

*Chaillot Paper*

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February 2005

n° **75**

# EU security and defence

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Core documents 2004

*Volume V*



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*Volume V*

**Institute for Security Studies**  
*European Union*  
*Paris*

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*European Union*

*Paris*

*Director: Nicole Gnesotto*

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*After the 2003 crisis, born of profound differences over the United States's policy on Iraq, 2004 was, for the European Union and its member states, a year of political reconciliation (culminating in enlargement to 25), renewed initiative in foreign policy (towards countries such as Iran, Turkey and Ukraine) and diversification of the ESDP (development of civilian crisis management). In other words, a very good year for the European Union's role and resonance in the world.*

*However, this is a Union which is very different from when the ESDP was launched in 1999. 2004 marks a historic step: enlargement to 25 Member States on 1 May, renewal of the entire Commission and European Parliament, signing of the draft Constitution by the 25 Heads of State on 1 October – resulting in particular in the appointment of Javier Solana as future Union Minister for Foreign Affairs – and initial implementation of the European Security Strategy adopted by the European Council in December 2003. Against this background of renewed momentum, the ESDP must be seen for what it is: an instrument among others in a broader foreign and security policy, and certainly not a policy that is unconnected to all that contributes to the Union's appeal and influence in the world. For instance, the military operation (Althea) in Bosnia and Herzegovina and the diplomatic initiative on the risk of nuclear proliferation in Iran should be viewed as two distinct but complementary strands of a single Union security policy, of the same common commitment on the part of Europeans, to help stabilise international crises.*

*This holistic approach to security undoubtedly poses a methodological problem for this collection of Core Documents – a problem which merely reflects, mutatis mutandis, the questions inherent in seeking greater consistency in the means available to the future Union Minister for Foreign Affairs. An exhaustive compilation of all the Union's decisions relevant to security would take up several volumes. Conversely, to restrict the selection of texts solely to civilian and military crisis management – in other words to the ESDP stricto sensu – would be an over-simplification. In this 2004 issue, we have therefore endeavoured to achieve the best possible compromise between the two approaches.*

*All of the Union's decisions and actions that are relevant to the ESDP are collected in the first part of this volume: they include in particular the Joint Action on the establishment of the European Defence Agency, the decisions on battle groups and the European gendarmerie, the launch of the EUJUST operations in Georgia and Althea in Bosnia and Herzegovina, the 2010 Headline Goal and the substantial development of the civilian aspect of crisis management. However, the first part also deals at length with the fight against terrorism, the Union's relations with Iran, the Middle East, Iraq and Africa, and the various Commission initiatives relating to financing of research and restructuring of the arms market. The second part of this work, on the other hand, is devoted solely to the Constitutional Treaty; naturally, it includes all of the sections relevant to defence, but also to foreign and security policy in the broader sense.*

*As for the title of the work itself, it reflects the joint decision to hold all future European Council meetings in Brussels; the capitals of the countries holding the presidency are therefore no longer mentioned on the cover of this collection.*

*Lastly, in the young history of this strategic Europe, 2004 marks the end of a cycle: that of the first five founding years of security and defence policy. The institutional foundations of the ESDP were laid by the European Council in Cologne in 1999; it was to become one of the most dynamic spheres of activity of the European Union. In December 2004, the takeover by the Union of NATO's operation in Bosnia and Herzegovina crowned an impressive series of efforts, compromises and demonstrations of political commitment on the part of the 25 Member States to strengthen, through the ESDP, the overall consistency of the Union's action outside its borders. In the Balkans at first. But there is a wider world beyond the Balkans.*

*Nicole Gnesotto  
Paris, January 2005*

# I. Security and defence

# The battlegroups concept – UK/France/Germany food for thought paper

Brussels, 10 February 2004

Following the success of Operation *Artemis* in the Democratic Republic of Congo in the summer of 2003, France, Germany and the United Kingdom joined together to propose the creation of battlegroups comprising some 1,500 rapidly deployable troops to boost the Union's autonomous rapid-reaction capability. This initiative also added a new dimension to the 2010 Headline Goal. The concept of battlegroups, developed separately by the three countries mentioned, was later confirmed by the whole of the Union.

## UK/FRANCE/GERMANY FOOD FOR THOUGHT PAPER

### Introduction

1. On 8th December 2003, the Council mandated that the EU's military rapid response capability should be further developed. Separately, UK, France and Germany have considered how the Union can contribute further to conflict prevention, peacekeeping and peace enforcement operations in close co-operation with the United Nations (UN). Together, we have proposed that the EU should aim to build upon the precedent set by Operation ARTEMIS<sup>1</sup> in the DRC by developing a number of battle-group size forces available to undertake autonomous operations at short notice, principally in response to requests from the UN. These forces should be capable of operating under a Chapter VII mandate.
2. This paper aims to set out in more detail the battle-groups (BG) concept, to establish its context within the ongoing development of EU rapid response and EU-UN co-operation, and to propose a process of consultation (including with the UN) and implementation.

### EU Rapid Response

3. The Council declaration mandated that EU military rapid response capability should be taken forward by work on the Headline Goal and the modalities of rapid response within the Union's institutional framework. This recognises that there are two main

1. 2003 EU-led operation in DRC which the EU launched within two weeks of the adoption of UNSCR 1484 calling for a multinational interim emergency force in Bunia. Other national deployments into West Africa in recent years have been achieved in similar timescales.

aspects to improving the EU's ability to conduct rapid response operations;

- a. Developing appropriate high readiness military capabilities
- b. Developing the necessary consultation, planning and decision-making mechanisms to enable rapid deployment.

4. The EU's initial rapid response concept was agreed in early 2003. This concept offers broad considerations for developing high readiness capabilities but stops short of making specific recommendations. The BG concept is therefore designed to provide the principal focus for rapid response capabilities development by targeting member states' collective efforts towards producing a catalogue of high utility force packages that can be tailored rapidly to specific missions, usable either individually or together in small multiples. This capabilities based initiative will, in turn, form part of the wider strands of work<sup>2</sup> that collectively form the effort to improve the EU's ability for rapid response.

