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THE COMMON FOREIGN AND SECURITY POLICY AND ENLARGEMENT OF THE EUROPEAN UNION

(Second update)

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2	Hungary and the enlargement of the EU	167.296/rev.2	01.02.99	all
3	Romania and the enlargement of the EU	167.297/rev.2	26.02.99	all
4	The Czech Republic and the enlargement of the EU	167.335/rev.2	10.02.99	all
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**BRIEFING
ON
THE COMMON FOREIGN AND SECURITY POLICY
AND ENLARGEMENT OF THE EUROPEAN UNION**

CONTENTS

	Page
INTRODUCTION.....	7
I. THE NEW COMMON FOREIGN AND SECURITY POLICY OF THE EUROPEAN UNION FOLLOWING THE SIGNATURE OF THE TREATY OF AMSTERDAM IN THE RUN-UP TO ENLARGEMENT.....	8
A. Planning the common foreign and security policy and enlargement of the European Union	9
B. Taking decisions on the common foreign and security policy and enlargement of the European Union	11
C. Implementing the common foreign and security policy and enlargement of the European Union	15
II. AGENDA 2000 AND THE COMMON FOREIGN AND SECURITY POLICY OF THE EUROPEAN UNION IN THE RUN-UP TO ENLARGEMENT	21
1. The views of the European Commission	21
2. The position of the Council	23
3. The views of the European Parliament on the common foreign and security policy in the run-up to enlargement	26
4. The applicant countries and the common foreign and security policy of the Union in the run-up to enlargement	28

I. INTRODUCTION

In reality, the common foreign and security policy (CFSP) is by no means one of the most controversial subjects as regards the forthcoming enlargement of the Union, especially compared with areas such as the common agricultural policy, the environment, budgetary issues and the financing of enlargement, the Structural Funds and so on. However, the enlargement of the Union is certainly a further challenge for its foreign and security policy in all of its three phases: planning, decision-making and implementation. On the whole, the European Parliament considers that enlargement of the Union to include the countries of central and eastern Europe will increase Europe's security because, by definition, it will make for greater political stability, and that is why new momentum was once again instilled into the CFSP at Helsinki in the wake of the crisis in the Balkans. Furthermore, it will enhance the Union's international weight and influence and at the same time increase its total population. However, an enlarged Union of 28 will also entail far-reaching consequences for the CFSP. The geopolitical map of Europe will be transformed, and the frontiers of the Union will shift a very long way. Common interests will become more difficult to define, and the implications could extend to the neutrality policy of some Member States and applicant countries and to Union policy on sanctions. The same will apply to the Union's relations with organisations such as NATO, the WEU, and the like. Moreover, with the introduction of the euro on 1 January 1999 the European Union has become a world-class player in monetary terms, but it is unquestionably the case that Europe's foreign policy role is not in proportion to its economic weight. It is also clear that serious imbalances still exist between the EU's foreign policy and its trading activities. The CFSP in its present form prevents Europe from exercising the influence commensurate with its political, economic and cultural importance.

This briefing attempts to identify, for the benefit of the parliamentary bodies of the Institution, the implications for the CFSP of the future enlargement of the European Union, and examines the modifications made by the Treaty of Amsterdam. It begins with an assessment of the provisions of the new Treaty from the perspective of the EP, arguing that, in reality, they are an unsuccessful and unimaginative attempt to introduce greater coherence to the CFSP. The CFSP's objectives have been widened slightly, but this adds up to little more than rhetoric, although it is true to say that the new CFSP instruments, and in particular the newly created instrument of common strategies, benefit from an improved structure and organisation. Certain improvements as regards planning are noted, but the decision-making process is criticised for its continuing reliance on unanimity and its complexity and inflexibility. Parliamentary control of the CFSP and the role reserved for the Commission both seem totally inadequate. In addition, the intergovernmental nature of the representation of the CFSP and the complete reliance upon the intergovernmental approach in the drawing-up of international agreements have been accentuated. Although the planned financing method is deemed acceptable, criticism is made of the budgetary process, which does not provide for codecision by the EP. The review of external economic relations has also been completely inadequate. With the exception of the 'Petersberg tasks' conferred on the Union by the new Treaty, the advances agreed at Amsterdam regarding the defence policy of the Union and the Western European Union (WEU) were very modest. Fortunately, however, the political will that was lacking in Amsterdam came resolutely to the fore after the fighting in Kosovo, enabling the Cologne and Helsinki European Councils, held on 3 and 4 June and 10 and 11 December 1999, to give decisive new impetus to the CFSP by strengthening the common European security and defence policy (CESDP). However, Parliament continues to believe that, when developing the CFSP, the prime goal should be to establish a European foreign affairs office providing for joint Union representation in foreign policy matters within the organisational structure of the Commission.

The briefing goes on to provide a general overview of the official positions of the institutions of the European Union. It refers to the three volumes of Agenda 2000: the *first part of Volume I (For a stronger and wider Union) deals with the subject of the European Union in the world*, and *Volume III contains the Commission opinions on the applications for membership*. Both make specific mention of the CFSP. Part 1 of Volume I describes the geopolitical impact of the enlargement process, and, specifically, **the role of a stable Europe open to the world, and the strengthening of the Union's ability to forge a strong and united Europe**. Part 2 of Volume I, which deals with the *challenge of enlargement*, includes, particularly, an **evaluation of the membership criteria**, a study of the impact of enlargement, the pre-accession strategy and references to the specific cases of Cyprus, Turkey and the European Conference. Together with questions of security and defence, these issues are all discussed in other Task Force briefings. This briefing also sets out the position of the Council and summarises the most significant positions adopted by the EP to date regarding this question. Finally, the situation of each of the applicant countries in relation to the CFSP is discussed.

1. THE NEW COMMON FOREIGN AND SECURITY POLICY OF THE EUROPEAN UNION FOLLOWING THE SIGNATURE OF THE TREATY OF AMSTERDAM IN THE RUN-UP TO ENLARGEMENT¹

The Treaty of Amsterdam was signed on 2 October 1997 and finally came into force on 1 May 1999. It consists of a total of 15 articles, three Parts, one annex (comprising the tables of equivalences between the old provisions and the new numbering of the Treaty on European Union and the Treaty establishing the European Community), 13 Protocols², a Final Act, 51 Declarations adopted by the Conference and annexed to this Final Act³, and 8 Declarations, together with those noted by the Conference and also incorporated as an annex to the Final Act⁴. This briefing attempts to determine the extent to which the Amsterdam provisions on the CFSP fulfilled expectations and the mandate of the Intergovernmental Conference with a view to the enlargement of the Union and its influences on it⁵.

¹ For a detailed analysis of the new provisions of the Treaty of Amsterdam regarding the CFSP, see Fernández Fernández, José Javier: *The Treaty of Amsterdam and the Common Foreign and Security Policy of the Union: Critical Analysis from the point of view of the European Parliament*. European Community Law Review. January-June 1998, pp. 79 – 111.

² In particular, a Protocol to the TEU refers to Article J.7 of the Treaty on European Union.

³ Of which five mention the CFSP directly: Declaration No 2 on increased cooperation between the EU and the WEU; Declaration No 3 relating to the WEU; Declaration No 4 on Articles J.14 and K.10 of the TEU; Declaration No 5 on Article J.15 of the TEU; and Declaration No 6 on the establishment of a Policy Planning and Early Warning Unit.

⁴ In addition, on the occasion of the signature of the Treaty of Amsterdam on 2 October 1997, Belgium, Germany, Greece, Luxembourg, Austria and the Netherlands also presented a series of Declarations regarding Article K.7 of the TEU as modified by the Treaty of Amsterdam.

⁵ Although provisions on the CFSP represent only a small part of the new Treaty of Amsterdam, the EP had attached particular importance to this during the IGC of 1996, as shown by its resolutions of 17 May 1995, 13 March 1996, and 16 January, 13 March, 29 May and 11 June 1997. In addition, the EP adopted an initial position on the new Treaty in its resolution of 26 June 1997, and, particularly, in its resolution of 19 November 1997.

There appears to be an overall consensus within the EP that the Amsterdam Treaty has not resolved the fundamental shortcomings of the CFSP. In fact, Parliament has argued in numerous resolutions that the future of the CFSP, particularly with a view to enlargement, depends on acceptable solutions being found to a variety of questions in relation to the three phases of the CFSP: planning, decision-making and implementation.

A. PLANNING THE CFSP AND ENLARGEMENT OF THE EUROPEAN UNION

1) Enlargement requires greater coherence within the CFSP

The EP had suggested that the best way to tackle the recognised lack of coherence within the CFSP was to *integrate it into the Community pillar*, but the 1996 IGC did not deal with this issue. The EP has traditionally been in favour of incorporating the CFSP into the Community framework, on the grounds that in contrast to the cooperation method, the Community method has borne fruit, as demonstrated by the European Communities' own development. New structures were not necessary since lessons could be learnt from the Communities' own experience. However, instead of altering the three-pillar division introduced at Maastricht, the new Amsterdam Treaty merely modified the wording and numbering of various sections and paragraphs of the former Title V of the TEU. The intergovernmental approach therefore continues to predominate, and the three-pillar division remains, along with the all-too-familiar shortcomings of the CFSP. The EP has also advocated uniting in a single chapter of the Treaty all provisions relating to the various aspects of foreign policy (i.e. trade and development policy - including the EDF - and humanitarian aid and the CFSP itself - including human rights policy and the future common defence policy). It also still considers it essential to establish an international legal personality for the Union (i.e. for the three Communities and for the EU), and create genuine common European diplomacy, beginning with the conversion of the Commission representations into authentic diplomatic representations of the Union in countries where the majority of the EU Member States have none. However, these requests were not reflected in the new Treaty signed in Amsterdam⁶, which simply modified the second paragraph of Article C of the TEU - Article 3 of the consolidated version - to include *an obligation on the Council and Commission to cooperate in order to ensure the consistency of all of the Union's external activities* in the framework of their policies on external relations, security, the economy and development. Given that a future Europe may comprise 27 or 28 Member States, it is therefore to be feared that the CFSP's present lack of coherence will worsen. As far as the specifics are concerned, the EP believes that the necessary steps must be taken to consolidate Community powers, especially with respect to non-military crisis management, so as to make for greater coherence and thereby enable all of the pillars to be incorporated into the Community structure. It considers that the Commission must act as the prime mover in coordinating the non-military Community and national procedures employed in international crisis management⁷.

⁶ For a more detailed examination of the complete provisions of the new Treaty see Fernández Fernández, José Javier: 'Note for the attention of the President and Secretary General on the priorities of the European Parliament regarding the IGC and the new Treaty of Amsterdam: report and first evaluation of results'. European Parliament. Coordinator of the Working Party on the IGC 1996. Strasbourg, 15 July 1997, 44 pages.

⁷ Opinion of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy on the EP's proposals for the Intergovernmental Conference, delivered on 28 February 2000 (draftsman: Mr Elmar Brok).

2) The enlargement of the Union also requires clear and precise objectives for the CFSP going beyond mere rhetoric.

