

2. The Political and Security Committee shall report to the Council at regular intervals.

3. The Political and Security Committee shall receive reports by the Chairman of the European Union Military Committee (CEUMC) regarding the conduct of the military operation at regular intervals. The Political and Security Committee may invite the Operation Commander to its meetings as appropriate.

Article 5

Military direction

1. The EU Military Committee (EUMC) shall monitor the proper execution of the military operation conducted under the responsibility of the Operation Commander.

2. The EUMC shall receive reports from the Operation Commander at regular intervals. It may invite the Operation Commander to its meetings as necessary.

3. The CEUMC acts as the primary point of contact with the Operation Commander.

Article 6

Relations with FYROM

The Secretary General/High Representative and the EU Special Representative in FYROM within their respective mandates shall act as primary points of contact with the authorities of FYROM for matters relating to the implementation of this Joint Action. The Presidency will be kept regularly and promptly informed on these contacts. The Force Commander shall maintain contact with local authorities on issues relevant to his mission.

Article 7

Coordination and liaison

Without prejudice to the chain of command, EU Commanders shall coordinate closely with the EU Special Representative in FYROM with a view to ensure consistency of the military operation with the broader context of the EU activities in FYROM. Within that framework, EU Commanders will liaise with other international actors in the area as appropriate.

Article 8

Participation of third States

1. Without prejudice to the decision-making autonomy of the European Union and to the Single Institutional Framework, and in accordance with the relevant guidelines of the European Council, in particular those given at its meeting at Nice on 7 to 9 December 2000:

- the non-EU European NATO members shall participate in the operation if they so wish,
- countries which have been invited by the Copenhagen European Council to become Member States are invited to participate in the operation, in accordance with the agreed modalities,
- potential partners may also be invited to participate in the operation.

2. The Council hereby authorises the Political and Security Committee to take, upon the recommendation of the Operation Commander and the EUMC, the relevant decisions on acceptance of the proposed contributions.

3. Detailed arrangements regarding the participation of third States shall be the subject of an agreement, in conformity with Article 24 of the Treaty on European Union. The Secretary General/High Representative assisting the presidency may negotiate such arrangements on its behalf.

4. Third States making significant military contributions to the EU-led operation shall 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.

5. The Council hereby authorises the Political and Security Committee to take relevant decisions on the setting-up of a committee of contributors, in case that the third States provide significant military contributions.

Article 9

Financial arrangements

1. The Council shall set up a financial mechanism to cover the common costs of the operation referred to in Article 1.

2. For the purposes for this operation:

- barracks and lodging for the forces as a whole shall be eligible for payment as common costs,
- expenditure related to transportation for the forces as a whole shall not be eligible for payment as common costs.

3. The financial reference amount shall be EUR 4 700 000.

Article 10

Relations with NATO

1. Contacts and meetings between EU and NATO should be stepped up during the preparation and conduct of the operation, in the interests of transparency, consultation and cooperation between the two organisations. This should include meetings at PSC/NAC and Military Committee level and regular contacts between EU and NATO Commanders in the region. Throughout the operation NATO shall be kept informed on the use of NATO assets and capabilities. The PSC shall inform the NAC before proposing to the Council the termination of the operation.

2. The entire chain of command will remain under the political control and strategic direction of the EU throughout the operation, after consultation between the two organisations. In that framework the Operation Commander will report on the conduct of the operation to EU bodies only. NATO will be informed of developments in the situation by the appropriate bodies, in particular the PSC and the Chairman of the Military Committee.

Article 11

Release of classified information to NATO and third States

The Secretary-General/High Representative is authorised to release to NATO and third parties associated with this Joint Action EU classified information and documents generated for the purposes of the operation in accordance with the Council Security Regulations.

Article 12

Status of the EU-led forces

The status of the EU-led forces in the Former Yugoslav Republic of Macedonia shall be the subject of an agreement with the Government of the Former Yugoslav Republic of Macedonia to be concluded on the basis of Article 24 of the Treaty on European Union.

Article 13

Entry into force

This Joint Action shall enter into force on 1 February 2003.

Article 14

Publication

This Joint Action shall be published in the Official Journal of the European Union.

Done at Brussels, 27 January 2003.

For the Council

The President, G. Papandreou

Franco-British summit

Le Touquet, 4 February 2003

Following on the tradition inaugurated with the St-Malo declaration of December 1998 – and in spite of their current sharp divisions over Iraq – France and Britain agreed to add new momentum to ESDP by emphasising the fledgling operational dimension and linking the EU capabilities goals to the most demanding military tasks. Last but not least, the two countries decided to cooperate on the construction of new aircraft carriers.

DECLARATION ON STRENGTHENING EUROPEAN COOPERATION IN SECURITY AND DEFENCE

France and the UK stood together to face the security challenges Europe confronted throughout the twentieth century. Today Europe must address new security challenges. France and the UK are determined to strengthen their cooperation, working with their partners, to ensure Europe is equipped to deal with them effectively.

Sharing the conviction that the EU should play its full role in the world, our two countries proposed at the Saint-Malo Summit in 1998 the development of a European Security and Defence Policy (ESDP) in order to respond to the challenges of effective crisis management.

We welcome the rapid progress in the development of this policy. The European Union now has the capacity to take decisions and to act in crisis management, including institutions, civilian and military assets, which will enable it to conduct operations with or without recourse to NATO assets. The UK and France welcome the determination of member States to continue to improve their military capabilities and welcome the agreement to give the EU access to the planning, command and military capabilities of the Alliance, as part of a genuine strategic partnership in crisis management. We will work to conclude the full set of NATO/EU agreements by 1 March.

Our two countries now wish to take European Defence to a new stage in three areas which correspond to today's challenges: the EU's role in crisis management; the solidarity of its member States in the face of the threats which affect their common security; and the effective strengthening of their military capabilities.

We proposed today initiatives to modernise and develop Europe's security and defence capability:

- The first EU military crisis-management operations in the Balkans;
- A new approach to our common security interests;

- Ambitious proposals to develop military capabilities across the EU; and
- A new era in cooperation between the UK and France on aircraft carriers.

We emphasise the closeness of our views on the defence issues being dealt with by the Convention on the Future of Europe, and our intention to work together further.

1) France and the UK agree this is the time for the European Union to take on new responsibilities on the ground for crisis management and they commit themselves to making a success of these endeavours.

We agree that the European Union should begin its peacekeeping activities in the Balkans, where Europe speaks with a single voice, where it already plays a crucial political and financial role and where its interests and values are clearly at stake. We welcome the first ESDP operation, which has begun its work in the former Yugoslavia, with the deployment to Bosnia of a civilian mission, including police officers from all 15 EU nations, to train the local police forces.

Our two countries actively support the work under way to prepare the European Union to launch its first military operation in March, in the former Yugoslav Republic of Macedonia.

We welcome the European Union's intention to undertake a military operation in Bosnia-Herzegovina in early 2004, working with the international community and with NATO in particular to take over the stabilisation role from the Alliance. We see this as supporting the efforts of Lord Ashdown, as High Representative and EU Special Representative, to pursue the EU's agenda in Bosnia-Herzegovina and to complement the EU's efforts to promote the development of that country.

These operations will build on the close relationship that the EU and NATO have developed in the Balkans, taking it to a new level and contributing to a renewed and balanced transatlantic partnership.

France and the UK will present to the EU General Affairs and External Relations Council on 24 February joint proposals to launch work in the coming weeks for a takeover by the EU of the stabilisation mission in Bosnia, on the basis of transparency and cooperation with NATO.

France and the United Kingdom also agree that the potential scope of ESDP should match the worldwide ambition of the European Union's Common Foreign and Security Policy and should be able to support effectively the EU's wider external policy objectives to promote democracy, human rights, good governance and reform.

In this context, we recall the commitment we made at the Saint-Malo Summit to combine our efforts to promote peace and stability in Africa. We will therefore propose to our Partners that the EU should examine how it can contribute to conflict prevention and peacekeeping in Africa, including through EU autonomous operations, in close cooperation with the United Nations.

2) France and the UK want to promote the principle of solidarity and mutual assistance between the member States of the European Union in the face of the threats which confront our common security.

We reaffirm today the commitment made in 1995 that we cannot imagine a situation in which the vital interests of one of our two countries – France and the UK – could be threatened without the vital interests of the other also being threatened.

Our two countries want to adapt this commitment to the new strategic context.

Faced with risks of all kinds, particularly from terrorism, France and the UK commit themselves as from today to mobilise all their available assets in order to provide help and assistance to the other country. We invite our partners in the European Union to join us in this commitment.

We support the proposal to include in the new Treaty a solidarity clause, in order to cope effectively with the threats we face together, making use of all the instruments and structures of the European Union, both civilian and military.

Our commitments and cooperation in this field will remain consistent with our commitments in NATO, which remains the basis of the collective defence of its members.

3) France and the UK agree that developing the EU's ability to act, in the face of new threats and the requirements of crisis management, means we must intensify efforts to improve the military capabilities of EU member States.

This will also be of direct benefit to the Atlantic Alliance, as envisaged at Saint-Malo.

France and the UK invite their partners to join them in these efforts.

- (a) Together we propose that the European Union should set new capability objectives, having assessed the Helsinki Headline Goal, which is due to be achieved by the end of this year. In order to conduct several operations simultaneously and to improve its rapid reaction capacity, the Union should set new objectives, both quantitative (including relevant measures of defence expenditure) and qualitative (preparedness, military effectiveness, deployability, interoperability and sustainability of forces).
- (b) To support this, an intergovernmental defence capabilities development and acquisition agency could be established in the EU. The intention would be to ensure that the capabilities required for current and future ESDP missions are defined accurately through the Capability Development Mechanism and introduced into service as efficiently and cost-effectively as possible. The objective of the agency would therefore be to promote a comprehensive approach to capability development across all EU nations.

To this end, the agency would have the following roles:

- The identification of the qualitative and quantitative objectives set out above, and evaluation of capabilities against them;
- efficient procurement;
- coordination of defence research and technology;
- harmonisation of military requirements;
- promotion of multinational solutions to fill identified capability gaps;
- management of cooperative programmes on the basis of the development and progressive enlargement of OCCAR;
- strengthening of an internationally-competitive defence industrial and technological base, drawing on procedures identified in the Letter of Intent Framework Agreement and through the provision of advice on the regulation of the armaments sector, e.g. adaptation of the Community Framework.

- (c) The UK and France regard developing the capacity for rapid reaction as a European priority. Progress here will enable the EU to meet its own objectives and to strengthen the European contribution to the establishment of a NATO Response Force and to ensure compatibility between the two.

In order to meet the requirements of immediate reaction forces, our two countries are convinced of the need to improve further European capabilities in planning and deploying forces at short notice, including initial deployment of land, sea and air forces within 5-10 days. We have therefore agreed to step up cooperation between our national planning and operations staff in order to enhance their interoperability to prepare for contingencies where they may be called to act together at very short notice.

- (d) France and the United Kingdom emphasise that air-naval capabilities are a key element in power projection. Our two countries, who already have substantial capabilities in this area, have decided to procure new aircraft carriers and to improve the availability and effectiveness of our carrier groups.

In this context France and the United Kingdom wish to develop the interoperability of their aircraft carrier groups, pursuing all areas of cooperation, in particular harmonising activity cycles and training. The objective will be to have one aircraft carrier permanently available.

France and the United Kingdom will also seek to develop industrial cooperation on the basis of their aircraft carrier procurement programmes. The UK decision on its national programme will open up new areas of cooperation.

- (e) More generally, on the basis of the Letter of Intent agreed by our two Navies, we will continue to develop our bilateral naval cooperation in particular to optimise the conditions for training of personnel and operational deployments.

UK-Italy summit

Rome, 21 February 2003

Following on a tradition dating back to July 1999 (see document 11 in 'From St-Malo to Nice'), the Anglo-Italian summit of February 2003 emphasised the capability dimension of European defence, put it in the context of both NATO and ESDP efforts, and dwelt also on the specific challenges deriving from the Mediterranean area.

DECLARATION: DEFENCE AND SECURITY

Introduction

1. Italy and the UK have developed a solid and longstanding co-operation to meet the security challenges of the second half of the 20th century. We are determined to strengthen this co-operation in the 21st century by working together in the UN, the EU, NATO, G8, and OSCE. The new threats and challenges include:

- Terrorism, from whichever quarter it may come;
- The proliferation of weapons of mass destruction;
- Criminal facilitation of illegal immigration and the smuggling of drugs.

2. Meeting these challenges also requires active co-operation across the range of political, diplomatic, civil, and military responses, including an increased joint focus on the stability and security of the Mediterranean, where we want to address the challenges and take advantage of the opportunities for co-operation.

NATO

3. The foundation for our defence is the transatlantic relationship embodied by NATO. The transformation in NATO's structures and the capabilities commitments made at the Prague Summit last November will equip the Alliance to serve as a firm guarantee of our security in the 21st century. We recognise the importance of real progress towards transformation by the time NATO leaders next meet fifteen months from now. We pledge ourselves to working towards the effective implementation of the commitments made at Prague and we reaffirm our strong support for the new NATO command and force structures, which are key elements in equipping NATO against new threats.

Strengthening bilateral co-operation in NATO.

4. We agree on the need to transform our armed forces to address new threats – to move further from Cold War concepts of static territorial defence towards modern, professional forces with the mobility, flexibility and responsiveness to confront threats wherever they arise.

5. The NATO Response Force will be at the cutting edge of this transformation. It will build on NATO's successful creation of High Readiness Forces Headquarters, both Land and Maritime, in which we have taken the lead as Framework Nations. We have developed extensive co-operation between our respective High Readiness Forces: we have cross-assigned divisions, exchanged staff, provided Deputy Commanders to each others' forces and helped each other train and exercise.

6. We are delighted that NATO has recommended this pattern of mutual support to others and look forward to even closer co-operation. Today we have agreed to pool our experience of force generation – the assembly of forces for rapid deployment – to help NATO make the NRF a reality. This approach to force generation will be equally applicable to ESDP rapid reaction operations, thus promoting the harmonious development of NATO and European rapid reaction capability.

European Security and Defence Policy (ESDP)

7. We are convinced that the EU should play a major role on the international scene and we agree that ESDP, as an essential component of the Common Foreign and Security Policy (CFSP), should be developed to attain this goal, including in the light of the work of the European Convention and the next IGC.

8. We welcome the work done since the Copenhagen Summit to make European Security and Defence Policy fully operational. We warmly welcome the EU-NATO agreement to give the EU assured access to NATO assets, and we look forward to the development of the strategic partnership between the EU and NATO in a way that will be mutually reinforcing to both organisations and that will avoid unnecessary duplication. We now want to see ESDP equipped to conduct operations across the spectrum of Petersberg Tasks of crisis management, humanitarian, and peacekeeping missions, also taking into account the new missions proposed by the European Convention, such as post-conflict stabilisation, defence outreach, conflict prevention and disarmament operations. We also agree that the EU needs to be capable of conducting concurrent operations and of responding more quickly to emerging crises.

9. Italy and the UK fully support the work under way to allow the EU to take over from NATO responsibility for peacekeeping in Former Yugoslav Republic of Macedonia and, in due course, Bosnia. Both EU operations should be based on the close relationship that the EU and NATO have established in the Balkans. The EU and NATO should remain committed to promoting the development and stabilisation of south-eastern Europe and should develop a co-ordinated strategy to that end.

Military Capabilities

10. Effective military capabilities are essential for both NATO and the EU in fulfilling their responsibilities.

11. In July 1999, we proposed that the EU should develop concrete targets for military capabilities. These were agreed in the Helsinki Headline Goal, and we will work together during the Italian EU Presidency for their achievement. In the longer term, we recognise the great benefit to both NATO and ESDP of closer European collaboration in research, technology and capability acquisition, and the removal of barriers to trade in the defence industry. These principles underlie the work of OCCAR and the Letter of Intent Organisation, of which we are both members.

12. We have therefore agreed today to:

- Work with our European partners to identify and develop new capability targets after the Headline Goal 2003. This will ensure that the forces available to the EU remain relevant to the changing security situation and are more flexible, more rapidly deployable and better able to deal with concurrent tasks;
- Work with our European partners towards the creation of a European defence capabilities and acquisition agency which would incorporate, at the appropriate time, existing bodies such as WEAG/WEAO, OCCAR, and LOI, and both identify and evaluate performance against the achievement of capability targets and promote co-operation in filling identified capability requirements as cost-effectively as possible. We will take this initiative forward on the basis of good practice developed in OCCAR and LOI and we will work together towards the progressive opening of defence markets;
- Encourage further co-operation between British and Italian defence industries beyond those areas of existing co-operation, such as avionics, electronics, communications and aeronautics.

Civil Capabilities

13. The civil dimension of ESDP will also have to be further developed, in order to allow the EU to perform crisis management missions using the whole range of its tools in a co-

ordinated way, as necessary. During the Italian Presidency, we shall work together to develop further the EU's capability in the areas of civil policing, rule of law, civil administration and civil protection.

Mediterranean Security

14. Britain and Italy have a shared commitment to the security of the Mediterranean region, which is vital to us both. Since security and stability in Europe and in the Mediterranean are closely linked, we shall co-operate to extend, wherever applicable, to the area the concepts of security that have successfully been established in Europe. In so doing, we will take stock of the experiences gained in the stabilisation process in south-eastern Europe, which has a Mediterranean dimension.

15. The NATO Mediterranean Dialogue and the EU EuroMed Partnership (the Barcelona Process) offer concrete and mutually reinforcing opportunities for countries from the northern and southern shores of the Mediterranean to work together actively to promote security and stability in the region. At the Prague Summit, NATO leaders agreed to upgrade the political and practical dimensions of the Dialogue. NATO, working in concert with its southern partners, should move quickly to implement practical initiatives, including exercises and training. The EU, under the Barcelona Process, is committed to providing 5.53 billion Euros between 2000 and 2006. We will work together to ensure that these resources are used effectively to enhance regional security, including through the implementation of economic and social development programmes. Britain and Italy will continue to look for opportunities to work with our southern partners to give these multilateral efforts greater momentum and concrete results.

Facilitating Maritime Security

16. Our commitment to stability and security in the Mediterranean through co-operation will enhance our ability to operate more effectively against threats of terrorism and weapons of mass destruction. To this end, we have agreed on the following joint action:

- To work within the overall context of the UN Convention on the Law of the Sea, to reach agreements, both with third countries and on a regional basis, aimed at tackling threats to maritime security and enhancing co-operation among flag and coastal states;
- Joint action, in the International Maritime Organisation (IMO) and elsewhere, to ensure that flag states enforce their vessels' compliance with international law;
- Work with EU and G8 partners towards implementation of new security measures agreed at the IMO;

- Promoting international work to expand the Convention on the Suppression of Unlawful Acts Against Navigation (SUA) to provide increased ability to take action against proliferation, including supporting capacity-building in Mediterranean countries.

17. We will also work together to increase the effectiveness of co-operation between and among military and other security organisations against new threats confronting us in the Mediterranean, including terrorism and the proliferation of weapons of mass destruction, either through NATO, or ESDP, or both, as appropriate, or bilaterally, through operational arrangements.

18. All these efforts will build on the experience gained during Operation Active Endeavour, which increased the effectiveness of NATO's surveillance of the Eastern Mediterranean following the attacks of 11 September. We welcome agreement in NATO to the extension of Operation Active Endeavour to the Mediterranean region as a whole, reflecting the scope of the threats to us.

Terrorism

19. The fight against terrorism continues to be of the utmost importance to both our countries. We will continue to co-operate bilaterally and in multilateral fora. Bilaterally, our law enforcement and intelligence agencies work closely together on all aspects of this threat to the international community. Italy has included the fight against terrorism as an EU Presidency priority. We will work together to take this work forward in the G8 and other international organisations.

Non-Proliferation and Arms Control

20. Not all countries in the area have so far adhered to all major non-proliferation and arms control agreements. Mediterranean security and stability would be enhanced by their consistent and uniform implementation. We will work together with our EU and NATO partners and in full transparency with other Mediterranean countries to achieve this and to reduce the threat of weapons of mass destruction.

Illegal immigration

21. We reiterate our commitment to taking forward immigration and asylum policy at the EU level to ensure that the commitments to fight against illegal immigration made at Tampere and Seville are made into reality. This requires effective implementation of the comprehensive approach recommended at Seville to overcome the challenges in source, transit, and destination countries and to disrupt the activities of traffickers in human beings. We jointly pledge active support in implementing the plan for the management of the external border of the European Union. In this context, we believe it is necessary to explore possibilities for adequate financing for measures to strengthen the EU external borders.

22. In taking forward shared work to implement the Seville measures, we can build on the already excellent co-operation to close off illegal immigration routes and target trafficking groups. We reaffirm our shared commitment to strengthen the EU's response in this field and to continue operational activity, including:

- Joint efforts to combat illegal immigration, both by sea (such as the EU's Operation 'Ulysses') and by rail (building on the successful bilateral projects already under way);
- Work with EU and other partners to combat the criminal facilitation of illegal immigration towards and through the Mediterranean, in accordance with international regulations regarding navigation safety;
- Enhanced UK-Italy co-operation in Serbia and Montenegro following the success of our work together through Project IMMFACT (deployment of EU immigration experts to Bosnia which reduced improper transit of Sarajevo airport by 90%);
- Targeting forged passports (in agreement with the G8);
- Close law enforcement and judicial links through our Embassies.

This represents an important strengthening of co-operation between the UK and Italy in the fight against organised immigration crime.

February 2003

General Affairs and External Relations Council

Brussels, 24 February 2003

CONCLUSIONS

(...)

European Security and Defence Policy

The Council heard a report from High Representative Solana on the question of the envisaged takeover by the EU of the international military presence in Bosnia and Herzegovina, following initial consultations on this issue, as mandated by the European Council in Copenhagen, with the BiH authorities, the High Representative for BiH/EU Special Representative, Paddy Ashdown, NATO and other international players. The European Council had indicated the Union's willingness to lead a military operation in Bosnia and Herzegovina following SFOR. The report presented by the HR together with the Presidency underscores the need for the future mission to retain a robust mandate, the opportunity that an EU-led operation would offer in terms of an integrated EU approach towards the country (notably with the presence of the EU Police Mission in BiH) and the importance of close co-operation with NATO as well as with the United States. France and the UK also made a joint contribution on the issue.

Secondly, the Council assessed the state of play in the implementation of the "Berlin plus" permanent arrangements between the EU and NATO, on the basis of an overview given by the High Representative. It noted that the three main elements (assured access to NATO planning, presumption of availability of pre-identified NATO common assets and capabilities, and European command options including the role of DSACEUR) had been concluded.

Finally, the Council, on the basis of a briefing by High Representative Solana, took stock of progress achieved in preparations for the take-over by the EU of the military operation in the Former Yugoslav Republic of Macedonia. It noted in particular the adoption of the Joint Action, the appointment of the EU Operation Commander and Force Commander as well as the initiation of the force generation and manning processes with all invited countries.

(...)

EU-NATO Agreement on Security of information

The Council adopted a decision on approving on behalf of the EU the conclusion of an Agreement between the European Union and the North Atlantic Treaty Organisation on the security of information.

(...)

Statement by NATO's Secretary General – Berlin-Plus

Brussels, 17 March 2003

On the occasion of the formal handover of responsibility from NATO's Operation *Allied Harmony* to the EU's Operation *Concordia* in the Former Yugoslav Republic of Macedonia, the Alliance's Secretary General dwelt upon the key elements of the 'Berlin-Plus' arrangements between the EU and NATO that would be put in place for the first time in that contingency. The exchange of letters from December 2002 that sets the terms of the relevant 'permanent arrangements' is a classified document.

NATO-EU COOPERATION TAKEN TO A NEW LEVEL

Today, the North Atlantic Council has decided to terminate Operation Allied Harmony in the former Yugoslav Republic of Macedonia¹ as of 31 March with a view to the EU commencing a successor operation. The handover has the full agreement of the authorities in Skopje, and demonstrates the considerable progress achieved during Allied Harmony and the previous operation Task Force Fox in restoring stability.

NATO will remain fully committed to helping the former Yugoslav Republic of Macedonia to become fully integrated in Euro-Atlantic structures, and will continue to work for peace and stability in the Balkans. To that end NATO will maintain a Senior Civilian Representative and a Senior Military Representative in Skopje, who will continue to assist the authorities in the development of security sector reform and adaptation to NATO standards.

This decision also marks an important milestone in the development of the NATO-EU strategic partnership. The full set of agreements for ready access by the EU to the collective assets and capabilities of NATO for EU-led operations (the so-called "Berlin Plus" arrangements) was key for the European Union to be able to take over NATO's mission in the former Yugoslav Republic of Macedonia. Under these arrangements, NATO is able to support EU-led operations in which the Alliance as a whole is not engaged militarily. The force commander of the EU-led operation will be co-located in Skopje with the NATO Senior Military Representative.

The "Berlin Plus" arrangements, which have now been finalised, are in line with decisions taken at the 1999 NATO Washington Summit, and are consistent with decisions taken since then by NATO and the EU. Deputy SACEUR will be the operation commander of the EU-led operation and in this way will play a pivotal role between the EU and NATO.

1. Turkey recognises the Republic of Macedonia under its constitutional name.

NATO-EU cooperation in the Western Balkans goes back to the mid-1990s. The new crisis management arrangements now being put into practice in the former Yugoslav Republic of Macedonia are founded on both organisations' determination to enhance mutual consultations, dialogue, cooperation and transparency, in due regard for the decision-making autonomy and interests of each.

General Affairs and External Relations Council

Brussels, 18 March 2003

CONCLUSIONS

(...)

European Security and Defence Policy

Operation in the former Yugoslav Republic of Macedonia

“Following the conclusions of the European Council of Copenhagen and as requested in a letter by President Trajkovski, the Council has taken the decision to launch a military operation in the former Yugoslav Republic of Macedonia, based on UNSCR 1371. This operation follows the NATO operation which, as decided by the North Atlantic Council, will end on 31 March. The European Union expressed its appreciation for the role played by the NATO military force in the former Yugoslav Republic of Macedonia since its inception in August 2001.

The Council adopted the Operation Plan (OPLAN) and agreed the Authorisation of Rules of Engagement for this operation. The Council welcomed the participation of fourteen third States.

At the request of the authorities of the host country, the anticipated duration of the operation is six months. This operation is part of the larger commitment of the E.U. to the former Yugoslav Republic of Macedonia and to its rapprochement with the E.U. within the Stabilisation and Association process.

The operation makes use of NATO assets and capabilities. This was made possible following the completion of the work on the different issues concerning the relations between the EU and NATO. In this context, an exchange of letters took place between the Secretary General/High Representative of the EU and the Secretary General of NATO. This exchange of letters constitutes the framework of the strategic partnership between the EU and NATO in crisis management, in full conformity with the principles agreed at successive meetings of the European Council. The Council welcomed the arrangements agreed between the EU and NATO

The Council underlined the valuable contribution of the SG/HR to this outcome.”

(...)

Council Resolution on standardisation in the field of armaments

The Council adopted the following Resolution on standardisation in the field of armaments:

“THE COUNCIL OF THE EUROPEAN UNION,

(1) RECOGNISING the importance of the defence industry as a substantial regional, national and transnational employer requiring a national, regional and EU-wide perspective on its working methods.

(2) RECOGNISING that standardisation plays an important role for restructuring in the armaments field in order to maintain a robust and competitive base in the face of increased global competition.

(3) CONSIDERING the necessity to achieve a high level of standardisation in order to enjoy economies of scale.

(4) RECOGNISING the increasing importance of the expanding role of dual-use technologies which are forcing the European defence industry to adopt internationally recognised standards.

(5) UNDERLINING the imperatives of interchangeability, and interoperability in order to improve the degree of interoperability among armed forces of the Member States.

(6) CONSIDERING that standardisation is an important pre-condition to fulfil the building of a strong European Defence Industry.

(7) CONSIDERING that the gradual setting up of a European defence equipment market and the consolidation of a European industrial base should call for an effort to rationalise the relevant standards.

(8) WELCOMING the work already undertaken by the Commission in the area of standardisation.

(9) RECOGNISING that the “Comité Européen pour la Normalisation (CEN)” has been charged by the Commission to perform a study and to draft a European Handbook on Standardisation for defence procurement before the end of 2004.

(10) RECOGNISING the usefulness of supporting the CEN Handbook initiative taking into account the standards already developed in other relevant International Organisations.

ENCOURAGES THE COMMISSION

to pursue the work within CEN and to continue to finance the Handbook project (over future phases) provided that the views of Member States are incorporated in the work.”

ESDP - Dialogue and cooperation between the EU and Mediterranean partners

The Council endorsed a paper on dialogue and co-operation on European Security and Defence Policy between the EU and Mediterranean Partners, with a view to enhancing transparency and further strengthening mutual understanding, and exploring more concrete ideas and proposals for co-operation.

(...)

European Council

Brussels, 19 March 2003

Building on the experience gained in 2002 with the first EU military exercise (see document I-11 in 'From Laeken to Copenhagen'), the relevant EU bodies elaborated a 'concept' to be used as a guideline for the future.

DRAFT EUROPEAN UNION EXERCISE CONCEPT

I. Introduction

1. The Council approved on 14 May 2001 the Exercise Policy of the European Union, which defines the political and operational framework for future EU exercise activities. The Exercise Policy identifies the EU requirements for and categories of exercises, and is the basis for the effective implementation of all EU exercises. It states that further details for the implementation will be provided in an EU exercise concept.
2. The EU exercise concept sets out the practical modalities for the implementation of the Exercise Policy pursuant to paragraph 29 of that Policy.
3. The exercise concept is a working tool, which could be revised, as necessary.

II. Aim

4. The EU exercise concept provides details for the selection and shaping of exercises as well as for their implementation. It also includes the definition of procedures for the planning, conduct, evaluation and reporting of each individual exercise.

III. Scope

5. The concept will apply to EU institutions when involved in the programming and implementing of EU exercises as defined in the EU Exercise Policy.

IV. EU Exercise Architecture

6. The Council will, in close association with the Commission, ensure the consistency between the different bodies involved in the implementation of the EU 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 (EXSPEEC) - in close association with the Commission as appropriate.
7. Without prejudice to paragraph 8, the PSC has the overall responsibility for the programming, planning, conduct, evaluation and reporting of all EU exercises, including the preparation of the annual EU Exercise Programme and the development of the Exercise Specifications (EXSPEEC). The Military Committee 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, 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.
8. 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.

Exercise process

9. The EU exercise process consists of two distinct steps, namely Exercise programming (Section VI) and Exercise implementation (Section VII)
10. Exercise programming means the selection of individual exercises to be included in the EU Exercise Programme.
11. Exercise implementation is achieved through the consecutive stages of planning, conducting, evaluating and reporting. These stages represent a planning framework for different forms and types of exercises. Section VII (...) also contain guidelines for the planning of a specific exercise.

12. Planning means the process of establishing the exercise specifications and the elaboration of the exercise documentation through the necessary expert settings (syndicate work).
13. Conduct means the execution of what has been planned for a specific exercise. It refers to what is also known as the “active phase” of an exercise.
14. Evaluation means the assessment by exercise players of whether and to what extent the exercise aims and objectives were achieved.
15. Reporting means the development and approval of a final exercise report that contains agreed lessons learned, conclusions and recommendations for future action.

Actors in the implementation process of an exercise

16. The EU Exercise Policy is 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 and may also plan its own internal exercises.
17. The exercise is scheduled, once the Council has tentatively agreed the exercise as part of the EU Exercise Programme. Scheduling means the incorporation of the exercise into the EU’s running agenda, thus allowing for its adequate implementation (adequate staffing, facilities, budget...).
18. The following key responsibilities are to be identified once the Council decided to schedule a specific exercise. Relevant structures of the Commission will participate in this work as appropriate.

A. OFFICIAL SCHEDULING THE EXERCISE (OSE)

19. Unless otherwise specified, the Secretary General/High Representative is the official scheduling an EU exercise, in association with the Commission as appropriate.
20. The OSE may propose, in a first instance, to PSC to terminate, suspend or modify an exercise, if major constraints make such a decision necessary.

B. OFFICIAL CONDUCTING THE EXERCISE (OCE)

21. Acting under the authority of the OSE, the OCE is the official in charge of the planning, conduct, evaluation and reporting of the exercise in association with the Commission, as appropriate. Unless otherwise specified, the General Secretariat of the Council will provide the OCE, in association with the Commission services as appropriate.
22. The exercise will be conducted by the OCE in accordance with the Exercise Specifications and EXINST. The OCE may propose to the OSE to terminate, suspend or modify the exercise or parts of it. In particular, occurrences which significantly impinge on the conduct of the exercise or which for example have the potential to stimulate extensive negative media interest are to be reported in a timely manner by the OCE to the OSE, who will inform the PSC immediately.

C. DIRECTING STAFF (DISTAFF) AND POLITICAL RESPONSE CELL (PRC)

23. A Directing Staff (DISTAFF) will be established in order to monitor and, if necessary, influence exercise play in accordance with the aims and objectives of the exercise. A Central DISTAFF will be formed by the Council General Secretariat in Brussels and will comprise CPT members from the Council General Secretariat and the Commission, and experts from Member States. DISTAFF elements will be located in capitals and staffed by relevant personnel from Member States. There will also be a DISTAFF element in the Commission.
24. In case of joint EU/NATO polmil exercises, relevant responsibilities will be laid down in the DI-INST, in full respect of each organisation's decision-making autonomy.
25. An exercise Political Response Cell (PRC) should be established by the Council General Secretariat in order to simulate responses and reactions by generic countries, international organisations and other organisations, including NGOs as appropriate, in accordance with the scenario and the exercise specifications.
26. DISTAFF and PRC are the only artificial structures during an exercise.

D. EXERCISE PLANNERS

27. A clear demarcation of exercise planners and players needs to be ensured within the EU and in capitals. This is crucial, in particular in the case of event driven crisis management exercises which can only be successfully run if the events prepared for injection during the conduct of the exercise are not known in advance to the players. Therefore, involvement of Member States' delegations in Brussels in the details of the planning process should be avoided to the greatest extent possible.
28. A Core Planning Team (CPT) will be established for the purpose of each EU exercise, comprising staffs from the relevant services of Council General Secretariat under the authority of the SG/HR and as appropriate, from the Commission. The incumbent and if appropriate, in terms of conduct days, incoming Presidency will be fully associated in the work of the CPT and attend its meetings. The CPT's tasks are to elaborate first drafts of the EXSPEC, the EPG, the draft EXINST and DI-INST, and following the conduct of the exercise, to compile the initial draft Final Exercise Report (FER) on the basis of First Impression Reports (FIRs) received. It also prepares the exercise planning meetings.
29. From a technical perspective, exercise documentation will be elaborated and reviewed in planning meetings, drawing on first drafts prepared by the CPT. These meetings will be held in the format of PMG/EUMCWG with delegations being manned by Member States experts according to each Member State's decision. During these planning meetings, the Member States experts will have the primary responsibility for elaborating further the exercise documentation and co-ordinating exercise work. These Member States experts will in principle also play a DISTAFF role during the conduct of the exercise (be it in the Central DISTAFF or in Member States' capitals). Since EU exercises aim at testing the EU's comprehensive approach to crisis management, the presence of civilian as well as military Member States experts is highly recommended during planning meetings.
30. Planning meetings will comprise a number of "informal settings" or syndicates on specific subject matters. The number and composition of such syndicates will vary in accordance with the aims and objectives of specific exercises.
31. Detailed exercise planning, as conducted by Member States exercise experts in accordance with the process described above, will be supervised by the PMG on behalf of the PSC. The PMG will in particular consider in detail the elaboration of the draft EXSPEC - which is the basic planning document for each individual exercise - and exercise the necessary political guidance on EU crisis management procedures and

other key political aspects surfacing during exercise planning and give its final consent to EX-INST. If deemed necessary during the course of the planning phase, including during planning meetings, the Presidency may call on short notice a special meeting of the PMG to provide such guidance. Relevant controversial military issues will be brought to the attention of the EUMC.

32. However, the implementation of military exercises and military exercise-related activities will be directed by the EUMC, under the guidance of the PSC.

E. EXERCISE PLAYERS AND OTHER PARTICIPANTS

33. Players entitled to participate in exercises are defined in the EXSPEC. Players could in particular be Member States (capitals and delegations), relevant Council instances, the Secretary-General/High Representative, the Commission, and other levels as appropriate, including the European Union Satellite Centre.

34. Participation or observation of EU Exercises is covered in section IV of the EU Exercise Policy.

V. Forms and Types of EU Exercises

EU exercises in principle involve many, if not the entire range of crisis management instruments, military as well as civilian (in particular in the four priority areas identified at Feira, i.e. police, rule of law, civilian administration and civil protection).

EXERCISE FORMS

Command Post Exercise (CPX)

35. A CPX is an exercise that may involve, in addition to the EU institutions and EU Member States, commanders and their staffs. It would thus include communications within and between these institutions, Member States and HQs. The purpose of a CPX is essentially to exercise, test and evaluate the effectiveness of crisis management mechanisms and procedures and to train personnel. As it does not involve real troop deployment, it is a cost-efficient means of exercising in a realistic manner decision-making and co-operation.

Exercise-related activities

36. These exercise-related activities differ from a CPX in that they are conducted at a single location, with participants representing Member States, EU institutions, HQs or forces. They do not require communications external to the study location. Exercise Studies, Crisis Management Workshops are activities that focus on key aspects of EU crisis management procedures. Activities such as studies, Workshops, seminars involve a limited number of participants (key personnel) with a specific functional focus.

F. EXERCISE TYPES

The exercise type defines in greater detail the form that it will assume.

Crisis management exercise (CME)

37. A crisis management exercise (CME) is usually conducted in form of a CPX. CMEs provide the basic means of testing the EU crisis management structures, procedures, measures and arrangements with a view to ensuring their readiness and efficient functioning at times of crisis.

Synthetic Exercise (SYNEX)

38. This is a CPX-form exercise in which forces are generated, displayed and moved by electronic or other means on computers, simulators, or other training devices. Contained in this type of exercises are Computer Assisted Exercises (CAX).

39. A Computer Assisted Exercise (CAX) is an exercise where computers simulate the operational environment and provide event resolution. Participants may be concentrated to a central location (non-distributed CAX) or remain at home station (distributed CAX).

G. EU EXERCISES

40. Categories of EU exercises are defined in the EU Exercise Policy.

41. 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.

42. The design of each individual exercise will depend on the selection of and the focus on specific exercise objectives. EU exercises include:

■ CME

- Exercise based on a scenario for an EU-led operation without recourse to NATO assets and capabilities. It involves the Member States (capitals and delegations), the relevant Council instances, the Secretary General/High Representative, the Commission and/or potential OHQ from Member States
- Exercise based on a scenario for an EU-led operation with recourse to NATO assets and capabilities. It involves the Member States (capitals and delegations), the relevant Council instances, the Secretary General/High Representative, the Commission and other levels as appropriate. Following consultations with NATO, its involvement in an exercise will be defined in the EXSPEC on a case-by-case basis. This could involve *inter alia* political consultations, provision of NATO assets and capabilities including an OHQ, etc..

■ Joint CME/CMX:

- Joint EU/NATO exercises are polmil exercises based on a scenario for an EU-led operation with recourse to NATO assets and capabilities. They involve the Member States (capitals and delegations), the relevant Council instances, the Secretary General/High Representative, the Commission and other levels as appropriate as well as NATO politico-military instances and possibly a NATO provided OHQ. These arrangements will be specified in the EU-NATO part of the EXSPEC. Programming and implementation of such exercises will have to be done in close co-ordination between the EU and NATO using, respectively, compatible procedures.

■ Military exercise

- Exercise based on a scenario for an EU-led operation without recourse to NATO assets and capabilities. It focuses on EUMC, EUMS as well as on potential OHQ and FHQ from Member States.
- Exercise based on a scenario for an EU-led operation with recourse to NATO assets and capabilities. It focuses on EUMC, EUMS as well as on a NATO provided OHQ and possibly also on CJTF/FHQ.

■ Civilian exercise

- These exercises could test the Union's planning and decision-making arrangements, e.g. regarding the mobilisation of civilian capabilities (e.g. police, judges) and the pooling of these resources as part of a common approach in co-ordination with the Community instruments. These exercises will involve Member States, the Commission, the Co-ordinating mechanism for civilian crisis

management, other relevant Council instances and selected potential civil assets and capabilities in accordance with defined exercise objectives.

43. As the Union is pursuing a comprehensive approach to crisis management, a strong synergy between military and civilian components will usually be required. Exercises must contribute to the achievement of this objective.

VI. *EU exercise programming*

44. The Council approves an EU Exercise Programme on an annual basis, reflecting the EU requirements set out in the Exercise Policy. The programme determines the type and frequency of exercises to be conducted. To allow adequate long-term planning of exercises in the EU, it includes agreed, tentatively agreed and envisaged exercises, covering in a systematic approach a five-year period.
45. The exercise programme must be progressive, with each exercise taking into account the lessons learnt from previous exercises, and allow adequate long-term planning of exercises in the EU including co-ordination with other organisations.
46. The design of each individual exercise will depend on the selection of the aim and the focus on specific exercise objectives in the political and, where appropriate the military and/or civilian field. With a view to furthering the Union's comprehensive approach to crisis management, particular attention needs to be paid to exercising the framework within which the full range of civilian and military instruments is properly co-ordinated.

PROGRAMMING PROCESS

47. In the context of preparation of the draft programme, one to two EU Exercise Programme meetings, convening the PMG/EUMCWG reinforced with Member States' experts are foreseen to take place in the first semester of each year. The first meeting should in principle be held at the beginning of the first semester with the aim to discuss and further elaborate the draft programme prepared by the Council Secretariat and relevant structures of the Commission as appropriate.
48. The second meeting should in principle be held in the middle of the first semester aiming at an agreement on the draft EU exercise programme at working-level. The draft exercise programme will then be submitted to the PSC.

49. Before final agreement by the PSC, the Military Committee will provide its advice on all relevant aspects of the draft programme. The Committee for Civilian Aspects of Crisis Management will also provide its advice in accordance with the guidelines for the Committee agreed by the Council.
50. Once agreement has been reached on the draft programme, the PSC will submit the document to the Council via COREPER. The Council approves the EU Exercise Programme in close association with the Commission as appropriate.
51. The EU exercise programme will be co-ordinated with that of NATO and other relevant organisations in accordance with the Exercise Policy of the EU.
52. Simultaneous EU and joint EU-NATO polmil exercises should be avoided, due to the complexity of planning and conducting, and the considerable resources this would require.

PROVISIONS FOR PROGRAMMING

53. In the EU exercise programme, each year is listed in a separate section. Each section will be structured (...).
54. The 3-stage decision cycle for programming exercises in the EU Exercise Programme is as follows:
 - “Agreed” (1st year of the EU Exercise Programme) means that there has been a Council decision to conduct the exercise, and that it would take place unless a new Council decision would reverse this;
 - “Tentatively agreed” means that exercise planning of the exercise is initiated at the appropriate time, bearing in mind the minimum planning time required (*see paragraph 69*);
 - ”Envisaged” means that preliminary considerations leading to the scheduling of the exercise can be made.
55. The Council Secretariat/(Directorate Defence Aspects together with the Operations and Exercises Division in the EUMS under the authority of the SG/HR) should keep under review the programming of EU crisis management exercises. The exercise cycle should also ensure that relevant staff expertise in Brussels and capitals is not depleted.

56. In crisis management exercises focusing on the politico-military level requiring the participation of an OHQ, one of the potential OHQ offered by Member States will be designated by the Council to take part in the conduct of the exercise. Proposals by the EUMC endorsed by the PSC will be listed in the EU exercise programme to be approved by the Council. In order to allow timely and co-ordinated planning, this should happen in principle two years in advance.
57. Workshops should be presented in a separate category (exercise-related activities) for illustrative purposes only. Specifications and invitations for this category, i.e. workshops, seminars, symposia, etc., will be submitted for the approval of the PSC.
58. When programming exercises, it should be taken into account that timely preparation of the exercise geography is an essential element of the planning and conduct of exercises. SATCEN should be involved in this process.
59. It is assumed that a Member State or a group of Member States may plan and conduct military exercises based on scenarios related to potential EU-led crisis management operations. Relevant information should be shared with the other Member States through the EUMS. This information will be made available in a separate document and may be attached to the EU exercise programme.

VII. EU Exercise Implementation

A. ROLES AND RESPONSIBILITIES

60. Once the exercise has been scheduled by the OSE and the OCE is designated, the CPT will take the lead on all OSE- and OCE-level aspects of planning and directing this EU exercise as well as its evaluation and reporting. This includes the necessary co-ordination between Member States and the requirement for a DISTAFF organisation that is sufficiently manned and which should be given the authority required to ensuring that exercise objectives are met.
61. In the specific case of joint exercises with NATO, each organisation may respectively nominate an OSE and one or more OCEs as appropriate. Once the decision to schedule a EU/NATO exercise has been taken (exercise tentatively agreed), Council General Secretariat /NATO staff-to-staff contacts should take place in order to co-ordinate the planning modalities, the work plan and planning proposals covering the EU/NATO aspects of the exercise, including the preparation of the Exercise Specifications and the development of a Planning Guide for the exercise, covering the EU/NATO aspects as well.

B. PLANNING

62. Exercise planning starts with the development of the EXSPEC. It culminates in the finalisation of the EXINST and the DI-INST, followed by final preparations for the conduct of the exercise.

EXERCISE SPECIFICATIONS AND EXERCISE PLANNING GUIDE

63. The EXSPEC is the basic planning document for each individual exercise. The PMG will consider the draft EXSPEC, either before the pre-IPM or, if not such a meeting is planned, before the IPM. Following its elaboration at the IPM and consideration by the PMG, the document is then forwarded to the PSC. In accordance with the EU Exercise Policy, relevant advice will be provided to the PSC on the draft EXSPEC by the EUMC, and by CIVCOM in accordance with the guidelines for the Committee agreed by the Council. For military exercises and military exercise-related activities, the EUMC will forward the draft EXSPEC directly to the PSC. Once agreed by the PSC, the draft EXSPEC is submitted to Council for approval.

64. The EXSPEC (...) should state with the necessary degree of detail key aspects, on which the planning, conduct, evaluation and reporting of the exercise will be based. This includes inter alia the exercise title, its aim, objectives, basic concept, type, form and duration, planning responsibilities, participation and observation requirements as appropriate and other related exercise activities and guidelines.

65. The EXSPEC as the basis for further exercise planning should be approved by the Council before the Initial Planning Meeting (IPM) or, at the latest before the Main Planning Meeting (MPM).

66. The EPG is a planning tool which clarifies as necessary the details related to planning activities/objectives, syndicate requirements, exercise documents including their ADP lay-out. The PMG considers the draft EPG. The document is then forwarded to PSC to be noted as a working document and to be updated as required.

EXERCISE INSTRUCTIONS AND DISTAFF INSTRUCTIONS

67. The two basic exercise documents for the conduct of the exercise are the Exercise Instructions (EXINST) and the Directing Staff Instructions (DI-INST) (...).

68. The EXINST should contain all information required by the exercise participants

including any supporting and amplifying instruction (e.g. evaluation formats/templates). Key elements are a political background and a lead-in scenario, including prescribed supporting documents that lead to a STARTEX situation as determined by the EXSPEC. An executive summary may be included in the EXINST so as to provide in a succinct manner key aspects of the background documentation to players.

69. Other arrangements could be included as necessary. Supporting exercise documentation (e.g. CMC, MSOD, MSOs, PSOs and other CSOs...) could be compiled in separate, if necessary, supplements to the EXINST.
70. The DI-INST should contain specific information relating to the Directing Staff (DISTAFF) on the conduct of the exercise. An appropriate Events List (EL) will be developed during exercise planning and included in the DI-INST. This is especially important for events-driven exercises.
71. EXINST and the DI-INST will be developed during the planning meetings as the driving documents for the conduct of the exercise. The EXINST will be noted by the PSC and will be distributed to players before STARTEX. The DI-INST will be finalised at the FPM and distributed solely to DISTAFF Members.

EXERCISE PLANNING MEETINGS

72. A number of planning meetings in the format PMG/EUMCWG with delegations being manned by Member States' experts according to each Member State's decision, will take place, with a view to developing the exercise documentation for each exercise.
73. Key steps of successive planning meetings are:
 - For the initial planning meeting (IPM), the need to reach agreement on the exercise geography and framework, to achieve a common understanding on the political background scenario and on possible contribution requirements, as well as to establish the EPG and the workplan for the MPM. If necessary, the draft EXSPEC might be refined with a view to Council approval at the latest prior to the MPM.
 - For the main planning meeting (MPM), the completion of the framework and background, the further development of exercise documents such as the lead-in and the events list, consideration as necessary of specific issues, such as command and control, ROEs, civil-military co-ordination, Information Strategy, products at the strategic, operational and tactical level, Real World Public Information.

■ For the final planning meeting (FPM), the finalisation of the exercise documentation, and to address any other open issues, including the way ahead and the requirements after the FPM prior to the conduct of the exercise.

IPM, MPM and FPM are mandatory meetings in order to prepare the exercise.

74. Depending on the complexity of the exercise, a Pre-IPM may be called. The aim is to discuss the status of planning and the general exercise outline; to develop further the draft EXSPEC; and to determine the way ahead, in particular with respect to the timelines for exercise planning and other general arrangements, such as syndicate requirements.

75. Within this context, specialised informal settings (also known as “syndicates”) will meet as appropriate.

▶ Co-ordination Syndicate meetings at the level of Heads of Delegations may be convened as necessary during planning meetings to review and harmonise the results of the syndicate’s work and to address other exercise-related matters as appropriate.

▶ Plenary sessions should be held at the beginning and at the end of every planning meeting as appropriate, with a view to keeping participants abreast of the state of affairs.

76. The number of meetings and syndicates established will vary in accordance with the aims and objectives of individual exercises. Other intermediate meetings and activities may be necessary in order to carry on the exercise planning e.g. further development of a supporting document (e.g. CONOPS, OPLAN...) and the development and co-ordination of exercise-related events for inclusion in an EL.

PLANNING TIME AND FACILITIES ASPECTS

77. The planning time necessary between the first internal talks at OSE/OCE level followed by initial CPT work and leading to the start of an exercise should ideally vary between twelve to fifteen months according to its complexity and planning requirements. Joint EU-NATO exercises preparation might require more planning time.

78. Planning time will be restricted to the extent required for the achievement of the exercise planning objectives. The exercise timetable will be part of the EPG subject to Member States’ agreements at the IPM. Subsequent changes to the envisaged exercise timetable might become necessary during the planning and would be subject to agreement in the co-ordination syndicate and will be subsequently noted by the PSC.

79. Meetings will take place in Brussels. In the case of joint exercises with NATO, this will be subject to specific arrangements.

C. CONDUCT

80. Exercises will be conducted in accordance with the guidance given in the EXSPEC and further elaborated in the working arrangements outlined in the exercise documents.

81. In addition, EU institutions, Member States and participating organisations, HQs and agencies are encouraged to involve and exercise their own services in order to familiarise them with crisis management procedures.

82. Due to the compressed time-scale, a limited number of exercise specific administrative arrangements may need to be developed internally by players. It should however be stressed that exercises are designed to test and evaluate mechanisms and arrangements which would be used in a real crisis, and that such exercise-related administrative arrangements should therefore be limited to the maximum extent possible.

83. The Council General Secretariat will also be responsible for providing detailed pre-exercise briefings to relevant exercise players in Brussels, including relevant committees and working groups. Such familiarisation with the exercise documentation will be an essential element of exercise preparations.

84. Exercise records (e.g. logbook, products developed during the conduct,...) produced during the active phase will be maintained by DISTAFF.

D. EVALUATION and REPORTING

GENERAL

85. Evaluation is a key step of each exercise, allowing players to highlight the most significant lessons learned from the planning and conduct phases. A reporting process, which concludes each exercise, supports this, by agreement on lessons learned.

86. On the basis of the general evaluation procedure outlined in the EXSPEC, the EXINST will provide a more detailed description of the evaluation mechanism and arrangements. From the outset of an exercise, it will be of importance to fix also the requirements for the post exercise reporting.

87. Under the guidance of the PSC and the authority of SG/HR, as appropriate, measures will be taken in order to allow experience gained in exercises in form of agreed lessons learned to be exchanged with Member States, NATO and other relevant organisations.

PROVISIONS delete to be revised after PMG

88. First Impression Reports (FIRs) taking into account findings of all exercise players will be requested within a week after the conduct of the exercise and will be circulated amongst them.

89. FIRs will provide the basis for an initial draft Final Exercise Report (FER) to be co-ordinated by the CPT. The initial draft FER should be circulated within a month after the circulation of the FIRs.

90. The initial draft FER will be discussed in a Post-Exercise Discussion (PXD) to be held in a PMG/EUMCWG format reinforced with Member States' experts. There will be at least seven working days between the distribution of the draft FER to Member States and the PXD.

91. The PXD will result in a revised draft Final Exercise Report (FER) which will include agreed lessons learnt and recommendations for subsequent actions. In case of an EU-led exercise with recourse to NATO assets and capabilities, the FER will comprise a distinct section covering EU/NATO aspects which will be co-ordinated with NATO.

92. The revised draft FER will be noted by the PSC, taking into account the appropriate advice from the relevant Council bodies in accordance with the EU Exercise Policy. This process should be concluded within five weeks of the PXD.

93. On the basis of the FER, PSC may recommend further actions.

VIII. Other Exercise activities

94. Section V of the EU Exercise Policy provides examples of other exercise activities which the EU may be invited to observe. Such observation could provide useful insights and promote co-operation, but do not in any way imply active EU participation in any such exercise.

95. As stated in the EU Exercise Policy, participation of EU observers will be decided by the relevant authorities on a case-by-case basis taking into account the specific objectives of the exercise concerned.
96. The General Secretariat of the Council is tasked with co-ordinating invitations forwarded to the EU, and ensuring that the appropriate body provides guidance on the EU observation, as well as any possible follow-up.

European Council

Brussels, 20-21 March 2003

The paragraph reproduced below was to become the starting point for the subsequent work on the idea of an EU agency in the field of armaments and defence capabilities, which was then also being discussed in the European Convention.

CONCLUSIONS

(...)

35. The European Council recognises the role that defence and security related R&D could play in promoting leading-edge technologies and thereby stimulate innovation and competitiveness; welcomes the Commission's Communication "Towards an EU Defence Equipment Policy"; invites the Council to analyse the role of defence R&D procurement in the context of the overall R&D activities in the Union, including the possible creation by the Council of an inter-governmental defence capabilities development and acquisition agency.

(...)

Remarks by Javier Solana

Brussels, 31 March 2003

REMARKS BY THE EU HIGH REPRESENTATIVE FOR THE CFSP

**on the launch of the EU-led military operation in the former Yugoslav Republic of Macedonia
(*Concordia*)**

“This is a good day for all of us: for the EU, for NATO, and, most importantly, for the people of your country.

For NATO it is a good day, because a series of successful field operations have been concluded. The organisation can and should be proud of what it has achieved here, together with the authorities in Skopje, with the EU, the US and all other international partners.

For the EU it is a good day. President Trajkovski and the Government have shown confidence in the European Union’s commitment to assist their country in assuring real, lasting peace and stability throughout its territory. I am fully convinced that Admiral Feist as Operations Commander and the Force Commander here in Skopje, General Maral, with the support of our Special Representative Alexis Brouhns, will prove that this was indeed a sound decision.

It is also a good day for EU and NATO together; and - allow me to dwell on a personal note - for Lord Robertson and myself. Today’s transfer of authority from NATO to the EU for the field operation is an important demonstration of our reinforced partnership. For our two organizations the key message today is not “EU in and NATO out” - but that by working together, we are both stronger, here and wherever else such cooperation may be in demand.

Finally, and most importantly, it is a good day for your country. The country’s partnership with the European Union is growing stronger. This day marks the start of a new phase in our relations, a phase where cooperation with the EU extends to all fields: political, economic and in security matters.

We have a shared interest in making the best possible use of all the instruments in this multi-faceted co-operation in order to meet our shared objective - a future together within the European Union.

The journey towards the EU will not be short. And it may not be without obstacles: but this mission will help your country overcome some of the initial ones. We will make every effort to make it a shared success.”

European Council

Athens, 16 April 2003

The heads of state and government of the EU-15 gathered in Athens on the occasion of the official signature of the Accession Treaties for the ten new members and issued a series of joint statements. The ceremony was followed by a session of the 'European Conference' that also included all the other candidate countries.

ATHENS DECLARATION

We the representatives of the citizens and States of the European Union meet today on this symbolic site, under the Acropolis, to celebrate an historic event: The signing of the Accession Treaty for Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia.

Our achievement is unique. This Union represents our common determination to put an end to centuries of conflict and to transcend former divisions on our continent. This Union represents our will to embark on a new future based on cooperation, respect for diversity and mutual understanding.

Our Union represents a collective project: A project to share our future as a community of values.

We are proud to be part of a Union founded on the principles of freedom, democracy and the rule of law. A Union committed to furthering respect for human dignity, liberty and human rights. A Union devoted to the practice of tolerance, justice and solidarity.

The essential value of this project lies in the ability of the Union to empower both its citizens and its member states. By working together our countries and we can hope to confront the challenges of tomorrow.

On the threshold of this enlargement, we confirm that the European Union should focus on those tasks that are crucial to the well-being, security and prosperity of its citizens.

We will continue to uphold and defend fundamental human rights, both inside and outside the European Union, including the fight against all types of discrimination on the basis of gender, race, ethnic origin, religion or convictions, disability, age or sexual orientation.

We shall act together to foster sustainable development locally and globally, to combat environmental degradation, and to guarantee a better quality of life for future generations.

We underline our commitment to a dynamic and knowledge-based European economy, open to all, focused on sustainable growth and full employment, but also on social inclusion and economic cohesion.

We shall make the Union a genuine area of freedom, security and justice, and shall continue to uphold each of these core values.

We shall respect the dignity and rights of third country nationals living and working in the EU. The values we cherish are not reserved for our own nationals but apply to all those who embrace the laws of our lands.

On this historic day, as we celebrate the enlargement of our Union, we reaffirm the commitment we made in Copenhagen to .One Europe., our collective desire to see it continue to develop into an inclusive Union.

Accession is a new contract between our citizens and not merely a treaty between states. As citizens of this new enlarged Union we proclaim our commitment to the citizens of the candidate countries. We are also committed to developing ever deeper ties and bridges of cooperation with our neighbours and to share the future of this community of values with others beyond our shores.

We believe the Union has an essential role to play in the world. We shall work for a more open and equitable global economy and a truly shared global information society, to the benefit of all, especially people in less favoured parts of the world. To this end, we will promote relentlessly the dialogue among civilizations and contribute uncompromisingly to strengthening the institutions of global governance and expanding the reach of international law.

We are committed to facing up to our global responsibilities. We will support conflict prevention, promote justice, help secure peace and defend global stability. We are determined to work at all levels to tackle global terrorism and stem the weapons of mass destruction. To these ends, the Union will continue to enhance its civilian and military capabilities to enhance stability beyond its borders and further its humanitarian goals. The Union pledges its support to the United Nations and its efforts to ensure international legitimacy and global responsibility.

Our collective project, our European Union, is a dynamic one. Constant renewal, while learning from our rich traditions and history, is our very nature. We look forward to the proposals of the Convention on the Future of Europe and to further reassessments of both the structures and the membership of the Union. Our future Europe belongs to all its citizens, without exceptions or exclusions.

We pledge our commitment to defending the fundamental freedoms upon which democracy depends. The democratic ideal must be the rock on which our community of values flourishes, not just for the citizens of today, but for our children and their children. Only through the active participation of its citizens and civic organizations will the Union continue to grow in strength and legitimacy. Reaffirming our commitment to democracy as the fundamental value underpinning the Union, we recognise it also constitutes the fundamental challenge confronting us today.

Our Europe is a Europe for all.

European Conference

Athens, 17 April 2003

DECLARATION

The countries of the enlarged European Conference, with the participation of Russia, met at the Heads of State and Government level in Athens on April 17, 2003.

The participating Heads of State and Government recognized that the countries and peoples of Europe have come a long way towards forging a community of values based on democracy, the rule of law and the respect for fundamental rights and freedoms. Moving towards our common values has enabled us to create bonds of trust between countries and peoples and to gradually establish and expand prosperity and security. The current enlargement of the European Union is a testimony to the spirit that now prevails on our continent and brings forward the reality of political and economic interdependence between the Union and its neighbors, both to the South and East.

It is at this moment of historic significance that the Heads of State and Government have met in order to reaffirm their determination not to tolerate any new dividing lines, to agree to promote policies of political rapprochement and gradual integration in social and economic structures between the enlarged European Union and its neighbors and to accelerate the political, economic and cultural dynamism on the European continent and beyond.

Based on historic links, geographic proximity and shared political and economic values, the participating countries exchanged views on an inclusive vision for the years to come and agreed to work in partnership in order to achieve concrete progress in sectors of common interest. They underlined that their shared neighborhood should benefit from the European Union's enlargement policy, which remains a distinct process.

Heads of State and Government confirmed that priority should be given to the creation of an area of peace, stability, prosperity and social progress and to strengthening cooperation on issues that impact directly on the lives of all citizens.

In this context, they underlined the importance of:

- ▶ Promoting shared values, including respect for human rights, fundamental freedoms and the rule of law;
- ▶ Preventing and combating common security threats, including organized and transnational crime, trafficking in human beings, terrorism, and communicable diseases;
- ▶ Promoting mutual trade and investment, market opening and gradual integration in economic structures both between the members of the European Conference and globally;

- Supporting integration into the global trading system;
- Promoting sustainable development, including preventing and combating environmental hazards;
- Ensuring interconnected transport, energy and telecommunications Networks;
- Increasing cultural cooperation, the free flow of ideas and people-to-people contacts;
- Promoting transnational and cross-border co-operation, and further improving and streamlining of various cross-border instruments;
- Engaging relevant international organizations, as appropriate.

For the purposes of implementation, flexible instruments are required and actions tailored to specific needs with a differentiated approach and conditional on meeting agreed targets for progress.

The countries of the enlarged European Conference and Russia welcomed the internal debate that has been launched in the European Union on a new neighborhood policy. They welcomed the idea that relations with the new Eastern European neighbors should be further developed as well as the relationship which the EU has established with its Mediterranean partners within the Barcelona process.

European defence meeting – ‘Tervuren’

Brussels, 29 April 2003

This meeting received enormous political and media attention in that it gathered the four countries that had resisted the US-led military intervention in Iraq most vocally. It occurred while the conflict was still on and in the midst of the final phase of the European Convention, where the possibility of enforcing ‘enhanced cooperation’ in defence matters (still ruled out by the Nice Treaty) was being discussed. In this context, the proposal of setting up autonomous military headquarters at Tervuren, near Brussels, was to become a central issue in the European and transatlantic debate of the following months.

MEETING OF THE HEADS OF STATE AND GOVERNMENT OF GERMANY, FRANCE, LUXEMBOURG AND BELGIUM ON EUROPEAN DEFENCE

With enlargement and the elaboration of a constitutional Treaty, the European Union will become stronger but also more diverse. It is our common conviction that Europe must be able to speak with one voice and fully play its role on the international scene. We therefore believe it necessary to give new impetus to the construction of a Europe of Security and Defence. The European Union must indeed have a credible security and defence policy. Diplomatic action is only credible – and thus efficient – if it can also be based on real civilian and military capabilities.

For more than half a century, Europe has been facing the security challenges alongside the United States and shares with the U.S. values and ideals that are the fruit of its history. The transatlantic partnership remains an essential strategic priority for Europe. This partnership is a necessary condition for security and world peace. Expanding on the Declaration of the Washington Summit, we wish to pursue the adaptation of the Atlantic Alliance, which remains the funding of the collective security of its members, to the challenges of the 21st century. We are determined to implement the decisions of the Prague Summit for we consider our commitments within the Atlantic Alliance and the European Union as being complementary. The strategic partnership between the European Union and NATO, which is based on the declarations of the Berlin and Washington Summits, has already enabled the European Union to use NATO assets to conduct its first operation in the Former Yugoslav Republic of Macedonia. We wish that the existing arrangements between the two organisations will tomorrow make it possible for the European Union to relieve NATO in Bosnia-Herzegovina.

It is in this spirit that, expanding on the Saint-Malo Meeting and on the European Council of Köln, the European Security and Defence Policy has been steadily developed

since the European Council of Helsinki in December 1999.

We believe time has come to take new steps in the construction of a Europe of Security and Defence, based on strengthened European military capabilities, which will also give a new vitality to the Atlantic Alliance and open the way to a renewed transatlantic relation.

In order to give new impetus to the European Security and Defence Policy, we propose that the Convention on the future of the European Union and the Intergovernmental Conference approve the following principles and integrate them into the constitutional Treaty:

- The possibility of setting up enhanced co-operation in the field of defence.
- A general clause of solidarity and common security binding all member states of the European Union and making it possible to face all kinds of risks concerning the European Union.
- The possibility for members states that express that wish to accept supplementary obligations, within the frame of an enhanced co-operation and with no obligations for third parties.
- Reformulating the Petersberg missions so that the European Union can use civilian and military means in order to prevent conflicts and manage crises, including the most demanding missions.
- The creation of a European Agency for development and acquisition of military capabilities. The goals of the Agency will be to increase the European military capabilities and strengthen the interoperability as well as the cooperation between the armed forces of the member states. The Agency will help to create a favourable environment for a competitive European defence industry.
- The creation of a European Security and Defence College in order to favour the development and the spreading of a European security culture

Moreover, we propose that the Convention should accept the concept of a European Security and Defence Union (ESDU). As a contribution to the reflection, which we wish to pursue with interested States, we believe the vocation of the ESDU should be to gather those member states that are ready to go faster and further in strengthening their defence cooperation. States taking part into the ESDU will especially:

- Commit themselves to bringing mutual help and assistance in the face of risks of all nature.
- Systematically aim at harmonizing their positions on security and defence issues.
- Coordinate their defence efforts.
- Develop their military capabilities.
- Increase their security and military efforts, more specifically as to their investment in military equipment.

Participating in ESDU will imply:

- ▶ Participating in major European equipment projects such as the A400M.
- ▶ Strengthening the efficiency of the European military capabilities, by specialisation and pooling of means and capabilities as much as possible.
- ▶ Strengthening the pooling of means for officers training, exercises, engagement and logistics.
- ▶ Being willing to take part in peacekeeping operations under the auspices of the United Nations.

ESDU would be open to all the current and future member states that are ready to join. We wish this concrete cooperation to be integrated into the constitutional Treaty of the European Union so that, in the end, all current and future member states could be a part of it.

With regard to the military field, we have decided, as far as we are concerned, to implement here and now and in the spirit of the Saint-Malo and Köln declarations, a number of concrete initiatives that are meant to bring our national defence instruments further together. These projects intend to prevent useless duplications between national armed forces and thus strengthen the efficiency of Europeans defence capabilities. They are open to all interested current and future member states.

The following initiatives fall within the prospect of our common participation to operations conducted within the framework of the European Union or NATO :

1. The development of a European rapid reaction capability. The progress made in this field will help to achieve the goals of the European Union, to strengthen the European contribution to developing a NATO Reaction Force and to guarantee their interoperability. In order to improve the European rapid reaction capability, we will create a nucleus capability around the Franco-German brigade in which Belgian commando elements and Luxemburg reconnaissance elements will be integrated. This European rapid reaction capability can be reinforced by troops from other interested states and will be available for European operations, NATO operations as well as operations conducted by the European Union under the auspices of the United Nations.
2. The creation, by June 2004 at the latest, of a European command for strategic air transport, available for European and NATO operations. The A400M-program is crucial for the development of such a European capability for strategic air transport. In the longer term, we envisage to create, with those States taking part in this program, a common strategic air transport unit and place that unit under the European command for strategic air transport. Moreover, we will consider with interested states the creation of a common command for strategic transport (sea, air and ground).

3. The creation of a joint European NBC protection capability in charge of the protection of both civilians and troops, which are deployed within the framework of European operations.
4. The creation, in contact with the Commission and ECHO, of a European system for first humanitarian aid during disasters (EU-FAST – European Union First Aid and Support team) making it possible for the European Union to combine civilian and military assets in order to engage first emergency humanitarian aid within 24 hours. This system will be based on the pooling of existing assets and capabilities. It will be a collective mechanism and the countries that express that wish will alternately be responsible of it.
5. The creation of European training centres : a common tactical training unit for A400M-crews; a training centre for helicopters crews; harmonizing sea training curricula for marine CO's in the prospect of the creation of a European school-fleet; harmonizing training for Air force pilots by enhancing ongoing initiatives, notably in the field of tactics.
6. The strengthening of European capabilities with regard to operational planning and conducting operations. During the European Council of Köln in June 1999, the member states of the European Union decided to carry out crisis management operations either by using NATO assets or capabilities autonomously.

As to the operations having recourse to NATO assets and capabilities, a permanent arrangement has been made between the European Union and NATO. The European operation in the Former Yugoslav Republic of Macedonia is currently carried out in application of that arrangement, which is one of the pillars of the strategic partnership between the European Union and NATO.

As to EU-led operations without recourse to NATO assets and capabilities, and expanding on the different proposals made within the Convention, we believe we must improve EU capabilities with regard to operational planning and conducting operations while avoiding useless duplications and competition between national capabilities.

To this end, we propose to our partners the creation of a nucleus collective capability for planning and conducting operations for the European Union. When in use, it will be reinforced by national staff. Open to every member state of the European Union expressing that wish, it would have to establish liaison arrangements with its national counterparts. In order to maintain a close link with NATO, it would also have to establish liaison arrangements with SHAPE, including its possible use to support DSACEUR in his role as a primary candidate to command EU-led operations having recourse to NATO assets and capabilities.

In this spirit and until such a capability will have been created by the European Union, interested states will establish a nucleus of a collective capability which, instead of national means, they would make available to the EU for operational planning and command of EU-led operations without recourse to NATO assets and capabilities. Such a pooling of resources would avoid national duplications and significantly improve interoperability. The decision on the creation of such a capability could be taken by the end of the year with all the interested states, with a view to its installation in Tervuren during the summer of 2004.

7. With a view to improving command and control capabilities available to the European Union as well as to NATO, our four Defence Ministers will take the necessary steps to establish, not later than 2004, a multinational deployable force headquarters for joint operations, building on existing deployable headquarters.

With all the interested countries, we wish to define the outlines of the European Security and Defence Union that will help strengthening the European pillar of the Atlantic Alliance. Furthermore, we wish to implement the concrete projects aiming at bringing closer our national defence tools.

In this spirit, we would like these proposals to be discussed during the next Gymnich, in the prospect of a more detailed presentation during the next European Council of Thessalonica.

Speech by Javier Solana, High Representative for CFSP

New York, 7 May 2003

EUROPE AND AMERICA: PARTNERS OF CHOICE

Speech to the annual dinner of the Foreign Policy Association

Thank you Mr Mc Donough for those kind words of introduction. May I thank also Gonzalo de Las Heras, Noel Lateef and everyone at the Foreign Policy Association for giving me this opportunity to speak to you.

It is a privilege and a pleasure to be your guest this evening. I share the great esteem in which this Association is held. Your record in the field of public education on world affairs is without rival. And it is a pleasure to be among so many good friends, not least Colin Powell.

I was intrigued to read in the recently published history of the FPA by Don Dennis, that this Association first came into being in 1918 as the “Committee on Nothing at All”. In Brussels we still have committees on nothing at all. If at least some of them one day become as useful and relevant as the FPA I will be very pleased.

Ladies and Gentlemen, there have been many recent theories about the global order. Theories are fascinating. But they are just theories. Sometimes they fail to capture the complexity of the real world. Often they ignore the intensity of feeling of those directly involved. If you are an Israeli or a Palestinian, if you are from Bosnia or Kashmir, then foreign policy is not a matter of theory. It is a matter of life and death.

Handling those problems is an immense responsibility. It requires dedication and persistence. It requires firmness but also humanity. These are all qualities I see in Colin Powell. They are the same qualities needed to make a partnership work.

Colin Powell and I have a pretty good partnership. Not because we agree on everything. We don't. But when we disagree we talk and listen to the other's views. When we have to disagree, we do so in a way that preserves our areas of agreement and our friendship. We use the phone a lot, but never the megaphone. The bottom line is our mutual commitment to the transatlantic partnership.

That partnership has been under strain recently. Colin, you have said, “untidy truth is better than smooth lies”. I agree. Where the differences between us are genuine, we should acknowledge them. But where the differences are false or exaggerated, we should say so.

The history of the United States is a history of construction: that of the European Union a history of reconstruction. Construction of your “city on the hill” was an enterprise of optimism and vision. The architects of the United States looked to the future.

The vision of the European Union has been reconstructed on the ashes of the past. And history still weighs heavily. For five centuries Europe was the centre of the world. Europeans covered that world with empires, ideas and inventions. Europeans spread laws and markets. But in the last century, Europeans also spread two global conflicts, two ideologies of tyranny. Wary of ideology, the post-war European project has been a thoroughly pragmatic venture. Almost every decision of any importance has been the result of negotiation and compromise.

Consider too the contrasts of geography. You have distance: we have proximity. You have few neighbours: we have many. You are set between two shining seas: we share one of those seas, but are bound also by vast continents. We are and will remain many countries: you are one.

Recent differences of perception have emerged. For Europeans, the removal of the Soviet threat brought a new sense of security. As our borders became secure we cashed in our peace dividend. By contrast, 9/11 has shattered your century-old feeling of security through geography. We must work to close those gaps of perception.

Recognising differences is one thing; exaggerating them or distorting them is quite another. So let us avoid false labels. It is as false to label Americans as inveterate unilateralists as it is to label Europeans as soft-headed pacifists.

While many Europeans opposed the recent military action in Iraq, they overwhelmingly supported military action in the first Gulf War, in Kosovo and in Afghanistan. There are more European than American troops in Bosnia, Kosovo and Afghanistan. It may be that those European troops in Afghanistan soon become part of a Nato deployment.

Europeans may insist that force is used within the framework of law, but they also understand that sometimes force must be used to uphold law. So we want to add some muscle to our civil power. Europe's leaders are committed to improving our military capabilities, making them more deployable and ensuring inter-operability with the United States.

We must not confuse differences in method with differences in aim. I want to be absolutely clear on this point. The European Union may have been divided about the means of Iraqi disarmament, but no one contested the objective of disarmament. And Europeans had no doubt that Iraq under Saddam was a brutal and murderous regime. The European Union has never been divided in its solidarity with the American people after 9/11 and in its determination to fight terrorism together with the United States.

The European attachment to a multilateral approach in those issues is a matter of empirical conviction, not of malign strategy. Our experience tells us that sovereignty shared is sovereignty magnified. To misquote Sir Winston Churchill, multilateralism is the worst form of international government - except all the others that have been tried.

Ladies and gentlemen, with the disappearance of our "best enemy", the Soviet Union, the transatlantic partnership must be one of choice. Today, we work together through conviction more than through geo-political necessity. It is a partnership to which each

side must bring capabilities that need not be identical, but must be useful. It is a partnership of democracies, for democracy.

We are no longer a partnership against something, but a partnership for something. Our common mission is to defend and expand the boundaries of a stable, durable and peaceful liberal democracy; to share with others the rights and opportunities that we enjoy.

In democracies we cannot afford to ignore our public opinions. In partnerships we cannot afford to ignore our partners. Different voices must be heard and respected, not ostracised or punished.

There is no better example of shared success in our common endeavour than the imminent enlargement of the European Union. Today, around the meeting rooms in Brussels sit 25 states, eight of them part of what we used to call the “Soviet bloc”. The consolidation of law, democracy and markets in these countries represents more than regime change: it is system change.

Enlargement of the European Union will bring us new vitality, new capacities, and new unity. The enlarged European Union will therefore be an even more valuable partner.

- A partner that shares with the United States the basic values of freedom and democracy.
- A partner with a population almost twice that of the United States and four times that of Japan.
- A partner with an economy roughly equivalent in size to that of the United States, and with a new and strong currency.
- A partner with important historical, political and economic ties with every region in the world.
- And finally a partner with the legitimacy that comes through the collective action of a union of 25 sovereign states.

Many of the things that the United States wants from Europe can be better delivered through the European Union. Some of them can only be delivered by the European Union, as in the areas of trade, and increasingly justice and home affairs.

The European Union is more than the sum of its parts. Therefore, I am concerned when I hear, for the first time, influential voices asking whether the United States would be better served by dis-aggregating Europe. Such an approach would not only contradict generations of American wisdom, it would also be profoundly misguided. I am however, comforted that the voice with the greatest authority in the United States does not share these views. For it was President Bush who said in Berlin “When Europe grows in unity, Europe and America grow in security.”

Ladies and gentlemen, the United States and the European Union must commit themselves to a number of vital issues in the coming months and years. Let me mention the most important of those.

First, the fight against terrorism. After 9/11, we massively stepped up our cooperation in that area. But the fight is far from over. We need even more police cooperation, more intelligence sharing, more efforts on what I would call global homeland security.

The same can be said about the fight against the spread of weapons of mass destruction. We must have a shared analysis of threats and shared strategies to counter these threats. This means a serious examination of what has worked and what has not worked in the international regimes on non-proliferation. It also means working together on vital issues such as export controls.

Concerning Iraq, it is now our common interest after the war to work together pragmatically and with the United Nations to consolidate peace and democracy in that country.

Peace in the Middle East has been on our agenda for a long time. The publication of the Quartet's roadmap offers a real opportunity to at last get the process moving again. We cannot afford to miss that opportunity. We may not get a second chance. The European Union stands ready to work with its partners in the Quartet and all other parties concerned to bring about a just and lasting peace.

Finally, we must attack, through aid and trade, the disease and poverty that blight many parts of the developing world. As the two richest regions in the world, we have a particular responsibility here. Growing inequalities and persistent poverty are morally unacceptable and politically dangerous. We must try to find common ground on the Doha development Round before the Cancun meeting.

Ladies and gentlemen,

Each crisis is an opportunity to learn and to move forward. As President Bush said in his speech to the Bundestag last year, the magnitude of our shared responsibilities makes our disagreements look small. We have a job to do. Let us do it as partners of choice. That is my ambition. That is my commitment.

Thank you.

General Affairs and External Relations Council

Brussels, 19-20 May 2003

The document from which extracts are reproduced below is evidence of a renewed emphasis on military capabilities and also the creation of an EU agency in the field of armaments – building on the general recommendation made by the European Council on 20-21 March (see document I-10.b in this same collection).

CONCLUSIONS

(..)

European Security and Defence Policy

1. The Council welcomed continued work on the development of military and civilian capabilities for crisis management within the framework of the European Security and Defence Policy (ESDP) and in support of the objectives of the Common Foreign Security Policy (CFSP).

Crisis Management Operations

2. The Council welcomed the successful start of operation. CONCORDIA. in the Former Yugoslav Republic of Macedonia. This EU-led military operation, launched at the invitation of the authorities of this country and following on from the successful NATO operation in the Former Yugoslav Republic of Macedonia, positively underpins the implementation of the OHRID framework agreement. The Council underlined that CONCORDIA. should be seen in the context of the overall security and stability of the region. To this end, the Council tasked the competent bodies and invited the SG/HR, in the light of the discussions in the European Council in Thessaloniki, to take forward work for a review of the operation.

3. The Council welcomed the progress made by the first ESDP operation, the EU Police Mission in Bosnia and Herzegovina (EUPM), since it was launched in January 2003. The first five months of the operation have demonstrated the valuable contribution that EUPM is making to the establishment of sustainable policing arrangements under the ownership of Bosnia and Herzegovina's authorities. The EUPM's initial priorities, returnee security and the fight against organised crime, are yielding successful results in

good co-operation with the Bosnia and Herzegovina police authorities. EUPM reinforces the broader rule of law strategy both within the Stabilisation and Association Process and the civilian peace implementation led by the High Representative.

4. In this context, the Council welcomed the participation of acceding States and third countries in these two EU-led operations.

Military Crisis Management

5. The Council welcomed the implementation of permanent arrangements between the EU and NATO. EU-NATO cooperation has increased the Union's operational capabilities as well as the effectiveness of EU and NATO in crisis management. These arrangements provide a solid foundation for the strategic partnership between the EU and NATO in crisis management.

6. The Council welcomed the important work undertaken and the progress made in improving EU military capabilities since November 2002, through the implementation of the European Capability Action Plan (ECAP), the updated Member States contributions, the elaboration of the Helsinki Catalogues, and the launching of the first ECAP Project Groups.

7. The Council took note of the "Helsinki Force Catalogue 2003" and the Helsinki Forces Catalogue 2003 Supplement. In this context the Council took note of the "National and Multinational Projects and Initiatives 2003" compilation. In addition, the Council approved the "Helsinki Progress Catalogue 2003", which, in its new form, assesses the progress made since 2001. It identifies existing Capability shortfalls, analyses their implications and makes proposals to eliminate, reduce or manage the subsequent limitations. It provides an updated assessment of the current state of the overall EU military abilities.

8. Bearing in mind the progress or accomplishments made in:

- the effective conduct of the first EU-led crisis management operations,
- the establishment of the appropriate political and military bodies, together with the necessary conceptual work and procedures for EU-led crisis management operations as well as the implementation of the EU exercise programme,
- the EU-NATO permanent arrangements, including the Berlin + arrangements on guaranteed access to the Alliance's 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,
- the appropriate arrangements allowing non-EU European NATO members and other interested States to contribute to EU military crisis management,

and based on the forces contributed to the Helsinki Force Catalogue 2003, the findings of the Helsinki Progress Catalogue and the perspective in addressing the Collective Capabilities Goals, including through the implementation of the ECAP Process, the Council confirmed that the EU now has operational capability across the full range of Petersberg tasks, limited and constrained by recognised shortfalls. These limitations and/or constraints are on deployment time and high risk may arise at the upper end of the spectrum of scale and intensity, in particular when conducting concurrent operations. These limitations and constraints on full achievement of the Headline and Capability Goals could be alleviated if the recommendations on meeting the shortfalls are followed-up.