### Outline Battle-Group Concept

5. The key elements of the joint proposal are:
  - ▶ Coherent, credible battle-group size force packages (around 1,500 troops strong) including appropriate supporting elements (Combat Support (CS) and Combat Service Support (CSS)<sup>3</sup>) together with necessary strategic lift, sustainability, and debarkation (APOD, SPOD) capability.
  - ▶ Designed specifically (but not exclusively) to be used in response to a request from the UN and capable of participating in an autonomous operation under a Chapter VII mandate.<sup>4</sup>
  - ▶ Appropriate for, but not limited to, use in failed or failing states (of which most are in Africa).
  - ▶ Capable of deploying within 15 days to respond to a crisis.<sup>5</sup>

### Details

6. Requirements and Missions. With the exception of longer-term post conflict steady state, most missions within the scope of the Petersberg tasks have a rapid response component, and some may be critically dependent on speed of response e.g. focussed intervention in support of conflict prevention. However, success will almost always rely heavily on the ability to act decisively as well as quickly. Rapid response forces need not necessarily be large but they do need to be militarily effective, credible, coherent and

2. E.g. advance planning, permanent financing mechanisms, generic Status of Forces (SOFA) agreements etc.

3. Combat support (CS) – Fire support and operational assistance provided to combat elements. Combat Service Support (CSS) – The support provided to combat forces, primarily in the fields of administration and logistics.

4. Action to restore international peace and security.

5. Parameters for deployment times in response to a UN request will require further detailed consultation with DPKO.

capable of stand-alone operations. The BG formation constitutes the generally accepted minimum force package meeting such requirements. Detailed consultation with the UN could further refine the mission set for which BGs would be best suited (within the spectrum of current and potential future Petersberg tasks).

7. Composition. The key criteria for battle-group composition and formation under this initiative should be military effectiveness (measured against likely missions), deployability, and readiness. Since the most demanding missions may well involve the separation of conflicting parties or the prevention of atrocities, formations capable of higher intensity operations will be essential in the BG pool and would also have a particular utility as initial-entry forces for operations on a larger scale and/or at the higher end of the spectrum of EU missions. A suggested 'baseline' BG configuration is at Annex A together with an indication of the associated CS and CSS required; this is based on a typical infantry BG. The proposed order of battle represents a starting point only; development of formations of similar size and combat power but trained in particular skill sets (e.g. urban, mountain, jungle, desert, amphibious) would be welcomed to widen the range of crisis response options available to the EU.

8. Readiness. Operational experience suggests that the consultation and decision timelines for the types of mission envisaged in paragraph 6 will be short. To be effective in such circumstances, and to be able to meet the overall objective of being ready for operations within likely operating areas (in central Africa or elsewhere) within 15 days, BG formations will need to be fully manned, equipped and trained, and held at high readiness (typically 10 days notice (or less)) to be deployed.

9. Multinationality. BGs could be formed by a nation alone, by a framework nation with other nations contributing niche, or specialist, enabling capabilities, or by a multinational solution. The latter would be particularly welcome in the case of countries unable to contribute a full BG alone. Multinational solutions will have to demonstrate a high degree of interoperability and will be required, as a matter of routine, to train and operate together. Ultimately military effectiveness should be the overriding criteria.

10. Deployability. Assured deployability is a fundamental component of this concept. Member states offering BGs will need to ensure that their bid includes appropriate strategic lift assets, pre-identified, earmarked and available to meet the 15-day target. These assets could be owned, or made available through dormant charter or other national or multinational solutions. For example, as a general guide, the baseline BG formation at Annex A would require up to 200 C 130/ 30 C17 (outsized) aircraft sorties for initial deployment to a central African theatre. Sea transportation is a credible option for certain scenarios and might be especially appropriate for maritime member states

geographically closer to potential crisis regions. In this case around 1,400 LIMS of shipping space would be necessary for initial deployment.<sup>6</sup>

11. **Sustainability.** Logistic self-sufficiency and sustainability is equally important. BGs will need to be capable of sustained operations through to mission terminations or until relieved by UN peacekeepers or regional organisations acting under a UN mandate. The identification of such a follow on force will take time. As a planning basis BGs should therefore be sustainable for 30 days initial operations extendable to at least 120 days. These assumptions may however need to be refined following discussion with the UN (DPKO). Achieving this will require sufficient deployable logistic support for all elements of the BG and (depending on mission) elements of some or all of the following; medical support, movement and transportation support, engineer support, equipment maintenance, petrol/oils/lubricants (POL). Given the likely operational theatres, host nation support will be variable and, in the worst case, almost non-existent.

12. **Training.** Training will be a member state responsibility. BGs formed and declared as available under this concept will need to undertake regular and realistic training in deployed intervention and peace support operations at unit (i.e. whole BG) level. Undertaking such training in a realistic environment will be particularly beneficial in ensuring a genuinely expeditionary capability, including debarkation (APOD, SPOD).

## Command and Control

13. Operations involving the deployment of BGs as set out in this concept will be conducted under the command of an appropriate OHQ and FHQ in accordance with established principles for the command of ESDP operations. For such demanding operations in a potentially hostile environment HQs will require the full range of Joint Staff functions together with specialist support (e.g. tropical medicine). Such HQ facilities will need to be available within appropriate time-scales. Currently 3 OHQs and 2 FHQs are declared to the Force Catalogue at 10 days readiness or less. As BGs are designed to provide a rapid response capability and a number are likely to be single nation or framework nation in construction, the principles of command and control set out in the EU Framework Nation Concept<sup>7</sup> are likely to be applicable in many cases, albeit with due regard to the requirement for rapid augmentation and multi-nationalisation of the designated HQs. Dependent on the exact circumstances of the mission a number of wider possibilities exist for providing a satisfactory FHQ solution, for example:

- If a BG was deployed into a theatre to assist another force (e.g. UN or regional peacekeepers), it will co-ordinate with an existing HQ. The EU's OHQ, in liaison with

6. Linear Metres. Figures based on an UK Marine Commando Group. For comparison each UK RoRo Ship provides 2,500 LIMS of sealfit.

7 COSDP 247 11278/02 dated 25 Jul 02.

DPKO when the UN is involved, would still be responsible for mounting and sustaining the force, but instead of creating a separate FHQ, staff officers from EU member states could join with the existing HQ.