The objectives of the new CFSP post-Amsterdam remain in essence those laid down at Maastricht, with the addition of the new Article J.1, mainly for the sake of formality, stating the right of Member States to legitimate defence under the terms of Article 51 of the United Nations Charter, and the principle of the inviolability of borders. As regards enlargement the latter principle, especially, could have very serious consequences. However, there is no doubt that real commitment is lacking and that the *political solidarity clause included in the new Treaty is only a first step, and does not have the value of the mutual assistance clauses included in the WEU and NATO Treaties*. In addition, the EP still believes that human rights should continue to be considered of major importance in the CFSP, and that these and democracy clauses should be included in all agreements with third countries so as to contribute to the defence of democracy and basic freedoms. All this has a special significance, from the point of view of enlargement of the Union, when we consider that the Amsterdam Treaty includes certain provisions on *basic rights and non-discrimination*, and that Article F of the TEU - Article 6 of the consolidated version - has been partially modified. It explicitly sets out in the new paragraph 1 the basic general rights of the Union (freedom, democracy, respect for human rights, basic freedoms and the rule of law), which are common to all the States of the Union, which must in its turn respect the national identity of its Member States. In addition, the first paragraph of the former Article O of the TEU - Article 49 of the current TEU - is amended to clarify that *these principles should also be respected by the applicant countries*. Finally, it should be remembered that the new Article F(2) of the TEU - Article 6 of the consolidated text - recalls the *commitment of the Union to respect the fundamental rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950*, and that the new Treaty includes *Declaration No 1 to the Final Act on the abolition of the death penalty* adopted by the IGC⁸.

3) The common foreign policy of an enlarged EU requires an increased focus on the Community approach in the planning of the future CFSP.

As far as analysis of capabilities was concerned, the Treaty of Amsterdam stipulated that a Policy Planning and Early Warning Unit was to be set up within the Secretariat of the Council, under the responsibility of the Secretary-General, High Representative for the CFSP. The EP considers this to be a substantial qualitative improvement, although it views both the final composition of the new unit and the nature of its duties as a further triumph for the intergovernmental approach. The European Parliament would have preferred the joint unit to be composed of Commission and Council officials and managed by the Commission, working closely with the Secretary-General of the Council. However, this suggestion was not accepted. The original provisions laid down in the Treaty of Amsterdam also created a clear risk of interference between the activities of the Planning and Early Warning Unit and those of the Political Committee, which could have probably been avoided had the EP's suggestion of allowing the CFSP High Representative to participate in the Political Committee been taken up. Fortunately, the new impetus in the CESDP stemming from the war in Kosovo and the declaration by the Cologne European Council have to some extent resolved this problem, since the General Affairs Council decided on 14 February 2000 that, in the event of a crisis, the interim Political and Security Committee set up on that date could be chaired by the High Representative for the CFSP, replacing the actual Presidency-in-Office of the Council. In its above-mentioned opinion of

⁸ The declaration states that Protocol No 6 of the Convention, signed and ratified by the majority of the Member States, provides for the abolition of the death penalty and that, in fact, with effect from the signature of this Protocol on 28 April 1983, the death penalty was abolished in the majority of the Member States and has not been applied in any of them.

28 February 2000 the EP's Foreign Affairs Committee proposed that the 'Political Committee' provided for in Article 25 of the EU Treaty be replaced by the 'Standing Political and Security Committee' and references to the 'Military Committee' inserted where appropriate. Furthermore, the above bodies should be headed by the High Representative, whereas the Member of the Commission responsible for external relations should take charge of coordinating civilian crisis management arrangements. Lastly, as regards enlargement, it still remains to be seen to what extent, if at all, the new unit's work and the activities of the Interim Political and Security Committee and Military Body and of the military experts appointed in accordance with the Council decision of 14 February 2000 will benefit from the inclusion of representatives of numerous new Member States and what this will achieve, in terms of effectiveness, in the planning of the foreign policy of an enlarged Union.

In addition, in its resolution of 5 May 1999 on the role of the European Union in the world and the implementation of the common foreign and security policy in 1998, the EP suggested that the Secretary-General of the Council/High Representative establish links between the Council's Policy Planning and Early Warning Unit and the Conflict Prevention Network (CPN) in order to introduce a greater degree of independence to the CPN's work. The resolution also recognised the important contribution made by the CPN (whose analyses, studies and briefing papers are used jointly by Parliament and the Commission) in increasing Parliament's own analysis and planning capabilities, and the need for a long-term perspective in the latter. The EP called also for the CPN to be granted sufficient funding within the annual budgetary procedure to provide it with the resources necessary to respond to Parliament's growing demands.

4) A common foreign policy of an enlarged EU also requires a much more important role for the Commission as regards the CFSP

As the Treaty of Amsterdam was limited to maintaining the previous inadequate *status quo*, the whole question of the Commission's role, its right of initiative in CFSP matters and the granting to the Commission of authority for implementation, as requested by the European Parliament, still needs to be addressed. It must be recognised, as reported by the EP, that the Commission still has not made full use of its right to submit proposals to the Council. However, as far as enlargement is concerned, the Commission, which certainly does possess extensive powers both as regards negotiations for membership and as regards the Community pillar will, like the EP, be deprived of any significant role regarding the common foreign policy, at the planning stage and also as regards decision-making and implementation.

B. TAKING DECISIONS ON THE CFSP AND ENLARGEMENT OF THE UNION

5) Enlargement of the Union means that a simplified decision-making process and the generalised use of qualified majority voting are more essential than ever.

The present shortcomings of the CFSP are clearly directly related to the fact that decisions – with varying degrees of importance – must always be made by unanimity. This has not perceptibly changed with the Treaty of Amsterdam, which lays down, as *the general rule for the CFSP, unanimity plus constructive abstention*. The European Parliament, in contrast, has always supported the *adoption of decisions by qualified majority voting as the only means of advancing towards a true common foreign and security policy*. It is absolutely essential to end the present right of veto if the Union is to proceed from words to deeds, since the perpetuation of the present decision-making process will increase the possibilities of blocking and make it impossible to take important decisions on a common foreign policy. This will, no doubt, have particular consequences as regards enlargement, as the

inclusion of new members will make it even more difficult to apply the exception to this general rule of unanimity laid down in paragraph 2 of the new Article J.13 of the TEU – Article 23 of the consolidated text. This paragraph provides for *qualified majority voting for actions, common positions and decisions on the basis of a common strategy, and for any decision implementing a joint action or common position*. It also stipulates, however, that qualified majority voting will not be used for adoption of these decisions when a Member State provides evidence that, for important and stated reasons of national policy, it intends to oppose the adoption of any one of them. In this case, the Council may, by QMV, refer the matter back to the European Council for decision by *unanimity*. As if these precautions were not sufficient, it is also stated that QMV (a minimum of 62 votes in favour by at least 10 Member States) will not be applied to decisions with implications in the military or defence areas. It is obvious, therefore, that the *increase in the number of Member States will further complicate matters, since the sacrosanct nature of the 'vital interests' of the Member States, which will be increasingly difficult to reconcile, has been preserved*. That was why, in its opinion of 28 February 2000 (drafted by the chairman, Mr Brok), the EP's Foreign Affairs Committee called for Article 23(2) of the TEU to be amended in such a way as to ensure that the option of vetoing a vote when a decision was to be taken by QMV and referring the matter to the European Council was brought into line with normal Community procedure.

Furthermore, as far as the fledgling CESDP and crisis management are concerned, the December 1999 Helsinki European Council took some important decisions when it adopted Annex IV to the report submitted by the outgoing Finnish Presidency. Annex I to the report sets out a new institutional framework that will also have clear implications for enlargement.

Specifically, the European Council has decided that the Council will determine the policy to follow regarding Union involvement at every stage and in every aspect of crisis management, including decisions to carry out Petersberg tasks in accordance with Article 23 of the EU Treaty. The decisions in question, which will be taken within the single institutional framework, will not undermine Community powers and responsibilities and will make for consistency between pillars, as is required under Article 3 of the EU Treaty. Each Member State is entitled to a full and equal say in all decisions and discussions of the Council and Council bodies relating to EU-led operations. Acting on their own sovereign authority, Member States will decide what national assets should be committed to such operations and will be represented on the *ad hoc* committee of contributors, subject to a number of conditions.

The Defence Ministers will be involved in the common European security and defence policy (CESDP) and, when related matters are discussed in the General Affairs Council, will accordingly play the necessary role in order to give guidance on defence issues. In addition, the following *permanent* political and military bodies will be established within the Council:

- (a) A standing Political and Security Committee (PSC), based in Brussels, consisting of national representatives holding the rank of ambassadors or senior officials. The PSC will deal with all aspects of the CFSP, including the CESDP, in accordance with the EU Treaty and without prejudice to Community powers. When a military crisis management operation has to be undertaken, the PSC, acting under the authority of the Council, will exercise political control over the operation and provide strategic leadership. Appropriate procedures will therefore be adopted to enable effective decisions to be taken promptly. The PSC will issue guidelines to the Military Committee.

- (b) The Military Committee (MC) will be formed by the 'Chiefs of Defence', represented by their military delegates. It will meet at Chief of Defence level whenever necessary. This committee will advise and make recommendations to the PSC on military matters and provide military direction for the Military Staff. The Chairman of the MC will attend Council meetings when the decisions to be taken have military implications.
- (c) The Military Staff (MS), to be set up within the Council, will provide military expertise and support for the CESDP, among other things for the purpose of conducting EU-led military crisis management operations. It will also deal with early warning, situation assessment, and strategic planning in connection with Petersberg tasks, for instance in order to determine the make-up of European national and multinational forces.

On 14 February 2000, as an interim measure, the Council set up the following internal Council bodies with effect from 1 March 2000:

- (a) A standing interim Political and Security Committee, staffed by ambassadors or senior officials. Working under the guidance of the Political Committee, its task will be to pursue the activities arising from the Helsinki European Council. It will thus draw up recommendations on the future running of the CESDP and handle routine CFSP business in close touch with the Secretary-General/High Representative.
- (b) An interim body staffed by military representatives of the Member States' Chiefs of Defence. Its role will be to advise the interim Political and Security Committee on military matters.
- (c) Lastly, the Council has appointed a number of military experts on secondment from the Member States to provide additional back-up to its Secretariat with a view to assisting in CESDP work and forming the nucleus of the future Military Staff.

During the interim period, the Secretary-General/High Representative, who is also Secretary-General of the WEU, will be called upon to make full use of WEU resources to advise the Council under Article 17 of the EU Treaty.

6) An enlarged Union makes increasingly essential the urgent strengthening of parliamentary control of the CFSP, which is at present totally insufficient.

Following the signature of the Treaty of Amsterdam, the involvement of the European Parliament in the CFSP is still totally inadequate, being restricted mainly to consultation by the Presidency on the main aspects and the basic options of the CFSP, although an interinstitutional agreement must still be reached on Parliament's right to be informed and consulted. The first two reports submitted by the Presidency were mainly historical and narrative in nature, and did not properly analyse the effectiveness of the CFSP or indicate the basic choices for the future. Parliamentary participation is totally inadequate, and therefore unacceptable to the EP, which requests *consultation only on the CFSP* (as on all issues of a non-legislative nature) - *even for common positions and joint actions*, something else not achieved at Amsterdam. In fact, the low degree of democratic control the parliamentary institution has over the Union's foreign policy is certainly not confined to the CSFP – rather, it has become a *de facto* feature of the foreign policy of many democratic countries, particularly as regards security and defence policy. The fact that the recent war in Kosovo did not officially exist, since it was never declared by any of the countries involved, would seem to lend credence to this theory. One of the many possible reasons for this may have been to allow the various

national governments greater and more immediate room for manoeuvre as the situation developed. However, with a view to enlargement, and given the decisions at Cologne and Helsinki to strengthen the common security and defence policy, it would appear essential to increase parliamentary control of the CSFP, since although in the last analysis it is for governments to lead and conduct war, it is for parliaments alone to declare it and democratically monitor its development. In addition, the European Parliament has expressed its desire to improve the effectiveness of the Union's foreign policy, also with a view to enlargement, using its influence through recommendations, the intelligent use of public hearings, the granting of the Sakharov Prize, invitations to address the House, and through its established parliamentary diplomacy.