9. In the context of the provisions of the EU Capability Development Mechanism (CDM), the Council approved the “Progress Report on Military Capabilities”. The Council, recognising the importance of the coherent and mutually reinforcing development of military capabilities where requirements overlap, welcomed the first meeting of the EU- NATO Capability Group.

10. The Council endorsed the attached “Capabilities Conference Declaration”. This confirms Member States’ determination to make the necessary efforts to further develop the EU’s military capabilities, including through the establishment of the ECAP Project Groups in which Member States concerned will seek to implement selected solutions identified by the ECAP Panels.

11. The Council recognised the important role of the defence industry in delivering appropriate interoperable and cost-effective capabilities. Therefore the Council:

- called for a sufficient level of resources and the better coordination in the field of research and development,
- underlined the need to strengthen the European defence, technological and industrial base and ensure security of supply as a contribution to the development of European military capabilities,
- pointed out the need to enhance European defence industrial cooperation as Member States consider appropriate.

12. The Council welcomed proposals and initiatives including also in the context of the Convention concerning a defence capabilities development and acquisition agency within the EU.

13. The Council welcomed the presentation by the Commission of its recent communication. Towards an EU Defence Equipment Policy. and encouraged the Member States and the Commission to work together in considering the relevant proposals.

14. The Council took note of the Presidency's orientations on possible contributions of National Armaments Directors of the EU Member States in this process as set out at annex to these conclusions.

15. The Council noted the Report on EU Military Rapid Response based on the Presidency's work plan. The report underlines the fulfilment of the principles set out in the Council conclusions of 19 November 2002, the assessment from advance planning and force packages based on illustrative scenarios and the identification of the generic and specific measures to be taken in order to shorten the EU reaction time.

16. The Council noted the finalisation by the PSC of the EU Military Rapid Response Concept, underlining that the Union has developed the necessary conceptual framework that would enable the conduct of EU-led military Crisis Management Operations requiring a rapid response. It confirmed the need for a rapid reaction capability in particular for humanitarian and rescue tasks, commending the creation of a database with information provided by Member on high readiness capabilities (less than five days readiness), potentially available to the EU.

17. The Council concluded that the Union has, in principle, the ability to conduct EU military crisis management operations requiring rapid response, dependant on the political willingness and ability to accelerate decision making, which will allow timely military crisis response planning and force preparation; and on Member States' readiness rapidly to contribute the required interoperable assets and capabilities for the conduct of the operation. It requested the Political and Security Committee (PSC) to continue guiding the necessary EU developments in this field. In particular the Council underlined the need that both the EU Military Rapid Response and the envisaged NATO Response Force should be mutually reinforcing, where requirements overlap, while respecting the autonomy of the EU and NATO.

18. The Council took note that developed concepts establish a sound framework for the conduct of EU-led military crisis management operations and provide a firm foundation for the continued development of operating procedures.

19. In the context of the implementation of the exercise programme 2003-2007, the Council welcomed the on going preparatory work on the first joint EU-NATO crisis management exercise CME/CMX 03, which will take place from 19 to 25 November 2003.

20. The Council reaffirmed the importance of the EU Common Training for the improvement of interoperability and the development of a European security culture

under ESDP. The Council tasked the PSC to make proposals for a co-ordinated EU Training Policy in the field of ESDP, including civil-military coordination and encompassing both civilian and military dimensions. Based on the lessons learned from the pilot orientation course (Brussels, 12-16 May 2003), the PSC is requested to elaborate the necessary arrangements for the regular conduct of the orientation course and the improvement of networking among Member States.

21. In the context of the fight against terrorism, the Council took note of the establishment of a database of military assets and capabilities relevant to the protection of civilian populations against the effects of terrorist attacks, including chemical, biological, radiological and nuclear (CBRN), on a voluntary basis. Modalities, procedures and criteria for the use of these military assets and capabilities, including coordination with the Community Mechanism and the Coordinating Mechanism, are under development. The question of military capabilities required to protect forces deployed in EU-led crisis management operations against terrorist attacks, including CBRN, has also been addressed.

22. The Council recognised the importance of the space applications and functions needed in order to enhance the EU capabilities to carry out crisis management operations. It noted the Green Paper from the Commission and the European Space Agency and invited Member States to contribute to the ongoing consultation process.

23. The Council welcomed the strengthening of the dialogue and cooperation with the Mediterranean partners in the field of crisis management and looked forward to the continuation of the work within the EU and with partners.

24. The Council appointed by a separate decision General Rolando Mosca Moschini, present Italian Chief of Staff, as the new Chairman of the EUMC for a period of three years, starting from 9 April 2004.

Civilian Crisis Management

25. The Council welcomed the continued progress in the four areas of police, rule of law, civilian administration and civil protection. In the specific latter area of civil protection, it welcomed progress made on defining modalities for the use of the Community Mechanism to facilitate reinforced co-operation in Civil Protection interventions in EU crisis management referred to in Title V of the Treaty on the European Union. The Council also noted the launching of the first pilot courses of the EC project on Training for Civilian Aspects of Crisis Management.

26. The Council stressed that the development of the EU's civilian crisis management capacity is an on-going process. In this context, it welcomed the conceptual work done on the wider use of EU monitoring missions as a generic crisis management instrument. The Council also welcomed the initiatives to further develop co-operation between the EU and the United Nations in civilian crisis management.

27. The Council looks forward to receiving proposals by the SG/HR on the development of an appropriate EU planning and mission support capability within the General Secretariat of the Council as agreed by the Council in its conclusions of 19 November 2002, based upon an assessment of the specific needs and of the synergies with the capabilities already existing in the Commission, and taking into account the budgetary implications.

Conflict Prevention

28. The Council welcomed the continuing implementation of the Programme for the prevention of violent conflicts adopted at the European Council in Göteborg. In this context it welcomed the Presidency's emphasis on the regional dimension of conflict prevention, as demonstrated by the seminar on EU conflict prevention in the Western Balkans (Athens, 4-7 May 2003). A report on the implementation of the EU Programme for the Prevention of Violent Conflicts is being prepared ahead of the European Council in Thessaloniki.



ANNEX

Orientations by the Presidency on the Re-Inforcement of Cooperation in the Field of Armements

The Presidency invites the National Armaments Directors of the EU Member States:

- to collectively cooperate in the framework of ECAP and for the possible creation of an intergovernmental defence capabilities development and acquisition agency, in order to further strengthen armaments cooperation in Europe.
- to collectively undertake a study from an armaments perspective, in coordination with other competent bodies, on the objectives and the relevant functions of an intergovernmental defence capabilities development and acquisition agency. NADs would best serve this purpose drawing upon their experience from existing forms of armaments cooperation.
- to propose the practical modalities for acquisition-related solutions in the context of the work of the Project Groups.
- to give advice, as appropriate, on the consideration of the Commission's Communication, European Defence-Industrial and Market Issues. Towards an EU Defence Equipment Policy. (COM (2003) 113 final. doc. 8484/03).
- to provide their experience on the role of defence R&T, particularly with regard to innovation and long-term competitiveness of the European Defence Technological and Industrial Base."

Declaration on EU Military Capabilities

"The development of EU Military Capabilities

1. In the pursuit of the objectives of the CFSP and in accordance with the conclusions of successive European Councils, at the Capability Conference in Brussels on 19 May 2003¹ Ministers for Defence welcomed progress made since the last Capability Improvement Conference in November 2001. New contributions from Member States based on refined analysis of revised requirements have reduced the number of shortfalls. In parallel, the first phase of the European Capability Action Plan (ECAP) concluded successfully, with 19 panels activated covering the vast majority of the most significant shortfalls and all Member States participating. This process is now shifting to a second more challenging phase.

1. Denmark recalled the protocol on the position of Denmark annexed Treaty on the European union and to the Treaty establishing the European Community.

2. At the Laeken European Council, it was agreed that the EU was capable of conducting some crisis management operations²; since Laeken, the EU has made further progress including the conclusion of permanent arrangements with NATO. Based on the Forces contributed to the Helsinki Force Catalogue 2003, the current military assessment of EU military capabilities is that the EU now has operational capability across the full range of Petersberg tasks, limited and constrained by recognised shortfalls. These limitations and/or constraints are on deployment time and high risk may arise at the upper end of the spectrum of scale and intensity, in particular when conducting concurrent operations. These limitations and constraints on full achievement of the Headline and Capability Goals could be alleviated if the recommendations on meeting the shortfalls are followed-up.

The impact of these limitations will need to be assessed case by case against the nature of each specific operation and its particular demands as well as envisaged contribution of required capabilities. Ministers therefore reaffirmed their strong commitment to reduce these limitations through all possible means. In this regard, the Member States will endeavour to:

- To provide more contributions from current inventories;
- To commit to deliver projects and initiatives within Member States' current programmes;
- To commit to deliver enhanced, new and additional capabilities through the ECAP process, by activating Project groups addressing the whole spectrum of capability shortfalls (see chapter II).

Ministers reaffirmed their personal involvement in this process.

3. Many of the EU significant shortfalls are already potentially addressed by Member States' current Projects and Initiatives, albeit presently outside the ECAP Process. It is therefore important that Member States implement the delivery of the already planned capabilities, whether they are short, medium or long term projects.

4. A new version of the Helsinki Headline Goal Catalogue, which defines the EU requirements for the fulfilment of the Headline Goal, was approved since the last Capability Conference. On this basis Member States have refined their contributions contained in the Helsinki Force Catalogue 2003 in order to further remedy the shortfalls. A new analysis of progress made in the development of the EU military capabilities was included in the Helsinki Progress Catalogue 2003.

5. The non-EU European NATO members and other countries which are candidates for accession to the EU have also helped to improve European military capabilities through

2. Annex II to the Laeken conclusions. This assessment also refers to the ESDP civilian crisis management capabilities.

the highly valuable additional contributions confirmed at the Ministerial Meeting on 10 May 2003. These are included in a supplement to the Helsinki Force Catalogue 2003.

6. In the light of the accession process modalities for the integration of the new Member States contributions in the Helsinki Force Catalogue will be considered in order to be able to start preparatory work prior to their accession.

7. Ministers encouraged the implementation of the document “Defining the EU Capability Development Mechanism (CDM)”, which in accordance with the Nice mandate, specifies the details of the EU capabilities development mechanism and its interface with NATO.

8. The issue of the way ahead for the development of military capabilities will need to be addressed taking into account the possible evolution of the strategic context, of the political objectives and of technology in a dynamic process.

II. The European Capability Action Plan: way ahead

9. Ministers welcomed the results of the first phase of the ECAP. All 19 activated Panels have delivered their final reports, bringing the ECAP process to a new, more challenging phase. Many Panels have articulated options to acquire additional capability both by procurement and non-procurement initiatives. The ECAP will now shift from the identification of these possible options to the establishment of Project Groups focused on the implementation of concrete projects, including solutions through acquisition or other solutions such as leasing, multinationalisation and considering possibilities for role specialisation. In order to support the ECAP process Personal Representatives of the Ministers of Defence will continue to meet.

10. On the procurement side, the Project Groups are expected to provide plans and programmes to enable participating Member States to implement new capabilities. Non-procurement initiatives will aim at maximising the effectiveness of current and planned capabilities. ECAP Panels reports contain options to enhance and improve structures and to develop procedures and doctrine.

11. In this context, Ministers welcomed Member States' commitment to the Headline Goal in the following ECAP Project Groups:

- Air-to-Air Refuelling (AAR); options for capability improvement could include i.a. multinational and national procurement, modification of equipment and via contracting and leasing;
- Combat Search and Rescue (CSAR); options for capability improvement could include i.a. development of equipment, doctrine and concepts, training and increased equipment interoperability;
- Headquarters (HQ); options for capability improvement could include i.a. implementation of national HQ plans, identification and training of augmentees and installation of communications infrastructure;
- Nuclear, Biological and Chemical (NBC) protection; options for capability improvement could include i.a. development of doctrine and concepts and through training;
- Special Operations Forces (SOF);
- Theatre Ballistic Missile Defence (TBMD); options for capability improvement could include i.a. multinational and national procurement, training and further multinationalisation of headquarters;
- Unmanned Aerial Vehicles (UAV); options for capability improvement could include i.a. operational concept, certification in airworthiness and guidelines for procurement;
- Strategic Air Lift;
- Space based assets;
- Interoperability Issues and Working Procedures for Evacuation and Humanitarian Operations.

Ministers recalled that Member States participating to an ECAP Project Group should set and agree the objectives and milestones to be reached.

In addition, Member States are invited to consider the lead or participation in further Project Groups such as in the areas of Attack Helicopters, Support Helicopters, Cruise Missiles and Precision Guided Munitions, Strategic Sea Lift, Intelligence Surveillance Target Acquisition and Reconnaissance (ISTAR).

III. The setting-up of an intergovernmental defence capabilities development and acquisition agency

12. Ministers recalled para. 35 of the Presidency conclusions to the Brussels European Council on 20-21 March to undertake an analysis of the possible creation of an intergovernmental defence capabilities development and acquisition agency within the EU.”

(...)

Informal meeting of EU defence ministers

Brussels, 19 May 2003

REMARKS BY JAVIER SOLANA, HIGH REPRESENTATIVE FOR CFSP

At the Capabilities Conference

Military capabilities

We have made real progress since Helsinki towards achieving our capability objectives.

- First, because today we have a better picture of European capabilities and their shortfalls.
- Secondly because we have a better understanding of what these shortfalls mean in terms of constraints and risks for EU-led operations if they are not remedied.
- Thirdly, the European Capability Action Plan has produced a sound basis for Member States to do deliver additional capabilities.
- Fourthly, the implementation phase of these proposals has already started, with five project groups launched so far.

But it is hardly the time to rest on our laurels. A lot more remains to be done. It needs to be done as a matter of urgency. A majority of shortfalls recognised as critical are to this day not addressed by relevant project groups. I hope that this meeting will be the opportunity for Member States to announce new commitments in that respect.

The good news is that recent developments offer a real potential for success.

- First, the agreement with NATO for cooperation in crisis management has widened the EU's access to critical assets and capabilities. It has also opened the possibility of efficient cooperation on capability development, ensuring synergy and complementarity between the respective capability plans. The EU-NATO Capability Group will help achieve that goal. I am pleased to note that it met for the first time last week.
- Secondly, there are real possibilities to make quick progress. ECAP (European Capability Action Plan) panel reports offer options to close some critical gaps in the short term. Not all proposals require major investments: in quite a few cases, a better combination of existing national capabilities could result in significant improvements. More multinational solutions could ensure better use of existing resources.

Political will remains a fundamental condition.

- ▶ First of course when it comes to providing adequate resources. More resources are necessary if our goals are to be met within a reasonable timeline and if we want to fund some critical capabilities.
- ▶ Political will is also needed for increasing solidarity around common objectives. That is the key to more decisive and concrete actions towards multinational solutions and role sharing. The real challenge of ESDP is not limited to piling up more national force elements. It is mainly to improve our collective capability to act together.

It is essential that Defence ministers remain personally involved in this process, for the achievement of our immediate objectives and for the longer term.

Armaments

A competitive European defence industry and a solid technological base are an indispensable complement to the improvement of European military capabilities.

- ▶ The European defence industry has already largely restructured. The EU can contribute to its consolidation as the recent Commission communication suggests. Certain community instruments, provided that they respect the specificity of the defence sector, can facilitate the establishment of a form of European market.
- ▶ As far as Member States are concerned, they should organise European demand so that armed forces can be equipped with quality materiel at reasonable cost. National armaments officials must be involved in the capability process. A lot remains to be done to harmonise military requirements and acquisition methods, co-ordinate defence research efforts. We should progressively move beyond strictly national approaches, which entail added costs and sometimes a waste of resources, to build a common approach in these fields.
- ▶ The future capabilities development and Acquisition Agency mentioned in the conclusions of the latest Brussels European Council seems to me to be a key project to achieve these objectives.

NATO-EU ministerial meeting

Madrid, 3 June 2003

JOINT PRESS STATEMENT BY THE NATO SECRETARY GENERAL AND THE EU PRESIDENCY

The Foreign Ministers of the North Atlantic Treaty Organisation and of the European Union met in Madrid today to take stock of NATO-EU relations.

Since the joint NATO-EU Declaration of 16 December 2002, we have made unprecedented progress in developing our strategic partnership as agreed between the two organisations. Most importantly, in March we concluded the full set of agreements providing for ready access by the EU to NATO's collective capabilities and assets for EU-led operations. These « Berlin-Plus » arrangements are essential to effective partnership and will enable the strengthening of the European Security and Defence Policy.

Berlin Plus and the NATO-EU Agreement on the Security of Information, which allows for the exchange of classified documents, together paved the way for the EU's first operational military deployment. On 31 March, the EU-led Operation Concordia took over from NATO's Operation Allied Harmony. This EU commitment, undertaken in agreement with the host country's Government, and with recourse to NATO capabilities and assets, puts Berlin Plus into practice in a manner which benefits everyone concerned with security and stability in the Western Balkans.

NATO and the EU share common objectives for the future of the Western Balkans region. We both want to prevent conflict, consolidate stability and assist the countries concerned towards further integration into EU and NATO structures. Against that background, Foreign Ministers today discussed a concerted NATO-EU approach on security and stability in the Western Balkans.

More generally, Foreign Ministers reaffirmed their willingness to develop closer cooperation between the two organisations in the fight against terrorism. NATO and the EU have exchanged information on their activities in the field of protection of civil populations against CBRN terrorist attacks, and are now exploring possibilities for cooperation on other specific areas related to the fight against terrorism.

Effective modern military capabilities are central to the credibility of both NATO and the EU. By working together, we can maximise our outputs in the interests of all NATO and EU member countries. Ministers welcomed the establishment and first meeting of the NATO-EU Capability Group, and expressed their determination to ensure that the efforts of both NATO and the EU to improve their capabilities are coherent and mutually reinforcing.

The discussions of NATO and EU Foreign Ministers on wider security issues during their informal working luncheon on 3 April 2003 demonstrated that a coherent and transparent NATO-EU relationship contributes to the vitality of the transatlantic link. Ministers today underlined their willingness to further develop the strategic partnership, as agreed between the two organisations, in a spirit of transparency and in full respect of both organisations' autonomy.

Military operation in the Democratic Republic of Congo (*Artemis*)

Brussels, 5 June 2003

In late May 2003, the UN Secretary-General, Kofi Annan, contacted EU authorities to test the ground for a European military contribution to preserving peace in and around Bunia, in the north-eastern region of the Democratic Republic of Congo, in order to allow the previous UN mission in the area to reorganise. Within a few days, the Union agreed to set up a contingent to be deployed in the region. Operation *Artemis*, led by France as 'framework nation' under an explicit UNSC mandate, was thus to become the first autonomous military operation conducted by the EU.

JOINT ACTION 2003/432/CFSP

On the European Union military operation in the Democratic Republic of Congo (*Artemis*)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union and, in particular, Article 14, Article 18, fifth paragraph, Article 25, third paragraph, Article 26 and Article 28, third paragraph, thereof,

Whereas:

(1) On 8 May 2003, the Council adopted Council Common Position 2003/319/CFSP concerning European Union support for the implementation of the Lusaka Ceasefire Agreement and the peace process in the Democratic Republic of Congo and repealing Common Position 2002/203/CFSP¹

(2) On 10 December 2002, the Council adopted Joint Action 2002/962/CFSP amending and extending the mandate of the European Union Special Representative for the African Great Lakes Region²

(3) On 19 May 2003, the Council requested the Secretary-General/High Representative to study the feasibility of a European Union military operation in the Democratic Republic of Congo.

1. OJ L 115, 9.5.2003, p. 87.

2. OJ L 334, 11.12.2002, p. 5.

(4) The Secretary-General of the United Nations has requested UN Member States to provide a temporary stabilisation force in the Ituri Region in implementation of the mandate provided in United Nations Security Council Resolution 1484 (2003) of 30 May 2003.

(5) In accordance with the EU Framework Nation Concept endorsed on 24 July 2002 as a conceptual basis for the conduct of autonomous EU-led Crisis-Management Operations with recourse to a Framework Nation, a Member State should be designated as a Framework Nation.

(6) In order to plan for and prepare the deployment of an EU force in the Democratic Republic of Congo, the location of the Operation Headquarters should be designated and an Operation Commander and a Force Commander should be appointed.

(7) The Political and Security Committee (PSC) should exercise political control of and provide strategic direction to the EU-led operation and take the relevant decisions in accordance with Article 25, third paragraph of the Treaty on European Union.

(8) In conformity with the guidelines of the European Council meeting at Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary-General/High Representative in accordance with Articles 18 and 26 of the Treaty on European Union in the implementation of measures falling within the political control and strategic direction exercised by the PSC, in accordance with Article 25 of the Treaty on European Union.

(9) Third States could participate in the operation upon invitation by the Council.

(10) In accordance with Article 28(3) of the Treaty on European Union, the operational expenditure arising from this Joint Action having military implications shall be charged to the Member States consistent with the general framework laid down in the Council Decision of 17 June 2002.

(11) Article 14(1) of the Treaty on European Union calls for the indication of the means to be made available to the Union for the whole period of implementation of the Joint Action; in this context, a financial reference amount should be indicated.

(12) The financial reference amount for the common costs of the operation constitutes the best current estimate and is without prejudice to the final figures that will be included in a budget to be approved in accordance with the principles laid down in the general Framework Decision of 17 June 2002.

(13) 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. Denmark does not participate in the financing of the operation,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. The European Union shall conduct a European Union military operation in the Democratic Republic of Congo, named Artemis in accordance with the mandate set out in UNSCR 1484 (2003).
2. The forces deployed to that effect shall operate in accordance with the objectives set out in the 'Framework for EU action in response to the crisis in Bunia' approved by the Council.

Article 2

Designation of a Framework Nation

France will act as the Framework Nation for the operation.

Article 3

Appointment of the Operation Commander

Major General Neveux is appointed EU Operation Commander.

Article 4

Designation of the location of the Operation Headquarters

The Operation Headquarters shall be located at the Centre de planification et de conduite des opérations (CPCO) in Paris, France.

Article 5

Designation of the Force Commander

Brigadier General Thonier is appointed EU Force Commander.

Article 6

Planning and launching of the operation

The Council shall approve the operation plan (OPLAN) and authorise the Rules of Engagement (RoE) and shall decide on the launching of the operation.

Article 7

Political control and strategic direction

1. The Political and Security Committee (PSC) shall exercise under the responsibility of the Council the political control and strategic direction of the operation. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the Treaty on European Union. This authorization shall include the powers to amend the OPLAN, the Chain of Command and the RoE. The powers of decision with respect to the objectives and termination of the operation shall remain vested in the Council, assisted by the Secretary-General/ High Representative.

2. The PSC shall report to the Council at regular intervals.

3. The PSC shall receive reports by the Chairman of the European Union Military Committee (CEUMC) regarding the conduct of the military operation at regular intervals. The PSC may invite the Operation Commander to its meetings as appropriate.

Article 8

Military direction

1. The European Union Military Committee (EUMC) shall monitor the proper execution of the military operation conducted under the responsibility of the Operation Commander.

2. The EUMC shall receive reports from the Operation Commander at regular intervals. It may invite the Operation Commander to its meetings as necessary.

3. The CEUMC acts as the primary point of contact with the Operation Commander.

Article 9

Relations with the United Nations, the Democratic Republic of Congo and other participants in the peace Process

1. The Presidency, the Secretary-General/High Representative, the Operation Commander and the EU Special Representative for the Great Lakes Region shall ensure close coordination of their respective activities with respect to the implementation of this Joint Action.

2. The Secretary-General/High Representative, assisted by the EU Special Representative for the Great Lakes Region shall, in close coordination with the Presidency, act as a primary point of contact with the United Nations, with the authorities of the Democratic Republic of Congo and neighbouring countries, as well as with other participants in the peace process.

3. The Force Commander shall maintain contact with local authorities, the United Nations Organisation Mission in the Democratic Republic of Congo (MONUC) and other international actors, as appropriate, on issues relevant to his mission.

Article 10

Participation of third States

1. Without prejudice to the decision-making autonomy of the European Union and to the Single Institutional Framework, third States may be invited to participate in the operation.

2. The PSC shall take appropriate action with regard to participation arrangements and shall, if required, submit those to Council, including on possible financial participation from third States in the common costs.

3. The Council hereby authorises the PSC to take, upon the recommendation of the Operation Commander and the EUMC, the relevant decisions on acceptance of the proposed contributions.

4. The Council hereby authorises the PSC to take relevant decisions on the setting up of a Committee of Contributors, in case that the third States provide significant military contributions.

Article 11

Financial arrangements

1. The Council shall establish the procedures for post settlement of costs³ in order to finance the common costs of the operation referred to in Article 1.
2. For the purposes of this operation, barracks and lodging for the forces as a whole, as well as expenditure related to transportation of the forces as a whole, shall not be eligible for payment as common costs.
3. The financial reference amount shall be EUR 7 000 000.

Article 12

Release of information to third States and international organisations

1. The Secretary-General/High Representative is authorized to release to third parties associated with this Joint Action EU classified information and documents generated for the purposes of the operation in accordance with the Council Security Regulations.
2. The Secretary-General/High Representative is authorized to release to third parties associated with this Joint Action EU non-classified documents related to the deliberations of the Council with regard to the operation covered by the obligation of professional secrecy pursuant to Article 6, paragraph 1 of the Council Rules of Procedure.

Article 13

Status of the EU-led forces

If required, the status of the EU-led forces in the Democratic Republic of Congo shall be the subject of an agreement with the Government of the Democratic Republic of Congo to be concluded on the basis of Article 24 of the Treaty on European Union.

Article 14

Community action

The Council notes the intention of the Commission to direct, where appropriate, its action towards achieving the objectives of this Joint Action.

3. On the basis of the specimen Council Decision establishing prefinancing procedures for the financing of an EU operation having military or defence implications (approved by the Council on 27 January 2003).

Article 15**Entry into force**

This Joint Action shall enter into force on 5 June 2003. It shall expire on 1 September 2003.

Article 16**Publication**

This Joint Action shall be published in the Official Journal of the European Union.

Done at Luxembourg, 5 June 2003.

For the Council

The President, M. Chrisochoïdis

Non-proliferation

Brussels, 10 June 2003

The document reproduced below summarises the main elements of the new EU initiative in the field of non-proliferation and counter-proliferation. The initiative was taken in the wake of the intra-European and transatlantic dispute over Iraq as a means to address a controversial and hitherto neglected issue. The general aim was to find common ground with the United States while shaping a shared European approach.

BASIC PRINCIPLES

For an EU Strategy against Proliferation of Weapons of Mass Destruction

On 14 April 2003 the Council instructed the Secretary General/High Representative, in association with the Commission, and the Political and Security Committee, to pursue work on proliferation of weapons of mass destruction with a view to making proposals for submission to the European Council. Member States have contributed a number of specific proposals.

Drawing on these, as well as on the targeted initiative to respond effectively to the international threat of terrorism, adopted by the Council on 15 April 2002, the Council Secretariat and the Commission have drawn up a set of basic principles defining the broad lines for an EU strategy against proliferation of WMD. In addition to these basic principles an Action Plan has also been elaborated. It contains a series of short and medium term specific measures for action in the months to come.

Basic Principles

1. The proliferation of all weapons of mass destruction (i.e. biological, chemical and nuclear weapons) and means of delivery such as ballistic missiles constitutes a threat to international peace and security. These weapons are different from other weapons not only because of their capacity to cause death on a large scale but also because they could destabilise the international system.
2. The acquisition of WMD or related materials by terrorists would represent an additional threat to the international system with potentially uncontrollable consequences. Armed with weapons or materials of mass destruction terrorists could inflict damage that in the past only states with large armies could achieve.

3. An EU strategy against the proliferation of WMD needs to be based on a common assessment of global proliferation threats. The EU Situation Centre has prepared and will continuously update a threat assessment using all available sources; our intelligence services should keep this issue under review and remain engaged in this process.

4. To address the new threats, a broad approach is needed. Political and diplomatic preventative measures (multilateral treaties and export control regimes) and resort to the competent international organisations (IAEA, OPCW, etc.) form the first line of defence. When these measures (including political dialogue and diplomatic pressure) have failed, coercive measures under Chapter VII of the UN Charter and international law (sanctions, selective or global, interceptions of shipments and, as appropriate, the use of force) could be envisioned. The UN Security Council should play a central role.

5. The EU is committed to the multilateral system. We will pursue the implementation and universalisation of the existing disarmament and non-proliferation norms. With regard to biological and chemical weapons, we will work towards declaring the bans on these weapons to be universally binding rules of international law. We will work towards the universalisation of the NPT. We will also promote measures to ensure that any possible misuse of civilian nuclear programmes for military purposes will be effectively excluded.

6. We are committed to the multilateral treaty regime, which provides the normative basis for all non-proliferation efforts. If the regime is to remain credible it must be made more effective. This means working with those who share our interest in preventing proliferation; and it also means dealing with those who cheat. At the same time we should consider carefully the position of those who do not belong. The EU will place particular emphasis on defining a policy reinforcing compliance with the multilateral treaty regime. Such a policy must be geared towards enhancing the detectability of significant violations and strengthening enforcement of the norms established by this treaty regime. In this context, the role of the UN Security Council, as the final arbiter on the consequences of non-compliance – as foreseen in multilateral regimes – needs to be effectively strengthened.

7. To ensure effective detectability of violations and thereby deter non-compliance we will make best use of existing verification mechanisms and systems. We will also support the establishment of additional international verification instruments and, if necessary, the use of non-routine inspections under international control beyond facilities declared under existing treaty regimes.

8. The best solution to the problem of proliferation of WMD is that countries should no longer feel they need them. If possible, political solutions should be found to the problems which lead them to seek WMD. The more secure countries feel, the more likely they are to abandon programmes: disarmament measures can lead to a virtuous circle just as weapons programmes can lead to an arms race. To this end, we must actively foster the establishment of regional security arrangements and regional arms control and disarmament processes. Our dialogue with the countries concerned should take account of the fact that in many cases they have real and legitimate security concerns, with the clear understanding that there can never be any justification for the illegal development of WMD. We will encourage these countries to renounce the use of technology and facilities which might cause a particular risk of proliferation.

9. We are aware that finding political solutions to all of the different problems, fears and ambitions of countries in the most dangerous regions for proliferation will require persistent efforts. Our policy is therefore to contain proliferation while dealing with its underlying causes.

10. Positive and negative security assurances can play an important role: they can serve both as an incentive to forego the acquisition of WMD and as a deterrent. These security assurances need to be further explored.

11. Proliferation of WMD is a global threat, which needs a global approach. However, as security in Europe is closely linked to security and stability in the Mediterranean, we should pay particular attention to the issue of proliferation in the Mediterranean area.

12. An common approach and co-operation with key partners such as the US and the Russian Federation is essential in order to effectively implement WMD non-proliferation regime, and constitute an important ground for reinforcing transatlantic relations.

13. Our strategy against proliferation will therefore be based on the following key elements:

- ▶ Pursuing universalisation of disarmament and non-proliferation agreements while stressing the importance of effective national implementation thereof;
- ▶ Ensuring compliance with non-proliferation commitments by making best use of, and, when appropriate, strengthening international inspection/verification mechanisms;
- ▶ Strengthening export control policies;
- ▶ Introducing a stronger non-proliferation element in relationships with some partners;
- ▶ Having a focused dialogue both with countries suspected of proliferation activities and with those whose co-operation is vital to effective policies against proliferation;

- Expanding co-operative threat reduction initiatives and assistance programmes;
- Ensuring that appropriate resources and support are allocated to international organisations and arrangements active in non-proliferation such as the IAEA, the OPCW, the CTBTO PrepCom and the HCOC;
- Promoting close co-ordination with the United States;
- Pursuing an international agreement on the prohibition of the production of fissile material for nuclear weapons;
- Considering, in case political and diplomatic measures have failed, coercive measures, including as a last resort the use of force in accordance with the United Nations Charter.

Non-proliferation

Brussels, 10 June 2003

ACTION PLAN

For the Implementation of the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction

This action plan is intended to provide an initial work programme to allow a practical implementation of the basic principles. It is not exhaustive. Building an EU strategy for non proliferation of WMD will take some time and, as a result, it might appear worthwhile to add further actions to this plan. This action plan is a first base to start without delay and will have to be adapted in the course of its implementation.

The action plan complements and is consistent with the list of concrete measures adopted by the Council on 15 April 2002 in implementing the targeted initiative, launched on 10 December 2001 by the EU Foreign Ministers, to respond effectively in the field of non-proliferation, disarmament and arms control to the international threat of terrorism.

The first section of the action plan contains a set of measures for immediate action. The second section contains measures for the coming months or even the longer term. For each of the proposed measures for immediate action there is also an indication of the timeframe expected, of the legal instrument required and of the costs (if any) expected.

A. Measures for immediate action

In general:

1. Detailed plan of diplomatic action

This will involve prioritising our diplomatic strategy and action, defining and disseminating master messages, developing a programme of demarches on key issues of concern, as well as using more effectively planned meetings.

- Expected timeframe: start immediately
- Required instrument: political agreement by Member States
- Expected costs: limited

2. Adoption of a firm engagement for the promotion of the universalisation and reinforcement of multilateral agreements

Such an engagement represents one of the main tenets of the EU policy in this field. The EU as such and its Member States should promote at political level universal adherence to instruments relating to weapons of mass destruction and their means of delivery (Biological Weapons Convention, Chemical Weapons Convention, Nuclear Non-Proliferation Treaty, Comprehensive Test Ban Treaty, Safeguards Agreements and Additional Protocols with the International Atomic Energy Agency, Convention on the Physical Protection of Nuclear Materials, Hague Code of Conduct). The restatement of this policy would serve as a yardstick in the negotiations of EU positions in international fora. In addition, the EU will address the WMD proliferation situations of immediate concern

- Expected timeframe: by end of 2003
- Required instrument: Common Position or Council declaration
- Expected costs: nil

3. Prolongation of the Programme on disarmament and non-proliferation in the Russian Federation

The EU Co-operation programme launched in 1999 supports through project-orientated actions the overall co-ordination of EU programmes at large, including Member State and Community activities. This Joint Action expires in June 2003 and the Programme should be extended. The extension should contain a political signal of EU engagement over a longer period of time.

- Expected timeframe: July 2003
- Required instrument: Joint Action
- Expected costs: 7.5 MEURO (from the CFSP budget line)

On nuclear weapons proliferation:

4. Rapid ratification and implementation by all Member States and acceding countries of the IAEA Additional Protocols

At present some Member States, as well as some acceding States have yet to ratify and/or notify the IAEA of the completion of their procedures for ratification. The Commission

will notify the IAEA that the additional protocols are in force once all Member States will have fulfilled their obligations. At that time, the Commission will have a responsibility for the implementation. This will only be possible after the clarification of outstanding issues, e.g. agreement by the Council of the corresponding new Euratom Regulation and the decision on the ways and means for cost coverage for the implementation.

- Expected timeframe: end of 2003 (ratification by all Member States and Acceding States)
- Required instrument: Member States' ratification, Euratom Regulation and Decision on the coverage of additional implementation costs
- Expected costs: to be determined

5. Providing the IAEA with adequate budget increase for implementing its safeguard tasks

The EU supports an adequate increase in the IAEA safeguards budget to ensure the credibility of the IAEA's verification systems on an urgent and exceptional basis, taking into account the increase in the Agency's workload in this area. The increase should go in parallel with the continuation of the process of implementing integrated safeguards which will lead to a more effective and efficient safeguards system.

- Expected timeframe: September 2003
- Required instrument: political agreement between Member States.
- Expected costs: nil for the Community. (To be covered nationally by the Member States).

On chemical weapons proliferation:

6. Promotion of challenge inspections in the framework of the Chemical Weapons Convention

Challenge inspections are already part of the verification and inspection regime of the Chemical Weapons Convention. In order to more effectively address cases of suspected non-compliance with the Convention the EU should discuss activating the challenge inspection instrument. Each Member State and acceding country should agree to support any challenge made by another Member State, acceding country or other States or Groups of States within the CWC, in the absence of specific information disproving the basis for the challenge.

- Expected timeframe: immediately
- Required instrument: Political agreement by Member States
- Expected costs: nil for the Community. To be covered nationally by the Member States in the frame of the CWC/OPCW.

On export controls:

7. Make the EU a leading co-operative player in the export control regimes by:

- ▶ Ensuring co-ordinated EU positions, i.a. on the items to be put on the lists.
 - ▶ Supporting the membership of acceding countries and considering the involvement of the Commission in the regimes;
 - ▶ Promoting a catch-all clause (i.e. end-user oriented export control of non-listed items) in the export control regimes when appropriate.
 - ▶ Promoting a further strengthening of the information exchange in the regimes, in particular with respect to sensitive destinations, sensitive end-users and procurement patterns.
- Expected timeframe: start immediately
 - Required instrument: political agreement by Member States
 - Expected costs: limited

B. Measures for the coming months or the longer term

In general:

8. Mainstreaming non-proliferation policies into the EU's wider relations with third countries

The EU will consider the introduction of an effective stick and carrot policy linked to non-proliferation commitments in its relations with third countries. This will be done in particular in the context of co-operation agreements or assistance programmes. Relevant working groups will be tasked to review EU policy towards particular countries. In this context combined sessions of regional working groups and the working group on non-proliferation could be organised to promote cross-fertilisation of regional and non-proliferation policies.

9. Increase in EU co-operative threat reduction funding in the light of financial perspectives beyond 2006

At the G8 Summit of Kananaskis, the European Community committed 1 billion Euro over ten years to the G8 Global Partnership against the spread of weapons and materials of mass destruction. Financial commitments will have to be secured in the next budget cycle starting in 2007, focusing on the main priorities. The creation of a specific

Community budget line for non proliferation and disarmament of WMD should be envisaged. Member States should be encouraged to contribute also on a national basis. These efforts should include measures aimed at reinforcing the non-proliferation of WMD related expertise, science and technology.

10. Special focus on the WMD proliferation at the Mediterranean Level

Proceed to a WMD threat assessment focused on the Mediterranean area, include specific non proliferation issues in the EU dialogue with Mediterranean countries with a view to a wider adherence to the main non-proliferation and arms control treaties, study implications for the Mediterranean area of the proposal for a WMD free area in the Middle East.

11. Adoption by Member States of common policies related to criminal sanctions for illegal export or brokering of WMD-related material.

An EU common approach regarding criminalisation of illegal export of WMD-related material should be considered to complement the existing national legislation. A legal framework for criminalisation of illegal brokering of WMD-related items at EU level would also have to be examined.

12. Retaining the verification and inspection expertise of UNMOVIC

The EU will consider how the unique verification and inspection competence of UNMOVIC regarding biological weapons and missiles could be retained/maintained and utilised. For example, a roster of experts could be set up within the framework of the UN. These experts could be utilised in inspection and verification activities after decision by the UNSC. The EU will further develop its own thinking on verification and inspection in general and especially on UNMOVIC.

13. Support for a stronger role for the UN Security Council in handling the threat of WMD

The EU should explore a resolution in the UN Security Council to identify the spread of WMD and their means of delivery, as a threat to international peace and security. The EU should support a UN Security Council resolution requiring, when appropriate, countries to prevent shipments and overflights of materials for use in WMD.

14. Setting up of a monitoring centre on WMD disarmament and non-proliferation

The EU should set up a monitoring centre entrusted with the monitoring of the consistent implementation of the Action Plan, the collection of information and intelligence, including in relation with the flow of WMD-related materials, and ensure the necessary interaction with other international bodies. This monitoring centre would be set up at the Council Secretariat and fully associate the Commission. It would keep the Council regularly informed on countries presenting medium and high risk, and propose measures for prevention and combat of proliferation of WMD. It would also establish relations with other key international actors with a view to acting as a focal point and a clearing house. It would work in close co-operation with the Presidency and the PSC.

On nuclear and radiological weapons proliferation:

15. Improve the control of high activity radioactive sources

At EU level, the Proposal for a Council Directive on the control of high activity sealed radioactive sources (COM/2003/0018 final), adopted by the Commission on 24th January 2003 and which is being discussed at the Council, aims to harmonise and strengthen controls in place in the Member States by setting out specific requirements ensuring that radioactive sources are always kept under control. Such an enhanced traceability of sources will reduce the risk of radioactive sources being misused, e.g. for criminal purposes and will prevent sources from becoming lost from regulatory control. The Council should adopt this directive as soon as possible, and Member States should assure its fast national implementation.

The EU should urge all third countries to take measures to strengthen regulatory control of high-risk sources within their territory in accordance with the recent G-8 statement on securing radioactive sources. To that end it should give full support to the plan of action attached to that statement and the specific role the IAEA can play.

16. A policy not to export nuclear related materials and equipment to countries not having ratified the IAEA Additional Protocol

The EU will pay particular attention to the risk that civilian nuclear programmes are misused for military purposes; in this regard it will explore procedures on how to address this risk inter alia by effectively controlling or limiting the use of technology and facilities which might be of particular relevance to the goal of nuclear non-proliferation.

This should be done in the frame of the consideration of stick and carrot mentioned above. The Member States should have a common view when discussing this issue in the frame of the Nuclear Suppliers Group. The Commission is directly concerned when it comes to the Euratom Supply Agency.

On biological and chemical weapons proliferation:

17. Reinforcing the BTWC and the CWC

The BTWC does not contain at present a verification mechanism. The EU must find ways to strengthen compliance. A group of experts to give advice on how this could be done could be established. The EU will take the lead in efforts to strengthen regulations on trade with material that can be used for the production of biological weapons. The EU will also take the lead in supporting national implementation of the BTWC (e.g. in providing technical assistance). The EU will work to ensure concrete outcomes from the three experts meetings to be held between 2003-2005 before the sixth review conference in 2006. The EU will also consider giving support to states with administrative or financial difficulties in their national implementation of the Chemical Weapons Convention and to the OPCW in its implementing work.

18. Strengthening of national legislation and control over pathogenic micro-organisms and toxins (both in Member States and in Acceding Countries)

The forthcoming annual meeting of experts and meeting of States Parties – drawing from a comparative analysis of domestic legislation aimed at implementing the prohibitions set forth in the BTWC and establishing/maintaining the security and oversight of pathogenic micro-organisms and toxins – could consider the possibility of drafting ‘best practices guidelines’ in order to promote the enactment of effective national legislation and the compliance with the BTWC provisions.

A high level Health and Security Committee made of representatives of the Member States Health Ministries and a Task Force of national experts and Commission officials serve as the instrument for co-operation and planning in countering deliberate releases of biological (and chemical) agents. Co-operation between the public health and the non proliferation structures should be reinforced.

The creation of an EU Centre for Disease Control should be analysed.

19. EU-US (biological) industry dialogue

The EU will initiate a dialogue with the biotech industry in Europe, on inter alia control of dangerous pathogens. Dialogue between EU and US industry should be encouraged in the context of the Transatlantic Business Dialogue. This should serve to enhance awareness of the issues involved, spread best practices and help overcome transatlantic suspicions about discriminatory trade restrictions.

On export controls:

20. Reinforcement the efficiency of export controls in an enlarged Europe by:

- ▶ Developing a system for easier identification of items under control (A joint effort by Member States and the Commission should be undertaken to establish equivalence between EC customs classification and the lists of the Dual Use Regulation 1334/2000).
- ▶ Establishing improved channels of communication between Member States to reinforce exchange of information, in particular on decisions on denials.
- ▶ Establishing a formal dialogue with industry at EU level.
- ▶ Developing guidelines for a harmonised implementation of the Community Dual Use Regulation.

21. “Peer Review” of Member States’ and Acceding Countries export control systems

In order to better co-ordinate EU’s export control activities and to learn from each other’s experience a Peer Review in all Member States and Acceding countries should be conducted. Peer review teams of two to three countries in each, consisting both of Member States and Acceding countries could examine the national legislation and its implementation in order to establish the best practices in the enlarged Union. The Commission could be asked to co-ordinate the Peer Review and be assisted by a Task Force, that shall prepare a set of concrete steps to be taken for an effective implementation.

22. Setting up of a programme of assistance to States in need of technical knowledge in the field of export control

This programme will be part of the co-operative threat reduction budget line described above (under “general”).

Way Forward

Work should begin without delay on the measures for immediate action. The Presidency, the Secretary General/High Representative and the Commission will act in close co-ordination with the Political and Security Committee for the elaboration and adoption by the competent bodies of these measures, which should be in place by the end of 2003.

The Presidency, the Secretary General/High Representative and the Commission will report to the Political and Security Committee by the end of 2003 on the state of preparation of the measures for the longer term, by indicating, where appropriate, an approximate timeframe for their adoption.

General Affairs and External Relations Council

Luxembourg, 16 June 2003

The main emphasis of the document reproduced below lies on external policies – both towards the Balkan region and vis-à-vis the wider ‘neighbourhood’ of the EU. Though not strictly related to ESDP, they are relevant for both the CFSP at large and the common policies against terrorism and proliferation.

(...)

EUROPEAN SECURITY AND DEFENCE POLICY

Reports to the European council

▮ Presidency Report on ESDP

The Council approved a draft Presidency Report on ESDP with a view to its submission to the European Council for endorsement.

▮ EU Programme for Conflict Prevention

The Council approved a draft Report on conflict prevention that the Presidency will submit to the European Council in Thessaloniki.

▮ Report on the fight against terrorism (including CFSP/ESDP)

The Council approved a draft Presidency Report to the European Council on EU external action in the fight against terrorism (including CFSP/ESDP).

Artemis operation in Bunia, Democratic Republic of Congo – Council Conclusions

The Council adopted the following Conclusions:

“The Council welcomes the rapid launch by the European Union (EU) of operation ARTEMIS in response to the request by the Secretary-General of the United Nations for the constitution of an interim emergency multinational force in Bunia, Democratic Republic of the Congo (DRC), as authorised by United Nations Security Council Resolution 1484. This force will contribute to the stabilisation of the security and humanitarian situation in Bunia and will allow the UN Secretary-General to reinforce MONUC’s (United Nations Organisation Mission in the Congo) presence in Bunia.

This operation demonstrates the political will and the capability of the EU to react rapidly and effectively in a crisis situation. It reaffirms the EU's commitment to peace and stability in the Great Lakes region and in the DRC in particular.

This EU operation reflects the contribution which European security and defence policy can make to crisis management in cooperation with the United Nations.

Operation ARTEMIS is supported by France as the Framework Nation and by contributions from several Member States as well as third countries.

The Council makes a strong appeal to all Congolese parties and all States in the Great Lakes region to refrain from any military or other activity in the region that could further destabilise the situation in Ituri and, in this regard, demands also an end to all support, including supplies of weapons and any other military equipment, to the armed groups and militias. It demands moreover that all Congolese parties and all States in the region actively prevent the supply of such support. The Council expresses its deep concern at the military operations that are still being carried out in the Kivus and calls for their immediate cessation.

With reference to the diplomatic mission recently carried out in the region by the EU Special Representative, the Council calls on the Congolese monitoring committee and all Congolese authorities to give their full support to the emergency interim force and to cooperate fully with MONUC so that the Congolese and the Ituri Interim Administration can seek an integrated political solution in Ituri.

The Council reaffirms the need for transitional institutions to be set up as soon as possible in the DRC and calls on all parties to be flexible to that end.

A solution to the crisis in Ituri requires the mobilisation of all the diplomatic, military, financial and humanitarian aid resources of the international community. In pursuit of this objective and to support operation ARTEMIS and facilitate the build-up and deployment of a reinforced MONUC presence in Bunia by mid-August 2003 at the latest, the Union must be able to make consistent use of all its instruments, particularly in terms of political action and aid. The Council calls on the Secretary General/High Representative, in consultation with the Presidency, and on the Commission to submit proposals to that end as soon as possible. These proposals should take into account any progress in the establishment of transitional institutions in the DRC. They should also take into account the regional context of the conflict.

The Council reiterated its commitment to the promotion and protection of the rights of the child, in particular within the context of armed conflicts. It tasked the competent bodies to integrate the child rights' perspective in the EU's peace and security initiatives."

European Security Strategy

Over lunch, High Representative Javier Solana briefed Ministers on the state of preparations for a European security strategy to be presented to the European Council at

Thessaloniki on 19 and 20 June. In his outline of the paper, the High Representative underlined in particular that today's complex problems could not be tackled by any single country alone. As a Union of 25 States with 450 million people and producing a quarter of the world's GDP, the EU was a global actor. The key threats the world was facing were more diverse, less visible and less predictable than during the cold war. They included international terrorism, proliferation of WMD, failed States and organized crime. They were significant threats by themselves but their combination constituted a radical challenge to security. In addition to identifying the threats, the paper would discuss the instruments the EU had to counter them. Overall, the EU would be more active and more coherent in countering those threats. The document would be noted by the Thessaloniki European Council as a living document and would be subject to changes to reflect developments in the strategic environment.

Mr Solana was requested by Ministers to work on such a strategy at their informal meeting in Rhodes/Kastellorizo in May.

Weapons of Mass Destruction - Council Conclusions

“The Council discussed the issue of proliferation of Weapons of Mass Destruction. Proliferation of Weapons of Mass Destruction and means of delivery such as ballistic missiles constitutes a threat to international peace and security. The Council considered that the acquisition of Weapons of Mass Destruction or related materials by terrorists would represent an additional threat to the international system. The Council gave its endorsement to the document entitled “Basic principles for an EU strategy against proliferation of Weapons of Mass Destruction” as a living document. The Council also approved the “Action plan for the implementation of the basic principles for an EU strategy against the proliferation of Weapons of Mass Destruction”. It asked the PSC and other Council bodies, in co-operation with the SG/HR and the Commission, to begin work immediately on the implementation of the Action Plan.”

Western Balkans - council conclusions

The Council:

- adopted conclusions on the Western Balkans, with two documents in annex to be forwarded to the European Council meeting at Thessaloniki on 19 and 20 June:
 - “*The Thessaloniki Agenda for the Western Balkans – Moving towards European integration*”, a document examining ways and means to further strengthen the Union's stabilisation and association policy towards the Western Balkans.
 - Council conclusions on this year's annual review of the Stabilisation and Association Process for South-Eastern Europe;

- ▮ reached political agreement on a draft Joint Declaration to be adopted by the EU. Western Balkans summit at Thessaloniki on 21 June;

Council Conclusions on the Western Balkans

▮ Serbia and Montenegro

The Council warmly welcomed the presentation by Serbia and Montenegro of their Internal Market and Trade Action Plan, but noted that while substantial progress had been made, there were still some outstanding problems to be resolved. The Commission would work energetically with the authorities of Serbia and Montenegro in order to solve these problems with a view to a rapid launching of a feasibility study for a Stabilisation and Association Agreement with Serbia and Montenegro.

The Council expressed its satisfaction on the arrest of Veselin Slijvancanin, the last of the indictees of the Vucover case. This positive development is an additional indication of the determination of Serbia and Montenegro to improve co-operation with the ICTY.

▮ Serbia and Montenegro/Kosovo

The Council welcomed the intention of Belgrade and Pristina to enter, shortly after the Thessaloniki Summit, into a direct dialogue on practical issues of mutual interest.

▮ Action against individuals supporting ICTY indictees

The Council instructed its competent bodies to examine in the shortest possible time an extension of the list annexed to the Common Position 2003/280/CFSP of 16 April 2003, and which aims at preventing the entry into or transit through the EU of individuals supporting ICTY indictees.

▮ Preparations for the EU-Western Balkans Thessaloniki Summit

The Council took note of the progress made in the preparations for the EU-Western Balkans Thessaloniki Summit on 21 June, which will constitute an important new step in further enhancing the relationship between the EU and the Western Balkans. As far as the EU was concerned, the Council reached political agreement on the draft Joint Declaration that is to be adopted by the Summit. Furthermore, in response to the invitation by the European Council of 21 March 2003 to examine ways and means to further strengthen the Union's stabilisation and association policy towards the region, based also on the experience from the enlargement process, the Council adopted .The Thessaloniki Agenda for the Western Balkans: moving towards European integration. (attached in Annex), and decided to forward it to the Thessaloniki European Council. This could provide the content of a shared agenda to be endorsed by the EU-Western Balkans Summit.

► Annual review of the Stabilisation and Association Process

The Council concluded its annual review of the Stabilisation and Association process for South-Eastern Europe, assessing progress made by the countries of the region in their efforts towards European integration and making recommendations on the way ahead. It adopted the Conclusions in annex and decided to forward them to the Thessaloniki European Council.

The Council called on the countries of the region to subscribe to the conclusions, as well as to the recommendations by the Commission contained in its SAP Report, relevant for the implementation of the necessary reforms, which, in addition to providing for the needs of their citizens, will also allow for their further progress towards the EU.



ANNEX A

The Thessaloniki agenda for the Western Balkans:

Moving towards European integration

The Copenhagen European Council in December 2002 confirmed the European perspective of the countries of the Western Balkans, as potential candidates, and underlined its determination to support their efforts to move closer to the European Union. The European Council in March 2003 reiterated that the future of the Western Balkans is within the European Union and pledged the Union's full support to the endeavours of the countries of the region to consolidate democracy, stability and to promote economic development.

The Western Balkans and support to their preparation for future integration into European structures and ultimate membership into the Union is a high priority for the EU. The Balkans will be an integral part of a unified Europe. The ongoing enlargement and the signature of the Treaty of Athens in April 2003 should inspire and encourage the countries of the Western Balkans to follow the same successful road of reforms and to increase their efforts in that direction.

During the last four years, the European Union's policy of Stabilisation and Association has contributed critically to progress achieved throughout the region in promoting stability and in bringing the countries closer to the Union. It now needs to be strengthened and enriched with elements from the enlargement process, so that it can

better meet the new challenges, as the countries move from stabilisation and reconstruction to sustainable development, association and integration into European structures. The Union's thus enriched policy of Stabilisation and Association, including the Stabilisation and Association Agreements, will constitute the overall framework for the European course of the Western Balkan countries, all the way to their future accession.

The EU recalls the Commission's second annual SAP report, which reflects accurately both progress achieved and remaining problems, as well as challenges ahead for each of the Western Balkan countries. Its recommendations, fully endorsed by the Council, should guide the efforts of the countries for further reforms.

The EU stresses that the pace of further movement of the Western Balkan countries towards the EU lies in their own hands and will depend on each country's performance in implementing reforms, thus respecting the criteria set by the Copenhagen European Council of 1993¹ and the SAP conditionality. In this context, the EU also recalls the content of the Zagreb Summit Final Declaration of November 2000. The principles of 'own merits' and 'catch up' will be applied, in parallel with the regional approach, which remains an essential element of EU policy towards the region.

1. Further consolidating peace and promoting stability and democratic development

Having in mind the considerable progress achieved in the last two years, but also its fragility and unevenness, the EU will continue to work closely with the Western Balkan countries to further consolidate peace and to promote stability, democracy, the rule of law, and respect for human and minority rights. Inviolability of international borders, peaceful resolution of conflicts and regional co-operation are principles of the highest importance. Terrorism, violence and extremism, be it ethnically, politically or criminally motivated, should be unequivocally condemned.

The EU reiterates its support for the full implementation of Resolution 1244 of the UN Security Council on Kosovo and of the standards before status. policy. On this basis, the people of a multiethnic and a democratic Kosovo will have their place in Europe. The Dayton / Paris agreements and subsequent Peace Implementation Council decisions, and the Ohrid and Belgrade agreements, are key elements of EU policy. Full compliance by all countries and parties concerned is essential.

Recalling that all Western Balkan countries are parties to the International Criminal Court, the EU urges them to support, fully and in deed, its work and the integrity of its statute, in line with the relevant EU decisions.

1. Stability of institutions guaranteeing democracy, the rule of law, human rights and the respect for and protection of minorities; the existence of a functioning market economy; the capacity to cope with competitive pressure and market forces within the Union, and the ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

The EU urges all concerned countries and parties to co-operate fully with the International Criminal Tribunal for the former Yugoslavia. Recalling that respect for international law is an essential element of the SAP, the EU reiterates that full co-operation with ICTY, in particular with regard to the transfer to The Hague of all indictees and full access to documents and witnesses, is vital for further movement towards the EU.

The EU supports activities and initiatives in the Western Balkan countries promoting social cohesion, ethnic and religious tolerance, and multiculturalism, return of refugees and internally displaced persons and combating regressive nationalism. Ensuring civilian control over the military is a critical element of democratic reform. Legislative and administrative reforms on arms sales compatible with the «European code of conduct» should be promoted.

Support to activities aiming at defending women's rights and improving their situation should be better reflected in EU policies towards the region. Involvement of non-governmental organisations, civil society and local authorities in EU supported policies and activities are of paramount importance.

The launching of the EU Police Mission in Bosnia and Herzegovina in January 2003, and of Operation Concordia in the former Yugoslav Republic of Macedonia, as well as the EU's willingness to lead a military operation in Bosnia and Herzegovina following SFOR, are tangible proof of the Union's commitment to the Western Balkans.

While the EU is deepening its engagement in Southeast Europe, continued US involvement is necessary. Close co-ordination with the US on Balkan issues is a high priority for the EU. The Balkans will continue to be on the agenda of the EU dialogue with Russia, as well as with other relevant countries, in recognition of the importance of stability in the region. Continued co-operation with the UN, NATO, OSCE, Council of Europe and other international organizations operating in the area, is essential.

2. Progress of Western Balkan countries towards the EU within an enriched Stabilisation and Association Process

Recent progress achieved by the countries of the Western Balkans allowed for further movement towards the Union through the SAP. The continuation of the ratification procedure of the SAAs with the former Yugoslav Republic of Macedonia and Croatia, the opening and progress of negotiations for a SAA with Albania, the launching by the Commission of a feasibility study for a SAA with Bosnia and Herzegovina and the adoption in Serbia and Montenegro of the Constitutional Charter and the presentation of the Internal Market and Trade Action Plan, on which the Commission will work energetically with the authorities to solve some still outstanding problems with a view to a rapid launching of a Feasibility Study for that country as well, illustrate this positive trend. The Croatian application for membership is currently under examination by the Commission.

The EU's commitment and assistance must be matched by a genuine commitment of the governments of the Western Balkan countries and concrete steps to make the necessary reforms, to establish adequate administrative capacity and to co-operate amongst themselves. Building fully functioning states capable of providing for the needs of their citizens remains a major challenge for the whole region. The fight against organised crime and corruption is essential for ensuring the rule of law. The EU expects the Western Balkan countries to pursue these objectives at an accelerated pace, thus allowing the prompt passage of each of them to the next stage of relations with the EU within the Stabilisation and Association Process.

The Council welcomes the Commission's communication on the Western Balkans and European Integration, and will take forward its conclusions and recommendations.

Promoting political dialogue and co-operation in the area of Common Foreign and Security Policy

The Thessaloniki summit will launch a high-level multilateral political forum, the EU-Western Balkans Forum, between the EU and the SAP countries, in line with the GAC conclusions of 13 May 2002. As an integral part of the SAP, this will bring together periodically the heads of state or government of the region and their EU counterparts. Annual meetings of foreign ministers and ministers responsible for Justice and Home Affairs will be held as appropriate. Other ministers can also meet when appropriate. Acceding and candidate countries will be fully involved. The Council welcomed the intention of the incoming EU Italian Presidency to organise the first ministerial meetings before the end of the year.

The aim of the forum will be to give a clear signal of the privileged and inclusive relationship between the EU and the SAP countries; to enhance the political visibility of the SAP; to provide a supporting political framework for achieving the objectives of the SAP, including regional co-operation, and to deepen the understanding of the association process in the perspective of rapprochement and accession; to discuss key issues of common concern in areas such as foreign policy, and Justice and Home Affairs, to provide a genuine European framework for addressing issues with regional and international implications; and to inform and associate the SAP countries on major developments in the EU.

Annual troika EU-Western Balkans meetings at the Political Director level could be held at the margins of the UN General Assembly to discuss international issues, in particular those on the UNGA agenda.

The EU will invite, as appropriate, the SAP countries to align themselves with *EU demarches, declarations and common positions on CFSP issues*. Participation of SAP countries in co-ordination and briefing meetings organised by the EU for candidate and associated countries in capitals and headquarters of international organisations could also be considered, as appropriate.

Bilateral political dialogue at ministerial level between the EU on the one part, and Albania, Croatia and the former Yugoslav Republic of Macedonia on the other is already held on the basis of existing arrangements. It will be extended to Serbia and Montenegro and Bosnia and Herzegovina in advance of the conclusion of the respective SAAs. To that end, joint declarations will be adopted between the EU and the two states.

The SAP countries may be invited by the Political and Security Committee troika, jointly or individually, to participate to informal meetings, the objectives of which would be to exchange views on security and crises management issues in the Western Balkans, as appropriate.

Parliamentary co-operation

Joint. Stabilisation and Association Parliamentary Committees. could be established with all SAP countries, even before conclusion or entry into force of the respective SA agreements. To this end, appropriate arrangements could be agreed with the SAP countries. The European Affairs Committees of the Parliaments of the SAP countries will be encouraged to establish contacts with the Parliaments of Member States.

European Partnerships

European Partnerships will be drawn up for each SAP country, inspired by the Accession Partnerships for candidate countries, and adapted to the specificities of the SAP. These partnerships, updated as necessary, will identify priorities for action in supporting efforts to move closer to the European Union. They will serve as a checklist against which to measure progress, and to provide guidance for Community and Member State financial assistance. They will reflect the particular stage of development of each country; they will be tailored to its specific needs and will be drawn up following contacts with the countries concerned.

The countries of the region will be expected to draw up national plans for the implementation of the partnerships. Progress in implementation will be followed through the SAP structures and will be monitored in the Commission's Annual Reports.

The Commission is invited to submit the first set of Partnerships to Council for approval with the next SAP Annual Reports, following the procedure established for the Accession Partnerships.

Enhanced support for Institution Building

The instrument of twinning will be extended to all SAP countries, taking into account their specific situations. Twinning will be financed under the CARDS programme.

SAP countries will become eligible for technical assistance by TAIEX², including for monitoring the compatibility of national legislations of SAP countries with the commu-

2. Technical Assistance Information Exchange Office.

nity *acquis*. This technical assistance will be delivered through activities adapted to their specific needs and level of rapprochement to the EU.

Existing *monitoring* mechanisms for the implementation of commitments by SAP countries will be strengthened and streamlined.

In the framework of efforts to support the implementation of necessary reforms in the field of public administration, the Commission is invited to examine ways that would offer students from the SAP countries the opportunity to develop legal thinking and understanding of the principles that form the basis of Western democratic systems and the EU. The establishment of a regional School for Higher Education on Public Administration Reform and the establishment of a scholarship scheme could be considered.

Particular attention should be given to the provision of expertise from the new member states, in the light of their own successful transition process and preparations for EU membership.

Opening of Community Programmes

Community programmes will be opened to SAP countries along the lines established for the participation of candidate countries. On the basis of framework agreements to be signed between the Community and each of the SAP countries and providing for the opening in principle of such programmes, the Commission will gradually implement them, by deciding on the specific programmes that would be opened in each case and agreeing with the respective countries on the modalities (through the conclusion of Memoranda of Understanding).

Priority areas for the opening of Community programmes could include education and training, culture, research, energy, environment, civil society, SME support, and anti-fraud co-ordination.

SAP countries could be allowed to participate in Community agencies, in ways similar to those established for candidate countries.

The Commission is invited to submit specific proposals to these ends, including draft framework agreements for the opening of Community programmes, taking into account the needs and possibilities of each country, including financial constraints (CARDS contribution and national financing), and the necessary administrative capacity.

Enhanced Community Financial Support

Efforts by Western Balkan countries to meet requirements for rapprochement to the EU will continue to be matched by substantial EU financial support. Without prejudice to the budgetary procedures, the Council welcomes the Commission's proposal for an increase in the CARDS budget by more than Euro 200 million over the period 2004-2006, as a clear expression of this intent and a good basis for the discussions in the

oncoming budget procedures; it invites the Budgetary Authority to reflect this in its deliberations. Taking into account the overall balance of the Union's priorities, the possibility of further support, in particular by mobilising the European Investment Bank, should also be explored.

As the Western Balkan countries move closer to the EU, Community assistance will have to be adjusted accordingly. Within the framework of the discussions on the future financial perspective and without prejudice to their outcome, the Council invites the Commission to consider possible support to the region, drawing from the experience of the present enlargement process and aiming at sustainable development.

In case of special need, the EU is ready to examine, in co-ordination with international financial institutions, the possibility of granting, on an exceptional basis, further macro-financial assistance, in accordance with established practice.

3. Fighting organised crime. Co-operation in other Justice and Home Affairs matters

Organised crime

Organised crime and corruption are real obstacles to democratic stability, sound and accountable institutions, the rule of law, and economic development in the Western Balkans and a source of grave concern to the EU. Combating them must constitute a key priority for the governments of the region. Particular focus should be placed upon fighting all forms of trafficking, particularly of human beings, drugs and arms, as well as smuggling of goods.

Although the SAP countries have made some progress, continued efforts at all levels will be crucial to advance further in fighting organised crime. Their commitment must be sustained through effective implementation of all instruments necessary in this combat, including improved administrative and judicial capacity. Continuous political support in each country is equally essential.

In the context of the follow up of the London Conference on organised crime, the EU welcomes the submission of Records of Achievements by each of the Western Balkan countries. These records are a strong signal of the region's commitment to take ownership in the fight against organised crime and demonstrate progress in the areas for priority action. In order to maintain the momentum achieved, the EU urges the countries of the region to define and implement further specific action-oriented measures to be pursued in the immediate future. The EU through its competent bodies stands ready to assist the region in identifying these measures.

The Council welcomes the intention of the incoming Italian Presidency to hold a meeting of Ministers dealing with JHA matters by the end of the year.

The EU expects countries of the region to commit themselves in Thessaloniki to adopt, within a specified timeframe, all necessary legislation in order to negotiate agreements with Europol. On the basis of such agreements Europol can assist with the implementation of the Action Plans adopted at the London Conference.

Regarding *trafficking in human beings*, the EU urges the countries of the region to act both domestically and regionally, in line with the principles of the ÅU and proposals contained in the Brussels Declaration of September 2002. The EU places high priority on the areas of victim assistance, training programs of competent bodies, intelligence and exchange of information, public awareness and strategy development. Co-ordination of all international actors is essential.

Co-operation in other Justice and Home Affairs issues

In order to cope effectively with *illegal migration* flows originating in or transiting through Western Balkans, the EU encourages co-operation between the appropriate authorities of the Western Balkan countries and the Immigration *Liaison Officers* (ILOs) of the EU member states, in the framework of the establishment of the ILOs Network aiming at enhancing the efficiency of the fight against illegal migration and organised crime. It also supports the conclusion and implementation of *readmission agreements* among the SAP countries themselves and between the SAP countries and third countries; the Commission could provide useful guidance to the SAP countries in this field. The EU will also carry forward its policy of concluding readmission agreements with all the countries of the region. The Western Balkan countries are invited to take all necessary measures to facilitate the conclusion and ensure the implementation of such agreements.

The EU is aware of the importance the peoples and governments in the Western Balkans attach to the perspective of liberalisation of the visa regime. Meanwhile, progress is dependent on these countries implementing major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration, and strengthening their administrative capacity in border control and security of documents. The Council welcomes the intention of the Commission to hold discussions, within the framework of the Stabilisation and Association Process, with each of the Western Balkan countries, regarding the requirements for how to take these issues forward in concrete terms.

The EU welcomes the Common Platform and the Way forward document adopted at the Ohrid May 2003 conference on border security and management. It calls on the countries concerned to take all the concrete and specific measures necessary for the achievement of the objectives defined in these documents.

Policies and instruments applicable to the Western Balkan countries should fully incorporate the broader JHA objectives that the EU is pursuing. The EU should also encourage the transfer of the experience of the acceding and candidate countries to their SAP neighbours.

Further use of the instrument of twinning in the area of the Justice and Home Affairs will be encouraged.

Assistance programmes related to the Justice and Home Affairs should be strengthened.

4. Promoting Economic Development

Economic prosperity is essential for long-term stability in the region. Although significant progress has been made in all Western Balkan countries toward macroeconomic stabilisation, the development of a modern market economy is a slow process, requiring persistent efforts over a wide front of structural reforms. The transition from centrally planned to functioning market economies requires further reform efforts in many areas, also taking into account the objectives of sustainable development.

The EU urges the countries in the region, acting in close co-operation with relevant international financial institutions, to maintain and expand the hard-won gains in macroeconomic stability, which is a pre-condition for lasting economic growth, through prudent fiscal and monetary policies; to accelerate the momentum of structural reforms, especially in the areas of tax policy and administration, mainly by promoting the principles of transparency and accountability and supporting sound management in the public sector; the financial sector should be closely supervised and the privatisation process taken forward; to promote good governance and create a business environment that promotes private economic activity and foreign investment. The EU will continue to provide assistance in this area, in co-ordination with international financial institutions.

The EU takes note of the important work accomplished by the infrastructure steering group for South-East Europe, chaired by the Commission and associating IFI's and the Stability Pact in identifying major priority infrastructure *projects in transport, energy and telecommunications* in South-Eastern Europe. The Thessaloniki summit should express its support for the ongoing work within the framework of the Regional Balkans Infrastructure Study (REBIS). The drawing of an integrated regional transport strategy, consistent with the Trans-European Networks and taking into account the Pan-European Corridors (in particular Corridors V, VII, VIII and X), is a high priority. The Council invites the Commission, to liaise with the IFIs and the EIB, in order to present a report by December 2003, referring to a planning of public investment needed for the financing of the priority network for the better connection of the Western Balkans to the EU. It calls upon the Commission to take into account the Western Balkan countries in its forthcoming proposal, for the revision of the Transeuropean Transport Network Guidelines of the enlarged EU. The EU also takes note that, under the revision of the TEN Energy Guidelines, the establishment of efficient electricity connection between South-East Europe and the European Union has been agreed, as part of the priority axes.

Environmental protection is an important element of sustainable development. The EU encourages the Western Balkan countries to introduce *environmental policies* and strategies geared towards compliance with EU environmental law. In particular, environmental issues should be addressed across the energy sector, especially in the scope of the Kyoto protocol.

The EU supports the Commission's proposal to hold *regular economic dialogue* with each SAP country.

Having in mind the importance of *trade* for economic development and integration, the EU will consider further measures of liberalising its trade with the Western Balkans. The Council invites the Commission

- To provide to the SAP countries *technical assistance* and undertake other possible measures to improve their ability to take full advantage of the Autonomous Trade Measures.
- To prepare the extension of the pan-European diagonal *cumulation* of origin to the countries of the region in a manner consistent with all relevant community policies and dependent on their administrative capacity.
- To consider taking appropriate measures to allow SAP countries to *participate in tenders* organised under the pre-accession (Phare, ISPA, SAPARD), Tacis, and MEDA community assistance programmes.
- To explore the possibility of *further trade liberalisation measures* in areas, which have hitherto been exempted.

Considering that an agreement governing energy trade would substantially contribute in attracting investment into this strategic sector, the Council welcomes the Commission's initiative to propose the extension of *the Internal Energy Market* to the region as a whole, on a legally binding basis.

Small and medium-sized enterprises are a key source of jobs, innovation and wealth and are essential for the functioning of competitive market economies. Consequently, it is important to improve the environment in which small and medium-sized enterprises operate. At the Thessaloniki summit, Western Balkans countries should be invited to commit themselves to the principles enshrined in the *European Charter for Small Enterprises*, thus allowing them to share good practice with other European countries.

Economic development in the region will also be promoted by increased regional *co-operation* in areas such as liberalisation in trade and movement of persons, energy, development of infrastructures, water management and cross-border co-operation.

5. Reconciling for the Future and Enhancing Regional Co-operation

Return of refugees and internally displaced persons

The EU encourages further return of refugees and internally displaced persons, and fully supports relevant regional activities, notably MARRI (Migration, Asylum and Refugee

Regional Initiative). *The Council* urges the countries of the region to enact and enforce anti-discrimination legislation to ensure fair and proportionate representation of minorities in employment, especially in public institutions; to provide adequate security conditions, non-discriminatory education and all other basic social services; to address remaining obstacles to return, most of which are related to repossession of property, reconstruction of destroyed property and resolution of the issue of lost tenancy/occupancy rights. In this context, the authorities of the countries of the region are invited to establish, enact and implement a satisfactory national legal framework on property issues, preferably by the end of 2003. Emphasis should be placed on monitoring the initiatives undertaken by the countries of the region in the area of return and reintegration.

Promoting reconciliation through education, social development and culture

The EU places high priority in initiatives and activities aiming at reconciling for the future, through overcoming legacies of the past, which are obstacles to normalisation and democratic development. In this respect, the role of education, social development and culture is essential in changing mentalities, promoting tolerance, ensuring ethnic and religious coexistence and shaping modern democratic societies.

In this framework and in parallel with other relevant activities in these fields, the EU invites the countries of the Western Balkans to take concrete steps to tackle the issue of restoration of *cultural and religious monuments*. The relevant commitments of the countries could be part of broader bilateral agreements on cultural issues. The EU also invites the countries of the region to take concrete initiatives with the objective of revising history *textbooks*. The possibility of convening an experts meeting to discuss the issue, tentatively by the end of 2003, could be considered.

With respect to the aforementioned issues, close and efficient co-operation and interaction should be ensured with relevant regional and international bodies, such as UNESCO, the Council of Europe, the Stability Pact and the SEECP, as well as non-governmental organisations, so as to avoid overlapping and to make the most of resources available.

Enhancing Regional Co-operation

The EU invites the Western Balkan countries to continue to develop regional co-operation, which constitutes an essential element of the Stabilisation and Association Process. The Thessaloniki summit should reiterate support for regional co-operation and, within this context, Western Balkan countries are invited to commit themselves to promote a number of specific objectives or initiatives:

- *Further development of regional free trade:* Western Balkan countries, together with Bulgaria and Romania, commit themselves to complete the network of bilateral Free Trade Agreements, on the basis of the 2001 Memorandum of Understanding by the end of the year, through necessary ratifications. They could also commit themselves to har-

monise the dispositions of their FTAs, with a view of establishing a free-trade zone in full respect of WTO rules, within a specified timeframe. The Stability Pact should continue to be the framework for promoting and monitoring this activity, in close co-ordination with the Commission.

- ▶ *Visa-free movement in the Western Balkans:* The countries of the Western Balkans could commit themselves to explore the possibility of abolishing visa requirements for travel between their countries, through bilateral agreements, also ensuring compatibility of such measures with EU requirements. This exercise could be conducted under the auspices of the Stability Pact.
- ▶ *Small arms collection:* The EU will continue to encourage a regional approach to activities on small arms collection, including the work of the South Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons. (SEESAC), operating under the auspices of the Stability Pact in co-operation with the UNDP.
- ▶ *Regional markets for electricity and gas:* The Thessaloniki summit should express its support for the process initiated in November 2002 with the signing in Athens of the Memorandum of Understanding on the Regional Electricity Market in South-East Europe and its integration into the EU Internal Electricity Market (the Athens process.). It should also express its support for the establishment of a similar process with respect to gas, on the basis of proposals by the European Commission due within 2003. The Stability Pact could continue to play a key role in this area. The EU encourages the countries of the region to adopt a legally binding South-East Europe Energy Market Agreement, by the end of this year, building on the basis of the Memorandum of Understanding. This Agreement should also deal with the promotion of investment by creating a co-ordination mechanism for the energy sector financing, associating the countries of the region, the Commission, the IFI's and the Stability Pact.
- ▶ *Water management:* Recalling the importance of trans-boundary water management issues in the region, the positive experience from the Danube co-operation process and the Sava River Basin co-operation, and in line with the conclusions of the May 2003 informal meeting of environment ministers of the EU and South-East Europe, and the declaration adopted by the conference. Sustainable Development and Lasting Peace, Shared Water, Shared Future, Shared Knowledge. in May 2003, the Thessaloniki summit should recommend the drawing up of Integrated Water Resources Management Plans for trans-boundary water bodies in the region and subsequent national plans within the framework of the EU Water Initiative. Mediterranean component.
- ▶ *Cross-border-co-operation:* The EU supports the development of cross-border-co-operation between the SAP countries, as well as between these countries and EU members,

acceding and candidate states. Ways to ensure adequate financial support to these activities should be explored. It stresses the relevance for the region of ongoing efforts to coordinate the various EU cross-border initiatives.

- ▶ The EU also supports projects of regional significance and regional initiatives in the areas of *science and technology*, *information* and *communication technology*, and *statistics*. The EU calls for the adoption, at the forthcoming research ministers. Conference in Thessaloniki, of the EU-Balkan countries Action Plan in Science and Technology and for its implementation, which will highly contribute to the reinforcement of the Research, Technology and Development capacities of each country and of the region as a whole.
- ▶ The European Affairs Committees of *Parliaments* of the countries of the region should be encouraged to develop their contacts at regional level, including, for example, by creating a Balkan Conference of European Affairs Committees. The Conference could apply for a special status in the COSAC.³

The EU reconfirms its support to the *Stability Pact* for South-eastern Europe in its complementary role to the SAP and in its implementation of the agreed core objectives. It takes note of the Special Co-coordinator's complementarity report and of the conclusions of the Regional Table of May 2003 in Cavtat. Within this framework, the Thessaloniki summit should invite the Stability Pact to particularly focus on the following specific tasks: further development of the regional free trade network, implementation of the MoU on REM and possible extension to gas, freedom of movement and cross-border-co-operation also on a local level and organised crime/corruption, keeping in mind the importance of all these aspects for improving conditions for investment and economic growth in the region.

The Summit should also reiterate its support to the South-East European Co-operation Process (SEECP), which is gradually becoming the voice of the region, and of other regional co-operation initiatives, such as the Adriatic-Ionian Initiative and the Central European Initiative. It shall encourage further co-operation between the Stability Pact and the SEECP, as well as with the Commission, within the framework of the Informal Consultative Committee (ICC). Enhanced co-operation with the SEECP could be facilitated by the establishment of a small SEECP liaison office in the Stability Pact premises in Thessaloniki.

The Stability Pact, as well as other regional co-operation initiatives are encouraged to present concrete proposals, in close co-ordination with the Commission, on how they could further promote the aforementioned ends with a view to develop fully the regional co-operation element of the SAP.

(...)

3. Conférence des Organes Spécialisés en Affaires Européennes.

ESDP

The EU Armaments Sector

Restructuring challenges - Council Resolution

The Council adopted the following Resolution on restructuring challenges in the European Union armaments sector:

“THE COUNCIL OF THE EUROPEAN UNION,

(1) RECOGNISING the need to further advance the restructuring of the European defence industry in order to reduce overcapacity and uneconomic duplications, to achieve economies of scale, to enhance competitiveness and, thus, achieve and maintain leading edge competency in critical defence-related technologies and capabilities.

(2) RECOGNISING the restructuring in the European defence industry as necessary in order to maintain a strong and competitive technological and industrial base, with appropriate transatlantic links, in the face of increased global competition.

(3) CONSIDERING that the consolidation of defence *industrial* assets has already started to create interdependence links among EU Member States.

(4) RECOGNISING the importance of the European defence industry as major national, regional, and transnational employer and the national, regional, and EU-wide implications of its restructuring.

(5) ACKNOWLEDGING the contribution of the defence industries of the new Member States to European industrial and technological capabilities.

(6) CONSIDERING that the enlargement of EU could exacerbate existing structural problems in the European defence industry.

(7) UNDERLINING the specific characteristics of the armaments sector.

(8) RECOGNISING the primary responsibility incumbent upon the defence industry in the task of restructuring.

(9) RECALLING paragraph 35 of the Conclusions of the European Council of 21 March 2003,

1. RECOGNISES the importance of the challenges created by the accession of new Member States for the overall European defence industry on which the EU attaches a great importance.
2. HIGHLIGHTS the challenges to face in order to ensure that the European industrial and technological basis is in a position to support the supply requirements of the European security and defence policy.
3. WELCOMES the Commission's intention to launch a monitoring activity namely with a view to:
 - Analyse the current situation of the defence industry in the EU, stressing existing deficiencies and structural problems, and taking into account already finished studies on specific sectors;
 - analyse the situation of defence industry in the acceding States, exploring their specific industrial/technological strength;
 - assess the implications of the EU enlargement on the European defence technological and industrial base.
4. INVITES the Commission to regularly report progress made on this analysis and affirms the Council's intention to consider how its results may be taken forward."

Security of Supply - Council Resolution

The Council adopted the following Resolution on security of supply within EU in the field of armaments sector:

“THE COUNCIL

Recognising that security of supply is relevant to many products, services and resources of vital importance to the Union and its Member States;

Recognising that security of supply calls for a wide range of initiatives aimed at diversification of sources and technologies;

Acknowledging that the globalisation of the defence marketplace, highlights that security of supply of critical products, materials, and services to meet national defence requirements is an issue of increasing concern;

Recognising that a degree of interdependence already exists in Europe as a result of current co-operation on major defence equipment programs, and of the ongoing consolidation in the defence industry;

Underlining paragraph 35 of the conclusions of the European Council of 21 March 2003;

Recognising that the promotion of a more competitive and robust European defence technological and industrial base will support and encourage the development of a common European security and defence policy;

Acknowledging the need to maximise the efficiency of the limited resources devoted to defence research and technology by each Member State and wishing to encourage co-operation in this field among these;

1. INVITES the Presidency, consulting Member States and, as appropriate, the Commission:

To analyse the parameters of a comprehensive EU-wide approach of the security of supply, in the defence field, taking into account, inter alia:

- Facilitation of transnational activities.
- Diversification of sources of supply.
- Reduction of dependency on a single supplier, whether European or otherwise.