- ▶ For a small, benign and primarily land operation, an FHQ might be established based around an existing Brigade HQ augmented by tri-service and multinational liaison officers as appropriate. For operations with a more maritime bias an afloat FHQ, based on member states' existing maritime HQ capabilities, might be equally appropriate.

### Force Identification and Generation

14. The general principles and procedures for force identification and generation for operations involving BGs will remain in accordance with those endorsed by the EUMC in September 2002.<sup>8</sup> However the balanced and coherent nature of a BG properly constituted under this initiative, together with the pre-identification of deployment and sustainment options, should greatly streamline the process. Ultimately however, the precise composition of the force will be the responsibility of the designated Operational Commander in consultation with provider nations.

15. It is not envisaged that BGs formed under this concept should be assigned to a standing rotation or roster. The aim will be to establish an inventory of high readiness BGs (initially 7-9) providing the 'first stop' option for EU rapid response forces and specified in a short document dedicated to rapid reaction, which should replace the High Readiness Capabilities data base. Contributing nations may, of course, establish an internal rotation of national formations assigned to this initiative, with due regard to the need to maintain standards of military effectiveness.

16. Relief options for a Battle Group deployed on rapid response operations should be identified as early as possible in the planning process. To facilitate this, and assist follow on arrangements, wherever possible the duration of the mission should be clearly stated in the operation's mandate.

### Standards and certification

17. In consultation with the UN, the EUMC should agree detailed military capability standards for BG formations offered to the catalogue of forces in response to this initiative, together with a list of further optional criteria for specialist skill areas. The EUMC may wish periodically to assess and certify formations to satisfy itself that these

8. Council of the European Union's 12398/02 dated 26 Sept. 02. General Principles and Procedures for EU Forces Identification, Generation/Activation and Deployment.

standards are being met and maintained. This could be an appropriate task for the Agency.

### Additional considerations

18. SHIRBRIG. The BG concept should be developed in a manner complementary to the UN's SHIRBRIG initiative. Compared with a single BG, SHIRBRIG is a larger (up to brigade) sized force held at slightly lower readiness (15-30 days) and constituted principally for operations under a Chapter VI mandate. It is possible that SHIRBRIG could be used to relieve a rapidly deployed BG but the detailed interrelation of the two concepts will need to be developed in consultation with the UN.

19. Relationship to NRF. For those member states also in NATO, BG formations that meet the requirements set out in this concept will have potential utility as a contribution to the NATO Response Force rotation, subject to the availability of common forces for both the EU and NATO, and the strict capabilities and training requirements for forces offered to the NRF pool. The opposite may equally apply in that forces from EU member states that are pre-identified for a specific NRF rotation may be used in the context of EU rapid response. Subject to EU/NATO transparency concerning member state contributions during force generation for operations, this initiative and NRF should be complementary and mutually reinforcing, with both providing a positive impetus for capability improvement.

20. Links to Follow-on Forces. The UN will be concerned to achieve good linkages to related civil agencies and continuity to a follow-on force such as SHIRBRIG or a regionally generated force. This may require the BG to take under command lead elements of the successor formation or leave small elements behind for an overlap. In the longer term linkages may be built between BGs and in country peacekeeping capabilities (developed for example under the Common Policy on Africa).

21. Structured Co-operation. Finally, providing (or contributing to) a BG type formation remains a potential qualification criterion for a future structured co-operation arrangement, should such an arrangement ultimately enter into force.

### Way ahead

22. Subject to PSC agreement to undertake further development of this concept, it is proposed that:

- The Presidency, supported by the EUMS and other relevant Council bodies, initiate consultation with the UN in order to refine further how this concept might be devel-

oped to meet likely UN requirements, possibly leading to a public statement by the Secretary-General.

- ▶ Based on such consultation the EUMC be tasked (by April 2004) to produce further detailed proposals for BG development for PSC, and subsequent Council, endorsement. The aim should be for an agreed concept by the end of the current Irish Presidency.
- ▶ The BG proposal be factored into the broader work streams developing EU rapid response, particularly the Headline Goal aspects.
- ▶ Subject to Council endorsement, member states provide specific proposals for individual BG formation reporting their intentions to the Council by December 2004 including a declaration of target dates for full operational capability (FOC). The indicative date for FOC should be 2007.

(...)

# General Affairs and External Relations Council

**Brussels, 23 February 2004**

Pursuant to Article 28 of the Treaty on European Union, military operations are financed by the Member States outside the Community budget. But the operations conducted in FYROM and the Congo have shown that it would be very much in the Union's interest to have a permanent financial mechanism for such purposes. Hence the creation of the 'Athena' mechanism establishing arrangements for such financing.

(...)

## **EUROPEAN SECURITY AND DEFENCE POLICY**

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### **Financing of EU military and defence operations**

The Council adopted a Decision establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (5770/04).

This mechanism, called "Athena", will offer a more permanent basis for the financing of operations and will reduce the time necessary for the EU to start financing the common costs of an operation.

### **Police mission in Bosnia and Herzegovina (EUPM)**

The Council, upon a proposal by High Representative SOLANA, appointed Mr Kevin CARTY as Head of Mission/Police Commissioner of EUPM as of 1 March 2004. Mr CARTY was Assistant Commissioner in charge of the Dublin Metropolitan Region since February 2003. His appointment follows the death of the first EUPM Head of Mission/Police Commissioner, Sven FREDERIKSEN, on 26 January 2004.

### **Third country participation in EU crisis management operations**

The Council authorised the Presidency, assisted when necessary by the Secretary-General/High Representative, to open negotiations with a number of third countries (Canada, Iceland, Norway, Turkey, as well as Bulgaria, Romania, Russia and Ukraine) aimed at establishing a framework for their participation in European Union crisis management operations.

(...)

## Address by Javier Solana

Helsinki, 25 February 2004

### THE EUROPEAN STRATEGY – THE NEXT STEPS?

Mr. Chairman, Minister Tuomioja, Minister Rupel, ladies and gentlemen, I wish to thank the organisers, Dr. Vaahtoranta and the Finnish Institute of International Affairs for inviting me to contribute to this Conference on European security.