In the 5 May resolution, the EP noted that although the Commission had more or less fulfilled its obligations under Article 21 (former J.11) of the Treaty to keep Parliament fully informed of the development of the Union's foreign and security policy, the same could not be said of the Council and the Presidency, which had made no real effort to establish meaningful relations with Parliament on a regular basis. In anticipation of the 2000 IGC, the EP's Foreign Affairs Committee proposed in its opinion of 28 February 2000 that Article 21 of the EU Treaty, which lays down the obligation to inform and consult the EP, should be expanded to the effect that the High Representative for the CFSP, as well as the Presidency and the Commission, would regularly have to brief the EP on developments in Union foreign and security policy. This would, on the one hand, strengthen the position of the High Representative and, secondly, make for closer ties between Parliament and the Council's General Secretariat. Further steps should likewise be taken to enable the EP to have a say in key decisions and help shape the overall thrust of EU foreign policy. Moreover, just as Members of the Commission are appointed subject to a vote of approval in the EP (Article 214(2), third subparagraph, of the EC Treaty), so should a similar procedure be employed to appoint the High Representative. In practice, the situation has recently been moving in the right direction, following the appointment of the High Representative for the CSFP, whose experience and political stature have raised the Union's profile and increased its capacity for action in foreign policy sphere. The EP welcomes the fact that he is maintaining a permanent formalised working relationship with Parliament and briefs it on current issues related to the CSFP at least every three months. It also obtained satisfaction on its request for a confirmation hearing before the Committee on Foreign Affairs before the High Representative formally took up his duties. Furthermore, in order to develop closer links with all those involved in foreign policy in the executive, it called for similar hearings to be held for the appointment of the Union's Special Envoys and important heads of delegation or EU ambassadors, as already carried out by the Committee on Foreign Affairs in the case of the new head of delegation in Sarajevo in June 1998. Finally, the EP is apparently beginning to take the view that, when the WEU's role in performing the Petersberg tasks is transferred to the EU, parliamentary involvement in second pillar affairs will have to be established on a new footing, for example in the form of a joint assembly consisting of national parliaments and the European Parliament⁹.

⁹ Opinion of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy on the EP's proposals for the Intergovernmental Conference, delivered on 28 February 2000 (draftsman: Mr Elmar Brok).

C. IMPLEMENTING THE CFSP AND ENLARGEMENT OF THE UNION

7) **Enlargement of the Union will require a decisive use of the new CFSP instruments, and full adoption by the applicant countries of the CSFP *acquis* as a whole.**

The introduction of a clear and structured classification of the new CFSP instruments and in particular the newly created instrument of common strategies (Article 13 of the EU Treaty) are certainly among the more positive elements of the Treaty of Amsterdam. Although some of these are binding, their true effectiveness will continue to depend on the lasting political will of the Member States, which the EP often tries to mobilise, without success. In addition, Amsterdam introduced a marked strengthening of the role of the European Council, which is now considered the supreme organ not only for deliberation but also for decisions on the general principles and policy priorities of the CFSP and the common strategies. The European Council is now also expressly empowered to issue guidelines to the WEU in cases where the European Union has recourse to it. For this reason, the EP considers it essential that there should also be a parallel strengthening both of its own powers and those of the Commission in order to counteract the current excessively intergovernmental focus of the CFSP. It believes that the appointment of Javier Solana as High Representative for the CFSP and Secretary-General of the WEU, the first common strategy to be adopted, relating to Russia and Ukraine, and the others now being drawn up for south-east Europe and Mediterranean policy, and, above all, the decisions of the Cologne and Helsinki European Councils mark decisive steps forward for the CFSP and are signs of a clear political determination to consolidate it. This resolve must continue and be strengthened. However, the EP still maintains that it must be consulted by the Council on the content of common strategies, and has suggested that its President submit its recommendations to the European Council. From the point of view of enlargement, these questions will become very important if the CFSP is to develop beyond its current 'mission statement' status and become truly effective.

Furthermore, over the years a body of Community policy has developed, first through European Political Cooperation (EPC) since 1970 and, since Maastricht, the CSFP proper. The applicant countries agreed to respect this as long ago as 1993. The most important elements of this *acquis* are the conclusions and decisions in this area adopted by successive European Councils, common positions on major international issues, the coordination of positions within the United Nations, the OECD, the Council of Europe, the OSCE and the Geneva Disarmament Conference, and respect for any arrangements Member States may have regarding third countries in the way of sanctions, embargo measures, breaking off or freezing of diplomatic relations and similar measures. The *acquis* also includes the Union's political dialogue with third countries - both the dialogue itself and the procedures involved in the dialogue process. In this sense, it must be recognised that *to date, and always when invited, most of the applicant countries - including Cyprus and the EFTA countries - have supported the political stances - joint declarations and common positions - adopted by the Union.* Various subjects have been involved, including the EU Code regarding the export of weapons, Afghanistan, Africa, Rwanda, Yugoslavia, Kosovo, Serbia, Bosnia-Herzegovina, Myanmar [Burma], Timor, Chechnya, the prevention of and fight against the illegal traffic of conventional weapons, the Biological and Toxic Weapons Convention (BTWC), the Chemical Weapons Convention, the nuclear tests in India and Pakistan, etc. The only exception has been Belarus, on which, for different reasons, Poland and Lithuania did not agree with the common position.

8) The forthcoming enlargement of the Union also means that representation of the CFSP must no longer be restricted to the intergovernmental sphere.

The EP still believes that, when developing the CFSP, the prime goal should be to establish a European foreign affairs office providing for joint Union representation in foreign policy matters within the organisational structure of the Commission. Under the new Treaty, however, representation in CFSP affairs continues to be the responsibility of the Presidency. Clearly, the Commission is to be fully involved with all that this entails, but in reality it is the responsibility of the Presidency to represent the Union and carry out joint actions and express the Union's opinions in international forums and conferences. The European Parliament is not satisfied with this solution, and has expressly asked that the Commissioner responsible for foreign affairs – appointed in accordance with the current procedure required for the President of the Commission – should act, in close cooperation with the Council Presidency, as the Union's representative for the CFSP. On the other hand, although the intergovernmental approach again prevailed in Amsterdam and the 'specific new function' (the 'face and voice' of the CFSP) was allocated to the Secretary-General of the Council, who was freed of administrative tasks, the EP now considers that the standard of transparency and external representation has been enhanced by the newly established office of high representative and the troika in its new form, comprising the Presidency, the High Representative, and the Member of the Commission responsible for external relations. The Cologne European Council of 3 and 4 June 1999 agreed on several important appointments and selected Javier Solana Madariaga to hold the new office of secretary-general of the Council and high representative for the common foreign and security policy. Pierre de Boissieu was appointed Deputy Secretary-General of the Council. In its resolution of 5 May 1999, the European Parliament repeated the proposal contained in its 1998 report calling for the creation of a genuine common European diplomacy, transforming the Commission representations into proper diplomatic representations of the Union in those countries where the majority of Member States were not properly represented. In preparation for this, the EP proposed a European Union College of Diplomacy. *One of the main questions is whether the applicant countries have the capacity to assume the Presidency of the Union, not only as regards organisational tasks, but also in relation to representation of the Union. Clearly there is also a risk that in terms of visibility and in geopolitical terms, the Union will not gain by the incorporation and rotation of a large number of 'small' States.*

9) Enlargement of the Union makes the end of the total predominance of the intergovernmental approach in drawing up international agreements increasingly essential.

The Treaty of Amsterdam provides that the Council (possibly assisted by the Commission) may unanimously authorise the Presidency to negotiate agreements with other States or international organisations. On the basis of a recommendation from the Presidency, it is the Council's responsibility to draw up these agreements unanimously. These agreements are not binding on Member States which declare to the Council that they have to observe internal constitutional requirements. They are, however, binding for the remaining Member States. The new Treaty thus totally ignores the EP – as has become the norm - when agreements in this intergovernmental area are drawn up. This is naturally an unacceptable situation for the EP, which can only be resolved by changing the legal nature of this pillar. It is therefore essential to have an interinstitutional agreement which provides for the EP to be consulted on all international agreements, and to properly regulate Parliament's participation in decisions on the sanctions to be imposed in the case of violations of human rights in third countries. For this reason, the EP has reserved its right to deliver detailed opinions to guide the Commission in the negotiation of both bilateral and multilateral agreements, in accordance with the final paragraph of Article 228(2) as amended by the Treaty of Amsterdam. In future it wishes to be compulsorily involved in this process which, with enlargement, will become more important both in substance and in quantity.

10) Above all, enlargement of the Union means that the method of financing the CFSP must be improved, and codecision in budgetary affairs granted to the European Parliament.

The European Parliament welcomes the agreement secured at Amsterdam that the administrative and operational costs of the CFSP – with the exception of military costs and other costs to be agreed unanimously by the Council – will be charged to the Community budget (as non-compulsory expenditure). However, Parliament still considers that *budgetary decisions concerning the CFSP must be adopted by codecision*, and has announced its intention of examining in detail the financial implications of the main aspects and basic choices of the CFSP under the *ad hoc* conciliation procedure established in accordance with the interinstitutional agreement. It will examine in even greater detail the consequences of all the different aspects of the enlargement of the Union. In view of the entry into force of the Treaty of Amsterdam - in particular Articles 12, 17 and 18 (former J.2, J.7 and J.18), the EP's resolution of 5 May called for the financing of the CFSP to be reviewed, especially with regard to the common strategies, the Petersberg tasks and the inclusion of the ECMM (European Community Monitoring Mission) in the Community budget. Furthermore, in its opinion of 28 February 2000 mentioned many times above, the EP's Foreign Affairs Committee called for the 2000 IGC to revise Article 28 of the EU Treaty, relating to the financing of operational expenditure in connection with Petersberg tasks on the clear understanding that the costs of troops deployed in crisis management and their equipment should be borne by participating Member States but joint actions as a whole should be funded from the Community budget. A stipulation to that effect would emphasise the political solidarity aspect. Parliament also believes that the European Development Fund (EDF) should in future be encompassed within the EU budget.

11) Proper regulation of external economic relations is also a basic requirement of the common foreign policy of an enlarged Union.

Again, the reforms introduced in this area by the Treaty of Amsterdam are minimal and totally inadequate. They are the result of the majority view that prevailed in the IGC against the extension of the Community's powers in the area of external economic relations. Throughout the 1996 IGC Parliament proposed splitting Article 113 of the EC Treaty to introduce codecision for acts of a legislative nature and assent for international agreements. The 'new' text of this article still provides only for the unacceptable consultation procedure. In addition, all of the regulations on external economic relations must be brought together, since they remain dispersed throughout several articles in the EC Treaty (mainly in the new Articles 133 (former Article 113), Article 300 (former Article 228) and Article 310 (former Article 238), which undoubtedly hinders united action by the Union in this area, particularly with a view to enlargement. Lastly, in its resolution of 18 November 1999 on the preparation of the reform of the Treaties and the next Intergovernmental Conference, the EP called for the provisions on external economic relations, including the Union's participation in multilateral international organisations, to be strengthened and brought together in one section of the Treaties. It also pointed to the need to broaden the Community sphere of responsibility (and the Commission's authority to negotiate external agreements) to cover all services and intellectual property rights, especially where the WTO and other multilateral negotiations were concerned. It renewed its call for a stronger role in connection with international agreements and matters pertaining to the common commercial policy, in particular for the purposes of authorising and monitoring negotiations on external agreements. It repeated its express wish, following on from what was originally suggested in the 1983 Stuttgart Declaration, that the assent procedure should be employed as the general rule when concluding any significant international agreements, including

decisions on the provisional application or suspension of agreements resulting from human rights violations or failure to comply with democratic standards. It is undoubtedly the case that in a globalised world of international trade, enlargement will increasingly complicate the Union's delicate position in international negotiations, especially within the WTO (the WTO negotiations will certainly not be completed before the end of the accession negotiations now under way) and also in relation to several other multilateral agreements and organisations.