(...)

External Relations

(...)

Wider Europe - New Neighbourhood - Council Conclusions

(Doc. 10447/03)

The Council adopted the following Conclusions:

“1. The enlargement of the European Union on 1 May 2004 represents a historic step for the entire European continent and presents a unique opportunity to strengthen co-operation with its neighbours to the East and to the South. The Council recalls the Declaration adopted by the European Conference in Athens on April 17th, 2003.

2. Noting that geographical proximity will generate converging interests and increase the importance of working together to address common challenges, the EU wishes to define an ambitious new range of policies towards its neighbours based on shared values such as liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law. This should be seen as separate from the question of possible EU accession that is regulated by article 49 of the Treaty on European Union.

3. The Council welcomes the Communication of the Commission. Wider Europe - Neighbourhood: a new framework for relations with our Eastern and Southern Neighbours, as well as contributions made by the High Representative, and considers that they provide a good basis for developing a new range of policies towards Ukraine, Moldova, Belarus, Algeria, Egypt, Israel, Jordan, Lebanon, Libya,⁴ Morocco, Palestinian Authority, Syria, Tunisia and, at the same time reinforcing EU-Russia strategic partnership. At a later stage, the Council will examine whether the Southern Caucasus countries could also be covered within these policies.

4. The new neighbourhood policies *should* not override the existing framework for EU relations with Russia, the Eastern European countries, and the Southern Mediterranean partners, as developed in the context of the relevant agreements, common strategies, the Northern Dimension Initiative and of the Barcelona Process. They should encourage and support policies of the New Eastern and Southern Neighbours aimed at coming closer to the EU. Implementation of existing agreements remains a priority.

5. The overall goal of the new policies will be:

- a. To work with the partners to reduce poverty and create an area of shared prosperity and values based on free trade, deeper economic integration, intensified political and cultural relations, enhanced cross-border co-operation and shared responsibility for conflict prevention and conflict resolution.
- b. To anchor the EU's offer of concrete benefits and preferential relations within a differentiated framework which responds to progress made by the partner countries in defined areas, in particular political and economic reform as well as in the field of JHA.

6. The EU's approach could therefore be based on the following incentives:

- a. More effective political dialogue and co-operation.
- b. Intensified co-operation to prevent and combat common security threats.
- c. Greater co-operation in conflict prevention and crisis management.
- d. Perspectives for participating progressively in the EU's Internal Market and its regulatory structures, including those pertaining to sustainable development (health, consumer and environmental protection), based on legislative approximation.
- e. Preferential trading relations and further market opening in accordance with WTO principles.
- f. Enhanced co-operation on matters related to legal migration.
- g. Enhanced co-operation to tackle drugs trafficking, trafficking in human beings and organised crime, through, inter alia, support for border management and cross-border co-operation.

4. Libya has been invited to accept the Barcelona acquis in order to join the Barcelona Process.

- h. Enhanced cultural co-operation, mutual understanding and people-to people contact.
 - i. Perspectives of integration into transport, energy and telecommunications networks and the European Research Area.
 - j. New instruments for investment promotion and protection while preserving the respective competences of the Community and the Member States.
 - k. Support for WTO accessions and integration into the global trading system.
 - l. Enhanced and improved assistance, better tailored to needs, including improved interaction of all relevant sources of finance, including IFIs'.
 - m. Promotion of intra-regional, sub-regional and cross-border co-operation.
 - n. Enhanced co-operation in the field of education, training, and science.
 - o. Enhanced co-operation in environmental protection.
7. Differentiation will be the basis for the new EU policies towards its neighbours, which will be implemented by Action Plans. Action Plans will become key policy instruments of the EU for relations with the neighbouring countries over the medium term. These should be political documents, building on existing agreements and setting out clearly the over-arching strategic policy targets, common objectives, political and economic benchmarks used to evaluate progress in key areas, and a timetable for their achievement which enable progress to be judged regularly. They should be concise, complemented where necessary by more detailed plans for sector-specific co-operation, and should inform EC country assistance.
8. On the basis mentioned above, the Council invites the Commission with the contribution, where appropriate, of the High Representative to:
- a. launch dialogue within existing frameworks on achievements and failures of meeting agreed targets under existing agreements;
 - b. from 2004 onwards, present proposals for Action Plans for all countries concerned as appropriate, commencing i.a. with Ukraine, Moldova, and Southern Mediterranean partners with Association Agreements;
 - c. examine measures to improve the interoperability between the different relevant instruments for support to the border areas and further alignment of TACIS, PHARE, CARDS, MEDA and INTERREG programmes and report thereof to the Council;
 - d. present a communication on a new Neighbourhood Instrument, focussing on promoting sustainable economic and social development of the bordering countries and pursuing regional and trans-national co-operation, including people-to-people contacts, and on ensuring the smooth functioning and secure management of the Eastern and Mediterranean borders, based on the evaluation of existing instruments and as an integral part of the consideration of the relevant financing instruments in the new financial perspectives after 2006.

9. At the appropriate time, on the basis of evaluation of implementation of existing agreements and taking into account the principle of differentiation, the EU will examine the scope for new or enhanced agreements. These would supplement existing contractual relations where the EU and the neighbouring country have moved beyond the existing framework.”

(...)

European Council

Thessaloniki, 19-20 June 2003

PRESIDENCY CONCLUSIONS

(...)

VIII. External Relations, CFSP and ESDP

EU Security Strategy

54. Our Union is committed to facing up to our responsibilities, guaranteeing a secure Europe and a better world. To this end, we will contribute relentlessly to strengthening and reshaping the institutions of global governance, regional cooperation and expanding the reach of international law. We will support conflict prevention, promote justice, sustainable development, help secure peace and defend stability in our region and globally. The European Council therefore welcomes the recommendations submitted by SG/HR Javier Solana for an overall strategy in the field of foreign and security policy, an initiative conceived at the informal Foreign Ministers' meeting at Kastellorizo. It tasks the SG/HR to bring this work forward, to further examine our security challenges, in close cooperation with Member States and the Commission, with a view to submitting an EU Security Strategy to the GAERC in order to be adopted by the European Council in December. This strategy should also encapsulate Member States' interests and citizens' priorities and constitute a living document subject to public debate and to review as necessary.

ESDP

55. The European Council endorses the report from the Presidency on progress in the ESDP.
56. The European Council welcomes the conclusions of the GAERC on 19 May and notes with satisfaction the progress made in the field of military capabilities. The EU now has operational capability across the full range of Petersberg tasks, limited and constrained by recognised shortfalls, which can be alleviated by the further development of the EU's military capabilities, including through the establishment of ECAP Project Groups.

57. Progress was made in the development of capabilities and conceptual aspects of the four priority areas of civilian crisis management, namely police, rule of law, civilian administration and civil protection.
58. The operational capability of the European Union has been reaffirmed through the launching of three ESDP operations, EUPM in Bosnia and Herzegovina, CONCORDIA in FYROM and ARTEMIS in Bunia, DRC.
59. The EU-led operations EUPM and ARTEMIS have provided strong impetus to the cooperation between the EU and the UN.
60. The European Council welcomes the conclusion and implementation of EU-NATO permanent arrangements, in particular Berlin Plus, which enhanced the operational capability of the Union and provided the framework for the strategic partnership between the two organisations in crisis management.
61. Further to the mandate received at the Seville European Council, the Presidency has submitted the annual report on the implementation of the EU Programme for the Prevention of Violent Conflicts which the European Council hereby endorses. Furthermore, in implementing this programme, the Greek Presidency has emphasised the regional approach by focusing mainly on the Western Balkans.
62. The European Council notes with satisfaction the progress achieved in the contribution of EU external action (including CFSP/ESDP) to the fight against terrorism, as reflected in the attached report (Annex I) on the subject, which the European Council hereby endorses.
63. The European Council noted a report by Prime Minister Verhofstadt on the meeting on 29 April 2003 on the ESDP.

Weapons of mass destruction

64. The European Council adopted the attached declaration (Annex II) on non-proliferation of weapons of mass destruction endorsed by the GAERC on 16 June 2003.

Agency in the field of defence capabilities

65. The European Council, following the 2003 Spring European Council, tasks the appropriate bodies of the Council to undertake the necessary actions towards creating, in the course of 2004, an intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments. This agency, which will

be subject to the Council's authority and open to participation by all Member States, will aim at developing defence capabilities in the field of crisis management, promoting and enhancing European armaments cooperation, strengthening the European defence industrial and technological base and creating a competitive European defence equipment market, as well as promoting, in liaison with the Community's research activities where appropriate, research aimed at leadership in strategic technologies for future defence and security capabilities, thereby strengthening Europe's industrial potential in this domain.

(...)



ANNEX I

Presidency report to the European Council on EU external action in the fight against terrorism (including CFSP/ESDP)

Introduction

Based on the conclusions of the European Council in Seville and following the conclusions of the General Affairs and External Relations Council of December 2002, the multifaceted approach towards fighting terrorism has been developed in all aspects of the EU external policy.

As a follow-up to the recommendations contained in the report to the General Affairs and External Relations Council on 4 December 2002, the present report details the progress achieved.

A. EU relations to Third Countries

1. Threat Analyses

There has been a continuing effort to expand the analysis of the threat worldwide. COTER has produced three (3) new Regional Threat Assessments (Central and Latin America, South Asia and South East Asia). Fourteen (14) new country threat assessments have also been finalised. The Compilation now encompasses 9 regions and 55 countries. Progress has also been achieved in updating and reviewing the existing assessments. The updating process is ongoing.

These assessments contain recommendations for a EU strategy towards the countries and regions in question as well as follow-up action. Efforts are being made to streamline and clarify these recommendations included in these reports. Methods of streamlining the recommendations will be agreed upon under the incoming Italian Presidency.

2. Thematic Assessment

On the basis of a thematic assessment, the EU has adopted policy recommendations on the fight against terrorism with regard to terrorist groups.

3. Report on Extreme Fundamentalism and terrorism

Following discussions among Foreign Ministers at the October 2002 GAERC, the Danish Presidency decided to commission a group of Ministers' personal representatives to submit an analysis of the phenomenon of extreme fundamentalism and terrorism. Between December 2002 and May 2003, the Extreme Fundamentalism and Terrorism group met four times (once in Copenhagen, twice in Brussels and once in Athens). The final report has been submitted and will be further discussed within the Council with a view to taking forward its recommendations.

4. Review of counter terrorism aspects of relations with Third countries

The European Union has established a procedure to ensure reviewing and amending of aspects of relations with Third countries which are related to the fight against terrorism, including as appropriate contractual relations, following the systematic evaluation initiated by the GAC in October 2001. Standard anti-terrorism clauses have so far been included in agreements with Chile, Algeria, Egypt and Lebanon and form part of the ongoing negotiations for agreements with Syria, Iran and the Gulf Cooperation Council (GCC).

5. Political Dialogue

Political dialogue with the Third countries, and regional or subregional organisations is a key tool for conveying to Third countries the importance which the EU attaches to the fight against terrorism.

There have been joint Statements and Declarations with India, Japan, Canada, Russia, Latin America, ASEM and the African Union, which have served as the basis for

furthering the cooperation in the fight against terrorism, and more recently a new joint statement with ASEAN was issued in January. In particular, regarding the dialogue with USA, Russia and India, efforts have been made to deepen the existing cooperation on the basis of focusing on formulating relevant Action Plans and working on specific agreed areas of cooperation.

6. The Guidelines for a Common Approach to the Fight against Terrorism

Extensive work has been carried out on the Guidelines for a Common Approach to the Fight Against Terrorism, which are being finalised. These Guidelines, as an accompanying internal tool to EU's Action Plan, will contribute further to the conduct of the political dialogue as well as to the better implementation of the EU's policy towards the fight against terrorism.

B. Technical assistance to Third Countries

1. EU Technical assistance to third countries (under UNSCR 1373)

In order to meet the objective of identifying specific actions to assist third countries in implementing their commitments under UNCSR 1373, the European Union upon suggestion by the Commission has acted swiftly by establishing a strategy for providing additional and focused projects on technical assistance to a number of third countries facilitating the implementation of UNSCR 1373 and other relevant international obligations. On the basis of this framework, pilot projects are being launched in a limited number of countries. Priority countries for assistance have been chosen based on criteria endorsed by the Council and in consultation with the UN Counter Terrorism Committee (CTC).

The Commission has decided to give priority to Indonesia, Pakistan and the Philippines, as the first pilot countries to benefit from this assistance. An assessment mission to the Philippines took place in November 2002 and assessment missions for Indonesia and Pakistan in January 2003. Concrete projects are being designed in close cooperation with the Third country in question, and on the basis of assessment mission with participation of the Commission and national experts of EU Member States. Terms of Reference have been drafted and discussed with the recipient countries. At the same time, the Commission is examining possibilities to contribute to programmes in the field of the fight against terrorism of regional organisations such as OSCE and ASEAN.

2. Inventory of bilateral assistance by Member States to third countries

To foster coordination among EU Member States, the first compilation of the Inventory on bilateral assistance programs related to the fight against terrorism to Third states has been established. This document will be regularly updated, as appropriate.

C. The fight against the financing of terrorism

The fight against terrorism funding remains a top priority of the European Union. Working within the EU and together with Third countries, in particular the USA, the EU is looking for ways to take forward the international communities activities in this area. This report proposes recommendations in this area.

Further work has been undertaken as regards the freezing of funds and economic resources with a view to preventing the financing of terrorism. The legislation targeting Al Qaeda and the Taliban (Regulation (EC) No 881/2002) has been updated several times, so as to bring it in line with the amendments decided by the competent Sanctions Committee of the UN Security Council. The Council has also published an amendment (Regulation (EC) No 561/2003) transposing the exceptions which are foreseen in Resolution 1452(2002). The Council has also reviewed and amended the list of persons, groups and entities targeted by the freezing measures of Common Position 2001/931/CFSP and Regulation (EC) No 2580/2001, as foreseen by these legal instruments.

The joint conclusions of the EU-GCC ministerial meeting in Doha on March 3rd 2003 state that “it is highly important to fight against terrorist financing in particular to prevent terrorist groups to obtain funds”. On this occasion, the EU proposed to Gulf countries to initiate a dialogue, in a format to be determined, on ways of guaranteeing transparency of the use of funds collected for humanitarian purposes.

The EU has continued to work in the FATF to revise the 40 special Recommendations and to ensure full compliance with the 8 special Recommendations on terrorist financing. The EU will continue its support for the FATF, including its work to identify priority countries for technical assistance to combat the financing of terrorism.

D. Cooperation with international organisations, regional fora and other partners

1. International Organisations and regional fora

The EU has been participating in all major developments taking place at the UN (CTC, 6th Committee, Ad Hoc Committee, UNODC, and the UN Centre for International Crime Prevention). In particular, the EU actively participated in the Special meeting of the Counter-Terrorism Committee with international, regional and sub-regional organisations on 6 March 2003.

The EU is also following developments within the International Maritime Organisation (IMO), where negotiations are underway to review the 1988 Convention and Protocol on maritime terrorism.

The EU has also contributed to the work of other international organisations in the fight against terrorism and continued the close cooperation with regional fora, such as the Latin America/the Caribbean, ASEM, ASEAN, ARF, the Barcelona process, etc.

2. Bilateral cooperation

New initiatives, more concrete steps and exchange of substantive information have taken place with the USA in view of the deepening of the political dialogue and the expansion of cooperation with USA in the fight against terrorism.

The initiation of concrete action plans with other partners (Russia) has led to a more solid and reciprocal form of collaboration. However, more steps are needed for a more consolidated work *inter alia* the consideration of the engagement of other key partners worldwide.

E. Cross-pillar cooperation

The EU is developing a more coordinated and cross-pillar approach to the fight against terrorism. The COTER Working Party and the JHA Working Party on Terrorism have produced a EU Compendium of Threat Assessments in the fight against terrorism. This common document presents the overall threat to the EU interests both internally and internationally. Proposals have been made during the CFSP/JHA joint meeting on terrorism to enhance the cross-pillar approach and will be further examined.

F. ESDP

Work has progressed on the implementation of the Seville Declaration adopted by the European Council in June 2002 regarding the contribution of ESDP in the fight against terrorism. In accordance with this Declaration and with the report of the Danish Presidency noted by the Council in December 2002 concerning the external action of the European Union in the fight against terrorism, the Union is in the process of defining the possible interaction between the military capabilities under the ESDP and the fight against-terrorism.

- a. The issue of how military assets and capabilities could be used to assist in protecting civilian populations against the consequences of terrorist attacks, including chemical, biological, radiological and nuclear (CBRN) has been addressed.

The Council took note of the establishment of a database of military assets and capabilities relevant to the protection of civilian populations against the effects of terrorist attacks, including CBRN, it being understood that this will be for informative purposes only. The EU Military Staff has forwarded a questionnaire to the Member States to collect the information in order to establish such a database. This information is intended to improve cooperation among Member States when they consider the use of relevant military assets and capabilities in crisis management operations, or in support of consequence management measures undertaken by individual Member States within the EU. In the latter case, it is understood that the military assets and capabilities included in the database might be made available on a voluntary basis on request of Member State(s) concerned.

Moreover, it has been agreed that modalities, procedures and criteria for the use of these military assets and capabilities will be developed by the competent bodies, taking into account other work being done within the EU with a view to ensuring a comprehensive EU response.

- b. The Council also noted that the question of military capabilities required to protect forces deployed in EU-led crisis management operations against terrorist attacks, including CBRN, has also been addressed. The impact of the terrorist threat on the development of military capabilities was refined within the ECAP. Therefore, a relevant Project Group (on NBC) has been established in order to resolve this issue.
- c. The EU Council Secretariat, through its Situation Centre, has prepared an assessment on the CBRN terrorism threat.
- d. Lastly, the EU and NATO continue to share information at all levels on activities in the field of the fight against-terrorism. On the issue of civil protection against CBRN

terrorist attacks, both organisations have additionally increased transparency through the exchange of inventories listing their respective activities and capabilities for protection of civilian populations against CBRN terrorist attacks. The EU is exploring ways to further develop its cooperation with NATO in the fight against terrorism.

The Council invited the Secretary General – High Representative, together with the Commission, to present recommendations so as to take these matters forward at a forthcoming Council meeting.



ANNEX II

Declaration on non-proliferation of Weapons of Mass Destruction

1. The proliferation of weapons of mass destruction and means of delivery such as ballistic missiles is a growing threat to international peace and security. A number of states have sought or are seeking to develop such weapons. The risk that terrorists will acquire chemical, biological, radiological or nuclear materials adds a new dimension to this threat.
2. The European Union cannot ignore these dangers. WMD and missile proliferation puts at risk the security of our states, our peoples and our interests around the world. Meeting this challenge must be a central element in the EU external action, including the common foreign and security policy. Our objective is to deter, halt and, where possible, reverse proliferation programmes of concern worldwide.
3. Drawing on the Basic Principles already established, we are committed to further elaborate before the end of the year a coherent EU strategy to address the threat of proliferation, and to continue to develop and implement the EU Action Plan as a matter of priority. Our starting point will be a comprehensive and regularly updated threat analysis. Our approach will be guided by our commitment to uphold and implement the multilateral disarmament and non-proliferation treaties and agreements; our support for the multilateral institutions charged respectively with

verification and upholding of compliance with these treaties; our commitment to strong national and internationally-coordinated export controls; and our commitment to cooperate with the United States and other partners who share our objectives. We recognise that appropriate steps towards the goal of general and complete disarmament can contribute to furthering non-proliferation objectives; and we are determined to play our part in addressing the problems of regional instability and insecurity and the situations of conflict which lie behind many weapons programmes, recognising that instability does not occur in a vacuum.

4. We have a wide range of instruments available: multilateral treaties and verification mechanisms; national and internationally-coordinated export controls; cooperative threat reduction programmes; political and economic levers; interdiction of illegal procurement activities; and, as a last resort, coercive measures in accordance with the UN Charter. While all are necessary, none is sufficient in itself. We need to strengthen them all, and deploy those which are most effective in each case.
5. The European Union has special strengths and experience to bring to this collective effort. In further implementing our Action Plan, we will focus in particular on:
 - universalising further the key disarmament and non-proliferation treaties, agreements and arrangements, and where necessary strengthening them, and in particular the means of ensuring compliance with their provisions. We emphasise that full compliance lies at the core of the cooperative approach to collective security and is a pre-condition for international stability and security;
 - enhancing our political, financial and technical support for agencies in charge of verification. In particular, we are determined to bring into force our IAEA Additional Protocols before the end of 2003;
 - fostering the role of the UN Security Council, and enhancing its expertise in meeting the challenge of proliferation;
 - strengthening export control policies and practices within the European Union and beyond, in coordination with Partners;
 - strengthening identification, control and interception of illegal shipments, including national criminal sanctions against those who contribute to illicit procurement efforts;
 - enhancing the security of proliferation-sensitive materials, equipment and expertise in the European Union against unauthorised access and risks of diversion;
 - reinforcing EU cooperative threat reduction programmes with third countries, targeted at support for disarmament, control and security of sensitive materials, facilities and expertise;

- ways to deploy the EU's political, diplomatic and economic influence most effectively in support of our non-proliferation objectives. EU economic cooperation or development assistance with third countries should take account of WMD proliferation concerns;
 - setting up a unit within the Council Secretariat, which would function as a monitoring centre, entrusted with the monitoring of the consistent implementation of the Action Plan and the collection of information and intelligence.
6. We request the Council, as a matter of urgency, to take forward this work, on the basis of the Action Plan and drawing on the Basic Principles agreed on 16 June.

European Council

Thessaloniki, 20 June 2003

PRESIDENCY REPORT ON EUROPEAN SECURITY AND DEFENCE POLICY

1. In line with the mandate defined by the European Council in Copenhagen, the Presidency submits this progress report on ESDP.
2. In presenting this report, the Presidency has noted that Denmark has drawn attention to Protocol No. 5 on Denmark's position annexed to the Treaty of Amsterdam.

I. EU Operational Capability

3. In the framework of the EU's Operational Capability, the EU has launched three crisis management operations. In the Western Balkans, the first EU-led civilian crisis management operation, the police mission in Bosnia-Herzegovina (EUPM) and the first EU-led military operation "CONCORDIA", in the former Yugoslav Republic of Macedonia (FYROM), with recourse to NATO's assets and capabilities, are progressing smoothly and successfully. The first EU-led autonomous military operation "ARTEMIS" has been launched, in Bunia, Democratic Republic of Congo (DRC), in accordance with a mandate of the United Nations Security Council.

4. The first crisis management operation, the EU Police Mission (EUPM) in Bosnia-Herzegovina (BiH) which started on 1 January 2003 contributes to the overall peace implementation in BiH as well as to the achievements of the EU overall's policy in the region, notably the Stabilisation and Association Process.

5. On 31 March the EU launched its first military crisis management operation "CONCORDIA" in the FYROM, following a request by its government. Embedded in the broader EU approach, the operation aims at contributing further to a stable secure environment to allow the FYROM government to implement the Ohrid Framework Agreement.

6. On 12 June, the EU launched the autonomous military operation "ARTEMIS", in the town of Bunia in the Ituri region of the DRC. This operation will contribute to the stabilisation of the security conditions and the improvement of the humanitarian situation in Bunia.

7. In this context, the participation of acceding States and third States in all three EU led operations is welcomed.

II. The military aspects of crisis management

(a) EU-NATO permanent arrangements

8. EU-NATO permanent arrangements have been successfully concluded and put into practice in the case of operation “CONCORDIA” in FYROM. EU-NATO co-operation contributes to the military operational capability of the Union and the permanent arrangements between the two organisations provide a solid framework for the strategic partnership between them in crisis management.

9. Moreover, the Council recognised the importance of the coherent and mutually reinforcing development of military capabilities in NATO and in the EU, where requirements overlap. In the framework of the relevant chapter of the Capability Development Mechanism, the EU- NATO Capability Group has started functioning.

(b) Development of the EU Military Capabilities

10. The Council confirmed that the EU now has operational capability across the full range of Petersberg tasks, limited and constrained by recognised shortfalls. The limitations and/or constraints, on recognised shortfalls, are on deployment time and high risk may arise at the upper end of the spectrum of scale and intensity, in particular when conducting concurrent operations. These limitations and constraints on full achievement of the Headline and Capabilities Goals could be alleviated if the recommendations on meeting the shortfalls are followed-up. However, the impact of these limitations will need to be assessed case by case against the nature of each specific operation and its particular demands as well as envisaged contribution of required capabilities.

11. At the Capability Conference in Brussels on 19th May, Ministers noted that new contributions from Member States had reduced the number of shortfalls. Member States in order to further reduce or eliminate the remaining shortfalls will, with respect to the specific responsibilities of Ministers of Defence in this field, endeavour to provide, on a voluntary basis, more contributions from current inventories, to commit to deliver projects and initiatives within their current programmes, and to commit to deliver enhanced, new and additional capabilities through the next phase of the European Capability Action Plan, by activating Project Groups addressing the whole spectrum of capability

shortfalls. In this regard Member States are urged to contribute to this ongoing effort. The need for adequate national action and support at the highest political level is emphasised.

12. The Helsinki Force Catalogue, including the Forces Catalogue Supplement and the National and Multinational Projects and Initiatives compilation have been revised and noted by the Council, as well as the Helsinki Progress Catalogue which has been approved by the Council.

13. The Council underlined that the Union has developed the necessary conceptual framework for the conduct of EU-led military crisis management operations, including those requiring rapid response. In this context, the Union has, in principle, the ability to conduct EU military crisis management operations requiring rapid response, dependant on the political will, the ability to accelerate decision-making and on Member States' readiness to contribute rapidly the required interoperable assets and capabilities for the conduct of the operation. The operation "ARTEMIS" with France as framework nation demonstrated the political willingness and capability of the EU and its Member States to react quickly and efficiently in a crisis situation.

14. The Capability Development Mechanism has been concluded and is being implemented.

(c) ESDP and terrorism

15. In accordance with the Seville Declaration on the contribution of CFSP, including ESDP, in the fight against terrorism, a database of military assets and capabilities relevant to the protection of civilian populations against the effects of terrorist attacks, including chemical, biological, radiological and nuclear (CBRN), on a voluntary basis has been established. Modalities, procedures and criteria for the use of these military assets and capabilities will be developed by the competent bodies, taking into account other work being done within the EU, the Civil Protection Community Mechanism and the Co-ordinating Mechanism, with a view to ensuring a comprehensive EU response. The question of military capabilities required to protect forces deployed in EU-led crisis management operations against terrorist attacks, including CBRN, has also been addressed. Under the authority of the Secretary General/High Representative an assessment of the CBRN-terrorism threat has been prepared. In accordance with the Seville Declaration a separate report is presented.

The EU is exploring ways to further develop its cooperation with NATO in the fight against terrorism.

(d) Third States involvement

16. Schemes for consultations with third States in the light of EU and NATO enlargements have been reviewed.

(e) Co-operation in the field of defence capabilities development, research, acquisition and armaments

17. The Council welcomed proposals and initiatives including also in the context of the Convention concerning an intergovernmental agency in this field within the EU. Furthermore, the Council recognised the important role of the defence industry in delivering appropriate interoperable and cost-effective capabilities. Therefore the Council:

- called for a sufficient level of resources and the better coordination in the field of research and development,
- underlined the need to strengthen the European defence, technological and industrial base and ensure security of supply as a contribution to the development of European military capabilities,
- pointed out the need to enhance European defence industrial cooperation as Member States consider appropriate.

A seminar on defence industry took place in Athens in May 2003, with the presence of all relevant actors.

(f) Financing of operations having military or defence implications

18. Models for Council decisions on:

- the establishment of an operational financing mechanism to provide for the financing of an EU operation having military or defence implications;
- the establishment of pre-financing procedures for the financing of an EU operation having military or defence implications, as well as a document on contributions by third States to the financing of operations having military or defence implications, have been adopted.

III. Civilian aspects of crisis management

19. Good progress was made by the EU Police Mission in Bosnia and Herzegovina in its first six months of operation. The mission has enabled the Bosnia and Herzegovina police forces to achieve notable successes in combating organised crime. Progress was made in the development of capabilities and conceptual aspects of the four priority areas

of civilian crisis management, namely police, rule of law, civilian administration and civil protection. In this context, work done on the wider use of EU monitoring missions as a generic crisis management instrument deserves particular attention. In the area of civil protection, progress was made in defining the modalities for the use of the Community Mechanism to facilitate reinforced co-operation in civil protection interventions in EU crisis management referred to in Title V of the Treaty of the European Union.

20. Work has started for the establishment of an appropriate EU planning and mission support capability within the General Secretariat of the Council.

IV. Other aspects

21. On common training, work to develop a co-ordinated EU Training Policy in the field of ESDP has started and a pilot orientation course took place, stressing its importance for the enhancement of a European security culture under the ESDP. Moreover, the first pilot courses of the EC project on Training for Civilian Aspects of crisis management have been launched.

22. Preparatory work for the joint EU-NATO crisis management exercise CME/CMX 03 was taken forward in the context of the EU Exercise Programme 2003-2007. EU -NATO aspects will focus on the consultation process between the EU and NATO at the strategic politico-military level, in the event of an envisaged EU led operation with recourse to NATO assets and capabilities. EU internal aspects of the exercise will concentrate on how the EU conducts strategic planning in response to a crisis with civilian and military instruments, including their co-ordination within the EU.

23. Dialogue with Mediterranean partners has been further promoted. A seminar, aimed at enhancing transparency and mutual understanding on ESDP, was organised in May by the Presidency. This seminar was an important stepping stone towards agreeing future co-operation with the Mediterranean Partners in the field of ESDP by putting forward concrete proposals.

24. Work has progressed with a view to enhance the Civil-military co-ordination Action Plan.

25. On ESDP and Space, the Council recognised the importance of the space applications and functions needed in order to enhance the EU capabilities to carry out crisis management operations. In this context, examination of space applications in the ESDP framework was taken forward. Furthermore an information paper on Space Needs for Military Crisis Management Operations has been developed and a conference on

Security and Defence Aspects was held in May, which may be used as an input to the Commission Green Paper.

V. Cooperation with international organisations

26. Initiatives to further develop co-operation between the EU and the United Nations in both military as well as civilian crisis management were taken. The EU-led operations in Bosnia and Herzegovina (EUPM) and in DRC/Bunia (ARTEMIS) have provided strong impetus to the already initiated efforts to develop the modalities for cooperation between EU and the UN.

Staff to staff contacts with the OSCE were enhanced.

VI. Conflict prevention

27. Work has continued in the implementation of the Programme for the prevention of violent conflicts adopted at the European Council in Göteborg. In implementing this Programme, the Greek Presidency has emphasised the regional approach and has focused mainly on the Western Balkans with a view to improving and consolidating the mechanisms and procedures for effective conflict prevention in the area. In this context, a seminar on lessons learned from conflict prevention in the Western Balkans was convened in Athens. Further to this seminar, the Presidency has submitted a food for thought paper entitled "Shaping an EU strategy for conflict prevention in the Western Balkans". A progress report on the implementation of the EU programme for the prevention of violent conflicts is presented separately.

VII. Mandate for the incoming Presidency

28. On the basis of the present report the incoming Presidency, assisted by the Secretary General/High Representative, and, as appropriate, in association with the Commission, is invited to continue work on developing the European Security and Defence Policy within the General Affairs and External relations Council, paying particular attention to the following issues:

- a) To continue the development of European military capabilities, through an approach including objectives, timelines and reporting to the European Council;
- b) To address the issue of the way ahead for the development of military capabilities, by taking into account the evolution of the strategic context and of the EU political objectives in a dynamic process beyond 2003 and with respect to the specific respon-

sibilities of Ministers of Defence within the framework of the General Affairs and External Relations Council;

c) To advance discussion on the issue of the financing of military capabilities, based on the voluntary character of the contributions of the Member States, and taking into account that the issue of development and financing of such capabilities is under the responsibility of Member States;

d) To promote the possible creation of an intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments within the EU, taking into account the work of the Convention;

e) To enhance the EU rapid response capability, taking into account relevant lessons learned from operation ARTEMIS;

f) To identify, as appropriate, lessons learned from operation CONCORDIA, in all its relevant aspects, including EU-NATO cooperation in this field;

g) To further implement the Capability Development Mechanism, including through meetings of the EU-NATO Capability Group;

h) To develop modalities, procedures and criteria, including coordination with the Community Mechanism and the Coordinating Mechanism, for the use, at the request of Member States' concerned and on a voluntary basis, of the national military assets and capabilities database relevant to the protection of military forces and of civilian populations against the effects of terrorist attacks, including CBRN;

i) To continue to improve civilian capabilities in the four priority areas including qualitative aspects such as rapid deployment capacity on the basis of a review of progress made in the civilian field since Feira and on identification of possible short-falls. In this context and as a result of enlargement, the need to raise the current capabilities targets should be kept under review. Work should be commenced in order to allow full use of civilian crisis management instruments. New capabilities and instruments should be developed as need arises;

j) To further strengthen co-operation with the United Nations on crisis management issues, working for the establishment of a structured framework and further enhance contacts with OSCE and Council of Europe;

k) To continue the implementation of the European Programme for the prevention of violent conflicts;

l) To foster the development of a European security culture under ESDP, through agreement on a co-ordinated EU Training Policy in the field of ESDP, encompassing both civilian and military dimensions;

m) To continue work on the Action Plan for strengthening civil-military co-ordination (CMCO);

n) To continue to examine space applications in the ESDP framework;

o) To strengthen further dialogue and co-operation with Mediterranean partners in the field of crisis management in accordance with document on "Dialogue and Co-operation on ESDP, between the EU and Mediterranean Partners".

'A secure Europe in a better world'

Thessaloniki, 20 June 2003

The initial push for drafting the document reproduced below came at an informal meeting of EU foreign ministers held in early May on the Greek island of Castellorizo. On that occasion, the High Representative for CFSP was tasked with the preparation of a paper intended to outline a common threat-based European approach to global security – as a means, also, to address issues that were already central in the US approach. The European Council welcomed this first draft of the document by Javier Solana and requested a final version to be ready for the following European Council in December.

REPORT BY JAVIER SOLANA, HIGH REPRESENTATIVE FOR THE CFSP

On the Security Strategy of the EU

Introduction

Europe has never been so prosperous, so secure nor so free. The violence of the first half of the 20th Century has given way to a period of peace and stability unprecedented in European history.

The creation of the European Union has been central to this development. It has transformed the relations between our states, and the lives of our citizens. European countries are committed to dealing peacefully with disputes and cooperating through common institutions. Over this period, authoritarian regimes have changed into secure, stable and dynamic democracies. Successive enlargements are making a reality of the vision of a united and peaceful continent.

The United States has played a critical role in this success through its support for European integration and its security commitment to Europe through NATO.

The end of the Cold War has not brought to an end the security threats and challenges for European countries. The outbreak of conflict in the Balkans was a reminder that war has not disappeared from our continent.

Over the last decade, no region of the world has been untouched by conflict. Most of these conflicts have been within rather than between states. In this period, European forces have been deployed abroad more often than in any previous decade, including to places as distant as Afghanistan, Congo of East Timor.

The conclusion of the Cold War has left the United States in a dominant position as a military actor; no other country or group of countries comes close to its capability. Nevertheless, no single country is able to tackle today's complex problems entirely on its own.

As a union of 25 states with over 450 million people producing a quarter of the world's Gross National Product (GNP), the European Union is, like it or not, a global actor; it should be ready to share in the responsibility for global security.

I. New threats in a new security environment

The new environment

The post Cold War environment is one of increasingly open borders. Flows of trade and investment, the development of technology and the spread of democracy have brought growing freedom and prosperity to many people. These developments have increased the scope for non- state groups to play a part in international affairs. In spite of these encouraging trends, many problems remain unresolved and some have got worse.

Regional conflicts continue to foster instability, disrupt economic activity and reduce opportunities for the people concerned. Problems such as those in Kashmir and the Korean Peninsula impact on European interests directly and indirectly, as do conflicts nearer to home, above all in the Middle East.

Almost 3 billion people, half the world's population, live on less than 2 Euros a day. 45 million continue to die every year out of hunger and malnutrition. Sub-Sahara Africa is poorer now than it was 10 years ago. In many cases, the failure of economic growth has been linked to political problems and violent conflict. In some parts of the world, notably sub-Sahara Africa, a cycle of insecurity has come into being. Since 1990, almost 4 million people have died in wars, 90% of them civilians. Over 18 million people worldwide have left their homes or their countries as a result of conflict.

Three great global infectious diseases – Aids, Tuberculosis, Malaria- killed over 6 million people in 2002, the vast majority of them in Africa.

Bad governance is often at the heart of these problems. Corruption, abuse of power, weak institutions and lack of accountability corrode states from within and contribute to regional insecurity. Security is a precondition of development. Conflict not only destroys infrastructure, including social infrastructure; it also encourages criminality, deters investment and makes normal economic activity impossible. A number of countries and regions risk becoming caught in a downward spiral of conflict, insecurity and poverty.

Although not a threat in the normal strategic sense, the rise in temperatures predicted by most scientists for the next decades is likely to create further turbulence and migratory movements in a number of regions of the world.

Energy dependence is also a concern. Europe is the world's largest importer of oil and gas. Imports account for about 50% of energy consumption today. This will be 70% in 2030. Most energy imports come from the Gulf, Russia and North Africa.

New threats

Large-scale aggression against any Member State is now improbable. Instead Europe faces new threats which are more diverse, less visible and less predictable. In particular, Europe faces three key threats.

Terrorism: International terrorism is a strategic threat. It puts lives at risk; it imposes large costs; it threatens the openness and tolerance of our societies. The new terrorism is different from the organizations with which we are familiar. Not only is it international, connected by electronic networks, and well resourced, it also lacks the constraints of traditional terrorist organisations. These usually wish to win political support and therefore exercise some self-restraint; ultimately they may be ready to abandon violence for negotiation. The new terrorist movements seem willing to use unlimited violence and cause massive casualties. For this reason, the idea of obtaining weapons of mass destruction is attractive to them as it is not for traditional terrorist organisations.

Europe is both a target and a base for such terrorists. Logistical bases for Al Qaeda cells have been uncovered in the UK, Italy, Germany, Spain and Belgium. Al Qaeda has named European countries as potential targets. Major attacks on our territory have been planned but thankfully thwarted.

The most recent wave of terrorism is linked to violent religious fundamentalism. This arises out of complex causes including the pressures of modernisation, cultural, social and political crises, and the alienation of young people living in foreign societies. This phenomenon is also a part of our own society.

Proliferation of Weapons of Mass Destruction is the single most important threat to peace and security among nations. The international treaty regimes and export control arrangements have slowed the spread of WMD and delivery systems. We are now, however, entering a new and dangerous period that raises the possibility of a WMD arms race, especially in the Middle East. The spread of missile technology adds a further element of instability and will put Europe at increasing risk.

The most frightening scenario is one in which terrorist groups acquire weapons of mass destruction. The more proliferation continues, the greater this risk will become. In this event, a small group would be able to inflict damage on a scale previously possible only for states and armies. In such cases, deterrence would fail. Advances in the biological sciences may increase the potency of biological weapons in the next years; attacks through chemical and radiological materials are also a serious possibility.

The last use of WMD was by the Aum terrorist sect in the Tokyo underground in 1995, using sarin gas. 12 people were killed and several thousand injured. Two years earlier, Aum had sprayed anthrax spores on a Tokyo street but killed only birds and animals.

Failed States and Organised Crime: In many parts of the world bad governance, civil conflict, and the easy availability of small arms have led to a weakening of state and social structures. In some cases, this has brought about something close to the collapse of state institutions. Somalia, Liberia and Afghanistan are the best-known recent examples. The weakness of the state is often exploited (and sometimes caused) by criminal elements. Revenues from drugs have fuelled the weakening of state structures in several drug-producing countries; in Afghanistan, drug revenues kept the Taliban and several private armies in power. As states fail, organised crime takes over. Criminal activities in such states affect European security. Major illicit flows of drugs and migrants reach Europe through the Balkans, Eastern Europe and Central Asia.

Taking these different elements together. terrorism committed to maximum violence, the availability of weapons of mass destruction and the failure of state systems. we could be confronted with a very radical threat indeed.

II. Strategic objectives

This new world offers both a brighter prospect than mankind has ever known and at the same time a more terrifying future. Which of these comes about will depend partly on our actions. This paper proposes three strategic objectives for the European Union. First, we can make a particular contribution to stability and good governance in our immediate neighbourhood. Second, more widely, we need to build an international order based on effective multilateralism. Finally, we must tackle the threats, new and old.

Extending the Zone of Security around Europe

Even in an era of globalisation, geography is still important. It is in the European interest that countries on our borders are well-governed. Neighbours who are engaged in violent conflict, weak states where organised crime flourishes, dysfunctional societies or exploding population growth on its borders all pose problems for Europe.

The reunification of Europe and the integration of acceding states will increase our security but they also bring Europe closer to troubled areas. Our task is to promote a ring of well-governed countries to the East of the European Union and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations.

The importance of this is best illustrated in the Balkans where the European Union, with NATO and other partners, is committed to achieving stability, good governance, and the closest possible integration of the region into Europe. This effort will have to be sustained for some years to come.

Following the failures of the nineties, the European Union, over the past years, has considerably strengthened its engagement in the still fragile Western Balkans. It has helped to stabilise the situation in Southern Serbia and FYROM and facilitated the constitutional arrangements between Serbia and Montenegro. The European Union took over the police mission in Bosnia and Herzegovina from the United Nations and the military operation in FYROM from NATO. With the Stabilisation and Association process the European Union has created an effective framework for reforms and for progress towards Europe.

It is not in our interest that enlargement should create new dividing lines in Europe. We need to extend the benefits of economic and political cooperation to our future neighbours in the East. Ukraine, Moldova and Belarus - while resolving political problems there. We should take a stronger interest in the problems of the Southern Caucasus, which will in due course also be a neighbouring region.

Resolution of the Arab/Israeli conflict is a strategic priority for Europe. Without this, there will be little chance of dealing successfully with other problems in the Middle East. The European Union has been involved in this question for more than twenty years. It remains an essential interest, which is now being taken forward through the Quartet.

The Mediterranean area generally continues to undergo serious problems of economic stagnation, social unrest and unresolved conflicts. The European Union's interests require a continued engagement with Mediterranean partners, through more effective economic, security and cultural cooperation in the framework of the Barcelona Process.

Strengthening the international order

In a world of global threats, global markets and global media, our security and prosperity depend on an effective multilateral system. The development of a stronger international society, well functioning international institutions and a rule-based international order should be our objective.

It is welcome that since the end of the Cold War, key institutions in the international system, e.g. the World Trade Organisation (WTO) and the International Financial

Institutions, have extended their membership. China has joined the WTO and Russia has applied. It should be an objective for us to widen the membership of such bodies while maintaining their high standards.

One of the core elements of the international system is the transatlantic relationship. This is not only in our bilateral interest but strengthens the international community as a whole. NATO is an important expression of this relationship.

Regional organisations also strengthen global governance. For the European Union, the strength and effectiveness of the OSCE and the Council of Europe has a particular significance. Other regional organisations such as ASEAN, MERCOSUR and the African Union are important partners.

The fundamental framework for international relations is the United Nations Charter. Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, must be a European priority. If we want international organisations, regimes and treaties to be effective in confronting threats to international peace and security we should be ready to act when their rules are broken.

It is a condition of a rule-based international order that laws evolve in response to developments such as proliferation, terrorism and global warming. We have an interest in further developing existing institutions such as the World Trade Organisation and in supporting new ones such as the International Criminal Court.

The quality of international society depends on the quality of the governments that are its foundation. The best protection for our security is a world of well-governed democratic states. Spreading good governance, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order.

Trade and development policies can be powerful tools for promoting reform. As the world's largest provider of official assistance, the European Union and its Member States are well placed to pursue these goals. Contributing to better governance through assistance programmes, conditionality and targeted trade measures should be an important element in a European Union security strategy. A world which is seen as offering justice and opportunity for everyone will be more secure for the European Union and its citizens. Pre-emptive engagement can avoid more serious problems in the future.

A number of countries have placed themselves outside the bounds of international society. Some have sought isolation; others persistently violate international norms of domestic governance or of international behaviour. It is desirable that such countries should rejoin the international community. Those who are unwilling to do so should understand that there is a price to be paid, including in their relationship with the European Union.

Countering the Threats

The European Union has been active in tackling the threats presented by terrorism, proliferation and failed states/organised crime.

- It responded to 11 September with a package that included the creation of a European Arrest Warrant, measures to attack terrorist financing and an agreement on mutual legal assistance with the U.S.A.
- It has pursued policies against proliferation over many years. The Union has just agreed a further programme of action which foresees steps to strengthen the International Atomic and Energy Agency, measures to tighten export controls and to deal with illegal shipments and illicit procurement.
- The European Union and Member States have intervened to help failed states back on their feet, including in the Balkans, Afghanistan, East Timor and in Africa (most recently in Congo).

It is worth underlining certain common points in these threats and in the way they need to be tackled.

The threats of the new era are often distant. In an era of globalisation, distant threats may be as much a concern as those that are near at hand. Nuclear activities in North Korea, nuclear risks in South Asia, and proliferation in the Middle East are all of concern to Europe. Terrorists are now able to operate worldwide: their activities in central or Southeast Asia may be a threat to European countries or their citizens. Meanwhile, global communication means that the humanitarian tragedies in failed states anywhere in the world can cause acute concern in European opinion.

Our traditional concept of self-defence (up to and including the Cold War) was based on the threat of invasion. With the new threats the first line of defence will often be abroad.

The new threats are dynamic. Left alone, they will become more dangerous. The risks of proliferation grow over time; left alone, terrorist networks will become ever more dangerous (we should have tackled Al Qaeda much earlier). State failure and organised crime spread if they are neglected, as we have seen in West Africa.

This implies that we should be ready to act before a crisis occurs. Conflict prevention and threat prevention cannot start too early.

In contrast to the massive visible threat in the Cold War, none of the new threats is purely military; nor can any be tackled by purely military means. Each requires a mixture of instruments. Proliferation may be contained through export controls and attacked through political, economic and other pressures while the underlying political causes are also tackled. Dealing with terrorism may require a mixture of intelligence, political, military and other means. In failed states, military instruments may be needed to restore order, humanitarian to tackle the immediate crisis. Economic instruments serve reconstruction, and civilian crisis management helps restore civil government. The European Union is particularly well equipped to respond to such multi-faceted situations.

III. Policy implications for Europe

The European Union has made progress in developing a coherent foreign policy and effective crisis management in the last few years. We have instruments in place that can be used effectively, as we have demonstrated in the Balkans (and now more widely). But if we are to make a contribution that matches our potential, we need to be more active, more coherent and more capable.

More active in pursuing all our strategic objectives. In particular, more active policies are needed to counter the new, dynamic threats. As a Union of 25 members, spending a total of 160 billion Euros on defence, we should, if required, be able to sustain several operations simultaneously. We need to develop a strategic culture that fosters early, rapid, and when necessary, robust intervention. We should think particularly of operations involving both military and civilian capabilities. This is an area where we could add particular value. A European Union, which is more active, will be one which carries greater political weight in all situations, even where military or civilian intervention is not contemplated.

More Coherent. The point of the Common Foreign and Security Policy and European Security and Defence Policy is that we are stronger when we act together. Over recent years we have created a number of different instruments, each of which has its own structure and rationale. The challenge now is to bring together the different instruments and capabilities: European assistance programmes, military and civilian capabilities from Member States and other instruments such as the European Development Fund. All of these can have an impact on our security and on that of third countries. Security is the first condition for development. Our objective should be to create synergy through a more coherent and comprehensive approach.

Diplomatic efforts, development, trade and environmental policies, should follow the same agenda. In a crisis there is no substitute for unity of command.

Greater coherence is needed not only among EU instruments but also embracing the external activities of the individual member states. The Union’s external assistance amounts to some 7 billion Euros a year; member states spend about ten times that amount.

More Capable. A more capable Europe is within our grasp, though it will take time to realise our full potential. We need to look in particular at the following:

- More resources for defence. If we are serious about new threats and about creating more flexible mobile forces we need to increase defence resources.
- There is much duplication of defence assets across the European Union. Systematic use of pooled and shared assets would reduce overheads and, in the medium-term, increase capabilities.

- Greater capacity to bring civilian resources to bear in crisis and post crisis situations. In particular we should look at stronger arrangements for civilian planning and mission support. In almost every major intervention, military efficiency has been followed by civilian chaos.
- Stronger diplomatic capability. This is as important as civilian and military capacity, if we are to make the best political use of other resources. The threats we have to deal with are more distant and more foreign than during the Cold War. Greater understanding of foreign countries is needed. We have more than 45.000 diplomats. Here also pooling would increase capability. We need to develop a system that combines the resources of Member States with those available in EU institutions.
- Improved sharing of intelligence among Member States and partners: A common threat assesment is the best basis for common action.
- As we increase capabilities in the different areas, we should think in terms of a wider spectrum of missions. In addition to the Petersberg tasks this might include joint disarmament operations, support for third countries in combating terrorism and security sector reform. The last of these would be part of broader institution building.

Working with partners. There are few if any problems we can deal with on our own. The threats described above are common threats, shared with all our closest partners. International cooperation is a necessity. We need to pursue our objectives both through multilateral cooperation in international organisations and through partnerships with other key actors or regions.

Among the latter, the transatlantic relationship is irreplaceable. Acting together, the European Union and the United States can be a formidable force for good in the world. If we build up capabilities and increase coherence, we will be a more credible actor and a more influential partner.

We should continue to strengthen our ability to work with other key actors. The European Union has relationships throughout the world, but in the next years we should focus particularly on developing strategic partnerships with Russia, Japan, China, Canada and India. These partners play an increasingly important role in their respective regions and beyond. None of our relations will be exclusive. We stand ready to develop active partnership with any country which shares our goals and values and is prepared to act in their support.

Conclusion

This is a world in which there are new dangers but also new opportunities. If it can become a fully effective actor, the European Union has the potential to make a major contribution, both to dealing with the threats and to helping realise the opportunities. An active and capable European Union would make an impact on a global scale. In doing so, it would contribute to an effective multilateral system leading to a fairer and more secure world.

Presidency report on the prevention of violent conflicts

Thessaloniki, 20 June 2003

The document reproduced below is the Presidency's third annual progress report on this subject.

IMPLEMENTATION OF THE EU PROGRAMME FOR THE PREVENTION OF VIOLENT CONFLICTS

1. Introduction

This report supplements the first progress report submitted to the European Council at Seville (doc. 9991/02) and covers actions taken in implementation of the EU Programme for Violent Conflicts during the period July 2002 to June 2003. Throughout this period, conflict prevention lay at the heart of EU external action, both in its regional policies and in the further development of instruments. This report reviews specific initiatives undertaken in the context of conflict prevention as well as progress in the areas of activity set out in the EU Programme.

2. Specific Initiatives

A regional EU Conference on Conflict Prevention - "Partners in Prevention" - was hosted in Helsingborg, Sweden, on 29-30 August 2002. The Conference brought together representatives at senior political level from the EU, the UN, the OSCE, the Council of Europe and NATO to discuss how to strengthen capabilities and co-operation in order to prevent violent conflicts. This was a direct response to the call from the UN Secretary-General, in his report on the Prevention of Armed Conflict, to arrange regional workshops in order to discuss the regional dimensions of co-operation in conflict prevention. High officials from the African Union, ECOWAS and SADC also attended the Conference with the aim of stimulating increased interaction between the United Nations and other organisations with the possibility of similar such meetings in other regions. The chairman's conclusions were forwarded to the UN Secretary-General and will contribute to the next, UN-organised, high-level meeting between the UN and regional organisations in July 2003.

In implementing the EU Programme for the Prevention of Violent Conflicts, the Greek Presidency has emphasised the regional approach and has focussed mainly on the Western Balkans with a view to improving and consolidating the mechanisms and

procedures for effective conflict prevention in the region. The lessons learned in the Western Balkans have value for EU activities in other regions and could be applied to external action more generally.

In this context, the Presidency convened a seminar in Athens on 5 - 6 May 2003 on lessons in conflict prevention learned from the Western Balkans. The seminar built on the dialogue for closer co-operation with International Organisations, which opened in Helsingborg. It was attended by representatives of the EU Member States, acceding states, candidate countries and other potential partners, as well as by EU institutions, representatives from governments in the region, international organisations (UN, NATO, OSCE, Council of Europe) and NGOs active in the region.

The purpose of the seminar was to evaluate the role of the European Union, working with its partners to prevent further violent conflict and to draw the necessary conclusions so as to produce a more efficient engagement in the Western Balkans and beyond. The seminar reaffirmed that the prospect of European integration remains the fundamental tool for conflict resolution and conflict prevention in the Western Balkans. In this context, it reaffirmed that there should be a comprehensive and integrated approach to conflict prevention making a maximum use of tools available. It stressed the importance of combating organised crime and corruption and of the Western Balkans countries fulfilling their commitments and meeting criteria set out in the Stabilisation and Association Process. Further to this seminar, the Presidency has submitted a food for thought paper entitled "Shaping a EU strategy for conflict prevention in the Western Balkans".

As a follow-up to Helsingborg and Athens, a conference on lessons learned and best practices from the Western Balkans, aiming at producing concrete recommendation for future EU involvement, will be held in Sweden on 8 and 9 October 2003.

3. Political priorities for preventive actions

Work on the formulation of political priorities is underway in a number of contexts. The Council took stock of potential conflict areas at the outset of the Danish and Greek presidencies on 22 July 2002 and 27 January 2003. It tasked the Political and Security Committee (PSC) to keep a close watch on situations of concern and to make recommendations for enhanced actions as necessary.

The linkage between priorities and the allocation of resources was considered by Council on 18 March 2003 in the context of its review of the effectiveness of external action. The Council welcomed the Commission's Progress Report on the Implementation of the Common Framework for Country Strategy Papers (CSPs). The CSP process is central to the Commission strategy of mainstreaming the conflict prevention approach into all its activities.

4. Early warning, action and policy coherence

In its ongoing work in implementing the Programme, the Council has tasked the PSC to identify and keep a close watch on situations that could require particular attention and to make recommendations for enhanced EU action as necessary. The PSC reviews its work in this area periodically. In this context, the methodology for early warning has been developed through joint work by the **Early Warning bodies** of the Council Secretariat (Policy Unit, Joint Situation Centre and EU Military Staff) and the Commission. In support of this work, the flow of information and intelligence from Member States has been improved. Steps are being taken to ensure that account is taken of early warning reports in agenda planning. Frequent staff to staff meetings between the EU and international organisations such as the UN, OSCE and NATO contribute to gather information for early warning purposes. In early 2003, the Commission updated its country conflict assessments covering more than 120 countries. These assessments formed the basis for the

Commission's contribution on early warning and provided analytical input to ensure a systematic treatment of conflict issues in Country Strategy Papers and mid-term reviews.

5. EU instruments for long- and short-term conflict prevention

Within the framework of ESDP, the **EU Police Mission (EUPM)** has been deployed in Bosnia and Herzegovina and **Operation Concordia** in FYROM during the period under review. Relevant developments within this framework are summarised in greater detail in the Presidency report on ESDP to the European Council. These deployments, in conjunction with intensive diplomatic engagement and the use of community instruments have made an important contribution to the prevention of further violent conflict in the region.

A conflict prevention dimension shall be included in the **EU's common training programme** within the framework of ESDP, so that this may form an integral part of the common European security culture, which is the main aim of the common training initiative.

EU Special Representatives (EUSRs) are currently deployed in the Western Balkans (three mandates covering Bosnia and Herzegovina, FYROM and the Stability Pact), the Middle East, the Great Lakes region and Afghanistan. During the period in question, EUSR mandates have been reviewed and amended to ensure a comprehensive and consistent framework covering reporting, direction, tasking and co-ordination. A consistent framework for the evaluation of mandates has also been put in place and guidelines on evaluation issued to all EUSRs and to Working Groups. The Special Representative of the Presidency, responsible for the Mano River countries, has also contributed to the

preventive action of the Union.

An important function of **monitoring missions** may be to contribute to conflict prevention/deterrence by presence. Building on lessons learned notably from the EU Monitoring Mission in the Western Balkans (ECMM/EUMM), work has been carried out within the Council, in co-operation with the Commission, on developing a concept for the wider use of EU monitoring missions as a generic instrument for EU conflict prevention and crisis management.

To enhance the EU's capacity to react quickly, work continues within the Council on the definition of a conceptual framework/guidelines for EU fact-finding missions, notably through the development of check-lists of issues to be considered when setting up and conducting a fact finding mission. Furthermore, the Commission has conducted a number of strategy and programming missions in conflict areas which have included identification of possible conflict mitigation/prevention measures such as support to disarmament, demobilisation and reintegration processes. Specific conflict prevention assessment missions were carried out in 2002 in order to examine how to bring community instruments to bear on the root causes of conflict in the South Pacific, Indonesia, Nepal and Sri Lanka. Further such missions are being planned.

Under the **EC training project on civilian crisis management**, which has taken into consideration UN and OSCE training standards, Member States training institutions' will have trained up to 250 experts by July 2003. The project encompasses a broad spectrum of mission preparation functions and tasks covering the Civilian Administration, as well as Rule of Law and Human Rights, required during the different stages of the conflict management cycle. A specific module has been developed on conflict transformation to ensure crisis responses lay the foundation for longer-term stability.

The EU seeks to use its **political dialogue** with partners as an occasion to raise conflict prevention issues and the importance of conflict prevention is being taken into account in the on-going work of streamlining these dialogues. The Commission has proposed specific articles on conflict prevention to be included in the new Political Dialogue and Co-operation Agreements being negotiated between the EU and both the Andean Community and Central America. Similar articles are already included in the Cotonou Agreement which entered into force on 1st April 2003, strengthening political dialogue between the EU and 78 African, Caribbean and Pacific states.

As noted in the Commission Communication on Conflict Prevention¹, EU tools such as démarches, political declarations and sanctions have conflict prevention implications. Actions over the previous year are listed in the Annual Report².

The "Annual Report on the EC development policy and the implementation of external assistance" sets out progress made on mainstreaming conflict prevention in community instruments. An analysis of Country and Regional Strategy Papers demon-

1. COM (2001)211 final

2. cf. Annual report (doc. 7038/03 and 7038/03 COR 1)

strates that, on the basis of country conflict assessments, the Commission has put more emphasis at the level of programming of assistance on areas such as strengthening of the rule of law, support to democratic institutions (e.g. election monitoring), development of the civil society, reform of the security sector and other specific post-conflict measures. The **Rapid Reaction Mechanism (RRM)** has played an important role in this context, allowing the European Community to respond urgently to the needs of countries undergoing or moving towards crisis and developing conflict prevention approaches in countries or regions showing significant signs of instability. A report on the first two years of operation of the RRM (*The Rapid Reaction Mechanism – supporting the EU's Policy Objectives in Conflict Prevention and Crisis Management*) was sent to Council and Parliament in April 2003.

There are four on-going projects in implementation of the EU Joint action 2002/589/CFSP on Small Arms and Light Weapons (SALW): the destruction of ammunition in Albania (recently adopted by Council), Cambodia, South East Europe Regional Clearinghouse for Small Arms Reduction and UN Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean. The latter three projects are due to terminate in 2003 and discussion is underway on their prolongation.

There is a strong conflict-prevention dimension in the ongoing work within the EU on **Non-proliferation of Weapons of Mass Destruction**. The General Affairs and External Relations Council on 14 April 2003 instructed the Secretary General / High Representative, in association with the Commission, and the Political and Security Committee, to continue work on a global threat assessment, a long term strategy and the options presented in a Council Secretariat / Commission document, which had formed the basis of the Council discussion of the issue of WMDs, as well as contributions by Member States, with a view to making concrete proposals for submission to the Thessaloniki European Council.

The EC has taken a key role in the **Kimberley process**, which resulted in the successful entry into force of a certification scheme in early 2003. This aims at cutting a source of revenue to rebel groups by establishing an international control regime for import and export of rough diamonds. A similar effort is being made to tackle the links between **illegal timber export** and conflict. The potential for conflict over **scarce water resources** is another area where there has been action over the past year. An EU Water Initiative was launched at the World Summit on Sustainable Development with a work programme in support of improved management of transboundary river basins.

During the year 2002, the **Council Common Position concerning conflict prevention, management and resolution in Africa** (2001/374/CFSP) continued to serve as guideline for activities undertaken to contribute to the prevention, management and resolution of violent conflicts in Africa by strengthening African capacity and means of action in this field. A review of the Common Position is under way based on in-depth studies being undertaken in Angola, Nigeria Central African Republic and the countries in the Great Lakes region.

6. *Co-operation and partnerships*

On the basis of arrangements agreed at the European Council in Göteborg, Ministerial Troika meetings with the UNSG and meetings of the HR and the Commissioner for External Relations with the UNSG and UNDSG (the latest early May) provided for dialogue at senior political level with the UN. Regular PSC luncheons with UNDSG (latest on 15 May) and increasing staff-to-staff contacts were instrumental to discuss operational issues with the UN, including possible co-operation in crisis management.

Efforts are also being stepped up to increase exchange of information at working level on specific countries and regions. This has been facilitated by contacts with the UN Framework Team for co-ordination on early warning & preventive action, a structure associating all relevant UN agencies and Departments and dealing with situation analysis in a conflict prevention perspective. Complementary or joint activities were undertaken in a number of unstable or post-conflict areas, such as Afghanistan, Ivory Coast, Indonesia (Aceh), Democratic Republic of Congo and Eritrea. The EU/UN financial arrangements agreement, signed on 29 April 2003 by the Commission and the UN will make it easier to co-operate on preventive initiatives with the UN in future.

During the Danish and Greek Presidencies, the EU and OSCE have further intensified their dialogue and practical co-operation at all levels. There have been regular political exchanges at Ministerial level, the PSC Troika travelled to Vienna to meet with the OSCE Troika and EU HoMs in July 2002 and March 2003, and both the PSC and the COSCE Working Groups have met regularly with SG Kubis and other OSCE representatives. Furthermore, headquarter working contacts between the General Secretariat of the Council, the Commission Services and the OSCE Secretariat have intensified. There is also close co-operation on the ground, not least in *Bosnia Herzegovina* (between EUPM and the OSCE mission), in *FYROM* (where the European Commission funds police experts detached to the OSCE spillover mission), and in *Central Asia* (on legislative reform, national human rights institutions and Ombudsman offices).

Follow up to the Helsingborg recommendations on co-operation in conflict prevention was discussed at the annual quadripartite meeting between the EU and the Council of Europe on 5 September 2002. SG Schwimmer has met with the COSCE Working Group, which has discussed ways of enhancing co-operation between the EU and the Council of Europe.

The Africa-Europe Ministerial Meeting in November 2002 evaluated progress made in the eight priority subjects of the Africa-Europe dialogue and urged continued work in the area of prevention and settlement of conflicts. As a first contribution from the European side to the new peace and security agenda of the African Union, an EC programme in support of AU peace building and transition activities was signed in Addis Ababa on 2 April 2003. This programme's prime objective is to fund the operational activities of the Peace and Security Council, and secondly to work on AU capacity building in the transition period. Support is based on the AU indicative work programme on

peace and security issues and it will primarily finance AU mediation and peace monitoring activities.

Practical support to peacebuilding initiatives in the Americas included assistance to the Organisation of American States (OAS) in its efforts to implement possible agreements reached between the parties in Venezuela through an OAS mediated dialogue and support to the Andean Community General Secretariat to implement its obligations regarding the implementation of the “Lima Commitment” on stability and conflict prevention.

Partnership with regional organisations in other areas has also addressed peace and security issues. For example, at the Fourth **Asia-Europe Meeting Summit** in September 2002 leaders pledged to work closely to combat threats to global peace and security, a concern which was reflected at the 14th EU-ASEAN Ministerial meeting in January 2003. In March 2003, the Council endorsed a paper on dialogue and co-operation on European Security and Defence Policy between the EU and **Mediterranean Partners**, with a view to enhancing transparency and further strengthening mutual understanding, and exploring more concrete ideas and proposals for co-operation.

The role of **civil society** in conflict prevention, both in terms of advocacy during the policy making process and as partners in the delivery of assistance, was highlighted in the Commission’s Communication “Participation of non-state actors in EC development Policy” (COM (2002) 598 final). The participation of non-state actors is a fundamental principle of co-operation between the EU and ACP countries and was given important more impetus in early 2003 with the entry into force of the EU-ACP Cotonou agreement. A conference under the auspices of the Greek Presidency (“Civil Society Participation in EC Development Policy”, Athens, 5-6 May) addressed the respective roles of the EU and civil society in EC development policy and concluded inter alia that peace was the key issue for development.

Co-operation with **the private sector** has been developed in the context of the ongoing European Multi-Stakeholder Forum on Corporate Social Responsibility (CSR). Launched on 16th October 2002 and chaired by the Commission, this brings together European representative organisations of employers, business networks, trade unions and NGOs. The Commission has proposed that the round table on development aspects of CSR address economies in conflict including the positive and negative role of businesses in conflict zones and international financial transparency. This complements the G8 extractive industries transparency initiative launched at the G8 Summit 2/3 June 2003.

Way Ahead

Conflict prevention will remain at the heart of all aspects of the EU's external relations. Continued implementation of the EU Programme for the Prevention of Violent Conflict is, and will remain, of key importance in the context of further efforts at 'mainstreaming' of the conflict prevention dimension throughout all areas of EU external action.

Building on the progress already achieved to date by the EU, the Council and its bodies, in conjunction with the Commission as appropriate, will carry forward work towards fulfilment of this objective at both regional and thematic levels.

Conflict prevention will continue to be a central element within the Common Foreign and Security Policy and the European Security and Defence Policy as they are developed.

The PSC is tasked with ensuring that emphasis on conflict prevention is maintained as EU CFSP/ESDP become fully operational.

The incoming Italian and Irish EU Presidencies are invited to carry this work forward. A further progress report on implementation of the EU Programme will be submitted to the June 2004 European Council.

EU-Western Balkans summit

Thessaloniki, 21 June 2003

DECLARATION

We the Heads of State or Government of the member States of the European Union, the acceding and candidate states, Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Serbia and Montenegro, as potential candidates, and the President of the European Commission, in the presence of the President of the European Parliament, the Secretary General of the Council/High Representative, the Special Representative of the UN Secretary General in Kosovo, the Special Co-ordinator of the Stability Pact for South-Eastern Europe and the High Representative for Bosnia and Herzegovina, meeting in Thessaloniki, agreed today on the following:

1. We all share the values of democracy, the rule of law, respect for human and minority rights, solidarity and a market economy, fully aware that they constitute the very foundations of the European Union. Respect of international law, inviolability of international borders, peaceful resolution of conflicts and regional co-operation are principles of the highest importance, to which we are all committed. We vigorously condemn extremism, terrorism and violence, be it ethnically, politically or criminally motivated.

2. The EU reiterates its unequivocal support to the European perspective of the Western Balkan countries. The future of the Balkans is within the European Union. The ongoing enlargement and the signing of the Treaty of Athens in April 2003 inspire and encourage the countries of the Western Balkans to follow the same successful path. Preparation for integration into European structures and ultimate membership into the European Union, through adoption of European standards, is now the big challenge ahead. The Croatian application for EU membership is currently under examination by the Commission. The speed of movement ahead lies in the hands of the countries of the region.

The countries of the region fully share the objectives of economic and political union and look forward to joining a EU that is stronger in the pursuit of its essential objectives and more present in the world.

3. The endorsement yesterday by the European Council of *'The Thessaloniki agenda for the Western Balkans: Moving towards European Integration'* represents a new important step in the privileged relationship between the EU and the Western Balkans. Its content shall be considered as our shared agenda, and we all commit to its implementation. The countries of the region will focus their efforts on meeting the recommendations this agenda refers to.

4. We acknowledge that the Stabilisation and Association process (SAP) will remain the framework for the European course of the Western Balkan countries, all the way to their future accession. The process and the prospects it offers serve as the anchor for reform in the Western Balkans, in the same way the accession process has done in Central and Eastern Europe. Progress of each country towards the EU will depend on its own merits in meeting the Copenhagen criteria and the conditions set for the SAP and confirmed in the final declaration of the November 2000 Zagreb summit. The Western Balkan countries highly value the annual review mechanism of the SAP, based on the Commission's reports, and commit themselves to implement its recommendations.

The Western Balkan countries welcome the decisions by the EU to strengthen its Stabilisation and Association policy towards the region and to enrich it with elements from the experience of enlargement. They welcome in particular the launching of the European Partnerships, as well as the decisions for enhanced co-operation in the areas of political dialogue and the Common Foreign and Security Policy, parliamentary co-operation, support for institution building, opening of Community programmes. They take note of the ongoing discussions for an increase in the budgeted Community financial support to the region through the CARDS programme.

5. We support the full implementation of Resolution 1244 of the UN Security Council on Kosovo and the 'standards before status' policy of UNMIK; we remain committed to the Dayton/Paris Agreements and we encourage full implementation of the Ohrid and Belgrade agreements. The EU and the SAP countries fully support the International Criminal Court, recalling relevant EU decisions. The Western Balkan countries pledge full and unequivocal co-operation with the International Criminal Tribunal for the former Yugoslavia. Its work, on all open issues, including the transfer to The Hague of all remaining indictees, should be allowed to progress without delays. Providing justice for war crimes is a legal, political and moral imperative to which we are all committed.

Sustainable return of refugees and internally displaced persons is critical for ethnic reconciliation and an index of democratic maturity; it remains high on our priority agenda. We stress the role of education, culture and youth in promoting tolerance, ensuring ethnic and religious coexistence and shaping modern democratic societies.

Fragmentation and divisions along ethnic lines are incompatible with the European perspective, which should act as a catalyst for addressing problems in the region.

The recent launching of the EU police Mission in Bosnia and Herzegovina and of the operation "Concordia" in the former Yugoslav Republic of Macedonia are tangible proofs of the EU's commitment to the region.

While the EU is strengthening its commitment in Southeast Europe, notably in police and security operations, continued engagement of other international actors is necessary. We all highly value the close co-operation between the EU and the US and NATO in the region, within the framework of UN Resolutions, as well as the role of other

international organisations and financial institutions operating in the area. We encourage close coordination of their activities.

6. Organised crime and corruption is a real obstacle to democratic stability, the rule of law, economic development and development of civil society in the region and is a source of grave concern to the EU. Combating it constitutes a major priority. The SAP countries commit themselves to define and implement the measures foreseen in the follow up process to the London conference of November 2002 and described in the *Thessaloniki Agenda*. Particular attention will be given in combating trafficking in human beings. The countries of the region also commit to concrete measures, in accordance with the *Thessaloniki Agenda* and the documents of the Ohrid May 2003 conference, respectively, in order to cope effectively with illegal immigration and improving border security and management, aiming at achieving European standards.

7. We acknowledge the importance the peoples of the Western Balkans attach to the perspective of liberalisation of the EU's visa regime towards them. We recognise that progress is dependent on implementing major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration, and strengthening administrative capacity in border control and security of documents. The Western Balkan countries welcome the intention of the Commission to hold discussions, within the framework of the Stabilisation and Association Process, with each of them, regarding the requirements for how to take these issues forward in concrete terms.

8. Economic prosperity is essential to long term stability and democracy in the region. Persistent efforts and structural reforms are required to establish functioning market economies and to achieve sustainable development and to ensure employment.

We recognise the importance of developing modern networks and infrastructures in energy, transport and telecommunications in the region, consistent with the Trans-European Networks. We encourage further mobilisation of international support in these areas, notably through the European Investment Bank and other International Financial Institutions, and private investment.

The SAP countries welcome the decisions by the EU to consider further measures for enhancing its trade with them, to extend the Internal Energy Market to the region as a whole and to establish a regular economic dialogue with each country of the region.

Considering that small and medium-sized enterprises are a key source of jobs, innovation and wealth and are essential for the functioning of competitive market economies, the SAP countries hereby commit to the policy principles enshrined in the European Charter for Small Enterprises, as well as to participate in its implementation.

9. We reiterate that rapprochement with the EU will go hand in hand with the development of regional co-operation. The countries of the Western Balkans and, where applicable, other regional participant countries, commit to promote concrete objectives and initiatives, along the lines prescribed by the *Thessaloniki Agenda*, in the areas of regional free trade, visa-free movement within the region, collection of small arms, creation of regional markets for electricity and gas, development of transport, energy and telecommunication infrastructures, environment and water management, research technology and development, cross-border cooperation and parliamentary co-operation.

We reconfirm our support to the Stability Pact for South-Eastern Europe in its complementary role to the Stabilisation and Association Process and in implementing its agreed core objectives. We invite it to focus in particular on the tasks suggested in the *Thessaloniki Agenda*. We support regional co-operation initiatives such as the South-East European Cooperation Process (SEECP), the Adriatic-Ionian Initiative, and the Central European Initiative. We encourage further co-operation between the European Commission, the Stability Pact and the SEECP, which is gradually becoming the voice of the region.

10. Since our Zagreb meeting in November 2000, considerable progress was made towards stability, democracy and economic recovery in all countries of the Western Balkans, as well as in regional co-operation and good neighbourly relations between them, to the benefit of their peoples and of Europe as a whole. All the countries of the region have also made good progress in advancing towards the EU. A comparison with three years ago reveals the road that has been covered. At the same time, the Western Balkan countries, aware that there is much and hard work ahead, commit themselves to intensify the pace of reforms. The European Union pledges full support to their endeavours.



We have agreed to meet periodically at our level, within the framework of a EU-Western Balkan forum, in order to discuss issues of common concern, to review progress of the countries of the region in their road to Europe, and to exchange views on major developments in the EU. Annual meetings of foreign ministers and ministers responsible for Justice and Home Affairs will be held as appropriate. Acceding and candidate countries will be fully involved. We welcome the intention of the incoming EU Italian Presidency to organise the first meetings of this kind, by the end of the year. Other ministers can also meet when appropriate.

EU-US summit

Washington, 25 June 2003

JOINT STATEMENT BY EUROPEAN COUNCIL PRESIDENT COSTAS SIMITIS, EUROPEAN COMMISSION PRESIDENT ROMANO PRODI AND US PRESIDENT GEORGE W. BUSH ON THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

1. Proliferation of weapons of mass destruction and their delivery systems constitutes a major threat to international peace and security. The threat is compounded by the interest of terrorists in acquiring WMD. This would undermine the foundations of international order. We pledge to use all means available to avert WMD proliferation and the calamities that would follow.

- ▶ We will work together to strengthen the international system of treaties and regimes against the spread of WMD. This implies the development of new regimes, as appropriate, and reinforcement of existing regimes. We will pursue the goal of universal membership of relevant multilateral treaties and agreements.
- ▶ We will seek to ensure strict implementation and compliance. We are willing to work with all those who respect international non-proliferation norms; we are committed to dealing effectively with those who ignore them or cheat.
- ▶ We will support, when necessary, non-routine inspections.
- ▶ We recognise that, if necessary, other measures in accordance with international law may be needed to combat proliferation.
- ▶ We will work together to deploy our combined political and diplomatic influence most effectively in support of our non-proliferation objectives.
- ▶ We will work together to develop further a common assessment of global proliferation threats.

2. We welcome the statement on non-proliferation by European Union Heads of State and Government at Thessaloniki and the G8 Declaration of the Non-Proliferation of Weapons of Mass Destruction. We reaffirm our joint commitment to relevant treaties and agreements, in particular the Nuclear Non-Proliferation Treaty. We will work together in all areas to stop and reverse proliferation.

In particular:

- ▶ We will explore ways to make the International Atomic Energy Agency's Safeguards Agreements and Additional Protocols a standard for nuclear cooperation and non-proliferation. We urge all States with nuclear facilities or activities to ratify and imple-

ment these Agreements and Protocols without delay. Furthermore, on an urgent and exceptional basis, taking account of the increase in the Agency's workload in this area, we will support an adequate increase in the IAEA safeguards budget to ensure the credibility of the IAEA's verification system.

- We will strengthen both export controls on materials and technologies related to WMD and their delivery systems as well as their enforcement and implementation. We believe that national controls should include criminal penalties for the illegal export, transshipment or brokering of weapons of mass destruction, missile delivery systems, and materials or technology for use in WMD or missile programmes. We will work together with likeminded partners to tighten export controls, where necessary providing assistance to create and improve effective, enforceable national export control systems. We agree to introduce catch-all provisions, where appropriate. We will share information so as to identify new patterns of procurement by State and non-State actors. We will seek new methods to stop the proliferation trade to and from countries and entities of proliferation concern.
 - We will work together in the framework of the BTWC to strengthen national control over pathogenic micro-organisms and toxins and, in the framework of the CWC, to foster the elimination of all chemical weapons.
 - We will strengthen identification, control and interdiction of illegal shipments, including national criminal sanctions against those who contribute to illicit procurement efforts.
 - We emphasise the importance of cooperative threat reduction programmes with third countries.
3. We will cooperate actively to address specific proliferation challenges. In particular:
- We condemn North Korea's nuclear weapons programme and its failure to comply with the IAEA safeguards agreement, which undermine the non-proliferation regime. We call on North Korea to refrain from any action that would further aggravate the problem. We strongly urge North Korea to visibly, verifiably and irreversibly dismantle that programme and to come into full compliance with international non-proliferation obligations, as a fundamental step to facilitate a comprehensive and peaceful solution.
 - We express our continuing serious concern at Iran's nuclear programme in particular as regards the pursuit of a full nuclear fuel cycle, as announced by President Khatami. We are troubled by the information in the IAEA's report detailing Iran's failures to meet its safeguards obligations and we fully support ongoing investigation by the IAEA to answer the unresolved questions and concerns identified in that report. Iran must cooperate fully with the IAEA, remedy all failures and answer all questions. It must also sign and implement an Additional Protocol, without delay or conditions, as a significant first step towards addressing those concerns.

- ▶ We remain concerned at the pursuit of nuclear, biological and chemical weapons, and missiles for their delivery by a number of other States. We will continue to monitor these closely and to exchange information, including with other concerned States.

4. Proliferation is a threat not only to our security, but also to the wider international system. We call for a halt to proliferation activities in a way that is demonstrable and verifiable. Nonproliferation is a global challenge which requires a multifaceted solution. We need to tackle it individually and collectively - working together and with other partners, including through relevant international institutions, in particular those of the United Nations system.

'CFSP: The State of the Union'

Paris, 30 June 2003

SPEECH BY JAVIER SOLANA, HIGH REPRESENTATIVE FOR THE CFSP

Annual Conference of the European Union Institute for Security Studies

Mesdames et Messieurs,

J'ai grand plaisir à vous retrouver ici pour cette deuxième année, pour la conférence annuelle de notre Institut. Je voudrais à cette occasion remercier Nicole Gnesotto pour l'organisation de cette conférence, mais aussi pour le travail qu'effectue l'Institut d'études de sécurité tout au long de l'année.

Nous vivons des temps peu ordinaires. La scène internationale a connu ces derniers mois des événements hors du commun. En même temps, l'Union européenne subit des changements profonds, porteurs d'une dynamique nouvelle. Sa politique étrangère et sa politique de sécurité et de défense communes doivent s'adapter à cette double évolution.

Face à ce défi, les succès de l'Europe sont contrastés.

D'une part, elle s'est résolument engagée dans un élargissement sans précédent. C'est la réunification pacifique de notre continent, pour la première fois dans son histoire. En même temps, la politique de sécurité et de défense a connu ses premières applications concrètes en termes d'opérations de gestion de crises.

D'autre part, l'Irak, le terrorisme et la prolifération des armes de destruction massive soulèvent des questions fondamentales sur les stratégies à adopter pour faire face à un nouveau type de menaces.

L'Europe ne peut se permettre d'agir en ordre dispersé si elle entend jouer le rôle qui lui revient. La solidarité, fondement de l'intégration européenne, a été mise à rude épreuve sur ces dossiers emblématiques de la nouvelle donne stratégique.

Nous devons être conscients que la manière dont l'Europe s'apprête à relever ces défis se situe dans un contexte de scepticisme quant à notre capacité et notre volonté d'être à la hauteur de la tâche.

Je suis en ce qui me concerne confiant à cet égard' Une Europe représentant près d'un demi-milliard de citoyens démocratiques, prospères, éduqués, pesant environ le quart du PNB mondial; une Europe capable de mobiliser toutes ses ressources économiques, humanitaires, diplomatiques et militaires pour la cohérence de son action extérieure; cette Europe n'a pas d'autre choix que d'assumer des responsabilités dans la sécurité globale.

Je voudrais passer les minutes qui viennent à vous exposer les raisons de mon optimisme.

Je commencerai par un aperçu des transformations internes de l'Union. Je mettrai l'accent sur l'adaptation de ses institutions et de ses politiques pour l'action extérieure. J'évoquerai ensuite brièvement le bilan récent de celle-ci.

1. L'Union en devenir

Changer quand le monde change, tel est aujourd'hui le défi majeur que doivent relever les Européens.

1. L'élargissement

L'élargissement est à la fois un objectif à réussir et déjà une réalité quotidienne. Depuis le mois d'avril en effet, nous travaillons déjà à 25. Même si les décisions formelles continuent à se prendre à 15, les représentants des 10 nouveaux pays participent pleinement à nos débats. Nous testons ainsi in vivo la pertinence de nos méthodes de travail et d'élaboration des consensus.

Sept référendums ont déjà eu lieu dans les pays candidats. Partout, la moyenne d'adhésion au projet d'intégration européenne a dépassé les 60 % des suffrages exprimés, atteignant souvent les 80%. Pour la PESC, cet élargissement représente un formidable accroissement de légitimité et de crédibilité. Comme je viens de le dire, cela nous confère des responsabilités accrues dans le monde.