It is an honour for me to give a speech at the Finlandia Hall, which is the birthplace of the Helsinki Final Act of the then Conference of Security and Cooperation in Europe. The Helsinki principles boosted the historic peaceful transformation of Central and Eastern Europe that set the ground for EU enlargement. These premises designed by the famous Alvar Aalto are also historic in another sense. The Finlandia Hall is one of the venues where the common European foreign and security policy took its early steps. The European Political Cooperation - EPC - established in the early 1970's started to evolve partly around the political coordination needs of the then European Economic Community and its Member States participating in the Helsinki process.

What began as loose coordination has in 30 years matured into the full fledged European Common Foreign and Security Policy. The Union has emerged as a distinct actor also in this area, working side by side with its Member States. I am a physicist. I know that a molecule is more than a collection of atoms. The European Union is more than the sum of its parts. On the first of May this year we will grow to twenty-five members. We have responsibilities – to our citizens, to our neighbours and to our international partners. Meeting these responsibilities is one of the main challenges facing the EU.

It is nine years since Finland joined the EU. In that time, the Union's external action has undergone a sea change. For many years we were reactive to developments around us. We responded, but often our response was too little or too late. Recently, we have been more proactive – in the Western Balkans, for example, where we have acted to prevent new conflicts from erupting in Southern Serbia and in the former Yugoslav Republic of Macedonia.

Our new crisis management capabilities have enabled us to be more proactive. This capital city has given its name to the Helsinki Headline Goal, which was launched four years ago. We are now moving from the phase of theory to the phase of practice in the European Security and Defence Policy. The target level of 60 000 troops, including rapid reaction capabilities, has been achieved, although in qualitative terms more needs to be done. A comprehensive agreement with NATO is in place and the European Defence Agency will be established in the coming months. Over the past year, we have launched police operations in Bosnia-Herzegovina and in the former Yugoslav Republic of

Macedonia (FYROM), and military operations also in FYROM and in the Great Lakes region of Africa. Moreover, in a few months time the European Union will follow up on the NATO-led SFOR in Bosnia-Herzegovina. In last December, we took a further step forward with the adoption of Europe's first Security Strategy. It signals a new – **strategic** – approach to our external action.

The Security Strategy was born when Europeans acknowledged that we are stronger when we have a common perception of the threats we face and how to deal with them. Threats are never more dangerous than when we are divided.

### The European Security Strategy

Europe's security strategy is built on the concepts of responsibility, prevention, capability and partnership. Allow me to briefly outline each of these and what they mean in practice.

A political union of 450 million people in 25 countries producing a quarter of the world's GDP has both regional and global **responsibilities**. We can not close our eyes to what is happening in the world around us.

In our immediate neighbourhood, Europe shoulders a growing responsibility for security in the Balkans. We are ready and willing to do more. In the coming months, we will be called on to do more, especially in Bosnia. Already we have police and monitoring missions on the ground. Soon, we will take over responsibility from NATO for peace-keeping. Bosnia-Herzegovina will be the first case where the EU deploys economic, trade, humanitarian, military and civilian instruments on the ground in pursuit of a single objective – the stabilisation and transformation of a post-conflict society into one which some day will be ready for EU membership. During the IGC, we have spoken often of coherence. Bosnia will be a concrete test of our ability to ensure that our trade, development, political and security instruments can follow the same agenda. Yesterday I had a round of talks in Pristina with the Head of the UN Mission, Harri Holkeri, and others. The visit confirmed the fact that Kosovo remains the most difficult political challenge in the region calling for EU's renewed attention in the years to come.

But our responsibilities for building regional security extend further. Closer engagement with the Arab world must also be a priority for us. Without resolution of the Arab/Israeli conflict, there will be little chance of dealing with other problems in a region beset by economic stagnation and social unrest.

We also have a responsibility to ensure that EU enlargement does not create new dividing lines in Europe. Closer economic cooperation with our neighbours to the East will help to avoid this – but must be accompanied by determined efforts to develop democracy and good governance there and to end frozen and unresolved conflicts. A few weeks ago I visited Georgia – a country which faces enormous problems but where there is hope for a new beginning. I have tasked your countryman the EU Special Representative Heikki Talvitie to draft recommendations for possible EU action in and around Georgia.

Responsibility has a global dimension too. Terrorist and criminal networks have a global reach. We can only tackle them effectively if we think – and act – globally. In January I paid a visit to Afghanistan. Since my previous visit there in 2002 some things have improved in that country, partly thanks to EU's assistance efforts. The new Constitution is one of the positive news. But still many serious challenges remain. Most of the heroin sold in Europe originates in Afghanistan. Our internal and external security are indissolubly connected. If we want to protect our citizens at home, we have to be prepared to act effectively abroad.

**Prevention** is at the heart of our approach. Preventive engagement has enabled us to avert the threat of further conflicts in the Balkans. Prompt action by Europe has helped to encourage the Iranian authorities to accept additional safeguards and to voluntarily suspend uranium enrichment and processing activities. In January I also visited Iran to discuss how we can work together to address these issues, as well as the still very serious humanitarian problems in the aftermath of the Bam earthquake.

The threats we face are dynamic. Left alone, they will grow. We need to be able to act at the first signs of trouble. This is easier said than done. It requires a strategic culture that fosters early, rapid and when necessary, robust intervention.

Our strategy of preventive engagement goes beyond the immediate threats to take account of the environment in which those threats are generated and sustained. For instance, many regions – especially Africa – are caught in a cycle of conflict, insecurity, sickness and poverty. Regional conflicts fuel the demand for proliferation. Moreover, violent religious extremism is linked to the pressures of modernisation, and to the alienation of young people in societies, which are experiencing social, cultural and political crisis.

In short, a world more fair is a world more secure.

The European Security Strategy is underpinned and made credible by the notion of **capability**. We have made great progress in the development of military and civilian capabilities. In reviewing the headline goal process, which we set in motion four years ago in Helsinki, we will have to ensure that we build the capabilities to meet new challenges such as terrorism.

Whatever new goals we define, we will have to make sure they are resourced. Collectively, Europeans already spend Euro 160 billion a year on defence. We will have to use these resources wisely, reducing duplication and filling gaps. The establishment of a Defence Agency foreseen in the Treaty should help to ensure better co-ordinated defence investment, research and technology efforts.