12) Finally, enlargement of the Union demonstrates once more the need to make decisive progress in the fields of security and defence policy and to achieve a truly European defence policy.

The Treaty of Amsterdam includes only a few provisions on the Union's defence policy, and these do not significantly change the unsatisfactory situation that has existed since signature of the Maastricht Treaty. For example, the gradual merger requested by the EP of the WEU with the Union has been postponed once again and no definite timetable has been agreed. Furthermore, no response has been made to the EP's demand for a common defence policy which would guarantee the Union's and Member States' borders and their territorial integrity, nor has it been possible to introduce the idea of a mutual defence Protocol. Fortunately, the 'Petersberg tasks', as they are termed, have been included in the Treaty: humanitarian and rescue missions, peace-keeping missions, missions with combat forces for crisis management and missions for the re-establishment of peace thus become part of the CFSP and the common defence policy. Since Amsterdam, therefore, the security policy (which is the EU's responsibility) and defence policy (the WEU's responsibility) dichotomy has continued to exist. In fact, military and strategic powers derive not from the Union, but from other quite separate intergovernmental organisations: NATO (comprising 19 member countries, of which 11 are also EU Member States¹⁰), and the WEU (of which ten Union Member States¹¹ are active members and five are observers). It is also important to remember that a further four EU Member States are neutral or advocates of a non-alignment policy¹². In the Protocol to the Treaty of Amsterdam on Denmark's position (original protocol Z), this country declared that it would not share in the preparation, adoption, application, or operational costs for the Union's decisions involving defence, but would not impede the development of cooperation between Member States in this area. Denmark also reserved the right to waive as appropriate the total or partial use of this Protocol. As regards the applicant countries, we must take into account the fact that the ten CEEC candidates for membership of the Union are also candidates for future full membership of NATO and three have recently joined¹³. The remaining seven CEEC applicant countries are WEU Associate Partners¹⁴, and all of them are also among the 27 States which have to date become members of the Partnership for Peace created at the NATO summit in Brussels in January 1994.

¹⁰ Belgium, Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom.

¹¹ The above, with the exception of Denmark.

¹² Ireland, Austria, Finland and Sweden.

¹³ Hungary, Poland, and the Czech Republic. In addition, by becoming members of NATO, these three countries (which were formerly WEU Associate Partners) have now become WEU Associate Members (like Turkey, Iceland, and Norway, which belong to NATO but not to the EU). Their associate member status entitles them to vote on issues relating to NATO.

¹⁴ The WEU Associate Partners are Slovenia, Slovakia, Bulgaria, Romania, Estonia, Latvia, and Lithuania.

A further point to emphasise is the considerable strengthening of the security of the Member States, and even the applicant countries arising from the mere fact of their present or future membership of the European Union. For this reason, many consider that the European Security and Defence Identity (ESDI) must evolve not within NATO but within the European Union, since NATO is part not only of a European but also a Euro-Atlantic intergovernmental dynamic, and also because the operational effectiveness of NATO does not in principle extend to criteria not envisaged in Article 5 of the North Atlantic Treaty, criteria for which, on the contrary, the EU Council is competent in political terms. Finally, many wish to avoid the 'Natoisation' of Europe and to allow it to develop a truly independent and appropriate CESDP. For this reason, it has frequently been suggested that the costs of NATO enlargement (which the Pentagon has estimated at around \$35 bn, whereas other sources suggest a figure in excess of \$100 bn) be dedicated to the improvement of the economic and social conditions of the prospective members of the European Union, without creating strategic suspicion or distrust in neighbouring countries.

It so happened that the political will regarding the CESDP, which proved to be wanting throughout the complex negotiations at the 1996 IGC that eventually produced the Treaty of Amsterdam, found expression with unusual speed in the wake of the fighting in Kosovo because the crisis once again clearly demonstrated the need to improve joint European security and defence capabilities. That was why the Cologne European Council of 3 and 4 June 1999 took a series of important decisions in this area. Specifically, it issued a declaration on the strengthening of the common European security and defence policy and invited the Finnish Presidency to continue the work and to present a new report to the Helsinki European Council at the end of the year. After establishing that the situations of the Member States regarding mutual defence agreements would not be affected, it declared that NATO would continue to be the basis of its Member States' mutual defence¹⁵.

The Helsinki European Council of 10 and 11 December 1999 considered the two situation reports by the Finnish Presidency on the means of strengthening the Union's military and non-military crisis management capability as part of an intensified common European security and defence policy (CESDP). The European Council stated that the Union would help to build international peace and security in accordance with the principles of the United Nations Charter while recognising that the primary responsibility for their maintenance rested with the United Nations Security Council. It pointed to its determination to establish autonomous decision-making capacity and, to deal with cases

¹⁵ The European Council declaration on strengthening European security and defence policy illustrates its determination to provide the European Union with the necessary means and resources to allow it to fulfil all of its responsibilities in connection with a common European security and defence policy, and its conviction that the Council must have the ability to take decisions on all of the issues of conflict prevention and crisis management set out in the Treaty on European Union (the Petersberg tasks). To this end, the Union must have an independent capacity for action, together with credible military resources, the means to decide to use them and the readiness to do so, to enable it to respond to international crises without prejudice to NATO action. The EU would be increasingly able to contribute to international peace and security in accordance with the principles of the United Nations Charter. The European Council believed that the European Union must have the necessary resources and instruments to assume fully its conflict prevention and crisis management responsibilities. It therefore agreed to continue building more effective European military resources based on those already existing at national, bi-national and multinational level, and to strengthen the Union's resources for that purpose. This would require a sustained defence effort and the necessary adaptations in the fields of intelligence, strategic transport and command and control of the armed forces. National and multinational European troops would need to be formed, trained and brought together, and a sustained effort made to strengthen the industrial and technical defence base. Closer and more effective cooperation would be needed in the defence industry and progress must be made in the harmonising of military requirements and the planning and procurement of arms. To this end, the European Council endorsed the report drawn up by the German Presidency reflecting the general agreement of the Member States, and charged the General Affairs Council with creating the conditions and adopting the necessary measures in order to attain the new objectives and, as previously stated, asked the Finnish Presidency to continue work in this area with a view to a new report to the Helsinki European Council at the end of 1999.

where NATO as a whole was not engaged in military operations, the capability to launch and conduct EU-led military operations in response to international crises. This way of proceeding, which would avoid unnecessary overlapping, did not imply a need to set up a European army. Proceeding on the basis of the guidelines laid down at Cologne and the Presidency's reports, the European Council reached agreement on the following specific points:

- √ the Member States, working together voluntarily in EU-led operations, will undertake to be in a position by the year 2003 at the latest to deploy military forces of up to 50 000 to 60 000 within a period of 60 days and to maintain those forces in readiness for at least a year, thus affording the means to perform the whole range of Petersberg tasks;
- √ new political and military bodies and machinery will be set up within the Council to enable the Union to provide the political direction and strategic leadership required for the above operations, without stepping outside the single institutional framework;
- √ comprehensive consultation, cooperation, and transparency arrangements will be established between the EU and NATO, taking into account the needs of all the Union Member States;
- √ the necessary steps will have to be taken to enable European NATO members that do not belong to the EU and other countries concerned to contribute to Union-led military crisis management, without encroaching on the Union's decision-making autonomy;
- √ a non-military crisis management procedure will be established to coordinate and increase the effectiveness of the various civil means and resources available, alongside military means, for the use of the Union and the Member States.

Lastly, the European Council called on the incoming Portuguese Presidency, in collaboration with the Secretary-General and High Representative, to work in the General Affairs Council to pursue all the matters covered in the reports as a matter of priority, including conflict prevention and a civil crisis management committee. The Presidency was likewise requested to draw up an initial situation report for the Lisbon European Council and an overall report containing appropriate recommendations and proposals to be submitted to the Feira European Council, indicating also whether the Treaty should be amended. The General Affairs Council was instructed to take the first steps to implement the above decisions by setting up the interim bodies and arrangements within the Council not later than March 2000, observing the existing Treaty provisions. The Council has indeed been taking the necessary action and, at its meeting of 14 February 2000, agreed to set up the interim political and security committee and military body and appointed national military experts to assist the Council's General Secretariat (the nature of these provisions has been discussed above).

On one final point regarding security and defence, the EP, in its resolution of 18 November 1999 on the preparation of the reform of the Treaties and the next Intergovernmental Conference, called for a common European policy on security and defence to be established, following a clear, binding timetable and procedures to safeguard the national interests of each Member State, with a view to guaranteeing the external borders of the Member States as borders of the Union. It also called for incorporation of the WEU, again in accordance with a clear timetable, to enable the Union to mount operations underpinned by a credible military capability. It considered that the institutional problems posed by and the consequences ensuing from the foregoing would have to be taken into account and that neutral Member States and those not belonging to an alliance should have the opportunity to take part fully and on equal terms in EU operations. The EP's Foreign Affairs Committee has pointed out that, when developing operational capabilities with a view to European crisis management as provided for in the Petersberg tasks, the lessons should be learned from the experience of the Balkans and civil and military crisis management should consequently not be split. Instead, a common decision-making body should take charge of military and non-military crisis management alike, and

the Commission should be involved in the appropriate way. The resulting dovetailing of military and non-military means and measures should not detract at all from the paramount importance of civil conflict prevention. The committee considers that unified decision-making power should be exercised for the above purposes by the standing Political and Security Committee, in which the Commission should play a suitable role. It also believes that a Council of Defence Ministers should be instituted¹⁶.

II. AGENDA 2000 AND THE COMMON FOREIGN AND SECURITY POLICY OF THE UNION IN THE RUN-UP TO ENLARGEMENT

1. THE VIEWS OF THE EUROPEAN COMMISSION

In response to the invitation from the Madrid European Council, the Commission submitted to Parliament on 16 July 1997 its Communication on Agenda 2000¹⁷, which comprises three volumes. *Volume I (For a stronger and wider Union)* contains three parts: the first deals with the Union's policies (internal policies, economic and social cohesion, the CAP and external relations). The second part focuses on the challenge of enlargement and includes the evaluation of criteria for membership, the study of the impact of enlargement and the *enlargement strategy*. It also includes provisions on Cyprus, the European Conference and Turkey and a series of final recommendations. Finally, the third part deals with the new financial framework (2000-2006), and discusses the general problems, the costs involved and the financing system. *Volume II of Agenda 2000 (The Challenge of Enlargement)* describes the strengthening of the pre-accession strategy and its objectives, methods, financial resources and legal instruments. Finally, *Volume III of Agenda 2000 (The opinions of the European Commission on the applications for accession)* contains the summaries and conclusions of ten opinions by the Commission regarding applications for membership of the Union from the central and eastern European countries. *Volume I (For a stronger and wider Union)* deals specifically with the CFSP, and *Part I mentions the European Union in the world* and includes consideration of the geopolitical implications of the enlargement process and makes specific reference **to the role of a stable Europe open to the world, and to the strengthening of the Union's ability to create a strong and united Europe**. *The second part* deals with the *challenge of enlargement*, and includes, particularly, **an evaluation of the membership criteria**¹⁸, the study of the impact of enlargement and the pre-accession strategy¹⁹, and refers to the particular cases of Cyprus²⁰, Turkey²¹ and the European Conference²². As these latter subjects – and those questions connected with security and defence²³ – have already been dealt with in other Task Force briefings, this briefing will concentrate on analysis of the former. In addition, *Volume III* also deals with subjects related to the CFSP, assembling the Commission's opinions on the applications for membership from the CEECs²⁴.