2. Des institutions adaptées

De nouvelles solutions institutionnelles seront bien évidemment nécessaires pour assurer l'efficacité de notre politique extérieure et je voudrais saluer ici les travaux de la Convention. L'enjeu et la portée du projet de Traité constitutionnel présenté au Conseil européen par le Président Valéry Giscard d'Estaing sont tout à fait historiques. Il ne m'appartient pas de préjuger de ce que la Conférence intergouvernementale apportera ou non comme modifications au schéma qui est sur la table. La balle est désormais dans le camp des Etats membres et des gouvernements.

Mais il me semble qu'une série de propositions en matière d'action extérieure vont dans la bonne direction. Nous aurons sans doute l'occasion d'y revenir dans le cours de nos débats d'aujourd'hui.

3. Vers une véritable stratégie européenne de sécurité

Une véritable stratégie européenne de sécurité est devenue une nécessité pour s'adapter aux profondes transformations de la scène internationale. Nous ne pouvons pas nous permettre d'attendre. La rapidité, la fluidité, l'imprévisibilité des changements en cours sont en effet les caractéristiques les plus évidentes du nouvel environnement mondial. Ces nouvelles dimensions n'annulent pas les problèmes existants. Elles s'y superposent. Elles compliquent la nouvelle situation stratégique. Elles obligent les Européens à repenser sans cesse les priorités et les modalités de leurs interventions.

Dans la mesure où l'intégration européenne est elle-même une réponse pertinente aux défis de la globalisation, la demande d'Europe ailleurs dans le monde est plus que jamais d'actualité.

Modèle de réussite et de réconciliation pacifique entre des peuples jadis rivaux, l'Union possède des responsabilités particulières pour la promotion des valeurs de démocratie, de tolérance et de droit qui ont été à l'origine de son succès historique.

Le respect de ces principes n'implique toutefois ni naïveté ni rigidité.

Nulle naïveté, parce que des siècles d'histoire européenne ont enseigné à tous nos peuples qu'il existe une tension séculaire et trop souvent tragique entre la force et le droit, l'ordre et la liberté, la stabilité et la justice internationales. Pendant toute la guerre froide, les peuples d'Europe de l'Est en ont fait l'amère expérience. Ces contraintes demeurent dans d'autres régions du monde. Mais ces siècles d'histoire nous ont aussi appris que la démocratie représente à ce jour la synthèse optimale entre ces exigences contradictoires. Il existe un lien vital entre la défense de la démocratie à l'intérieur des Etats et le respect des règles internationales dans les relations entre les Etats.

Nulle rigidité non plus, parce que l'Union est elle-même l'incarnation exemplaire des possibles évolutions du droit lorsqu'il émane du consensus entre Etats souverains. Qui pourrait nier les énormes avancées du droit communautaire sur cinq décennies ? L'Union a réussi à promouvoir un devoir d'ingérence humanitaire de la communauté internationale. Elle a été un des principaux promoteurs de la mise en place de la Cour pénale internationale.

Notre défense de la démocratie, du droit international, des règles du jeu multilatéral se nourrit d'abord de la fidélité à nos principes. Elle s'inspire aussi du réalisme face aux profondes transformations à l'œuvre dans ce monde globalisé.

Ce sont ces considérations qui nous conduisent à définir comme notre priorité et notre spécificité une approche multilatérale efficace des problèmes du monde.

Dans ce cadre, nous voulons une Europe plus active, plus capable et plus cohérente.

Nouvel environnement, nouvelles menaces.

Le monde globalisé offre un potentiel accru de liberté et de prospérité. Mais il aggrave certains problèmes anciens et apporte une panoplie de nouveaux risques. Les menaces sont plus diverses, moins visibles et moins prévisibles.

Les conflits régionaux, combinés à la mauvaise gouvernance continuent à provoquer l'instabilité et les souffrances humaines. Ils privent les populations touchées de conditions de vie décentes et les poussent à émigrer. La moitié de la population mondiale gagne moins de deux euro par jour. 45 millions de personnes meurent chaque année de faim et de malnutrition. Les infrastructures sont détruites, l'économie régresse et la criminalité prospère. Des régions entières sont entraînées dans un cercle vicieux de conflit, d'insécurité et de pauvreté. La sécurité est une condition préalable au développement.

La dégradation du milieu naturel et la compétition accrue pour certaines ressources essentielles prennent des proportions telles qu'elles constituent également des risques de sécurité à long terme.

Tous ces développements affectent les intérêts et la sécurité de l'Europe.

D'autre part des risques nouveaux et graves pour la sécurité globale sont apparus.

Les nouvelles formes de terrorisme constituent une menace stratégique. Leur usage de la violence ne connaît pas de limites. Leur but est d'infliger un maximum de victimes. C'est la raison de leur quête d'armes de destruction massive. Une course aux armements de destruction massive entre un certain nombre de pays, combinée à la prolifération des technologies balistiques, particulièrement au Moyen Orient, posent un grave danger pour l'Europe.

L'effondrement des structures étatiques laisse le champ libre au crime organisé. Il provoque l'afflux massif de drogues et une immigration incontrôlée vers l'Europe.

Toutes ces menaces sont en elles-mêmes problématiques, mais c'est leur combinaison qui représente un défi majeur pour notre sécurité.

Les objectifs stratégiques de l'Europe

Les perspectives effrayantes ouvertes par ces nouvelles menaces ne constituent pas une issue inévitable. Notre action peut faire la différence. Elle doit poursuivre trois objectifs majeurs.

Le premier est d'étendre la zone de sécurité à la périphérie de l'Europe. Nous devons créer un cercle de bonne gouvernance sur nos frontières orientales et sur le pourtour de la Méditerranée, au sein duquel nous développons un partenariat fait de confiance mutuelle et de coopération avec nos voisins.

Le second est de favoriser l'émergence d'un ordre international plus stable et plus équitable. Dans un monde où les défis sont globaux, notre sécurité dépend d'un système multilatéral efficace, comme je viens de le dire. Notre priorité dans ce contexte est de renforcer le système des Nations Unies, en le dotant des moyens d'assumer pleinement ses

responsabilités. Il faut en particulier renforcer la crédibilité des principes de la Charte des Nations Unies. Quand ils sont violés par certains pays et que la diplomatie échoue à modifier leur comportement, nous devons être prêts à agir en conséquence.

Le troisième est de trouver des parades efficaces aux menaces. Nous ne devons pas perdre de vue qu'elles partagent des caractéristiques communes :

- Elles sont plus lointaines. La première ligne de défense sera souvent éloignée de nos frontières.
- Elles sont dynamiques. Laissées à elle-mêmes, elles ne peuvent que s'aggraver. La temporisation ou l'inaction ne sont pas une réponse. Nous avons besoin de politiques efficaces de prévention des conflits et des menaces.
- Elles sont plus complexes. Aucune n'est de nature purement militaire. Aucune ne peut être combattue uniquement par des moyens militaires. Chacune requiert une combinaison appropriée d'instruments pour être réduite durablement. Outre l'action militaire qui peut s'avérer nécessaire, la pression politique et diplomatique, l'utilisation efficace du renseignement, les sanctions ou les incitants économiques et commerciaux, l'aide humanitaire, l'aide à la reconstruction et au développement durable, la restauration des institutions et de l'état de droit sont autant d'outils indispensables. L'Union européenne est idéalement équipée pour les mettre en oeuvre dans le cadre de stratégies globales de ce que j'appellerais une politique systématique d'engagement préventif.

Implications pour les instruments de l'action extérieure de l'Union

Loin de moi l'idée que nous n'aurions pas fait de progrès dans le développement et l'utilisation de nos instruments de politique étrangère ces dernières années. Mais si nous voulons être à la hauteur de nos ambitions et exploiter pleinement le potentiel offert par l'Union européenne, il me semble indispensable de fournir un effort supplémentaire pour être plus actifs, plus capables et plus cohérents.

Par être plus actif, j'entends la nécessité de développer une culture stratégique qui nous mette en mesure de décider et d'intervenir rapidement, si nécessaire de manière robuste.

Etre plus capable signifie que nous devons consacrer davantage de ressources à nos efforts de défense et les utiliser de manière plus rationnelle.

Plus de ressources, car la transformation de nos forces armées pour les nouvelles missions militaires est coûteuse et urgente.

Mieux les utiliser ensuite, car 25 Etats européens qui dépensent chaque année 160 milliards d'euro pour la défense doivent être à même de fournir des capacités plus performantes. Il est temps de s'engager de manière plus systématique à réduire les duplications inutiles, à se partager les tâches et à créer des capacités multinationales. Un approfondissement de la solidarité autour d'objectifs communs faciliterait une telle évolution. Ce serait un mérite appréciable d'une stratégie de sécurité que d'y contribuer. Cela

suppose aussi une définition commune des besoins et des procédures d'acquisition des capacités mieux concertées. C'est tout le bénéfice qu'on peut attendre de la création d'une Agence de développement et d'acquisition des capacités militaires.

Nous devons aussi mettre plus de moyens civils à la disposition d'opérations de gestion des crises. L'expérience récente démontre qu'elles sont indispensables pour une gestion de crise réussie. Et enfin, nous devons renforcer notre appareil diplomatique en combinant mieux les atouts de l'Union et des Etats membres à cet égard. Améliorer nos capacités d'action nous permettrait d'envisager un éventail de missions plus large, adapté aux exigences des nouvelles tâches de sécurité et à nos ambitions dans ce domaine.

Etre plus cohérent enfin suppose une meilleure synergie dans l'utilisation des moyens de l'Union et davantage d'unité de commandement. Cela implique aussi la cohérence entre les instruments de l'Union et ceux de l'action extérieure des Etats membres.

The central place of the transatlantic partnership

In today's world, few problems can be resolved in a lasting way without broad multilateral co-operation. There are no substitutes for stable partnerships anchored in long-term objectives.

In this regard, the transatlantic partnership remains irreplaceable.

I have just returned from a summit between the United States and the European Union that took place in an excellent atmosphere and was considered a big success by both sides. Transatlantic relations have been through some difficult and troubled times over the past few months. I also think that the disagreements over Iraq have obscured the indisputable successes scored by what I persist in regarding as an alliance of interests and a community of values, without precedent in modern history.

Last week's summit did not confine itself to restating major principles. It demonstrated that Europe and the United States are in agreement on the analysis of the challenges of our time and are in a position to implement joint strategies to cope with them. The summit also offered an opportunity to agree on new forms of co-operation in fighting terrorism and the proliferation of weapons of mass destruction. It confirmed the unity of approach on the parameters for lasting peace in the Middle East. On international trade, energy and air transport, it paved the way for the adoption of new, pro-active policies and instruments, confirming the essential role of what is by far the most important partnership in today's global economy.

What the turbulences in our relations over the past few months should teach us is that we need to improve the way we deal with problems in the world and in our bilateral relations, something that probably we did not do well enough after September 11. Our aim should be to engage in a strategic dialogue within which we work towards concrete, result-oriented solutions. I am sure that we will be successful more often than not. But we have also to be able to accept that in some cases we can have honest disagreements. It should not mean that the fate of our partnership would automatically hang in the balance.

Acting together, the United States and Europe remain the most powerful alliance for progress towards a more secure and just world’ we have an essential responsibility to ensure the strength and vitality of our partnership.

II. The Union in action

My optimism about the success of this demanding and ambitious vision of the future is rooted in what I see as evidence of a renewed European determination to act. The scoreboard over the last twelve months speaks for itself.

Let me run through the main achievements:

- The conclusion of an agreement for co-operation between the European Union and NATO, after long and difficult negotiations;
- The launching of a police operation in Bosnia and military operations in FYROM and the Congo;
- The adoption of an action plan to combat the proliferation of Weapons of Mass Destruction;
- The continuation of our action plan against international terrorism;
- The first steps in the elaboration of a European Security Strategy;
- The active contribution of the EU to the Middle East roadmap;

1. Common foreign policy

Our differences about Iraq should not hide the fact that the European Union has continued to play a major and essential role in the process of resolving problems, from the Balkans to the Middle East and Afghanistan.

The Balkans

Concerning the Balkans, let me underline as a first remark that our action is producing real responses and is extending to new areas. With regard to security, we have taken over from the United Nations in Bosnia and from NATO in FYROM, in mutual understanding with both organisations around shared objectives.

My second remark concerns the significance of the assassination of Prime Minister Djindjic, which reminded us of the remaining potential for instability in the region.

My third remark has to do with the Thessaloniki summit - where the new State of Serbia and Montenegro was present for the first time - in which a political perspective towards Europe and an economic package to support it were offered. It is for the States of the region to seize this historic opportunity. It is up to them to put their aspirations for Europe into practice.

The Middle East

In the *Israeli-Palestinian conflict*, the parameters for peace were identified long ago, as far as the Europeans are concerned. The hope we have today comes from the acceptance of the road map by both parties. The EU has played a major role for its elaboration, as it will for its implementation. It was highly satisfying to see it adopted by the Quartet. And we are delighted with the current commitment of the US. We are aware of the difficulties. Europe remains the advocate of a true, lasting peace. 2001 was the year of attempts at peace, by the Mitchell Committee in particular. 2002 was the year of the Quartet, of international efforts to take a different path. 2003 will call for yet more commitment. We shall remain ready to act on our convictions.

In the case of Iran, which lies at the crossroads between the Arab world and Asia, we want a dialogue with no taboos, extending to the nuclear question. Our aims are shared by all. We will be providing our own input on how to achieve them. We will demand an unambiguous commitment from Teheran to come clear on its intentions and to submit its nuclear program to the full scrutiny of the relevant international bodies. Iranian failure to do so will have negative consequences on its relations with the EU.

2. Progress in the Security and Defence Policy

In retrospect, 2003 will be regarded as a crucial stage in the remarkably rapid implementation of the security and defence policy, marked, as it was, by the EU's first crisis management operations.

The first one was the EU take-over of the police operation in Bosnia. But the most important step was undoubtedly the first military operation led by the EU. Concordia in the former Yugoslav Republic of Macedonia was made possible by the conclusion of Berlin + with NATO. It is the first operation led by the European Union with NATO assets and capabilities.

The European resolve to act was then confirmed by the Artemis operation in the Democratic Republic of the Congo, at the request of the United Nations, at short notice. This, in turn, is the first operation led by the European Union without NATO assets and capabilities.

The EU has moved fast and with determination. It is worth remembering that, as recently as the year 2000, we had none of the tools to plan and conduct a crisis management operation. In this month of June 2003, we have fully developed and tested our politico-military structures and we are running three operations simultaneously. Very few people believed that this would be the case.

This does not mean that we have done enough, particularly concerning military capabilities. It just shows that when there is political will, things get done.

If we wish to be able to keep up the rate of our commitments and have at our disposal means commensurate with our ambitions, there is still a long way to go. We have been saying this for some time, in statement after statement. It is time to act. The truth is that we have made a lot of progress in understanding what it is we need. We have not yet done enough to put it into practice.

Let me conclude briefly. I said at the beginning that I am optimistic. I am also realistic. I do not underestimate the magnitude of the challenge. But Europe has a track record. European integration is a formidable engine of success. It sealed reconciliation between Europeans after centuries of bloody conflicts and two world wars. It created unprecedented prosperity, transforming the EU into a major economic, financial and trade power.

Now it offers the potential for transforming the EU into a leading strategic actor on the world scene. Achieving that goal will require leadership, vision and hard work.

General Affairs and External Relations Council

Brussels, 21 July 2003

The experience being gained with Operation *Artemis* reinforced the attention paid by the Union to the African region and its interest in cooperating with the UN, as the document reproduced in extracts below shows.

CONCLUSIONS

(...)

European Security and Defence Policy

Operation CONCORDIA in FYROM - Council conclusions

“The Council welcomes the timely conclusion of the Review of Operation CONCORDIA. In reply to the request of the President of the former Yugoslav Republic of Macedonia, and in the light of NATO’s agreement to the continued availability of NATO’s assets and capabilities for Operation CONCORDIA, the Council agreed to extend the Operation under the previous terms for a brief additional period until 15 December 2003 in order to further contribute to the stability of the former Yugoslav Republic of Macedonia.

The Council expressed its appreciation for France’s performance so far as Framework Nation at the Force Headquarter level. It welcomed the offer from EUROFOR to take over from France the Framework responsibilities at the Force Headquarter level. It invited the competent bodies to take the necessary steps to implement the decision to extend the operation.

The Council notes President Trajkovski’s interest in an EU police mission and will consider this carefully, in close consultation with the authorities of the former Yugoslav Republic of Macedonia as well as with the OSCE.”

Development of the EU/UN Cooperation in Crisis Management - Council conclusions

“1. The Council recalled existing arrangements on the EU/UN cooperation modalities endorsed by the European Council at Göteborg, and reasserted 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 positive effects of the EU-led operations in Bosnia-Herzegovina (EUPM) and in the Democratic Republic of Congo (Artemis) in triggering a fruitful cooperation that includes staff-to-staff meetings, the Council recalled the importance of developing EU civilian and military crisis management capabilities in such a way that UN action may effectively benefit from EU contribution in the same field. To this end, contact has been made with the UN in order to identify areas for possible EU/UN cooperation, the importance of which calls for a proper framework for closer dialogue and consultation.

2. The Council looks forward to the establishment of more regular contacts at military experts level, making use of the existing contacts with the UN and, in particular, the EU Liaison Office in New York. Lessons learned and best practices should be exchanged on a mutually agreed basis as future operations and circumstances dictate. Further cooperation in future EU crisis management exercises and training activities should be envisaged.

The Council requested that the Secretary General/High Representative, in association with the Presidency, pursue discussions with the UN aimed at progressively establishing a practical framework of regular contact and consultation at all appropriate staff levels between the two organisations as outlined in paragraph 2.

3. In the civilian domain, the Council stressed that maximum use should be made of the existing contacts between the EU and the UN in particular through regular staff to staff relations both in Brussels and New York. Contacts should be intensified to improve cooperation further, in particular in training, EU exercises and, as appropriate, the exchange of best practices and lessons learned.

The Council recalls that the European Council in Göteborg set out options that allow the EU to co-operate with international organisations, including the UN, in the conduct of civilian crisis management operations. These options are as follows:

- a) National contributions to an operation led by international organisations, without any EU co-ordination;
- b) National contribution to such an operation, but following EU consultations aimed at e.g. identifying opportunities to pool resources;
- c) A co-ordinated EU contribution;
- d) A whole EU component in an operation under the overall lead of an international organisation;
- e) A EU-led operation with some components provided by international organisations;
- f) An autonomous EU operation (which could also precede or follow a UN operation, as in the case of EUPM).

The Council asked the Presidency, assisted by the Council Secretariat and in full association with the Commission, to take forward the necessary preparatory work to

develop modalities for practical co-operation with respect to the relevant options listed above, in close consultation with the UN and in view of a possible agreement between the EU and the UN on crisis management within the ESPD.

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

Africa

(...)

Democratic Republic of the Congo and the Great Lakes Region

Council conclusions

“The Council is pleased at the smooth conduct of operation Artemis, which has made it possible to stabilise the situation in Bunia and to carry out the mission set by Security Council Resolution 1484. The orderly return of families who had been driven out of Bunia and the improved working conditions of the humanitarian players show that security conditions have visibly improved. In his oral report to the Security Council, the Secretary-General/High Representative described the conduct of the mission and its positive outcome.

This military operation by the European Union represents further tangible evidence of the development of the European security and defence policy and of the European Union’s contribution to the international community’s efforts to promote stability and security in Africa.

As stipulated in United Nations Security Council Resolution 1484, the European Union mission will come to an end on 1 September 2003 to enable the reinforced MONUC to take over. Between now and 1 September the European force will have contributed to the deployment of the reinforced MONUC. The Council welcomes the excellent cooperation between the European Union and the United Nations in managing this crisis.

The Council emphasises that the European Union’s commitment will continue in other forms. It is prepared to support the proposals made by the UN Secretary-General in his report of 27 May 2003, notably in connection with the reinforcement of the MONUC.

With this in view, the European Union intends to take action in the following areas, in particular on the basis of the preparatory work undertaken by the Commission:

- technical and financial support for the Ituri Interim Administration;
- support for the Ituri Pacification Commission;

- support for the disarmament, demobilisation and reintegration process;
- preparation of a socio-economic rehabilitation programme for Ituri,
- launch of a local reconciliation process.

The Council welcomes the recent advances in the peace process in the Democratic Republic of the Congo, and in particular the setting up of the transitional government of national unity. It encourages that government to take the necessary steps to achieve the aims set out in the Pretoria Agreements in compliance with the principles of territorial integrity and national sovereignty. With reference to its conclusions of 27 January 2003, it underlines the European Union's determination to deploy all its instruments in support of the political process under way.

It accordingly asks the Secretary-General/High Representative and the Commission to consider the following measures:

- support for setting up an integrated police unit to guarantee the security of the provisional institutions in Kinshasa and, possibly, other measures in the police sector;
- increased support for the work of the International Committee for Support to the Transition (CIAT);
- a substantial contribution to the funding of aid, rehabilitation and development efforts in the DCR. In this context the Council welcomes the adoption on 9 July 2003 of a programme of strategic support for the DRC totalling EUR 205 million and invites the Commission to consider the possibility of other initiatives;
- support for the electoral process, leading to elections within the time limits set by the Pretoria Agreements.

The Council renews its condemnation of the repeated infringements of the cease-fire in the eastern part of the Congo, the systematic violence against civilians and the illegal exploitation of natural resources in the DRC. It would issue a reminder that the perpetrators of war crimes, crimes against humanity and genocide cannot go unpunished. It urges all the parties concerned to refrain from any act contrary to the cease-fire agreements and in particular to cease all support for the armed groups operating in the eastern part of the Congo. It expresses satisfaction at the diplomatic action which the Secretary-General/High Representative, assisted by the Special Representative, has taken to this end in the region. It backs the proposed embargo on arms destined for the Kivus and for Ituri.

The Council would lastly emphasise the importance of adopting a Security Council Resolution to enable the recommendations made by the UN Secretary-General on 27 May 2003 to be implemented. With this in mind, the Council asks the Secretary-General/High Representative and the Commission to submit to it proposals to:

- support the strengthening of the rule of law and the establishment of efficient judicial institutions;
- back UN action to bring to a halt the illegal exploitation of natural resources in the DRC;

- put a stop to trafficking in arms destined for the eastern part of the DRC;
- foster initiatives to ensure that those responsible for war crimes, crimes against humanity and acts of genocide committed in the DRC do not go unpunished.

The Council welcomes the fact that the United Nations and the African Union have produced a strategic plan for the region. It underlines the need for close coordination between action by the Member States of the European Union and action by the international community.

The Council also points to the need for the Member States to coordinate their political activities vis-à-vis the region, including within the Bretton Woods institutions, to ensure compliance with the Union's global objectives in the region.

The Council reiterates its support for the idea of an international conference on peace, security, democracy and development in the Great Lakes region under the auspices of the United Nations and the African Union and expresses satisfaction at the preparations which have been put in hand. It emphasises that one of the aims of such a conference should be to devise lasting solutions to the problems of the region, which are at the root of the present conflict. It also points out that the success of the conference depends on substantial progress being made in the context of the peace process in Burundi.

The Council expresses its determination to remain fully committed to the Great Lakes issue and asks the Secretary-General/High Representative to keep it informed of all activities undertaken by the Member States and the Union in the region.”

(...)

European Security and Defence Policy

Cooperation between the EU and the United Nations on crisis management: protection of civilians in EU-led crisis management operations

- “1. The Council recalls that one of the essential objectives of the European Union is to preserve peace and strengthen international security in accordance with the principles of the United Nations Charter, as well as to develop and strengthen respect for human rights and fundamental freedoms. It further recalls the EU's determination to enhance its capabilities in crisis management and conflict prevention, as well as to pursue cooperation with the UN in these areas.
2. The Council expresses its deep concern over the harmful and widespread impact of armed conflict on civilians, including women, children, refugees and internally displaced persons, and the long-term consequences this has for lasting peace, security and development. The Council underlines the EU's commitment to the promotion

and protection of the rights of the child, and recalls in this regard its conclusions of 16 June 2003.

3. The Council emphasises the importance of full compliance with the provisions of the United Nations Charter and relevant UN Security Council resolutions, as well as with applicable obligations under international humanitarian law, international human rights law and refugee law in EU-led crisis management operations.
4. The Council notes the UN's increasing focus in recent years on the conditions of civilians affected by armed conflict and commends the efforts to address this issue by the UN Security Council, the UN Secretary-General as well as other relevant offices and agencies of the United Nations. Note is also taken of the work of the relevant Special Representatives of the UN Secretary General in this field.
5. The Council also commends the role of the International Committee of the Red Cross (ICRC) in ensuring the protection of victims of armed conflict and internal violence as guardian of international humanitarian law. The Council reaffirms the importance it attaches to dialogue with the ICRC on these matters.
6. In the Council's endeavours to ensure that special protection, rights and assistance needs of civilians are fully addressed in all EU-led crisis management operations, the mandates, roles and principles governing the provision of protection and assistance to civilians by international and non-governmental organisations, as well as such organisations' obligations arising from applicable international law, shall be fully respected. The Council will furthermore ensure the appropriate co-ordination with such organisations.
7. The EU has been careful to ensure that due consideration has been given to the adherence to all applicable international norms and standards in the area of the protection of civilians in each of its current ESDP operations. Furthermore, the Council sees benefit in drawing up overarching guidelines to assist in ensuring that the EU has a coherent and consistent policy in this area. The Council therefore invites the competent bodies, drawing on the expertise of all relevant organisations, to develop a set of guidelines for a comprehensive and action oriented approach to the protection of civilians in the conduct of EU-led crisis management operations. In this context, the Council stresses the importance of aspects such as adequate training, disciplinary and accountability mechanisms for personnel deployed in EU-led crisis management operations, the mainstreaming of a strong child rights perspective and gender issues, and the needs of internally displaced persons and refugees."

(...)

EU-NATO concerted approach to the Western Balkans

Brussels, 29 July 2003

In the light of the experience being gained with Operation *Concordia*, the EU and NATO deepened their cooperation and dialogue on crisis management in the Western Balkans region. Already in 2002, at any rate, the Union had manifested its interest in taking over from NATO – within the framework of the ‘Berlin-plus’ arrangements – the follow-on operation to SFOR in Bosnia and Herzegovina.

FRAMEWORK FOR AN ENHANCED NATO-EU DIALOGUE AND A CONCERTED APPROACH ON SECURITY AND STABILITY IN THE WESTERN BALKANS

I. From conflict prevention to consolidating stability

1. NATO and the EU share a common vision for the future of the Western Balkans: self-sustaining stability based on democratic and effective government structures and a viable free market economy, leading to further rapprochement towards European and Euro-Atlantic structures.

2. Over many years the policy of the International Community towards the Western Balkans has been one of conflict prevention and enhancing stability. The strategic partnership between the EU and NATO in crisis management and the close co-operation with other international organisations, inter alia the UN, OSCE and CoE, has been key to bringing an end to conflict and stabilising the region. Peace has been brokered, refugees are returning and life for many has returned to normal. Democratic governments are in place and free and fair elections are becoming the norm throughout the region.

3. While much progress has been made, the task is not yet complete. The Western Balkans are still characterised by inter-ethnic tensions including cross-border effects. Economies are only slowly recovering and the pace of reforms needs to be accelerated. Organised crime and corruption bedevil governments and communities. Despite significant recent successes, some prominent indicted war criminals are still at liberty supported by criminal networks. The EU and NATO stress the obligation of full co-operation with ICTY, which remains an essential element for progress towards the EU and NATO. The political scene and state structures are still marred by the self-serving aspirations of criminals and extremists, as the assassination of late Prime Minister Zoran Djindjic depressingly illustrated. Whereas the responsibility remains with these countries, the EU and NATO are determined, within their respective framework, to continue assisting them in their own efforts to overcome these problems.

4. There is still much to be done before the countries of the region can realise their ambition of integration into the EU and NATO. Local ownership is key in this respect, as the necessary decisions towards this end can only be taken by the countries themselves.

5. The changes in the political and security situation in the region have consequences for activities led by the EU and NATO, causing both organisations to adapt within their respective frameworks. In addition to its ongoing peace-support operations, NATO's comprehensive outreach will continue to include, but need not be limited to, the Partnership for Peace Programme, the Membership Action Plan and the provision of assistance in the field of defence reforms. The EU has a fully integrated approach through the Stabilisation and Association Process (SAP) and will continue to play a key role in areas related, but not limited, to security, inter alia through the European Security and Defence Policy (ESDP).

II. A framework for an enhanced dialogue

6. The EU and NATO partnership has been key to bringing an end to conflict and stabilizing the region. NATO's effective military presence and the EU's increased engagement have contributed to strengthening regional security and continue to do so. NATO and EU activities are mutually reinforcing as illustrated by the close co-operation of both organisations over the last few years. The smooth transition from NATO's Operation "Allied Harmony" in the former Yugoslav Republic of Macedonia to Operation "Concordia", the first EU-led military operation with recourse to NATO assets and capabilities, is the latest illustration of the closeness of that co-operation, further consolidating the concerted approach between NATO and the EU.

7. Regional co-operation is a key element of the Stabilisation and Association Process, of Partnership for Peace and of the Stability Pact and will further enhance rapprochement with the European Union and NATO within their respective frameworks.

III. Core areas for a concerted approach on security and stability in the region

Conflict Prevention and Crisis Management

8. Despite the successes of the international community in addressing recent crisis situations such as Southern Serbia and the former Yugoslav Republic of Macedonia, unresolved issues and the need to further consolidate stability mean that there will still be a requirement for the presence of a military crisis management capability able to both pre-

vent and contain future crises. Some returning IDPs will still need security protection, particularly in Kosovo. A safe environment in support of local efforts to put in place the appropriate conditions for returns is crucial.

9. The EU and NATO will continue to consult closely on the situation in the Western Balkans and, when crises develop, will work together to resolve the situation and restore stability. In those cases where crises continue, NATO and the EU will exchange relevant information and keep each other regularly informed at all levels, including with regard to possible military options, in accordance with the agreements reached between the two organisations.

Defence and Security Sector Reform

10. Defence and security sector reform remains a key component for the countries of the region to move closer towards the EU and NATO. The EU's work in this field, notably on police reform and governance issues, on one hand, and NATO's work in this field, notably Partnership for Peace and Membership Action Plan activities, on the other, have already changed the security climate for the better and this work will continue to evolve. NATO and the EU will continue to work together in developing relevant new activities to meet the region's needs.

Strengthening Rule of Law

11. There is an urgent need for the countries of the region to focus more on Justice and Home Affairs issues, notably strengthening the rule of law and the judicial system with a particular focus on combating organised crime, corruption, illegal migration and trafficking in human beings, as well as building an effective and accountable police force and a robust and independent judiciary. Full co-operation with ICTY is also essential for the consolidation of well-functioning democratic institutions. Work on tackling organised crime is intensifying and commitments subscribed to in the framework of the Areas for Priority Action (APAs) outlined at the London Conference on Organised Crime need to be urgently implemented. Appropriate instruments must be in place to tackle crime and corruption at the very highest levels in society.

The Threat of Terrorism

12. Both NATO and the EU should help the countries of the region prevent any potential threat of terrorism in the region and enhance consultations on that matter. This will

involve assisting the countries in developing appropriate legislation, combating the financing of terrorist organisations, and developing police capacity to deter and combat terrorism.

Border Security and Management

13. Our goal is to ensure secure borders to European Union standards and close co-operation between border control police in the region, as well as with the military during the transitional period in specific parts of the region. The EU, NATO, the OSCE and the Stability Pact have been working jointly, particularly in the context of the May 2003 Ohrid Conference, to develop a coherent and concerted approach to border security and management in the Western Balkans, especially in the parts of the region where in exceptional cases and for temporary reasons military units are deployed.

Arms Control and Removal of Small Arms

14. Arms control is an essential instrument of stabilising the region. Small arms are widely available and the focus should continue on locating illegal weapons caches, removing weapons from circulation and disrupting their trafficking throughout the region. NATO and the EU will continue to consider mutually reinforcing measures and targeted programmes in this field, including by other international organisations.

IV. Ensuring close co-operation

15. The EU and NATO will continue to meet regularly at all levels, including making optimal use of existing consultation mechanisms (NAC/PSC, MC/EUMC, PCG/PMG) and, where appropriate, exchange documents. Security matters in the Western Balkans, including their respective advisory roles, should be a subject of regular information exchange and mutual briefings by both organisations. Meetings could also involve other organisations (e.g. the UN, the OSCE and the Stability Pact) when appropriate. Visits to the region, in particular by NATO SG Lord Robertson and HR/SG Dr Solana, should be concerted where possible. Joint statements by both Secretary-Generals on current security developments could also be considered.

Within this framework, NATO and the EU will continue to explore the scope for further initiatives.

Informal meeting of EU defence ministers

Rome, 29 August 2003

On the occasion of a meeting of EU defence ministers, the United Kingdom circulated a non-paper aimed at taking forward the discussion on the future of ESDP. In particular, the paper focused on relations with NATO and the modalities for setting up headquarters for military operations. As such, it was also part of the broader European debate triggered by the 29 April joint initiative of France, Germany, Belgium and Luxembourg.

BRITISH NON-PAPER 'FOOD FOR THOUGHT'

The UK welcomes the Presidency's initiative in convening this meeting and we welcome the emphasis in the 30 July non-paper on strengthening capabilities. In the UK view, the key components of a successful ESDP are: a coherent CFSP; capabilities (military and civil) to conduct successful operations; the political will to use them; and effective processes for crisis management. In this paper, therefore, we offer ideas on how to strengthen the EU's capacity for rapid and effective action, covering capabilities, operations and institutions.

CAPABILITIES

We all recognise the fundamental importance of capabilities; the achievement so far; and the need to do more. This meeting is not the place for a detailed examination of the issues, but we should aim for a concise, focussed discussion to establish consensus on taking forward the capabilities agenda this autumn:

- a) Closing the key capabilities gaps in the Headline Catalogue (securing new commitments; monitoring of progress against an agreed timetable);
- b) Developing the Headline Goal (new strategic context, as reflected in the European Security Strategy; revised Petersberg Tasks; rapid response; concurrency);
- c) Multi-national co-operation (encouraging member states to work together on a voluntary basis, including under the auspices of the Agency, to increase their capabilities in shortfall areas. The priority must be the ECAP and PCC initiatives. Joint commands, eg in airlift, could yield benefits once the assets themselves are in place);

- d) NATO/EU Capability development (adapting the DPQ; making the Capability Group operational; examining and encouraging progress in EU and NATO project groups);
- e) Capabilities: (taking forward and establishing the Agency, with the necessary focus - “capabilities-driven” as the IAG has agreed).

OPERATIONS

Operations are the test of a successful ESDP. 2003 has seen the launch of three operations, including, in Bunia, an autonomous one prepared and launched at short notice. We need to recognise what has worked well and identify and act on lessons learned. The UK would welcome discussion of:

- a) Anticipating crises: improving the EU’s ability to assess areas for potential engagement. The UK would like to see improved direction and co-ordination of the EU’s effort, perhaps through a cross-Pillar “virtual” task force approach under the SR/HG, bringing together the expertise of the Joint SITCEN, Policy Unit, other existing elements of the Council Secretariat and EUMS, and the Commission. This would give the Union a capacity to examine and anticipate opportunities, building on existing “horizon-scanning” work, to look at actual and potential conflicts: prospects for stabilisation and reconstruction, as well as crisis management. It would help strengthen civil-military coordination, support the Council’s efforts to take a holistic and strategic approach to conflict prevention, crisis management and reconstruction and allow prioritisation of the EU’s limited resources.
- b) Planning operations: the operational experience of 2003 validates the agreed arrangements for planning operations. In Macedonia, where NATO experience and assets were needed, a Berlin Plus operation was right. In Bunia, a national HQ, backed up by national resources and expertise and reflecting the leading role of the nation concerned in the operation, was right. ESDP’s key assets are: NATO’s machinery, to which the EU has automatic access; national HQs, capable of multinationalisation; and the EUMS strategic capacity. To develop this collective EUMS capacity, the UK proposes the creation of a dedicated EU planning cell at SHAPE, primarily to contribute to planning in the pre-decisional phase; working to DGEUMS, but operating transparently within SHAPE in its wider European role, including as reflected in DSACEUR’s responsibilities. We will provide further details on 29 August.

c) Strengthening HQ capacity: the UK chairs the ECAP Project Group on this issue. Work under way includes identifying and training “primary augmentees”, expert personnel who would be available to go to any national HQ acting as an EU OHQ. An EU cell at SHAPE could also play a role here. Augmentees enable all Partners to contribute experienced personnel directly to the operational level of command, while preserving the core role of a “live” national HQ in an EU OHQ. We see this as fundamental to the successful command and conduct of an operation. For this reason and given the cost and duplication involved in a permanent structure, the UK would not support a separate OHQ solely for autonomous EU operations. The Project Group is developing stronger links between EUMS, national HQs and SHAPE; and closer co-ordination between national HQs. These links will be tested in CME 04.

d) Working in partnership: ESDP involves co-operation with other international organisations. We should develop our ability to produce complementary strategies (e.g. with the OSCE on Moldova, NATO on the Western Balkans and the UN on DRC). Learning from EUPM and Bunia, we should examine how ESDP can better support UN objectives and operations. With NATO, we should make a reality of the strategic partnership, while enabling each organisation to play to its distinctive strengths, on a broad agenda covering cooperation in the Western Balkans, as agreed, including Bosnia; Capabilities; Mediterranean issues; terrorism; and WMD.

INSTITUTIONS

We regard the institutional arrangements agreed at Nice and the links to NATO agreed there and in Berlin Plus as the essential basis for ESDP. The test against which further institutional development must be judged is whether it would increase the EU’s capacity for rapid and effective action, while maintaining the fundamentals of the agreed EU/NATO relationship. The latter depends, of course, on a basis of extensive routine consultation at all levels. We need to do more, both institutionally and as nations, to promote and strengthen this.

The UK welcomes the proposals in the draft Treaty to modernise the Petersberg Tasks, which will clarify and expand the range of activities relevant to ESDP, and to develop the Agency, which should give focus and direction to the crucial capabilities area.

The UK welcomes the proposal for a solidarity clause to strengthen EU co-operation across the board in response to the new challenges posed by terrorist attacks and by other disasters. We also recall the agreement reflected in the Nice conclusions that NATO remains the basis of the collective defence of its members.

In considering proposals for different forms of co-operation, it is worth recalling that, using the Nice arrangements, the Council has shown itself able to plan, agree, launch and conduct two military operations, one in particular at short notice. Not all member states were involved militarily, but all took part in the decision-making and it was open to all to offer contributions, based on their national and multi-national capabilities. These operations demonstrate the flexibility and potential of the Nice arrangements. The UK is therefore against proposals which would fundamentally alter the balance achieved at Nice, especially any which would imply competition, rather than complementarity, with NATO. We believe the range of options available (from constructive abstention through to providing forces on the ground, with many intermediate stages: supporting but not participating; providing enablers; providing headquarters staff officers) will mean the Nice arrangements can work effectively in an EU of 25.

The current inclusive, flexible and transparent arrangements are proving their value in delivering an operationally effective and dynamic ESDP. We should now build on them together.

Armaments Agency

Brussels, 4 September 2003

The document reproduced below represents the first major step in setting up the Ad hoc Preparation Group to prepare the creation of an intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments.

THE COMMITTEE OF PERMANENT REPRESENTATIVES,

Having regard to Article 19(3) of the Council Rules of Procedure,

Whereas:

- (1) The European Council meeting at Thessaloniki on 19 and 20 June 2003 invited the Presidency, in association with the Secretary-General/High Representative, to take the work forward on the creation of an intergovernmental agency within the EU in the field of defence capabilities development, research, acquisition and armaments, taking into account the work of the Convention and the Intergovernmental Conference.
- (2) The Political and Security Committee is responsible, under the auspices of the Council, for the political direction of the development of military capabilities.
- (3) The Presidency has put forward a work plan to carry out this mandate and will, in the course of that work, take full account of the work of the Informal Advisory Group of representatives of the Ministers of Defence.
- (4) The conclusions of the Thessaloniki European Council state that the Agency should be subject to the Council's authority and that the necessary actions to establish it in the course of 2004 should be prepared by the appropriate bodies of the Council.
- (5) This work would benefit from a comprehensive approach involving expertise in all the areas foreseen by the conclusions of the Thessaloniki European Council on the Agency and that, for that purpose, it is necessary to institute an Ad hoc Group,

HAS DECIDED AS FOLLOWS:

Article 1

1. An Ad hoc Group to prepare the creation of the intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments (hereafter the Ad hoc Preparation Group) is hereby established in order to undertake the necessary actions towards creating, in the course of 2004, an intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments.
2. The Ad hoc Preparation Group shall work in close coordination with the Political and Security Committee, respecting the responsibilities given to this Committee, under the auspices of the Council, for the political direction of the development of military capabilities, and, through the Political and Security Committee, with the EU Military Committee.
3. The Ad hoc Preparation Group shall report to Coreper.

Article 2

1. The Ad hoc Preparation Group shall be composed of national representatives of the Member States. Member States shall ensure the effective involvement of their Ministries of Defence.

The Commission shall participate in the work of the Ad hoc Preparation Group.

The Ad hoc Preparation Group may, also, meet at the level of national representatives with expertise in the areas of the Agency's aims as set out by the European Council at Thessaloniki, namely: 'developing defence capabilities in the field of crisis management, promoting and enhancing European armaments cooperation, strengthening the European defence industrial and technological base and creating a competitive European defence equipment market, as well as promoting, in liaison with the Community's research activities where appropriate, research aimed at leadership in strategic technologies for future defence and security capabilities, thereby strengthening Europe's industrial potential in this domain'.

The Ad hoc Preparation Group shall also take into account the work of the Convention and the Intergovernmental Conference.

2. The Ad hoc Preparation Group will be reinforced, as appropriate, by representatives from the EU Military Committee and the Polarm Working Party, who may meet, in support of Agency's aims, also at the level of National Armaments Directors or their representatives.

Article 3

The Ad hoc Preparation Group shall cease to exist upon completion of its tasks as defined in Article 1(1).

Article 4

This Decision shall take effect on the day of its adoption. It shall be published in the *Official Journal of the European Union*.

Done at Brussels, 4 September 2003.
For the Committee of Permanent Representatives
The Chairman, U. Vattani

Joint meeting of the Committees on Foreign Affairs and Defence Policy of EU national parliaments

Brussels, 10 September 2003

SPEECH BY THE HIGH REPRESENTATIVE FOR THE CFSP, JAVIER SOLANA

Monsieur le Président,
Mesdames et Messieurs les députés,

C'est un réel plaisir de vous rencontrer de nouveau. Et je tiens d'emblée à vous remercier de cette invitation. Chacun de nous est bien conscient de l'importance de l'enjeu qui nous occupe aujourd'hui : la définition d'une Stratégie de Sécurité européenne fut le premier point que nous avons évoqué lors du Gymnich, ce week-end à Riva del Garda, avec les Ministres des Affaires étrangères. Dans quelques jours, à New York, l'Assemblée Générale des Nations Unies sera elle aussi l'occasion d'échanges sur ce thème avec cette fois nos grands partenaires.

Entre ces deux temps forts - le Gymnich et l'Assemblée Générale - qui rythment chaque rentrée diplomatique, il était pour moi particulièrement opportun d'avoir avec vous une discussion sur la question et de bénéficier de vos propres réflexions.

Si vous le voulez bien, je tâcherai d'apporter des éléments de réponse aux deux questions suivantes : Pourquoi définir aujourd'hui un concept stratégique européen ? Et quel contenu lui donner ?

En conclusion, je vous suggérerai d'explorer ensemble quelques pistes susceptibles d'éclairer nos discussions futures ainsi que la démarche qui sera la mienne jusqu'au Conseil européen de décembre.

Pourquoi définir aujourd'hui un concept stratégique européen ?

La question est légitime. Elle m'a encore récemment été posée par des journalistes qui soulignaient qu'après tout, un tel concept, si d'aventure nous réussissions à l'élaborer, ne réglerait pas tous nos problèmes en matière de sécurité.

Car c'est bien de cela dont il s'agit : identifier ensemble les menaces pour mieux être capables de faire face. Définir une grille de lecture européenne des défis de ce monde pour mieux garantir l'efficacité de notre système de sécurité collective. Voilà pour l'ambition !

Mais pourquoi maintenant ?

Là encore, on pourrait nous opposer qu'après tout l'Europe a progressé jusqu'à présent sans un tel concept. Et d'une certaine manière, c'est même en évitant tout débat doctrinal entre Etats membres que la PESC et la PESD ont pu avancer. Alors pourquoi cette ambition aujourd'hui ?

Parce que le choc du 11 septembre a révélé un monde plus complexe encore et des menaces plus grandes qu'on ne le redoutait. Parce qu'aussi avec la crise irakienne, l'Europe a dû faire face à un constat sans appel : divisée, l'Europe est condamnée à l'impuissance, alors même que devenant plus vaste, elle se doit de mieux assumer ses responsabilités mondiales.

Si l'on y prend garde, le monde change en laissant gagner un peu plus un nouveau désordre. Pour faire face, l'Europe doit donc s'adapter et être l'un des piliers de l'organisation d'un monde nouveau, plus solidaire et plus libre, plus juste et plus sûr, du monde qui finalement, est au cœur du projet européen.

L'aboutissement de l'élargissement constitue en soi une réponse aux nouveaux défis. En termes de stabilité politique et de sécurité économique notamment. La rédaction d'un projet de Constitution européenne elle aussi, et très bientôt le lancement d'une nouvelle Conférence intergouvernementale procèdent de la même volonté : mieux affirmer le projet politique européen.

Pour ce faire, il faut également veiller à ce que notre projet politique soit bien adapté au nouveau contexte stratégique. Tout autant qu'une ambition, la définition d'une Stratégie de Sécurité européenne est devenue une obligation pour l'Union.

En ce sens, nous parlons bien de franchir une nouvelle étape de la construction européenne. La mise au point d'un concept stratégique commun ne constitue plus un tabou : aurait-on écrit en 1999 que l'Union pourrait conduire une opération autonome en Afrique ? Définir un plan d'action contre les Armes de Destruction Massive ? S'attaquer avec les nouveaux outils au fléau du terrorisme international ? A ses manifestations les plus sanglantes comme à ses causes les plus profondes ?

L'objectif tracé par les Chefs d'Etat et de gouvernement à Thessalonique est clair : "contribuer sans relâche au renforcement et à la réorganisation tant des institutions de la gouvernance mondiale que de la coopération régionale, ainsi qu'à l'extension du champ d'application du droit international". Telle est l'ambition qui inspire la définition d'une Stratégie de Sécurité européenne dont ils m'ont confié la responsabilité.

Comme vous le savez, le Conseil européen de juin dernier s'est félicité de l'état d'avancement de notre réflexion. Il m'a chargé de prolonger les travaux jusqu'en décembre. Permettez moi donc de vous dire quelques mots sur le contenu actuel de la Stratégie de Sécurité.

Les nouvelles menaces dans un nouvel environnement de sécurité.

Une *restructuration des relations internationales* est en cours : la puissance américaine domine, mais aucun pays, seul, ne peut s'affronter à tous les problèmes; l'Europe s'affirme, mais ses succès restent contrastés; les autres grands acteurs mondiaux sont à la croisée; enfin tout en apportant plus de liberté et de prospérité, la globalisation, faute d'être pleinement maîtrisée, nourrit aussi de nouvelles frustrations.

Il n'en faut pas plus pour ouvrir le champ à de nouvelles combinaisons de menaces : terrorisme de masse capitalisant sur la persistance de conflits régionaux et de leur lot de misères; organisations criminelles s'appropriant des armes de destruction massives, en les dérochant ou en bénéficiant de la complicité d'Etats voyous ou de l'effondrement de structures étatiques; collusion entre fondamentalismes religieux, mafias internationales et cyber-terrorisme. Malheureusement, les risques sont devenus réels.

Les objectifs stratégiques de l'Union.

Il nous faut donc trouver des parades adaptées et globales. L'Union européenne veut faire la différence en se fixant trois objectifs.

Conformément au souci de développer une véritable vision stratégique pour l'Europe élargie, *le premier objectif* vise à étendre la zone de sécurité autour de l'Europe, à créer un cercle de bonne gouvernance sur nos frontières orientales - des Balkans au Caucase - et sur le pourtour de la Méditerranée.

Le deuxième objectif ambitionne de favoriser l'émergence d'un ordre international plus stable et plus équitable - les conflits régionaux autant que les injustices et les frustrations attisent le terrorisme -, de renforcer l'efficacité du système des Nations Unies et du multilatéralisme - la prolifération des armes de destruction massive n'est jamais plus dangereuse que lorsque la communauté internationale est désunie. En clair, il s'agit d'être prêts à agir en conséquence lorsque les principes de la Charte des Nations Unies sont bafoués.

Le troisième objectif consiste à opposer des parades efficaces aux menaces. Cela suppose d'appréhender leur éloignement autant que leur complexité - songeons aux liens entre la culture du pavot en Afghanistan et les attaques du 11 septembre, entre la fragilité des nouvelles démocraties balkaniques et l'expansion des réseaux criminels locaux. Cela exige d'anticiper et de prévenir la concrétisation des menaces en utilisant toute la panoplie d'outils, en développant une politique systématique d'engagement préventif - en Macédoine ou au Congo; en Bosnie ou dans le sud Caucase.

Les implications politiques pour l'Europe.

Pour satisfaire ces objectifs, il est impératif que l'Europe développe une vraie culture stratégique. En débouchant sur davantage de ressources pour notre effort de défense et leur utilisation plus rationnelle, elle lui permettra d'être plus capable.

Sur le plan militaire d'abord :

- en mobilisant davantage de ressources - 25 Etats européens qui dépensent chaque année 160 milliards d'euros pour la défense doivent être à même de fournir des capacités plus performantes,
- en ayant également une définition commune des besoins et des procédures d'acquisition des capacités - c'est tout le bénéfice qu'on peut attendre de la création d'une Agence de développement et d'acquisition des capacités militaires.

Sur le plan des moyens civils aussi. L'expérience démontre qu'ils sont indispensables au succès d'une gestion de crise.

Sur le plan diplomatique enfin. Il s'agit de renforcer notre appareil en combinant mieux les atouts de l'Union et des Etats membres. Améliorer nos capacités d'action nous permettra d'envisager un éventail de missions plus large, adapté aux exigences des nouvelles tâches de sécurité et à nos ambitions dans ce domaine.

Etre plus cohérent également. L'Union européenne est la seule organisation régionale qui dispose d'une panoplie d'instruments aussi large (politiques et diplomatiques, économiques et financiers, policiers et militaires). Une meilleure synergie doit être recherchée dans l'utilisation de ces instruments, mais aussi entre eux et ceux des Etats membres.

Permettez-moi en évoquant cette question de la cohérence de l'action extérieure de vous dire un mot au sujet de la Conférence intergouvernementale.

Il n'y a pas de lien direct ou organique entre l'élaboration de la Stratégie de Sécurité et la CIG. Mais il est évident qu'elles constituent, ensemble, les deux faces, l'une politique, l'autre institutionnelle, d'une même réalité : quel rôle pour quelle Europe? La définition d'un concept stratégique implique d'identifier nos objectifs politiques, notre cadre doctrinal commun. La CIG et la nouvelle Constitution devront nous donner les moyens institutionnels de nos ambitions ainsi exprimées. Je pense ici naturellement à la PESD, mais aussi à l'articulation de notre action extérieure avec celle en matière de Justice et d'Affaires intérieures.

Etre plus actif, capable et cohérent. Cela ne suffirait pas si nous ne réussissions pas dans le même temps à renforcer nos relations avec nos partenaires stratégiques. Une meilleure *coopération* avec eux reste la clef d'un multilatéralisme plus efficace.

Les Etats-Unis d'abord. Le lien transatlantique est irremplaçable. De sa force dépend une bonne partie de la sécurité du monde. Les Etats-Unis en sont eux-mêmes conscients.

En témoigne la manière dont ils saluent notre objectif d'une Stratégie de Sécurité européenne. Ce signal doit nous inviter à faire preuve de volontarisme, mais aussi naturellement de pragmatisme : la relation transatlantique ne peut fonctionner que si elle est équilibrée. C'est à ce prix seulement qu'elle est opérationnelle et permet de lutter efficacement contre les menaces.

L'OTAN reste l'une des expressions principales de cette relation. Américains et Européens doivent donc continuer de veiller à développer et à renforcer les liens entre l'Alliance et l'Union.

De ce point de vue, Prague a été un rendez-vous important - nous y avons préparé l'adoption des arrangements de Berlin Plus et le lancement de l'opération en Macédoine. A Istanbul, l'année prochaine, je n'en doute pas, la Stratégie européenne de Sécurité sera saluée comme un nouvel élément clef de cette relation.

Une Europe plus forte dotée d'une vision stratégique commune, c'est également une Europe capable de consolider ces relations avec les autres grands partenaires - la Russie bien sûr, mais aussi le Japon, la Chine, l'Inde et l'Amérique latine au nom de la lutte contre la prolifération et le terrorisme par exemple. C'est enfin une Europe capable d'accompagner les autres grands pôles - l'Afrique et évidemment le monde arabe en ce moment plus que jamais - dans leur quête de stabilité et de développement. Telles sont les ambitions qui gouvernent la rédaction de la Stratégie de Sécurité de l'Union.



Je conclurai en vous indiquant ici quelle sera la démarche concrète jusqu'au Conseil européen de décembre. La Stratégie sera adoptée à la fin de l'année par les Chefs d'Etat et de gouvernement. En même temps, elle devra rester un document bref et surtout compréhensible du grand public. J'y veillerai. Conservant la responsabilité de la rédaction, il me reviendra aussi d'enrichir le document existant à partir des contributions que les Etats membres sont en train de m'adresser, mais également grâce au débat attendu des trois prochains séminaires qui seront consacrés à la Stratégie de Sécurité.

A Rome, avec l'Institut Aspen, le 19 septembre, il s'agira de réfléchir à la définition des menaces. A Paris, avec l'Institut des Etudes Stratégiques, les 6 et 7 octobre, à l'efficacité du multilatéralisme et à l'extension de la zone de sécurité autour de l'Europe. A Stockholm enfin, avec l'Institut suédois pour les Affaires internationales, le 20 octobre, aux questions de cohérence, de capacités et de coopération avec nos partenaires.

Dans le même souci d'un débat libre et ouvert, je ne verrais que des avantages, ce matin, à ce que vous me fassiez part de vos propres commentaires sur les grandes questions stratégiques que se pose aujourd'hui l'Europe. Ces questions, vous les connaissez. Nous venons de les passer en revue : quelles sont les menaces du XXIème siècle ?

Comment s'attaquer à leurs causes profondes ? Comment s'assurer que le système de sécurité collective défini depuis 1945 reste pertinent et efficace ? Comment renforcer les formules européennes en matière d'alerte, de prévention et de gestion de crises ? Comment garantir la meilleure efficacité possible des instruments existants et de ceux en devenir ?

Ce n'est certes pas aujourd'hui et en si peu de temps que nous trouverons toutes les réponses. Mais notre conviction dans le projet européen et notre détermination à le voir aboutir sont autant de gages de succès, j'en suis sûr. Ne serait-ce que parce que nous n'avons plus le choix.

Je vous remercie.

Joint Declaration of the United Nations and the EU on Cooperation in Crisis Management

New York, 24 September 2003

The document reproduced below represented a further step in the ongoing cooperation between the two organisations. Far from being a final product, it aimed at summarising the state of play and prospects in the wake especially of the experiences gained with EUPM in Bosnia and Herzegovina and *Artemis* in the Democratic Republic of Congo, which had been terminated only a few weeks earlier.

The Secretary-General of the United Nations and the Presidency of the Council of the European Union welcome the existing co-operation between the United Nations and the European Union in the area of civilian and military crisis management, in particular in the Balkans and in Africa. In order to deepen this co-operation and provide it with reliable and sustainable mechanisms, the Secretary-General of the United Nations and the Presidency of the Council of the European Union have agreed to the following joint Declaration:

1. The United Nations and the European Union are united by the premise that the primary responsibility for the maintenance of international peace and security rests with the United Nations Security Council, in accordance with the United Nations Charter. Within this framework, the European Union reasserts its commitment to contribute to the objectives of the United Nations in crisis management.
2. The United Nations and the European Union recognise that the past year saw great progress in tangible co-operation between them in crisis management areas, specifically the hand-over of responsibilities from the United Nations International Police Task Force to the European Union Police Mission in Bosnia and Herzegovina; the rapid deployment at the request of the Security Council, of the European Union Military Operation in the Democratic Republic of Congo (*Artemis*); and the active consideration by the European Union of ways to assist in the establishment of an Integrated Police Unit in Kinshasa to provide security to the transitional government and institutions.
3. Further practical steps should be taken to build on the momentum of the positive co-operation between the United Nations and the European Union. To this end, the United Nations and the European Union agree to establish a joint consultative mechanism at the working level to examine ways and means to enhance mutual co-ordination and compatibility in the following areas:

- **Planning:** including reciprocal assistance in assessment missions and greater contact and co-operation between mission planning units, specifically with regard to logistical resource allocation and inventory as well as interoperability of equipment.
- **Training:** the establishment of joint training standards, procedures and planning for military and civilian personnel; the synchronisation of pre-deployment training for civilian police, military liaison officers and military observers; and the institutionalisation of training seminars, conferences and exercises.
- **Communication:** greater co-operation between situation centers; exchange of liaison officers whenever required (military, civilian police, situation center, political/headquarters officials); establishment of desk-to-desk dialogue through the respective liaison offices in New York and Brussels.
- **Best practices:** regularised and systematic exchange of lessons learned and best practices information, including sharing of information on mission hand-over and procurement.

Done at United Nations Headquarters on 24 September 2003 in duplicate originals, in the English language, both being equally authentic.

Signed for the United Nations:
Kofi A. Annan
Secretary-General

Signed for the European Union:
Silvio Berlusconi
Presidency of the Council of the
European Union

General Affairs and External Relations Council

Brussels, 29 September 2003

As a follow-up to Operation *Concordia*, which was about to terminate, the government of FYROM and the EU agreed to set up a police operation (*Proxima*) aimed at further consolidating the peaceful coexistence of the different ethnic communities in the country.

CONCLUSIONS

(...)

European Security and Defence Policy

European Union police mission in the Former Yugoslav Republic of Macedonia (EUPOL “Proxima”)

The Council adopted the following Conclusions:

“In the framework of an overall enhanced EU role in policing in the former Yugoslav Republic of Macedonia, the Council today decided to establish a Police Mission (EUPOL) in the country, entitled ‘Proxima’. This decision follows an invitation from Prime Minister Crvenkovski. The mission will support the development of an efficient and professional police service and promote European standards of policing, thus complementing the work of the OSCE in this field. EU police personnel will start deploying in December 2003. Under the EU Special Representative in the former Yugoslav Republic of Macedonia and in partnership with the government authorities, EU police experts will monitor, mentor, and advise the country’s police, thus helping to fight organised crime more effectively and consolidate public confidence in policing. Experts will be drawn from a number of different policing fields in order to offer a wide range of police expertise.

‘Proxima’ is part of the EU’s commitment to help normalise the situation in the former Yugoslav Republic of Macedonia following the Ohrid Framework Agreement of 2001 and is in line with the Stabilisation and Association Process for the region.”

Operation Artemis

The Council adopted the following Conclusions:

“The Council welcomes the successful outcome of operation Artemis, which has achieved the objectives assigned it by the United Nations Security Council Resolution 1484. The situation in Bunia has been stabilised and the United Nations has been able to deploy a reinforced MONUC contingent there. The operation has also created an environment in which the peace process and the establishment of transitional institutions can pass off smoothly in Kinshasa.

The Council would emphasise that the European Union has thus been able to make a specific contribution to the United Nations’ aims in the region, by responding swiftly and effectively to the call issued by the United Nations Secretary-General.

The Council thanks the framework nation and the 17 countries which contributed to the multinational force. It expresses its gratitude to the military and civilian personnel who helped to make a success of the operation.

The Council highlights the importance of learning from this operation, together with all parties concerned, in particular the United Nations. It asks the Political and Security Committee to report back at an early opportunity on the lessons to be learned from the operation.

The Council would point out that, following the end of the operation, the European Union remains involved in to the Democratic Republic of the Congo and in the Great Lakes region as a whole. It will continue to lend its active support to the peace process and reconstruction in the country, with the implementation of the conclusions adopted on 21 July 2003.”

Declaration by the EU and the UN on cooperation in crisis management

The Council adopted the following Conclusions:

“The Council welcomes the signing in New York on 24 September 2003 of a joint declaration between the European Union and the United Nations on cooperation between the two in crisis management.

Drawing on experience of the policing operation in Bosnia and of operation Artemis in the Democratic Republic of the Congo, that declaration provides a framework for the development of practical initiatives to facilitate interchange between the two organisations through the establishment of information and consultation mechanisms.

The Council reaffirms the European Union’s commitment to help achieve United Nations objectives in crisis management. The aim of the joint declaration is to increase

the effectiveness of support accordingly provided by the European Union under the ESDP.

The Council asks the Secretary-General/High Representative to continue talks with the United Nations in order to ensure that the cooperation mechanisms envisaged in the declaration of 24 September 2003 are swiftly put into practice.”

NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

In the framework of the follow-up to the Thessaloniki Declaration and the Basic Principles for an EU Strategy against Proliferation of Weapons of Mass Destruction, the Council took note of the oral presentation by the Presidency on the implementation of the Action Plan against the Proliferation of WMD, welcomed the progress already made, and encouraged the Coreper, the PSC and the relevant working groups to pursue the work on all the measures of the Action Plan, as well as on the coherent EU strategy to address the threat of proliferation asked for by the European Council of Thessaloniki.

(...)

Police Mission in FYROM (*Proxima*)

29 September 2003

COUNCIL JOINT ACTION ON THE EUROPEAN UNION POLICE MISSION IN THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA (EUPOL 'PROXIMA')

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14, Article 25, third paragraph, Article 26 and Article 28(3) thereof,

Whereas:

- (1) Pursuant to the Ohrid Framework Agreement, the Union's contribution is based upon a broad approach with activities to address the whole range of rule of law aspects, including institution building programmes and police activities which should be mutually supportive and reinforcing. The activities of the Union, supported, inter alia, by the Community's institution building programmes under the CARDS Regulation, will contribute to the overall peace implementation in the Former Yugoslav Republic of Macedonia as well as to the achievements of the Union's overall policy in the region, notably the stabilisation and association process.
- (2) The Union appointed a European Union Special Representative (EUSR) to contribute to the consolidation of the peaceful political process and the full implementation of the Ohrid Framework Agreement, to help to ensure the coherence of the EU external action and to ensure coordination of the international community's efforts to help in the implementation and sustainability of the provisions of that Framework Agreement.
- (3) The UN Security Council Resolution 1371 (2001) adopted on 26 September 2001 welcomes the Framework Agreement and supports its full implementation by the efforts of, inter alia, the EU.
- (4) In the interest of preserving and building upon the significant results achieved in the Former Yugoslav Republic of Macedonia through a considerable commitment of EU political effort and resources, the EU is to enhance its role in policing to further contribute to a stable secure environment to allow the Former Yugoslav Republic of Macedonia government to implement the Ohrid framework agreement.
- (5) The current security situation in the Former Yugoslav Republic of Macedonia is sta-

ble but may deteriorate with potentially serious repercussions on international security. A commitment of EU political effort and resources will help to embed stability in the region.

- (6) On 16 September 2003, the authorities of the Former Yugoslav Republic of Macedonia invited the EU to assume responsibility for an enhanced role in policing and the deployment of an EU Police Mission (EUPOL 'Proxima'). An agreement will need to be concluded to this end between the authorities of the Former Yugoslav Republic of Macedonia and the EU.
- (7) Operations EUPOL 'Proxima' and Concordia must be considered as separate operations, subject to separate decisions.
- (8) The Political and Security Committee should exercise political control of and provide strategic direction to EUPOL 'Proxima', including the planning team, and take the relevant decisions in accordance with Article 25, third subparagraph of the Treaty on the European Union (TEU). The Political and Security Committee (PSC) should be informed on a regular basis on all aspects of the mission, including through briefings by the EUSR and the Head of Mission/Police Commissioner as necessary.
- (9) In conformity with the guidelines of the European Council meeting at Nice on 7 to 9 December 2000, this Joint Action should determine the role of the Secretary-General/High Representative (SG/HR) in accordance with Articles 18 and 26 of the TEU in the implementation of measures falling within the political control and strategic direction exercised by the PSC, in accordance with Article 25 of the TEU.
- (10) Third States should participate in the operation in accordance with the guidelines laid down by the European Council at Nice.
- (11) Article 14(1) of the TEU calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action; the indication of amounts to be financed by the Community budget illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Mission

1. The European Union hereby establishes a European Union Police Mission (EUPOL 'Proxima') comprised of a planning team to be established not later than 1 October and an operational phase starting from 15 December 2003 at the latest.
2. EUPOL 'Proxima' shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in Article 3.

Article 2

Planning phase

1. During the planning phase, the Planning Team shall comprise a Police Head of Mission/Head of the Planning Team and the necessary staff to deal with functions ensuing from the needs of the mission.
2. A comprehensive risk assessment will be carried out as a priority in the planning process and may be updated as necessary.
3. The General Secretariat of the Council shall elaborate the Concept of Operations (CONOPS) with the assistance of the Police Head of Mission/Head of the Planning Team. The Planning Team shall subsequently draw up the Operation Plan (OPLAN) and develop all technical instruments necessary to execute EUPOL 'Proxima'. CONOPS and OPLAN will take into account the comprehensive risk assessment. The Council shall approve the CONOPS and the OPLAN.
4. The Planning Team shall work in close cooperation with the OSCE.
5. As from 15 December 2003, the Police Head of Mission/ Head of the Planning Team shall become Head of Mission/ Police Commissioner as set out in Article 5.

Article 3

Mission statement

EUPOL 'Proxima', in line with the objectives of the Ohrid Agreement, in strong partnership with the relevant authorities, and within a broader rule of law perspective shall, in full coordination and complementarity with Community institution building as well as OSCE and bilateral programmes, support, including through monitoring and mentoring, as appropriate:

- the consolidation of law and order, including the fight against organised crime, focussing on the sensitive areas,
- the practical implementation of the comprehensive reform of the Minister of Interior, including the police,
- the operational transition towards, and the creation of a border police, as a part of the wider EU effort to promote integrated border management,
- the local police in building confidence within the population,
- enhanced cooperation with neighbouring States in the field of policing.

Article 4

Structure

EUPOL 'Proxima' shall in principle be structured as follows:

- (a) headquarters in Skopje, composed of the Head of the Mission/Police Commissioner and staff as defined in the OPLAN;
- (b) one central co-location unit at the Ministry of Interior level;
- (c) some units co-located within the Former Yugoslav Republic of Macedonia at appropriate levels.

Article 5

Head of Mission/Police Commissioner

1. The Council, upon a proposal by the SG/HR, shall appoint a Head of Mission/Police Commissioner. The Head of Mission/Police Commissioner shall exercise Operational Control (OPCON) over EUPOL 'Proxima' and assume the day-to-day management of EUPOL 'Proxima' operations.
2. The Head of Mission/Police Commissioner shall sign a contract with the Commission.
3. All police officers shall remain under full command of the appropriate national authority. National authorities will transfer Operational Control (OPCON) to the Head of EUPOL 'Proxima'.
4. The Head of Mission/Police Commissioner shall be responsible for disciplinary control over the personnel. For seconded personnel, disciplinary action shall be exercised by the national or EU authority concerned.

Article 6

Staff

1. The numbers and competence of EUPOL 'Proxima' staff shall be consistent with the

- mission statement set out in Article 3 and the structure set out in Article 4.
2. Police officers shall be seconded by Member States. The minimum period of secondment should be one year. Each Member State shall bear the costs related to the police officers seconded by it, including salaries, medical coverage, allowances other than per diems, and travel expenses to and from the Former Yugoslav Republic of Macedonia.
 3. International civilian staff and local staff shall be recruited on a contractual basis by EUPOL 'Proxima' as required.
 4. Contributing States or Community institutions may also, if required, second international civilian staff, for a minimum period of one year. Each contributing State or Community institution shall bear the costs related to any of the staff seconded by it including salaries, medical coverage, allowances other than per diems, and travel expenses to and from the Former Yugoslav Republic of Macedonia

Article 7

Chain of command

The structure of EUPOL 'Proxima' as part of the broader EU Rule of Law approach in the Former Yugoslav Republic of Macedonia shall have a unified chain of command, as a crisis management operation.

- The European Union Special Representative (EUSR) shall report to the Council through the SG/HR.
- The Political and Security Committee shall provide the political control and strategic direction.
- The Head of Mission/Police Commissioner shall lead EUPOL 'Proxima' and assume its day-to-day management.
- The Head of Mission/Police Commissioner shall report to the SG/HR through the EUSR.
- The SG/HR shall give guidance to the Head of Mission/ Police Commissioner through the EUSR.

Article 8

Political control and strategic direction

1. The Political and Security Committee shall exercise under the responsibility of the Council the political control and strategic direction of the mission. The Council

hereby authorises the Political and Security Committee to take the relevant decisions in accordance with Article 25 of the TEU. This authorisation shall include the powers to amend the operation plan, the chain of command and the rules of engagement. The powers of decision with respect to the objectives and termination of the operation shall remain vested in the Council, assisted by the Secretary-General/High Representative.

2. The Political and Security Committee shall report to the Council at regular intervals.
3. The Political and Security Committee shall receive reports by the Police Head of Mission regarding the conduct of the mission at regular intervals. The Political and Security Committee may invite the Police Head of Mission to its meetings as appropriate.

Article 9

Participation of third States

1. Without prejudice to the decision-making autonomy of the EU and the single institutional framework of the Union, Acceding States are invited and other third States may be invited to contribute to EUPOL 'Proxima' on the basis that they bear the cost of sending the police officers and/or the international civilian staff seconded by them, including salaries, allowances and travel expenses to and from the Former Yugoslav Republic of Macedonia, and contribute to the running costs of EUPOL 'Proxima' as appropriate.
2. Without prejudice to the decision-making autonomy of the European Union and the Single Institutional Framework, third States may be invited to participate in the operation.
3. The Council hereby authorises the PSC to take, upon the recommendation of the Police Head of Mission and the Committee for Civilian Aspects of Crisis Management, the relevant decisions on acceptance of the proposed contributions.
4. Third States making contributions to EUPOL 'Proxima' shall 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.
5. The PSC shall take appropriate action with regard to participation arrangements and shall, if required, submit those to the Council, including on possible financial participation from third States in the common costs.
6. Detailed arrangements regarding the participation of Third States shall be subject of an agreement, in conformity with Article 24 of the Treaty on European Union. The Secretary-General/High Representative assisting the Presidency may negotiate such arrangements on its behalf.

Article 10

Financial arrangements

1. The costs for the implementation of this Joint Action shall be:
 - (a) a maximum amount of EUR 7,3 million for start-up costs of the mission;
 - (b) a maximum of EUR 650 000 for running costs for 2003, including per diems of EUR 100 per person for 2003;
 - (c) a maximum of EUR 7,056 million for running costs for 2004, not including per diems, all to be financed out of the Community budget.

The financing of per diems for 2003 out of the CFSP budget shall not prejudice their amount and the modalities for their financing for 2004 and following years.

The final amount for the year 2004, including the modalities of financing per diems, shall be decided by the Council in December 2003.
2. As regards expenditure financed out of the Community budget, the following shall apply:
 - (a) expenditure shall be managed in accordance with the European Community rules and procedures applicable to the budget, with the exception that any pre-financing shall not remain the property of the Community. Nationals of third States shall be allowed to tender for contracts;
 - (b) the Head of the Planning Team/Police Commissioner shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.
3. The financial arrangements shall respect the operational requirements of EUPOL 'Proxima', including compatibility of equipment and interoperability of its teams.

Article 11

Community action

1. The Council notes the intention of the Commission to direct its action towards achieving the objectives of this Joint Action, where appropriate, by relevant Community measures.
2. The Council also notes that coordination arrangements are required in Skopje as well as in Brussels.

Article 12

Release of classified information

1. The Secretary-General/High Representative is authorised to release to NATO/KFOR and to the third parties associated with this Joint Action, EU classified information and documents up to the level 'CONFIDENTIEL UE' generated for the purposes of the operation, in accordance with the Council's security regulations.
2. The Secretary-General/High Representative is also authorised to release, in accordance with the operational needs of the Mission, to the OSCE EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the operation, in accordance with the Council's security regulations. Local arrangements will be drawn up for this purpose.
3. In the event of a specific and immediate operational need, the Secretary-General/High Representative is also authorised to release to the host State EU classified information and documents up to the level 'CONFIDENTIEL UE' generated for the purposes of the operation, in accordance with the Council's security regulations. In all other cases, such information and documents shall be released to the host State in accordance with procedures appropriate to the host State's level of cooperation with the European Union.
4. The Secretary-General/High Representative is authorised to release to third parties associated with this Joint Action EU non-classified documents related to the deliberations of the Council with regard to the operation covered by the obligation of professional secrecy pursuant to Article 6(1) of the Council Rules of Procedure.

Article 13

Status of staff of EUPOL 'Proxima'

1. The status of EUPOL 'Proxima' staff in the Former Yugoslav Republic of Macedonia, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUPOL 'Proxima' shall be agreed in accordance with the procedure laid down in Article 24 of the Treaty on European Union. The Secretary-General/High Representative assisting the Presidency may negotiate such arrangement on its behalf.

2. The State or Community institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The State or Community institution in question shall be responsible for bringing any action against the secondee.

Article 14

Entry into force, duration

This Joint Action shall enter into force on the date of its adoption and shall expire on 14 December 2004.

Article 15

Publication

This Joint Action shall be published in the *Official Journal of the European Union*.

Done at Brussels, 29 September 2003.

For the Council

The President, F. Frattini

Informal meeting of EU defence ministers

Rome, 3-4 October 2003

REMARKS BY JAVIER SOLANA, HIGH REPRESENTATIVE FOR THE CFSP

Capabilities

- We are entering a crucial phase in European capabilities development. In 2003, we can identify the forthcoming confluence of:
 - enlargement,
 - work on the European Constitution,
 - continuation of the capabilities development process beyond the 2003 HELSINKI Headline Goal,
 - the EU's inaugural experiences in live operations,
 - work on a European Security Strategy.

- I fully support the call for the Union to develop a strategic culture that favours early, rapid and, where necessary, robust intervention. Concerning the development of a new capabilities objective this means that we should consider the following imperatives:
 - to identify our common strategic objectives, challenges and threats, building on the European Security Strategy (ESS);
 - to shift emphasis *from quantity to quality*, both in terms of force contributions and in terms of assessment;
 - to ensure that forces declared are, in every sense, usable in real operations;
 - to continue to provide a strong impetus for transformation towards agile, flexible, deployable and sustainable forces;
 - to ensure that *we are able to work seamlessly together* and with key strategic partners.

- Il nous faudra développer cet horizon ensemble en vue d'un objectif de moyen terme pour 2010 Cette dimension temporelle nous offre le plus de possibilités de coopération et de synergie entre les efforts des États membres et nous donne le plus de flexibilité budgétaire.

- Dans ce cadre, la référence aux aspects qualitatifs est centrale. La "convergence globale" en matière d'intéropérabilité est un objectif qui pourra jouer un rôle primordial dans le développement capacitaire de l'Union.

- ▶ Ces éléments devront être vus à la lumière des travaux sur la création de l'Agence dans le domaine du développement des capacités de défense, de la recherche, des acquisitions et de l'armement.
- ▶ Dans le cadre de ce processus il ne faudra pas perdre de vue nos objectifs fixés à Helsinki et les lacunes actuelles. Nous devons continuer nos efforts dans la réduction des lacunes restantes.
- ▶ Nos opérations nous conduisent, même quand elles sont comme l'a été Artemis un grand succès, à mesurer l'importance des capacités.

EU/NATO relations

Capacités militaires

- ▶ Toutes les conditions sont réunies pour avoir une bonne coopération et une transparence entre l'UE et l'OTAN dans le domaine des capacités militaires. Le Mécanisme de développement des capacités est en place et le groupe UE-OTAN des capacités a commencé ses travaux de manière constructive. We need to get the European Capabilities Action Plan (ECAP) groups and the Prague Capabilities Commitment (PCC) groups to work towards mutually reinforcing development of EU and NATO capabilities.

NATO Response Force / EU Rapid Reaction Force

- ▶ Les capacités de réaction rapide sont cruciales pour une gestion de crise efficace.
- ▶ Compte tenu de leur coût, les forces de réaction rapide disponibles pour l'Union européenne et pour l'OTAN seront largement constituées à partir d'un réservoir de force unique fourni par les Etats membres. Il est donc important de tirer le maximum de synergies des efforts respectifs des deux organisations en matière de réaction rapide.

Bosnia and Herzegovina

- ▶ The European Council has already indicated the Union's willingness to lead a military operation in Bosnia following SFOR. Such an EU-led military operation would be with recourse to Berlin-plus.

- We achieved a common vision for the region with the agreed EU-NATO framework for the Western Balkans. With Concordia (fYROM), we have demonstrated through practice that the EU-NATO cooperation works. So let us keep looking ahead to the future.

Operations

Artemis (RD Congo)

- Notre opération en Ituri a été un succès à plusieurs points de vue:
- Sur le terrain, la sécurité est revenue dans la ville (ce qui a permis le retour des réfugiés, le redémarrage de l'activité économique, la consolidation de l'autorité intérimaire de l'Ituri, et l'accroissement du rayon d'action des ONG au-delà de la ville).
- Les conditions permettant le déploiement d'une présence renforcée de la MONUC, avec un mandat et des règles d'engagement plus forts ont été créées. La transition des responsabilités entre la force ARTEMIS et la MONUC s'est faite dans de très bonnes conditions.
- Au-delà de Bunia, la stabilisation de la situation a eu un impact très positif sur le déroulement du processus de paix et la mise en place des institutions de la transition à Kinshasa.
- Enfin l'Union européenne a montré qu'elle pouvait lancer rapidement des opérations autonomes. Quelques points méritent en particulier d'être soulignés :
 - Capacité de prendre très rapidement les décisions nécessaires au lancement de l'opération (moins de 14 jours entre la résolution du Conseil de Sécurité et le déploiement des troupes sur le terrain).
 - Mise en place de structures de commandement réellement multinationalisées.
 - Excellente coopération entre tous les acteurs concernés pendant l'opération, qui a permis une approche réellement intégrée de la crise.
 - Capacité de l'Union européenne d'accompagner son effort militaire par d'autres actions (financières, diplomatique, politique, ou dans le domaine de la police). Cette approche globale de l'UE a eu des résultats positifs.
 - Excellentes relations établies avec les Nations Unies pendant l'opération militaire. L'Union européenne a montré que le développement de la PESD, loin de se faire au détriment des capacités des Nations Unies en matière de maintien de la Paix, pouvait être un outil efficace pour permettre à l'UE de soutenir les Nations Unies.

fYROM - Concordia / Proxima (Police)

- ▶ The Council on Monday got planning for the police mission PROXIMA underway. The mission, set to deploy in December in Macedonia, is not a follow on mission or replacement for CONCORDIA. Its mandate, size, means and tasks are different.
- ▶ The launch now of a police mission is a good example of how the EU uses the different crisis management tools available.