Military capabilities are an important element in our strategy, but there are others. Military efficiency has often been followed by civilian chaos. We need police and other civilian capabilities in crisis and post crisis situations. And we need to use these in a coordinated way with humanitarian, trade and development policies.

Stronger security **partnerships** – and a more effective multilateral system – are essential for our security.

Europe's partnership with the United States is irreplaceable. It has underpinned our progressive integration and our security. It benefits not only Europe and the US, but also the international community as a whole. Though the US is today's dominant military actor, it cannot tackle today's complex and multi-dimensional problems on its own.

Russia is becoming an increasingly closer neighbour for the EU. Soon it will not be only Finland, but also the three Baltic States and Poland that as EU Members will share a common border with Russia. Finland has worked actively to enhance cross-border cooperation in the region. Drawing to a great deal on Finnish experience the Northern Dimension has become part of the EU's policy towards Russia. The EU Foreign Ministers pointed out this week that EU enlargement will increase opportunities for co-operation with Russia, and strengthen our joint responsibility to promote a European continent that is stable, democratic, prosperous and free.

I believe that our future security will depend more – not less – on an effective multi-lateral system, a rule-based international order and well-functioning international institutions. Multilateralism is not an instrument of the weak. It is an instrument of the wise.

The United Nations is at the centre of this system, but can only play its role if we have imagination and collective will to strengthen it, equip it to fulfil its responsibilities and to act effectively. And if we have the courage and determination to act when its rules are broken. Finland is a staunch supporter of peacekeeping. This has been clear from your strong commitment to the UN missions in the Middle East and NATO-led missions in the Western Balkans. You have also participated in international missions in Afghanistan, Kashmir, Sri Lanka and in Africa.

Ultimately, I believe that the best way Europe can contribute to building a stronger UN is by building a strong and capable Europe; a Europe firmly committed to effective multilateralism. These are not alternatives. They are complementary. Last year, the European Union was able to respond quickly and decisively to the UN's call for peacekeepers in the Great Lakes region. This is EU rapid reaction in practice. Without ESDP the development of military capabilities, and the ability to take the necessary decisions, we could not have responded to this call.

Our ambition is a Europe more active and more capable; an articulate and persuasive champion of effective multilateralism; a regional actor and a global ally.

The Strategy is a short document. It is free of jargon, clear and – I hope – accessible to all. This is how it should be. Security is everybody's business. I hope that it is widely disseminated and read. I am happy that the Finnish Institute of International Affairs is today advocating the purpose of the Strategy and making available copies of it for the Finnish audience.

Let me underline that I very much appreciate the support given by Finland to the development of the European Common Foreign and Security Policy. I vividly recall the Helsinki European Council in 1999 when ambitious new steps were taken in this field. In Brussels, it was another Finn, General Hägglund, the first Chairman of the EU Military Committee, who has actively brought forward the security and defence dimension. I am

also very grateful to the many contributions and the support of your country to the first EU operations in the Balkans.

The organisers have put me the question what are the next steps after the Strategy? In the short term, we will be working on four main tracks that ensure immediate follow-up for the Strategy. We are currently enhancing the EU's action in Bosnia-Herzegovina and greater Middle East. We are also taking further steps on fighting terrorism and promoting effective multilateralism.

I want to underline the EU's determination to implement the Strategy. It is not meant to collect dust on a shelf. The EU's Common Foreign and Security Policy is a process in making. The Security Strategy is one step in this process. It is not the words but the deeds that count in international politics. The EU has now accumulated political will and resources in order to start making a difference in the field of peace and security, as it is already doing in the global market. But our ambition remains only an idea if we are not ready to put more resources behind our policies. Now we need to develop pragmatic approaches for tackling key issues presented in the Security Strategy. This work has already been started in the field of proliferation of weapons of mass destruction.

The preparation of the European Security Strategy has helped us to discover a remarkable convergence of view on security issues between EU Member States – and to uncover an authentic and uniquely European voice on security issues. The challenge of articulating this voice and implementing this ambitious vision now rests with the EU institutions and all Member States joining their forces behind the Strategy.

# Research for a secure Europe Group of Personalities in the Field of Security Research Executive Summary and Recommendations

Brussels, 15 March 2004

Technological research in the field of security is a key element in all strategic positioning. Further to the adoption of the European Security Strategy in December 2003, the Commission is keen to stress both the strengths and structural weaknesses of technological research in Europe. Noting the creation of the European Defence Agency, in its report the Commission recommends the setting up of a European research programme with a budget of 1,000 million from 2007 to finance research in the field of internal security as well as in relation to the Union's external missions.

## **COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS**

(...)

### Executive summary

In today's global society, the European Union faces new opportunities as well as new dangers. Political, social and technological developments have created a fluid security environment where risks and vulnerabilities are more diverse and less visible. New threats have emerged that ignore state borders and target European interests outside and within EU territory. The European Council recognized these threats in December 2003 with the adoption of the EU Security Strategy 'A secure Europe in a better world'.

These threats call for European responses and a comprehensive security approach that addresses internal as well as external security and can combine civil and military means. The closer the Union cooperates with the UN, OSCE, NATO and all its international partners, the more effective its contribution to international security will be. In particular, the EU needs to develop capabilities to protect its citizens at home as well as to deploy significant resources for peacekeeping, humanitarian aid and institution-building activities abroad.

To achieve these objectives, Europe must take advantage of its technological strengths. Technology itself cannot guarantee security, but security without the support of technology is impossible. It provides us with information about threats, helps us to build effective protection against them and, if necessary, enables us to neutralize them. Moreover, new technology trends offer new opportunities. Civil, security and defence applications increasingly draw on the same technological base – creating new synergies between different research sectors.

Using technology as a 'force enabler' for a secure Europe requires state-of-the-art industries, a strong knowledge infrastructure, appropriate funding and an optimal use of resources. Europe has high quality research institutes and a substantial and diverse industrial base from which to address technology requirements in the security domain. However, structural deficiencies at the institutional and political level hinder Europe in the exploitation of its scientific, technological and industrial strength. The dividing line between defence and civil research; the absence of specific frameworks for security research at the EU level; the limited cooperation between Member States and the lack of coordination among national and European efforts – all serve to exacerbate the lack of public research funding and present major obstacles to delivering cost-effective solutions.