¹⁶ Opinion of the Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy on the EP's proposals for the Intergovernmental Conference, delivered on 28 February 2000 (draftsman: Mr Elmar Brok).

¹⁷ Agenda 2000 - For a stronger and wider Union, COM(97) 2000, 15 July 1997.

¹⁸ Cf. Briefing No 23, produced by the Task Force, on Legal Questions of Enlargement of the EU.

¹⁹ Cf. Briefing No 24, produced by the Task Force, on the Pre-Accession Strategy for Enlargement of the EU, and Topical Note No 1 on the European Parliament and the pre-accession strategy.

²⁰ Cf. Briefing No 1, produced by the Task Force, on Cyprus and the Enlargement of the EU.

²¹ Cf. Briefing No 7, produced by the Task Force, on Turkey and the Enlargement of the EU.

²² Cf. Briefing No 18, produced by the Task Force, on the European Conference and the Enlargement of the EU.

²³ Cf. Briefing No 30, produced by the Task Force, on Common and Foreign Security Policy and the Enlargement of the EU, and Briefing No 31 on security and defence questions and enlargement of the EU.

²⁴ COM (97) 2001 to 2010, 15 July 1997.

On the **general issue of the Union's position in the world**, the Commission considered it essential for Europe to *become more active in external relations*, by encouraging values such as peace and security, democracy and human rights, aid to less developed countries and the defence of its social model and by affirming its presence in the international markets. The Commission considered that *the Member States of the Union had important common interests*, and suggested that they join forces, on a larger scale than was required for the maintenance of the territorial unity of the Union, in order to combat organised crime, terrorism, and nuclear, bacteriological and chemical proliferation, avoid large-scale pollution of the environment and guarantee sustainable growth by making optimum use of world resources. In addition, it emphasised that *the enlargement of the Union* would not affect only the Member States and the applicant countries, but would also have repercussions beyond the new borders of the Union, since *it would increase the influence of Europe in the world, bring new neighbours and transform Europe into a united and stable area*. On the theme of a **stable Europe open to the world**, the Commission proposed, firstly, *enlarging the genuine community of security which linked the Member States and the new applicant countries* as the best way to avoid conflict. The Commission saw the enlargement of the Union as a process which should create a *stabilising influence in addition to that created by the enlargement of NATO*. This in its turn should, in the final instance, facilitate a common defence policy. In terms of geographical areas, the Commission emphasised the *new impetus in relations with Russia, Ukraine and the other newly independent States which should result from the cooperation agreements*, since the enlarged Union would have common borders with Russia, Ukraine, Belarus and Moldova. It would surround the enclave of Kaliningrad, which is part of Russia, have direct access to the Black Sea, and would also have new neighbours in the Balkan States. For this reason, it suggested that the Union continue and intensify its policy in support of democracy, reforms and the transition to a market economy as long-term guarantees of security and stability. More generally, the Commission also suggested that links should be strengthened between the European Union and its partners in the Mediterranean area within the Barcelona process, thus developing economic and trade links. It further recommended intensifying relations with the United States by implementing the new transatlantic agenda adopted in Madrid in December 1995 and that special attention also be paid to Asia and Latin America and, particularly, that *development cooperation be integrated into the Community budget*.

The Commission also expressed a wide range of wishes on the subject of a **'strong and united Europe'**. Firstly, it proposed *converting the European Union into a power on a world scale*, for which it considered that an *integrated approach to external relations* and *more frequent use of qualified majority voting in the decision-making process* were fundamental. It also considered that the EU must have the authority to make decisions regarding foreign policy which entailed the use of military means as an essential element in the credibility of the EU's external actions. For this reason it was in favour of strengthening the operational means of the WEU and its gradual integration into the EU. Secondly, the Commission suggested *that the trading power of the Union should be maintained*, and favoured the consolidation of the structures of the new WTO and the greatest possible liberalisation of international trade. It also considered that it was essential for the removal of trade barriers to be accompanied by the definition of principles regarding competition in the WTO. The new possibilities offered by the revised Article 113 of the EC Treaty should be used to maximum advantage for international trade negotiations on services and intellectual property. Thirdly, the Commission emphasised that it was necessary to *ensure that internal and external policies complemented each other*, in view of the advent of the euro and in order to take advantage of all the external potential of the single market. Fourthly, the Commission suggested *an appropriate response to international challenges* such as the process of globalisation and its possibilities and dangers, threats to the environment and the proliferation of drug trafficking and organised crime. Finally, the Commission *proposed increasing visibility and adapting the arrangements governing foreign aid*.

Since the European Community and its Member States provided half of all international development aid, a situation which should continue with enlargement, the Commission emphasised the need for the external action of the Union to be more visible, better explained and more widely known. It also suggested concentrating financing on a smaller number of projects, and that there should be greater coordination between Member States' and Community programmes. As regards the budget, however, the Commission felt that *the maintenance of financial resources in terms of percentage of GDP* would guarantee an important presence for Europe on a world scale.

On 13 October 1999 the Commission submitted its second series of regular reports on the progress achieved by the applicant countries (one for each country, including Turkey) and a general document setting out the principal conclusions of the reports ('Composite Paper')²⁵. In its second regular reports, the Commission takes the view that the applicant countries have continued to move into line with the CFSP, thus demonstrating their resolve to help enhance the effectiveness of Union action in this area through political dialogue and specific measures. It notes in particular that they have endorsed the common position on Kosovo and the overflying ban applying to and the oil embargo imposed on Yugoslavia. In addition, it points out that the applicant countries have, in the main, successfully resolved their border disputes with other countries and that Croatia and Slovenia are continuing to discuss the question of Piran Bay. Finally, it observes that Latvia and Estonia are both ready to sign border agreements with Russia as soon as that country is willing to do likewise. Annex III to the Composite Paper also includes a table listing the human rights conventions ratified by the applicant countries and makes some interesting comments about the implications of enlargement for the Union's neighbours, focusing specifically on the mutual advantages to be gained, the countries that will border an enlarged Union, first and foremost the succession States of former Yugoslavia, and eastern and southern European countries.

2. THE POSITION OF THE COUNCIL

The *European Council held in Copenhagen* on 21 and 22 June 1993 agreed that, if they wished, the associated CEECs should be integrated into the European Union as soon as they were able to comply with the obligations of EU membership²⁶. In addition, it established in the Conclusions of the Presidency (set out in detail in Annex II), a series of measures with which the associated countries should cooperate in anticipation of their membership of the Union. It suggested a *structured relationship to link the central and eastern European countries and the EU institutions*, to accompany the bilateral structure of the *Europe Agreements*, involving the creation of a *reinforced multilateral framework for dialogue and consultation* on problems of common interest and meetings, of a consultative but not decision-making nature, between the Council of the Union and all of the CEECs on various matters of common interest agreed in advance concerning the three pillars of the Union – including the CFSP. In addition a meeting of the Foreign Affairs troika and a meeting of political leaders would be required during each Presidency. An information meeting at secretariat level after each General Affairs Council and after each meeting of political directors, and a meeting of the troika at working group level for each Presidency, and for the corresponding working parties, would also take place. In addition to the above, regular consultations between the troika and the associated countries would be held prior to important meetings of the General Assembly of the

²⁵ http://europa.eu/int/comm/enlargement/report_10_99/intro/index.htm.

²⁶ The Council specified the criteria required of each applicant country: 1) Stable institutions which guaranteed democracy, the rule of law, human rights and the protection and respect of minorities. 2) A working market economy. 3) The ability to handle the pressures of competition and market forces inside the Union. 4) The ability to assume the obligations of membership arising from the *acquis communautaire*, including commitment to the objectives of political, economic, and monetary union.

United Nations and the CSCE. Later, the *European Council held in Brussels on 10 and 11 December 1993* agreed to begin the diplomatic process which eventually led to the signature in Paris of the Pact for Stability in Europe. This preventive diplomacy was aimed mainly at the CEECs which had concluded or negotiated agreements with the European Union with a view to accession. The objective of this French initiative, as adopted by the European Council, was to contribute to stability in Europe by preventing potential conflicts and tensions, encouraging good relations between neighbours and encouraging countries to consolidate their borders and resolve the problems of their national minorities. This initiative was detailed in Annex I of the Conclusions of the Presidency. The *European Council held in Corfu on 24 and 25 June 1994* recalled, in particular, the importance of the decisions adopted by the General Affairs Council on 7 March concerning political dialogue. It advocated their full and effective application as a priority. This General Affairs Council had decided not only to continue to strengthen and widen the dialogue at all levels, but also to provide the associated countries with the opportunity of taking part in certain declarations, protests and joint actions under the CFSP in the Union. Subsequently, in October 1994, practical guidelines were drawn up in consultation with the associated countries. Later, the *European Council held in Essen on 9 and 10 December 1994* decided to step up the dynamism and quality of the process and adopted a broad strategy to continue to bring these countries closer to the European Union. In essence, the main elements of this strategy continued to be '*structured relations*' with the institutions of the Union agreed at Copenhagen, and the *Europe Agreements* as a flexible and dynamic framework for various forms of cooperation. Annex IV of the Conclusions of the Presidency gave details of this strategy, which provided, in the first place, a '*structured relationship*' between the CEEC associated countries and the European Union institutions, with this structured dialogue covering the Community's areas of responsibility, especially those with a trans-European dimension such as energy, the environment, transport, science and technology, and also the CFSP and justice and home affairs. Concerning the CFSP, the aim of the structured relationship was to overcome the existing insecurity in central and eastern Europe and to encourage the efforts made in this area within the WEU, NATO, the Partnership for Peace, the CSCE and the Stability Pact. The *European Council held in Cannes on 26 and 27 June 1997* gave a first positive appraisal of the structured dialogue and of the progress made in the plans for preparation for membership. It believed that the success of the Conference for Stability in Europe (held in Paris on 20 and 21 March 1995) would help to bring the countries of central and eastern Europe closer to the European Union, and called on the countries concerned to apply the agreements and provisions of the Stability Pact entrusted to the OSCE. The *European Council held in Madrid on 15 and 16 December 1995* produced the *Political Agenda for Europe*, identifying the challenges which the Member States of the Union must meet in the next five years in order to prepare Europe for the 21st century: successfully conclude the adaptation of the Treaty on European Union, complete the change to a single currency according to the agreed timetable and conditions; prepare and negotiate for enlargement with the associated States of central, eastern and southern Europe that were candidates for membership; lay down the financial perspective to apply from 31 December 1999; help establish a new European security structure; and actively continue the policy of dialogue, cooperation and partnership already under way with the countries neighbouring the Union, and in particular with Russia, Ukraine, Turkey and the Mediterranean countries. The aim was to establish, on a continental European scale, a great community of freedom, prosperity and stability. The European Council agreed that the initial phase of the negotiations with the CEEC countries should coincide with the beginning of negotiations with Cyprus and Malta six months after the conclusion of the IGC, and should take into account the results of this. The *Florence European Council* of 21 and 22 June 1996 reaffirmed these intentions.