European Parliament resolution

Strasbourg, 23 October 2003

EUROPEAN PARLIAMENT RESOLUTION ON THE ANNUAL REPORT FROM THE COUNCIL TO THE EUROPEAN PARLIAMENT ON THE MAIN ASPECTS AND BASIC CHOICES OF CFSP, INCLUDING THE FINANCIAL IMPLICATIONS FOR THE GENERAL BUDGET OF THE EUROPEAN UNION

The European Parliament,

- having regard to the Council's Annual Report for 2002 (7038/2003 - C5-0423/2003),
- having regard to the Interinstitutional Agreement of 6 May 1999 between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure, point H, paragraph 40,
- having regard to Article 21 of the EU Treaty,
- having regard to its resolution of 26 September 2002 on the progress achieved in the implementation of the common foreign and security policy,
- having regard to its resolution of 10 April 2003 on the European security and defence architecture - priorities and deficiencies,
- having regard to its resolution of 19 June 2003 on a renewed transatlantic relationship for the third millennium,
- having regard to its resolution of 15 November 2001 on a global partnership and a common strategy for relations between the European Union and Latin America,
- having regard to the Presidency's report to the Thessaloniki European Council of 19-20 June 2003 on EU foreign policy action to combat terrorism (CFSP including ESDP), on the implementation of the EU Programme for the Prevention of Violent Conflicts and on European Security and Defence Policy,

- ▮ having regard to the strategy paper submitted by the High Representative for the Common Foreign and Security Policy to the Thessaloniki European Council on 20 June 2003 on a secure Europe in a better world,
- ▮ having regard to Rules 47(1) and 103(3) of its Rules of Procedure,
- ▮ having regard to the report of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy and the opinion of the Committee on Budgets (A5-0348/2003),
 - A. whereas the dramatic events of the Iraq war have thrown up deep divisions between EU Member States and lastingly and seriously shaken transatlantic relations, as well as damaging other international organisations such as the UN and NATO,
 - B. whereas the concern must now be, with the end of the cold war and the abandonment of its methods and philosophy and the forthcoming enlargement of the Union to 25 states, to redefine in the context of political trends and the current international situation Europe's role in the world and to recognise the foreign policy crisis surrounding the Iraq war as an appropriate occasion to establish Europe as a credible and powerful foreign-policy performer,
 - C. whereas the discussion paper for a European security doctrine submitted by the High Representative for the Common Foreign and Security Policy (CFSP), Javier Solana, to the Heads of State and Government at the Thessaloniki Summit represents a sound basis for an intensified dialogue between the Council, the Commission and the European Parliament on a European security strategy,
 - D. whereas an EU security strategy can be developed only on the basis of Top of Form multilateralism, and within the UN system, in accordance with the historical experience and political interests of its Member States,
 - E. convinced of the contribution which the European security strategy, based on a global concept going beyond the strictly military dimension and ensuring the deployment of a package of political, economic, social and inter-cultural measures as well as respect for human rights, can make to prevent, mitigate and resolve conflicts,
 - F. whereas non-state international terrorism, the development and proliferation of weapons of mass destruction and the existence of unstable, undemocratic and misgoverned states are today among the main threats to the entire world,

G. whereas, in combating the new threats and new security crises, it will be necessary to adopt comprehensive approaches that include policies to combat poverty, protect against climate change and protect the environment, safeguard human rights and promote democracy, the rule of law and good governance, while not excluding military deployment as a last resort and while respecting international law and the rules of the United Nations,

H. whereas the European Convention has submitted important institutional reform proposals that can facilitate the process of creating greater institutional continuity in the CFSP, in particular by establishing the office of Union Minister for Foreign Affairs, creating the option of strengthened cooperation in the European Security and Defence Policy (ESDP), and setting up a European armaments agency to facilitate more efficient use of national defence expenditure,

I. noting with interest the initiative taken on 29 April 2003 by Germany, France, Luxembourg and Belgium in order to increase the credibility of the ESDP,

J. whereas a true common foreign policy, characterised by a common approach among Member States to issues of crucial importance for the foreign and security policy, is a sine qua non for the further progress of a credible ESDP,

K. whereas, with its enlargement, the Union will be brought into closer contact with the crisis areas to the east and in the eastern and southern Mediterranean, and whereas this will increase its responsibilities towards those neighbours,

L. whereas, despite the dark shadow that the Iraq crisis has cast on the CFSP, some progress has been recorded in operational crisis management and in the spheres of conflict prevention and efforts to combat terrorism,

1. Considers the Council's annual report for 2002 on the main aspects and basic choices of the CFSP as totally unsuited to serving as a basis for a foreign policy dialogue between the Council and Parliament, since it amounts merely to a book-keeping exercise listing action taken by the Council, without the least political assessment or conceptual setting of priorities and lacking sufficient focus with regard to financial implications;

2. Points out that the Joint Declaration of 25 November 2002 on the financing of the CFSP provides for Parliament to be sent, within 5 days of the adoption of any decision in the field of the CFSP that entails expenditure, the information indicated in point 40 of

the Interinstitutional Agreement: regrets that the Council transmits financial statements only where expenditure is within the EU budget and insists that, for transparency reasons and in order for Parliament to at least have an overall estimate of how much CFSP funding goes to a particular region/crisis, such statements should be provided for all CFSP decisions;

3. Considers it as urgently necessary, in view of the critical development that the CFSP has undergone during the Iraq conflict, that future annual reports should provide a genuine assessment of the Union's foreign and security policy activities, and that they should be expanded to include a written report by the High Representative or Union Minister for Foreign Affairs on progress in implementing a specifically European approach to security;

4. Welcomes, against the foregoing background, the abovementioned strategy paper as a long overdue impetus for a debate on the basic principles of a European security doctrine, in which all EU institutions would be expected to take part on an equal footing;

For a European security strategy

5. Supports the three strategy objectives set out in the abovementioned strategy paper, *viz*:

- creating stability and good governance in the immediate neighbourhood of the EU,
- contributing to an international order based on effective multilateralism,
- combating old and new threats with the objective of using conflict prevention to react to any anticipated crisis before it erupts;

6. Considers that Europe must find its way to a clear prioritisation of its foreign and security policy interests and objectives, jointly define them and also designate them geographically; calls for the debate and the decision on the security strategy of the European Union to be conducted and taken in a transparent way, with the participation of the citizens of Europe, and for the European Parliament's involvement in this process to be on an equal footing with that of the other EU institutions;

7. Considers it of vital importance for the Union's security interests to identify tensions and if possible prevent potential crises, to resolve in good time conflicts taking shape beyond its external borders, and, by means of a creative good-neighbourly policy, to establish a circle of friendly states;

8. Considers, consequently, that in terms of creating and extending security zones around Europe, the Union's main interests concern the following neighbouring regions: the western Balkans, Russia, Ukraine, Belarus and Moldova, the southern Caucasus, the southern Mediterranean, west Africa and east Africa, and the Middle East;
9. Considers that, for the European neighbours of the enlarged European Union, new options for partial integration must be developed which could encompass aspects of the internal market, as well as internal and external security, without ruling out future full membership; regards this as an important starting-point for the debate about the Union's future borders; refers, for the purposes of defining its response to the strategy proposed by the Commission, to the report entitled 'Wider Europe - Neighbourhood: a new framework for relations with our eastern and southern neighbours' (COM(2003) 104) currently being drawn up by its Committee on Foreign Affairs;
10. Considers that a Union of 25 Member States must intensify its commitment to an international order based on effective multilateralism, springing essentially from the United Nations and its member organisations and treaty instruments;
11. Reaffirms that the UN Charter constitutes the decisive political and legal basis for shaping international relations and the guarantee of peace and international security;
12. Considers that the urgent and radical reform of the United Nations system, as also requested recently by the UN Secretary-General Kofi Annan, is necessary in order to combat the new threats and the new security crisis; underlines the fact that the EU - taking into account the national contributions of the current and future Member States - is the largest financial contributor to the UN; reiterates that the EU should take the opportunity and responsibility to make proactive suggestions in the UN reform debate and that international law also stands in urgent need of cautious but rapid and irreversible further development;
13. Notes that the international system is crucially dependent on the quality, aims and reciprocity of transatlantic relations and considers that one of the Union's primary strategic objectives must be to strengthen them as a partnership of equals;
14. Considers it therefore necessary for the strategic debate between Europe and the USA to be reinvigorated, with attention being paid urgently to questions as to how reconstruction and nation-building in Iraq are to proceed, and, generally, how prolifera-

tion of weapons of mass destruction can best be prevented, how arms exports and the proliferation of conventional arms can be controlled, how the issue of impunity can be addressed seriously (for example, by the International Criminal Court), and how repressive dictatorial regimes and dysfunctional states are to be dealt with, on the basis of a clearly defined European position in the context of the CFSP and international law, and fully respecting UN rules;

15. Points out that the credibility of Europe's foreign and security policy will also depend on the quality of its military capabilities and on a readiness, in the event of conflict, to deploy them as a last resort, while respecting international law;

Promoting greater coherence and efficiency

16. Welcomes, consequently, the proposals made by the European Convention for strengthened cooperation in the area of security and defence policy, including a solidarity clause on mutual aid between Member States in the event of terrorist attacks and disasters caused by human action, and a mutual assistance clause in the event of external aggression; regrets, nevertheless, that the mutual assistance clause falls short of the wording used in Article V of the Brussels Treaty of 17 March 1948 as amended by the Paris Agreements of 23 October 1954;

17. Welcomes the fact that strengthening military capabilities is one of the objectives of the draft Treaty establishing a Constitution for Europe, and that a European armaments agency is to promote that process in terms of both research and procurement; considers that the armaments agency should be primarily responsible for coordinating larger-scale joint projects, and that Parliament and the Commission must be involved in its practical organisation, not least as regards decisions on its financing;

18. Points out, nevertheless, that an active European disarmament and armaments control policy is a key element of conflict prevention, which is one of the common policies of the Union's External Action proposed by the European Convention; calls on the Council, in this regard, to take concrete steps in this direction;

19. Draws attention to the importance of the constitutional commitment by Member States not to react to international issues on the basis of unilateral national interpretations before the EU, for its part, has had the opportunity to establish a European position;

20. Welcomes the intention of appointing a Union Minister for Foreign Affairs, who will, however, be able to discharge his or her functions efficiently only if the administra-

tive departments responsible within the Council and the Commission are merged into a single foreign office and if he or she is the Vice-President of the Commission, with the Commission operating in accordance with the Community method, so as to overcome the stumbling-block to efficiency inherent in the pillars structure;

21. Criticises the intended retention of the principle of unanimity in votes on foreign and security policy matters, which it regards as a serious obstacle to the capacity for action which the Union needs; calls, at least in relation to decisions on proposals by the Union Minister for Foreign Affairs, for majority voting, involving, where appropriate, a reinforced qualified majority;

22. Regards the status-quo wording in respect of Parliament's rights to be consulted and kept informed as a retrograde step by comparison with the changes relating to the executive, and will seek to ensure that the code of conduct agreed as part of the 2003 budget is effectively implemented;

23. Regards it as absolutely necessary, in the light of an anticipatory crisis-prevention policy, that it be informed and involved in future in good time during the early-recognition and planning stage of crisis operations in the context of the ESDP, the better to deliver a political opinion based on firm information and thus fulfil its duty of scrutiny;

24. Points out that only a well-informed Parliament is in a position to take the requisite personnel and budgetary decisions swiftly and efficiently; underlines that, unless it is so informed, such decisions may be rejected;

25. Proposes, in the above connection, the appointment of Commission members with special foreign policy tasks, under the overall responsibility of the future Union Minister for Foreign Affairs, such tasks to include, not least, the cultivation of ongoing contact with the European Parliament, without thereby diluting the accountability of the said Minister;

26. Insists that it be consulted in advance of decisions on ESDP missions, be they of a civilian or a military nature, without prejudice to the need for the European Union to act swiftly in crisis situations;

27. Reiterates its position that the joint costs of ESDP operations, including those of a military nature, must be financed through the Community budget;

28. Stresses that the credibility of the European Union's foreign policy and defence objectives will depend on its ability to ensure that it has adequate military resources;

29. Reasserts in this respect the desire for the Union to be able rapidly to mobilise its civilian and military capabilities; to that end, calls for a study to be carried out into a rapid response budgetary mechanism and, ultimately, the creation of a Community defence budget;

Practical progress despite crisis

30. Notes that, despite dissent concerning the strategy to be adopted in the fight against terrorism and the Iraq conflict, European foreign policy can point to extensive practical progress in crisis management, conflict prevention and the fight against terrorism;

31. Pays tribute to the first three crisis operations carried out within the framework of the ESDP, *viz*:

- the policing mission to Bosnia-Herzegovina, as the first ever civilian crisis operation,
- the first military peace-keeping operation, code-named 'Concordia', in the Former Yugoslavia Republic of Macedonia, with the backing of NATO's planning and command structure,
- the independently mounted 'Artemis' EU operation in the Congo's Ituri region, by which the EU put to the test its political will and capability to take on independent humanitarian missions under the UN mandate;

32. Notes that the above operational breakthrough was made possible only by the successful conclusion of EU-NATO negotiations in December 2002 on permanent EU access to NATO planning and command facilities;

33. Considers that further consolidation of relations between the EU and NATO as mutually complementary organisations constitutes an important factor in the development of a European approach to security;

34. Calls for a European collective capacity for the planning and management of European operations and a multinational headquarters which can be deployed in the field for such operations in instances where NATO does not take action and the European Union does not ask for NATO resources;

35. Is aware that, although the EU's present military capabilities are sufficient to conduct operations at the lower end of the Petersberg scale, they do not extend to peace-making operations;

36. Consequently regards the creation of greater interoperability and deployment capability as an important precondition for providing Europe with a balanced capability for coalition with the USA, both within and outside NATO;

Implementation measures for the EU's Rapid Reaction Force

37. Repeats the demand made in its abovementioned resolution of 10 April 2003 that the European Union should further develop its capacities in the field of defence in two stages: with effect from 2004, it should have a 5000-man force permanently available for rescue and humanitarian operations. By 2009, the Union should be capable of carrying out within the European geographical area an operation at the level and intensity of the Kosovo conflict, in cooperation with NATO or autonomously;
38. Considers that, by 2004, the European Union should set up, a standing force of 5 000 men for rescue and humanitarian missions, made up of civilian and military personnel and deployable in a time-frame of less than 10 days (rapid reaction), to be permanently available on a rotation basis;
39. Considers that the tasks of this force should be to evacuate European citizens in cases of political crises, to take humanitarian action including efforts to prevent massacres and to provide support in the event of natural catastrophes around the globe;
40. Considers that as a starting point, the Franco-German brigade, to be joined by further nationalities, should become the nucleus of the military part of this force, whereas the civilian part could rely on those assets identified in the conclusions of the Gothenburg European Council for civilian crisis management;
41. Supports the establishing of an EU Agency for Research and Armament, which should focus on equipping the abovementioned force, particularly in the areas of transport, reconnaissance and command and control; insists that the creation of shadow budgets which are totally outside parliamentary control should be avoided;
42. Stresses that the identification of the European reaction force should be compatible with the development of the NATO Rapid Response Force;
43. Welcomes the tendency for conflict prevention increasingly to become the declared central core of European foreign policy, which is being used to try - by combining diplomatic efforts with the deployment of different Community instruments and by making EU external policies more consistent and coherent - to secure regional stabilisation, peace consolidation and the restoration of state authority;
44. Notes, as a central lesson learned from the experience gained in the assumption of international security missions, whether in the western Balkans or in Afghanistan, that, for the purposes of building a post-war order, the policing function of the ESDP

should be significantly strengthened and given its own separate operational status between the 'military' and the 'civilian' wings;

45. Stresses that the progress made in the area of military and police operations must now be followed up, as a matter of urgency, by the full practical development of civilian crisis prevention and management capabilities, including the policies and measures needed to mobilise non-state actors, both local and international; with that in mind, reiterates its recommendations for the creation of a European Civil Peace Corps; invites the Council and the Commission to publish regular progress reports on this issue;

46. Considers that it is urgent for the EU to develop, jointly with the G8 States, a clear and trail-blazing approach to non-proliferation of all weapons of mass destruction; nuclear as well as chemical and biological; commits itself, consequently, in a joint initiative with the Commission, to the holding of an International Parliamentary Conference on disarmament and non-proliferation on 21 and 22 November 2003 in Strasbourg; underlines the need for the EU to take early action to make the 2005 Non-Proliferation Treaty review conference a success;

47. Welcomes the measures taken by the EU in the international fight against terrorism, including the freezing of terror organisations' sources of financing and the technical assistance provided by the Commission to Indonesia, Pakistan and the Philippines; takes note of the recently concluded mutual extradition agreement between the USA and the EU and the inclusion of standardised anti-terrorism clauses in treaties with third-party states; believes, however, that there is an urgent need to include in the list of tasks to be covered by a European security concept the issue of common European homeland defence;

48. Calls on all bodies involved to uphold civil rights and freedoms and to treat in a responsible manner the personal data of the persons concerned;

Foreign policy priorities in the context of a European approach to security

49. Regards as a high priority a rethinking of transatlantic relations, since only the USA and Europe share a special responsibility to stand up jointly and on an equal footing for peace, stability, democracy, tolerance and sustainable development in the world; considers that, if Europe is to be a credible and influential partner, it must, in that connection, develop greater consistency in its actions and extend its capabilities;

50. Points out that the above partnership cannot be defined only in military and security-policy terms within NATO, but should also incorporate combined aspects of

transatlantic economic, trading, environmental and social activities, and be guided by the principle of a 'transatlantic marketplace' as the basis of balanced cooperation;

51. In this respect, proposes, as an initial practical step, the introduction of mutual measures to make travel easier between the EU Member States and the USA, along the lines of the Schengen Agreement, thereby making the special nature of these relations visible to the public too, with a view to promoting civil and cultural interaction (e.g. parliaments and universities);

52. Regards as the most important joint responsibility to be shared with the USA that of bringing peace to the Middle East, together with Russia and the United Nations (the quartet);

53. Reiterates its unanimous support for implementation of the 'road map' for an Israeli-Palestinian peace process, but deeply regrets the recent retrograde steps taken by both parties in the conflict;

54. Proposes that, building on the comprehensive structural aid from the Mediterranean programme, the trade and cooperation agreements with the countries in the region and financial aid for the Palestinian Authority, the European Union should take the initiative on a comprehensive, substantial development plan for the region which is visible and takes into account American plans, such as the most recent proposals for creating a regional free-trade area between the Arab States and the USA;

55. Believes it would be useful to consider the deployment of UN troops if there is a further deterioration in security, particularly if terrorism cannot be curbed and a Palestinian state cannot be established in any other way;

56. Considers that if the parties to the conflict so desire, the EU should be prepared to assume security-policy protection functions at a given point in time;

57. Advocates a long-term, enduring and sustainable approach to securing peace, reconstruction and nation-building in Iraq, as well as to building a democratic Iraq based on respect for human rights and the rule of law, under which the occupying powers would as soon as possible devolve the leading role to the United Nations; regards that step as a crucial precondition for European participation in building a post-war order in Iraq and in the region, as expressed in Parliament's recommendation to the Council of 24 September 2003;

58. Takes the view that the EU and the USA, working within the UN framework, must develop a common strategy capable of achieving de-escalation and disarmament in

response to nuclear policy as pursued by states which have not ratified the non-proliferation treaty;

59. Urges Iran to sign, ratify and implement, without preconditions, the IAEA Additional Protocol on inspections by the International Atomic Energy Agency, and to submit its atomic energy programme to comprehensive IAEA inspection;

60. Urges North Korea to abandon forthwith its atomic weapons programme and to comply immediately with its obligations under the Non-Proliferation Treaty;

61. Reiterates the EU's strong interest in, and insistence on, a peaceful resolution of the Taiwan issue through dialogue across the Taiwan Straits; in particular, urges China to withdraw missiles in the coastal provinces adjacent to the Taiwan Straits; underlines the importance of growing economic ties for an improvement in the political climate; also stresses the EU interest in closer links with Taiwan, including in multilateral contexts;

62. Advocates further consolidation of the European commitment in Afghanistan, and welcomes the takeover of the International Security Assistance Force (ISAF) command by NATO as a pointer to a robust military commitment by the alliance to supporting the central government and calls for the enlargement of its mandate to cover the rest of the country; proposes a new Petersberg Conference aimed at establishing a balance of power in the country between the various ethnic groups; urges strengthened rebuilding efforts by the international community aimed at improving, inter alia, the situation of women, adolescent girls and children in Afghanistan; considers that economic alternatives to opium growing must be developed immediately; welcomes in this respect the recent decisions taken in order to ensure the security of remote territories in Afghanistan too;

63. Urges that greater attention be paid to the south Caucasus, which is developing into one of the most unstable regions neighbouring the EU; welcomes, consequently, the appointment of an EU Special Envoy to the region;

64. Calls for the development of cooperation with the countries of the Black Sea through the establishment of a permanent parliamentary dialogue between the European Parliament and the Parliamentary Assembly of the Black Sea Economic Cooperation (PABSEC), in order to promote peace and economic development and eliminate the risk of crises in the area;

65. Draws attention to the smouldering crisis in Moldova, arising inter alia out of the Transnistria conflict; welcomes the consideration being given, where necessary by

way of an ESDP policy mission, to stabilisation in Transnistria, but calls at the same time for economic stabilisation in Moldova by means of the removal of restrictive EU export barriers to products from Moldova;

66. In this respect, calls furthermore for an intensive dialogue on this topic with the Russian Government, so as to make clear the EU's position and willingness to prevent a major crisis;

67. Welcomes the EU's sustained commitment to the western Balkans, which remains at the centre of stabilisation and development efforts, and supports the 'European partnership' approach for countries of the western Balkans seeking accession;

68. Regrets, however, that the EU-Western Balkans summit meeting in Thessaloniki missed the opportunity to incorporate into the enlargement process options for membership in stages - with the possibility of full membership - options which, in the longer-term perspective, could also have been extended to the new neighbouring states of Ukraine, Moldova and Belarus, thereby possibly indicating an initial step towards framing the concept of a 'wider Europe';

69. Notes that Russia is Europe's most important partner to the east and a decisive factor for any form of regional development; draws attention to the need for more narrowly focused dialogue on Russia's export policy in the areas of armaments and nuclear technology, which, although often only economically motivated, is contributing to serious security crises in other parts of the world;

70. Takes the view that the problem of Chechnya and of human rights violations being committed there must be firmly addressed by the EU, using among other things the instruments provided for by the Partnership and Cooperation Agreement, and that Russia must be pressed to introduce a genuine peace and reconciliation process in which all relevant parties would be expected to participate, so as to contain the influence of extremists and the danger of proliferation of terrorist attacks; considers that the EU should be ready to support reconciliation efforts and to assist the crisis resolution measures;

71. Draws attention to the new significance of the border between the EU and Russia in the Baltic after enlargement to include the Baltic States and Poland; urges that the northern dimension policy be combined with the EU's 'New Neighbourhood' initiative, which represents an important element in the projection of security and stability along Europe's external borders;

72. Emphasises the importance to be attached to the development of Kaliningrad; in this respect, urges the Commission and the Council to continue to raise the matter

with the Russian authorities, recalling Russia's primary responsibility for this integral part of Russia, and bearing in mind that the ever-growing economic and social gap between this enclave of the future EU and the surrounding countries represents a threat to the security of the whole region;

73. Calls for the Euro-Mediterranean dialogue to be brought more explicitly within the compass of a security-led approach; reaffirms, however, that any such development should not be at the expense of human rights and fundamental freedoms in the region's countries, freedoms the defence and promotion of which remain the European Union's priority in the context of relations with partner countries; looks forward to the establishment in the near future of a Euro-Mediterranean Parliamentary Assembly in order to provide the Barcelona process with the necessary debating forum and a direct institutional link with civil society in the countries concerned;

74. Welcomes the strengthening of the political and strategic association between Europe and Latin America, and calls for it to be given practical shape in the form of a Euro-Latin America Charter for Peace which, by analogy with the Charter of the United Nations, would enable political, strategic and security proposals of interest to the two regions to be fleshed out; points out that security and defence cooperation between the Member States of the European Union and the countries of Latin America could cover such issues as strengthening international peacekeeping and security efforts, arms control, nuclear non-proliferation, military and technical cooperation in respect of the arms industry and control of arms exports, questions concerning security, the economy, development and the environment, and many other matters concerning common security and defence interests;

75. Calls for greater efforts to strengthen, develop and support civil societies and democratic forces in our neighbours, particularly in the Islamic countries, which should also contribute to effectively preventing and combating acts of violence and terrorism;

76. Takes note of the fact that China is referred to as a major strategic partner in the EU's draft Security Strategy document and notes the Commission's new paper on policy towards China; stresses, in this regard, that partnership cannot be enhanced as long as no concrete progress is made in the field of human rights;

77. Regrets that the call for the appointment of a EU Special Representative for Tibet has not been taken into account; calls on the Council in this regard to make every effort to facilitate the dialogue between the Chinese authorities and the Tibetan representatives;

78. Recalls that, beyond the direct European neighbourhood, the Kashmir conflict between the nuclear powers of India and Pakistan continues to represent one of the most burning security issues on which the EU must take a position; reiterates that under the EU Code of Conduct on Arms Exports no military materials should be delivered to any of the countries in this region;

79. Draws attention to the situation of the republics of central Asia, whose role in the fight against terrorism has become crucial; deplores the silence of the Council and the Commission as regards the massive human rights violations taking place in those countries; emphasises the need to develop a common strategy by bringing together, in a consistent way, all the instruments provided for in the existing Partnership and Cooperation agreements;

80. Underlines the importance of the EU Code of Conduct on Arms Exports as a tool to avoid undesirable arms exports; expresses its determination that this Code should be further developed and strengthened; utterly condemns the despicable enlistment and deployment of child soldiers; therefore calls for greater dissuasive action by the Council and the Member States vis-à-vis those governments or warlords that violate fundamental rights or the rights of the child and the relevant international Conventions;

81. Instructs its President to forward this resolution to the Council, the Commission, the Parliaments of the Member States, the Secretary General of the United Nations and the President of the Council of Europe.

Intervention by Javier Solana

Brussels, 5 November 2003

SUMMARY OF THE INTERVENTION BY THE HIGH REPRESENTATIVE FOR THE CFSP AT THE MEETING OF EU CHIEFS OF DEFENCE STAFF

on military implications of the European Security Strategy and the Intergovernmental Conference

The European Security and Defence Policy (ESDP) in 2003

For the European Security and Defence Policy (ESDP), 2003 will be a landmark year.

- ▶ It marks the achievement of the Helsinki Headline Goal, a comprehensive agreement with NATO, the conduct of the first three EU-led operations and preparations for a fourth mission. It is also the start of the work on the European Defence Agency that will be established in the coming months as foreseen by the Thessaloniki European Council.
- ▶ More general factors also contribute to strengthening ESDP at various levels: i.a. preparation for enlargement and the work on the European Constitution; the enhancement of the capabilities development process beyond the 2003 Helsinki Headline Goal; the experience gained out of military and police operations; and work on a European Security Strategy.

Capability development

We are in a crucial phase in European military capability development.

- ▶ We are close to the deadline set for completion of the process initiated at Helsinki in 1999. But we all know that the European Headline Goal is not a one-off process scheduled to end this year. It is an ongoing process that will underpin progressive amelioration of European military capabilities. This implies a continuous review of the definition of our goals in the light of significant shifts in European political parameters.
- ▶ I believe that the *European Security Strategy* to be adopted at the end of this year and the (defence related) results of the *Intergovernmental Conference* will be the references for a first significant review of the goals defined at Helsinki in 1999.

► I agree with the *timeframe 2010* as discussed recently by Ministers of Defence. It will help maintain momentum, but - even more important - it will reflect enlargement and collective efforts in the field of strategic capabilities, and allow for better co-ordination with existing national armaments schedules. Last but not least, it will allow for the definition of capability requirements and projects in the light of the *EU Security Strategy*.

The EU Security Strategy

Let me give you some examples of important *implications of the EU Security Strategy* for a review of the Helsinki goals:

- one, our *capability goals must reflect the kind of threats* we are faced with and the responses we make;
 - two, with a view to the use of the whole spectrum of instruments available, we must bring *military and civilian resources* to bear in crisis and post crisis situations. Civil-military co-ordination and co-operation remains an important challenge for the EU;
 - three, our *capability goals must reflect our engagement in priority areas* such as neighbouring regions. Yet, the possibility of European engagement further afield in the world must not be excluded.
- Whatever new goals we define, we will not escape the same *debate on resources* we are currently confronted with as regards the implementation of the Helsinki Goals. We must tackle this issue seriously. The *transformation of our military* into more flexible and more mobile forces will not be cheap. To enable them to address effectively the new threats in support of our political objectives, more defence resources are needed and the effectiveness of existing ones must be improved.
- I therefore stress again the importance of the *pooling and sharing of assets and capabilities*, in particular those that are lacking in Member States inventories. This will *reduce duplication* across the European Union and, in the medium term, increase capabilities. Member States should engage more resolutely in the systematic use of pooled and shared assets. It's not enough to agree on this in principle, we have to *engage in concrete projects!*

The Intergovernmental Conference

Here I would like to make the connection with the *IGC and the defence related aspects in the current draft constitutional treaty*:

- ▶ A number of aspects seem no longer to be controversial:
 - a *solidarity clause* could ensure mutual support among Member States in response to new threats posed by terrorism and proliferation of WMD;
 - a *wider definition of the Petersberg missions spectrum* could better reflect potential responses to the security challenges we are faced with and could constitute an important reference for our capability goals 2010, and
 - the establishment of a *Defence Agency* (*see below*) will contribute significantly to the development and acquisition of military capabilities.

- ▶ “*Structured co-operation*” is still an issue. Let me remind you that this is nothing new: the Schengen System and the Euro are both successful examples of closer co-operation among member States. I personally expect that the IGC will reach consensus on the subject. Much will depend on the basic principles and arrangements to be agreed as a pre-requisite to start this cooperation. Inclusiveness, i.e. the possibility for all member states to participate in a structured co-operation, is presumably key to a successful outcome.

- ▶ Apart from these more political questions, there is also an important capability dimension. In my view, “structured co-operation” can offer the ideal framework for a systematic use of pooled and shared assets, task-sharing and task-specialisation and, hence, lead to further European integration in the defence field.

- ▶ It goes without saying that this process will in turn reinforce political pressure for solidarity in foreign policy objectives, and for firm commitments to provide the capabilities when they are needed.

The Agency

A few words about the Agency:

- ▶ Preparatory work on the Agency has started, taking into account the mandate of the Thessaloniki European Council on the one hand and the draft treaty under scrutiny within the Intergovernmental Conference on the other hand. The project of establishing an Agency offers a great opportunity to facilitate and further impulse the process of capability development.

- ▶ The Agency should bring added value as a tool to advocate higher and better co-ordinated defence investment by EU Member States; as well as to promote stronger and better coordinated European Research and Technology efforts in the security and defence fields. It should also promote steps to make European defence industry more competitive and efficient, notably through the establishment of a European defence market.

- In this context, both permanent dialogue and occasional partnership between the EU and Industry are necessary if the EU is to improve its capabilities and if we are to help strengthening the European defence technological and industrial base.

EU-Russia summit

Rome, 6 November 2003

JOINT DECLARATION BY THE EUROPEAN UNION AND THE RUSSIAN FEDERATION ON STRENGTHENING DIALOGUE AND COOPERATION ON POLITICAL AND SECURITY MATTERS

The St. Petersburg Summit has reaffirmed the strategic partnership between the European Union and the Russian Federation, based on shared values and objectives. We agreed to reinforce our co-operation in political and security matters with a view to creating a space of co-operation in the field of external security.

We recognise with satisfaction the progress made in our bilateral political dialogue and cooperation on political and security matters. The European Union and the Russian Federation have maintained close consultations and co-operation on issues related to international security and stability in Europe and beyond. They have also implemented concrete co-operation in the context of the European Union Police Mission in Bosnia-Herzegovina. Also, the Russian Federation has been invited by the EU to be involved in the active phase of the joint EU- NATO crisis management exercise CME/CMX 03. We welcome first steps taken to establish our co-operation in the field of civil protection.

The fight against terrorism and our commitment to prevent the proliferation of weapons of mass destruction are cornerstones of our co-operation in the field of security. Our common aim is a universal adhesion to the relevant international instruments, as well as the establishment of credible and effective monitoring of compliance and of means to ensure the development and implementation of those international instruments. We remain actively committed to the co-operative efforts on non-proliferation, disarmament and arms control.

The European Union and the Russian Federation actively support the signature, ratification and implementation of all 12 UN Conventions and Protocols on the fight against terrorism.

We are strengthening and further developing our dialogue on security matters. In that regard:

- The EU and Russia will strengthen dialogue on non-proliferation, disarmament and arms control for further convergence of positions and possible co-ordination of activities within existing international mechanisms;
- Within the framework of on-going security dialogue, EU and Russian experts will exchange views on developments concerning CFSP/ESDP and the European Security Strategy;
- They will exchange views on Russia's foreign policy and security concept and their development;

- The EU and Russia recall their wish to work towards a joint approach in the field of crisis management. EU and Russian experts will in this context exchange views on matters related to the EU's and Russia's response to crisis situations;
- With this in view the European Union and the Russian Federation have opened talks aimed at defining a standing framework on legal and financial aspects in order to facilitate cooperation in crisis management operations;
- The EU and Russia confirm their wish to establish co-operation in the field of long-haul air transport;
- Exchanges of research fellows could take place between the EU Institute for Security Studies and the network of Russian Academic bodies for the purpose of joint studies.

The European Union and the Russian Federation reaffirm their special attention to developing international co-operation in the field of civil protection and value the possible strengthening of co-ordination for the most effective use of available resources. In view of enhancing responses to emergencies they have decided, in particular, to establish appropriate links between the respective competent bodies in Brussels and Moscow and to continue discussion on possible practical steps of co-operation in the field of civil protection.

General Affairs and External Relations Council

Brussels, 17 November 2003

CONCLUSIONS

(...)

European Security and Defence Policy

1. The Council welcomed the progress on the work concerning the development of a European Security Strategy, based on the document “A Secure Europe in a Better World”, presented by HR/SG Solana, and seminars held in Rome, Paris, and Stockholm in the course of the year. Ministers underlined the importance of the Strategy being adopted by the European Council in December 2003.
2. The Council agreed on conclusions for creating an Agency in the field of defence capabilities, development, research, acquisition and armaments.
3. The Council reviewed progress on the European Security and Defence Policy, underlining that the year 2003 has witnessed remarkable progress in the field of ESDP, notably by the successful launch and conduct of three crisis management missions: two EU-led military operations (CONCORDIA in the former Yugoslav Republic of Macedonia and ARTEMIS in the Democratic Republic of the Congo) and a police mission (EUPM in Bosnia and Herzegovina), while the launch of a further police mission in the former Yugoslav Republic of Macedonia (EUPOL PROXIMA) is imminent. The Council is currently examining possible support for setting up an integrated police unit in Kinshasa, following the request by the authorities of the Democratic Republic of the Congo and of the United Nations.
4. Taking into account the views of the government of the former Yugoslav Republic of Macedonia, and after a thorough assessment, Operation CONCORDIA will end, as planned, on 15 December 2003. The Council re-affirmed the importance of the strategic partnership in crisis management between the EU and NATO, as encompassed in the ESDP permanent arrangements, including Berlin Plus, which made CONCORDIA a success. The EU will however continue to monitor closely the security situation in the area and will consider its engagement accordingly.

5. While actively engaged in its first military operation, the EU was also able to launch and conduct a second operation, ARTEMIS. This autonomous operation enabled the EU to intervene in a timely manner, at the request of the UN Secretary General, in support of the United Nations. The EU's ability to conduct concurrent ESDP operations thus underlined the ESDP's growing maturity.

6. The Council welcomed the progress made in the establishment of the EU Police Mission in the FYROM (PROXIMA), planned to be the second ESDP police mission launched this year. The Council gave full support to the efforts of the Secretary General/High Representative and of the Police Head of Mission with a view to a successful launch of PROXIMA on 15 December 2003. At the same time, the EUPM continued successfully to contribute to the establishment of sustainable policing arrangements under the ownership of the authorities of Bosnia-Herzegovina.

7. The Council recognised the importance of the EU learning lessons from all ESDP operations. For Operation CONCORDIA, this will be followed by a lessons learned exercise conducted with NATO.

8. The practical development of EU-UN relations in crisis management should continue on the basis of the EU-UN joint declaration of 24 September 2003. Developing EU-OSCE relations will also be examined further.

9. The Council recognised that various proposals have been made in recent months in order to address the need to improve the EU's capacity for planning and conducting military operations. These should be examined further, in a framework of compatibility with NATO and aiming at avoiding unnecessary duplication. The work under way in the relevant ECAP Project Groups should be fully taken into account and continue to be developed. Therefore, the Political and Security Committee (PSC) should work on the issue at an appropriate time, drawing on EUMC advice.

10. The ability to respond effectively with civilian means to crises outside the Union is an essential component in the comprehensive range of instruments at the Union's disposal under its security and defence policy. The Council, recalling its invitation to the Secretary General/High Representative of 19 November 2002 to take forward as soon as possible work on establishing a planning and mission support capability, accordingly welcomes the report on planning and mission support for civilian crisis management operations presented by the Secretary-General/High Representative under cover of his letter of 22 July 2003, and the steps taken by him to implement it. The Council notes the commitment of the Secretary General/High Representative to recruit additional

permanent staff and seconded national experts in the Council Secretariat in the immediate future in order to meet the short-term needs identified following discussion of this report. Member States are invited to identify suitable candidates for secondment as soon as possible. This will provide the Union with strengthened expertise for planning and supporting police operations, two of which are being conducted (EUPM in Bosnia-Herzegovina) or planned (EUPOL PROXIMA in the FYROM), and for future crisis management operations in other fields. Moreover, the recent allocation of additional personnel to strengthen horizontal backup functions underlines the Union's commitment to implement crisis management operations effectively.

11. In order to further improve the Union's capabilities in this field, the Council notes that the Secretary-General/High Representative will:

- report to the Council no later than April 2004 on the steps taken and progress made in strengthening the planning and mission support capabilities for crisis management, in particular for civilian operations;
- explore possibilities for enhancing cooperation between the EU military staff, without prejudice to their terms of reference, and other Secretariat personnel in the external field to ensure efficient and cost-effective planning and support for civilian crisis management operations, particularly where these may be undertaken in conjunction with or following on from military operations;
- and make suggestions after the IGC has completed its work on how to meet needs in this area in the medium to long term with a view to creating a permanent and professional core staff in this area as outlined in his report.

12. The Council also welcomed the progress achieved and the work done on other crucial aspects in the area of civilian crisis management, namely training and recruitment of the civilian personnel. While confirming that the availability of both military and civilian tools is an essential feature of ESDP, the Council directed the PSC to develop proposals, drawing on an opinion of the Committee for Civilian Aspects of Crisis Management (CivCom), on further improvement of civilian capabilities. New capabilities and instruments should also be developed as the need arises.

13. Building on the successful work accomplished under the Danish and Greek Presidencies, a practical framework for Civil-Military Coordination has been agreed. It underlines the central importance of a culture of coordination to ensure unity of purpose and coherence of instruments in EU crisis management activities. Concrete measures for field-level coordination should be further elaborated and presented to PSC in 2004.

14. The Council is looking forward to the conduct, starting this week, of exercise CME/CMX 03 which will concentrate on how the EU plans at the strategic politico-mil-

itary level, for crisis management with civilian and military instruments, including their coordination, for an envisaged EU-led operation with recourse to NATO assets and capabilities.

15. The Council noted the Single Progress Report on military capabilities, which was prepared in the context of the Capability Development Mechanism (CDM). The achievements in the past six months and the further analysis conducted on specific shortcomings show progress and confirm the overall assessment made in May 2003. The Council underlined the importance of the coherent and mutually reinforcing development of military capabilities in the EU and in NATO where requirements overlap and of the EU-NATO Capability Group, in this context, as defined by the CDM.

16. The Council welcomed the continuing work on the European Capability Action Plan (ECAP), which demonstrates Member States' determination to address the remaining shortfalls. The Council welcomed the active participation of Member States and acceding States in the process. Non-EU European NATO members could take part in ECAP Project Groups under conditions to be defined on a case by case basis by each Project Group. The Council underlined the need to complement the ECAP, for which the "bottom-up" approach remains one of the essential principles, with an approach identifying objectives, timelines and reporting procedures to the Council in close coordination with each Project Group. To this end the Council asked the relevant Council bodies to develop an ECAP roadmap in order to monitor ECAP progress and allow Member States to redirect the work of the Project Groups if deemed necessary. In order to assist the EU and the Member States' such a tool should be presented as an integral part of the Single Progress Report during each Presidency and accompanied by a Capability Improvement Chart including a state-of-play of the Project Groups and a clear readable overview for public opinion and the media. The Council welcomed the improvement of some of the existing contributions. The contributions of the acceding States against the requirements identified in 2003 will further increase the EU's abilities when included in the Forces Catalogue in 2004 at the end of a bidding process launched.

17. With a view to taking forward EU military rapid response, the Council agreed that work should be carried out to complement the Headline Goal with a precise definition and subsequent identification of EU rapid response elements. In addition, while welcoming the implementation phase of the NATO Response Force (NRF), the Council affirmed the need for further exchanges of information between the EU and NATO on EU military rapid response and on NRF at different levels within the established cooperation framework.

18. The Council underlined the importance of the role of the National Armaments Directors in armaments development and took note of their meeting on 5 September 2003.

19. While stressing the need to address the outstanding capability shortfalls against the Helsinki Headline Goal, the Council recognised the need now to look beyond 2003, and set new goals for the further development of European capabilities for crisis management for 2010, thus defining the EU level of ambition in terms of achieving qualitative and quantitative capability goals. This work should take into account the current limitations and/or constraints on deployment time and the fact that high risk may arise at the upper end of the spectrum of scale and intensity, in particular when conducting concurrent operations. Drawing on the Council assessment that there is an overarching need for qualitative and quantitative improvement, the new objective should be based on the principles of interoperability of capabilities e.g. equipment, forces and commanding structures as well as deployability and sustainability.

20. The Council welcomed the approach of the Presidency's food for thought paper *A Path for Further Achievements in European Capabilities*, discussed by the Ministers for Defence at their informal meeting on October 3 and 4 2003, and directed the PSC to develop proposals in this area including on a new headline goal, with a view to the June 2004 European Council drawing on this paper, on an EUMC information paper, on the French paper *Towards a 2010 Headline Goal*, on further contributions by Member States and on an opinion from the EUMC.

21. The Council approved the EU Training Policy in ESDP, as a result of the Thessaloniki European Council invitation to foster the development of a European security culture under ESDP, through agreement on a coordinated EU Training Policy, encompassing both civilian and military dimensions of ESDP. A concept will be developed, aiming at ensuring coordination and establishing links and strengthening synergies between the different training initiatives within ESDP. In this context, the Council requested the PSC to further examine the initiatives and proposals mentioned in the EU Training Policy document, including the proposal concerning a European College for Security and Defence, as presented at the meeting of the PSC on 7 November 2003.

22. The Council took note that work has continued regarding the establishment of a database of military assets and capabilities relevant to the protection of civilian populations against the effects of terrorist attacks, including Chemical, Biological, Radiological and Nuclear (CBRN) attacks. In this context, the competent Council bodies will continue to further elaborate on modalities, procedures and criteria for the use of military assets and capabilities to assist in consequence management with a view to concluding their work as soon as possible.

23. The Council welcomed the progress made in further strengthening dialogue and cooperation with Mediterranean partners on ESDP. The Council also welcomed the exchange of information on NATO's Mediterranean dialogue and on EU initiatives for

dialogue and cooperation with the Mediterranean partners on ESDP. The Council looked forward to the continuation of the work within the EU and with partners on the basis of the Political and Security Committee conclusions of 19 September 2003. With a view to the next Euro-Mediterranean Conferences of Ministers of Foreign Affairs, the Political and Security Committee will submit a report on ongoing cooperation and concrete proposals for the future.

Agency in the field of defence capabilities development, research, acquisition and armaments

24. The Council has decided to create an Agency in the field of defence capabilities development, research, acquisition and armaments, further to the Conclusions of the European Council at Thessaloniki in June 2003. The Agency will be established in the course of 2004.

25. In this context, the Council endorsed the report on the Agency, annexed to these Conclusions, which constitutes the basis for carrying work forward.

26. The Council adopted the decision creating the Agency Establishment Team, including its mandate, and invited the Secretary General/High Representative to implement that decision as soon as possible, with a view to the Team starting work in January 2004.

27. The Agency Establishment Team should submit proposals to the Council, with a view to launching the activity of the Agency in the course of 2004.

Report on the Agency in the field of defence capabilities development, research, acquisition and armaments

1. References

1.1 On 19-20 June 2003 the European Council at Thessaloniki, following the 2003 Spring European Council, tasked the appropriate bodies of the Council to undertake the necessary actions towards creating, in the course of 2004, an intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments. This agency, which shall be subject to the Council's authority and open to participation by all Member States, will aim at developing defence capabilities in the field of crisis management, promoting and enhancing European armaments cooperation, strengthening the European defence industrial and technological base and creating a competitive European defence equipment market, as well as promoting, in liaison with the

Community's research activities where appropriate, research aimed at leadership in strategic technologies for future defence and security capabilities, thereby strengthening Europe's industrial potential in this domain.

1.2 The work of the European Convention, as presented during the European Council at Thessaloniki on 19-20 June 2003, without prejudging the works of the IGC, refers inter alia to the establishment of a European Armaments, Research and Military Capabilities Agency to identify operational requirements, to promote measures to satisfy those requirements, to contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, to participate in defining a European capabilities and armaments policy, and to assist the Council in evaluating the improvement of military capabilities.

1.3 COREPER 2 on 4th September 2003 decided to establish an ad hoc Group to prepare the creation of the Agency in the field of defence capabilities development, research, acquisition and armaments.

2. Basic functions and tasks

2.1 The Council shall establish under its authority within the single institutional framework of the EU, in support of CFSP and ESDP, an Agency in the field of defence capabilities development, research, acquisition and armaments, hereafter called the Agency, with the aim to support the Member States in their effort to improve European defence capabilities in the field of crisis management and to sustain the ESDP as it stands now and develops in the future.

2.2 The Agency shall be without prejudice to the competencies of Member States over defence matters.

2.3 The Agency shall have the legal personality necessary to perform its tasks and attain its objectives.

2.4 The Defence Ministers, within the Council, have the responsibility for the Agency, in support of the CFSP, the ESDP and European Defence Capabilities in general. Council decisions in relation to the work of the Agency shall be taken, after preparation by COREPER, the PSC and the relevant Council bodies, by the Council (GAERC) meeting in Defence Ministers composition.

The Political and Security Committee will receive reports and provide guidelines on matters falling within the CFSP and the ESDP. The National Armaments Directors will,

in a way to be defined, receive reports and contribute on issues of their competence in preparation of Council decisions.

2.5 The Commission is fully associated to the work of the Agency.

2.6 The Agency will have evolving functions and capabilities towards its fully operational configuration, following a timetable to be defined. To this end, the Council will re-examine and, if deemed appropriate, review the relevant constitutive texts relating to the Agency in particular to bring them in line with the outcome of the IGC.

2.7 Decision making procedure

The decision-making procedure of the Agency will have to be defined in the Joint Action establishing the Agency according to the subject matter of the decisions to be taken, reflecting the relevant Treaty provisions.

2.8 The Agency will aim at:

- a. developing defence capabilities in the field of crisis management by:
 - 1) identifying, in association with the appropriate Council bodies and respecting their competencies, and utilising the Capability Development Mechanism, the EU's future defence capability requirements in quantitative and qualitative terms (encompassing both forces and equipment);
 - 2) scrutinising, assessing and evaluating against agreed criteria the capability commitments given by the Member States through the ECAP process, and utilising CDM;
 - 3) promoting and coordinating harmonisation of military requirements;
 - 4) identifying and proposing collaborative activities in the operational domain;
 - 5) providing appraisals on financial priorities for capabilities development and acquisition;
- b. promoting and enhancing European armaments cooperation by:
 - 1) proposing multilateral projects to meet the ESDP capabilities requirements as they stand now and develop in the future;
 - 2) striving for coordination of programs implemented by Member States and for management of specific cooperation programmes through the Organisation Conjointe de Coopération en matière d'Armement (OCCAR) or specific program arrangements on the basis of OCCAR experience, aiming at promoting cost effective and efficient procurement;
- c. contributing to identifying and, if necessary, implementing policies and measures aimed at strengthening the European defence industrial and technological base; supporting the creation in liaison with Commission, as appropriate, of an internationally competitive European Defence Equipment market, providing further impulse and input to the development and harmonisation of rules and regulations affecting the European

defence market, particularly by an EU wide application of rule and procedures adapted from those negotiated in the Letter of Intent (L.o.I) Framework Agreement process;

d. promoting, in liaison with the Community's research activities where appropriate, research aimed at fulfilling future defence and security capabilities requirements and thereby strengthening Europe's industrial potential in this domain including the provision of R&T studies relevant to future operational needs and the coordination and planning of joint research activities, using the experience gained with the Western European Armaments Group/Western European Armaments Organisation (WEAG/WEAO), particularly with EUROPA Memorandum of Understanding (EUROPA MoU).

2.9 In achieving its aims, the Agency shall draw on the competence and expertise of the EU Military Committee through the Political and Security Committee (as far as paras a.1),a.2), a.3), a.4) and b. are concerned) and, in a way to be defined, the EU National Armament Directors (as far as paras b., c. and d. are concerned).

3. Organisation

3.1 The Agency shall be open to participation by all EU Member States.

3.2 The Agency's structure is the following:

- a Steering Board (SB), which is the governing body of the Agency, is composed of representatives of the participating EU Member States, authorised to commit their governments, and a representative of the Commission. It meets at the level of the Ministers of Defence or their representatives;
- the Head of the Agency, who shall be the SG/HR, and who will chair the SB meetings;
- a Staff consisting of a lean core component of standing EU personnel selected on the base of individual capabilities, augmentable on a temporary basis by national secondees, according to specific tasks and projects;
- a Chief executive, recommended by the Head of the Agency and appointed by the SB.

3.3 The SB determines the Agency's activities during meetings chaired by the Head of the Agency, within the framework of such directives as the Council may issue to it. It also approves the Agency's programme of work and budget.

4. External working relations

4.1 The Agency should establish close working relations with relevant elements of existing arrangements/groupings/organisations such as L.o.I, OCCAR, and WEAG/WEAO, including the R&T mechanisms of the EUROPA MoU, with a view to incorporate them or assimilate their principles and practices in due course, as appropriate. The Agency should seek ways to ensure that present non-EU members of WEAG be associated, where appropriate, with specific programmes or projects.

4.2. In cooperating with these arrangements/groupings/organisations the Agency will respect the single institutional framework and the decision-making autonomy of the European Union. The Agency will respect the legal requirements and constraints of these arrangements/groupings/organisations in this co-operation.

4.3 In a spirit of mutual reinforcement between the Agency and relevant NATO bodies, within their respective competencies and the established framework of co-operation and consultation, the reciprocal transparency and coherent development will be ensured by the application of CDM procedures.

5. Budget

5.1 Arrangements will be worked out during the establishment phase of the Agency.

6. Way forward

A. Preparing the establishment of the Agency.

6.1 An Agency Establishment Team (AET) will be set up in January 2004. Its mandate is set out in the Annex to the Council decision creating the AET.

- The Agency should be created by a Joint Action.
- Institutional, legal and financial aspects relating to the basic functions and tasks of the Agency will be considered by the competent Council bodies in the light of recommendations from the AET.
- The constitutive texts related to the Agency will be subject to review when the draft Treaty establishing a Constitution for Europe is finalised.

B. Initial stage of the Agency

6.2 The initial stage will start in the course of 2004. The Agency will act as coordinating focus for the existing network of bodies, agreements and competencies. The Agency will contribute to the work of the relevant Council bodies, including the EUMC for the management of the CDM (Capability Development Mechanism), and the work of the HTF (Headline goal Task Force), and for the facilitation of decision-making regarding the results of the ECAP process. In this stage, the Agency's working relationships, and when necessary, the legal and operational frameworks, should have been established namely for:

- the management of collaborative projects through OCCAR;
- the implementation and extension of L.o.I Framework Agreement procedures as appropriate;
- the incorporation and adaptation of the relevant WEAG/WEAO elements or the assimilation of their principles and practices as appropriate.

6.3 At this stage the Agency's structure will enable it to carry forward work in its four fields of activity, with its staff progressively augmented in order to carry out its functions effectively.

C. Fully operational stage of the Agency

6.4 In this stage the Agency will be responsible in particular for the integration between the operational aspects of capabilities (scenarios, requirements, non equipment collaborative projects) and the capability acquisition and development ones (R&T scenarios, cooperative armament projects, programmes management, European Defence Industrial and Technological Base rules and regulations).

In this stage the Agency will incorporate or assimilate the principles and practices of the relevant elements of pre-existing arrangements /grouping/organisations (OCCAR, L.o.I, Framework Agreement, WEAG/WEAO).

6.5 The features of the relevant Agency's bodies are outlined in the Annex.

Features of the Agency's structures

1. Steering board

1.1 The Steering Board (SB), chaired by the Head of the Agency, is the governing body of the Agency and exercises its competencies, in accordance with the guidelines established by the Council and in coherence with the work done by the SG/HR and by the PSC. It is

composed of representatives of the participating EU Member States, authorised to commit their governments, and a representative of the Commission. It meets at the level of the Ministers of Defence or their representatives.

1.2 The SB meetings are attended by:

- the Chief executive of the Agency or his/her representative;
- ex-officio, by the Chairman of EUMC and the NAD of the Presidency, or their representative.

1.3 The SB meeting are attended, on matters of common interest:

- at the invitation of the SB, by the heads/chairs of other arrangements, organisations or groupings, whose work will be assimilated or ultimately incorporated within the Agency;
- at the invitation of the SB, by NATO Secretary General or his/her representative.

2. Head of the Agency

2.1 The Head of the Agency chairs the SB meetings and is supported by the permanent staff. He/she is responsible for the achievement of the Agency's aims and for its overall organisation and functioning.

2.2 He/she will report on the work of the Agency, including on decisions by the SB, to the Council (the GAERC in Defence Ministers composition).

3. Chief Executive

3.1 The Chief Executive, who is also the Head of the permanent staff, reports to the Head of the Agency on the organisational and administrative tasks. He/she is responsible for the oversight and coordination of the functional units, ensuring the overall coherence of their work.

4. Agency Staff

4.1 The Agency staff comprises personnel, selected on the basis of relevant competence and expertise, managed by the Chief Executive. The staff is structured into functional units, as directed by the Head of the Agency and approved by the SB. Staff will be obtained from three sources:

- normally, personnel recruited directly by the Agency under fixed-term contracts, selected from nationals of Member States participating in the Agency;
- Community officials seconded to the Agency for a fixed period and for specific tasks and projects or needs;
- national experts seconded by Member States participating in the Agency according to specific tasks and projects.

4.2 In all cases, recruitment should be directed to securing for the Agency the services of staff of the highest standard of ability and efficiency, recruited on the broadest possible geographical basis among nationals of Member States participating in the Agency.

(...)

Weapons of mass destruction

The Council agreed on a policy approach on elements in the EU's relations with third countries that relate to non-proliferation of weapons of mass destruction.

The policy approach is aimed at enabling the EU's strategy with regard to WMDs to be integrated into its broader relations with third countries, in particular with the inclusion of a "nonproliferation" clause in agreements with those countries.

The Council welcomed the positive results achieved so far in the implementation of the "Action plan for the implementation of the basic principles for an EU strategy against the proliferation of Weapons of Mass Destruction", which it had adopted on 16 June 2003 and which was endorsed by the European Council in Thessaloniki. In particular, the adoption of the Common Position on the universalisation and reinforcement of multilateral agreements in the field of non-proliferation of WMD and means of delivery, and the adoption of a policy approach on mainstreaming a nonproliferation element in the EU's relations with third countries, constitute two major achievements.

The Council noted that other elements of the Action Plan are being carried out.

The fight against the proliferation of WMD and their means of delivery is a high priority. The Council asked the PSC to further elaborate, in accordance with the Thessaloniki declaration and drawing on the basic principles already established, a coherent draft EU strategy, which should be adopted by the next European Council. In addition the Council requested the PSC and other Council bodies, in cooperation with the HR and the Commission, to continue their efforts to implement the Action Plan in its entirety. The Council intends to revert to the Action Plan with a view to assessing its implementation and its further development.

(...)

General Affairs and External Relations Council

Brussels, 17 November 2003

Similarly to what had been done with the UN, the EU finalised a blueprint for relations with the OSCE in fields of common interest. An additional factor in strengthening collaboration was the possibility of joint initiatives in Moldova and the South Caucasus.

CONCLUSIONS

(...)

European Security and Defence Policy

EU-OSCE cooperation in conflict prevention, crisis management and post-conflict rehabilitation

Guiding principles

1. The Council recognises that, although different in structure and purpose, the EU and the OSCE share the same principles and values, as well as important responsibilities in conflict prevention, crisis management and post-conflict rehabilitation, the promotion of democracy and human rights and institution building. All EU Member States are also OSCE participating states; from 2004 EU Member States will make up 25 of the OSCE's 55 participating states. Both organisations are united in the recognition of the primary role of the United Nations Security Council in matters of international peace and security.
2. The Council acknowledges the role of the OSCE as a valuable instrument for the promotion of peace and comprehensive security in the area from Vancouver to Vladivostok. The Council recognises, moreover, the relevance of the inclusive, pan-European and transatlantic partnership and the importance of the OSCE's consensus-based "modus operandi" for the promotion of peace and stability in the region. The OSCE has important assets based on its valuable acquis, including its field presences, which assist the participating states in fulfilling their commitments, and institutions.
3. These particular features make the OSCE an important partner for the EU. In accordance with the EU programme for prevention of violent conflicts (2001), and in the spirit of the OSCE "Platform for co-operative security", the Council affirms its

determination to continue enhancing its relationship with the OSCE with a view to further developing the existing co-operation between the EU and the OSCE. Co-operation should take into account the different nature of the EU and the OSCE.

4. Co-ordination between the EU and the OSCE should also be based on the principle of avoiding duplication and identifying comparative advantages and added value, leading to effective complementarity. Moreover, co-ordination should develop as a process in the light of changing needs within the EU Common Foreign and Security Policy, including European Security and Defence Policy, as well as within the OSCE.

Specific areas of co-operation

5. EU-OSCE co-operation should encompass the politico-military, economic and environmental and human dimensions, which characterise both the EU and the OSCE, as well as the specific tasks of conflict prevention, crisis management and post-conflict rehabilitation. In particular:

- (i) Enhanced co-operation should include: exchange of information and analyses, co-operation on fact finding missions, co-ordination of diplomatic activity and statements, including consultations between special representatives, training and in-field co-ordination.
- (ii) Mutually reinforcing initiatives could include inter alia:
 - possible contribution by the EU to the OSCE's operational efforts in crisis management
 - joint and/or co-ordinated programmes on post-conflict rehabilitation
 - EU crisis management operations following a request from the OSCE.

Modalities for EU-OSCE co-operation

6. The following modalities regarding regular contacts and meetings between the relevant EU and OSCE bodies could provide a basis for intensified co-operation, facilitating guidance, continuity and coherence of EU and OSCE activities:

Political level

- During each Presidency, a meeting should take place between the EU troika, the OSCE troika and the OSCE Secretary General.
- At the outset of each EU Presidency, the Presidency will address the Permanent Council of the OSCE.
- Invitations, as appropriate, of representatives of the CiO, the OSCE Secretary General, heads of OSCE field presences and heads of OSCE institutions to infor-

mal meetings with the PSC during each Presidency.

- Visits by the EU troika (at PSC level) to Vienna for meetings with the OSCE troika, EU Permanent Representatives to the OSCE and third countries, as appropriate.
- Briefings by the Secretary-General/High Representative for the Common Foreign and Security Policy (CFSP) and the European Commissioner for external relations to the Permanent Council in Vienna, including meetings with the HoMs in Vienna, as and when deemed necessary.
- Continued contacts between the Secretary-General/High Representative, the Commissioner for external relations and the OSCE CiO and Secretary General, as and when appropriate.
- Co-ordination among the EU Member States' representations to the OSCE and the European Commission delegation in Vienna and co-ordination between them and the EU institutions and bodies in Brussels in order to facilitate synergies.
- Invite, as appropriate, representatives of the OSCE Secretary General and Chairmanship in Office, Heads of Mission and Heads of OSCE institutions to informal meetings with relevant working groups.

EU Member States' permanent representatives to the OSCE in Vienna

The EU permanent representatives in Vienna should maintain day-to-day contact between the European Union and the OSCE including the institutions co-ordinating with each other and with EU institutions and bodies in Brussels.

Field level

Co-operation in the field between EU Special Representatives, heads of EU crisis management operations, EU Member States' embassies, European Commission delegations, OSCE field presences and special representatives.

Staff-to staff level

Staff-to-staff contacts at all levels between the General Secretariat of the Council of the EU, the European Commission services and the OSCE Secretariat and other OSCE institutions.

Miscellaneous

7. In the political dialogue with OSCE partners, systematically use opportunities for furthering EU policies and programmes on OSCE-related questions, particularly those enshrined in EU agreements with the partners in question.

8. On norm setting, take account of OSCE acquis with respect to standards, notably on democracy and human rights.

Way ahead

9. The Council requests the Presidency, assisted by the Secretary General/High Representative and in full association with the Commission, to implement these general guidelines in coordination with the OSCE. The Presidency shall in particular ensure close coordination between the relevant Council Working Parties and between the EU Member States' permanent representatives to the OSCE. As regards implementation of these guidelines in Vienna, a Council Secretariat liaison officer could be posted to Vienna in keeping with the available resources, so as to assist the Presidency there, facilitate communication with the Council Secretariat in Brussels and further enhance co-operation and synergy between the EU and the OSCE.

10. The Council requests the PSC to monitor the implementation of these guidelines and to identify further potential cooperation areas and priorities for EU-OSCE cooperation. It further requests the PSC to closely monitor emerging or potential crises within the OSCE's areas of activity, and to examine possible EU contributions to relevant OSCE mechanisms already in place.

11. The Council agrees that the Presidency will convey the content of these Council conclusions to the Chairman in Office of the OSCE and the OSCE Secretary-General.

(...)

General Affairs and External Relations Council meeting with EU defence ministers

Brussels, 17 November 2003

SUMMARY OF THE INTERVENTION BY JAVIER SOLANA, EU HIGH REPRESENTATIVE FOR THE CFSP, ON DEFENCE MATTERS

ESDP 2003 - a landmark year

- ▶ We can be satisfied with the progress made in the field of the European Security and Defence Policy (ESDP) in many ways. This year witnessed remarkable progress, in particular as regards the planning and implementation of three operations in Bosnia and Herzegovina (EUPM), the former Yugoslav Republic of Macedonia (“Concordia”) and the Democratic Republic of Congo (“Artemis”). The development in the near future of a fourth operation in fYROM (Police Mission “Proxima”) further illustrates our positive progress in the ESDP field.
- ▶ The relationship between the European Union and NATO has also been one of our main achievements in this area, with decisions on permanent arrangements (“Berlin Plus”).
- ▶ The European Council has already indicated the Union’s willingness to lead a military operation in Bosnia and Herzegovina following the mandate of the NATO-led Stabilisation Force (SFOR), based on “Berlin Plus” arrangements with NATO.
- ▶ The signature of the European Union - United Nations joint declaration on co-operation in crisis management is also one of the achievements that I would like to highlight. Furthermore, our cooperation with the UN will certainly be reinforced by the successful outcome of operation “Artemis” in Congo.

Military capabilities development

- ▶ I see with satisfaction that we are now close to the “Helsinki Headline Goals” set in 1999, in quantitative terms. Of course, we need to make further efforts to fill remaining shortfalls in our military capabilities. We are all aware that more attention needs to be

given to the qualitative aspects of our goals, particularly as regards the higher risk we would need to take when deploying our military forces to crisis areas. Concrete commitments by Member States, including timelines for implementation, are crucial.

▮ I agree with the timeframe 2010 as discussed in Rome at the informal meeting of Ministers of Defence on 3-4 October this year. It will reflect the enlargement process and the outcome of the Intergovernmental Conference (IGC), as well as our collective efforts in the field of strategic capabilities and allow for better co-ordination with existing armaments' schedules and for the definition of capability requirements in the light of the European Security Strategy (ESS).

European Security Strategy (ESS)

▮ A new draft of the European Security Strategy, based on the first draft presented at the Thessaloniki European Council in June 2003, will be adopted at the European Council on 12-13 December. The new text tries to reflect the result of the discussions held in the three international workshops held since then and draws on the input given by Member States.

▮ Responding efficiently to the threats identified in our ESS paper will require us to be more capable and will require the transformation of our military into a more flexible and mobile force. Of course, the development of our capability should take into account both the military and civilian aspects of crisis management.

Defence Agency

▮ I am particularly pleased with the decision to create the Defence Agency. I would like to thank Ministers of Defence for their most constructive input. Their presence in the Defence Agency's Steering Board will certainly contribute to give continued impetus to its future work.

▮ As future Head of the Defence Agency, I am strongly committed to seeing that the "Agency Establishment Team" can start its work in January 2004. The team will, under my authority, report on its work to the Member States, including the Group of Personal Representatives of Defence Ministers.

▮ I hope that we can all keep the momentum going and concentrate our efforts in making sure that the Agency can start operating before the Summer of 2004. I will do my best to give the Agency a strong profile in terms of efficiency, competence and results of its work.

► Delivering capabilities means developing capabilities, but also looking downstream at procurement and armaments and upstream at requirements and research. It is essential to keep this type of balance when developing the Agency.

Background information:



ANNEX I

Agency in the field of defence capabilities development, research, acquisition and armaments

Background information

17 November 2003: the Council agrees to create an Agency in the field of Defence capabilities development, research, acquisition and armaments. It tasks a Team (the Agency Establishment Team) to take work forward on the financial, legal and administrative aspects of the setting up of the Agency and its internal organisation, as well as on its establishment in particular regarding its missions in the field of defence capabilities development, research, acquisition and armaments. The Agency Establishment Team will submit proposals by the end of April 2004 with a view to the adoption of the necessary decisions by the Council by June 2004.

(Note:

- *Tasking by Thessaloniki European Council*
- *Agency also mentioned in draft Constitution currently before the IGC.)*

Aims

Overall aim of the Agency: support Member States in their effort to improve European defence capabilities in support of European Security and Defence Policy (ESDP).

Main specific aims:

- Developing **defence capabilities** in the field of crisis management by:
 - identifying, in association with Council bodies, the EU's future capability requirements

- assessing the capability commitments given by Member States through the ECAP (European Capability Action Plan) process, and using the CDM (Capability Development Mechanism);
 - promoting harmonisation of military equipments, identifying collaborative activities in the operational domain and providing appraisals on financial priorities for capabilities development and acquisition.
- Promoting and enhancing **European armaments cooperation** by:
 - proposing multilateral projects to meet ESDP capabilities requirements
 - striving for coordination of programmes implemented by Member States and for the management of specific cooperation programmes.
- The identification and implementation of policies and measures aimed at strengthening the **European defence industrial and technological base**; supporting the creation, in liaison with the Commission, as appropriate, of an **internationally competitive European defence equipment market**.
- Promoting – in liaison with Community research activities where appropriate – **research** aimed at fulfilling future defence and security capabilities requirements.

Institutional aspects

The Agency is:

- to be subject to the Council's authority, within the single institutional framework of the EU; Defence ministers within the Council will have responsibility for the Agency.
- to be set up by a Council Joint Action, which will i.a. specify the decision-making procedures within the Agency.

Council decisions relating to the Agency are to be taken by the Council (GAERC) meeting in Defence ministers composition.

The EU's Political and Security Committee is to receive reports and provide guidelines. The Agency is to draw on the competence and expertise of the EU Military Committee, as well as EU National Armaments Directors on issues of their competence

Structure of the Agency:

- A Steering Board will be the Agency's governing body (Defence Ministers of the participating EU Member States - or their representatives - authorised to commit their governments, and a representative of the Commission. It meets at the level of the Ministers of Defence or their representatives)

- The Head of the Agency will be the Secretary General/High Representative, who will chair SB meetings
- A Chief Executive will be appointed.

Budgetary arrangements will be worked out during the establishment phase of the Agency.

Participation

The Agency will be open to participation by all Member States. The Commission will be fully associated to the work of the Agency.

External working relations

The Agency should establish working relations with the relevant elements of existing organisations, arrangements and groupings such as OCCAR, L.o.I., and WEAG/WEAO, with a view to incorporating them or to assimilating their principles and practices.

Reciprocal transparency and coherent development will be ensured between the Agency and relevant NATO bodies within their respective competencies and the established framework of cooperation and consultation.

Press release by the High Representative for CFSP, Javier Solana, on the occasion of the first EU/NATO crisis management exercise

Brussels, 19-25 November 2003

FIRST JOINT EU/NATO CRISIS MANAGEMENT EXERCISE (CME/CMX 03)

Javier Solana, EU High Representative for the Common Foreign and Security Policy, participated today in the launch of the active phase of the Joint EU-NATO crisis management exercise "CME/CMX 03" (19-25 November 2003).

On this occasion, he underlined the importance of this exercise to test EU decision-making procedures as well as arrangements for consultation and co-operation between the EU and NATO at times of crisis. "This joint exercise is another important step in the close and concrete co-operation between the EU and NATO. Our relations are making progress, not just in the political field, but also in the practice of daily contacts and operational proceedings. I am sure that all participants in this exercise will contribute to its success, which will enhance EU preparedness in the field of crisis management."

Press information

The European Union (EU) and the North Atlantic Treaty Organisation (NATO) will conduct their first ever joint crisis management exercise, CME/CMX 03, from 19 to 25 November 2003, based on a range of standing arrangements for consultation and co-operation between the EU and NATO in times of crisis, and the other relevant elements of "Berlin Plus" arrangements.

CME/CMX 03 will concentrate on how the EU plans at the strategic politico-military level for an envisaged EU-led operation with recourse to NATO assets and capabilities, where NATO as a whole is not engaged.

CME/CMX 03 will be based on a fictitious crisis scenario, initially developed by the EU in accordance with the principles of the UN Charter. This scenario leads to the consideration of options for a possible EU crisis management operation under Article 17.2 of the Treaty on European Union (humanitarian and rescue tasks, peacekeeping tasks and tasks of combat forces in crisis management, including peacemaking). It will concentrate on the crisis management phases preceding a decision to take action; therefore, no troops will be deployed.

The exercise will focus on the interaction between the EU and NATO at the strategic politico-military level based on a range of standing arrangements for consultation and co-operation between the two organisations in times of crisis leading to the appointment of an Operational Commander and to the EU tasking for military operational planning. In this context, the relevant decisions on the involvement of the non-EU European Allies and Canada will be taken into account.

The exercise will also actively test civilian instruments of the EU including Community instruments administered by the Commission, and lead to EU taskings for civilian operational planning.

CME/CMX 03 will be conducted in Brussels and in national capitals. On the EU side, it will involve all Member States, the relevant Council instances, the Secretary-General/High Representative, the Commission and the EU Satellite Centre. On the NATO side, all Allies will be involved, as well as all relevant bodies at NATO HQ including national Delegations and NATO's Strategic Commanders' Headquarters (SHAPE).

This exercise will allow both the EU and NATO to complement the lessons learned from their actual cooperation on the EU-led operation Concordia, with a view to further enhancing their concerted contribution to peace and stability.

Franco-British summit

London, 24 November 2003

FRANCO-BRITISH DECLARATION

Strengthening European Cooperation in Security and Defence

The United Kingdom and France have together been in the forefront of the development of the European Security and Defence Policy. Our two countries remain committed to the continued development of the EU's capacity to take decisions and act in crisis management. We welcome the considerable progress that has been made since our last Summit at Le Touquet in February:

- ▶ In 2003 the European Union has concluded the full set of NATO/EU agreements organisations. We intend to make full use of these arrangements, so furthering the relationship established in this framework.
- ▶ The EU has launched its first civilian ESDP mission, the EU Police Mission in Bosnia, and taken the decision to launch a second, the EU Police Mission Proxima in the former Yugoslav Republic of Macedonia.
- ▶ The EU has launched its first military mission with recourse to NATO assets and capabilities, Operation Concordia in the former Yugoslav Republic of Macedonia, due to be completed on 15 December.
- ▶ The EU has successfully completed its first autonomous military mission, Operation Artemis in the Democratic Republic of Congo.

In all these operations both our countries have committed personnel and capabilities; and for the two military missions, France was the framework nation.

Through such action ESDP is now making a vital contribution to meeting the objectives of the Union's Common Foreign and Security Policy. In this context, our two countries reaffirm our support for the EU organising and leading a co-ordinated mission in Bosnia, following the termination of SFOR. It is understood that a military component would be established under Berlin Plus. We look forward to discussions on this in the coming weeks.

Our two countries now wish to build on these first steps in crisis management operations in two areas: the relationship between the EU and the UN in the field of crisis management; and further work on capability development. To that end:

- ▶ we propose a new initiative, in which the EU would focus on the development of its rapid reaction capabilities to enhance its ability to support the UN in short-term crisis management situations;
- ▶ we shall continue to work together on strengthening the EU's effective military capability, including the development of further capability goals, the establishment of

the EU Agency in the field of defence capabilities development, research, acquisition and armaments, and continuing our bilateral work on naval co-operation.

Our two countries recall the commitment we made at the Saint Malo Summit to combine our efforts to promote peace and stability in Africa. We recall our proposal to EU Partners at our last bilateral Summit that the Union should examine how it can contribute to conflict prevention and peacekeeping in Africa, including through EU autonomous operations, in close co-operation with the United Nations. In this context, we welcome the success of Operation Artemis. The EU was able to respond quickly to a request from the Secretary-General of the UN and to launch an operation within two weeks of the adoption of United Nations Security Council Resolution 1484 calling for a multinational interim emergency force in Bunia. It proved its ability to promote peace and stability beyond its immediate neighbourhood.

In respect of the ongoing discussions in the EU about the appropriate response to the request from the UN to take on a role in the training of the Integrated Police Unit in Kinshasa, the UK and France consider that a police training mission would demonstrate the EU's continued commitment to the DRC.

Together we now propose that the EU should aim to build on this precedent so that it is able to respond through ESDP to future similar requests from the United Nations, whether in Africa or elsewhere. The EU should be capable and willing to deploy in an autonomous operation within 15 days to respond to a crisis. The aim should be coherent and credible battle-group sized forces, each around 1500 troops, offered by a single nation or through a multinational or framework nation force package, with appropriate transport and sustainability. These forces should have the capacity to operate under a Chapter VII mandate. They would be deployed in response to a UN request to stabilise a situation or otherwise meet a short-term need until peace-keepers from the United Nations, or regional organisations acting under a UN mandate, could arrive or be reinforced. This idea will need to be developed across the EU and hand in hand with the UN and relevant regional partners. This initiative would contribute to the implementation of the joint declaration on EU/UN co-operation in crisis management.

The development of such a capability would have wider benefits for the rapid reaction capability of the EU and the Member States. We welcome the progress already made in establishing the NATO Response Force, noting that forces are offered to both the EU and NATO on a voluntary case by case basis. We will work together to improve the links between the two organisations and to enhance their rapid reaction capabilities in a compatible manner.

The UK and France will continue our co-operation in the field of capability development. The ultimate test of the success of the EU's crisis management capacity is that it is able to prepare for, launch and conduct effective and coherent operations. We want to go on improving this capability in terms of both force projection and concurrency.

The UK and France will continue to co-operate on:

- (a) developing as soon as possible the European Union's new Headline Goal, to be implemented by the end of 2010. In order to improve its ability to undertake the full range of missions envisaged under the draft Union Treaty, to conduct concurrent operations and to develop further its rapid reaction capacity, France and the UK consider that the Union should refine its quantitative targets and set demanding new qualitative objectives. In addition to preparedness, military effectiveness, deployability, and sustainability of forces, a key objective to that effect will be to improve significantly the interoperability of Member States' forces, equipment and command and control available to the Union, consistent with their need to operate both with each other and with their partners;
- (b) the early establishment of the EU Agency in the field of defence capabilities development, research, acquisition and armaments to drive forward, under the Council, the work of improving European defence capabilities and of defining a European capabilities and armaments policy. Together we welcome the Council Decision to create such an Agency, for the establishment of which our two countries called at Le Touquet. We look forward to the early setting up of an implementation team to bring the Agency into its operational phase in the course of 2004. Early tasks for the Agency should include contributing to the development of the EU's next Headline Goal;
- (c) The UK and France welcome the recent decisions to acquire the strategic airlift Aircraft A400 M and the missile "Meteor." These decisions, while helping to strengthen the European industrial base, allow us to make best use of our financial resources and to strengthen the capability and interoperability of our forces.
- (d) We remain committed to continuing our bilateral co-operation in the naval field.

In this respect, our national programmes to procure aircraft carriers represent a major commitment to the overall development of European military capabilities. Mutual exchanges of information are ongoing. Forthcoming French and British decisions on their national programmes could provide further scope for areas of industry-to industry co-operation in the future.

Furthermore, as agreed at Le Touquet, exchanges are now taking place covering operational cycles, aviation, sustainability, personnel and training. They continue with the aim of improving interoperability and harmonising activity cycles.

Joint paper by France, Germany and the United Kingdom

Naples, 29 November 2003

The paper reproduced below was the result of separate informal negotiations between French, German and British officials on the possible modalities for setting up dedicated headquarters for EU-led military operations – to be conducted with or without NATO assistance and cooperation. Its contents clearly represent a compromise between initially different approaches – as shown by documents I-13 and I-27 in this same collection. Precisely because of this, probably, this paper would be taken over in its entirety by the Italian EU Presidency and submitted to the EU-15 for final approval (see document I-45.d in this same collection).

EUROPEAN DEFENCE: NATO/EU CONSULTATION, PLANNING AND OPERATIONS

Building on the experience of EU civilian and military operations in 2003 and on the discussions on these two issues between the UK, France and Germany, this paper sets out how the collective capability of the EU can be strengthened, including the ability to plan and run certain operations, and describes how consideration of the options involved would take place between EU Partners and NATO Allies.

NATO is the forum for discussion and the natural choice for an operation involving the European and American allies. In accordance with the EU/NATO permanent arrangements adopted in Nice, in a crisis contacts and meetings will be intensified so that EU and NATO can discuss their assessments of the crisis and clarify their intentions regarding possible engagements. The experience of 2003 shows that these arrangements are fundamentally sound, providing for intensified consultation, while respecting fully the decision-making autonomy of both organisations.

Where NATO as a whole is not engaged, the EU, in undertaking an operation, will choose whether or not to have recourse to NATO assets and capabilities, taking into account in particular the Alliance's role, capacities, and involvement in the region in question. That process will be conducted through the "Berlin plus" arrangements.

In order to improve the preparation of EU operations having recourse to NATO assets and capabilities under Berlin plus arrangements, we propose that a small EU cell should be established at SHAPE and to invite NATO to establish liaison arrangements at the EUMS. It will also ensure full transparency between EU and NATO embodying their strategic partnership in crisis management.

We also propose to enhance the capacity of the EUMS to conduct early warning, situation assessment and strategic planning through the establishment within the EUMS of a cell with civil/military components. It will in particular:

- ▶ Link work across the EU on anticipating crises, including opportunities for conflict prevention and post-conflict stabilisation;
- ▶ Assist in planning and co-ordinating civilian operations;
- ▶ Develop expertise in managing the civilian/military interface;
- ▶ Do strategic advance planning for joint civil/military operations;
- ▶ Reinforce the national HQ designated to conduct an EU autonomous operation.

Regarding the conduct of autonomous EU military operations, the main option for this will be national HQs, which can be multi-nationalised for the purpose of conducting an EU-led operation. In certain circumstances, the Council may decide, upon the advice of the Military Committee, to draw on the collective capacity of the EUMS, in particular where a joint civil/military response is required and where no national HQ is identified.

Once such a decision was taken, the civilian/military cell in the EUMS would have responsibility for generating the capacity to plan and run the operation. This would not be a standing HQ. Rather it would be a capacity rapidly to set up an operations centre for a particular operation. The centre would operate separately from the strategic role of the EUMS, under a designated Operation Commander. This would require the necessary resources, including augmentation personnel, to be made available at short notice, by the EUMS and member states. A core staff, essentially “double hatted” from the EUMS, would be required to maintain the necessary level of readiness. To that effect the personnel of the EUMS could be reinforced, if necessary.

In the light of the lessons learned, further developments of the scope or nature of this capacity could be examined. It would require further decision by the Council.

EU-NATO ministerial meeting

Brussels, 4 December 2003

JOINT PRESS STATEMENT BY THE NATO SECRETARY GENERAL AND THE EU PRESIDENCY

The Foreign Ministers of the North Atlantic Treaty Organisation and of the European Union met in Brussels today to take stock of enhanced NATO-EU relations.

Since our last meeting, held in Madrid on 3 June 2003, we have made further progress in developing the strategic partnership between the two organisations. The conclusion of the « Berlin Plus » arrangements, providing for ready access by the EU to NATO's collective capabilities and assets, allowed the launch on 31 March of the EU-led Operation Concordia. In September NATO extended its support to this operation which is due to end on 15 December 2003. Following the operation's conclusion and the return of NATO capabilities and assets, we intend to compare notes and exchange views on lessons learned from this first operation under the « Berlin Plus » arrangements.

We remain determined to continue to build on our common success in working together in the Western Balkans. We share a common vision for the future of the countries concerned: self-sustained stability based on democratic and effective government structures and a viable free market economy, leading to further rapprochement towards European and Euro-Atlantic structures. The « Framework for an enhanced NATO-EU dialogue and a concerted approach on security and stability in the Western Balkans », agreed by the two organisations on 25 July 2003, serves as a basis for our joint endeavours. We look forward to consultations on Bosnia-Herzegovina. As a first step, NATO Allies will assess options for the future size and structure of SFOR including the possible termination of SFOR by the end of 2004 with the possible transition to a new EU mission within the framework of the « Berlin Plus » arrangements and to a new NATO HQ Sarajevo.

We successfully concluded our first ever joint crisis management exercise, CME/CMX 03, which was held from 19 to 25 November 2003. This exercise was based on our standing arrangements for consultation and cooperation in times of crises and other relevant elements of the « Berlin Plus » arrangements, concentrating on how the EU plans - at the strategic political-military level - for an envisaged EU-led operation with recourse to NATO assets and capabilities, in case NATO as a whole is not engaged.

We stand united in condemning the escalation of terrorist attacks against our countries. We discussed the fight against terrorism during today's meeting and agreed to develop closer cooperation in this area, beginning with a seminar on terrorism which will

be co-sponsored by NATO and the EU. We will also examine how to improve coordination in addressing proliferation of weapons of mass destruction.

Developing effective military capabilities is a key priority for both NATO and the EU. Ensuring consistency, transparency and mutually reinforcing development of capability requirements common to the two organisations is the main objective of the NATO-EU Capability Group. Recent discussions of this Group covered how to ensure consistency between activities under way in the European Capability Action Plan (ECAP) and the Prague Capability Commitment (PCC), and the mutual reinforcement between the NATO Response Force and the EU Rapid Reaction Elements, in full respect of the autonomy of both the EU and NATO.

NATO and the European Union share common strategic interests. Both institutions working together towards the same strategic ends will enhance security and stability in Europe and beyond. In the new strategic environment of the 21st century, a closer and trusting partnership between NATO and the EU remains as important as ever.

General Affairs and External Relations Council

Brussels, 8-9 December 2003

CONCLUSIONS

(...)

External Relations

(...)