To overcome these deficiencies, Europe needs to increase its funding and improve the coherence of its efforts. This implies (a) effective coordination between national and European research activities, (b) systematic analysis of security-related capability needs, from civil security to defence, (c) full exploitation of synergies between defence, security and civil research, (d) specific legal conditions and funding instruments for security-related research at the European level, and (e) institutional arrangements that are both efficient and flexible enough to combine Member State and Community efforts and to involve other interested partners.

Recent initiatives demonstrate a growing awareness of the necessity to act. In this context, the creation of the 'Agency in the field of defence capabilities development, research, acquisition and armaments' and the Commission's Preparatory Action in the field of security-related research are particularly important. The challenge will be to take these initiatives forward and to develop them into a coherent approach. The establishment of a European Security Research Programme (ESRP) from 2007 onwards would be a major contribution towards the achievement of this objective.

An ESRP should take advantage of the duality of technologies and the growing overlap of security functions to bridge the gap between civil and defence research. In support of a comprehensive security approach, it should fund research activities targeted at the development of systems and products that are useful:

- ▶ In particular for the protection of Member State territory, sovereignty, domestic population and critical infrastructure against transnational threats, and
- ▶ For EU missions 'outside the Union for peace keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter'.

An ESRP should maximize the benefits of multi-purpose aspects of technologies. In order to stimulate synergies, it should look at the 'crossroads' between civil and defence applications and foster cross-sector transformation and integration of technologies. Its focus should be on interoperability and connectivity as key elements of trans-border and inter-service cooperation. A core of architectural design rules and standards should be worked out at an early stage.

An ESRP should complement civil Community programmes on the one hand, and security and defence research activities conducted at the national or intergovernmental level on the other. Effective coordination between an ESRP and other relevant research activities is crucial to ensure coherence of efforts.

Moreover, an ESRP must take into account the specific aspects of the security market. This entails the creation of new funding instruments and technology transfer rules. At the same time, customers must be involved throughout the process to avoid disconnecting research and procurement.

An ESRP developed along these lines is of strong social interest and can give significant added value. It would help to enhance Europe's security, which is in itself a precondition of numerous Community policies (transport, energy, telecommunication, etc.). It would foster cross-border cooperation, increase European industrial competitiveness and strengthen Europe's research base. What is more, it would contribute significantly to the EU policy on growth and competitiveness as established in Lisbon and Barcelona.

For all these reasons, an ESRP should be Community-funded. It should have a minimum annual budget of EURO 1 billion with the possibility to progressively increase it further, if appropriate. In line with the objective for the EU to invest 3% of GDP in research, ESRP funding must be additional to any financing ensured today by the Community Research Framework Programme or national or intergovernmental sources. Such an investment would be an important contribution towards making Europe more secure for its citizens.

## Conclusions and recommendations

Considering the vast challenges that an enlarged European Union faces, this report has identified an urgent need to adapt the funding and the organization of European research activities to new security and technology realities.

To make this happen, we advocate:

- a) Combining national, intergovernmental and Community research efforts across the civil-military continuum in the most efficient way;
- b) Developing a specific European Security Research Programme (ESRP).

At the same time, we insist that the respect for civil liberties and ethical principles must govern all European research activities.

An ESRP can add value to the European project and is of strong social interest. It has the potential to foster industry's competitiveness and strengthen Europe's research base. It would promote cross-border cooperation and contribute to the EU policy on growth and competitiveness as established in Lisbon and Barcelona. Most importantly, it would help to enhance the EU's security, which is in itself a precondition of numerous Community policies (transport, energy, telecommunication, etc.). For all these reasons,

an ESRP should be Community-funded.

An ESRP should not replace or duplicate Member States efforts. Its aim should be to support and supplement them, and to give them new coherence.

Having this in mind, we put forward the following recommendations:

1. A Community-funded ESRP ensuring the involvement of all Member States should be launched as early as 2007. Its minimum funding should be 1 billion per year, additional to existing funding. This spending level should be reached rapidly, with the possibility to progressively increase it further, if appropriate, to bring the combined EU (Community, national and intergovernmental) security research investment level close to that of the U.S.
2. An ESRP should fund capability-related research projects up to the level of demonstrators that are useful in particular for Internal Security in the EU and for CFSP/ESDP-missions.
3. In closing the gap between civil and defence research, an ESRP should seek to maximize the benefits of multi-purpose aspects of technology. In order to stimulate synergies, it should encourage transformation, integration of applications and technology transfer from one sector to the other.
4. An ESRP should focus on interoperability and connectivity as key elements of cross-border and inter-service cooperation. In this context, a kernel of architectural design rules and standards should be worked out at an early stage.
5. The rules governing an ESRP must suit the specificities of security research. The Commission should, in consultation with all relevant stakeholders, develop the necessary rules for IPR and technology transfer.
6. Recognizing that many requirements will be government-specified, new financing instruments should be created to enable research funding to be disbursed, if justified, at up to 100% of cost.
7. A 'Security Research Advisory Board' should be established to draw strategic lines of action to prepare the research agenda of an ESRP as well as to advise on the principles and mechanisms for its implementation. Moreover, it should identify critical technology areas where Europe should aim for an indigenous competitive capability. The Board should consist of high-level experts from public and private customers, industry, research organizations and any other relevant stakeholders.

8. Definition of customer needs will be key for the successful implementation of an ESRP. A mechanism should therefore be established at EU level to identify in consultation with potential customers, future capability needs for Internal Security missions.
9. Effective coordination must make sure that the ESRP does not duplicate but complements other European research activities whether funded at Community, national or intergovernmental level.
10. The Commission and the Council should ensure an effective and efficient liaison between an ESRP and the future *Agency in the field of defence capabilities development, research, acquisition and armaments*.
11. The ESRP should take into account and, where appropriate, coordinate with research efforts of international organizations with responsibilities for global or regional security issues.
12. An ESRP should aim at fostering the competitiveness of the European security industries and stimulating the development of the market (public and private) for security products and systems. Implementing the Proposals for Action put forward in the Commission's Communication 'Towards a European defence equipment market' would greatly help to achieve this objective and to maximize the benefits of an ESRP.