The *European Council held in Amsterdam on 16 and 17 June 1997* which marked the conclusion of the 1996 IGC agreed that the enlargement process could now be launched, and invited the General Affairs Council to examine in detail the Commission's opinions and its communication on Agenda 2000, and to submit a comprehensive report to the *Luxembourg European Council*. That meeting, held on 12 and 13 December 1997, took the necessary decisions to allow the enlargement as a whole to start. The European Council saw this as a *global, inclusive and evolutionary process, which would develop in stages, at a suitable pace for each applicant country according to its degree of readiness – a unitary process of accession* applying to all the CEEC applicant countries and Cyprus (and, later, to Malta). In addition, the European Council agreed to establish the *European Conference* proposed by the Commission as a multilateral forum for political consultation²⁷. According to the European Council, the planned enlargement consisted of different elements, the first being the administrative framework, consisting of the negotiations themselves – a single framework for all the applicant States. The second main element of the enlargement process conceived by this European Council was the launch of the new strengthened pre-accession strategy²⁸. The *Cologne European Council of 3 and 4 June 1999* agreed upon a number of important appointments. Under the terms of the Treaty of Amsterdam, Javier Solana Madariaga was appointed to the new post of secretary-general of the Council and high representative for the common foreign and security policy. Most importantly, the European Council issued a declaration on recent progress on the common European security and defence policy which welcomed the conclusions of the German Presidency and endorsed its report as a basis for future work. The European Council asked the Finnish Presidency to continue work in this area and to present a further report to the Helsinki European Council. It also called on the General Affairs Council to examine all aspects of security with a view to increased effectiveness and improved coordination of the military resources both of the EU and of the Member States in responding to crisis situations. On foreign relations, the European Council issued a declaration on Kosovo and warmly welcomed progress made towards a Stability Pact for South-Eastern Europe to help secure peace, stability and prosperity in the countries of the region, and cooperation between them. In addition, the European Council reaffirmed the EU's commitment to progress towards the prospect of full integration of those countries in the Community structure. This would be achieved through a new contractual relationship taking into account each country's specific situation, (including progress in regional cooperation) based on the prospect of accession to the European Union on the basis of the Treaty of Amsterdam and compliance with the criteria set out at the Copenhagen European Council of June 1993.

Most recently, the *Helsinki European Council* of 10 and 11 December 1999 adopted a number of important ground-breaking decisions on the common European security and defence policy, which have already been discussed above. Regarding external relations, the European Council noted that the fact that the Secretary-General and High Representative, Mr Javier Solana, had taken up his duties had given fresh impetus to the CFSP and common strategies would afford new opportunities for action making for the greatest possible coherence, value added, and effectiveness in the Union's external measures. These aims could be achieved, among other things, by making appropriate use of the provisions of the Treaty of Amsterdam on decision-taking by qualified majority vote when dealing with common foreign and security policy issues. The European Council called on the Council, proceeding from the contributions of the Secretary-General and High Representative and the Commission, to take the steps required to enable the various resources at the Union's disposal to be put to the best possible use so as to make the Union's external measures more effective and comprehensive. In addition, it adopted a declaration on Chechnya in which it undertook to review the

²⁷ Cf. Briefing No 18, produced by the Task Force, on the European Conference and the Enlargement of the EU.

²⁸ Cf. Briefing No 24, produced by the Task Force, on the pre-accession Strategy for the Enlargement of the EU.

EU Common Strategy on Russia. It laid down an EU Common Strategy on Ukraine. It noted that preparations for the Common Strategy on the Mediterranean region were well advanced but further work was needed on the Union's Common Strategy on the western Balkans. As regards the Stability Pact for south-eastern Europe, the European Council pointed out that the prospect of stabilisation and association agreements should enable closer relations to develop in every sphere among all the countries of the region. Support from the Union would depend on a manifest and clear-cut commitment by the south-eastern European countries to work together to attain the shared political priorities. In addition, the European Council welcomed the Reconstruction and Recovery Programme for Kosovo and the Union's pledge to grant EUR 500 m to fund reconstruction from the year 2000, over and above national contributions from the Member States. It believed that all parties should fully implement UN Security Council resolution 1244. Failure to comply with the mandate of UNMIK or cooperate with Kfor would have serious consequences for the Union's commitment to Kosovo. Finally, on the question of human rights, the European Council maintained once again that all persons should enjoy human rights on equal terms. It would seek especially to improve the situation of groups that did not form a majority in any country, including the Roma, and noted that the Union had undertaken to bring this goal about, joining forces with the Council of Europe and the OSCE.

3. THE VIEWS OF THE EUROPEAN PARLIAMENT ON THE COMMON FOREIGN AND SECURITY POLICY IN THE RUN-UP TO ENLARGEMENT²⁹

As has already been pointed out elsewhere, Parliament is involved in many different ways in enlargement of the Union, be it under the assent procedure when negotiations have concluded – as provided for in Article 49, first paragraph, of the EU Treaty – or the consultation procedure set out in various other articles or through political initiatives based on its own Rules of Procedure. At all events, it has a fundamental role to play. Moreover, by making skilful use of the legal and standard-setting instruments of which it may avail itself and establishing unique new procedures, it has strengthened its position and become a key player from the point of view of enlargement as a whole. Since Agenda 2000 was published in July 2000, Parliament has acted as a vital prime mover and brought essential scrutiny to bear on the process in relation to the other institutions and the applicant countries. To date, the most important positions of the European Parliament on the common foreign and security policy in the run-up to enlargement of the Union have been expressed in the following resolutions:

1) Firstly, the *resolution of 4 December 1997 on the Commission communication 'Agenda 2000 - For a stronger and wider Union'*³⁰ contained a series of important views on the enlargement strategy, and suggested that enlargement would only be possible once institutional reform of the EU had taken place. Parliament felt that the institutional framework post-Amsterdam did not fulfil the conditions necessary to allow enlargement to occur without jeopardising the working of the Union and its effectiveness. It considered that the enlargement strategy should be based on a positive attitude towards the applicant countries which recognised their moral right to join the Union, while continuing

²⁹ See Briefings Nos 36 and 38 on the role of the European Parliament in the enlargement process. In addition, Topical note No 2 on 'Enlargement-related activities of the European Parliament Committee on Foreign Affairs', a very comprehensive document, contains an initial assessment of Parliament's contribution to the whole range of activities falling under Agenda 2000. The above documents have all been compiled by the Task Force. The texts of the individual resolutions mentioned are available for consultation at <http://www.europarl.eu.int/enlargement/positionep/en/default.htm>.

This section is also based on the excellent document PE 231.896.

³⁰ Cf. OJ C 388, 22.12.1997. This resolution was adopted on the basis of the Oostlander and Barón Crespo report on a strategy for enlargement (A4-0368/97).

to insist on compliance with the Copenhagen conclusions. The EP also felt that the negotiations for membership of the Union for all the applicant countries should begin simultaneously. Finally, it pointed out that the current system of own resources might be insufficient to finance an effective enlargement.

2) Also of note is the EP's *resolution of 5 May 1999 on the role of the Union in the world and the implementation of the common foreign and security policy for 1998*³¹. In the year of the birth of the euro, the EP saw the creation of an effective CSFP as an essential element in the maintenance of both global and transatlantic stability with a view to enhancing the EU's political profile and increasing its responsibilities on a world-wide scale. Parliament also noted European governments' increasing willingness to assume their political responsibilities for peace and security on the European continent and welcomed the progress in the enlargement process and the opening of accession negotiations with five countries from central and eastern Europe and Cyprus, seeing enlargement towards the East as part of Europe's overall approach to maintaining peace by the prevention of instability beyond the EU's current borders. The EP also called for increased cooperation, both political and economic, with the countries of central and eastern Europe which had not yet applied to join, especially the countries of south-eastern Europe, and welcomed the fact that the Council had finally realised the importance of speeding up the process of integration of the former Yugoslav republic of Macedonia into the European Union. It called on the Council to conclude the association agreement without delay and remove all obstacles (both formal and informal) to Macedonia's full membership of the European Union. In addition, it asked the Council to launch immediately a genuine Marshall Plan for Albania and to open negotiations with a view to concluding an association agreement between the EU and Albania. In this context it welcomed the reactivation of Malta's application for membership and the positive response expressed by the Commission in its updated opinion. Parliament made a series of other proposals on interinstitutional relations post-Amsterdam, referred to previously in this briefing. However, the EP particularly regretted the fact that for the second year running the Council Presidency had failed to submit in time to Parliament its annual report on the main aspects and basic choices of the CFSP, including the financial consequences for the Community's budget, in accordance with the Protocol to Article 21 (former J.11) of the Treaty on European Union. Although the Commission had more or less fulfilled its obligation under Article 21 to keep Parliament fully informed of the development of the Union's common foreign and security policy, the same could not be said of the Council, which had made no real attempt to establish a meaningful relationship with Parliament on a regular basis. The EP called once more for the European security identity to be strengthened and expressed support for the EU's efforts in developing its own capacity for military crisis management in the framework of the Petersberg tasks in cases where the EU/WEU considered action to be necessary and the North American partners did not wish to intervene. In this connection, the EP urged the Council to use this new impetus to create a European security identity based on the British initiative at Pörschach and the Franco-British St Malo declaration. Having repeatedly called for the integration of the WEU into the European Union by the year 2000 at the latest, the EP believed that the future status of this organisation should be clarified rapidly. Should the WEU in fact be incorporated and responsibility for carrying out the Petersberg tasks transferred to the EU before the end of 2000, the EP's view, as expressed in the opinion delivered by the Foreign Affairs Committee on 28 February 2000, is that some points of Article 17 will have to be revised (the references to the WEU might need to be deleted).

³¹ Cf. Minutes of 5 May 1999, pp. 72-99, PE 279.324. This resolution was adopted on the basis of the Spencer report on the role of the Union in the world (A4-0242/99).

3) In addition, the *resolution of 14 May 1998 on the gradual establishment of a common defence policy for the European Union*³² is fundamental. The EP declared that the objective of the European Union's common security and defence policy was to safeguard common values, fundamental interests and the independence and integrity of the Union, in accordance with the principles contained in the United Nations Charter. It should strengthen the security of the Union in every way and preserve peace and increase international security, in accordance with the principles contained in the United Nations Charter and the Helsinki Final Act, and the objectives of the Paris Charter, including those relating to external borders. There should be a clear boundary between security and defence: the concept of security included Petersberg-type operations, whereas the concept of defence included the protection of the territory and vital interests of the Member States. The EP also stated that, at present, the security of the majority of Member States of the Union was guaranteed by their membership of NATO, but it *stated, however, that the future enlargement of the European Union to include the countries of central and eastern Europe and Cyprus would not necessarily coincide with a similar enlargement of NATO*, as the decisions made at the Madrid summit had shown. Pressure for a common defence policy could increase as the European Union enlarged. The EP confirmed that the enlargement of the European Union would also contribute fundamentally to the security of Europe as a whole and emphasised the importance of the Pact for Stability in Europe and the European Conference. Finally, the EP stressed the importance of the Euro-Atlantic Partnership Council and its strengthened Partnership for Peace programme, which allowed all the Member States of the European Union, present and future, to take part in operations organised by NATO on an equal footing with NATO members, as in Bosnia-Herzegovina. From the WEU the EP requested the clarification of the status of its Associate Partners and a new definition of Associate Members, in anticipation of the accession to the European Union of the countries of central and eastern Europe and Cyprus.