EU-UN relations

The Council adopted the following conclusions:

“1. The Council reaffirms the deeply rooted commitment of the European Union to make effective multilateralism a central element of its external action, with at its heart a strong UN, as also reflected in the current work related to the European Security Strategy. The EU is firmly determined to play a major role within the UN system in line with its objective of developing a stronger international community, international institutions which function well and international relations based on the rule of law and respect for human rights and for fundamental freedoms. The EU reaffirms its intention to contribute actively to the ongoing UN comprehensive reform process. Improving the efficiency and effectiveness of UN bodies, policies and processes is a priority for the EU.

2. The Council therefore welcomes the comprehensive Commission Communication on “The European Union and the United Nations: the Choice of Multilateralism”, which comes at a dynamic juncture in the EU-UN relations and represents an important contribution to the further development of the EU role at the UN, and to strengthening EU support for the UN. The Council welcomes CONUN’s consolidated Report presented to the PSC, which is based on the above Commission Communication.

3. The EU’s dynamic role in UN affairs should be further developed and become commensurate with its present and future contribution in light of the enlargement of the Union. This role should be conducive to achieving effective multilateralism by building upon the EU contribution made so far to UN activities.

4. In order to help the multilateral system to deliver on its core objectives, the Council reaffirms the EU's will to improve cooperation with the UN in areas where its contribution may have significant added value for UN activities. While the Union has progressively consolidated its contributions to sectors of UN activities, like human rights and economic and social issues, including sustainable development, further efforts should be made to raise its profile in all the components of a comprehensive approach to peace, security and development, which are interrelated: conflict prevention, crisis management, peace-keeping and peace-building.
5. In this context, the Council recalls the EU-UN Joint Declaration of 24 September 2003 on cooperation in crisis management. It also recalls its Conclusions of 29 September and looks forward to receiving information from the SG/HR on the outcome of contacts so far with the UN for the implementation of the above Joint Declaration.
6. The purpose of closer cooperation between the EU and the UN, as far as the area of development cooperation is concerned, must be to support the implementation of the objectives of the Millennium Declaration, in particular poverty eradication, including through substantially improving the effectiveness and enhancing the coherence of development cooperation. The EU will play a leading role in securing a successful outcome to forthcoming major UN conferences such as the World Summit on the Information Society (in 2003 and 2005), the 11th UN Conference on Trade and Development (June 2004) and the review after 10 years of the Barbados Programme of Action for Small Island Developing States (August 2004).
7. Better coordination should be achieved between the EU and the UN in addressing disarmament, non-proliferation and terrorism issues by considering the possibility of joint initiatives/projects and providing assistance to third countries in the fulfilment of their obligations under multilateral instruments and regimes.
8. The Council acknowledges the progress made in the implementation of Article 19 of the TUE and decides to continue its efforts to ensure overall consistency of the EU approach on Security Council issues.
9. The Council recognises the importance of better integration of multilateral and bilateral objectives into EU policies and supports the need to address multilateral issues in the EU's political dialogues with third countries more systematically. It also considers that the EU has a special role to play in supporting capacity building in these countries in order to help them meet their international commitments.
10. The EU is committed to improving its working and coordination methods at the UN, in particular at certain UN headquarters, taking into account the potential for positive

results offered by the forthcoming enlargement. The Council acknowledges the need for a more focused and strategic approach in the speedy identification of its objectives and in developing a leading role in achieving them through more effective and result-oriented coordination. It is also determined to improve the coherence of the EU message at the UN through proper management of its statements and better coordination of support and of voting on decisions and resolutions by EU member States.

11. The Council recalls the importance of promoting continuous dialogue between the EU and other UN members on a bilateral or regional basis and of enhancing its outreach to them on a regular basis, in order to make EU views and positions better known.

12. To strengthen the efficiency and effectiveness of EU external action it is also necessary to ensure consistency in EU policies elaborated by the Council's bodies and implemented at UN headquarters as well as in EU bilateral contacts.

13. In view of the need to integrate UN affairs into EU activities more systematically and at an early stage, the Council requests the Political and Security Committee, relevant Council Working Groups and Heads of Mission at the main UN headquarters to ensure the follow-up of these Conclusions and to continue to address the Commission Communication, with a view to reaching appropriate decisions on the way forward."

(...)

European Defence and Security Policy

(...)

EU military rapid response

The Council adopted the following conclusions:

"Following the Council conclusions of 17 November 2003, the Council concluded that the EU military rapid response capability should be taken forward by the appropriate Council bodies. The work should now be initiated, aimed at complementing the Headline Goal with a precise definition and subsequent identification of and modalities for EU rapid response elements. In this respect, the Council welcomed the proposals to further develop the EU's military capability to support the UN in crisis management at short notice and on a short-term basis. The Council requested the Political and Security Committee to continue guiding the necessary EU developments in this field. It requested the SG/HR to report to the Council in March 2004 on the progress made on possible

amendments of the Helsinki Headline Goal Catalogue and on any necessary adjustments of Advance Military Strategic Planning to support EU Rapid Response Operations, and to make suggestions for further work.”

Protection of civilian populations against the effects of terrorist attacks

The Council adopted the following conclusions on the database of military assets and capabilities relevant to the protection of civilian populations against the effects of terrorist attacks, including chemical, biological, radiological and nuclear (CBRN) attacks:

“1. Following the European Council’s request contained in the Seville declaration of 21/22 June 2002 on the contribution of CFSP, including ESDP, in the fight against terrorism, the issue of how military assets and capabilities could be used to assist in protecting civilian populations against the consequences of a terrorist attack, including chemical, biological, radiological and nuclear (CBRN), has been discussed in the Union’s institutions.

2. In this context, a database of military assets and capabilities relevant to the protection of civilian populations against the effects of terrorist attacks, including CBRN, has been established with the EUMS.

3. The content of the military database will be made available to the existing Community Civil Protection Mechanism¹¹ Council Decision 2001/792, Euratom, of 23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions, JO L 297 du 15.11.2001, p. 7, in accordance with modalities, procedures and criteria to be defined in close coordination with the Commission and the Council Secretariat including the EU Military Staff.

4. Work will be undertaken to consider interoperability issues between the civilian and military assets in civil protection operations. For that purpose, the use of planning scenarios and lessons identified from real incidents, will be a starting point for further considerations. This would also ensure a better understanding of the military capabilities potentially available.

5. The information on the foregoing military assets (up to CONFIDENTIEL UE) will be protected in accordance with existing Council security regulations and the Commission security provisions.

6. The Council asks the Political and Security Committee to oversee the definition of the aforementioned modalities, procedures and criteria by the relevant Council bodies and to report back to the Council through Coreper.”

(...)

European Council

Brussels, 12 December 2003

PRESIDENCY CONCLUSIONS

(...)

V. External relations, CFSP, ESDP

A. External relations

(...)

Terrorism

54. The European Council unequivocally condemns all recent terrorist attacks, including in Istanbul, which killed or injured many people of different nationalities and faiths. The Union reiterates its solidarity with Turkey and reaffirms its determination to defeat terrorism together with others in the international community and to provide a common response to this global threat.

Middle East Peace Process

55. The European Council remains firmly committed to the clear objective of two States, Israel and a viable and democratic Palestinian State, living side by side in peace and security, in the framework of a comprehensive peace in the Middle East, as laid out in the Road Map drawn up by the Quartet. The European Council welcomes the international support for the Road Map, as expressed by the unanimous adoption of UNSCR 1515. The European Council therefore calls again on both parties, Israel and the Palestinian Authority, to immediately and simultaneously fulfil their obligations and responsibilities under the Road Map. The European Council stresses the importance of establishing a credible and effective monitoring mechanism including all members of the Quartet. The European Council also welcomes initiatives from civil societies on both sides, including the Geneva Peace Initiative, and is ready to further assist in the efforts to promote rapprochement, confidence building and the search for a lasting peace.

56. The European Council stresses the importance of partnership and mutual understanding, as demonstrated at the Euromed Conference of Foreign Ministers in Naples on 2 and 3 December 2003, and it welcomes the results of the donors' meeting (Ad Hoc

Liaison Committee) that took place in Rome on 10 December 2003, followed by a meeting of the Quartet Reform Task Force.

57. The European Council urges the Palestinian Authority to concretely demonstrate its determination in the fight against terrorism and extremist violence. The EU welcomes the Palestinian Government's efforts to achieve a lasting cease-fire, and the support given by the Egyptian Government in this respect. It strongly urges all Palestinian movements to effectively support this approach. It calls on the Palestinian Government under Prime Minister Qorei to reorganise all security services, and to restore effective control in areas under its responsibility. The reform of the Palestinian Authority must continue. These efforts deserve to be supported by all.

58. The EU also urges the Israeli Government to reverse its settlement policy and to dismantle settlements built after March 2001. This policy, together with the departure of the so-called security fence in the occupied West Bank and East Jerusalem from the Green Line, could prejudge future negotiations and make the two-State solution physically impossible to implement. In this context, the EU is alarmed by the creation of a closed zone between this "fence" and the Green Line. The European Council recalls the importance of open and unhindered channels of communication for all EU interlocutors.

59. The European Council urges again all sides in the region to immediately implement policies conducive to dialogue and negotiations and actively to combat any incitement to racial or religious hatred. It reiterates that the relationship with those who take steps to the contrary will be inevitably affected by such behaviour.

60. The European Council reiterates that the fight against terrorism in all its forms remains one of the priorities of the entire international community and that it is the duty of all countries, in particular of those in the region, to actively cooperate in the fight against terrorism and to abstain from all support, direct or indirect, to terrorist organisations.

61. The European Council recalls that a comprehensive peace must also include Syria and Lebanon and the relevance of the Arab Peace Initiative adopted by the Beirut Arab League Summit of 28 March 2002.

Arab world

62. The European Council welcomes the report on relations with the Arab world formulated by the Secretary-General/High Representative and the Commission as a contribution to the development of an overall approach. It invites the GAERC, in consultation with the SG/HR and the Commission, to pursue its work on the basis of a joint report, within the implementation of the European Security Strategy and taking into account

existing policies and programmes, notably the Barcelona Process and the New Neighbours Initiative. A report is envisaged at the GAERC in March 2004.

Transatlantic relations

63. The European Council adopted the Declaration set out at Annex.

64. As regards Canada, the European Council welcomes the progress made on the review of EU-Canada relations and looks forward to the next EU-Canada Summit's endorsement of a final report by Ministers. The outcome of this review will lend new depth to a close and valued relationship.

Russian Federation

65. The European Council took stock of the Union's relations with the Russian Federation and welcomes the close and effective working relationship established with Russia across a wide range of policy areas. It reaffirms the Union's determination to build a balanced and reciprocal strategic partnership with Russia, based on the values of the rule of law, democracy, human rights and fundamental freedoms and a free market economy.

66. The European Council reiterates the principal objective of creating, in the medium-long run, four Common Spaces on the basis of the St. Petersburg Declaration. In this sense the Rome Summit held on 6 November 2003 marked an important step forward with the adoption of the Common Economic Space concept and with fundamental decisions that lay the ground for the creation of the three other Spaces.

67. The European Council therefore invites the Council and the Commission to draw up, in good time before the next EU-Russia Summit, an assessment report on all aspects of the Union's relationship with Russia and to propose measures aimed at strengthening the strategic partnership and respect of the values on which it is based. In this context, and emphasising the opportunities offered to Russia by the impending enlargement of the European Union, the European Council stresses that the Partnership and Cooperation Agreement, which has to be extended to the new EU Member States by 1 May 2004, will remain the cornerstone of its relations with Russia.

68. The European Council welcomes progress made in cooperation within the framework of ESDP, as evidenced by the Russian participation in the joint EU-NATO crisis management exercise CME/CMX 03. Practical cooperation in specific situations will be brought forward as appropriate. In this regard, it highlights the opportunities for the EU and Russia to jointly promote stability, democracy and prosperity in their common neighbourhood.

69. The European Council welcomes the recent agreement to expand EIB activities in Russia and the WNIS and invites the Council to assess Russia's inclusion in the general mandate in December 2006.

(...)

B. CFSP/ESDP

Security Strategy

83. The European Council adopted the European security strategy and warmly congratulated SG/HR Javier Solana for the work accomplished.

84. The European security strategy reaffirms our common determination to face our responsibility for guaranteeing a secure Europe in a better world. It will enable the European Union to better deal with the threats and global challenges and realise the opportunities facing us. An active, capable and more coherent European Union would make an impact on a global scale. In doing so, it would contribute to an effective multi-lateral system leading to a fairer, safer and more united world.

85. In order to draw all the consequences of those strategic orientations and to mainstream them into all relevant European policies, the European Council asked the incoming Presidency and the SG/HR, in coordination with the Commission, to present, as appropriate, concrete proposals for the implementation of the European security strategy. Initial work would include effective multilateralism with the UN at its core, the fight against terrorism, a strategy towards the region of the Middle East and a comprehensive policy towards Bosnia-Herzegovina.

86. In this context, the European Council adopted the EU strategy against the proliferation of weapons of mass destruction, which is a crucial element of the security strategy.

ESDP

87. The European Council also endorsed the regular report on ESDP as well as the work programme for the incoming Presidency. It welcomed the progress achieved in the development of military and civilian capabilities for crisis management. It expressed satisfaction at the positive conduct of ESDP operations undertaken so far.

88. The European Council confirmed the EU's readiness for an ESDP-mission in Bosnia-Herzegovina, including a military component based on the agreed Berlin Plus arrangements. The European Council welcomed NATO's readiness to start consultations with the EU. It invited the incoming Presidency and the SG/HR to take the matter forward in accordance with agreed procedures.

89. The European Council welcomed the Presidency's document entitled "European defence: NATO/EU consultation, planning and operations". The Secretary-General/High Representative is invited to propose the necessary measures for:

- ▶ improvement of the preparation of European Union operations having recourse to Nato assets and capabilities, in accordance with the guidelines contained in the reference document;
- ▶ establishment of a cell with civil/military components to meet the objectives and comply with the principles set out in that document.

These measures should enter into force as early as possible in 2004.

EU-UN Relations

90. The European Council reaffirms the deeply rooted commitment of the European Union to making effective multilateralism a central element of its external action, with at its heart a strong UN. The European Council therefore welcomes the comprehensive Commission communication on "The European Union and the United Nations: the Choice of Multilateralism" which comes at a dynamic juncture in EU-UN relations.

91. In this context, the European Council also recalls the EU-UN Joint Declaration of 24 September 2003 on cooperation in crisis management, which constitutes the basis for enhanced cooperation in this area.

92. The European Council welcomes the conclusions of the GAERC on 8 December on EU-UN relations and stresses the need for these conclusions, as well as the Joint Declaration on crisis management to be translated into operative action.

(...)



ANNEX

European Council declaration on transatlantic relations

1. The transatlantic relationship is irreplaceable. The EU remains fully committed to a constructive, balanced and forward-looking partnership with our transatlantic partners.
2. Shared values and common interests form the basis of our partnership with the US and Canada. This partnership is also rooted in our growing political and economic interdependence. Acting together, the EU and its transatlantic partners can be a formidable force for good in the world.
3. The EU and its transatlantic partners are in a better position to tackle the challenges that confront them on the basis of a common threat assessment. The ESS provides a convincing analysis both of familiar threats and of emerging threats such as massive terrorism, proliferation of weapons of mass destruction, failed States and organised crime. Europe and its transatlantic partners stand united against these threats and are working to develop joint strategies to combat them.
4. The EU and its transatlantic partners should defend a common agenda based on the promotion of the rule of law, democracy and human rights, poverty reduction, health and environmental protection. The EU calls for an international order based on effective multilateralism. In this regard the European Council welcomes the sentiment expressed on this point by President Bush in his recent London speech.
5. Beyond combating immediate threats to security, the underlying factors behind such threats need to be addressed. We must further develop effective and sustainable policies and act together. Only by utilising the whole spectrum of means available – political, economic, civilian and military crisis-management instruments – will we be able to tackle effectively the wide range of challenges we face.
6. Strong transatlantic cooperation is crucial for fostering economic growth and sustainable development. Particularly important in this respect is our common commitment to successfully conclude the Doha Development Agenda, to further enhance our bilateral cooperation notably on regulatory matters, and to work towards the full integration of all countries into the world economy.

7. In order for the transatlantic partnership to yield its full potential, the EU-US relationship must be effective. The EU reaffirms its determination to build up further its capabilities and to increase its coherence. The EU-NATO relationship is an important expression of the transatlantic partnership. The operational capability of the EU, a key objective of the overall development of ESDP, is enhanced by the permanent arrangements, in particular Berlin Plus, which provide the framework for the strategic partnership between the two organisations in crisis management.

8. It is vital to maintain a permanent dialogue as strategic partners. The EU attaches the utmost importance to the dialogue on crisis prevention and management, which is proving so effective in the Balkans. Europe and its transatlantic partners will continue to work together in the same spirit towards the restoration of peace and stability in other areas struck by conflicts. In this context, the EU welcomes the positive results of the meeting held with Secretary of State Powell in Brussels on 18 November.

9. Transatlantic relations go beyond governments. The links between business communities and societies are the bedrock of those relations. The EU will encourage all forms of dialogue between legislative bodies and civil societies of the two sides of the Atlantic.

10. Working together bilaterally and within the framework of multilateral institutions, the transatlantic partners will combine the vision and capabilities needed to address the challenges of our time. Now more than ever, the transatlantic link is essential if we want to create a better world.

European Council

Brussels, 12 December 2003

ESDP PRESIDENCY REPORT

1. In line with the mandate defined by the European Council at Thessaloniki, the Presidency submits this progress report on ESDP.
2. In presenting this report, the Presidency has noted that Denmark has drawn attention to Protocol No. 5 on Denmark's position annexed to the Treaty of Amsterdam.

I. EU Operational Capability

3. The past year has seen significant developments in ESDP, particularly in terms of Crisis Management Operations. The EU has already launched three ESDP operations (two military and one police).

Operation Artemis in the Democratic Republic of Congo was successfully launched and terminated. All the objectives defined were achieved: security conditions were improved allowing for a timely deployment of a reinforced UN presence. This operation has also contributed to the smooth implementation of the peace process and the setting up of the transitional institution in Kinshasa. The EU has demonstrated that it could intervene in a timely manner, at the request of the UNSG, in support of the United Nations. The EU remains committed to support the peace process in RDC through all its instruments.

The Council has started the preparation of possible support for setting up an integrated police unit in Kinshasa.

The EU has also successfully conducted the *Operation Concordia* in the Former Yugoslav Republic of Macedonia, which will end on 15 December. This first military operation of the EU has achieved all its objectives, it has also allowed the EU and NATO to co-operate successfully in implementing EU-NATO permanent arrangements, including Berlin Plus, so that the EU could launch an operation with recourse to NATO assets and capabilities.

In close co-operation and in agreement with the FYROM authorities, the EU has decided to remain engaged in the area, notably through the EU Police Mission in FYROM (*EUPOL PROXIMA*) starting on 15 December. PROXIMA will support the development of an efficient and professional police service and promote European standards of policing.

The EU Police Mission in Bosnia-Herzegovina (*EUPM*) in the second half of the year continued to accomplish its mandate to monitor, mentor and to inspect local police,

thus successfully contributing to the progress of BiH Police towards European standards.

It is worth noting the EU's ability to plan and conduct concurrent ESDP operations and to adapt their features to changing circumstances, e.g., by making it possible for EUFOR to take over FHQ responsibilities from France in CONCORDIA for the period from 1 October until 15 December 2003, as well as by allowing ARTEMIS to assist MONUC during its own redeployment phase.

4. The Council decided in September 2003 that a permanent financing mechanism, including the necessary financial regulation, should be set-up by 1 March 2004 to assume charge of the financing of common costs of future EU military operations.

Work is ongoing in order to reach a political agreement, as requested by the Council, on the necessary legal basis by the end of 2003.

II. Development of European Military Capabilities

5. The Capability Development Mechanism (CDM) was further implemented. In this context, the Single Progress Report on military capabilities, noted by the Council on 17 November, confirmed the overall assessment made in May 2003 and showed progress in dealing with specific shortcomings. Furthermore, in the framework, of the relevant chapter of the CDM, the EU-NATO Capability Group held meetings, confirming the importance of the coherent and mutually reinforcing development of military capabilities in the EU and in NATO where requirements overlap.

Progress was achieved also in the context of the European Capability Action Plan (ECAP), thus demonstrating Member States determination in addressing the remaining shortfalls. Some of the existing contributions were improved. The contributions of the Acceding States against the requirements identified in 2003 will further increase the EU's abilities when included in the Helsinki Force Catalogue in 2004 at the end of a bidding process already launched.

While the "bottom-up" approach remains one of the essential principles of the ECAP, need is felt to complement the ECAP with an approach identifying objectives, timelines and reporting procedures to the Council in close co-ordination with each Project Group. To this end, the relevant Council bodies have started to develop an ECAP roadmap in order to monitor ECAP progress and allow Member States to redirect work of the Project Groups if deemed necessary.

In order to assist the EU and the Member States such a tool should be presented as an integral part of the Single Progress Report during each Presidency and accompanied by a Capability Improvement Chart including a state-of-play of the Project Groups and a clear readable overview for public opinion and the media.

6. It was agreed that further examination of various proposals made in recent months in order to address the need to improve EU's capacity for planning and conduct of military operations will have to be carried out, in a framework of compatibility with NATO and aiming at avoiding unnecessary duplication. The work under way in the relevant ECAP Project Groups will be fully taken into account and continue to be developed. Therefore, the Political and Security Committee (PSC) will work at an appropriate time on the issue drawing on EUMC advice.

7. It was also agreed that the EU needs now to look beyond 2003, in addition to the outstanding capability shortfalls against the Helsinki Headline Goal that still are to be addressed, and set new goals for the further development of European capabilities for crisis management with a horizon of 2010, thus defining the EU level of ambition in terms of achieving qualitative and quantitative capability goals, also in the light of the work of the IGC and of the adoption of the European Security Strategy. This work will take into account the current limitations and/or constraints on deployment time and the fact that high risk may arise at the upper end of the spectrum of scale and intensity, in particular when conducting concurrent operations. Based on the overarching need for qualitative and quantitative improvement recognised by the Council, the new objective should be based on the principles of interoperability of capabilities e.g. equipment, forces and commanding structures as well as deployability and sustainability.

On 17 November the Council welcomed the approach of the Presidency's food for thought paper A Path for Further Achievements in European Capabilities, discussed by the Ministers of Defence at their informal meeting on October 3-4, and directed the PSC to develop proposals in this area including on a new headline goal, with a view to the June 2004 European Council, drawing on this paper, on an EUMC information paper, on the French paper Towards a 2010 Headline Goal, on the UK proposal on an "implementation plan", on further contributions by Member States as well as on advice from the EUMC.

8. Various proposals have been presented, on which there have been preliminary discussions, in order to address the need to improve European capabilities including in the fields of training, civil protection, strategic sea, air and land movement and the establishment of a multinational deployable force Headquarters at the force command level.

III. Development of European Civilian Capabilities

9. As highlighted in the Progress Report on Civilian Aspects of Crisis Management, significant progress has been made in the development of European capabilities in this area. In the area of police, in the last six months:

- The “Lucerna 03” Police exercise, organised by the Italian Presidency, has tested the conceptual elaboration on the interoperability of the Integrated Police Units (IPUs), and other rapidly deployable elements, in particular as regards the rapidly deployable Police Headquarters. During the Irish Presidency it is foreseen that a similar exercise will be organised in France.
- A handbook for EU personnel to be deployed to police missions has been elaborated, also drawing on the relevant UN experience, thus ensuring compatibility of standards among Member States;

In the area of civilian administration, the General Concept was complemented in particular on administration of local communities and electoral services.

10. With the “Common Criteria for training on civilian aspects of crisis management”, a strategic approach to training has been approved. The implementation of this approach by the EU Member States and institutions will facilitate recruitment of civilian personnel best prepared for EU crisis management operations.

The EU Conference on Training, held in Rome on 20-21 October, has envisaged concrete ways to strengthen instruments at the EU disposal in the field of training for civilian aspects of crisis management. Moreover, the third phase of the EC Project on Training has been launched, taking into account the new EU priorities in this area.

In July, the Secretary General/High Representative presented a report on Planning and Mission Support for Civilian Crisis Management Operations. The Council welcomed this report and noted the commitments of the Secretary General/High Representative to strengthen the Planning and Mission Support capabilities for Civilian Crisis Management Operations as stated in the conclusions of the Council of 17 November 2003.

During the Italian Presidency, Guidelines for financing civilian crisis management operations under Title V TEU were adopted by the Council.

11. It was agreed, against the background of the experience gained with the planning for and conduct of concrete operations, as well as the likelihood of further civilian missions in the short/medium term, that the work on civilian crisis management should increasingly turn to the specific needs for bringing the EU to a higher level of operationality. New capabilities and instruments should also be developed as need arises.

As regard the use of EU monitoring missions as a generic crisis management instrument, preliminary considerations on the EU Member States capabilities in this field have started, through a discussion on the results of a questionnaire on the Member States monitors currently deployed.

The discussion on the building up of the capabilities at 25 has been undertaken. Information on documents and previous calls for contributions have been distributed to and discussed with the Acceding States.

IV. Creation of an Agency in the field of defence capabilities development, research, acquisition and armaments within the EU

12. Further to the Conclusions of the European Council at Thessaloniki, on November 17 the Council decided to create an Agency in the field of defence capabilities development, research, acquisition and armaments. The Agency, without prejudice to the competencies of Member States over defence matters, will be established in the course of 2004. The Defence Ministers, within the Council, have the responsibility for the Agency, in support of the CFSP, the ESDP and European Defence Capabilities in general. Council decisions in relation to the work of the Agency shall be taken, after preparation by COREPER, the PSC and the relevant Council bodies, by the Council (GAERC) meeting in Defence Ministers composition. The Council also decided to create an Agency Establishment Team (AET) to carry out preparatory work for the establishment of the Agency in accordance with the Council conclusions of 17-18 November 2003 and the report annexed thereto. The AET will be set up in January 2004 under the authority of the Secretary General High Representative. The Team will support the Council and its competent bodies in their work towards the establishment of the Agency. It will submit proposals to the competent Council bodies with a view to the adoption of the necessary decisions by the Council by June 2004. The Council will re-examine, and if deemed appropriate review the relevant constitutive texts relating to the Agency, in particular to bring them in line with the outcome of the IGC.

13. The Council underlined the importance of the role of the National Armaments Directors in armaments development and took note of their meeting on 16 September 2003.

14. The Presidency organised an informal high level Defence-Industry Seminar with the participation of the Secretary General/High Representative and of the Commissioner for Research. The Seminar stressed, *inter alia*, the importance of continuing Defence-Industry dialogue.

V. EU-NATO relations

15. EU-NATO relations are soundly established and so is the genuine strategic partnership in crisis management between the EU and NATO, as encompassed in the framework for EU-NATO relations, implementing Berlin Plus and related aspects. The finalisation of the *Framework for an Enhanced NATO-EU Dialogue and a Concerted Approach on Security and Stability in the Western Balkans*, paved the way for enhanced dialogue and even closer co-operation in the region. A first exchange of information on NATO's Mediterranean dialogue and on EU initiatives for dialogue and co-operation with the Mediterranean

partners on ESDP also took place. The EU is continuing to explore ways to further cooperate with NATO in the fight against terrorism.

Staffs of the EU and NATO have also exchanged information in the area of non-proliferation of Weapons of Mass Destruction.

VI. Crisis Management Exercise

16. The first ever joint EU-NATO crisis management exercise CME/CMX 03 was conducted from 19 to 25 November. The exercise focused on how the EU conducts strategic planning in response to a crisis with civilian and military instruments, including their coordination, in anticipation of an envisaged EU-led operation with recourse to NATO assets and capabilities.

CME/CMX 03 provided an opportunity to exercise the interaction between EU and NATO at the strategic politico-military level, based on a range of standing arrangements for consultation and co-operation between the EU and NATO in times of crisis. The EU decision-making process, including the framework within which civilian and military instruments were coordinated within the EU, was also actively exercised. Consultations at the political level with third states were also part of the exercise, drawing on agreed arrangements.

VII. Enhancement of the EU military rapid response capabilities

17. With a view to taking forward EU military rapid response, the Council agreed that work should be carried out to complement the Headline Goal with a precise definition and subsequent identification of EU rapid response elements. In addition, while welcoming the implementation phase of the NATO Response Force (NRF), the Council affirmed the need for further exchanges of information between the EU and NATO on EU military rapid response and on NRF at different levels within the established co-operation framework with a view to a coherent and mutually reinforcing development of military capabilities where requirements overlap.

VIII. ESDP and terrorism

18. Following the European Council request contained in the Seville Declaration, work has continued regarding the establishment of a database of military assets and capabilities relevant to the protection of civilian populations against the effects of terrorist attacks, including Chemical, Biological, Radiological and Nuclear (CBRN) attacks. In this context, as indicated with the 8 December Council Conclusions, the content of the

military database will be made available to the existing Community Civil Protection Mechanism, in accordance with procedures, modalities and criteria to be defined in close co-ordination with the Commission and the Council Secretariat including the EU Military Staff.

IX. Co-operation with international organisations

19. A Joint Declaration on UN-EU co-operation in crisis management has been signed on 24 September, providing for a structured framework of consultation and co-operation in this field and paving the way to a more effective EU action to support the UN in crisis areas. It identifies four areas in which the relationship between the two organisations should be strengthened: planning, training, communication and best practices.

Concrete co-operation for specific operations has been developed with the UN (ARTEMIS, EUPM) and with the OSCE (PROXIMA).

The EU is also strengthening its relations with the UN concerning conflict prevention and post-conflict reconstruction as forming part of the overall intensification of EU-UN relations. The Commission communication on EU-UN relations was welcomed as a very useful contribution to the present debate on the matter. Work on the content of this Communication is continuing. In its 17 November Conclusions on ESDP the Council underlined the importance it attaches to EU-OSCE co-operation in conflict prevention, crisis management and post-conflict rehabilitation.

X. European Programme for the prevention of violent conflicts

20. Work has continued in the implementation of the Programme for the prevention of violent conflicts adopted at the European Council in Göteborg. In line with a regional approach, the Italian Presidency organised a seminar on conflict prevention, management and resolution in Africa on 28-29 July, focussed on the opportunities for EU-Africa institutional partnership and the contribution of civil society.

A conference on "Lessons learned and best practices from the Western Balkans", arranged by the Folke Bernadotte Academy in co-operation with the Italian Presidency, was held in Stockholm on 8-9 October 2003.

XI. EU Training Policy in the field of ESDP

21. On 17 November, the Council approved the EU Training Policy in ESDP, as a result of the Thessaloniki European Council invitation to foster the development of a European security culture under ESDP, through agreement on a co-ordinated EU Training Policy,

encompassing both civilian and military dimensions of ESDP. A concept is being developed, aiming at ensuring co-ordination and establishing links and strengthening synergies between the different training initiatives within ESDP. This concept should take account of work that has already been done in the field of training, including in civilian aspects. In this context, the Council requested the PSC to further examine the initiatives and proposals mentioned in the EU Training Policy document, including the proposal concerning a European College for Security and Defence, as presented at the meeting of the PSC on 7 November 2003.

The International Conference on Training, held in Rome on 21-22 October, has considered options for closer co-operation with the UN, as well as the OSCE and the Council of Europe, in the area of training for civilian aspects of crisis management.

XII. Work on civil-military co-ordination (CMCO)

22. Building on the successful work accomplished under the Danish and Greek Presidencies, a practical framework for Civil-Military Co-ordination has been agreed. It underlines the central importance of a culture of co-ordination to ensure unity of purpose and coherence of instruments in EU crisis management activities. Concrete measures for field-level co-ordination should be further elaborated and presented to PSC in 2004.

XIII. Role of space applications in the ESDP framework

23. On 19 May 2003, the Council recognised the importance of Space applications and the developing space policy to enhance the EU capabilities to carry out crisis management operations. The PSC discussed the Commission's White Paper on Space Policy with a view to continuing to examine space applications in the ESDP framework. The PSC reiterated its position that further regular interpillar reflection is needed to ensure the security and defence aspects of CFSP and ESDP are taken into account during the deliberations of an EU Space Policy and its associated programmes. In the same vein, the presentation, at a seminar in Rome (2 December 2003), of the Research Report on Space and Security in Europe, prepared by a network of European research institutions, provided an opportunity for an exchange of views.

XIV. Dialogue and co-operation with Mediterranean partners in the field of crisis management

24. Further progress was made in strengthening dialogue and co-operation with Mediterranean partners on ESDP as described in the report agreed by the PSC on 28 November in view of the 6th Euro-Mediterranean Ministerial Conference held in Naples on 2-3- December 2003. This includes in particular the seminar on ESDP and the Mediterranean held in Brussels on 18 September, the Presidency seminar, organised with the EU ISS, on security, stability and cooperation in the Mediterranean region held in Rome on 25 September, and the first PSC Troika meeting with Mediterranean partners on 1 October. Work in this field will continue within the EU and with partners on the basis of the PSC conclusions of 19 September, the Council conclusions on ESDP of 17 November and the PSC report of 28 November with a view to the 6th EuroMed Ministerial Conference.

XV. Mandate for the incoming Presidency

25. On the basis of the present report and taking into account the European Security Strategy "A Secure Europe in a Better World", the incoming Presidency, assisted by the Secretary General/High Representative, and, as appropriate, in association with the Commission, is invited to continue work on developing the European Security and Defence Policy within the General Affairs and External Relations Council. In particular, the incoming Presidency is invited:

- a. To take forward work on the further development of European military capabilities, including:
 - On the enlargement of the EU, through integration of the capability commitments of the 10 acceding States into the EU Helsinki Force Catalogue;
 - Through the development of an ECAP roadmap on the basis of the Council Conclusions of 17 November 2003;
 - Through the initiation of work to complement the Headline Goal with a precise definition and subsequent identification of EU rapid response elements;
 - Further exchanges of information between the EU and NATO on the EU military rapid response and on NRF at different levels within the established co-operation framework, with a view to a coherent and mutually reinforcing development of military capabilities where requirements overlap;

- The implementation of the Capability Development Mechanism, including through meetings of the EU-NATO Capability Group.
- b. To set goals for the further development of European military capabilities for crisis management with a horizon of 2010, with a view to the June 2004 European Council and in accordance with the Council Conclusions of 17 November, having regard to various proposals that have been presented and discussed in order to address the need to improve the EU military capabilities, also in the light of the adoption of the European Security Strategy and, as appropriate, of the work of the IGC;
- c. To carry out further examinations of proposals made in the recent months in order to address the need for an improved EU capacity for planning and conduct of military operations, in a framework of compatibility with NATO and aiming at avoiding unnecessary duplication;
- d. To continue to examine other proposals and initiatives presented in recent months (i.a. at the Security Directors meeting in Rome on 29 August) aiming at addressing the need to further improve EU capabilities;
- e. To draw appropriate conclusions in respect of lessons learned from ESDP operations; for Operation CONCORDIA this will be followed by a lessons learned exercise conducted with NATO;
- f. To carry forward preparations for work related to possible future operations, both civilian and military, including a possible ESDP operation in Bosnia Herzegovina following SFOR;
- g. To continue work to strengthen civil-military co-ordination by elaborating practical measures for field-level civil-military co-ordination;
- h. To advance the establishment, in the course of 2004, of an Agency in the field of defence capabilities development, research, acquisition and armaments;
- i. To continue to take forward the development of consultation and co-operation between the EU and NATO in matters of security, defence and crisis management of common interest, according to the Seville ESDP Presidency Report and within the agreed framework for consultation, including through meetings between the PSC and the NAC and the EUMC and the NATO MC;

- j. To further elaborate on modalities, procedures and criteria for the use of military assets and capabilities in the protection of civilian populations against the effects of terrorist attacks, including Chemical, Biological, Radiological and Nuclear (CBRN) attacks;
- k. To further advance in developing a concept aiming, inter alia, at ensuring co-ordination and establishing links and strengthening synergies between the different training activities within ESDP;
- l. To take forward implementation of the joint Declaration between the EU and the UN on crisis management of 24 September 2003, as well as the Council Conclusions of 17 November 2003 on EU-OSCE co-operation;
- m. To further develop the EU's rapid response capabilities, including in enhancing the EU's ability to support, through autonomous operations, the UN at short notice;
- n. To continue dialogue and co-operation with Third Countries including Canada, Russia and Ukraine;
- o. To continue work in developing dialogue and co-operation with Mediterranean partners in the field of crisis management, with a view to the next EuroMed Ministerial meeting;
- p. To continue to improve quantitative and qualitative civilian capabilities in the priority areas of policing, rule of law, civil protection and civil administration, including in the context of enlargement of the Union, taking in particular into account the contributions of Acceding States;
- q. To take forward work on issues and shortfalls identified in the Progress Report on Civilian Aspects of Crisis Management;
- r. To take forward work on the development of other possible new civilian crisis management capabilities and instruments in view of evolving needs;
- s. To keep civilian planning and mission support capabilities under review and to continue to improve the Union's capabilities in this area;
- t. To continue to examine space applications and to contribute to the development of the EU space policy where relevant to CFSP and ESDP;

- u. To continue the implementation of the European Programme for the Prevention of Violent Conflicts, including through further encouragement of a systematic approach to conflict prevention so as to ensure more effective early warning leading to early action, and to submit a report to the European Council in June 2004;
- v. To take forward work on the implementation of the EU's exercise policy, including discussions on the planning format;
- w. To continue work on the planning and implementation of Exercise CME 04, to take place in May 2004;
- x. To find a solution for the financing of exercises by the end of February 2004 and work further on the financing of EU operations.

European Council

Brussels, 12 December 2003

The document reproduced below constitutes the final step along the way opened by the Action Plan drafted in early June (see document I-19.b in this same collection).

EU STRATEGY AGAINST PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Introduction

1. The proliferation of weapons of mass destruction and their means of delivery such as ballistic missiles are a growing threat to international peace and security. While the international treaty regimes and export controls arrangements have slowed the spread of WMD and delivery systems, a number of states have sought or are seeking to develop such weapons. The risk that terrorists will acquire chemical, biological, radiological or fissile materials and their means of delivery adds a new critical dimension to this threat.

2. As the European Security Strategy makes clear, the European Union cannot ignore these dangers. WMD and missile proliferation puts at risk the security of our states, our peoples and our interests around the world. Meeting this challenge must be a central element in the EU's external action. The EU must act with resolve, using all instruments and policies at its disposal. Our objective is to prevent, deter, halt and, where possible, eliminate proliferation programmes of concern worldwide.

3. Non-proliferation, disarmament and arms control can make an essential contribution in the global fight against terrorism by reducing the risk of non state actors gaining access to weapons of mass destruction, radioactive materials, and means of delivery. We recall in this context the Council conclusions of 10 December 2001 on implications of the terrorist threat on the non-proliferation, disarmament, and arms control policy of the EU.

CHAPTER I

Proliferation of WMD and means of delivery is a growing threat to international peace and security

4. The proliferation of weapons of mass destruction and their means of delivery are a growing threat. Proliferation is driven by a small number of countries and non-state actors, but presents a real threat through the spread of technologies and information and because proliferating countries may help one another. These developments take place outside the current control regime.

5. Increasingly widespread proliferation of weapons of mass destruction increases the risk of their use by States (as shown by the Iran/Iraq conflict) and of their acquisition by terrorist groups who could conduct actions aimed at causing large-scale death and destruction.

6. Nuclear weapons proliferation: the Treaty on the Non-proliferation of Nuclear Weapons (NPT) must be preserved in its integrity. It has helped to slow and in some cases reverse the spread of military nuclear capability, but it has not been able to prevent it completely. The possession of nuclear weapons by States outside the NPT and non-compliance with the Treaty's provisions by states party to the Treaty, risk undermining non-proliferation and disarmament efforts.

7. Chemical Weapons Proliferation: A particular difficulty with verification and export control regimes is that the materials, equipment, and know-how are dual use. One way of assessing the level of risk is to see whether there is indigenous ability to produce chemical warfare (CW) agent precursors and to weaponise chemical warfare agents. In addition, several countries still possess large chemical weapons stockpiles that should be destroyed, as provided for in the Chemical Weapons Convention. The possible existence of chemical weapons in States not party to the Chemical Weapons Convention is also a matter of concern.

8. Biological weapons proliferation: although effective deployment of biological weapons requires specialised scientific knowledge including the acquisition of agents for effective dissemination, the potential for the misuse of the dual-use technology and knowledge is increasing as a result of rapid developments in the life sciences. Biological weapons are particularly difficult to defend against (due to their lack of signature). Moreover, the consequence of the use maybe difficult to contain depending on the agent used and whether humans, animals, or plants are the targets. They may have particular attractions for terrorists. Biological weapons, as well as chemical weapons, pose a special threat in this respect.

9. Proliferation of means of delivery related to weapons of mass destruction: development by several countries of concern of ballistic programmes, of autonomous capacity in the production of medium and long range missiles, as well as cruise missiles and UAV are a growing cause of concern.

10. All such weapons could directly or indirectly threaten the European Union and its wider interests. A WMD attack on the EU's territory would involve the risk of disruption on a massive scale, in addition to grave immediate consequences in terms of destruction and casualties. In particular, the possibility of WMD being used by terrorists present a direct and growing threat to our societies in this respect.

11. In areas of tension where there are WMD programmes, European interests are potentially under threat, either through conventional conflicts between States or through terrorist attacks. In those regions, expatriate communities, stationed and deployed troops (bases or external operations), and economic interests (natural resources, investments, export markets) can be affected, whether or not specially targeted.

12. All the States of the Union and the EU institutions have a collective responsibility for preventing these risks by actively contributing to the fight against proliferation.

13. The EU Situation Centre has prepared and will continuously update a threat assessment using all available sources; we will keep this issue under review and continue to support this process, in particular by enhancing our co-operation.

CHAPTER II

The European Union cannot ignore these dangers. It must seek an effective multilateralist response to this threat

14. To address with unceasing determination the threat posed by WMD a broad approach covering a wide spectrum of actions is needed. Our approach will be guided by:

- our conviction that a multilateralist approach to security, including disarmament and non-proliferation, provides the best way to maintain international order and hence our commitment to uphold, implement and strengthen the multilateral disarmament and non-proliferation treaties and agreements;
- our conviction that non-proliferation should be mainstreamed in our overall policies, drawing upon all resources and instruments available to the Union;
- our determination to support the multilateral institutions charged respectively with verification and upholding of compliance with these treaties;

- our view that increased efforts are needed to enhance consequence management capabilities and improve coordination;
- our commitment to strong national and internationally-coordinated export controls;
- our conviction that the EU in pursuing effective non-proliferation should be forceful and inclusive and needs to actively contribute to international stability;
- our commitment to co-operate with the United States and other partners who share our objectives.

At the same time, the EU will continue to address the root causes of instability including through pursuing and enhancing its efforts in the areas of political conflicts, development assistance, reduction of poverty and promotion of human rights.

15. Political and diplomatic preventative measures (multilateral treaties and export control regimes) and resort to the competent international organisations form the first line of defence against proliferation. When these measures (including political dialogue and diplomatic pressure) have failed, coercive measures under Chapter VII of the UN Charter and international law (sanctions, selective or global, interceptions of shipments and, as appropriate, the use of force) could be envisioned. The UN Security Council should play a central role.

A) Effective multilateralism is the cornerstone of the European strategy for combating proliferation of WMD.

16. The EU is committed to the multilateral treaty system, which provides the legal and normative basis for all non-proliferation efforts. The EU policy is to pursue the implementation and universalisation of the existing disarmament and non-proliferation norms. To that end, we will pursue the universalisation of the NPT, the IAEA Safeguard agreements and protocols additional to them, the CWC, the BTWC, the HCOC, and the early entry into force of the CTBT. The EU policy is to work towards the bans on biological and chemical weapons being declared universally binding rules of international law. The EU policy is to pursue an international agreement on the prohibition of the production of fissile material for nuclear weapons or other nuclear explosive devices. The EU will assist third countries in the fulfilment of their obligations under multilateral conventions and regimes.

17. If the multilateral treaty regime is to remain credible it must be made more effective. The EU will place particular emphasis on a policy of reinforcing compliance with the multilateral treaty regime. Such a policy must be geared towards enhancing the

detectability of significant violations and strengthening enforcement of the prohibitions and norms established by the multilateral treaty regime, including by providing for criminalisation of violations committed under the jurisdiction or control of a State. The role of the UN Security Council, as the final arbiter on the consequence of non-compliance – as foreseen in multilateral regimes – needs to be effectively strengthened.

18. To ensure effective detectability of violations and to deter non-compliance the EU will make best use of, and seek improvements to, existing verification mechanisms and systems. It will also support the establishment of additional international verification instruments and, if necessary, the use of non-routine inspections under international control beyond facilities declared under existing treaty regimes. The EU is prepared to enhance, as appropriate, its political, financial and technical support for agencies in charge of verification.

19. The EU is committed to strengthening export control policies and practices within its borders and beyond, in co-ordination with partners. The EU will work towards improving the existing export control mechanisms. It will advocate adherence to effective export control criteria by countries outside the existing regimes and arrangements.

B) Promotion of a stable international and regional environment is a condition for the fight against proliferation of WMD

20. The EU is determined to play a part in addressing the problems of regional instability and insecurity and the situations of conflict which lie behind many weapons programmes, recognising that instability does not occur in a vacuum. The best solution to the problem of proliferation of WMD is that countries should no longer feel they need them. If possible, political solutions should be found to the problems, which lead them to seek WMD. The more secure countries feel, the more likely they are to abandon programmes: disarmament measures can lead to a virtuous circle just as weapons programmes can lead to an arms race.

21. To this end, the EU will foster regional security arrangements and regional arms control and disarmament processes. The EU's dialogue with the countries concerned should take account of the fact that in many cases they have real and legitimate security concerns, with the clear understanding that there can never be any justification for the proliferation of WMD. The EU will encourage these countries to renounce the use of technology and facilities that might cause a particular risk of proliferation. The EU will expand co-operative threat reduction activities and assistance programmes.

22. The EU believes that political solutions to all of the different problems, fears and ambitions of countries in the most dangerous regions for proliferation will not be easy to achieve in the short run. Our policy is therefore to prevent, deter, halt and, where possible, eliminate proliferation programmes of concern, while dealing with their underlying causes.

23. Positive and negative security assurances can play an important role: they can serve both as an incentive to forego the acquisition of WMD and as a deterrent. The EU will promote further consideration of security assurances.

24. Proliferation of WMD is a global threat, which requires a global approach. However, as security in Europe is closely linked to security and stability in the Mediterranean, we should pay particular attention to the issue of proliferation in the Mediterranean area.

C) Close co-operation with key partners is crucial for the success of the global fight against proliferation

25. A common approach and co-operation with key partners is essential in order to effectively implement WMD non-proliferation regime.

26. Co-operation with the US and other key partners such as the Russian Federation, Japan and Canada is necessary to ensure a successful outcome of the global fight against proliferation.

27. In order to tackle and limit the proliferation risk resulting from weaknesses in the administrative or institutional organisation of some countries, the EU should encourage them to be partners in the fight against proliferation, by offering a programme aimed at assisting these countries in improving their procedures, including the enactment and enforcement of implementing penal legislation. Assistance should be associated with regular joint evaluations, reinforcing the collaborative spirit and the confidence building.

28. Appropriate cooperation with the UN and other international organisations will assist in ensuring a successful outcome of the global fight against proliferation. The EU will ensure, in particular, exchange of information and analysis with NATO, within the agreed framework arrangements.

CHAPTER III

The European Union must make use of all its instruments to prevent, deter, halt, and if possible to eliminate proliferation programmes that cause concern at global level

29. The elements of the EU's Strategy against proliferation of weapons of mass destruction need to be integrated across the board. We have a wide range of instruments available: multilateral treaties and verification mechanisms; national and internationally-coordinated export controls; cooperative threat reduction programmes; political and economic levers (including trade and development policies); interdiction of illegal procurement activities and, as a last resort, coercive measures in accordance with the UN Charter. While all are necessary, none is sufficient in itself.

We need to strengthen them across the board, and deploy those that are most effective in each case. The European Union has special strengths and experience to bring to this collective effort. It is important that the EU's objectives, as set out in this strategy, be factored in its policy approach in each area, so as to maximise its effectiveness.

30. In implementing our strategy we have decided to focus in particular on the specific measures contained in this chapter. It is a "living action plan" whose implementation will be constantly monitored. It will be subjected to regular revision and updating every six months.

A) Rendering multilateralism more effective by acting resolutely against proliferators.

1) Working for the universalisation and when necessary strengthening of the main treaties, agreements and verification arrangements on disarmament and non-proliferation.

- Carrying out diplomatic action to promote the universalisation and reinforcement of multilateral agreements, in implementation of the Council Common Position of 17 November 2003.

2) Fostering the role of the UN Security Council, and enhancing expertise in meeting the challenge of proliferation.

- Working inter alia to enable the Security Council to benefit from independent expertise and a pool of readily available competence, in order to carry out the verification of proliferating activities that are a potential threat to international peace

and security. The EU will consider how the unique verification and inspection experience of UNMOVIC could be retained and utilised, for example by setting up a roster of experts.

3) Enhancing political, financial and technical support to verification regimes.

- Now that all EU Member States have ratified the IAEA Additional Protocols, the EU will redouble its efforts to promote their conclusions by third States.
- Fostering measures aimed at ensuring that any possible misuse of civilian programmes for military purposes will be effectively excluded.
- Releasing financial resources to support specific projects conducted by multilateral institutions (i.a. IAEA, CTBTO Preparatory Commission and OPCW) which could assist in fulfilling our objectives.
- Promoting challenge inspections in the framework of the Chemical Weapons Convention and beyond. This issue will be addressed in the CWC competent bodies as well as in the framework of political dialogue with third States.
- Reinforcing the BTWC and the CWC and, in this context, continuing the reflection on verification instruments. The BTWC does not contain at present a verification mechanism. The EU must find ways to strengthen compliance. A group of experts to give advice on how this could be done could be established. The EU will take the lead in efforts to strengthen regulations on trade with material that can be used for the production of biological weapons. The EU will also take the lead in supporting national implementation of the BTWC (e.g. in providing technical assistance). The EU will consider giving support to states with administrative or financial difficulties in their national implementation of the Chemical Weapons Convention and the BTWC.

4) Strengthening export control policies and practices in co-ordination with partners of the export control regimes; advocating, where applicable, adherence to effective export control criteria by countries outside the existing regimes and arrangements; strengthening suppliers regimes and European co-ordination in this area.

- Making the EU a leading co-operative player in the export control regimes by coordinating EU positions within the different regimes, supporting the membership of acceding countries and where appropriate involvement of the Commission, promoting a catch-all clause in the regimes, where it is not already agreed, as well as strengthening the information exchange, in particular with respect to sensitive destinations, sensitive end-users and procurement patterns.
- Reinforcing the efficiency of export control in an enlarged Europe, and successfully conducting a Peer Review to disseminate good practices by taking special account of the challenges of the forthcoming enlargement.

- Setting up a programme of assistance to States in need of technical knowledge in the field of export control.
- Working to ensure that the Nuclear Suppliers Group make the export of controlled nuclear and nuclear related items and technology conditional on ratifying and implementing the Additional Protocol.
- Promoting in the regimes reinforced export controls with respect to intangible transfers of dual-use technology, as well as effective measures relating to brokering and transshipment issues.
- Enhancing information exchange between Member States. Considering exchange of information between the EU SitCen and like-minded countries.

5) Enhancing the security of proliferation-sensitive materials, equipment and expertise in the European Union against unauthorised access and risks of diversion.

- Improving the control of high activity radioactive sources. After the adoption of the Council Directive on the control of high activity sealed radioactive sources, Member States should ensure its fast implementation at national level. The EU should promote the adoption of similar provisions by third countries.
- Enhancing, where appropriate, the physical protection of nuclear materials and facilities, including obsolete reactors and their spent fuel.
- Strengthening of EC and national legislation and control over pathogenic microorganisms and toxins (both in Member States and in Acceding Countries) where necessary. Co-operation between the public health, occupational health and safety and the non-proliferation structures should be reinforced. The creation of an EU Centre for Disease Control and the task that it would perform should be analysed.
- Fostering the dialogue with industry to reinforce awareness. An initiative will be taken in order to promote firstly a dialogue with EU industry with a view to raising the level of awareness of problems related to the WMD and secondly, a dialogue between EU and US industry, in particular in the biological sector.

6) Strengthening identification, control and interception of illegal trafficking.

- Adoption by Member States of common policies related to criminal sanctions for illegal export, brokering and smuggling of WMD-related material.
- Considering measures aimed at controlling the transit and transshipment of sensitive materials.
- Supporting international initiatives aimed at the identification, control and interception of illegal shipments.

B) Promoting a stable international and regional environment

1) Reinforcing EU co-operative threat reduction programmes with other countries, targeted at support for disarmament, control and security of sensitive materials, facilities and expertise.

- Prolonging the Programme on disarmament and non-proliferation in the Russian Federation beyond June 2004.
- Increasing EU co-operative threat reduction funding in the light of financial perspectives beyond 2006. The creation of a specific Community budget line for non-proliferation and disarmament of WMD should be envisaged. Member States should be encouraged to contribute also on a national basis. These efforts should include measures aimed at reinforcing the control of the non-proliferation of WMD related expertise, science and technology.
- Setting up of a programme of assistance to States in need of technical knowledge in order to ensure the security and control of sensitive material, facilities and expertise.

2) Integrate the WMD non-proliferation concerns into the EU's political, diplomatic and economic activities and programmes, aiming at the greatest effectiveness.

- Mainstreaming non-proliferation policies into the EU's wider relations with third countries, in accordance to the GAERC conclusions of 17 November 2003, inter alia by introducing the non-proliferation clause in agreements with third countries.
- Increasing Union efforts to resolve regional conflicts by using all the instruments available to it, notably within the framework of CFSP and ESDP.

C) Co-operating closely with the United States and other key partners.

1) Ensuring adequate follow up to the EU-US declaration on non-proliferation issued at the June 2003 summit.

2) Ensuring coordination and, where appropriate, joint initiatives with other key partners.

D) Developing the necessary structures within the Union

1) Organising a six monthly debate on the implementation of the EU Strategy at the External Relations Council.

2) Setting up, as agreed in Thessaloniki, a unit which would function as a monitoring centre, entrusted with the monitoring of the consistent implementation of the EU Strategy and the collection of information and intelligence, in liaison with the Situation Centre. This monitoring centre would be set up at the Council Secretariat and fully associate the Commission.

European Council

Brussels, 12 December 2003

The text reproduced below is exactly the same as that prepared and presented jointly by France, Germany and the UK at the end of November (see document I-42 in this same collection). It was approved as such by the European Council.

PRESIDENCY DOCUMENT ENTITLED 'EUROPEAN DEFENCE: NATO/EU CONSULTATION, PLANNING AND OPERATIONS'

Building on the experience of EU civilian and military operations in 2003 and on the discussions on these two issues between the UK, France and Germany, this paper sets out how the collective capability of the EU can be strengthened, including the ability to plan and run certain operations, and describes how consideration of the options involved would take place between EU Partners and NATO Allies.

NATO is the forum for discussion and the natural choice for an operation involving the European and American allies. In accordance with the EU/NATO permanent arrangements adopted in Nice, in a crisis contacts and meetings will be intensified so that EU and NATO can discuss their assessments of the crisis and clarify their intentions regarding possible engagements. The experience of 2003 shows that these arrangements are fundamentally sound, providing for intensified consultation, while respecting fully the decision-making autonomy of both organisations.

Where NATO as a whole is not engaged, the EU, in undertaking an operation, will choose whether or not to have recourse to NATO assets and capabilities, taking into account in particular the Alliance's role, capacities, and involvement in the region in question. That process will be conducted through the "Berlin plus" arrangements.

In order to improve the preparation of EU operations having recourse to NATO assets and capabilities under Berlin plus arrangements, we propose that a small EU cell should be established at SHAPE and to invite NATO to establish liaison arrangements at the EUMS. It will also ensure full transparency between EU and NATO embodying their strategic partnership in crisis management.

We also propose to enhance the capacity of the EUMS to conduct early warning, situation assessment and strategic planning through the establishment within the EUMS of a cell with civil/military components. It will in particular:-

- ▶ Link work across the EU on anticipating crises, including opportunities for conflict prevention and post-conflict stabilisation;
- ▶ Assist in planning and co-ordinating civilian operations;

- Develop expertise in managing the civilian/military interface;
- Do strategic advance planning for joint civil/military operations;
- Reinforce the national HQ designated to conduct an EU autonomous operation.

Regarding the conduct of autonomous EU military operations, the main option for this will be national HQs, which can be multi-nationalised for the purpose of conducting an EU-led operation. In certain circumstances, the Council may decide, upon the advice of the Military Committee, to draw on the collective capacity of the EUMS, in particular where a joint civil/military response is required and where no national HQ is identified.

Once such a decision was taken, the civilian/military cell in the EUMS would have responsibility for generating the capacity to plan and run the operation. This would not be a standing HQ. Rather it would be a capacity rapidly to set up an operations centre for a particular operation. The centre would operate separately from the strategic role of the EUMS, under a designated Operation Commander. This would require the necessary resources, including augmentation personnel, to be made available at short notice, by the EUMS and member states. A core staff, essentially “double hatted” from the EUMS, would be required to maintain the necessary level of readiness. To that effect the personnel of the EUMS could be reinforced, if necessary.

In the light of the lessons learned, further developments of the scope or nature of this capacity could be examined. It would require further decision by the Council.

European Council

Brussels, 12 December 2003

The document reproduced below represents the final version of the Security Strategy presented by the EU High Representative at the European Council in Thessaloniki in June (see document I-21c in this same collection). Since then, a sequence of three dedicated seminars - coordinated by the EU Institute for Security Studies and involving experts and officials from the EU-25 and also third countries - and informal consultations with the member states made it possible to refine and adjust certain parts and formulations of the original text, yet without altering its core message.

EUROPEAN SECURITY STRATEGY

A Secure Europe in a Better World

Introduction

Europe has never been so prosperous, so secure nor so free. The violence of the first half of the 20th Century has given way to a period of peace and stability unprecedented in European history.

The creation of the European Union has been central to this development. It has transformed the relations between our states, and the lives of our citizens. European countries are committed to dealing peacefully with disputes and to co-operating through common institutions. Over this period, the progressive spread of the rule of law and democracy has seen authoritarian regimes change into secure, stable and dynamic democracies. Successive enlargements are making a reality of the vision of a united and peaceful continent.

The United States has played a critical role in European integration and European security, in particular through NATO. The end of the Cold War has left the United States in a dominant position as a military actor. However, no single country is able to tackle today's complex problems on its own.

Europe still faces security threats and challenges. The outbreak of conflict in the Balkans was a reminder that war has not disappeared from our continent. Over the last decade, no region of the world has been untouched by armed conflict. Most of these conflicts have been within rather than between states, and most of the victims have been civilians.

As a union of 25 states with over 450 million people producing a quarter of the world's Gross National Product (GNP), and with a wide range of instruments at its disposal, the European Union is inevitably a global player. In the last decade European forces have been deployed abroad to places as distant as Afghanistan, East Timor and the DRC. The increasing convergence of European interests and the strengthening of mutual solidarity of the EU makes us a more credible and effective actor. Europe should be ready to share in the responsibility for global security and in building a better world.

I. The security environment: global challenges and key threats

Global Challenges

The post Cold War environment is one of increasingly open borders in which the internal and external aspects of security are indissolubly linked. Flows of trade and investment, the development of technology and the spread of democracy have brought freedom and prosperity to many people. Others have perceived globalisation as a cause of frustration and injustice. These developments have also increased the scope for non-state groups to play a part in international affairs. And they have increased European dependence – and so vulnerability – on an interconnected infrastructure in transport, energy, information and other fields.

Since 1990, almost 4 million people have died in wars, 90% of them civilians. Over 18 million people world-wide have left their homes as a result of conflict.

In much of the developing world, poverty and disease cause untold suffering and give rise to pressing security concerns. Almost 3 billion people, half the world's population, live on less than 2 Euros a day. 45 million die every year of hunger and malnutrition. AIDS is now one of the most devastating pandemics in human history and contributes to the breakdown of societies. New diseases can spread rapidly and become global threats. Sub-Saharan Africa is poorer now than it was 10 years ago. In many cases, economic failure is linked to political problems and violent conflict.

Security is a precondition of development. Conflict not only destroys infrastructure, including social infrastructure; it also encourages criminality, deters investment and makes normal economic activity impossible. A number of countries and regions are caught in a cycle of conflict, insecurity and poverty.

Competition for natural resources - notably water - which will be aggravated by global warming over the next decades, is likely to create further turbulence and migratory movements in various regions.

Energy dependence is a special concern for Europe. Europe is the world's largest importer of oil and gas. Imports account for about 50% of energy consumption today. This will rise to 70% in 2030. Most energy imports come from the Gulf, Russia and North Africa.

Key Threats

Large-scale aggression against any Member State is now improbable. Instead, Europe faces new threats which are more diverse, less visible and less predictable.

Terrorism: Terrorism puts lives at risk; it imposes large costs; it seeks to undermine the openness and tolerance of our societies, and it poses a growing strategic threat to the whole of Europe. Increasingly, terrorist movements are well-resourced, connected by electronic networks, and are willing to use unlimited violence to cause massive casualties.

The most recent wave of terrorism is global in its scope and is linked to violent religious extremism. It arises out of complex causes. These include the pressures of modernisation, cultural, social and political crises, and the alienation of young people living in foreign societies. This phenomenon is also a part of our own society.

Europe is both a target and a base for such terrorism: European countries are targets and have been attacked. Logistical bases for Al Qaeda cells have been uncovered in the UK, Italy, Germany, Spain and Belgium. Concerted European action is indispensable.

Proliferation of Weapons of Mass Destruction is potentially the greatest threat to our security. The international treaty regimes and export control arrangements have slowed the spread of WMD and delivery systems. We are now, however, entering a new and dangerous period that raises the possibility of a WMD arms race, especially in the Middle East. Advances in the biological sciences may increase the potency of biological weapons in the coming years; attacks with chemical and radiological materials are also a serious possibility. The spread of missile technology adds a further element of instability and could put Europe at increasing risk.

The most frightening scenario is one in which terrorist groups acquire weapons of mass destruction. In this event, a small group would be able to inflict damage on a scale previously possible only for States and armies.

Regional Conflicts: Problems such as those in Kashmir, the Great Lakes Region and the Korean Peninsula impact on European interests directly and indirectly, as do conflicts nearer to home, above all in the Middle East. Violent or frozen conflicts, which also persist on our borders, threaten regional stability. They destroy human lives and social and physical infrastructures; they threaten minorities, fundamental freedoms and human rights. Conflict can lead to extremism, terrorism and state failure; it provides opportunities for organised crime. Regional insecurity can fuel the demand for WMD. The most practical way to tackle the often elusive new threats will sometimes be to deal with the older problems of regional conflict.

State Failure: Bad governance – corruption, abuse of power, weak institutions and lack of accountability – and civil conflict corrode States from within. In some cases, this has

brought about the collapse of State institutions. Somalia, Liberia and Afghanistan under the Taliban are the best known recent examples. Collapse of the State can be associated with obvious threats, such as organised crime or terrorism. State failure is an alarming phenomenon, that undermines global governance, and adds to regional instability.

Organised Crime: Europe is a prime target for organised crime. This internal threat to our security has an important external dimension: cross-border trafficking in drugs, women, illegal migrants and weapons accounts for a large part of the activities of criminal gangs. It can have links with terrorism.

Such criminal activities are often associated with weak or failing states. Revenues from drugs have fuelled the weakening of state structures in several drug-producing countries. Revenues from trade in gemstones, timber and small arms, fuel conflict in other parts of the world. All these activities undermine both the rule of law and social order itself. In extreme cases, organised crime can come to dominate the state. 90% of the heroin in Europe comes from poppies grown in Afghanistan – where the drugs trade pays for private armies. Most of it is distributed through Balkan criminal networks which are also responsible for some 200,000 of the 700,000 women victims of the sex trade world wide. A new dimension to organised crime which will merit further attention is the growth in maritime piracy.

Taking these different elements together – terrorism committed to maximum violence, the availability of weapons of mass destruction, organised crime, the weakening of the state system and the privatisation of force – we could be confronted with a very radical threat indeed.

II. Strategic objectives

We live in a world that holds brighter prospects but also greater threats than we have known. The future will depend partly on our actions. We need both to think globally and to act locally. To defend its security and to promote its values, the EU has three strategic objectives:

Addressing the Threats

The European Union has been active in tackling the key threats.

- ▶ It has responded after 11 September with measures that included the adoption of a European Arrest Warrant, steps to attack terrorist financing and an agreement on mutual legal assistance with the U.S.A. The EU continues to develop cooperation in this area and to improve its defences.
- ▶ It has pursued policies against proliferation over many years. The Union has just agreed a further programme of action which foresees steps to strengthen the

International Atomic Energy Agency, measures to tighten export controls and to deal with illegal shipments and illicit procurement. The EU is committed to achieving universal adherence to multilateral treaty regimes, as well as to strengthening the treaties and their verification provisions.

- ▶ The European Union and Member States have intervened to help deal with regional conflicts and to put failed states back on their feet, including in the Balkans, Afghanistan, and in the DRC. Restoring good government to the Balkans, fostering democracy and enabling the authorities there to tackle organised crime is one of the most effective ways of dealing with organised crime within the EU.

In an era of globalisation, distant threats may be as much a concern as those that are near at hand. Nuclear activities in North Korea, nuclear risks in South Asia, and proliferation in the Middle East are all of concern to Europe.

Terrorists and criminals are now able to operate world-wide: their activities in central or south-east Asia may be a threat to European countries or their citizens. Meanwhile, global communication increases awareness in Europe of regional conflicts or humanitarian tragedies anywhere in the world.

Our traditional concept of self-defence – up to and including the Cold War – was based on the threat of invasion. With the new threats, the first line of defence will often be abroad. The new threats are dynamic. The risks of proliferation grow over time; left alone, terrorist networks will become ever more dangerous. State failure and organised crime spread if they are neglected – as we have seen in West Africa. This implies that we should be ready to act before a crisis occurs. Conflict prevention and threat prevention cannot start too early.

In contrast to the massive visible threat in the Cold War, none of the new threats is purely military; nor can any be tackled by purely military means. Each requires a mixture of instruments. Proliferation may be contained through export controls and attacked through political, economic and other pressures while the underlying political causes are also tackled. Dealing with terrorism may require a mixture of intelligence, police, judicial, military and other means. In failed states, military instruments may be needed to restore order, humanitarian means to tackle the immediate crisis. Regional conflicts need political solutions but military assets and effective policing may be needed in the post conflict phase. Economic instruments serve reconstruction, and civilian crisis management helps restore civil government. The European Union is particularly well equipped to respond to such multi-faceted situations.

Building Security in our Neighbourhood

Even in an era of globalisation, geography is still important. It is in the European interest that countries on our borders are well-governed. Neighbours who are engaged in violent conflict, weak states where organised crime flourishes, dysfunctional societies or explod-

ing population growth on its borders all pose problems for Europe.

The integration of acceding states increases our security but also brings the EU closer to troubled areas. Our task is to promote a ring of well governed countries to the East of the European Union and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations.

The importance of this is best illustrated in the Balkans. Through our concerted efforts with the US, Russia, NATO and other international partners, the stability of the region is no longer threatened by the outbreak of major conflict. The credibility of our foreign policy depends on the consolidation of our achievements there. The European perspective offers both a strategic objective and an incentive for reform.

It is not in our interest that enlargement should create new dividing lines in Europe. We need to extend the benefits of economic and political cooperation to our neighbours in the East while tackling political problems there. We should now take a stronger and more active interest in the problems of the Southern Caucasus, which will in due course also be a neighbouring region.

Resolution of the Arab/Israeli conflict is a strategic priority for Europe. Without this, there will be little chance of dealing with other problems in the Middle East. The European Union must remain engaged and ready to commit resources to the problem until it is solved. The two state solution -which Europe has long supported- is now widely accepted. Implementing it will require a united and cooperative effort by the European Union, the United States, the United Nations and Russia, and the countries of the region, but above all by the Israelis and the Palestinians themselves.

The Mediterranean area generally continues to undergo serious problems of economic stagnation, social unrest and unresolved conflicts. The European Union's interests require a continued engagement with Mediterranean partners, through more effective economic, security and cultural cooperation in the framework of the Barcelona Process. A broader engagement with the Arab World should also be considered.

An international order based on effective multilateralism

In a world of global threats, global markets and global media, our security and prosperity increasingly depend on an effective multilateral system. The development of a stronger international society, well functioning international institutions and a rule-based international order is our objective.

We are committed to upholding and developing International Law. The fundamental framework for international relations is the United Nations Charter. The United Nations Security Council has the primary responsibility for the maintenance of international peace and security. Strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority.

We want international organisations, regimes and treaties to be effective in confronting threats to international peace and security, and must therefore be ready to act when their rules are broken.

Key institutions in the international system, such as the World Trade Organisation (WTO) and the International Financial Institutions, have extended their membership. China has joined the WTO and Russia is negotiating its entry. It should be an objective for us to widen the membership of such bodies while maintaining their high standards.

One of the core elements of the international system is the transatlantic relationship. This is not only in our bilateral interest but strengthens the international community as a whole. NATO is an important expression of this relationship.

Regional organisations also strengthen global governance. For the European Union, the strength and effectiveness of the OSCE and the Council of Europe has a particular significance. Other regional organisations such as ASEAN, MERCOSUR and the African Union make an important contribution to a more orderly world.

It is a condition of a rule-based international order that law evolves in response to developments such as proliferation, terrorism and global warming. We have an interest in further developing existing institutions such as the World Trade Organisation and in supporting new ones such as the International Criminal Court. Our own experience in Europe demonstrates that security can be increased through confidence building and arms control regimes. Such instruments can also make an important contribution to security and stability in our neighbourhood and beyond.

The quality of international society depends on the quality of the governments that are its foundation. The best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order.

Trade and development policies can be powerful tools for promoting reform. As the world's largest provider of official assistance and its largest trading entity, the European Union and its Member States are well placed to pursue these goals.

Contributing to better governance through assistance programmes, conditionality and targeted trade measures remains an important feature in our policy that we should further reinforce. A world seen as offering justice and opportunity for everyone will be more secure for the European Union and its citizens.

A number of countries have placed themselves outside the bounds of international society. Some have sought isolation; others persistently violate international norms. It is desirable that such countries should rejoin the international community, and the EU should be ready to provide assistance. Those who are unwilling to do so should understand that there is a price to be paid, including in their relationship with the European Union.

III. Policy implications for Europe

The European Union has made progress towards a coherent foreign policy and effective crisis management. We have instruments in place that can be used effectively, as we have demonstrated in the Balkans and beyond. But if we are to make a contribution that matches our potential, we need to be more active, more coherent and more capable. And we need to work with others.

More active in pursuing our strategic objectives. This applies to the full spectrum of instruments for crisis management and conflict prevention at our disposal, including political, diplomatic, military and civilian, trade and development activities. Active policies are needed to counter the new dynamic threats. We need to develop a strategic culture that fosters early, rapid, and when necessary, robust intervention.

As a Union of 25 members, spending more than 160 billion Euros on defence, we should be able to sustain several operations simultaneously. We could add particular value by developing operations involving both military and civilian capabilities.

The EU should support the United Nations as it responds to threats to international peace and security. The EU is committed to reinforcing its cooperation with the UN to assist countries emerging from conflicts, and to enhancing its support for the UN in short-term crisis management situations.

We need to be able to act before countries around us deteriorate, when signs of proliferation are detected, and before humanitarian emergencies arise. Preventive engagement can avoid more serious problems in the future. A European Union which takes greater responsibility and which is more active will be one which carries greater political weight.

More Capable. A more capable Europe is within our grasp, though it will take time to realise our full potential. Actions underway – notably the establishment of a defence agency – take us in the right direction.

To transform our militaries into more flexible, mobile forces, and to enable them to address the new threats, more resources for defence and more effective use of resources are necessary.

Systematic use of pooled and shared assets would reduce duplications, overheads and, in the medium-term, increase capabilities.

In almost every major intervention, military efficiency has been followed by civilian chaos. We need greater capacity to bring all necessary civilian resources to bear in crisis and post crisis situations.

Stronger diplomatic capability: we need a system that combines the resources of Member States with those of EU institutions. Dealing with problems that are more distant and more foreign requires better understanding and communication.

Common threat assessments are the best basis for common actions. This requires improved sharing of intelligence among Member States and with partners.

As we increase capabilities in the different areas, we should think in terms of a wider spectrum of missions. This might include joint disarmament operations, support for third countries in combating terrorism and security sector reform. The last of these would be part of broader institution building.

The EU-NATO permanent arrangements, in particular Berlin Plus, enhance the operational capability of the EU and provide the framework for the strategic partnership between the two organisations in crisis management. This reflects our common determination to tackle the challenges of the new century.

More Coherent. The point of the Common Foreign and Security Policy and European Security and Defence Policy is that we are stronger when we act together. Over recent years we have created a number of different instruments, each of which has its own structure and rationale.

The challenge now is to bring together the different instruments and capabilities: European assistance programmes and the European Development Fund, military and civilian capabilities from Member States and other instruments. All of these can have an impact on our security and on that of third countries. Security is the first condition for development.

Diplomatic efforts, development, trade and environmental policies, should follow the same agenda. In a crisis there is no substitute for unity of command.

Better co-ordination between external action and Justice and Home Affairs policies is crucial in the fight both against terrorism and organised crime.

Greater coherence is needed not only among EU instruments but also embracing the external activities of the individual member states.

Coherent policies are also needed regionally, especially in dealing with conflict. Problems are rarely solved on a single country basis, or without regional support, as in different ways experience in both the Balkans and West Africa shows.

Working with partners. There are few if any problems we can deal with on our own. The threats described above are common threats, shared with all our closest partners. International cooperation is a necessity. We need to pursue our objectives both through multilateral cooperation in international organisations and through partnerships with key actors.

The transatlantic relationship is irreplaceable. Acting together, the European Union and the United States can be a formidable force for good in the world. Our aim should be an effective and balanced partnership with the USA. This is an additional reason for the EU to build up further its capabilities and increase its coherence.

We should continue to work for closer relations with Russia, a major factor in our security and prosperity. Respect for common values will reinforce progress towards a strategic partnership.

Our history, geography and cultural ties give us links with every part of the world: our neighbours in the Middle East, our partners in Africa, in Latin America, and in Asia. These relationships are an important asset to build on. In particular we should look to develop strategic partnerships, with Japan, China, Canada and India as well as with all those who share our goals and values, and are prepared to act in their support.

Conclusion

This is a world of new dangers but also of new opportunities. The European Union has the potential to make a major contribution, both in dealing with the threats and in helping realise the opportunities. An active and capable European Union would make an impact on a global scale. In doing so, it would contribute to an effective multilateral system leading to a fairer, safer and more united world.

Termination of Operation *Concordia* and launch of Mission *Proxima*

Skopje, 15 December 2003

REMARKS BY JAVIER SOLANA, HIGH REPRESENTATIVE FOR CFSP, at the ceremony marking the end of the EU-led Operation *Concordia*

“Mr President, Mr Prime Minister, Excellencies and Friends

This day marks the end of Operation Concordia, and at the same time the end of the international military presence in the field following the crisis in 2001. It is a good day, a day of achievement, for all of us here.

First and foremost, it is a good day for the former Yugoslav Republic of Macedonia. It is a day that signifies that the process towards stabilisation and normalisation has reached a point where the country is in a position to wish good bye to foreign troops. A day to look back, and to realise that the process based on Ohrid Framework Agreement, and supported by all far-sighted political leaders of this country, has led the country a long way in the right direction. But also a day to look ahead, to further progress on the Ohrid agenda - and here I would like to welcome the adoption by the Government of some important draft laws regarding decentralisation - and to a time when stability and security of Macedonia will be fully in the hands of its elected leaders.

For the European Union it is a good day, as we have been able to contribute to this positive development in a country that is close to the Union and, after all my visits here, close to my heart. What started as the EU's first ever military mission is now successfully concluded. I wish to extend my gratitude to Admiral Feist as Operational Commander, to Major General Nelson Dos Santos and before him Major General Maral as Force Commanders, and to all those who have served under EU-flag here in Macedonia. You can be proud over your contribution to this historic European effort.

I would also like to express my gratitude to our partners, the United States, NATO, which has provided assets and capabilities to this operation, thereby implementing successfully the Berlin Plus agreements, and the OSCE.

The end of Operation Concordia is in no way the end of the EU engagement in this country. But as the main threat to stability is no longer armed conflict but criminality, the emphasis of our support must be police and not military. At the same time as we lower the flag here, the flag will be hoisted at the Headquarters of the EU Police Mission Proxima. The Union will also remain present through its Special Representative and through our technical and financial assistance.

We will have lots of challenges to tackle, together, in the future. But today we celebrate a joint success, a milestone on the path leading former Yugoslav Republic of Macedonia away from conflict and towards integration with, and eventually into, the European Union.”

REMARKS BY JAVIER SOLANA, EU HIGH REPRESENTATIVE FOR CFSP,

at the opening ceremony of the EU Police Mission in the former Yugoslav Republic of Macedonia (EUPOL PROXIMA)

“Mr. Prime Minister, Excellencies, dear Friends,

It is a great pleasure for me to welcome you all here today at the headquarters of the new EU Police Mission in this country.

Following an invitation from the Government of this country, we are today launching the second ever EU police mission within the framework of the European Security and Defence Policy.

Under the leadership of Police Chief Commissioner Bart D’Hooge, the 200 man-strong EU Police Mission will monitor, mentor and advise the police in this country. Proxima will be a unique mission carried out in strong partnership with the Government. We want to support you in the further development of an efficient and professional police service, living up to European standards.

Proxima is a symbol of the impressive distance this country has travelled since the crisis in 2001. I have been visiting this country numerous times in the course of the past decade – often under challenging circumstances.

Today, however, the context is a different one. It is a day of hope and of progress – and of confidence. Today we are entering a new phase of our close cooperation. Proxima is part of the wider Stabilisation and Association Process aimed at strengthening the rule of law and the mission will support your efforts in moving closer towards the EU.

The launching of Proxima is also an important step for the EU. The mission is also a sign of the EU’s ability to adapt the tools of the ESDP to specific situations, with specific needs. We began by taking over a military operation, which due to the positive achievements on the ground, ended today.

Now we are launching a police mission – the fourth ESDP operation this year – which will also support the Government’s police reform. So, while the overall commitment of the EU will remain the same, the concept of the EU presence will be quite different. This ability to adjust the EU’s presence will be a prerequisite for handling the challenges of tomorrow.

I will finish here by wishing the men and women of Proxima as well as their future Macedonian colleagues the best of luck with their mission.

Expectations are high but I have every confidence that with a combined and dedicated effort we will meet our common goals. I am therefore certain that Proxima is the right mission, in the right place, at the right time.”



Fact sheet – Proxima

PROXIMA'S MANDATE

Proxima is part of the European Union's overall commitment in assisting the efforts of the Government of the Former Yugoslav Republic of Macedonia (FYROM) to move closer towards EU integration. The Proxima mission will be, in partnership with the Ministry of Interior and other relevant authorities, to contribute towards police reforms required within the implementation of the Ohrid Framework Agreement of 2001. Proxima police experts will monitor, mentor and advice the country's police thus helping to fight organised crime as well as promoting European standards of policing. This will be achieved through working alongside host country police colleagues.

MISSION LAUNCH

Proxima will be launched on 15 December 2003 and is expected to last one year.

CONTRIBUTING STATES

In addition to the 15 EU member states invitations have also been extended to:

- The ten Acceding States – Latvia, Lithuania, Estonia, Poland, Hungary, Czech Republic, Slovenia, Slovakia, Malta, Cyprus
- The three Candidate Countries - Bulgaria, Romania and Turkey
- Non-EU European NATO members - Norway and Iceland (in addition to Turkey)
- Potential partners - Canada, Russia and Ukraine
- Switzerland and the United States.

MISSION STRENGTH

When at full strength around 200 Personnel will make up the Proxima mission. This comprises of uniformed police personnel and civilian internationals. Additionally Proxima will employ a number of host country staff in support functions.

SECURITY OF PROXIMA

The host country will, through its own capabilities, assume full responsibility for the security of Proxima personnel. To cover exceptional situations, Proxima will, however, be equipped with a small armed protection element of around 30 police officers.

OPERATIONAL LOCATIONS

Around 150 uniformed police personnel will be deployed in the following locations:

Main HQ	Skopje
Central Advice	Skopje, within Ministry of the Interior
Police Station presence	Skopje, Tetevo, Kumanovo, Gostivar (inc. sub HQ Debar) and Ohrid (inc. sub HQ at Struga & Kicevo)

They will be engaged in the following activities alongside their host country counterparts:

- Overall improving the performance of the Police
- Crime investigations, in particular the fight against organised crime
- Border police as part of the wider EU effort to promote integrated border management throughout the region
- Confidence building with the police with in the communities
- Promote European standards of policing in all areas of operation
- Assisting with the practical implementation of comprehensive reform of the Ministry of Interior.

II. Iraq

Franco-German summit

Paris, 22 January 2003

The statements reproduced below, released on the occasion of the official celebrations for the 40th anniversary of the Elysée Treaty, can be considered as the starting point of the intra-European squabble over Iraq that was to characterise the following months. It is worth recalling that at the beginning of January Germany (along with Spain) had joined the UN Security Council as a non-permanent member.

ENTRETIEN DU PRÉSIDENT DE LA RÉPUBLIQUE, M. JACQUES CHIRAC, ET DU CHANCELIER DE LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, M. GERHARD SCHRÖDER,

avec "France 2" et "ARD"- Propos du Président de la République –

(...)