## General Affairs and External Relations Council

Brussels, 22 March 2004

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### COMBATING TERRORISM

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The Council examined a package of measures presented by the Presidency with the aim of giving renewed impetus to efforts to combat terrorism following the 11 March terrorist attacks in Madrid. It held an exchange of views on the measures – which were prepared by the Justice and Home Affairs Council at an extraordinary meeting on 19 March as concerns its specific fields of competence – and agreed to forward them for approval by the European Council on 25 and 26 March.

The Council focused its discussion on practical measures to reinforce cooperation, with particular emphasis on the work of intelligence services, on implementation of existing measures and on the role of international cooperation. It also focused on the political commitment by Member States to implement the solidarity provisions contained in the draft EU Constitutional Treaty.

The European Union's broad objectives for combating terrorism are set out in an Action Plan adopted by the European Council on 21 September 2001 and subsequently fleshed out with a number of measures and actions detailed in an anti-terrorist "roadmap". The Council and the Commission have also taken a number of measures to enhance the internal security of the Union. Some of the measures pre-date the September 2001 terrorist attacks in the United States, although the pace of work has quickened since then.

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### EUROPEAN SECURITY AND DEFENCE POLICY

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#### EU military rapid response – Council conclusions

The Council adopted the following conclusions:

"Recalling its Conclusion of 8 December 2003, and the importance it attaches to the development of the rapid response capability of the European Union, the Council welcomed the proposal made by some Member States on a "Battle Group Concept" as a useful contribution to the ongoing work on rapid response and to the development of the structure and organisation of the rapid response capabilities of the EU.

The Council underlined its intention to take forward work on military rapid response as a matter of priority, with a view to achieving concrete results as soon as possible both in the field of capabilities available and deployable at very high readiness and with regard to appropriate planning arrangements. The Council welcomed the further intensification of the contacts with the UN on rapid response, and invited the Presidency and SG/HR to pursue these contacts.

Council decided to take up this issue on the basis of a report to be presented by the SG/HR, and requested the PSC to take forward the work with a view to the endorsement by the end of the Irish Presidency of an agreed Battlegroup Concept.”

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## **IRAN – COUNCIL CONCLUSIONS**

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The Council adopted the following conclusions:

“1. The Council discussed the Iranian nuclear programme in the light of the recent meeting of the International Atomic Energy Agency’s Board of Governors (8-13 March).

2. The Council welcomed the adoption, without a vote, on 13 March 2004 of a Board of Governors’ resolution on the issue of Iran’s nuclear programme and called on Iran to comply fully with its provisions. The Council expects Iran to cooperate with the Agency fully and to ensure that all future inspections can take place without delay.

3. The Council welcomed Iran’s signature of the Additional Protocol, recalled that Iran has committed itself to act in accordance with its provisions, pending its entry into force, and urged its implementation and early ratification.

4. Recalling that the resolution by the IAEA Board of Governors stated that the declarations made by Iran in October 2003 did not amount to the complete and final picture of Iran’s past and present nuclear programme, the Council expressed serious concern that a number of questions in relation to Iran’s nuclear programme remain outstanding. It urged Iran to provide full and proactive cooperation with the Agency in resolving all such questions in a spirit of full transparency.

5. The Council welcomed the decision by Iran of 24 February 2004 to extend the scope of its suspension of enrichment-related and reprocessing activities, and its confirmation that the suspension applies to all facilities in Iran. It calls on Iran to start, in accordance with this decision, immediately, comprehensively and verifiably with the full suspension

of all such activities; and in order to build up confidence henceforth to refrain from all fuel cycle activities which can also be used to produce fissile material for nuclear weapons.

6. The Council commends the Director General of the IAEA and his staff for their work and fully supports them in their efforts to resolve and clarify outstanding issues.

7. The Council decided to continue to closely monitor the situation including developments relating to the next report of the Director General of the Agency in May for consideration by the June Board of Governors.”

# European Council

**Brussels, 25 and 26 March 2004**

On 11 March 2004, two and a half years to the day after the terrible events of 11 September 2001, a quadruple bomb attack by al-Qaeda on trains in Madrid left almost 200 dead and over 2,000 injured. One week later, on 19 March, the European Ministers for Justice and Home Affairs meeting in Brussels set the objective, inter alia, of improving cooperation between their respective departments to step up the fight against terrorism. That meeting paved the way for the European Council on 25 and 26 March, which took various measures in the same direction: a new action plan on terrorism, the appointment of a coordinator, the strengthening of intelligence cooperation and the implementation of directives for a common approach to the fight against terrorism.

## **DECLARATION ON COMBATING TERRORISM**

### **1. Introduction**

The European Council, deeply shocked by the terrorist attacks in Madrid, expresses its sympathy and solidarity to the victims, their families and to the Spanish people.

The callous and cowardly attacks served as a terrible reminder of the threat posed by terrorism to our society. Acts of terrorism are attacks against the values on which the Union is founded.

The Union and its Member States pledge to do everything within their power to combat all forms of terrorism in accordance with the fundamental principles of the Union, the provisions of the Charter of the United Nations and the obligations set out under United Nations Security Council Resolution 1373 (2001).

The threat of terrorism affects us all. A terrorist act against one country concerns the international community as a whole. There will be neither weakness nor compromise of any kind when dealing with terrorists. No country in the world can consider itself immune. Terrorism will only be defeated by solidarity and collective action.

The European Council endorses the proposal of the European Parliament to declare 11 March a European day commemorating the victims of terrorism.

### **2. Solidarity clause**

The European Council welcomes the political commitment of the Member States and of the acceding States, taken as of now, to act jointly against terrorist acts, in the spirit of the Solidarity Clause contained in Article 42 of the draft Constitution for Europe.

A separate Declaration is attached.

### 3. Security Strategy

The European Security Strategy, adopted by the European Council last December, identified terrorism as one of the key threats to EU interests and requested the Presidency and Secretary-General/High Representative Solana, in coordination with the Commission, to present concrete proposals for implementing the Strategy, including recommendations for combating the threat posed by terrorism and dealing with its root causes.

In light of the events in Madrid, the European Council believes that full implementation of measures to combat terrorism is a matter of urgency.