4) Finally, on 2 March 2000 the EP's Foreign Affairs Committee began preparatory work on an important new own-initiative report on the *establishment of a common European security and defence policy after Cologne and Helsinki* (rapporteur: Mrs Lalumière). The report is due to be adopted at the July 2000 part-session.

4. THE APPLICANT COUNTRIES AND THE COMMON FOREIGN AND SECURITY POLICY OF THE UNION IN THE RUN-UP TO ENLARGEMENT

The situation is examined in the various Commission opinions on the respective applications for membership³³. Broadly speaking, the current position as is follows:

Bulgaria: Since 1989 this country has redirected its foreign policy towards the EU and NATO, and is a candidate for membership of both organisations. It is doing everything possible to improve its relations with its neighbours and now has good or excellent relations with Greece, Turkey, and Romania in particular, pursued through the respective Bulgaria-Greece-Romania and Bulgaria-Turkey-Romania trilateral processes. Bulgaria has supported the actions of the EU when requested and has done so in the UN and the OSCE. It is a member of the UN, the OSCE and the Council of Europe. It is an Associate Partner of the WEU, and takes part in the North Atlantic Cooperation Council and the Partnership for Peace. It is likewise a member of the Central European Initiative

³² Cf. OJ C 167, 1.6.1998, pp. 190-195. This resolution was adopted on the basis of the Tindemans report (A4-0171/98).

³³ COM(97) 2001 to 2010, 15 July 1997. For the Commission's second regular report on the progress achieved by the applicant countries see: http://europa.eu.int/comm/enlargement/report_10_99/composite/10.htm.

(CEI) and Black Sea Economic Cooperation (BESC) and also involved in the South-East European Cooperation Initiative, the Royaumont Process, and the Stability Pact for south-eastern Europe. As far as the Union is concerned, it takes an active part in the multilateral dialogue established under the CFSP, including the regular meetings at political director, European correspondent, and working party level. As regards practical measures, it has recently moved into line with the Union common position on Kosovo and decided to support the ban on flights to and from Yugoslavia and the oil embargo imposed on that country. During the Kosovo war, the Bulgarian Government supported the NATO operations and allowed Alliance forces to use the country's territory and airspace. Moreover, it has contributed to the Sfor deployment in Bosnia-Herzegovina and the Kfor deployment in Kosovo. Bulgaria supports the non-proliferation of nuclear, biological and chemical weapons, and is a signatory of all the major international agreements on arms control. In addition, in September 1998 it signed the agreement setting up a multinational peace-keeping force in south-eastern Europe. Its armed forces and defence industry are being reorganised. It has no territorial disputes, either with Romania or with the Member States of the EU. Its relations with Turkey have improved, but certain problems remain – these are still the subject of bilateral negotiations. These include the definition of borders and of the continental shelf, the definition of flight information systems, the navigation system in the Bosphorus strait and certain cultural matters. After being the first country to recognise the Former Yugoslav Republic of Macedonia on 15 January 1992, it became an important trading partner of that country, although there is still a linguistic conflict between the two, since that Bulgaria does not recognise the Macedonian language. In any event, Bulgaria normalised its relations with Macedonia in February 1999, and bilateral cooperation has intensified. Bulgaria has not agreed its border with the Federal Republic of Yugoslavia, and has expressed concern about the fate of the Bulgarian minority in that country.

Czech Republic. Since 1989 this country has also redirected its foreign policy towards the EU and NATO, and recently became a member of NATO. When invited it has supported the actions of the EU, for instance in the UN and the OSCE. It is a member of the UN, the OSCE and the Council of Europe. In addition, by virtue of its membership of NATO, which it joined in March 1999, the Czech Republic is now an Associate Member of the WEU (it was formerly a WEU Associate Partner), along with the other European countries which are full members of NATO but not of the EU, and participates in the North Atlantic Cooperation Council and the Partnership for Peace. In 1999 it chaired the Central European Initiative (CEI) and took part in the revitalised Visegrad 4 dialogue process, also involving Hungary, Poland, and Slovakia. As far as the Union is concerned, it takes an active part in the multilateral dialogue established under the CFSP, including the regular meetings at political director, European correspondent, and working party level. As regards practical measures, it has recently moved into line with the Union common position on Kosovo and decided to support the ban on flights to and from Yugoslavia and the oil embargo imposed on that country. During the Kosovo war, the Czech Government supported the NATO operations and allowed the Alliance to use the country's airspace. Moreover, it has contributed to the Sfor deployment in Bosnia-Herzegovina and the Kfor deployment in Kosovo. The Czech Republic supports the non-proliferation of nuclear, biological and chemical weapons, and is a signatory of all of the major international agreements on arms control. Its armed forces and defence industry are being reorganised. It has no territorial disputes with the EU Member States or with its neighbours, with which has signed treaties. There are, however, some minor problems with Slovakia. In late 1999 the Czech Republic and Slovakia were due to sign a final agreement to resolve all outstanding matters arising from the breakup of former Czechoslovakia.

Estonia. Since its independence in 1991 Estonia has also redirected its foreign policy towards the EU and NATO, and is a candidate for membership of both organisations and of the WEU. One of its priorities has always been to improve its relations with its neighbours, and when invited it has supported the actions of the EU, for example in the UN and the OSCE. It is a member of the UN, the OSCE and the Council of Europe. It is an Associate Partner of the WEU, and takes part in the North Atlantic Cooperation Council, the Partnership for Peace, and the Council of the Baltic Sea States. As far as the Union is concerned, it takes an active part in the multilateral dialogue established under the CFSP, including the regular meetings at political director, European correspondent, and working party level. As regards practical measures, it has recently moved into line with the Union common position on Kosovo and decided to support the ban on flights to and from Yugoslavia and the oil embargo imposed on that country. During the Kosovo war, the Estonian Government supported the NATO operations. Moreover, it has contributed to the Sfor deployment in Bosnia-Herzegovina. Estonia supports the non-proliferation of nuclear, biological and chemical weapons, and is a signatory of all of the major international agreements on arms control. Its armed forces are being reorganised to adapt them to NATO's needs, but it neither manufactures nor exports weapons. It is also a member of the Baltic peace-keeping battalion (BALTBAT). In February 1999 Estonia signed a trilateral consular protection agreement with the two other Baltic applicant countries. It has no territorial disagreements with the EU Member States, although it has not formally demarcated its maritime frontier with Finland and Sweden. Its foreign policy includes achieving the best possible relations with Russia as a priority, and advances have been noteworthy, as shown by the two agreements on the withdrawal of Russian troops from Estonia and the agreement regarding the withdrawn Russian troops. One of the remaining problems is that there is still no border agreement between Estonia and Russia – negotiations having begun on 5 March 1999 – although a draft document which more or less endorses the existing demarcation line seems to be proceeding at a satisfactory rate.

Hungary. Since 1989, this country has also redirected its foreign policy towards the EU and NATO, and recently became a full member of NATO. Among its priorities are the improvement of its relations with its neighbours and the situation of Hungarian minorities abroad. When invited it has supported the actions of the EU. It is a member of the UN, the OSCE, and the Council of Europe, and held the rotating presidency of the last-mentioned organisation in the first half of 1999. In addition, by virtue of its membership of NATO, which it joined in March 1999, Hungary is now an Associate Member of the WEU (it was formerly a WEU Associate Partner), along with the other European countries which are full members of NATO but not of the EU, and takes part in the North Atlantic Cooperation Council and the Partnership for Peace. It is likewise a member of the Central European Initiative (CEI) and also involved in the South-East European Cooperation Initiative, the Royaumont Process, the Stability Pact for south-eastern Europe, and the revitalised Visegrad 4 dialogue process, also involving the Czech Republic, Poland, and Slovakia. As far as the Union is concerned, it takes an active part in the multilateral dialogue established under the CFSP, including the regular meetings at political director, European correspondent, and working party level. As regards practical measures, it has recently moved into line with the Union common position on Kosovo and decided to support the ban on flights to and from Yugoslavia and the oil embargo imposed on that country. Hungary also actively supported the NATO operations during the Kosovo crisis. Moreover, it has provided bases and troops for Ifor/Sfor operations and sent troops to Kosovo. Hungary supports the non-proliferation of nuclear, biological and chemical weapons and is a signatory of all of the major international agreements on arms control, having ratified the Treaty on conventional armed forces in Europe in January 1999. Its armed forces and defence industry are being reorganised. It has no territorial disputes with any of the seven neighbouring countries, and has signed Basic Treaties with Austria, Slovenia, Croatia, Romania, Slovakia and Ukraine, which recognise the existing borders and attempt to protect the rights of the Hungarian minorities, which number some

three million persons. However, there are certain differences of interpretation of the bilateral agreement between Hungary and Slovakia, since the former has not recognised Slovakia as a succession State of Czechoslovakia as a result of the dispute over the construction of the Gabčíkovo dam, but that matter is currently being dealt with at the technical level and does not pose an obstacle to improvement in bilateral relations. Both parties, however, have undertaken to respect the judgement of the International Court of Justice, to which the dispute has been referred, once the Basic Treaty signed between them in 1996 has begun to be implemented. Finally it must be pointed out that Hungary has not yet signed an agreement with the Federal Republic of Yugoslavia because of the situation of the ethnic Hungarians who live in Vojvodina.

Latvia. Since its independence in 1991 Latvia has also redirected its foreign policy towards the EU and NATO, and is a candidate for membership of both organisations and the WEU. When invited it has supported the actions of the EU. It is a member of the UN, the OSCE and the Council of Europe. It has the status of WEU Associate Partner and takes part in the North Atlantic Cooperation Council, the Partnership for Peace, and the Council of the Baltic Sea States. As far as the Union is concerned, it takes an active part in the multilateral dialogue established under the CFSP, including the regular meetings at political director, European correspondent, and working party level. As regards practical measures, it has recently moved into line with the Union common position on Kosovo and decided to support the ban on flights to and from Yugoslavia and the oil embargo imposed on that country. During the Kosovo war the Latvian Government supported the NATO operations. Moreover, it has contributed to the Sfor deployment in Bosnia-Herzegovina and the WEU deployment in Albania and Kosovo. Latvia supports the non-proliferation of nuclear, biological and chemical weapons, and is a signatory of all of the major international agreements on arms control. Its armed forces are being reorganised to adapt them to NATO's needs, but it neither manufactures nor exports weapons. It is also a member of the Baltic peace-keeping battalion (BALTBAT). It has no territorial disputes with the EU Member States or with the neighbouring associated States, and signed an agreement with Lithuania on maritime borders in July 1999. One of the priorities of its foreign policy is to achieve the best possible relations with Russia, and advances have been noteworthy. However, there is still no border agreement between Latvia and Russia, despite the fact that such an agreement has been requested and approved on various occasions by the Latvian side, although a draft agreement approving the existing line of demarcation has been in existence since March 1997. The draft agreement was finalised and endorsed by the Latvian Government in December 1997 but has still to be approved by the Russians. Furthermore, Latvia has signed a border agreement with Belarus, and the physical demarcation of the border as far as the Latvian side was concerned was finalised in September 1999.