Q - Monsieur le Président, Europe de la paix, Europe de la défense, Europe de politique étrangère. Il se trouve qu'il y a une crise importante en ce moment avec celle de l'Iraq, la France est aussi l'alliée des Etats-Unis mais ne partage pas le point de vue des Etats-Unis, pour le moment sur la crise iraquienne, et la question que tout le monde se pose, c'est de savoir si, compte tenu de cette alliance, la France pourrait, malgré tout, aller jusqu'à utiliser son droit de veto si elle l'estimait nécessaire au Conseil de sécurité de l'ONU ?

R - Nous avons d'abord sur ce point, l'Allemagne et la France, une vision commune des choses. Seul le Conseil de sécurité est habilité, dans un monde organisé et respectueux des règles de vie commune, à engager une action militaire.

Q - Mais, vous êtes acteur ?

R - Et seul ce Conseil de sécurité peut le faire, sur le rapport des inspecteurs, conformément aux résolutions qui ont été prises antérieurement. Donc, pour agir sur le plan militaire, il faut une nouvelle résolution qui le décide. C'est une première chose. Deuxièmement, nous pensons, Allemands et Français, que la guerre est toujours la plus mauvaise des solutions. C'est toujours un constat d'échec. Et nous voyons aujourd'hui, avec le rapport des inspecteurs, qu'un délai supplémentaire est nécessaire, et que le désarmement indispensable de l'Iraq, la coopération active de l'Iraq pour ce désarmement est une nécessité, mais qu'aujourd'hui, on peut espérer qu'elle soit mise en œuvre. Voilà notre position commune.

Q - Délai supplémentaire nécessaire, Monsieur le Président, dans votre esprit, pour les inspecteurs, c'est plusieurs semaines, plusieurs mois ?

R - M. El Baradeï a demandé plusieurs mois.

(...)

Q - Monsieur le Président, une question. On parle toujours, on dit toujours que l'Europe doit parler d'une seule voix. Pour être forte, vis-à-vis également des Etats-Unis, et cela ne résoudra pas les problèmes que la République fédérale ait un siège au Conseil permanent.

R - La France a toujours soutenu ce point de vue. Et la France soutient la candidature de l'Allemagne pour un siège permanent au Conseil de sécurité. Vous savez parfaitement que cela pose un certain nombre de problèmes et cela suppose un certain consensus qui n'existe pas encore aujourd'hui, non pas vis-à-vis de l'Allemagne, que personne ne conteste, mais vis-à-vis des conditions même de l'élargissement. Mais la France continuera à apporter son soutien à l'Allemagne dans ce domaine.

Q - Enfin, ce qui est impressionnant, je m'adresse à vous deux, Monsieur le Président et Monsieur le Chancelier, c'est que vous avez l'air d'être sûrs de vous. Il n'y aura pas dans les semaines qui viennent de possibilités de légères différences, même ténues, dans les prises de positions française et allemande au sujet de l'Iraq à l'ONU ?

R - La France garde toute sa liberté d'appréciation à l'ONU, ce qui est légitime pour un membre permanent du Conseil de sécurité. Ce que je peux vous dire, c'est que, tous les jours, la présidence française du mois de janvier, et la présidence allemande qui va lui succéder, tous les jours, il y a un contact permanent entre nous à New York.

General Affairs and External Relations Council

Brussels, 27 January 2003

The extract reproduced below represents a first major attempt by the EU member states to converge on a common position over Iraq.

CONCLUSIONS

(...)

Middle East

(...)

Ministers also discussed the situation regarding Iraq. The Council adopted the following conclusions on Iraq:

“The Council, deeply concerned about the situation in Iraq, reaffirms that its goal remains the effective and complete disarmament of Iraq’s weapons of mass destruction. The Council fully supports the efforts of the UN to ensure full and immediate compliance by Iraq with all relevant resolutions of the Security Council, in particular with UNSCR 1441 of 8 November 2002. The resolution gives an unambiguous message that the Iraqi Government has a final opportunity to resolve the crisis peacefully.

The Council therefore urges the Iraqi authorities to engage in full and active cooperation with UNMOVIC and IAEA. The Iraqi authorities must, as an imperative, provide the inspectors, without delay, with all additional and complete information on questions raised by the international community. The Council expresses its appreciation for the work accomplished by the inspectors so far and reiterates its confidence and full support for Dr. Blix and Dr. El Baradei to complete their mission in accordance with UNSCR 1441. It welcomes their intention to continue and intensify their operations.

The Council recalls that it stands ready to engage all necessary efforts to answer the needs of UNMOVIC and IAEA in personnel and practical means.

The Council underlines the fundamental importance of preventing the proliferation of weapons of mass destruction in accordance with the relevant international instruments. The Security Council has a key role to play in these endeavours.

The Council reaffirms the role of the UNSC in the implementation of UNSCR 1441. The responsibility of the UNSC in maintaining international peace and security must be respected.”

(...)

Letter to *The Times*

30 January 2003

The document reproduced below was published simultaneously by a wide array of European and American newspapers three days after the European Council. As such, it was not the result of any consultation among the EU-15 but of a separate initiative. It would soon be labelled an act of 'op-ed diplomacy'.

JOINT LETTER BY THE LEADERS OF EIGHT EUROPEAN COUNTRIES

'European Leaders Call for Europe and United States to Stand United'

The real bond between the United States and Europe is the values we share: democracy, individual freedom, human rights and the Rule of Law. These values crossed the Atlantic with those who sailed from Europe to help create the USA. Today they are under greater threat than ever.

The attacks of 11 September showed just how far terrorists - the enemies of our common values - are prepared to go to destroy them. Those outrages were an attack on all of us. In standing firm in defence of these principles, the governments and people of the United States and Europe have amply demonstrated the strength of their convictions. Today more than ever, the transatlantic bond is a guarantee of our freedom.

We in Europe have a relationship with the United States which has stood the test of time. Thanks in large part to American bravery, generosity and far-sightedness, Europe was set free from the two forms of tyranny that devastated our continent in the 20th century: Nazism and Communism. Thanks, too, to the continued cooperation between Europe and the United States we have managed to guarantee peace and freedom on our continent. The transatlantic relationship must not become a casualty of the current Iraqi regime's persistent attempts to threaten world security.

In today's world, more than ever before, it is vital that we preserve that unity and cohesion. We know that success in the day-to-day battle against terrorism and the proliferation of weapons of mass destruction demands unwavering determination and firm international cohesion on the part of all countries for whom freedom is precious. The Iraqi regime and its weapons of mass destruction represent a clear threat to world security. This danger has been explicitly recognised by the United Nations. All of us are bound by Security Council Resolution 1441, which was adopted unanimously. We Europeans have since reiterated our backing for Resolution 1441, our wish to pursue the UN route and our support for the Security Council, at the Prague Nato Summit and the Copenhagen European Council.

In doing so, we sent a clear, firm and unequivocal message that we would rid the world of the danger posed by Saddam Hussein's weapons of mass destruction. We must remain united in insisting that his regime is disarmed. The solidarity, cohesion and determination of the international community are our best hope of achieving this peacefully. Our strength lies in unity.

The combination of weapons of mass destruction and terrorism is a threat of incalculable consequences. It is one at which all of us should feel concerned. Resolution 1441 is Saddam Hussein's last chance to disarm using peaceful means. The opportunity to avoid greater confrontation rests with him. Sadly this week the UN weapons inspectors have confirmed that his long-established pattern of deception, denial and non-compliance with UN Security Council resolutions is continuing.

Europe has no quarrel with the Iraqi people. Indeed, they are the first victims of Iraq's current brutal regime. Our goal is to safeguard world peace and security by ensuring that this regime gives up its weapons of mass destruction. Our governments have a common responsibility to face this threat. Failure to do so would be nothing less than negligent to our own citizens and to the wider world.

The United Nations Charter charges the Security Council with the task of preserving international peace and security. To do so, the Security Council must maintain its credibility by ensuring full compliance with its resolutions. We cannot allow a dictator to systematically violate those Resolutions. If they are not complied with, the Security Council will lose its credibility and world peace will suffer as a result.

We are confident that the Security Council will face up to its responsibilities.

José María Aznar, Spain
José Manuel Durão Barroso, Portugal
Silvio Berlusconi, Italy
Tony Blair, United Kingdom
Václav Havel, Czech Republic
Peter Medgyessy, Hungary
Leszek Miller, Poland
Anders Fogh Rasmussen, Denmark

Statement of the Vilnius Group countries

5 February 2003

The joint statement reproduced below received less media attention than the 'Letter of the Eight' but was widely quoted in the European and transatlantic debate. The 'Vilnius Group' collected those European countries that had requested to become NATO members: some would join the Alliance in May 2004, as decided at the Prague summit of November 2002 (see document I-26 in 'From Laeken to Copenhagen').

STATEMENT OF THE VILNIUS GROUP COUNTRIES IN RESPONSE TO THE PRESENTATION BY THE UNITED STATES SECRETARY OF STATE TO THE UNITED NATION SECURITY COUNCIL CONCERNING IRAQ

Statement by the Foreign Ministers of Albania, Bulgaria, Croatia, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovakia and Slovenia

Earlier today, the United States presented compelling evidence to the United Nations Security Council detailing Iraq's weapons of mass destruction programs, its active efforts to deceive UN inspectors, and its links to international terrorism.

Our countries understand the dangers posed by tyranny and the special responsibility of democracies to defend our shared values. The trans-Atlantic community, of which we are a part, must stand together to face the threat posed by the nexus of terrorism and dictators with weapons of mass destruction.

We have actively supported the international efforts to achieve a peaceful disarmament of Iraq. However, it has become clear that Iraq is in material breach of UN Security Council Resolutions, including UN Resolution 1441, passed unanimously on November 8, 2002. As our governments said on the occasion of the NATO Summit in Prague: "We support the goal of the international community for full disarmament of Iraq as stipulated in the UN Security Council Resolution 1441. In the event of non-compliance with the terms of this resolution, we are prepared to contribute to an international coalition to enforce its provisions and the disarmament of Iraq".

The clear and present danger posed by the Saddam Hussein regime requires a united response from the community of democracies. We call upon the UN Security Council to take the necessary and appropriate action in response to Iraq's continuing threat to international peace and security.

Joint declaration by Russia, Germany and France on Iraq

Paris, 10 February 2003

The joint declaration reproduced below can also be considered as part of the intra-European crisis over Iraq. All the signatories were at the time members of the UN Security Council.

Russia, Germany and France, in close coordination, reaffirm that the disarmament of Iraq, in accordance with the relevant UN resolutions since UNSCR 687, is the common aim of the international community, and that it must be pursued to its conclusion within the shortest possible period.

There is a debate over the means to achieve this. This debate must continue in the spirit of friendship and respect that characterizes our relations with the United States and other countries. Any solution must be inspired by the principles of the United Nations Charter, as stated recently by Mr Kofi Annan.

UNSCR 1441, adopted unanimously by the Security Council, provides a framework whose possibilities have not yet been thoroughly explored.

The inspections conducted by UNMOVIC and the IAEA have already yielded results. Russia, Germany and France favour the continuation of the inspections and the substantial strengthening of their human and technical capabilities by all possible means and in consultation with the inspectors, within the framework of UNSCR 1441.

There is still an alternative to war. The use of force could be only a last resort. Russia, Germany and France are determined to give every chance to the peaceful disarmament of Iraq.

It is up to Iraq to cooperate actively with UNMOVIC and the IAEA so that they can complete the inspections. The Iraqi regime must face up to its responsibilities in full.

Russia, Germany and France note that the position they express reflects that of a large number of countries, particularly within the Security Council.

Joint statement of Belgium, France and Germany on Iraq

Brussels, 16 February 2003

This joint statement was released in the context of the debate inside NATO over whether to provide military assistance to Turkey in anticipation of a possible aggression from neighbouring Iraq. Along with Luxembourg, the three countries – all NATO as well as EU members – opposed the activation of Art.4 of the Washington Treaty in the Atlantic Council in the absence of an explicit UN resolution allowing military action. Later on, however, Belgium and Germany would not oppose measures in that direction taken by the Alliance's Military Committee, where France does not sit.

Belgium, France and Germany reaffirm their determination to honour their obligations under the North Atlantic Treaty with regard to all allies, notably Turkey, as well as the importance which they attribute to the transatlantic relationship.

They stress that their objective is full and effective disarmament of Iraq within the scope of UN Security Council resolution 1441.

In particular, they underline that the use of force can only be the last resort and that not all options offered by UNSCR 1441 have, as yet, been fully exploited. They recall that it is up to Iraq to cooperate actively, immediately and unconditionally with UNMOVIC and IAEA.

Following Turkey's recourse to article 4 of the North Atlantic Treaty, Belgium, France and Germany note that all Member States wishing to do so can contribute with adequate measures in order to respond to the concerns expressed by Turkey.

Belgium and Germany who are integrated into the military structure of NATO have agreed to the proposal by the Secretary General of NATO to invite the military authorities to provide military advice on prudent defensive contingency planning in support of Turkey.

The implementation of measures proposed by the military authorities will require a new decision.

The decision by NATO does not in any way prejudice the ongoing efforts by Belgium, France and Germany to continue to work within the framework of UNSCR 1441.

Extraordinary European Council

Brussels, 17 February 2003

In the wake of the contrasting views expressed by some member states on the Iraq crisis, the Greek EU Presidency convened an extraordinary meeting of the European Council in order to try and limit the damage and find common ground among the EU-15.

CONCLUSIONS

The European Council held an extraordinary meeting to discuss the crisis over Iraq. Its members also met with the UN Secretary General Kofi Annan and the President of the European Parliament, Pat Cox.

We reaffirm the conclusions of the GAERC of 27 January and the terms of the public demarche of 4 February 2003 to Iraq which remain valid.

The way the unfolding of the situation in Iraq will be handled will have an important impact on the world in the next decades. In particular, we are determined to deal effectively with the threat of proliferation of weapons of mass destruction.

We are committed to the United Nations remaining at the centre of the international order. We recognise that the primary responsibility for dealing with Iraqi disarmament lies with the Security Council. We pledge our full support to the Council in discharging its responsibilities.

The Union's objective for Iraq remains full and effective disarmament in accordance with the relevant UNSC resolutions, in particular resolution 1441. We want to achieve this peacefully. It is clear that this is what the people of Europe want.

War is not inevitable. Force should be used only as a last resort. It is for the Iraqi regime to end this crisis by complying with the demands of the Security Council.

We reiterate our full support for the ongoing work of the UN inspectors. They must be given the time and resources that the UN Security Council believes they need. However, inspections cannot continue indefinitely in the absence of full Iraqi cooperation. This must include the provision of all the additional and specific information on the issues that have been raised in the inspectors' reports.

Baghdad should have no illusions: it must disarm and cooperate immediately and fully. Iraq has a final opportunity to resolve the crisis peacefully. The Iraqi regime alone will be responsible for the consequences if it continues to flout the will of the international community and does not take this last chance.

We recognise that the unity and firmness of the international community, as expressed in the unanimous adoption of resolution 1441, and the military build-up have

been essential in obtaining the return of the inspectors. These factors will remain essential if we are to achieve the full cooperation we seek.

We will work with the Arab countries and The League of Arab Nations. We will encourage them, separately and jointly, to bring home to Saddam Hussein the extreme danger of miscalculation of the situation and the need for full compliance with resolution 1441. We support Turkey's regional initiatives with the neighbours of Iraq and Egypt.

In this regional context, the European Union reiterates its firm belief in the need to invigorate the peace process in the Middle East and to resolve the Israeli-Palestinian conflict. We continue to support early implementation of the roadmap endorsed by the Quartet. Terror and violence must end. So must settlement activity. Palestinian reforms must be speeded up and, in this respect, President Arafat's statement that he will appoint a Prime Minister is a welcome step in the right direction.

The unity of the international community is vital in dealing with these problems. We are committed to working with all our partners, especially the United States, for the disarmament of Iraq, for peace and stability in the region and for a decent future for all its people.

Remarks by Javier Solana

Brussels, 20 March 2003

REMARKS BY THE HIGH REPRESENTATIVE FOR CFSP

prior to the European Council

I would like to say: I regret a peaceful solution of the Iraqi crisis has not been possible. Therefore, we have entered a second phase, a phase of war.

In wartime people suffer. We have to make all the efforts to make this phase of war as short as possible, to minimise the suffering of the people who have nothing to do in this war. This is absolutely fundamental. The European Union will make an appeal in this direction.

I expect leaders of the European Union, during this European Council, to find common positions on several issues.

First, the most important now is a commitment to humanitarian help. It is needed in this moment and it will be needed in the future. We want, therefore, to contribute in a responsible manner to alleviate the humanitarian suffering that, without any doubt, will take place in Iraq and in the countries of the region.

Second for the members of the European Council, the United Nations should continue to be the centre of gravity of the solution to the post-conflict. As you know, huge efforts are necessary both politically and economically. And we would like very much seeing the UN to play a leading role.

Third, we also have to bear in mind the importance of maintaining the territorial integrity of Iraq. This is a key element, which is shared by the international community and the European Union.

Today, we will discuss about other issues. One of them will be the Middle East. You know how attached is the EU in the peace process. We have to make all the efforts to give an impulse to the Middle East peace process in this very moment.

Probably by the end of the day, or tomorrow morning, we will come up with a statement about the situation in the Balkans, in particular on the situation in Serbia-Montenegro. Serbia-Montenegro has suffered very much in the last days with the killing, the assassination of Prime Minister Djindjic. I would like to see the European Council with a commitment to help this country: both on the political and economical levels.

European Council

Brussels, 20-21 March 2003

This ordinary European Council took place the day after military operations in Iraq had started.

PRESIDENCY CONCLUSIONS

(...)

Iraq

With the beginning of the military conflict, we are faced with a new situation. Our hope is that the conflict will end with the minimum loss of human life and suffering. Our common challenges are:

As regards Iraq:

- The EU is committed to the territorial integrity, the sovereignty, the political stability and the full and effective disarmament of Iraq in all its territory, as well as to the respect for the rights of the Iraqi people, including all persons belonging to minorities.
- We believe that the UN must continue to play a central role during and after the current crisis. The UN system has a unique capacity and practical experience in coordinating assistance in post-conflict States. The Security Council should give the United Nations a strong mandate for this mission.
- We urgently need to address the major humanitarian needs that will arise from the conflict. The EU is committed to be actively involved in this field, in accordance with established principles. We support the UN Secretary General's proposal that the humanitarian needs of the Iraqi people can continue to be met through the "Oil for Food" programme.
- We want to effectively contribute to the conditions allowing all Iraqis to live in freedom, dignity and prosperity under a representative government that will be at peace with its neighbours and an active member of the international community. The Council invites the Commission and the High Representative to explore the means by which the EU might help the Iraqi people to achieve these objectives.

On the regional front:

- ▶ We express solidarity with and stand ready to assist those countries that are faced with problems and risks as a result of the conflict, including possible refugee flows. The EU will actively engage in supporting regional stability.
- ▶ We call on all countries of the region to refrain from actions that could lead to further instability.
- ▶ The countries of the region have also a particular responsibility to prevent acts of terrorism.
- ▶ We will continue to work actively towards the reinvigoration of the Middle East Peace Process through the immediate publication and implementation of the roadmap as endorsed by the Quartet.
- ▶ We will deepen our dialogue and cooperation in all fields with the Arab and the Islamic worlds. We hope that it will soon be possible to use the considerable opportunities offered by the Barcelona Process to good account.

In the international field:

- ▶ We reiterate our commitment to the fundamental role of the United Nations in the international system and to the primary responsibility of the Security Council for the maintenance of international peace and stability.
- ▶ We are determined to strengthen the capacity of the European Union in the context of the CFSP and the ESDP.
- ▶ We remain convinced that we need to strengthen the transatlantic partnership, which remains a fundamental strategic priority for the European Union; to this effect, a sustained dialogue on the new regional and global challenges is necessary.
- ▶ We will continue to contribute to the further strengthening of the international coalition against terrorism.
- ▶ We will also intensify work for a comprehensive, coherent and effective multilateral policy of the international community to prevent the proliferation of weapons of mass destruction.

The above objectives are interrelated and complementary. They should be pursued in parallel, through coordinated action of all the main international players. In this spirit, the restoration of the unity of the international community is an absolute imperative.

(...)

European Council

Athens, 16 April 2003

The statement reproduced below was made by the Greek Presidency on the occasion of the solemn ceremony of signature of the Accession Treaties by the ten new members of the European Union.

PRESIDENCY STATEMENT ON IRAQ

- The European Union welcomes the presence of the United Nations Secretary-General and the opportunity to discuss with him the next steps on Iraq.
- At this stage the coalition has the responsibility to ensure a secure environment, including for the provision of humanitarian assistance, in particular urgent medical relief, and the protection of the cultural heritage and museums.
- The people of Iraq now have the chance to shape a new future for their country and to rejoin the International Community.
- The International Community has a major contribution to make in that process, in particular:
 - The UN must play a central role, including in the process leading towards self-government for the Iraqi people, utilizing its unique capacity and experience in the post-conflict nation building.
 - Iraq's neighbours should support stability in Iraq and the region.
 - The EU reaffirms its commitment to play a significant role in the political and economic reconstruction of the country.
 - The EU welcomes the participation of the International Financial Institutions as set out in the recent statement by the G7 at the World Bank meeting in Washington.
- The EU welcomes the appointment by the UN Secretary-General of a special adviser on Iraq and looks forward to a further strengthening of the UN's involvement in post-conflict Iraq, initially in the coordination of humanitarian assistance.

- ▶ As part of the process of regional security and stability, the EU reaffirms its commitment to bring the Israeli/Palestinian Peace Process to a successful conclusion through the implementation of the steps foreseen in the Quartet's Roadmap, keeping within the established time lines.
- ▶ It is essential that there is an early endorsement by Chairman Arafat and the Palestinian Legislative Council of a Cabinet, nominated by Abu Mazen, committed to reform.

European Council

Thessaloniki, 19 and 20 June 2003

The summit was held more than one month after major military hostilities in Iraq had ceased.

PRESIDENCY CONCLUSIONS

(...)

Iraq

The fall of the government of Saddam Hussein has paved the way for the people of Iraq to enjoy a peaceful, secure and prosperous future.

The European Council welcomes the adoption of UNSC Resolution 1483, which demonstrates a new spirit of cooperation within the international community. We believe that it provides the basis for effective international support for the initial stages of Iraq's political transition while ensuring adequate revenues for humanitarian assistance and reconstruction.

The European Council welcomes the appointment of Sergio Vieira de Mello as the UN Secretary General's Special Representative for Iraq. It looks forward to an important United Nations contribution to the process leading to the formation, as soon as possible, of a representative Iraqi government, in which the UN can use its unique capacity and experience in post-conflict nation building. It invites the Commission and Member States to support the UN Special Representative in the fulfilment of his mandate.

The European Union reiterates its commitment to the development of a prosperous and stable Iraq with a representative government and a thriving civil society with which it can develop mutually beneficial relations. The appointment of an Iraqi interim administration will be an important first step towards this goal.

The European Council welcomes the improving humanitarian situation but remains concerned by the continuing challenge to provide security to the civilian population. Law and order is a precondition for the sustainable reconstruction of the country. The European Council notes that certain Member States and Acceding Countries are contributing to creating conditions of stability and security in Iraq following UNSC Resolution 1483.

The European Union stands ready to participate in the reconstruction of Iraq within the framework of UNSC Resolution 1483. The European Council invites the Commission and the High Representative to submit proposals for an EU contribution.

The European Union will continue its active and substantial involvement in the field of humanitarian relief. It looks forward to the Donor's Consultative Meeting hosted by UNDP in New York on 24 June.

We reiterate our call on Iraq's neighbours to support stability in Iraq and in the region and our willingness to contribute through deepening dialogue and cooperation in all fields with the Arab and Islamic worlds.

General Affairs and External Relations Council

Brussels, 21 July 2003

(...)

IRAQ - COUNCIL CONCLUSIONS

- “1. The Council welcomed the setting up of the Iraqi Governing Council as an important first step towards the formation of an internationally recognized representative government established by the people of Iraq.
2. The Council recalled that UNSCR 1483 supported the formation of an Iraqi interim administration, and expressed its confidence that the United Nations, in particular through the activity of the UNSG’s Special Representative Sergio Vieira de Mello, will continue to make an important contribution to post-conflict nation building in Iraq. It reiterated the Union’s readiness to support the UN Special Representative in the fulfillment of this task.
3. The Council reiterated, as previously stated in the conclusions of the Thessaloniki European Council, the EU’s readiness to participate in the reconstruction of Iraq within the framework of UNSC Resolution 1483.
4. The Council expressed its appreciation for the results of the Donors’ Consultative Meeting hosted by UNDP last 24 June. It is important that the EU will play an important role in all multilateral efforts with a view to the Donors’ Conference scheduled to take place next fall.
5. The Council welcomed the constructive suggestions made by the Commission, including those aiming to ensure the establishment of an adequate multilateral umbrella for contributions by the international community to the reconstruction effort.
6. The Council warmly encouraged the Commission, in liaison with the High Representative, to play a full role in this multilateral planning process. It also urged close cooperation between the UNSG’s Special Representative and the Commission, as well as coordination with other donors, and relevant institutions on the ground, in order to maximise the impact of the EU resources involved in the reconstruction process.

7. The Council looks forward to receiving from the Commission updated reports on all relevant aspects related to the preparation of the Conference.”

(...)

General Affairs and External Relations Council

Brussels, 29 September 2003

This text was approved by the EU-15 shortly after the bloody terrorist action against the UN mission in Baghdad and in a context of rising violence in Iraq.

CONCLUSIONS

(...)

Iraq

The Council adopted the following Conclusions:

- “1. The Council strongly condemned the terrorist attacks which caused the deaths of many innocent victims and represented unsuccessful attempts to threaten the efforts of the International Community in ensuring peace security and stability in Iraq.
2. The Council wishes to pay tribute to the courage and the vision of Sergio Vieira de Mello and his team and expressed its confidence that the work he had bravely started, for the sake of the Iraqi people and their future, will be carried on. Active co-operation between the UN and the Iraqi Governing Council must continue. The Council underlined the importance of full respect for the safety and security of humanitarian personnel as well as United Nations and its associated personnel, as called for in Security Council Resolution 1502.
3. The Council recalled that the UN should play a vital role in Iraq and expressed its support to the UN Secretary General’s efforts in this regard. It welcomed the appointment of Ramiro da Silva as acting UNSG Special Representative and expressed its readiness to fully support his actions.
4. The EU underlined the importance of the restoration of Iraqi sovereignty and the establishment of a fully representative Iraqi Government through democratic elections. The Council acknowledged the necessity to reach agreement on a realistic schedule for handing over political responsibility to the Iraqi people.

5. The Council recalled its commitment to help achieve the goal of creating a stable and prosperous Iraq with a representative government and thriving civil society. It noted with satisfaction some positive developments taking place on the political side of reconstruction such as the appointment by the Iraqi Governing Council of an interim cabinet of ministers, the formation of a Preparatory Constitutional Committee to consult on an Iraqi constitution and to pave the way for democratic elections as soon as feasible. The Council also welcomed the recent Arab League invitation to the Governing Council to fill Iraq's seat until succeeded by an elected representative. The Council considered these developments as significant steps towards the full restoration of Iraqi sovereignty.
6. The Council attaches particular importance to fostering a national Iraqi dialogue in order to overcome political divisions inside the country and forge unity for building a new Iraq. It will employ its efforts to attain this common goal of the international community.
7. Considering that security remains a major priority in Iraq and being aware that stabilization cannot be separated from political reconstruction and economic recovery, the Council stressed the importance of the discussions currently under way at the UNSC on a new resolution on Iraq.
8. The Council reiterated EU's readiness to play an important role in the multilateral effort aimed at the reconstruction of Iraq. It took note with appreciation of the active role being played by the Commission in preparing the Donors Conference on Iraqi reconstruction scheduled to take place in Madrid thanks to the generous hospitality of the Spanish Government. The Madrid Conference is the opportunity for a united international effort to redress Saddam's legacy and to help the Governing Council and Ministers restore services, security and build Iraqi faith in a process towards elections. The Council reiterated the need for an adequate multilateral umbrella for reconstruction, to be achieved through the creation of a transparent and operational framework that is independent of, though co-ordinated with the Coalition Provisional Authority.
9. The Council invited the Secretary General/ High Representative to make proposals on an enhanced EU role in Iraq and looks forward to receiving the Commission's Communication, which will propose an EU position on reconstruction in Iraq for the Madrid Ministerial Conference on 23-24 October."

(...)

General Affairs and External Relations Council

Luxembourg, 13 October 2003

CONCLUSIONS

(...)

Iraq

The Council adopted the following conclusions:

- “1. The Council reiterated the EU’s commitment to play an important role, within the framework of all relevant UNSC resolutions, in the international effort to help the Iraqi people to rebuild their country.
2. Recalling its conclusions of 29 September 2003, the EU underlines the importance of the restoration of Iraqi sovereignty and the establishment of a fully representative Iraqi Government through democratic elections. Acknowledging the necessity to reach agreement on a realistic schedule for handing over political responsibility to the Iraqi people, the Council reiterated the EU’s support for the development of a prosperous, stable and sovereign Iraq.
3. The Council welcomed the communication from the Commission proposing an EU approach to the Madrid Conference on the reconstruction of Iraq and its proposal of an indicative pledge of EUR 200 million for 2003-2004 from the EU budget, taking into account EU budgetary procedures. Furthermore, the Council invited the Commission to assure the necessary co-ordination with a view to the announcement by the Presidency of a consolidated EU pledge (Community plus Member States) for the period to December 2004 at the Madrid conference and to report to it on the preparation and follow-up of the conference.
4. The Council noted that this EU pledge for reconstruction in Iraq is additional to the EUR 730 million already pledged for humanitarian relief in Iraq by Community and EU Member States. It endorsed the Commission’s view that, in the light of developments during 2004, it will be necessary for the EU to develop a comprehensive medium-term strategy for its relations with Iraq.

5. The Council confirms that the following will be essential for the success for the reconstruction efforts:
 - An adequate security environment;
 - A strong and vital UN role;
 - A realistic schedule for the handing over of political responsibility to the Iraqi people;
 - The setting up of a transparent multilateral donor fund to channel support from the international community.”

European Council

Brussels, 16-17 October 2003

PRESIDENCY CONCLUSIONS

(...)

Iraq

The European Council welcomes the unanimous adoption of UNSC Resolution 1511.

The European Council confirms the EU determination and commitment to play a significant role in the political and economic reconstruction of Iraq, within the framework of the relevant UNSC resolutions. The following will be essential for success:

- an adequate security environment,
- a strong and vital UN role,
- a realistic schedule for the handing over of political responsibility to the Iraqi people,
- the setting up of a transparent multilateral donor fund to channel support from the international community.

The European Council confirms that the EU will actively contribute to the positive outcome of the Donors Conference, which will be held on 24 October in Madrid. On that occasion the EU will announce a pledge of Euro 200m for 2003-2004 from the Community budget.

The European Council urges all countries in the region to contribute actively to the stability of Iraq and to support its political and economic reconstruction process. A prosperous, stable and sovereign Iraq, whose territorial integrity is preserved, will be essential for the stability in the region and beyond.

The European Council invites the High Representative and the Commission to elaborate a medium-term strategy for the EU's relations with Iraq, making a progress report on the matter by March 2004.

(...)

General Affairs and External Relations Council

Brussels, 17 November 2003

COUNCIL CONCLUSIONS

(...)

Iraq

The Council adopted the following Conclusions:

- “1. The Council expressed its deep solidarity with Italy for the brutal terrorist attack on its Armed Forces on 12 November 2003 in Nasria, killing 19 Italian soldiers and civilians together with many Iraqis. It extends its sincere condolences to the families of the victims. The Council again strongly condemns all terrorist attacks perpetrated against civilians, humanitarian organisations, the UN and military forces and reiterates the EU’s determination to fight terrorism in all its forms.
2. The Council welcomes the accelerated process of handing over executive powers to the Iraqi Governing Council and its ministries. It took note with satisfaction of the announcement by the Governing Council on 15 November 2003 of the timetable for the transfer of sovereignty to a transitional Iraqi government and for a constitutional process which will lead to the establishment of a democratically elected and internationally recognised Iraqi government. It stressed the importance of a timetable adapted to the situation. The Council supported the process decided by the Governing Council for the establishment of democracy for the people of Iraq.
3. The Council reiterated the European Union’s resolve to contribute to the political as well as the economic reconstruction of Iraq. It stressed the importance of the Governing Council consulting as widely as possible over the drafting of the fundamental law to ensure as much popular participation in the process as possible. The Council reaffirmed the vital role of the UN in this context.
4. The Council welcomed the positive outcome of the Madrid Donors’ Conference and wishes to congratulate the Spanish Government for its excellent organisation. The Council welcomed the positive role played by the Iraqi ministers at this Conference.

Recalling the conclusions of the European Council of last October, the Council takes note with satisfaction of the preparations for the establishment of the International Reconstruction Fund Facility into which contributions by the international community may be channelled.

5. Considering that security remains a major priority in Iraq, the Council hopes that the positive outcome of the Madrid Donors' Conference can be swiftly transformed into concrete results on the ground which have a direct and immediate impact on the Iraqi people. The Council encourages a growing involvement of Iraqis in providing security.
6. The Council has repeatedly urged all countries in the region to contribute to the stability of Iraq. Following the meeting of neighbouring countries' Foreign Ministers in Damascus, the Council looks forward to further meetings of the neighbours in consultation with the Iraqi Governing Council and Iraqi institutions, to help support the political and economic reconstruction process under way in Iraq."

(...)

Conference of Euro-Mediterranean foreign ministers

Naples, 2-3 December 2003

The document reproduced below summarises (a) the new general approach of the EU to the problems of stability and security in the broader Mediterranean area (including how to address human rights and democratisation issues), (b) the specific position over Iraq and its post-conflict stabilisation.

PRESIDENCY CONCLUSIONS

a. Introduction

1. The VIth Conference of Euro-Mediterranean Foreign Ministers held in Naples on December 2nd and 3rd took place in a positive, constructive atmosphere against an international background casting shadows of tension, instability and insecurity in the region. In this framework, the Ministers reaffirmed their shared willingness to strengthening their partnership, thereby renewing their common adherence to the values and the objectives set out in the Barcelona Declaration. While stressing the emphasis on the Euro-Mediterranean dialogue as the key element for their respective relationship, they underlined the need for enhanced efforts at increasing its effectiveness. In this context, the Ministers also expressed awareness for the necessity to deepen the Process so as to provide it with further visibility and transparency in a bid to bringing it closer to the civil societies of the region.
2. The Ministers sent a message of common interests, shared values and solidarity among Euro-Mediterranean Partners; they reaffirmed their joint interest in reinforcing security and stability in the region, in promoting political and economic reform and in ensuring that extremism and terrorism are not allowed to get in the way of progress. They also agreed that furthering the process of dialogue and co-operation in order to improve mutual understanding is essential to the vision of the Barcelona Process, reiterating that the partnership stands as the best way of meeting the challenges and opportunities represented by security and stability, globalisation, economic reform and social development.
3. The Ministers agreed that such a vision, which has always been at the heart of the Barcelona Process, is even more relevant in the present circumstances. They also

agreed that the process of enlargement of the EU on one side and the current situation in the Middle-East on the other, have given rise to a greater demand for Europe on the Southern and Eastern rim of the Mediterranean. These challenges call for a reinvigorated and renewed partnership, based on a stronger commitment both of the European Union and the Mediterranean countries to common values and objectives.

4. Recalling that the Valencia Action Plan, agreed by Foreign Ministers at their meeting in April 2002, is the most recent comprehensive set of commitments for developing the Partnership and making reference to the review of its outcome at the mid-term Ministerial meeting in Crete, the Ministers took stock of progress made and provided orientations for future work. Furthermore, they supported the idea of engaging in a thorough, open and sincere discussion within the existing bodies of the Euro-Mediterranean Partnership on how best carry into effect the *acquis* of the Barcelona Process, aiming also at improving the contribution by the Mediterranean partners to the outline of policies relevant implementation.
5. The Ministers reviewed progress in particular in implementing the Partnership on three specific issues:
 - The Euro-Mediterranean Parliamentary Assembly;
 - The future course of FEMIP;
 - The Euro-Mediterranean Foundation for the Dialogue of Cultures.
6. They agreed that achievements on these three issues will foster greater political cooperation, more focussed support for economic reform and private sector development and moves to promote inter-cultural dialogue and understanding. All three will move the focus of the partnership further into the domain of civil society, thus producing results that are relevant to ordinary man and woman.

Wider Europe-New Neighbourhood Initiative

7. The Ministers took note of the EU Wider Europe/New Neighbourhood Policy and discussed as far as the Southern neighbours are concerned, how this policy could strengthen cooperation by building on the existing Barcelona Process *acquis*. They noted that the policy aims to support reforms as well as regulatory and legislative approximation, particularly as regards the internal market, between the EU and Mediterranean partners, as they are ready to engage in such intensified cooperation. To develop its full potential to promote political and economic reform based on the shared values reflected in the Barcelona Declaration, the initiative will need to include credible incentives. In this regard, they acknowledged that one of the aspects

of these new policies is to reinforce the Euro-Mediterranean Partnership in all its chapters as well as the joint ownership of this process with a view to fostering stability, development and democracy in the countries to the South, in the common interest of the E.U. and Mediterranean partners.

(...)

Middle East Peace Process

11. Ministers discussed recent developments concerning the Middle East. They were deeply concerned by the situation in the region and noted that, despite support given by the international community to the quest for a comprehensive, just and lasting solution, insufficient progress has been made by the concerned parties. They should seize the opportunity for peace set out in the Quartet Road Map.
12. Ministers recognised that there is no alternative to a swift and full implementation, in good faith by the two sides, of the Road Map. UNSCR 1515 was seen as an encouraging support by the International Community to the endeavours by the Quartet.
13. Ministers underlined the need for both Parties to work together constructively on solutions to the conflict. They expressed their commitment to the clear objective of two States, Israel and a viable and democratic Palestinian State, living side by side in peace and security, in the framework of a comprehensive peace in the Middle East, as laid out in the Road Map. Ministers recalled the importance of the Arab Peace Initiative adopted by the Beirut Arab League Summits of 28 March 2002. They called on both parties – Israel and the Palestinian Authority – to live up to the commitments they undertook at the Aqaba summit on 4 June 2003.
14. They recalled that a comprehensive peace in the Middle East must also include Syria and Lebanon in the framework of the Madrid Principles.
15. Ministers reiterated that the fight against terrorism in all its forms remains one of the priorities of the entire International Community and that it is the duty of all countries, in particular of those in the region, to actively co-operate in the fight against terrorism and to abstain from all support, direct or indirect, to terrorist organisations.
16. It was emphasised by Ministers that the new Palestinian Government under Prime Minister Qorei must concretely demonstrate its determination in the fight against extremist violence. Decisive steps to consolidate all Palestinian security services must

be taken by the new Palestinian Government, which deserves to be supported by all. Efforts to implement a lasting cease-fire were welcomed.

17. Ministers also urged the Government of Israel, in exercising its right to protect its citizens, to exert maximum effort to avoid civilian casualties and take all necessary action to ease the humanitarian and economic plight of the Palestinian people and facilitate the relief work of international donors. Israel should refrain from any action that violates international law.
18. Ministers were of the view that decisive steps must be taken to reverse the sharply deteriorating humanitarian situation in the West Bank and Gaza. It is making life increasingly intolerable for ordinary Palestinians and fuelling extremism.
19. Ministers welcomed the upcoming donor's meeting (Ad Hoc Liaison Committee) that will take place on 10 December 2003 in Rome, as a good opportunity to discuss necessary measures and efforts by the parties and the International Community to improve the economic and humanitarian situation of the Palestinian people.
20. Strong concerns were expressed regarding the route marked out by Israel for the fence in the Occupied West Bank and East Jerusalem. The envisaged departure of the route from the "green line" prejudices future negotiations and makes the two-State solution physically impossible to implement. Continued expansion of Israeli settlements and related construction is counter-productive.
21. Ministers highlighted the importance of promoting tolerance in all countries of the Partnership, and stressed in particular the need to stand up against both anti-Semitism and Islamophobia, as well as xenophobia.
22. Ministers also reiterated that the Middle East Peace Process and the Barcelona Process are complementary, and expressed their readiness to use fully the potential of the Barcelona Process to make a positive contribution to the stabilisation of the Mediterranean region. Ministers recalled the importance of a reinvigorated cooperation within the wider region and with Mediterranean partners.
23. Initiatives from civil society on both sides were welcomed as contributions to the effort to promote rapprochement, confidence building and the search for a lasting peace.

(...)

II. Political and Security Partnership

Political and security dialogue

26. Ministers reiterated that a concerted effort should be made to give greater substance to political and security co-operation. This requires an overall strategy to the stability/security issue in the region, while paying more attention – with an even-handed and balanced approach – to new security challenges particularly great in the Mediterranean basin. In order to deal more effectively with these challenges, the Ministers considered the option of preparing their discussions also through open-ended ad hoc informal groups reporting to the Partners through existing Euromed institutional channels.
27. The Ministers, while reaffirming the complementarity between the Middle East Peace Process and the Euro-Mediterranean Partnership, in accordance with the Barcelona Declaration, recognised that, any direct linkage between the two should continue to be avoided. It is undoubtedly true that when there have, from time to time, been positive developments in the former, they have contributed in large measure to creating a more positive atmosphere for progress in the latter. The converse is equally the case, and applies particularly to political and security co-operation. The Ministers therefore recognised their interest in implementing the Road Map and returning to negotiations.

Human Rights and Democracy

28. Cooperation in promoting human rights and democracy is crucial to the success of the Partnership. The Ministers welcomed the approach set out in the recent EU initiative, based on dialogue with the Partners aiming to reach a consensus on extending cooperation in this area progressively and on an individual basis, in particular by developing joint action plans which would set out the means to implement effectively through national regulation and legislation the commitments which the partners have agreed to. Such cooperation would be eligible for enhanced EU financial support and the EU will take it into consideration when allocating MEDA funds. The Ministers also emphasized the support provided for direct actions in the field of human rights and for capacity-building of civil society players in a regional or sub-regional framework.

Partnership building measures

29. The Ministers acknowledged that existing political and security dialogue among Senior Officials should be pursued and should aim to agree on further partnership building measures in the field of security; they mandated the Senior Officials to study further and to identify partnership building measures to be implemented among partners such as maritime safety, civil protection and environment. If necessary such measures could be on the basis of participation by a limited number of partners, open to others to join later.

Fight against terrorism

30. The Ministers reaffirmed their commitment to fight terrorism in all its forms and manifestations wherever and by whomsoever committed. They stressed their engagement in the full implementation *inter alia* of UNSCR 1373. They also mandated Senior Officials to further the dialogue on terrorism, including *ad hoc* meetings, with a view to increasing cooperation in this field. According to that vision, the Ministers reiterated that co-operation on terrorism will be pursued under existing and future regional and bilateral programmes for training and technical assistance to improve the capability to fight terrorism as well as other forms of organised crime without prejudice to respect for human rights and democracy.

ESDP

31. The Ministers welcomed the launching of dialogue and co-operation on ESDP (European Security and Defence Policy), confirming that the dialogue with the EU Political and Security Committee, and at expert level, can usefully add to the range of instruments available under the Barcelona Process. They also stressed that this dialogue should help to familiarise the Mediterranean partners with ESDP aims and instruments, with a view to their eventual, possible cooperation in ESDP activities on a regional, sub-regional or country basis. They recalled that some of the Mediterranean partners already work with the EU in peacekeeping activities (Balkans, Africa) under the UN aegis. The Ministers expressed their belief that further complementary measures, such as civilian crisis management training; co-operation among civil protection authorities, particularly continuing cooperation on a

project on disaster management, drawing on the experience of the on-going pilot project, subject to satisfactory evaluation of its results, would constitute a significant addition to partnership building.

Euro-Mediterranean Parliamentary Assembly

32. The Ministers welcomed the creation of a Euro-Mediterranean Parliamentary Assembly and agreed to include this new body, in a consultative capacity, in the framework of the Barcelona Process. They expressed their conviction that this step will provide the Process with further visibility and transparency, thereby bringing the Partnership itself closer to the interests and expectations of public opinions in the region. In this context, the Ministers stressed that the Assembly will add to the depth of the Barcelona Process, ensuring complementarity with the existing institutions of the Partnership. The text of the Recommendation from the Euromediterranean Parliamentary Forum to the Ministerial Conference is attached.

(...)

b. Iraq

A discussion on the unfolding events in Iraq and the prospects for post conflict arrangements took place. Ministers welcomed the unanimous adoption of UNSC Resolution 1511. They recalled the Union's commitment to play a significant role in the political and economic reconstruction of Iraq, within the framework of the relevant UNSC Resolutions with the following as essential elements for success:

- an adequate security environment;
- a strong and vital UN role, which could also benefit from an early appointment of a new Special Representative to the UNSG;
- a realistic schedule for the handing over of political responsibility to the Iraqi people;
- the setting-up of a transparent multilateral donor fund to channel support from the international community which the EU also regards as an essential element for the success of the reconstruction.

The Ministers welcomed the recent agreement establishing the timeline and a programme for a rapid transfer of sovereignty to a transitional Iraqi Government and urged all parties concerned to agree on the necessary constitutional as well as the electoral arrangements. In this context, they recalled UNSC Resolution 1511 and praised its unanimous approval underlining the need of its full implementation.

Ministers urged all countries in the region to contribute actively to the stability of Iraq and to support its political and economic reconstruction process. Following the meeting on 2 November in Damascus among neighbouring countries of Iraq, Ministers welcomed the holding of such meetings, in consultation with the Iraqi Governing Council and Iraqi institutions, to help support the political and economic reconstruction transition process under way in Iraq, and emphasised their usefulness. Ministers also welcomed the UNSG's initiative to hold meetings between Iraq's neighbours and Security Council members. A prosperous, stable and sovereign Iraq, whose territorial integrity is preserved, will be essential for the stability in the region and beyond.

In this context, Ministers underlined the need to establish a platform for regular and substantial consultations among those members of the International Community which are engaged in Iraq and all neighbouring countries.

(...)

The EU's partnership with the Arab World

Brussels, 4 December 2003

The documents reproduced below constitute the most systematic effort made by the EU – by Council and Commission jointly – to address the broader issue of promoting domestic reform in the Arab world, from the Middle East proper (including Iraq) to the southern Mediterranean shore (including the Euro-Mediterranean partners).

LETTER TO THE COUNCIL PRESIDENT (AND ATTACHED DOCUMENT) BY JAVIER SOLANA, ROMANO PRODI AND CHRIS PATTEN

Subject: Strengthening the EU's Partnership with the Arab World

Dear President,

The Thessaloniki European Council (19/20 June 2003) invited the Commission and the High Representative to formulate a work plan on relations with the Arab World, taking full account of existing policies and programmes and, in particular, the Barcelona Process and the New Neighbours Initiative. The attached document “Strengthening the EU's Partnership with the Arab World” responds to the invitation of the Council and outlines ways to achieve a better articulation and strengthening of EU relations with the countries concerned in order to further contribute to promote peace, prosperity and stability in the region. In this context, the overall implications of the Israeli-Palestinian conflict are also highlighted.

The paper underlines the pertinence and validity of existing frameworks, and in particular of the Barcelona Process, in reinforcing relations with Arab countries. It highlights the need to strengthen co-ordination among the different instruments to ensure a more coherent approach with a clear focus on the objective of political, social and economic reform in the Arab World.

Two main lines of action are identified. On the one hand, the pertinence of the Euro-Mediterranean partnership is reconfirmed. On the other, for the countries outside the Barcelona Process, the paper invites the Council to explore proposals for a possible regional strategy for the Wider Middle East, comprising relations with GCC countries, Yemen, Iraq and Iran.

In order to increase efficiency and coherence it is proposed that further work on these issues be taken forward essentially in the framework of the development of the

Barcelona/Wider Europe process and of the follow-up to the European Security Strategy.

The lifting of the UN sanctions on 12 September last clearly represents a turning point for relations between Libya and the international community and deserves special consideration by the EU, though many issues still remain to be resolved. Given the sensitivity of this matter, we would like to confirm that the objective for EU relations with Libya remains its full inclusion in the Barcelona Process, on the basis of unconditional acceptance by Libya of the whole Barcelona acquis. In view of the latest developments in the UN, it may be both timely and appropriate for the EU to step up its efforts to explore possibilities with the Libyan authorities for movement in this direction.

We will be glad to present the proposals and orientations in this document during the European Council on 12-13 December.

Yours sincerely,

Romano Prodi

Javier Solana

Chris Patten

H.E. Mr Franco Frattini
President of the Council of the EU



Strengthening EU's relations with the Arab World

1. Introduction

The Thessaloniki European Council (19/20 June 2003) expressed the conviction that the EU must strengthen its partnership with the Arab World. The European Council invited the Commission and the High Representative to formulate a work plan taking full account of existing policies and programmes and in particular the Barcelona Process and the New Neighbours Initiative. This document responds to the invitation of the Council and outlines ways to achieve a better articulation and strengthening of EU relations with the countries concerned.

The Arab countries cover a wide region. From the Gulf to the Maghreb there are differences in social structure, natural resources, geography, economy and political constitution, but a rich cultural and historic legacy provides a common heritage for the 22 signatory parties of the Arab League Charter. Moreover, substantial Arab populations live in Europe and elsewhere and their identity and concerns are important factors in our relations with the Arab World. Many of these countries are close neighbours of the EU. Trade and migratory links are strong. Their development and prosperity have deep implications for the EU.

The challenges facing the Arab world have been extensively analysed. In particular, *UNDP's Arab Human Development Report* of 2002 and the follow-up report in October 2003 have measured the development of the Arab region in relation to other regions and found that the Arab world is lagging behind, economically, socially and politically. The *World Bank report* on enhancing governance in the Middle East and North Africa underlines the weaknesses of governance in the MENA region. These reports highlight the need for reform and conclude that the Arab societies need to review, restructure and reinforce governance. In this respect, the education systems have a crucial role to play. Education is fundamental to improve Arab countries' prospects for development in today's world. The key to enhancing human development and giving employment opportunities is improved quality, accessibility and equity in education and training. This is particularly important for the empowerment of women to enable them to exercise their full capabilities in Arab societies. Through different instruments the EU is already contributing to the Arab countries' efforts in addressing many of these issues.

The Israeli-Palestinian conflict deserves a special reference. It is a unifying and mobilising political factor in the Arab World. The overall implications of the Israeli-Palestinian conflict go beyond its territorial limits and result in the further spread of insecurity. Restoration of stability and order in Iraq is also an essential element for achieving international security.

2. EU policy instruments

Relations between the Arab World and the European Union reflect the complexity and the diversity of countries and situations. There is no single framework for partnership. The EU provides financial assistance in co-operation programmes with all Arab countries except GCC Member States and Libya. And it is also developing a programme of cooperation with the Arab League.

With the **Mediterranean Arab countries**, Europe has a partnership which covers political and security dialogue, economic relations, including the creation of a free trade area, and social and human relations, a dimension that is of fundamental importance in the spirit of the Barcelona Declaration. The creation of a free trade area, with the conclusion of Association Agreements embodying the principle of combining free trade with

substantial financial support for promoting modernisation, are important aspects of the Barcelona Partnership. The Association Agreements and the Euro-Mediterranean Partnership promote legislative reforms and regulatory convergence.

When the negotiations with Syria are concluded, the EU will have free trade agreements with all Mediterranean partners and the North-South free trade framework will be in place. The promotion of intra-regional trade and the South-South dimension should be further advanced.

Relations with this group of countries will be further enhanced within the Wider Europe framework. This *initiative* emphasizes the necessity for concrete, measurable reforms with the objective to give Mediterranean partners a stake in the EU four freedoms.

The EU's relations with Israel and the Palestinian Authority fall within this group of countries. In order to contribute better to the solution of the Arab-Israeli conflict, the Council appointed an EU Special Representative to the Middle East Peace Process. He contributes to the definition and implementation of EU policy on this issue and maintains permanent dialogue with all the relevant international actors involved in the Peace Process.

EU-Libya relations could enter a new phase after the lifting of UN sanctions. The participation of Libya in the Euro-Mediterranean Conference of Energy or in the Conference of Mediterranean Fisheries Ministers, are examples of potential areas of co-operation with Libya. Libya's participation in the Barcelona Process would constitute a crucial step towards normalising relations with Europe and all Mediterranean Partners. For this it is essential that Libya accepts the full *acquis* of the Barcelona Process. Consideration will be given in this context to how to incorporate Libya into the Neighbourhood policy" (Wider Europe).

With the GCC, the focus has so far been on trade and economic relations. The Cooperation Agreement with GCC covers a number of areas of economic cooperation; EU and GCC also have political dialogue meetings. Negotiations for a free trade agreement are still in progress. Both sides should make efforts to overcome remaining obstacles since they have strong underlying interests in reciprocal trade and investment. The major challenges for the GCC region are consistent and comprehensive political development towards a more open society, and economic diversification.

With **Yemen** and the **five Arab countries in the ACP** framework (Comoros, Djibouti, Mauritania, Somalia, and Sudan) the focus is on development co-operation. The priority is the eradication of poverty and human development, in particular food security, health and education. Relations with Yemen are conducted in the framework of a Cooperation Agreement and should develop with a more structured political dialogue and increased focus on collaboration in the fight against terrorism and the protection of human rights. Relations with ACP Arab countries are governed by the Cotonou Agreement covering countries in Africa, the Caribbean and the Pacific. Among ACP Arab countries Sudan and Somalia are particularly affected by instability and poverty.

In Iraq, after the fall of the regime of Saddam Hussein, the following will be essential for the success of the reconstruction efforts: an adequate security environment, a strong and vital UN role, a realistic schedule for the handing over of political responsibility to the Iraqi people, and the setting up of a transparent multilateral trust fund to channel support from the international community.

As seen, the EU has a series of instruments at its disposal for its relations with the Arab world. Two of these instruments are solidly founded: the Barcelona process (and its enhancement through the Wider Europe initiative) and the ACP framework. They allow for both a multilateral and a country-by-country approach, tailoring the EU's relations to specific concerns regarding individual countries, to the countries' needs and to progress made. On the other hand, EU relations with GCC, Yemen and Iraq are less developed. The economic and social characteristics of these countries call for instruments different to the programmes used within the Barcelona framework. Recent developments point towards the need to establish a regional stability strategy for this group of countries which, with the addition of Iran, could be defined as the "Wider Middle East". From a strictly political point of view, relations with the ACP belong to a different set of problems. There will then be two main lines of action for the EU in its relations with the Arab countries, the Mediterranean line and the Wider Middle East.

3. Objectives

The main objective of the EU in its relations with the Arab World is to promote prosperity, peace and stability, thereby not only contributing to the welfare and security of the region, but also to its own security. Problems of terrorism and WMD originating there have a direct impact in Europe. In this context, the solution of the Arab-Israeli conflict is essential. There will be little chance of dealing fully with other problems in the Middle East until this conflict is resolved; such a resolution is therefore a strategic priority for the EU.

An essential element of this overriding objective should be to encourage, support and facilitate reform in the political, economic and social areas. The aim is to advance political pluralism and democracy, and to stimulate social and economic development. In order to be effective, such reforms have to come from within the societies. An approach needs to be developed that is based on the mutual interest of Arab countries and the EU.

The reform agenda is not a new task for the EU. The Barcelona process, including its set-up of bilateral Association Agreements, regional co-operation and MEDA funds, already promotes reform in the Mediterranean region. Co-operation in areas such as justice and home affairs, civil society, media, the gradual introduction of free trade with its corollary of improved economic governance and the progressive liberalisation of the economy, are some of the examples of reform programmes undertaken under the Euro-Med Association Agreements. The Wider Europe initiative will take this process further.

The EU needs to strengthen co-ordination among the different policy instruments it employs to ensure a more coherent overall approach with a clear focus on the identified objectives. The EU should use the existing instruments in a more focused manner, streamlining their co-ordination. While fully pursuing its efforts in the Barcelona/Wider Europe context, particular attention will have to be given to developing relations with the Wider Middle East.

The trans-Atlantic dialogue could explore whether the recently launched US Middle East Partnership Initiative could usefully complement European action in the region. Co-operation with other non-Western partners should also be sought in order to avoid a polarisation of positions.

4. Pursuing reforms

Taking into account the full variety of instruments in place, the strategic focus on political, economic and social reform should be built around the following main elements:

- Political reform: encouraging good governance, the rule of law, democratisation, and promotion of human rights;
- Economic reform: trade liberalisation between and within EU and the Arab world;
- Cultural dialogue and social reform: diversify media outlets, promote gender equality, modernise education, and promote religious and cultural dialogue.

With the Mediterranean Partner countries, these objectives will be taken forward through a more effective implementation of the Barcelona Process goals, within Association Agreements and the development of the Wider Europe/New Neighbourhood Initiative. Reflection may be needed on the merits of developing a regional strategy in the future for the Gulf region, including Iran, Iraq, the GCC and Yemen.

a) Political Reforms

In line with the Commission Communication on Human Rights and Democratisation in Mediterranean Partners, the aim is to encourage and support a more pluralistic and tolerant political culture, including religious tolerance and freedom. The political dialogue should be firm and frank, while understanding sensitivities.

The EU should:

- Deepen the political dialogue with individual Arab countries and with the Arab League, focusing on concrete reform issues; develop systematic support of the rule

of law and good governance, with emphasis on legal reform and human rights with a constructive involvement of national authorities; ensure the systematic inclusion of human rights and democracy issues in the political dialogue with the countries concerned; offer systematic support to election processes and judiciary reform and encourage exchanges on best practices and training co-operation

- Set up appropriate consultation and co-operation mechanisms for enhanced political dialogue on conflict prevention and crisis management, the fight against terrorism, and the proliferation of WMD.
- Seek to involve political forces and interested movements at different levels of society; identify and engage with potentially important partners for dialogue with civil society, including all organisations in favour of a non-violent approach and abiding by democratic rules.
- In the Euro-Mediterranean Partnership, and in line with the recent Communication on Human Rights, develop national action plans on human rights and democracy and provide financial and other assistance for their implementation; these should be linked to Wider Europe strategy.
- With countries in the Wider Middle East, develop a dialogue on these issues with a new focus on the implementation of concrete reform measures; and consider the possibility to promote the establishment of a regional stability strategy;

b) Economic Reforms

The long-term objective is, through co-operation, to introduce economic reforms to enable the countries to participate more fully in the global economy and create employment opportunities for the new generations. The EU should:

- Continue trade liberalisation in the Euro-Mediterranean Partnership context with further liberalisation of agriculture and services and the full incorporation of regional cumulation of origin; Conclude and implement the EU/GCC free trade agreement; promote co-operation with GCC countries on issues such as the creation of a GCC single currency, or a GCC common commercial policy and single market.
- Foster south-south regional integration and support initiatives such as the Agadir declaration and the Maghreb Arab Union. Promote the progressive establishment of regional free trade arrangements, such as the linking of EU/MED and EU/GCC free trade agreements, including Yemen. Sustain economic and related administrative reform in Yemen and promote Yemen's integration in its region;
- Promote the approximation of the regulatory frameworks with those of the EU. Regulatory approximation is one of the primary objectives of the neighbourhood policy in the Wider Europe initiative; foster energy, transport and telecommunication network interconnections and linkages with the Trans-European Networks;

- Taking advantage of the experience of the Euro-Mediterranean regional co-operation, develop selected networks for Wider Middle East co-operation
- Develop a long-term approach for social, economic and political reconstruction in Iraq in a regional context. In the light of developments in 2004, develop a comprehensive medium-term strategy for EU relations with Iraq in line with the conclusions of the Brussels European Council of 16-17 October 2003.

c) Social Reform and Cultural Dialogue

The objective is to invigorate cultural/religious/civilisation and media dialogue using existing or planned instruments, including the planned Euro-Mediterranean Foundation for the Dialogue of Cultures and Civilisations; and wherever possible, extending them to the other Arab countries.

Migration to Europe is another issue that should prompt and facilitate dialogue. Arab immigrants make a substantial contribution to the development of Europe. The EU is firmly committed to fight all manifestations of racism and discrimination in all its forms. Full respect for the rights of immigrants in Europe is a consistent policy throughout Europe. Its implementation should be improved further and co-operation in the framework of existing agreements should be enhanced to take into account the concerns of Arab partners. EU should also make full use of new frameworks, such as the Wider Europe initiative. The conclusion of re-admission agreements with certain Arab countries to promote collaboration in the management of migratory flows should also be a priority.

Action in these areas should support the development of open, knowledge-based societies in Arab countries. The EU should:

- Set up the Euro-Mediterranean Foundation for the dialogue of cultures and civilisations; Explore the potential for inter-cultural dialogue within the Wider Middle East, in particular through the GCC framework; Promote cultural and religious dialogue including exchange of experiences and best practices in the field of minority rights and the fight against racism and xenophobia;
- Explore the potential of the Euromed Youth and Tempus Programmes with a view to increased cooperation among, and development of, civil society actors in the region. Develop and examine the development of parallel programmes for Universities in the Wider Middle East;
- Encourage Middle East and North African Governments to promote independent media and permit freedom of expression; promote journalist training and Arabic language broadcasts of European TV and radio news, and other initiatives to ensure better information on European policies and conditions and balanced coverage in European media of issues related to the Arab world;

- Actively encourage translations between Arabic, regional and European languages and promote the idea of a code of conduct (like those found in Europe) for the media in Middle East and North African countries;

5. Conclusion

The Commission and the High Representative believe that it is necessary to raise the level of ambition in Europe's relations with the Arab World. The existing frameworks have to be further developed and complemented taking account of the different situations of the countries concerned. The Euro-Mediterranean Partnership will grow through the Wider Europe strategy.

On the other hand, thought should be given to the development of a Wider Middle East strategy, to allow the EU to better confront the security challenges of this region and to promote the necessary reform processes. Consultation and co-operation mechanisms for enhanced political dialogue on conflict prevention and crisis management, the fight against terrorism, and the proliferation of WMD should be enhanced. Finally, the EU should increase coherence between existing instruments bearing in mind the European Security Strategy and enhancing focus on promoting reform. The follow-up to the European Security Strategy and the development of the Barcelona/Wider Europe process constitute the frameworks in which these objectives should be further pursued.

European council

Brussels, 12 December 2003

PRESIDENCY CONCLUSIONS

(...)

Iraq

The European Council reaffirms that the stability of Iraq is a shared interest and reiterates the Union's commitment to supporting the political as well as the economic reconstruction of the country, within the framework of the relevant UNSC Resolutions. It stresses that an adequate security environment and a strong and vital UN role are essential elements for success. The European Council underlines the need for full implementation of UNSC Resolution 1511.

The European Council repeats its wholehearted condemnation of terrorist attacks on Iraqis, multinational forces, and international organisations and staff, designed to undermine the political and economic reconstruction processes in Iraq.

The European Council welcomes the agreement establishing a timeline and a programme for an accelerated transfer of sovereignty to a transitional Iraqi government, and calls on all parties involved to keep the political process moving forward in an orderly and peaceful manner. It stresses the importance of ensuring the widest popular participation in the political and constitutional process.

The European Council recognises and encourages the efforts under way by the Iraqi

Governing Council and its Ministries to assume more direct responsibilities and executive powers, particularly in the security field.

The European Council urges all countries in the region to contribute actively to the stability and economic reconstruction of Iraq. A free, democratic and prosperous Iraq, whose territorial integrity is preserved, will be essential for the stability of the region and beyond.

(...)

Declaration on the capture of Saddam Hussein

Brussels, 15 December 2003

DECLARATION BY THE PRESIDENCY ON BEHALF OF THE EUROPEAN UNION CONCERNING THE CAPTURE OF SADDAM HUSSEIN

The EU welcomes the capture of Saddam Hussein as a crucial further step towards peace, stability, and democracy in Iraq and in the region. He should now be judged in a fair trial, according to the rule of law, so that justice be done.

The Union stresses the need that after this important development the political process in Iraq moves forward, with the widest popular participation, towards an accelerated transfer of sovereignty to a transitional Iraqi government and the establishment of conditions for economic and social reconstruction and development in the country.

III. The Constitutional Treaty between the Convention and the IGC

a. The European Convention

Franco-German contribution to the European Convention

Paris and Berlin, 15 January 2003

This Franco-German paper, on the institutional architecture of the Union, was made public and circulated shortly before the official celebrations for the 40th anniversary of the Elysée Treaty. After the preparatory work done at the end of 2002 by the Working Groups on External Action and Defence (see documents II-38 and II-39, respectively, in 'From Laeken to Copenhagen'), this joint contribution represents the point of departure as well as general reference for the ensuing debate in the European Convention. It entails many proposals that have a bearing on the CFSP and defence. Also, it clearly shows how the two governments drafted a set of proposals based on a workable compromise between their traditional positions on both institutional and CFSP issues.

CONTRIBUTION FRANCO-ALLEMANDE À LA CONVENTION EUROPÉENNE SUR L'ARCHITECTURE INSTITUTIONNELLE DE L'UNION

Lors du Conseil européen de Copenhague qui s'est tenu il y a quelques semaines, l'Union a réalisé le plus grand élargissement de son histoire. Si elle entend conserver son unité et sa capacité d'action à l'intérieur comme à l'extérieur avec 25 Etats membres et plus, l'Union doit plus que jamais s'approfondir.

Nous souhaitons réussir une réforme des institutions qui réponde à trois exigences : clarté, légitimité et efficacité. Afin d'atteindre ces objectifs, un renforcement du triangle institutionnel (préservant son équilibre) ainsi qu'une réforme fondamentale de la représentation extérieure de l'Union sont nécessaires dans la Constitution européenne.

A cet égard, nous nous félicitons de l'avant-projet de traité constitutionnel présenté par le président de la Convention européenne. Nous estimons que ce texte devrait définir précisément dans sa première partie les objectifs des politiques de l'Union.

L'Europe est une Union des Etats, des peuples et des citoyens. Cette vocation politique peut s'exprimer dans les institutions par l'idée de fédération d'Etats-nations.

Nous souhaitons que l'Union soit dotée d'une personnalité juridique unique ainsi que d'institutions communes fortes qui prennent appui sur une architecture rénovée mettant fin à l'organisation actuelle en piliers, tout en conservant des procédures adaptées selon les domaines.

Nous souhaitons que les citoyens d'Europe puissent se reconnaître dans une communauté de valeurs et de droit : c'est pourquoi la Charte des droits fondamentaux doit être intégralement insérée dans la future Constitution. Un autre préalable important réside dans une meilleure délimitation des compétences entre l'Union et les Etats membres, conformément aux principes de subsidiarité et de proportionnalité.

Nous faisons toute confiance à la Convention pour présenter un traité constitutionnel ambitieux appelé à remplacer les traités existants et souhaitons que la conférence intergouvernementale qui s'en suivra puisse parachever cette Constitution dans les plus brefs délais, si possible avant la fin de cette année.

1. Le Conseil européen

Il a notamment pour fonctions :

- d'arrêter les grandes orientations politiques et stratégiques de l'Union, en liaison avec la Commission ;
- de définir les principes et les grands axes de la Politique étrangère et de sécurité commune, y compris en matière de défense.

Comme la Commission et le Parlement européen, le Conseil européen doit être doté d'une présidence stable. Dans une Europe élargie, il est indispensable de donner une continuité, une stabilité et une visibilité à la direction du Conseil européen.

Le Conseil européen élit son président à la majorité qualifiée pour une durée de cinq ans ou de deux ans et demi renouvelables. Cette personnalité exerce ses fonctions à temps plein pendant la durée de son mandat.

Le président du Conseil européen a deux fonctions principales :

- il prépare, préside et anime les travaux du Conseil européen et veille à l'exécution de ses décisions ;
- il représente l'Union sur la scène internationale lors des rencontres des chefs d'Etat ou de gouvernement, sans préjudice des compétences de la Commission et de son président, sachant que la conduite quotidienne de la politique étrangère et de sécurité commune revient au ministre européen des affaires étrangères.

2. La Commission européenne

Au moment où l'Europe devient plus diverse en s'élargissant, le traité constitutionnel doit confirmer la Commission européenne dans son rôle de moteur de la construction européenne, de gardienne des traités ainsi que dans sa vocation à incarner l'intérêt général européen.

La Commission a le droit d'initiative selon les procédures prévues par les traités.

Elle est chargée de l'exécution de la législation adoptée par le Parlement européen et le Conseil ainsi que du suivi et du contrôle de la bonne application des décisions du Conseil par les Etats membres. Elle doit avoir les moyens d'exercer pleinement ce rôle majeur. Cela suppose une simplification radicale de la procédure de comitologie. Pour

être en mesure d'assumer leur responsabilité politique, les commissaires disposent d'un pouvoir d'instruction sur les Directions générales.

Dans le domaine de la politique économique, le rôle de la Commission doit être renforcé, notamment dans la surveillance du pacte de stabilité et de croissance, par la possibilité de constater l'existence ou le risque de déficits publics excessifs.

Sa légitimité doit être mieux assurée, sans que cela porte atteinte à son indépendance et à son autonomie. Sa désignation et celle de son président doivent intervenir au lendemain des élections du Parlement européen. Après l'élection du président de la Commission par le Parlement européen à une majorité qualifiée de ses membres, il est approuvé par le Conseil européen statuant à la majorité qualifiée.

Le président de la Commission constitue son collège en tenant compte des équilibres géographiques et démographiques. Le président de la Commission peut opérer une distinction au sein du collège entre commissaires ayant un portefeuille sectoriel et commissaires chargés de fonctions ou de missions spécifiques, avec un système de rotation égalitaire. Après approbation du Parlement européen, les membres de la Commission sont nommés par le Conseil, statuant à la majorité qualifiée.

Le président de la Commission donne des directives politiques aux travaux de la Commission.

La Commission est politiquement responsable à la fois devant le Parlement européen et le Conseil européen.

3. Le Parlement européen

Le Parlement européen exerce, conjointement avec le Conseil, le pouvoir législatif. Toute extension de la règle du vote majoritaire au Conseil doit s'accompagner automatiquement d'un pouvoir de codécision conféré au Parlement européen.

L'Allemagne et la France souhaitent que la procédure budgétaire soit rationalisée et simplifiée et qu'une réflexion s'engage sur les conditions selon lesquelles le Parlement européen pourrait statuer sur tout ou partie des recettes du budget, sans accroître la charge fiscale globale.

4. Le Conseil des ministres

Le Conseil des ministres, qui élabore avec le Parlement européen les lois européennes, exercera aussi des responsabilités opérationnelles accrues - en particulier en matière de JAI et de PESC - qui imposent une direction plus stable.

Il doit se concentrer sur l'essentiel : les décisions prises par le Conseil doivent laisser à la Commission et aux Etats membres une large capacité de mise en œuvre et d'exécution.

Il doit être efficace : les décisions doivent être prises, en règle générale, à la majorité qualifiée.

Pour rendre l'action du Conseil plus visible et plus compréhensible, il est souhaitable de séparer dans son activité les tâches opérationnelles et législatives. Dans le premier cas, les méthodes de travail doivent privilégier efficacité et rapidité dans la prise de décisions. Dans le second cas, les débats du Conseil sont publics et ses attributions s'exercent, de manière générale, en codécision avec le Parlement européen.

Les modalités de la présidence du Conseil des ministres varient selon les matières. Ainsi, le Conseil Affaires générales est présidé par le secrétaire général du Conseil ; la présidence du Conseil Relex incombe au ministre européen des Affaires étrangères ; le Conseil Ecofin, l'Eurogroupe et le Conseil JAI élisent leurs présidents pour deux ans parmi les membres du Conseil. La présidence d'autres formations du Conseil doit être organisée de manière à garantir la plus grande participation possible de tous les Etats membres sur la base d'une rotation égalitaire.

5. L'action extérieure de l'Union

Pour que l'Europe soit forte et crédible sur la scène mondiale, ses moyens opérationnels, financiers et humains doivent être en adéquation avec sa volonté politique. Cette exigence de cohérence implique que les fonctions de haut représentant et de commissaire chargé des Relations extérieures soient exercées par une seule et même personne, un ministre européen des Affaires étrangères.

Le rôle de ce ministre européen des Affaires étrangères est renforcé par rapport à la situation actuelle : il dispose d'un droit d'initiative formel en matière de PESC et préside le Conseil des ministres chargé des relations extérieures et de la défense.

Le Conseil européen nomme le ministre européen des Affaires étrangères à la majorité qualifiée, en accord avec le président de la Commission européenne. Le ministre européen des Affaires étrangères participe ès qualités et en tant que membre de la Commission doté d'un statut spécial, aux réunions de la Commission. La Commission ne prend pas de décisions en matière de PESC.

En matière de Politique étrangère et de sécurité commune, les décisions sont prises en général à la majorité qualifiée. Toutefois, les décisions qui ont des implications en matière de sécurité et de défense sont prises à l'unanimité. Si un Etat membre invoque un intérêt national pour s'opposer à une décision, le ministre européen des Affaires étrangères est invité à rechercher avec lui une solution ; s'il n'y parvient pas, le président du Conseil européen en fait de même ; si aucune solution n'est trouvée, le Conseil européen est saisi de la question en vue d'une décision à la majorité qualifiée.

Le ministre européen des Affaires étrangères s'appuie sur un service diplomatique européen associant la direction générale des relations extérieures de la Commission à

une unité de politique étrangère qui doit être créée. Celle-ci comprend les services de politique étrangère du secrétariat du Conseil et est renforcée par des fonctionnaires envoyés par les Etats membres et la Commission. Le service diplomatique européen travaille en étroite relation avec les diplomaties des Etats membres. Les délégations existantes de la Commission sont transformées en délégations de l'Union européenne. Ce schéma permettrait l'émergence d'une diplomatie européenne.

Dans le domaine de la Politique européenne de sécurité et de défense, il est souhaitable que tous les Etats membres de l'Union participent. Néanmoins, il y aura des situations où tous les Etats membres ne seront pas disposés à participer à des coopérations ou ne seront pas en mesure de le faire. Dans ce cas de figure, ceux qui le souhaitent doivent pouvoir utiliser l'instrument de la coopération renforcée pour la PESD.

6. Les parlements nationaux

Les parlements nationaux doivent être mieux associés à l'élaboration et au contrôle des décisions de l'Union européenne : ils sont un relais irremplaçable entre les citoyens et l'Union et contribuent au sentiment d'appartenance à l'ensemble européen. C'est une exigence de démocratie.

Les parlements nationaux interviennent dans le contrôle du principe de subsidiarité, par un mécanisme "d'alerte précoce".

Les parlements nationaux participent aux futures réformes des traités dans une Convention européenne.

Sans créer de nouvelles institutions, un dialogue entre parlementaires européens et parlementaires nationaux est développé, par exemple par l'organisation d'un débat annuel sur l'état de l'Union au sein du Congrès. Ces réunions, qui se tiendraient à Strasbourg, seraient présidées par le président du Parlement européen.

United Kingdom–Spain summit

Madrid, 27 February 2003

Though not necessarily meant as a ‘response’ to the Franco-German paper, this joint statement by the British and Spanish Prime Ministers strengthens the case for a stable ‘chair’ of the European Council and against the rotational presidency system – what would be called in the press the ‘ABC proposal’, from the initial letters of Aznar, Blair and Chirac.

JOINT STATEMENT BETWEEN THE RT. HON TONY BLAIR, MP, PRIME MINISTER OF THE UNITED KINGDOM AND H.E. JOSÉ MARIA AZNAR, PRESIDENT OF THE GOVERNMENT OF SPAIN.

The starting point for the UK and Spain, in voicing their opinions on the Union’s future institutional framework, is the maintenance of the basic balance of the “institutional triangle” (namely, the Council, the Commission and the European Parliament) and the preservation of the essential characteristics of the present “Community method”. It must be made clear that these conditions or requirements are incompatible with a classical division of powers similar to that existing in Member States.

The UK and Spain support a strong and independent Commission. We want to extend its power of initiative, particularly, in the area of Justice and Home Affairs and in proposing the multiannual strategic agenda to be adopted by the European Council. We want to strengthen its powers to ensure strict compliance with the *acquis* (Guardian of the Treaties) by speeding up the process for addressing the question of Member States who are in breach of the law.

We should explore the scope for recognising in the Treaty a category of “delegated acts” for implementing framework laws. The open method of co-ordination should also be included in the Treaty whilst preserving its flexibility. The Commission must also be an agile and dynamic body: the UK and Spain therefore support the efforts to reform its operation. Lastly we must strengthen the role of the Commission President, preserving his/her independence and democratic accountability. The UK and Spain believe he or she should be appointed by a qualified majority in the European Council and subsequently approved by the European Parliament. We are ready to consider other methods of appointment, but they must respect the key principles of democratic accountability and independence from political interference.

The European Parliament, as the body which is directly elected by the citizens of Europe, must be developed further. Its powers have been successively expanded coinciding with each reform of the Treaties. The future Constitutional Treaty cannot and shall

not be an exception in this respect. The UK and Spain, as has been indicated, reiterate its wish of further extending the European Parliament powers concerning:

- (a) application of the co-decision procedure and qualified majority voting in the Council into some new areas;
- (b) improved oversight of implementing legislation via a “call back” mechanism for “delegated acts”;
- (c) assessing the impact of new EU legislation;
- (d) holding the Commission to account;
- (e) involvement in planning and implementing the European Council’s strategic agenda.

We are also open to improving the way the EU’s budget is set through more effective decision-making between Council and Parliament. It is right that the European Parliament’s voice should be heard in all annual decisions on EU spending.

The UK and Spain want the powers of the European Parliament and the Commission to be strengthened in these ways in the future Treaty, but, if nothing is done to improve the Council’s work structures, this would upset the institutional balance currently in existence and would render the efficient working of the present Community method impossible since the Council would be slow to reach decisions and ineffective in contributing to the EU’s impact globally.

The European Council must fully play the role the current Treaty of the Union confers upon it when it lays down, in Article 4, that the European Council shall provide the Union with the necessary impetus for its development and shall define the general political guidelines thereof. This mandate of the European Council requires, in our opinion, the strengthening of the figure of its Chair, within the new Union.

This is why we propose that the Chair of the European Council should be a full-time post, to be appointed for a period to be significantly longer than the current six months (for four years or for the mandate of two presidential teams, see below, which comes to be the same thing). His/her system of appointment should ensure the respect of the principle of equality amongst Member States.

The essential functions of the Chair, so appointed, would be to prepare and preside over European Council meetings, to ensure the follow-up of decisions adopted there (for which purpose he or she could also chair the General Affairs Council of Ministers), to give added profile to the external representation of the EU (without prejudice of the High Representative’s work or the Commission’s competencies) and to inform the European Parliament about the European Council’s work.

The Council of Ministers, so frequently played down, must preserve the role assigned to it by the Treaties: namely, to be the Community institution where Member States express their opinion, defend their interests and reach common positions to be subsequently submitted to and negotiated with the Commission and the European Parliament. The system of six-month rotating Presidencies must, nevertheless, be modified.

The UK and Spain propose its substitution by one possible model in which a team of Member States will hold a collective Presidency during a two-year period. The share out of posts or “portfolios” within each presidential team could be fixed in advance (i.e., each member of a four member team chairs two Council formations for six months, so that over the two years they chair all the different Councils) or agreed by consensus of the members thereof. This system is compatible with recourse to certain “Institutional Presidencies”: that of the Chair of the European Council in the General Affairs composition of the Council, as already indicated, and that of the High representative in External Relations. The idea would be for each presidential period to coincide with the duration of one of the multiannual strategic programmes whose establishment was agreed at the Seville European Council.

Without reforming the system of Presidencies, in a Union with 25 or more Members, the Council would be unable to continue being an active element of the institutional triangle, becoming, rather, only “reactive”. One of the Presidency of the Council’s essential powers would be severely curtailed: namely, the Presidency’s possibility of submitting compromise formulae; in a Union with 25 Member States, with the number of dossiers to be handled continuously on the increase, the drawing up of compromise proposals would require a time and dedication incompatible with a change in the Council’s Presidency every six months.

Within the Council, the UK and Spain also propose the strengthening of the figure of the High representative. He/she would become a real Minister of Foreign Affairs/External Representative of the Union who, *inter alia*, should chair the meetings of the Council of Ministers for External Relations and participate at the Commission’s meetings where proposals concerning Union’s external action are to be discussed. He/she should also have at his/her own disposal a formal right of initiative for common foreign and security policy matters.

As far as the role of national Parliaments is concerned, the UK and Spain concur with the basic conclusion reached by the Convention: that national legislative chambers must participate actively in the European Union’s work mainly and above all via an effective control of their respective national Governments’ actions. Not all national Parliaments exploit the possibilities that already exist. We also support new powers for national Parliaments to monitor Commission proposals on subsidiarity grounds.

The proposal to set up an European Congress, in which representatives of both the European Parliament and national Parliaments are to take part, is, in this context, worth considering if a useful role for it is agreed. It could meet in principle once a year and could be entrusted with debating the European Council’s guidelines and the Commission’s work programme. In any event, it should be an informal political body, not a new Institution, entitled to adopt resolutions or recommendations only.

Reform of the Union’s institutional architecture would be incomplete if we did not consider the institution which guarantees that the Union’s law is respected: the European Court of Justice. In this context, we propose a more effective division of labour

between the Court of Justice of the European Communities, the Court of First Instance and the judicial panels foreseen in the Treaty of Nice. The Court of First Instance and the judicial panels could shoulder the main burden of work and allow the Court of Justice to handle only the most important cases. The Courts names could change to reflect these roles. Besides that, the Treaty of Nice should be amended as far as the creation of the said judicial panels is concerned. The new Treaty should make provision for the possibility of creating new judicial panels by the Council acting by qualified majority on a proposal from the Commission. We also support a more effective screening process of judges with clearer criteria for nominations and some system to ensure the suitability of nominees, while fully respecting the sovereign right of Member States to present their candidates. Finally, the enforcement of EC law could be enhanced by streamlining the arrangements for fining Member States who fail to comply with a judgement of the Court.