Lithuania. Since its independence in 1991, Lithuania has also redirected its foreign policy towards the EU and NATO, and is a candidate for membership of both organisations and the WEU. When invited it has supported the actions of the EU. However, on 8 June 1992 Lithuania approved a constitutional law of non-alignment as regards all eastern post-Soviet alliances. This prevents the Government from joining alliances based on the former USSR and forbids the stationing of troops belonging to the ex-USSR on its territory. Lithuania is a member of the UN, the OSCE and the Council of Europe. It has the status of a WEU Associate Partner, and takes part in the North Atlantic Cooperation Council, the Partnership for Peace, and the Council of the Baltic Sea States. As far as the Union is concerned, it takes an active part in the multilateral dialogue established under the CFSP, including the regular meetings at political director, European correspondent, and working party level. As regards practical measures, it has recently moved into line with the Union common position on Kosovo and decided to support the ban on flights to and from Yugoslavia and the oil embargo imposed on that country. During the Kosovo war the Lithuanian Government supported the NATO

operations. Moreover, it has contributed to the Sfor deployment in Bosnia-Herzegovina and to peace-keeping in Kosovo. Lithuania supports the non-proliferation of nuclear, biological and chemical weapons and is a signatory of all the major international agreements on arms control. Its armed forces have taken part in the Ifor/Sfor missions and are being reorganised to adapt them to NATO's needs, but the country has no defence industry. In addition, it is part of the Baltic peace-keeping battalion (BALTBAT). It has no territorial disputes with EU Member States or associated States, but an agreement on maritime borders with Sweden has still to be concluded, an agreement with Lithuania on that subject having been signed in July 1999. One of the priorities of its foreign policy is to achieve the best possible relations with Russia, but despite the signature of over 30 agreements and treaties there are still disagreements on the land and maritime frontiers between the two countries in the area bordering the Kaliningrad region. Military transit by rail between Russia proper and Kaliningrad is governed by an agreement renewable each year. Relations between Lithuania and Poland have greatly improved and are now governed by the 1994 Treaty on friendly and good-neighbourly relations which forms part of the Stability Pact. Latvia's relations with Belarus are governed by an agreement on cooperation and good-neighbourly relations and by a new border agreement, although the precise definition of the frontier remains to be completed.

Poland. Since 1989 Poland has also redirected its foreign policy towards the EU and NATO, and became a full member of NATO in March 1999. The improvement of its relations with the neighbouring countries is one of its priorities, and when invited it has supported the actions of the EU. It is a member of the UN, the OSCE and the Council of Europe. In addition, by virtue of its membership of NATO, Poland is now an Associate Member of the WEU (it was formerly a WEU Associate Partner), along with the other European countries which are full members of NATO but not of the EU, and takes part in the North Atlantic Cooperation Council and the Partnership for Peace. It is likewise a member of the Central European Initiative (CEI) and the Council of the Baltic Sea States. As far as the Union is concerned, it takes an active part in the multilateral dialogue established under the CFSP, including the regular meetings at political director, European correspondent, and working party level. As regards practical measures, it has recently moved into line with the Union common position on Kosovo and decided to support the ban on flights to and from Yugoslavia and the oil embargo imposed on that country. Moreover, it has contributed substantial numbers of troops to the Sfor and Kfor operations. Poland supports the non-proliferation of nuclear, biological and chemical weapons and is a signatory of all of the major international agreements on arms control. Its armed forces and defence industry are being reorganised. It also participates in the creation of mixed battalions both of Ukrainians and Poles and of Poles and Lithuanians for peace-keeping operations. Poland has no territorial disputes with any of the Union Member States nor with any of its neighbours, since it has defined its borders with all of them in treaties. It is continuing to improve its relations with all neighbouring countries and in the last year has held high-level meetings with Russia, Belarus, and Ukraine. On the other hand, the conditions for crossing its borders are more complicated in the case of Ukraine, Belarus, Lithuania and the Russian region of Kaliningrad, as all of these countries have Polish minorities, but their situation in principle presents no problem.

Romania. Since 1989 Romania has also redirected its foreign policy towards the EU and NATO, and is a candidate for membership of both organisations and the WEU. When invited it has supported the actions of the EU. It is a member of the UN, the OSCE and the Council of Europe. It has the status of an Associate Partner of the WEU and takes part in the North Atlantic Cooperation Council and the Partnership for Peace. It is likewise a member of the Central European Initiative (CEI) and the Council of the Baltic Sea States and also involved in the South-East European Cooperation Initiative, the Royaumont Process, and the Stability Pact for south-eastern Europe. As far as the Union is concerned, it takes an active part in the multilateral dialogue established under the CFSP, including

the regular meetings at political director, European correspondent, and working party level. As regards practical measures, it has recently moved into line with the Union common position on Kosovo and decided to support the ban on flights to and from Yugoslavia and the oil embargo imposed on that country. During the Kosovo crisis the Romanian Government supported the NATO operations and allowed the Alliance to use the country's airspace as well as giving permission for the NATO Kfor troops to pass freely through Romanian territory. Moreover, it has provided bases and troops for Ifor/Sfor operations. Romania supports the non-proliferation of nuclear, biological and chemical weapons, and is a signatory of all of the major international agreements on arms control. Its armed forces and defence industry are being reorganised. It has no territorial disputes with any of the Union Member States or with any of the Union's associated countries bordering on it. It has concluded a treaty with Hungary on the inviolability of borders which respects international standards applicable to minorities. In this way it has substantially improved relations, which were previously more difficult because of the Hungarian minority in Romania. This country also signed a treaty of friendship and good-neighbourliness with the Federal Republic of Yugoslavia in 1996. A similar treaty with Ukraine was agreed in March 1997, although there are bilateral problems over the border-crossing arrangements between the two countries, transit in the Danube delta, the definition of the continental shelf and the exclusive economic zone around the Isle of Serpents. Its relations with Moldova are normal, although there are certain cultural problems, mainly relating to the status of the language. The negotiations with Moldova on a political treaty have of late failed to make progress.

Slovakia. Since 1989 - and again since independence in 1993 - Slovakia has also redirected its foreign policy towards the EU and NATO, and is a candidate for membership of both organisations and the WEU. In addition, when invited it has supported the actions of the EU. It is a member of the UN, the OSCE and the Council of Europe. It is an Associate Partner of the WEU, and participates in the North Atlantic Cooperation Council, the Partnership for Peace, and the revitalised Visegrad 4 dialogue process, also involving the Czech Republic, Hungary, and Poland. As far as the Union is concerned, it takes an active part in the multilateral dialogue established under the CFSP, including the regular meetings at political director, European correspondent, and working party level. As regards practical measures, it has recently moved into line with the Union common position on Kosovo and decided to support the ban on flights to and from Yugoslavia and the oil embargo imposed on that country. During the Kosovo crisis the Slovak Government supported the NATO operations and allowed the Alliance to use the country's airspace and territory. Moreover, it has contributed to the Sfor deployment in Bosnia-Herzegovina and the Kfor deployment in Kosovo. Slovakia supports the non-proliferation of nuclear, biological and chemical weapons, and is a signatory of all of the major international agreements on arms control. Its armed forces and defence industry are being reorganised. It has no territorial disputes either with the EU Member States or with any of the Union's associated countries bordering on it, with which it has signed new treaties or adapted existing ones. There are some problems of interpretation of its treaty with Hungary and a dispute with this country about the Gabčíkovo dam, although the matter is currently being dealt with at the technical level and poses no obstacle to an improvement in bilateral relations. There are also minor difficulties with the Czech Republic. Although the Slovak minority in the Czech Republic has full basic rights, several subjects remain to be tackled, including the law on minority languages. It has close relations with Russia, with which it has more than 70 treaties, including the military cooperation treaty of 26 August 1993, which provides that if either of the two parties considers that its interests in the matter of defence are threatened, talks will be started immediately. For the above reasons, in its opinion of 15 July 1997 the Commission considered that, regarding the CFSP, Slovakia would in principle be able to comply with the requirements for its membership of the Union.

Slovenia. Since independence on 25 June 1991, this country has also redirected its foreign policy towards the EU and NATO, and is a candidate for membership of both organisations and the WEU. When invited, it has supported the actions of the EU, for instance in the UN and the OSCE. It is a member of the UN, the OSCE and the Council of Europe. It is also an Associate Partner of the WEU, and participates in the North Atlantic Cooperation Council and the Partnership for Peace. It is likewise a member of the Central European Initiative (CEI) and also involved in the South-East European Cooperation Initiative, the Royaumont Process, and the Stability Pact for south-eastern Europe. As far as the Union is concerned, it takes an active part in the multilateral dialogue established under the CFSP, including the regular meetings at political director, European correspondent, and working party level. As regards practical measures, it has recently moved into line with the Union common position on Kosovo and decided to support the ban on flights to and from Yugoslavia (apart from flights to Montenegro, a country with which it wishes to maintain close economic ties) and the oil embargo imposed on Yugoslavia. During the Kosovo war, the Slovenian Government supported the NATO operations, allowed Alliance forces to use the country's airspace, and spoke out in favour of the intervention. Moreover, it has contributed to the Sfor deployment in Bosnia-Herzegovina. Although it does not officially take part in international arms control arrangements, Slovenia has been willing to sign all the major international agreements on the subject. Its armed forces – which have provided helicopters and medical supplies for Ifor operations – are being reorganised, and its defence industry is small. It has no territorial disputes with the EU Member States, although it would like protection for the Slovene minorities in Italy and Austria. As far as its neighbours are concerned, there are still some problems with Croatia, the most important of which is the definition of the maritime border in Piran Bay (the two parties recently decided to refer the matter for international arbitration). Other differences with Croatia relate to the definition – less contentious – of land borders, property law, the management of the nuclear power-station at Krsko and bank credits (both parties have asked the IMF for its opinion on this last point).

Malta. Since June 1999 Malta has been taking an active part in the multilateral dialogue established under the CFSP, including the regular meetings at political director, European correspondent, and working party level. As regards practical measures, it has recently moved into line with the Union common position on Kosovo and decided to support the ban on flights to and from Yugoslavia and the oil embargo imposed on that country. Malta is also actively involved in the Euro-Mediterranean Dialogue and has close relations with its neighbours.

Cyprus. Cyprus is taking an active part in the multilateral dialogue established under the CFSP, including the regular meetings at political director, European correspondent, and working party level. As regards practical measures, it has recently moved into line with the Union common position on Kosovo and decided to support the ban on flights to and from Yugoslavia and the oil embargo imposed on that country. Moreover, it has supported EU action when requested to do so, for example in the UN and the OSCE, and indicated that its decision in December 1998 not to deploy 300 Russian-made anti-aircraft missiles, in the end reversing the initial plan, was significantly influenced by its commitment to CFSP principles. Cyprus is also actively involved in the Euro-Mediterranean Dialogue and has close relations with neighbouring countries in the region.

Turkey. As a result of the decisions taken at the December 1997 Luxembourg European Council, Turkey has refused to date to enter into political dialogue with the Union on crucial sensitive issues such as the territorial dispute in the Aegean, Cyprus, and internal democratisation. It has likewise refused so far to participate in the European Conference. Recently, however, there have been the first signs of a thaw, and in October 1999 Turkey attended a meeting with the troika at political director level. On the other hand, Turkey has never sought at any time to move into line with the Union as

regards CFSP matters. Furthermore, it is expressing disquiet about possible EU-led operations under a European security and defence policy and has given to understand that it will not give its consent for the EU to use NATO resources unless a satisfactory formal procedure has first been put in place. Turkey has contributed substantially to crisis management operations in the Balkans and taken part in the Ifor/Sfor operations in Bosnia as well as operations in Albania and the Kfor deployment. Furthermore, it has backed the NATO position – though not the position of the EU – regarding the ban on flights to and from Yugoslavia and the oil embargo imposed on that country. It has a military cooperation agreement with Israel, but its relations with Syria and Iraq are deadlocked. It has recently been mounting military operations in northern Iraq and wields considerable influence in central Asia. It is a member of Black Sea Economic Cooperation.

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