European Council

Thessaloniki, 19-20 June 2003

In mid-June, the European Convention had basically concluded its work by drafting – not without some hectic moments, especially towards the very end – a tentative ‘constitutional treaty’ for the Union that would simplify the existing treaties and lay the foundations for the future. The European Council decided not to extend the mandate of the Convention any further but to undertake a final ‘technical’ review, which would take place in the following weeks. Then the relay would be taken up by the ensuing Intergovernmental Conference (IGC), in which the ten acceding countries would have full rights and not simply (as in the Convention) ‘observer’ status.

PRESIDENCY CONCLUSIONS

(...)

Convention / IGC

2. The European Council welcomes the Draft Constitutional Treaty presented by the President of the Convention, Valéry Giscard d’Estaing. This presentation marks a historic step in the direction of furthering the objectives of European integration:

- bringing our Union closer to its citizens,
- strengthening our Union’s democratic character,
- facilitating our Union’s capacity to make decisions, especially after its enlargement,
- enhancing our Union’s ability to act as a coherent and unified force in the international system, and
- effectively dealing with the challenges globalisation and interdependence create.

3. The European Council expresses its gratitude to the Chairman of the Convention, Valéry Giscard d’Estaing, the Vice-Chairmen, Jean-Luc Dehaene and Giuliano Amato, the members and the alternate members of the Convention for the work they have accomplished. The Convention has proven its usefulness as a forum for democratic dialogue between representatives of governments, national parliaments, the European Parliament, the European Commission and civil society.

4. The European Council considers that the presentation of the Draft Constitutional Treaty, as it has received it, marks the completion of the Convention’s tasks as set out at Laeken and, accordingly, the end of its work. However, some purely technical work on drafting Part III is still required, this work needing to be finished by 15 July at the latest.

5. The European Council decided that the text of the Draft Constitutional Treaty is a good basis for starting in the Intergovernmental Conference. It requests the future Italian Presidency to initiate, at the Council meeting in July, the procedure laid down in Article 48 of the Treaty in order to allow this Conference to be convened in October 2003. The Conference should complete its work and agree the Constitutional Treaty as soon as possible and in time for it to become known to European citizens before the June 2004 elections for the European Parliament. The acceding States will participate fully in the Intergovernmental Conference on an equal footing with the current Member States. The Constitutional Treaty will be signed by the Member States of the enlarged Union as soon as possible after 1 May 2004.

6. The Intergovernmental Conference will be conducted by the Heads of State or Government, assisted by the members of the General Affairs and External Relations Council. The representative of the Commission will participate in the Conference. The General Secretariat of the Council will provide the secretariat support for the Conference. The European Parliament will be closely associated and involved in the work of the Conference.

7. The three candidate countries – Bulgaria and Romania, with whom accession negotiations are underway, and Turkey – will take part in all meetings of the Conference as observers.

(...)

European Convention

Brussels, 18 July 2003

In mid-July, a slightly revised and polished version of the draft ‘constitutional treaty’ was solemnly approved ‘by consensus’: in fact, no final vote was taken, in conformity with the spirit of the exercise, and only very few ‘Conventionals’ made public their disapproval. On the whole, the heads of state and government of the EU cheered the result, although some nuances became apparent between those who considered the text as a ‘good basis’ for the IGC and those who, instead, underlined the need to change it as little as possible. The articles reproduced below are those that have direct or indirect relevance for the CFSP.

DRAFT TREATY ESTABLISHING A CONSTITUTION FOR EUROPE

(...)

PART I

(...)

Title III: Union competences

(...)

Article 15: The common foreign and security policy

1. The Union’s competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union’s security, including the progressive framing of a common defence policy, which might lead to a common defence.

2. Member States shall actively and unreservedly support the Union’s common foreign and security policy in a spirit of loyalty and mutual solidarity and shall comply with the acts adopted by the Union in this area. They shall refrain from action contrary to the Union’s interests or likely to impair its effectiveness.

(...)

Title IV: The Union's institutions

Chapter I – The institutional framework

(...)

Article 21: The European Council Chair

1. The European Council shall elect its President, by qualified majority, for a term of two and a half years, renewable once. In the event of an impediment or serious misconduct, the European Council can end his or her mandate according to the same procedure.
2. The President of the European Council:
 - shall chair it and drive forward its work,
 - shall ensure its proper preparation and continuity in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council,
 - shall endeavour to facilitate cohesion and consensus within the European Council,
 - shall present a report to the European Parliament after each of its meetings.

The President of the European Council shall at his or her level and in that capacity ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the responsibilities of the Union Minister for Foreign Affairs.

3. The President of the European Council may not hold a national mandate.

Article 22: The Council of Ministers

1. The Council of Ministers shall, jointly with the European Parliament, enact legislation, exercise the budgetary function and carry out policy-making and coordinating functions, as laid down in the Constitution.
2. The Council of Ministers shall consist of a representative of each Member State at ministerial level for each of its formations. Only this representative may commit the Member State in question and cast its vote.
3. Except where the Constitution provides otherwise, decisions of the Council of Ministers shall be taken by qualified majority.

Article 23: Formations of the Council of Ministers

1. The Legislative and General Affairs Council shall ensure consistency in the work of the Council of Ministers.

When it acts in its General Affairs function, it shall, in liaison with the Commission, prepare, and ensure follow-up to, meetings of the European Council.

When it acts in its legislative function, the Council of Ministers shall consider and, jointly with the European Parliament, enact European laws and European framework laws, in accordance with the provisions of the Constitution. In this function, each Member State's representation shall include one or two representatives at ministerial level with relevant expertise, reflecting the business on the agenda of the Council of Ministers.

2. The Foreign Affairs Council shall, on the basis of strategic guidelines laid down by the European Council, flesh out the Union's external policies, and ensure that its actions are consistent. It shall be chaired by the Union Minister for Foreign Affairs.

3. The European Council shall adopt a European decision establishing further formations in which the Council of Ministers may meet.

4. The Presidency of Council of Ministers formations, other than that of Foreign Affairs, shall be held by Member State representatives within the Council of Ministers on the basis of equal rotation for periods of at least a year. The European Council shall adopt a European decision establishing the rules of such rotation, taking into account European political and geographical balance and the diversity of Member States.

Article 24: Qualified majority

1. When the European Council or the Council of Ministers takes decisions by qualified majority, such a majority shall consist of the majority of Member States, representing at least three fifths of the population of the Union.

2. When the Constitution does not require the European Council or the Council of Ministers to act on the basis of a proposal of the Commission, or when the European Council or the Council of Ministers is not acting on the initiative of the Union Minister for Foreign Affairs, the required qualified majority shall consist of two thirds of the Member States, representing at least three fifths of the population of the Union.

3. The provisions of paragraphs 1 and 2 shall take effect on 1 November 2009, after the European Parliament elections have taken place, according to the provisions of Article 19.

4. Where the Constitution provides in Part III for European laws and framework laws to be adopted by the Council of Ministers according to a special legislative procedure, the European Council can adopt, on its own initiative and by unanimity, after a period of consideration of at least six months, a decision allowing for the adoption of such European laws or framework laws according to the ordinary legislative procedure. The European Council shall act after consulting the European Parliament and informing the national Parliaments.

Where the Constitution provides in Part III for the Council of Ministers to act unanimously in a given area, the European Council can adopt, on its own initiative and by unanimity, a European decision allowing the Council of Ministers to act by qualified majority in that area. Any initiative taken by the European Council under this subparagraph shall be sent to national Parliaments no less than four months before any decision is taken on it.

5. Within the European Council, its President and the President of the Commission do not vote.

(...)

Article 27: The Union Minister for Foreign Affairs

1. The European Council, acting by qualified majority, with the agreement of the President of the Commission, shall appoint the Union Minister for Foreign Affairs. He or she shall conduct the Union's common foreign and security policy. The European Council may end his or her tenure by the same procedure.

2. The Union Minister for Foreign Affairs shall contribute by his or her proposals to the development of the common foreign policy, which he or she shall carry out as mandated by the Council of Ministers. The same shall apply to the common security and defence policy.

3. The Union Minister for Foreign Affairs shall be one of the Vice-Presidents of the Commission. He or she shall be responsible there for handling external relations and for coordinating other aspects of the Union's external action. In exercising these responsibilities within the Commission, and only for these responsibilities, the Union Minister for Foreign Affairs shall be bound by Commission procedures.

(...)

Title V: Exercise of Union competence

(...)

Chapter II – Specific provisions

Article 39: Specific provisions for implementing common foreign and security policy

1. The European Union shall conduct a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.
2. The European Council shall identify the Union's strategic interests and determine the objectives of its common foreign and security policy. The Council of Ministers shall frame this policy within the framework of the strategic guidelines established by the European Council and in accordance with the arrangements in Part III.
3. The European Council and the Council of Ministers shall adopt the necessary European decisions.
4. The common foreign and security policy shall be put into effect by the Union Minister for Foreign Affairs and by the Member States, using national and Union resources.
5. Member States shall consult one another within the European Council and the Council of Ministers on any foreign and security policy issue which is of general interest in order to determine a common approach. Before undertaking any action on the international scene or any commitment which could affect the Union's interests, each Member State shall consult the others within the European Council or the Council of Ministers. Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. Member States shall show mutual solidarity.

6. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common foreign and security policy and shall be kept informed of how it evolves.
7. European decisions relating to the common foreign and security policy shall be adopted by the European Council and the Council of Ministers unanimously, except in the cases referred to in Part III. The European Council and the Council of Ministers shall act on a proposal from a Member State, from the Union Minister for Foreign Affairs or from that Minister with the Commission's support. European laws and European framework laws are excluded.
8. The European Council may unanimously decide that the Council of Ministers should act by qualified majority in cases other than those referred to in Part III.

Article 40: Specific provisions for implementing the common security and defence policy

1. The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on assets civil and military. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.
2. The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation, under the North Atlantic Treaty, and be compatible with the common security and defence policy established within that framework.
3. Member States shall make civilian and military capabilities available to the Union for the implementation of the common security and defence policy, to contribute to the objectives defined by the Council of Ministers. Those Member States which together establish multinational forces may also make them available to the common security and defence

policy. Member States shall undertake progressively to improve their military capabilities.

A European Armaments, Research and Military Capabilities Agency shall be established to identify operational requirements, to promote measures to satisfy those requirements, to contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, to participate in defining a European capabilities and armaments policy, and to assist the Council of Ministers in evaluating the improvement of military capabilities.

4. European decisions on the implementation of the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council of Ministers acting unanimously on a proposal from the Union Minister for Foreign Affairs or from a Member State. The Union Minister for Foreign Affairs may propose the use of both national resources and Union instruments, together with the Commission where appropriate.

5. The Council of Ministers may entrust the execution of a task, within the Union framework, to a group of Member States in order to protect the Union's values and serve its interests. The execution of such a task shall be governed by Article III-211.

6. Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish structured cooperation within the Union framework. Such cooperation shall be governed by the provisions of Article III-213.

7. Until such time as the European Council has acted in accordance with paragraph 2 of this Article, closer cooperation shall be established, in the Union framework, as regards mutual defence. Under this cooperation, if one of the Member States participating in such cooperation is the victim of armed aggression on its territory, the other participating States shall give it aid and assistance by all the means in their power, military or other, in accordance with Article 51 of the United Nations Charter. In the execution of closer cooperation on mutual defence, the participating Member States shall work in close cooperation with the North Atlantic Treaty Organisation. The detailed arrangements for participation in this cooperation and its operation, and the relevant decision-making procedures, are set out in Article III-214.

8. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common security and defence policy, and shall be kept informed of how it evolves.

(...)

Article 42: Solidarity clause

1. The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the victim of terrorist attack or natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:

- (a) **l** prevent the terrorist threat in the territory of the Member States;
 - l** protect democratic institutions and the civilian population from any terrorist attack;
 - l** assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack;
- (b) **l** assist a Member State in its territory at the request of its political authorities in the event of a disaster.

2. The detailed arrangements for implementing this provision are at Article III-231.

Chapter III – Enhanced cooperation

Article 43: Enhanced cooperation

1. Member States which wish to establish enhanced cooperation between themselves within the framework of the Union's non-exclusive competences may make use of its Institutions and exercise those competences by applying the relevant provisions of the Constitution, subject to the limits and in accordance with the procedures laid down in this Article and in Articles III-322 to III-329.

Enhanced cooperation shall aim to further the objectives of the Union, protect its interests and reinforce its integration process. Such cooperation shall be open to all Member States when it is being established and at any time, in accordance with Article III-324.

2. Authorisation to proceed with enhanced cooperation shall be granted by the Council of Ministers as a last resort, when it has been established within the Council of Ministers that the objectives of such cooperation cannot be attained within a reasonable period by the Union as a whole, and provided that it brings together at least one third of the Member States. The Council of Ministers shall act in accordance with the procedure laid down in Article III-325.

3. Only members of the Council of Ministers representing the States participating in enhanced cooperation shall take part in the adoption of acts. All Member States may, however, take part in the deliberations of the Council of Ministers. Unanimity shall be constituted by the votes of the representatives of the participating States only. A qualified majority shall be defined as a majority of the votes of the representatives of the participating States, representing at least three fifths of the population of those States.

Where the Constitution does not require the Council of Ministers to act on the basis of a Commission proposal, or where the Council of Ministers is not acting upon initiative of the Minister for Foreign Affairs, the required qualified majority shall be defined as a majority of two thirds of the participating States, representing at least three fifths of the population of those States.

4. Acts adopted in the framework of enhanced cooperation shall bind only participating States. They shall not be regarded as an *acquis* which has to be accepted by candidates for accession to the Union.

(...)

Title VIII: The Union and its immediate environment

Article 56: The Union and its immediate environment

1. The Union shall develop a special relationship with neighbouring States, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.

2. For this purpose, the Union may conclude and implement specific agreements with the countries concerned in accordance with Article III-227. These agreements may contain reciprocal rights and obligations as well as the possibility of undertaking activities jointly. Their implementation shall be the subject of periodic consultation.

(...)



PART III
THE POLICIES AND FUNCTIONING OF THE UNION

(...)

Title V: The Union's external action

(...)

Chapter II – Common Foreign and Security Policy

Article III-195

1. In the context of the principles and objectives of its external action, the Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy

2. The Member States shall support the common foreign and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council of Ministers and the Union Minister for Foreign Affairs shall ensure that these principles are complied with.

3. The Union shall conduct the common foreign and security policy by:

- (a) defining the general guidelines;
- (b) adopting European decisions on:
 - (i) actions of the Union,
 - (ii) positions of the Union,
 - (iii) implementation of actions and positions;
- (c) strengthening systematic cooperation between Member States in the conduct of policy.

Article III-196

1. The European Council shall define the general guidelines for the common foreign and security policy, including for matters with defence implications.

If international developments so require, the President of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.

2. The Council of Ministers shall adopt the European decisions necessary for defining and implementing the common foreign and security policy on the basis of the general guidelines and strategic lines defined by the European Council.

Article III-197

1. The Union Minister for Foreign Affairs, who shall chair the Council of Ministers for Foreign Affairs, shall contribute through his or her proposals towards the preparation of the common foreign and security policy and shall ensure implementation of the European decisions adopted by the European Council and the Council of Ministers.

2. For matters relating to the common foreign and security policy, the Union shall be represented by the Union Minister for Foreign Affairs. He or she shall conduct political dialogue on the Union's behalf and shall express the Union's position in international organisations and at international conferences.

3. In fulfilling his or her mandate, the Union Minister for Foreign Affairs shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States¹¹ See the Declaration on the creation of a European External Action Service.

Article III-198

1. Where the international situation requires operational action by the Union, the Council of Ministers shall adopt the necessary European decisions. Such decisions shall lay down the objectives, the scope, the means to be made available to the Union, if necessary the duration, and the conditions for implementation of the action.

If there is a change in circumstances having a substantial effect on a question subject to such a European decision, the Council of Ministers shall review the principles and objectives of the action and adopt the necessary European decisions. As long as the Council of Ministers has not acted, the European decision on action by the Union shall stand.

2. Such European decisions shall commit the Member States in the positions they adopt and in the conduct of their activity.

3. Whenever there is any plan to adopt a national position or take national action pursuant to a European decision as referred to in paragraph 1, information shall be provided in time to allow, if necessary, for prior consultations within the Council of Ministers. The obligation to provide prior information shall not apply to arrangements which are merely a national transposition of European decisions.

4. In cases of imperative need arising from changes in the situation and failing a new European decision, Member States may make the necessary arrangements as a matter of urgency, having regard to the general objectives of the European decision referred to in paragraph 1. The Member State concerned shall inform the Council of Ministers immediately of any such arrangements.

5. Should there be any major difficulties in implementing a European decision as referred to in this Article, a Member State shall refer them to the Council of Ministers which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the action or impair its effectiveness.

Article III-199

The Council of Ministers shall adopt European decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the positions of the Union.

Article III-200

1. Any Member State, the Union Minister for Foreign Affairs, or that Minister with the Commission's support, may refer to the Council of Ministers any question relating to the common foreign and security policy and may submit proposals to it.

2. In cases requiring a rapid decision, the Union Minister for Foreign Affairs, of the Minister's own motion or at the request of a Member State, shall convene an extraordinary meeting of the Council of Ministers within forty-eight hours or, in an emergency, within a shorter period.

Article III-201

1. European decisions referred to in this Chapter shall be adopted by the Council of Ministers acting unanimously. Abstentions by members present in person or represented shall not prevent the adoption of such decisions.

When abstaining in a vote, any member of the Council of Ministers may qualify its abstention by making a formal declaration. In that case, it shall not be obliged to apply the European decision, but shall accept that the latter commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States shall respect its position. If the members of the Council of Ministers qualifying their abstention in this way represent at least one third of the Member States representing at least one third of the population of the Union, the decision shall not be adopted.

2. By derogation from paragraph 1, the Council of Ministers shall act by qualified majority:

(a) when adopting European decisions on Union actions and positions on the basis of a European decision of the European Council relating to the Union's strategic interests and objectives, as referred to in Article III-194(1);

(b) when adopting a decision on a Union action or position, on a proposal which the Minister has put to it following a specific request to him or her from the European Council made on its own initiative or that of the Minister;

(c) when adopting any European decision implementing a Union action or position;

(d) when adopting a European decision concerning the appointment of a special representative in accordance with Article III-203.

If a member of the Council of Ministers declares that, for vital and stated reasons of national policy, it intends to oppose the adoption of a European decision to be adopted by qualified majority, a vote shall not be taken. The Union Minister for Foreign Affairs will, in close consultation with the Member State involved, search for a solution acceptable to it. If he or she does not succeed, the Council of Ministers may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity.

3. The European Council may decide unanimously that the Council of Ministers shall act by a qualified majority in cases other than those referred to in paragraph 2.
4. Paragraphs 2 and 3 shall not apply to decisions having military or defence implications.

Article III-202

1. When the Union has defined a common approach within the meaning of Article I 39(5), the Union Minister for Foreign Affairs and the Ministers for Foreign Affairs of the Member States shall coordinate their activities within the Council of Ministers.
2. The diplomatic missions of the Member States and the delegations of the Union shall cooperate in third countries and in international organisations and shall contribute to formulating and implementing a common approach.

Article III-203

The Council of Ministers shall, whenever it deems it necessary, appoint, on the initiative of the Union Minister for Foreign Affairs, a special representative with a mandate in relation to particular policy issues. The special representative shall carry out his or her mandate under the authority of the Union Minister for Foreign Affairs.

Article III-204

The Union may conclude agreements with one or more States or international organisations pursuant to this Chapter, in accordance with the procedure described in Article III-227.

Article III-205

1. The Union Minister for Foreign Affairs shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy, including the common security and defence policy, and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Union Minister for Foreign Affairs of the development of the common foreign and security policy, including the common security and defence policy.

Special representatives may be involved in briefing the European Parliament.

2. The European Parliament may ask questions of the Council of Ministers and of the Union Minister for Foreign Affairs or make recommendations to them. Twice a year it shall hold a debate on progress in implementing the common foreign and security policy, including the common security and defence policy.

Article III-206

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. The Union Minister for Foreign Affairs shall organise this coordination.

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.

2. Without prejudice to paragraph 1 and Article III-198(3), Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter, as well as the Union Minister for Foreign Affairs, informed of any matter of common interest.

Member States which are also members of the United Nations Security Council shall concert and keep the other Member States and the Union Minister for Foreign Affairs fully informed. Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the provisions of the United Nations Charter.

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Union Minister for Foreign Affairs be asked to present the Union's position.

Article III-207

The diplomatic and consular missions of the Member States and the Union delegations in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that the European decisions relating to Union positions and actions adopted by the Council of Ministers are complied with and implemented. They shall step up cooperation by exchanging information and carrying out joint assessments.

They shall contribute to the implementation of the provisions referred to in Article I-8(2) on the rights of European citizens to protection in the territory of a third country and the measures adopted pursuant to Article III-11.

Article III-208

Without prejudice to Article III-247, a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council of Ministers at the request of the latter, or of the Union Minister for Foreign Affairs, or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the responsibility of the Union Minister for Foreign Affairs.

Within the scope of this Chapter, this Committee shall exercise, under the responsibility of the Council of Ministers and of the Union Minister for Foreign Affairs, political control and strategic direction of crisis management operations, as defined in Article III-210.

The Council of Ministers may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council of Ministers, to take the relevant measures concerning the political control and strategic direction of the operation.

(...)

SECTION 1

THE COMMON SECURITY AND DEFENCE POLICY

Article III-210

1. The tasks referred to in Article I-40(1), in the course of which the Union may use civilian and military means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking and post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.

2. The Council of Ministers, acting unanimously, shall adopt European decisions relating to the tasks referred to in paragraph 1, defining their objectives and scope and the

general conditions for their implementation. The Union Minister for Foreign Affairs, acting under the authority of the Council of Ministers and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

Article III-211

1. Within the framework of the European decisions adopted in accordance with Article III-210, the Council of Ministers may entrust the implementation of a task to a group of Member States having the necessary capability and the desire to undertake the task. Those Member States in association with the Union Minister for Foreign Affairs shall agree between themselves on the management of the task.

2. The Council of Ministers shall be regularly informed by the Member States participating in the task of its progress. Should the completion of the task involve major new consequences or require amendment of the objective, scope and conditions for implementation adopted by the Council of Ministers under Article III-210, the Member States participating shall refer the matter to the Council of Ministers forthwith. In such cases, the Council of Ministers shall adopt the necessary European decisions.

Article III-212

1. The European Armaments, Research and Military Capabilities Agency, subject to the authority of the Council of Ministers, shall have as its task to:

- (a) contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
- (b) promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
- (c) propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
- (d) support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;
- (e) contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure.

2. The Agency shall be open to all Member States wishing to be part of it. The Council of Ministers, acting by qualified majority, shall adopt a European decision defining the

Agency's statute, seat and operational rules. That decision should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission where necessary.

Article III-213

1. The Member States listed in the Protocol [*title*], which fulfil higher military capability criteria and wish to enter into more binding commitments in this matter with a view to the most demanding tasks, hereby establish structured cooperation between themselves within the meaning of Article I-40(6). The military capability criteria and commitments which those Member States have defined are set out in that Protocol.
2. If a Member State wishes to participate in such cooperation at a later stage, and thus subscribe to the obligations it imposes, it shall inform the European Council of its intention. The Council of Ministers shall deliberate at the request of that Member State. Only the members of the Council of Ministers that represent the Member States taking part in structured cooperation shall participate in the vote.
3. When the Council of Ministers adopts European decisions relating to matters covered by structured cooperation, only the members of the Council of Ministers that represent the Member States taking part in structured cooperation shall participate in the deliberations and the adoption of such decisions. The Union Minister for Foreign Affairs shall attend the deliberations. The representatives of the other Member States shall be duly and regularly informed by the Union Minister for Foreign Affairs of developments in structured cooperation.
4. The Council of Ministers may ask the Member States participating in such cooperation to carry out at Union level a task referred to in Article III-210.
5. Notwithstanding the previous paragraphs, the appropriate provisions relating to enhanced cooperation shall apply to the structured cooperation governed by this Article.

Article III-214

1. The closer cooperation on mutual defence provided for in Article I-40(7) shall be open to all Member States of the Union. A list of Member States participating in closer cooperation shall be set out in the declaration [*title*]. If a Member State wishes to take part in

such cooperation at a later stage, and thus accept the obligations it imposes, it shall inform the European Council of its intention and shall subscribe to that declaration.

2. A Member State participating in such cooperation which is the victim of armed aggression on its territory shall inform the other participating States of the situation and may request aid and assistance from them. Participating Member States shall meet at ministerial level, assisted by their representatives on the Political and Security Committee and the Military Committee.

3. The United Nations Security Council shall be informed immediately of any armed aggression and the measures taken as a result.

4. This Article shall not affect the rights and obligations resulting, for the Member States concerned, from the North Atlantic Treaty.

SECTION 2 FINANCIAL PROVISIONS

Article III-215

1. Administrative expenditure which the provisions referred to in this Chapter entail for the institutions shall be charged to the Union budget.

2. Operating expenditure to which the implementation of those provisions gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council of Ministers decides otherwise.

In cases where expenditure is not charged to the Union's budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council of Ministers decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council of Ministers have made a formal declaration under Article III-201(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. The Council of Ministers shall adopt a European decision establishing the specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of the common foreign and security

policy, and in particular for preparatory activities for tasks as referred to in Article I-40(1). It shall act after consulting the European Parliament.

Preparatory activities for tasks as referred to in Article I-40(1) which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.

The Council of Ministers shall adopt by a qualified majority on a proposal from the Union Minister for Foreign Affairs European decisions establishing:

- (a) the procedures for setting up and financing the start-up fund, in particular the amounts allocated to the fund and the procedures for reimbursement;
- (b) the procedures for administering the start-up fund;
- (c) the financial control procedures.

When it is planning a task as referred to in Article I-40(1) which cannot be charged to the Union's budget, the Council of Ministers shall authorise the Union Minister for Foreign Affairs to use the fund. The Union Minister for Foreign Affairs shall report to the Council of Ministers on the implementation of this remit.

(...)

Chapter VII – The Union's relations with international organisations and third countries and union delegations

Article III-229

1. The Union shall establish all appropriate forms of cooperation with the United Nations, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.
2. It shall also maintain such relations as are appropriate with other international organisations.
3. The Union Minister for Foreign Affairs and the Commission shall be instructed to implement this Article.

Article III-230

1. Union delegations in third countries and to international organisations shall represent the Union.

2. Union delegations shall operate under the authority of the Union Minister for Foreign Affairs and in close cooperation with Member States' diplomatic missions.

Chapter VIII – Implementation of the solidarity clause

Article III-231

1. Acting on a joint proposal by the Commission and the Union Minister for Foreign Affairs, the Council of Ministers shall adopt a European decision defining the arrangements for the implementation of the solidarity clause referred to in Article I-42. The European Parliament shall be informed.
2. Should a Member State fall victim to a terrorist attack or a natural or man-made disaster, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council of Ministers.
3. For the purposes of this Article, the Council of Ministers shall be assisted by the Political and Security Committee, with the support of the structures developed in the context of the common security and defence policy, and by the Committee provided for in Article III-162, which shall, if necessary, submit joint opinions.
4. The European Council shall regularly assess the threats facing the Union in order to enable the Union to take effective action.

Title VI: The functioning of the Union

(...)

Chapter III – Enhanced cooperation

Article III-322

Any enhanced cooperation proposed shall comply with the Union's Constitution and law. Such cooperation shall not undermine the internal market or economic, social and

territorial cohesion. It shall not constitute a barrier to or discrimination in trade between Member States, nor shall it distort competition between them.

Article III-323

Any enhanced cooperation proposed shall respect the competences, rights and obligations of those Member States which do not participate in it. Those Member States shall not impede its implementation by the participating Member States.

Article III-324

1. When enhanced cooperation is being established, it shall be open to all Member States, subject to compliance with any conditions of participation laid down by the European authorising decision. It shall also be open to them at any other time, subject to compliance with the acts already adopted within that framework, in addition to any such conditions.

The Commission and the Member States participating in enhanced cooperation shall ensure that they facilitate participation by as many Member States as possible.

2. The Commission and, where appropriate, the Union Minister for Foreign Affairs shall keep all members of the Council of Ministers and the European Parliament regularly informed regarding developments in enhanced cooperation.

Article III-325

1. Member States which wish to establish enhanced cooperation between themselves in one of the areas covered by the Constitution, with the exception of the common foreign and security policy, shall address a request to the Commission, specifying the scope and objectives of the enhanced cooperation proposed. The Commission may submit a proposal to the Council of Ministers to that effect. In the event of the Commission not submitting a proposal, it shall inform the Member States concerned of the reasons for not doing so.

Authorisation to proceed with enhanced cooperation shall be granted by a European decision of the Council of Ministers, acting on a proposal from the Commission and after obtaining the consent of the European Parliament.

2. In the framework of the common foreign and security policy, the request of the Member States which wish to establish enhanced cooperation between themselves shall be addressed to the Council of Ministers. It shall be forwarded to the Union Minister for Foreign Affairs, who shall give an opinion on whether the enhanced cooperation is consistent with the Union's common foreign and security policy, and to the Commission, which shall give its opinion in particular on whether the enhanced cooperation proposed is consistent with other Union policies. It shall also be forwarded to the European Parliament for information.

Authorisation to proceed with enhanced cooperation shall be granted by a European decision of the Council of Ministers.

Article III-326

1. Any Member State which wishes to participate in enhanced cooperation in one of the areas referred to in Article III-325(1) shall notify its intention to the Council of Ministers and the Commission.

The Commission shall, within four months of the date of receipt of the notification, confirm the participation of the Member State concerned. It shall note where necessary that any conditions of participation have been fulfilled and shall adopt any transitional measures deemed necessary with regard to the application of the acts already adopted within the framework of enhanced cooperation.

However, if the Commission considers that any conditions of participation have not been fulfilled, it shall indicate the arrangements to be adopted to fulfil those conditions and shall set a deadline for re-examining the request for participation. It shall re-examine the request, in accordance with the procedure set out in the preceding subparagraph. If the Commission considers that any conditions of participation have still not been met, the Member State concerned may refer the matter to the Council of Ministers, which shall act in accordance with Article I-43(3). The Council of Ministers may also adopt the transitional measures referred to in the second subparagraph on a proposal from the Commission.

2. Any Member State which wishes to participate in enhanced cooperation in the framework of the common foreign and security policy shall notify its intention to the Council of Ministers, the Union Minister for Foreign Affairs and the Commission.

The Council of Ministers shall confirm the participation of the Member State concerned, after consulting the Union Minister for Foreign Affairs. It shall note where necessary that any conditions of participation have been fulfilled. The Council of Ministers,

on a proposal from the Union Minister for Foreign Affairs, may also adopt any transitional measures deemed necessary with regard to the application of the acts already adopted within the framework of enhanced cooperation. However, if the Council of Ministers considers that any conditions of participation have not been fulfilled, it shall indicate the arrangements to be adopted to fulfil those conditions and shall set a deadline for re-examining the request for participation.

For the purposes of this paragraph, the Council of Ministers shall act in accordance with Article I-43(3).

Article III-327

Expenditure resulting from implementation of enhanced cooperation, other than administrative costs entailed for the Institutions, shall be borne by the participating Member States, unless all members of the Council of Ministers, acting unanimously after consulting the European Parliament, decide otherwise.

Article III-328

Where a provision of the Constitution which may be applied in the context of enhanced cooperation stipulates that the Council of Ministers shall act unanimously, the Council of Ministers, acting unanimously in accordance with the arrangements laid down in Article I-43(3), may, on its own initiative, decide to act by qualified majority.

Where a provision of the Constitution which may be applied in the context of enhanced cooperation stipulates that the Council of Ministers shall adopt European laws or framework laws under a special legislative procedure, the Council of Ministers, acting unanimously in accordance with the arrangements laid down in Article I-43(3), may, on its own initiative, decide to act under the ordinary legislative procedure. The Council of Ministers shall act after consulting the European Parliament.

Article III-329

The Council of Ministers and the Commission shall ensure the consistency of activities undertaken in the context of enhanced cooperation and the consistency of such activities with the policies of the Union, and shall cooperate to that end.

(...)

Title VII: Common provisions

(...)

Article III-342

1. The Constitution shall not preclude the application of the following rules:
 - (a) no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security;
 - (b) any Member State may take such steps as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material; such steps shall not adversely affect the conditions of competition in the internal market regarding products which are not intended for specifically military purposes.
2. The Council of Ministers, on a proposal from the Commission, may unanimously adopt a European decision making changes to the list, which it drew up on 15 April 1958, of the products to which the provisions of paragraph 1(b) apply.

PART IV GENERAL AND FINAL PROVISIONS

(...)

Declaration on the creation of a European External Action Service

“To assist the future Union Minister for Foreign Affairs, introduced in Article I-27 of the Constitution, to perform his or her duties, the Convention agrees on the need for the Council of Ministers and the Commission to agree, without prejudice to the rights of the European Parliament, to establish under the Minister’s authority one joint service (European External Action Service) composed of officials from relevant departments of

the General Secretariat of the Council of Ministers and of the Commission and staff seconded from national diplomatic services.

The staff of the Union's delegations, as defined in Article III-230, shall be provided from this joint service.

The Convention is of the view that the necessary arrangements for the establishment of the joint service should be made within the first year after entry into force of the Treaty establishing a Constitution for Europe.”

(...)

III. The Constitutional Treaty between the Convention and the IGC

b. The Intergovernmental Conference

'Europe needs to work as a whole on defence'

28 October 2003

The article reproduced below conveys quite clearly the critical attitude of most 'smaller' EU members towards the way in which some articles of the draft 'constitutional treaty' had been first prepared, then interpreted by some 'bigger' member states – especially regarding CFSP.

ARTICLE BY ERKKI TUOMIOJA, FINNISH FOREIGN MINISTER

The Financial Times

Like all its European Union partners, Finland believes that the EU's common foreign and security policy needs to be strengthened. This in turn means strengthening the European security and defence policy, which is a crucial part of the CFSP. Europe needs to be able to take responsibility for more demanding tasks in crisis management. However, the proposals on how to do this put forward by the EU's constitutional convention - whose draft constitution is now being considered at the EU's intergovernmental conference (IGC) - risk splitting the Union and thus weakening the CFSP.

The convention's proposals include a solidarity clause, which would provide for mutual support at times of crisis, a new EU foreign minister, a commitment to more demanding peacekeeping operations than before and establishment of a European armaments agency. These articles entail participation by all 25 member states.

But the convention also proposed two rather more divisive articles for states that fulfil certain higher criteria in defence. These would be allowed, first, to establish so-called "structured co-operation" and, second, to establish a mutual defence commitment for those that want to join. Both types of grouping would be in the Union without being of it.

The question is: why should Europe want to establish a self-selecting inner group of countries to develop its security and defence policy? Undoubtedly we need to move forward, but such efforts must involve the Union as a whole. Under the Amsterdam treaty, which came into force in 1999, the EU recognised the possibility of "enhanced co-operation" but only "as a last resort, when it has been established that the objectives of such co-operation cannot be attained within a reasonable period by the Union as a whole".

The convention's proposal starts from a very different premise - that a smaller group has to act as a vanguard without trying or even wanting to involve the Union as a whole. It is difficult to understand how splitting the Union serves to strengthen Europe's global standing. Suspicious minds may well wonder whether the proposal has less to do with defence than with the ambition of a core group of countries to retain a role as guardians of the true European faith - a faith that the 10 countries joining next year are perceived to threaten.

Rather than creating artificial core groups, we should build up what crisis management capabilities the Union already has. There is no need to exclude any member states from the decision-making. That also goes for the question of whether or not Europe should duplicate NATO resources. For Finland that is not a theological question but a practical and economic one.

Some will argue that core groups will have greater flexibility. But we already have a large degree of that in ESDP. Not all of us will be building aircraft carriers or taking part in every future EU operation. Indeed, only two member states have contributed troops to the EU's operation in Congo. If need be, we can develop this flexibility further, although "red lines" will inevitably remain. We cannot allow a group of countries to use the EU "trademark" without a mandate from the Union.

The constitution's so-called "security guarantee" article on mutual defence raises the delicate question of EU-NATO and transatlantic relations. For Finland, it is self-evident that only NATO can give such guarantees in today's Europe. If Finland were to give up its military non-alignment - a move for which there is neither need nor popular support in Finland today - it is to NATO we would send our application. But saying no to the proposed security guarantees does not rule out developing the constitution's solidarity clause in a way acceptable to all.

The discussion on these issues at the IGC has been refreshingly frank. We have been told that if we do not allow for "structured co-operation" within the Union's framework, it will take place outside it. Why this should be understood as a threat eludes me - after all we already have the western European Union and its security guarantees, for what they are worth, as well as various other forums for multinational co-operation in defence. There is no harm in developing these but allowing them to use the brand name of the EU without the full EU taking responsibility would be damaging.

Out of the IGC must come a constitutional treaty that strengthens the voice of reason and a commitment to effective multilateralism. That after all, is what the world expects of Europe.

Conference of the representatives of the governments of the member states

Brussels, 10 November 2003

The Intergovernmental Conference was formally opened on 4 October 2003 under the Italian Presidency. As a first step, the Presidency distributed among the 25 participating national delegations a questionnaire in order to evaluate which parts of the draft constitutional treaty required clarification and/or amendments. Subsequently, it circulated a series of documents that tried to amend the text of the Convention by incorporating most of the suggestions received. The role of the Union Minister for Foreign Affairs was one of those that received the greatest attention.

UNION MINISTER FOR FOREIGN AFFAIRS

1. A number of delegations have sought clarification on the provisions in the draft Constitutional Treaty governing the Union Minister for Foreign Affairs. These were raised during the discussions on this issue at the IGC ministerial on 13 October. The Presidency has prepared amendments to the Convention text in order to address these concerns. It is proposed that these be discussed at the next IGC ministerial meeting on 18 November.
2. The attached texts of Articles 25, 26 and 27 include the amendments (highlighted in bold) proposed by the Presidency. They cover the following points:

Independence of the Foreign Minister (Article 25(4))

This addition makes it clear that the Foreign Minister, to the extent that he is responsible for the Common Foreign and Security Policy (and acts in this area under a mandate from the Council of Ministers – Article 27(2)), cannot be subject to the same obligation of independence as the other members of the Commission. The new text therefore removes any possible contradiction in the interpretation of Article 25(4) and Article 27(2).

Resignation of the Foreign Minister (Article 25(5) and Article 26(3))

These two amendments are intended to clarify the various different provisions governing the Minister's resignation. They relate specifically to the provision whereby European Commissioners and Commissioners must resign at the request of the President of the

Commission (Article 26(3)), and to the issue of the resignation of European Commissioners and Commissioners in the event of a censure motion from the European Parliament (Article 25(5)).

Coherence between the CFSP and external relations (Article 27(3))

This addition is designed to clarify: firstly that the Minister's role in the Commission covers those aspects of external relations which fall within the Commission's responsibilities, and secondly that the Foreign Minister is responsible not only for overall coordination of external action within the Commission, but also for ensuring coherence between this action and the Common Foreign and Security Policy (which was the main reason behind the creation of the post of Foreign Minister).

3. It is clear in addition that the subject of the Foreign Minister is closely linked to the composition of the Commission. Therefore it is not excluded that a further examination of the precise status of the Foreign Minister might be necessary.

Commission/Union Minister for Foreign Affairs

New wording for Article 25

1. [unchanged]
2. [unchanged]
3. [unchanged]
4. In carrying out its responsibilities, the Commission shall be completely independent. In the discharge of their duties, the President, the European Commissioners, the Commissioners and the Union Minister for Foreign Affairs shall neither seek nor take instructions from any government or other body, **except for the Minister for Foreign Affairs when acting as mandated by the Council of Ministers for the common foreign and security policy.**
5. The Commission, as a College, shall be responsible to the European Parliament. The Commission President shall be responsible to the European Parliament for the activities of the Commissioners. Under the procedures set out in Article III-243, the European Parliament may pass a censure motion on the Commission. If such a motion is passed, the European Commissioners and Commissioners must all resign and **the Union Minister for Foreign Affairs must resign from the Commission.** The Commission shall continue to handle everyday business until a new College is appointed.

New wording for Article 26

1. [unchanged]
2. [unchanged]
3. The President of the Commission shall:
 - lay down guidelines within which the Commission is to work;
 - decide its internal organisation, ensuring that it acts consistently, efficiently and on a collegiate basis;
 - appoint Vice-Presidents from among the members of the College.

A European Commissioner or Commissioner shall resign if the President so requests. **The Vice-President/Union Minister for Foreign Affairs shall resign if the President so requests with the European Council's agreement.**

New wording for Article 27

1. [unchanged]
2. [unchanged]
3. The Union Minister for Foreign Affairs shall be one of the Vice-Presidents of the Commission. He or she shall be responsible there for handling **the Commission's responsibilities in external relations** and for coordinating other aspects of the Union's external action. **He or she shall ensure that Union action in external relations is consistent with the common foreign and security policy.** In exercising these responsibilities within the Commission, and only for these responsibilities, the Union Minister for Foreign Affairs shall be bound by Commission procedures.

‘We want a stronger EU security policy’

11 November 2003

The article reproduced below (the translation was kindly provided by Sweden’s Permanent Representation at the EU) summarises the general attitude of the non-allied member states on the future shape of CFSP and ESDP – inside and outside the IGC remit.

ARTICLE BY LAILA FREIVALDS, SWEDISH FOREIGN MINISTER AND ERKKI TUOMOJA, FINNISH FOREIGN MINISTER

Dagens Nyheter

For more than a month, EU Member States have been engaged in negotiations on a new constitutional treaty for the Union. One of the important issues being discussed by present and future Member States is what can be done to develop and improve the EU’s Common Foreign and Security Policy. In these discussions Finland and Sweden are at one: it is our firm conviction that the EU must make a stronger contribution to global security. In the age of globalisation, more than ever, the security of Europe requires a world of peace and freedom.

All EU Member States are agreed that we can only meet the challenges of the future if we stand and act together. Moreover, the availability to the Union of a whole toolbox of foreign policy instruments, such as diplomacy, development assistance, trade, political dialogue and active crisis management operations, puts the EU in a unique position for successful international action. The present Intergovernmental Conference gives us a suitable opportunity to improve the EU’s ability to use these instruments in a cohesive and effective manner.

Following a joint initiative by our representatives Tarja Halonen and Lena Hjelm-Wallén, the EU has made major advances in recent years in the task of building up an organisation and a capacity that will enable it to support the Common Foreign and Security Policy by various forms of civil and military peace-support operations. The development of the European Security and Defence Policy (ESDP), for example, helps put the EU in a position to take swift, effective measures to facilitate UN peace-support operations wherever needed in the world.

In the course of the past year, the Union has replaced both the UN police mission in Bosnia and Herzegovina and NATO forces supporting the peace agreement in Macedonia. When the UN asked the international community for immediate help in preventing an escalation of the conflict in the Democratic Republic of the Congo in the spring, the EU was quick to respond. Within the space of a few weeks, the EU was able to carry out a rapid military operation that stabilised the security situation, thereby

supporting the UN-led peace process in the country. In addition, the EU is planning right now for a comprehensive initiative aimed at reforming the police service in Macedonia.

We welcome the fact that the new constitutional treaty will signal more clearly than at present that the ESDP must comprise a very broad spectrum of peace-support operations. We want conflict-prevention measures, action against terrorism, crisis management actions in areas affected by conflict, and stabilisation measures in support of peace-building after wars and conflicts to be self-evident tasks for the EU.

It is also essential that we are able to confirm the principle that all EU crisis management actions must be backed by common decisions – just as they are at present. The name of the Union must not be used for peace-support operations unless they enjoy the political support of all Member States. This does not mean that all members must be actively represented by civil or military personnel in all actions. So far it has gone without saying that all States decide for themselves whether they want to take part in any individual action, and if so, how. Only some of the Union's members took part in the EU's rapid reaction force in the Congo, for example, while all endorsed the action politically.

To be able to implement peace-support operations more effectively than at present, the Member States also need to establish routines for ensuring that the civil and military resources placed at the Union's disposal are of the type and quality that the EU needs. Otherwise there is a risk that a gap will arise between what is expected of the Union and what it is able in practice to deliver.

The EU must have the capacity to tackle all types of actions that Member States want to be able to carry out, including some that are very complex and demanding. This in turn will require that all Member States feel a responsibility to intensify coordination and information exchange – on a voluntary and intergovernmental basis – so as to develop and improve the resources that the Member States contribute to EU-led actions.

Finland and Sweden are prepared to give positive consideration to other proposals aiming to strengthen the Common Foreign and Security Policy and to improve the Union's ability to take responsibility for more demanding operations than has previously been possible. However, we do not believe that the proposal presented in the summer by the Convention on the Future of Europe regarding "structured cooperation" between a limited number of Member States that are willing and able to work to enable the EU to carry out relatively demanding crisis management actions is the right way to proceed.

The participating states would themselves take all decisions affecting their cooperation, including criteria and commitments with regard to military resources, and would themselves decide whether other States could join in at a later date. This proposal risks dividing the Union and would thus detract from its cohesion in the area of foreign and security policy. There is therefore a danger that it would lead to a weaker ESDP. The very point of the EU's Common Foreign and Security Policy is that it builds on the legitimacy and strength that arise from common and concerted action.

We also strongly reject the Convention’s proposal that a group of Member States should establish a mutual defence within the EU framework. This proposal, too, risks dividing the Union in matters of foreign policy and moreover leads to unnecessary tensions in transatlantic cooperation. Many other EU Member States, old and new alike, share our views on these issues. We want the EU to continue to develop as a political alliance with reciprocal solidarity, not as a military alliance with binding defence guarantees.

We therefore support the idea of a new solidarity clause that builds on the voluntary principle while expressing the political solidarity that already exists between EU members. This clause will make it possible to mobilise and coordinate all instruments available to the Union, including military resources, to prevent terrorist attacks or other disasters in any EU country and to be able to manage the effects should any such event nevertheless occur.

All in all, we note that many of the proposals now due for discussion at the Intergovernmental Conference have the potential to make positive contributions to the Union’s work for peace and security. We want to see deeper political cooperation and a stronger European crisis management capacity, so as to create an EU that can play a serious part in making our world more peaceful and more secure.

Conference of the representatives of the governments of the member states

Brussels, 2 December 2003

In the final phase of the IGC under the Italian Presidency, one of the most controversial issues was the way in which 'structured cooperation' in defence would be articulated. Attention was paid in particular to the modalities for putting it in place and the actual contents of the Protocol it would be based on (absent from the Convention's draft treaty). Subsequent versions would thus be submitted by the Presidency to the delegations.

DEFENCE

ANNEX 1

(ex Annex 17 – CIG 52/03 ADD 1)

Common Security and Defence Policy

Permanent structured cooperation

Article III-213

1. Those Member States which wish to participate in the permanent structured cooperation defined in Article I-40(6), which fulfil the criteria and have made the commitments on military capabilities set out in the Protocol annexed to this Treaty [title] shall notify their intention to the Council and to the Union Minister for Foreign Affairs.
2. The decision establishing permanent structured cooperation, including the list of participants, shall be taken, within three months following such notification, by the Council acting by a qualified majority after obtaining the opinion of the Union Minister for Foreign Affairs.
3. If a Member State wishes to participate in such cooperation at a later stage, the Council of Ministers shall deliberate at the request of that Member State and shall confirm the admission of any State which fulfils the criteria and makes the commitments referred to in Articles 2 and 3 of the above Protocol. The members of the Council of Ministers representing the Member States participating in structured cooperation shall

act by a qualified majority after consulting the Union Minister for Foreign Affairs.

If a Member State is no longer able to meet the commitments made by it within this framework, the Council may decide, on the same conditions, to suspend the Member State concerned.

All other decisions by the Council on questions concerning structured cooperation shall be taken by consensus among the States participating in such cooperation.

Any Member State which wishes to withdraw from structured cooperation may do so after notifying its intention to the Council.

Closer cooperation on mutual defence

Article I-40(7)

If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter.

Commitments and cooperation in this area shall be consistent with commitments under NATO, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

Article III-214 (*deleted*)

ANNEX II

Protocol on structured cooperation

implementing Articles I-40 and III-213 of the Constitution

THE HIGH CONTRACTING PARTIES,

Having regard to Articles I-40(6) and III-213(6) of the Constitution,

- ▮ RECALLING that the Union is pursuing a common foreign and security policy based on the achievement of growing convergence of action by Member States.
- ▮ RECALLING that the common security and defence policy is an integral part of the common foreign and security policy; that it provides the Union with operational capacity drawing on assets civil and military; that the Union may use such assets on

missions referred to in Article III-210 outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter; that the performance of these tasks is to be undertaken using capabilities provided by the Member State in accordance with the principle of a single set of forces;

- ▶ RECALLING that the common security and defence policy of the Union does not prejudice the specific character of the security and defence policy of certain Member States;
- ▶ RECALLING that the common security and defence policy of the Union respects the obligations under the North Atlantic Treaty of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation, which remains the foundation of the collective defence of its members, and is compatible with the common security and defence policy established within that framework;
- ▶ CONVINCED that a more assertive Union role in security and defence matters will contribute to the vitality of a renewed Atlantic Alliance, in accordance with the Berlin Plus arrangements;
- ▶ DETERMINED to ensure that the Union is capable of fully assuming its responsibilities within the international community;
- ▶ RECOGNISING that the United Nations may seek the Union's assistance for the urgent implementation of missions under Chapter 6 or 7;
- ▶ RECOGNISING that the strengthening of the security and defence policy will require efforts by Member States in the area of capabilities;
- ▶ DETERMINED to include any Member State which wishes to participate in this process;
- ▶ CONSCIOUS that embarking on a new stage in the development of the European security and defence policy involves a determined effort by the Member States concerned;
- ▶ RECALLING the importance of the Minister for Foreign Affairs being fully involved in proceedings within the context of structured cooperation;
- ▶ HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

Article 1

Those Member States which declare their willingness to go faster and further in developing the Union's capability to undertake crisis management actions and operations, including the most demanding of these tasks, shall establish structured cooperation among themselves within the meaning of Article I-40(6) of the Constitution, to strengthen the capacity of the Union to play its role in the international arena.

Article 2

Member States participating in structured cooperation must undertake, on the date of entry into force of the Treaty establishing a Constitution for Europe, to:

(a) engage more intensively in the development of defence capacities, including through the development of their national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the activity of the European Military Capabilities Agency.

(b) have the capacity to provide by 2007 at the latest, either at national level or as an essential part of multinational force packages, targeted combat units for the missions planned, structured at a tactical level as combat formations, with support elements including transport and logistics, capable of carrying out the tasks referred in Article III-210, within a period of 5 to 30 days, in particular in response to requests from the United Nations, and which can be sustained for an initial period of 30 days be extended up to at least 120 days.

Article 3

To achieve the objectives laid down in Articles 1 and 2, Member States participating in structured cooperation shall undertake to:

(a) cooperate, after the entry into force of the Treaty establishing a Constitution for Europe, on objectives concerning the level of investment expenditure on defence equipment, and regularly review these objectives in the light of the security environment and of the Union's international responsibilities;

(b) bring their defence apparatus into line with each other as far as possible, particularly by harmonising the statement of their military needs, by pooling and, where appropriate, specialising their defence means and capabilities, and by encouraging cooperation in the fields of training and logistics;

(c) take concrete measures to enhance the availability, interoperability, flexibility and deployability of their forces, in particular by identifying common objectives regarding the commitment of forces; this may include a review of national decision-making procedures;

(d) work together to ensure that the necessary measures are taken by the participating Member States to make good perceived shortfalls, in the framework of the Capability Development Mechanism, including through multinational approaches, without prejudice to undertakings in this regard within NATO;

(e) to take part, where appropriate, in the development of major joint or European equipment programmes in the framework of the European Defence Capabilities Agency.

Article 4

The European Defence Capabilities Agency shall contribute to the regular assessment of Member States' contributions with regard to capabilities, in particular, contributions made in accordance with the criteria to be established inter alia on the basis of Article 2, and shall report on them through the appropriate bodies at least once a year. The assessment may serve as a basis for the formulation of recommendations, in accordance with Article III-213 of the Constitution.

Conference of the representatives of the governments of the member states

Brussels, 5 December 2003

The joint letter reproduced below indicates very clearly the other main controversial issue in the negotiations on CFSP (and especially defence) matters, namely the clause on mutual defence. What is interesting to note is that the draft text delivered by the Convention presented the clause on mutual defence as a possible object of 'closer cooperation' among only some interested member states. After this letter by the foreign ministers of the four non-allied countries among the EU-15, priority would be given to finding a solution acceptable to all 25 members.

**ERKKI TUOMIOJA, MINISTER OF FOREIGN AFFAIRS OF FINLAND;
BRIAN COWEN, MINISTER OF FOREIGN AFFAIRS OF IRELAND;
BENITA FERRERO-WALDNER, MINISTER OF FOREIGN AFFAIRS OF AUSTRIA;
LAILA FREIVALDS, MINISTER OF FOREIGN AFFAIRS OF SWEDEN**

Letter dated 4 December 2003 – IGC 2003– European Security and Defence Policy

The Intergovernmental Conference of the European Union is now addressing a number of important issues concerning the draft Constitutional Treaty. Among them is the question of how to develop the European Security and Defence Policy further, how to increase solidarity within the Union and in particular how to make our work on military and civilian capabilities more effective. The Italian Presidency has been instrumental in the efforts to take forward this agenda.

The Governments of Austria, Ireland, Finland and Sweden express their full support for the efforts of the Italian Presidency to finalise the Constitutional Treaty and to strengthen European Security and Defence Policy. We look forward to a successful outcome on these and other issues at the IGC sessions next week.

We would also like to stress the importance to enhance mutual solidarity among EU Member States. We fully support the proposal to add in the Constitutional Treaty a solidarity clause which would take into account terrorism and natural and man-made disasters. Moreover, we are prepared to underline the principle of EU solidarity more widely in the field of security, including in situations referred to in Article 51 of the UN Charter. However, provisions containing formal binding security guarantees would be inconsistent with our security policy or with our constitutional requirements.

We therefore propose the following text for the first paragraph of Article 40(7) of the Constitutional Treaty:

If a Member State is victim of armed aggression, it may request that the other Member States give it aid and assistance by all the means in their power, military or other, in accordance with article 51 of the UN Charter.

Such an article would in our view substantially enhance solidarity among EU Members in the field of security, and contribute to the further strengthening of the European Security and Defence Policy.

We are copying this letter to the Foreign Ministers of other Member States and acceding States and Javier Solana.

Conference of the representatives of the governments of the member states

Brussels, 5 December 2003

The text reproduced below was circulated by the Presidency as a further attempt to reach consensus on the two most controversial points – the clause on mutual defence and ‘structured cooperation’.

DEFENCE

ANNEX I

(ex Annex 17 CIG 52/03 ADD 1)

Common Security and Defence Policy

Permanent structured cooperation

Article I-40(6)

Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments ~~to one another~~ in this area with a view to the most demanding missions shall establish **permanent** structured cooperation within the Union framework. Such cooperation shall be governed by the provisions of Article III-213.

Article III-213

1. Those Member States which wish to participate in the permanent structured cooperation defined in Article I-40(6), which fulfil the criteria and have made the commitments on military capabilities set out in the Protocol on **permanent structured cooperation** shall notify their intention to the Council and to the Union Minister for Foreign Affairs.
2. Within three months following such notification, the Council shall adopt a European decision establishing permanent structured cooperation and determining the list of participating member States. The Council shall act ~~The decision establishing permanent structured cooperation, including the list of participants, shall be taken, within three months following such notification, by the Council acting by a qualified majority after obtaining the opinion of consulting the Union Minister for Foreign Affairs.~~

3. ~~If a~~ Any Member State which, at a later stage, wishes to participate in ~~such the~~ permanent structured cooperation ~~at a later stage, the Council of Ministers shall deliberate at the request of that Member State shall~~ notify its intention to the Council and to the Union Minister for Foreign Affairs.

The Council shall adopt a European decision and shall confirm the admission confirming the participation of ~~any State~~ the Member State concerned which fulfils the criteria and makes the commitments referred to in Articles ~~2-1~~ and ~~3-2~~ of the ~~above~~ Protocol referred to in paragraph 1.

~~The members of the~~ The Council of Ministers representing the Member States participating in structured cooperation shall act by a qualified majority after consulting the Union Minister for Foreign Affairs. Only Members of the Council representing the participating Member States shall take part in the vote. A qualified majority shall be defined as a majority of the members of the Council representing the participating Member States, comprising at least three fifths of the population of those Member States.¹

4. If a participating Member State no longer fulfils the criteria or is no longer able to meet the commitments ~~made by it within this framework, referred to in Articles 1 and 2 of the Protocol mentioned in paragraph 1, the Council may decide, on the same conditions,~~ adopt a European decision suspending the participation of ~~to suspend~~ the Member State concerned.

The Council shall act by a qualified majority. Only Members of the Council representing the participating Member States, with the exception of the Member State in question², shall take part in the vote. A qualified majority shall be defined as a majority of the members of the Council representing the participating Member States, with the exception of the Member State in question, comprising at least three fifths of the population of those Member States.¹

5. Any participating Member State which wishes to withdraw from permanent structured cooperation ~~may do so after notifying its intention to the Council~~ shall notify its intention to the Council, which shall take note that the Member State in question has ceased to participate.

6. ~~All The other~~ European decisions and recommendations by the Council adopted ~~on questions concerning~~ within the framework of structured cooperation, other than

1. Usual procedure which appears throughout the Constitution. Moreover, Article III-213(3) should be mentioned in Article 2(4) of the Protocol on the transitional provisions relating to the Institutions and bodies of the Union.

2. Usual procedure: the representative in the Council of the Member State "in question" does not usually participate in the vote (see EMU, sanctions, withdrawal).

those provided for in paragraphs 2 to 5, shall be adopted by unanimity. For the purposes of this paragraph, unanimity shall be constituted by the votes of the representatives of the participating Member States only.

Closer cooperation on mutual defence

Article I-40(7)

If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter.

Commitments and cooperation in this area shall be consistent with commitments under NATO, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

Article III-214

(deleted)

ANNEX II

Protocol on permanent structured cooperation

established by Articles I-40(6) and III-213 of the Constitution

THE HIGH CONTRACTING PARTIES,

Having regard to Articles I-40(6) and III-213 of the Constitution,

- RECALLING that the Union is pursuing a common foreign and security policy based on the achievement of growing convergence of action by Member States.
- RECALLING that the common security and defence policy is an integral part of the common foreign and security policy; that it provides the Union with operational capacity drawing on assets civil and military; that the Union may use such assets on missions referred to in Article III-210 outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter; that the performance of these tasks is to be undertaken using capabilities provided by the Member State in accordance with the

- principle of a single set of forces;
- ▶ RECALLING that the common security and defence policy of the Union does not prejudice the specific character of the security and defence policy of certain Member States;
 - ▶ RECALLING that the common security and defence policy of the Union respects the obligations under the North Atlantic Treaty of ~~certain~~ those Member States, which see their common defence realised in the North Atlantic Treaty Organisation, which remains the foundation of the collective defence of its members, and is compatible with the common security and defence policy established within that framework;
 - ▶ CONVINCED that a more assertive Union role in security and defence matters will contribute to the vitality of a renewed Atlantic Alliance, in accordance with the Berlin Plus arrangements;
 - ▶ DETERMINED to ensure that the Union is capable of fully assuming its responsibilities within the international community;
 - ▶ RECOGNISING that the United Nations Organisation may ~~seek~~ request the Union's assistance for the urgent implementation of missions ~~undertaken~~ under Chapters ~~6 or 7~~ VI and VII of the United Nations Charter;
 - ▶ RECOGNISING that the strengthening of the security and defence policy will require efforts by Member States in the area of capabilities;
 - ▶ CONSCIOUS that embarking on a new stage in the development of the European security and defence policy involves a determined effort by the Member States concerned;
 - ▶ RECALLING the importance of the Minister for Foreign Affairs being fully involved in proceedings relating to permanent structured cooperation;
 - ▶ HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

Article 1

~~Those Member States which declare their willingness to go faster and further in developing the Union's capability to undertake crisis management actions and operations, including the most demanding of these tasks, shall establish structured cooperation among themselves within the meaning of Article I-40(6) of the Constitution, to strengthen the capacity of the Union to play its role in the international arena.³~~

3. This Article should be deleted: it is superfluous in the light of Article I-40(6), and is partly inaccurate ("declare").

Article 1

~~Member States participating in~~ The permanent structured cooperation referred to in Article I-40(6) of the Constitution shall be open to any Member State ~~must undertake~~ which undertakes, ~~on~~ from the date of entry into force of the Treaty establishing a Constitution for Europe, to:

- (a) ~~engage~~ proceed more intensively ~~in the~~ to development of its defence capacities, ~~including~~ through the development of ~~their~~ its national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the activity of the European agency in the field of defence capabilities development, research, acquisition and armaments (hereinafter referred to as the “Agency”)⁴, and
- (b) have the capacity to ~~provide~~ supply by 2007 at the latest, either at national level or ~~as an essential part~~ a component of multinational force ~~packages~~ groups, targeted combat units for the missions planned, structured at a tactical level as combat formations, with support elements including transport and logistics, capable of carrying out the tasks referred in Article III-210, within a period of 5 to 30 days, in particular in response to requests from the United Nations Organisation, and which can be sustained for an initial period of 30 days and be extended up to at least 120 days.

Article 2

To achieve the objectives laid down in Articles 1 and 2, Member States participating in permanent structured cooperation shall undertake to:

- (a) cooperate, ~~after~~ as from the entry into force of the Treaty establishing a Constitution for Europe, ~~on~~ with a view to achieving approved objectives concerning the level of investment expenditure on defence equipment, and regularly review these objectives in the light of the security environment and of the Union’s international responsibilities;
- (b) bring their defence apparatus into line with each other as far as possible, particularly by harmonising the ~~statement~~ identification of their military needs, by pooling and, where appropriate, specialising their defence means and capabilities, and by encouraging cooperation in the fields of training and logistics;
- (c) take concrete measures to enhance the availability, interoperability, flexibility and deployability of their forces, in particular by identifying common objectives regard-

4. Precise name of this Agency as approved in Council Decision 2003/834/EC of 17 November 2003 creating a team to prepare for the establishment of the agency in the field of defence capabilities development, research, acquisition and armaments (OJ L 318, 3.12.2003, p. 19).

ing the commitment of forces; ~~this may include a review of~~, including possibly **reviewing their** national decision-making procedures;

(d) work together to ensure that ~~they take~~ the necessary measures ~~are taken by the participating Member States~~ to make good, including through multinational approaches, and without prejudice to undertakings in this regard within NATO, ~~perceived the shortfalls, perceived in the framework of the “Capability Development Mechanism”~~⁵;

(e) to take part, where appropriate, in the development of major joint or European equipment programmes in the framework of the ~~European Defence Capabilities Agency~~.

Article 3

The ~~European Defence Capabilities Agency~~ shall contribute to the regular assessment of **participating** Member States' contributions with regard to capabilities, in particular contributions made in accordance with the criteria to be established *inter alia* on the basis of Article 2, and shall report on them ~~through the appropriate bodies~~ at least once a year. The assessment may serve as a basis for ~~the formulation of Council~~ recommendations, and decisions adopted in accordance with Article III-213 of the Constitution.

5. This paragraph has been restructured for the sake of clarity.

Conference of the representatives of the governments of the member states

Brussels, 9 December 2003

This text is the last and final version submitted by the Italian Presidency ahead of the Brussels European Council. The extracts reproduced below embody the tentative level of agreement reached by the 25 delegations on the CFSP-relevant issues. However, these formulations cannot be considered as an *acquis* of the IGC in that the logic of the Conference is such that there is no agreement on single parts until there is agreement on the entire treaty text.

INTERGOVERNMENTAL CONFERENCE (12 -13 DECEMBER 2003)

ADDENDUM 1 to the Presidency proposal

(...)

ANNEX 7

The Minister for Foreign Affairs

Article I-25

1. (*unchanged*)

2. (*unchanged*)

3. (*unchanged*)

4. In carrying out its responsibilities, the Commission shall be completely independent. **Without prejudice to Article I-27(2)**, the President, the European Commissioners, the Commissioners and the Union Minister for Foreign Affairs shall, in the discharge of their duties, neither seek nor take instructions from any government or other body.

5. The Commission, as a College, shall be responsible to the European Parliament. The Commission President shall be responsible to the European Parliament for the activities of the Commissioners. Under the procedures set out in Article III-243, the European Parliament may pass a censure motion on the Commission. If such a motion is passed, the European Commissioners and Commissioners must all resign **and the Union**

Minister for Foreign Affairs must resign from the Commission. The Commission shall continue to handle everyday business until a new College is appointed.

Article I-26(3)

3. The President of the Commission shall:
 - (a) lay down guidelines within which the Commission is to work;
 - (b) decide on the internal organisation of the Commission, ensuring that it acts consistently, efficiently and on a collegiate basis;
 - (c) appoint Vice-Presidents from among the members of the College.

A European Commissioner or Commissioner shall resign if the President so requests. **The Vice-President/Union Minister for Foreign Affairs shall resign if the President so requests with the European Council's agreement.**

Article I-27

1. The European Council, acting by qualified majority, with the agreement of the President of the Commission, shall appoint the Union Minister for Foreign Affairs. The European Council may end his or her tenure by the same procedure.
2. The Union Minister for Foreign Affairs shall conduct the Union's common foreign and security policy. He or she shall contribute by his or her proposals to the development of that policy, which he or she shall carry out as mandated by the Council. The same shall apply to the common security and defence policy.
3. **The Union Minister for Foreign Affairs shall preside over the Council for Foreign Affairs.**
4. The Union Minister for Foreign Affairs shall be one of the Vice-Presidents of the Commission. He or she shall **ensure that the Union's action in external relations is consistent with the common foreign and security policy.** He shall be responsible **within the Commission for responsibilities falling to it** in external relations and for coordinating other aspects of the Union's external action. In exercising these responsibilities within the Commission, and only for these responsibilities, the Union Minister for Foreign Affairs shall be bound by Commission procedures **to the extent that this is consistent with the provisions of the above paragraphs 2 and 3.**

(...)

ANNEX 22

Common Security and Defence Policy

Article III-211 (2)

Member States participating in the task shall keep the Council regularly informed of its progress on their own initiative or at the request of another Member State. Those States shall inform the Council immediately should the completion of the task involve major consequences or require amendment of the objective, scope and conditions for the task determined in the European decisions referred to in paragraph 1. In such cases, the Council shall adopt the necessary European decisions.

Permanent structured cooperation

Article I-40(6)

Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments ~~to one another~~ in this area with a view to the most demanding missions shall establish **permanent** structured cooperation within the Union framework. Such cooperation shall be governed by Article III-213. **It shall not affect the provisions of Article II-210.**

Article III-213

1. Those Member States which wish to participate in the permanent structured cooperation defined in Article I-40(6), which fulfil the criteria and have made the commitments on military capabilities set out in the Protocol **on permanent structured cooperation** shall notify their intention to the Council and to the Union Minister for Foreign Affairs.
2. Within three months following such notification, the Council shall adopt a European decision establishing permanent structured cooperation and determining the list of participating member States. ~~The Council shall act~~ ~~The decision establishing permanent structured cooperation, including the list of participants, shall be taken, within three months following such notification, by the Council acting by a qualified majority after obtaining the opinion of~~ consulting the Union Minister for Foreign Affairs.

3. ~~If a~~ Any Member State which, at a later stage, wishes to participate in ~~such the permanent structured cooperation at a later stage, the Council of Ministers shall deliberate at the request of that Member State shall~~ notify its intention to the Council and to the Union Minister for Foreign Affairs.

The Council shall adopt a European decision and shall confirm the admission confirming the participation of ~~any State~~ the Member State concerned which fulfils the criteria and makes the commitments referred to in Articles ~~2-1~~ and ~~3 2~~ of the above Protocol referred to in paragraph 1. ~~The members of the The Council of Ministers representing the Member States participating in structured cooperation shall~~ act by a qualified majority after consulting the Union Minister for Foreign Affairs. Only Members of the Council representing the participating Member States shall take part in the vote. A qualified majority shall be defined as a majority of the members of the Council representing the participating Member States, comprising at least three fifths of the population of those Member States.¹

4. If a participating Member State no longer fulfils the criteria or is no longer able to meet the commitments ~~made by it within this framework, referred to in Articles 1 and 2 of the Protocol mentioned in paragraph 1, the Council may decide, on the same conditions, adopt a European decision suspending the participation of~~ ~~to suspend~~ the Member State concerned.

The Council shall act by a qualified majority. Only Members of the Council representing the participating Member States, with the exception of the Member State in question,² shall take part in the vote. A qualified majority shall be defined as a majority of the members of the Council representing the participating Member States, with the exception of the Member State in question, comprising at least three fifths of the population of those Member States.

5. Any participating Member State which wishes to withdraw from permanent structured cooperation ~~may do so after notifying its intention to the Council shall~~ notify its intention to the Council, which shall take note that the Member State in question has ceased to participate.

6. ~~All The other~~ European decisions and recommendations by the Council adopted ~~on questions concerning~~ within the framework of structured cooperation, other than those provided for in paragraphs 2 to 5, shall be adopted by unanimity. For the purposes of this paragraph, unanimity shall be constituted by the votes of the representatives of the participating Member States only.

1. Usual procedure which appears throughout the Constitution. Moreover, Article III-213(3) should be mentioned in Article 2(4) of the Protocol on the transitional provisions relating to the Institutions and bodies of the Union.

2. Usual procedure: the representative in the Council of the Member State "in question" does not usually participate in the vote (see EMU, sanctions, withdrawal).

Closer cooperation on mutual defence

Article I-40(7)

If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. **This shall not prejudice the specific character of the security and defence policy of certain Member States.**

Commitments and cooperation in this area shall be consistent with commitments under NATO, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

Article III-214

(deleted)

Protocol on permanent structured cooperation established by Articles I-40(6) and III-213 of the Constitution

THE HIGH CONTRACTING PARTIES,

Having regard to Articles I-40(6) and III-213 of the Constitution,

- RECALLING that the Union is pursuing a common foreign and security policy based on the achievement of growing convergence of action by Member States.
- RECALLING that the common security and defence policy is an integral part of the common foreign and security policy; that it provides the Union with operational capacity drawing on assets civil and military; that the Union may use such assets on missions referred to in Article III-210 outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter; that the performance of these tasks is to be undertaken using capabilities provided by the Member State in accordance with the principle of a **single set of forces**;
- RECALLING that the common security and defence policy of the Union does not prejudice the specific character of the security and defence policy of certain Member States;

- ▶ RECALLING that the common security and defence policy of the Union respects the obligations under the North Atlantic Treaty of ~~certain~~ those Member States, which see their common defence realised in the North Atlantic Treaty Organisation, which remains the foundation of the collective defence of its members, and is compatible with the common security and defence policy established within that framework;
- ▶ CONVINCED that a more assertive Union role in security and defence matters will contribute to the vitality of a renewed Atlantic Alliance, in accordance with the Berlin Plus arrangements;
- ▶ DETERMINED to ensure that the Union is capable of fully assuming its responsibilities within the international community;
- ▶ RECOGNISING that the United Nations **Organisation** may ~~seek~~ request the Union's assistance for the urgent implementation of missions **undertaken** under Chapters ~~6 or 7~~ VI and VII of the United Nations Charter;
- ▶ RECOGNISING that the strengthening of the security and defence policy will require efforts by Member States in the area of capabilities;
- ▶ CONSCIOUS that embarking on a new stage in the development of the European security and defence policy involves a determined effort by the Member States concerned;
- ▶ RECALLING the importance of the Minister for Foreign Affairs being fully involved in proceedings **relating to permanent** structured cooperation;
- ▶ HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

Article 1

~~Those Member States which declare their willingness to go faster and further in developing the Union's capability to undertake crisis management actions and operations, including the most demanding of these tasks, shall establish structured cooperation among themselves within the meaning of Article I-40(6) of the Constitution, to strengthen the capacity of the Union to play its role in the international arena.²~~

Article 1

~~Member States participating in~~ The permanent structured cooperation referred to in Article I-40(6) of the Constitution shall be open to any Member State ~~must undertake which undertakes, on~~ from the date of entry into force of the Treaty establishing a Constitution for Europe, to:

2. This Article should be deleted: it is superfluous in the light of Article I-40(6), and is partly inaccurate ("declare").

(a) ~~engage~~ **proceed** more intensively ~~in the~~ to development of its defence capacities, ~~including~~ through the development of ~~their~~ its national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the activity of the European agency in the field of defence capabilities development, research, acquisition and armaments (hereinafter referred to as the “Agency”),³ and

(b) have the capacity to ~~provide supply~~ by 2007 at the latest, either at national level or as ~~an essential part~~ a component of multinational force ~~packages~~ groups, targeted combat units for the missions planned, structured at a tactical level as combat formations, with support elements including transport and logistics, capable of carrying out the tasks referred in Article III-210, within a period of 5 to 30 days, in particular in response to requests from the United Nations **Organisation**, and which can be sustained for an initial period of 30 days and be extended up to at least 120 days.

Article 2

To achieve the objectives laid down in Articles 1 and 2, Member States participating in **permanent** structured cooperation shall undertake to:

(a) cooperate, ~~after as from~~ the entry into force of the Treaty establishing a Constitution for Europe, ~~on~~ with a view to achieving approved objectives concerning the level of investment expenditure on defence equipment, and regularly review these objectives in the light of the security environment and of the Union’s international responsibilities;

(b) bring their defence apparatus into line with each other as far as possible, particularly by harmonising the ~~statement~~ **identification** of their military needs, by pooling and, where appropriate, specialising their defence means and capabilities, and by encouraging cooperation in the fields of training and logistics;

(c) take concrete measures to enhance the availability, interoperability, flexibility and deployability of their forces, in particular by identifying common objectives regarding the commitment of forces; ~~this may include a review of,~~ including possibly **reviewing** their national decision-making procedures;

(d) work together to ensure that they take the necessary measures ~~are taken by the participating Member States~~ to make good, including through multinational approaches, and without prejudice to undertakings in this regard within NATO, ~~perceived~~ the shortfalls, perceived in the framework of the “Capability Development Mechanism”,⁴

3. Precise name of this Agency as approved in Council Decision 2003/834/EC of 17 November 2003 creating a team to prepare for the establishment of the agency in the field of defence capabilities development, research, acquisition and armaments (OJ L 318, 3.12.2003, p. 19).

4. This paragraph has been restructured for the sake of clarity.

(e) take part, where appropriate, in the development of major joint or European equipment programmes in the framework of the ~~European Defence Capabilities Agency~~.

Article 3

The ~~European Defence Capabilities Agency~~ shall contribute to the regular assessment of participating Member States' contributions with regard to capabilities, in particular contributions made in accordance with the criteria to be established *inter alia* on the basis of Article 2, and shall report on ~~them through the appropriate bodies~~ at least once a year. The assessment may serve as a basis for ~~the formulation of~~ Council recommendations, and decisions adopted in accordance with Article III-213 of the Constitution.

ANNEX 23

Qualified majority voting in the field of the Common Foreign and Security Policy

Article III-201

1. (*unchanged*)
2. By way of derogation from paragraph 1, the Council shall act by qualified majority:
 - (a) when adopting a European decision defining a Union action or position on the basis of a European decision of the European Council relating to the Union's strategic interests and objectives, as referred to in Article III-194(1);
 - (b) when adopting, **on a proposal from the Union Minister for Foreign Affairs**, a European decision defining a Union action or position, ~~on a proposal which the Union Minister for Foreign Affairs has presented following a specific request to him or her from the European Council made on its own initiative or that of the Minister~~;
 - (c) when adopting a European decision implementing a European decision defining a Union action or position;
 - (d) when adopting a European decision concerning the appointment of a special representative in accordance with Article III-203.

If a member of the Council declares that, for vital and stated reasons of national policy, it intends to oppose the adoption of a European decision to be adopted by qualified majority, a vote shall not be taken. The Union Minister for Foreign Affairs will, in close consultation with the Member State involved, search for a solution acceptable to it. If he or she does not succeed, the Council may, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity.

3. (*unchanged*)

4. (*unchanged*)

Conference of the representatives of the governments of the member states

Brussels, 13 December 2003

At the Brussels summit, disagreement *inter alia* over the voting system in the Council brought the IGC to an abrupt end. No final vote was taken, no provisional conclusions nor agenda for the future were approved. The only formal act is represented by this declaration released by the Italian Presidency at the end of the session.

DECLARATION OF THE PRESIDENT

- ▶ In conducting the Intergovernmental Conference the Italian Presidency's aim was to abide as closely as possible by the draft drawn up by the Convention, which was the outcome of thorough, democratic debate, but it was ready to give constructive consideration to the proposals made by each Member State, in order to accommodate legitimate demands that could not be set aside.
- ▶ This difficult work resulted in a text supported by a large majority of the Member States, which will henceforward be considered as a "negotiating *acquis*" not open to further discussion, thereby achieving a significant advance on the path of closer integration between the States and the citizens of the enlarged Union.
- ▶ The Presidency notes that it found a general desire to move towards a more integrated and more ambitious Union. The responsibility for continuing along that path and taking forward that undertaking will be a joint one.
- ▶ The Presidency confirms that the hopes on which the Treaties of Rome were based continue still today to constitute a heritage of ideals handed down by the generation of the founding fathers to the Europeans of tomorrow.

n° 66	Fighting proliferation – European perspectives <i>Mark Smith, Bruno Tertrais and Jean Pascal Zanders,</i> <i>edited by Gustav Lindstrom and Burkard Schmitt</i>	December 2003
n° 65	The South Caucasus: a challenge for the EU <i>Pavel Baeu, Bruno Coppitiers, Svante E. Cornell, David Darchiashvili,</i> <i>Arman Grigorian, Dov Lynch, John Roberts, Domitilla Sagramoso, Brenda Shaffer</i> <i>and Arif Yunusov; edited by Dov Lynch</i>	December 2003
n° 64	Partners and neighbours: a CFSP for a wider Europe <i>Judy Batt, Dov Lynch, Antonio Missiroli, Martin Ortega</i> <i>and Dimitrios Triantaphyllou</i>	September 2003
n° 63	The European Union and armaments – getting a bigger bang for the euro <i>Burkard Schmitt</i>	August 2003
n° 62	The European Union and the crisis in the Middle East <i>Muriel Asseburg, Dominique Moïsi, Gerd Nonneman and Stefano Silvestri;</i> <i>edited by Martin Ortega</i>	July 2003
n° 61	EU cooperative threat reduction activities in Russia <i>Kathrin Höhl, Harald Müller and Annette Schaper;</i> <i>edited by Burkard Schmitt</i>	June 2003
n° 60	Russia faces Europe <i>Dov Lynch</i>	May 2003
n° 59	European armaments cooperation: core documents <i>compiled by Burkard Schmitt</i>	April 2003
n° 58	Terrorism, proliferation: a European threat assessment <i>Harald Müller</i>	March 2003
n° 57	From Laeken to Copenhagen – European defence: Core documents, Volume III <i>compiled by Jean-Yves Haine</i>	February 2003
n° 56	International terrorism and Europe <i>Thérèse Delpech</i>	December 2002
n° 55	What model for CFSP? <i>Hans-Georg Ehrhart</i>	October 2002
n° 54	The United States: the empire of force or the force of empire? <i>Pierre Hassner</i>	September 2002
n° 53	Enlargement and European defence after 11 September <i>Jiri Sedivy, Pal Dunay and Jacek Saryusz-Wolski;</i> <i>edited by Antonio Missiroli</i>	June 2002
n° 52	Terms of engagement. The paradox of American power and the transatlantic dilemma post-11 September <i>Julian Lindley-French</i>	May 2002



With this *Chaillot Paper*, the ‘European defence core documents’ collection reaches its fourth volume – stretching from Copenhagen, where the last European Council of 2002 was held, to Brussels, where the last one of 2003 took place.

Yet the title ‘From Copenhagen to Brussels’ tells more than a purely bureaucratic story. If ‘Copenhagen’ can be used as a metaphor for enlargement, ‘Brussels’ can similarly be taken as a metaphor for concentration of resources and (hopefully) political will. Not that the latter was immediately apparent in 2003. On the contrary: the enlarging Union looked vertically split on how to deal with ‘regime change’ in Iraq; old and new cleavages – between current and acceding members, big and small ones, and also within each camp – came to the fore on both foreign policy and institutional reform; and even the Intergovernmental Conference (IGC) seemed to grind to a frustrating halt.

Below and beyond such appearances, however, ‘European defence’ was moving forward at a surprising pace. This was true of the operational dimension, from EUPM to *Concordia*, from *Artemis* to *Proxima*. It was also true of the strategic dimension, from the paper on WMD proliferation to the Security Strategy proper. And, against all appearances, it was true even of the institutional dimension proper – from the deal on military headquarters, to the decision to set up an armaments agency, and up to the latest version of the ESDP-relevant articles of the draft constitutional treaty.

The present collection is not aimed at offering explanations for such an apparent paradox. Yet it can help track down its origins and provisional outcomes. Special attention has been devoted to highlighting the sequence of documents and decisions on specific policy issues, by giving cross-references and basic information on relevant external events. This applies to all three sub-chapters: the one on ESDP proper, the one devoted to the Iraq crisis, and the section on the European Convention and the IGC.

published by
the European Union
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€ 15