The European Council calls for the development of an EU long-term strategy to address all the factors which contribute to terrorism. As we stated in the Conclusions of our meeting on 21 September 2001, the Union must increase its involvement in the efforts of the international community to prevent and stabilise regional conflicts and promote good governance and the rule of law.

In addition, the European Council calls for work to be rapidly pursued to develop the contribution of ESDP to the fight against terrorism, on the basis of actions taken since the Seville European Council.

The European Union will seek ways to improve the security of its citizens who are resident, or travelling, in third countries and exposed to a terrorist threat.

### 4. Assistance to victims

The European Council calls for the adoption, before 1st May 2004, of the Council Directive on compensation to crime victims.

The European Council invites the Commission to ensure the allocation, as a matter of urgency, of the funds available in the 2004 budget for supporting victims of terrorism.

### 5. Building on existing cooperation

At its meeting on 21 September 2001, the European Council adopted a Plan of Action to Combat Terrorism which has since been supplemented by many important initiatives. The effective combating of terrorism requires that measures adopted by the Council be effectively and comprehensively implemented by Member States.

#### (a) Legislative measures

The European Council acknowledges that the legislative framework created by the Union for the purpose of combating terrorism and improving judicial cooperation has a decisive role to play in combating terrorist activities. It urges all Member States to take any measures that remain necessary to implement fully and without delay the following legislative measures:

- Framework Decision on the European Arrest Warrant;
- Framework Decision on Joint Investigation Teams;
- Framework Decision on Combating Terrorism;
- Framework Decision on money laundering, the identification, tracing, freezing and confiscation of instrumentalities and the proceeds of crime;
- Decision establishing Eurojust;
- Decision on the implementation of specific measures for police and judicial cooperation to combat terrorism.

Any such measures should be in place no later than June 2004.

The European Council calls on Member States to implement the Framework Decision on the execution of orders freezing property or evidence and to ratify the Convention on the Mutual Assistance in Criminal Matters, its Protocol and the three Protocols to the Europol Convention by December 2004.

In addition, the Framework Decision on the Confiscation of Crime Related Proceeds, Instrumentalities and Property and the Framework Decision on Attacks against Information Systems should be finalised by June 2004. Work on the Framework Decision on the Mutual Recognition of Confiscation Orders should also be concluded by June 2004 and work on the Framework Decision on a European Evidence Warrant taken forward.

The European Council, with a view to the further development of the legislative framework set out above, instructs the Council to examine measures in the following areas:

- proposals for establishing rules on the retention of communications traffic data by service providers;
- exchanges of information on convictions for terrorist offences;
- cross-border hot pursuit;
- a European register on convictions and disqualifications;
- a data base on forensic material; and
- simplifying the exchange of information and intelligence between law enforcement authorities of the Member States.

Priority should be given to the proposals under the retention of communication traffic data and exchange of information on convictions with a view to adoption by June 2005.

Member States reaffirm their commitment to reinforce judicial cooperation. They are invited to ensure the execution of any request for mutual legal assistance related to terrorist offences and to provide each other with the fullest cooperation.

The Commission is invited to bring forward a proposal aimed at the creation of a European Programme for the protection of witnesses in terrorist cases.

**(b) Reinforcing operational cooperation**

The European Council calls on Member States to ensure that law enforcement agencies (security services, police, customs etc.) cooperate with each other and exchange all information relevant to combating terrorism as extensively as possible.

The European Council calls on Member States to ensure that the optimum and most effective use is made of existing EU bodies, in particular Europol and Eurojust, to promote cooperation in the fight against terrorism. It calls on Member States, to ensure that:

- ▶ Eurojust national correspondents for terrorist matters are designated by all Member States and Eurojust is used to the maximum extent for the purpose of cooperation in cross-border terrorism cases;
- ▶ Europol and Eurojust representatives are associated with the work of Joint Investigation Teams as far as possible;
- ▶ The Europol/Eurojust agreement is adopted by May 2004.

The European Council also calls on Member States to reinforce the role of Europol in the fight against terrorism by:

- ▶ reinforcing its counter-terrorism capacities and reactivating the Counter-Terrorist Task Force; and
- ▶ ensuring that Europol is provided by Member States law enforcement authorities with all relevant criminal intelligence related to terrorism as soon as it is available.

The European Council calls on Europol to proceed with implementation of the Europol Information System as quickly as possible.

In addition, the European Council underlines the role of the Police Chiefs' Task Force in coordinating operational measures in response to, and prevention of, terrorist acts. The European Council calls on the Task Force to review how its operational capacity can be reinforced and to focus on proactive intelligence. The Task Force is invited to draw up, with the assistance of experts from intelligence services and from Europol, a report on the terrorist attacks in Madrid.

The European Council calls on the Council to examine an interim report on the outcome of the process of peer evaluation of national arrangements in the fight against terrorism by September 2004 and a final report covering the Accession States by September 2005.

The European Council, with a view to building on this cooperation, also instructs the Council to put in place new committee structures capable of ensuring greater operational cooperation on security and terrorism within the Union.

The European Council recognises that there is a need to ensure terrorist organisations and groups are starved of the components of their trade. In particular there is a need to ensure greater security of firearms, explosives, bomb-making equipment, and the technologies that contribute to the perpetration of terrorist outrages. It instructs the Council to examine the scope for measures in this area.

**(c) Maximising the effectiveness of information systems**

The European Council calls on the Council to adopt the necessary measures to enable the Draft Council Regulation and Draft Decision on the introduction of new functions for the Schengen Information System (SIS), to come into force by June 2004.

Decisions should be taken on the location, management and financing of SIS II by May 2004 in order to allow the Commission to take forward its full development. The Commission and the Council are urged to take forward work on the Visa Information System (VIS) in line with the conclusions adopted in February 2004. The European Council calls on the Commission to submit proposals for enhanced interoperability between European databases and to explore the creation of synergies between existing and future information systems (SIS II, VIS and EURODAC) in order to exploit their added value within their respective legal and technical frameworks in the prevention and fight against terrorism.

The European Council invites the Commission to bring forward proposals to the June European Council in relation to exchange of personal information (DNA, fingerprints and visa data) for the purpose of combating terrorism. The Commission proposals should also include provisions to enable national law enforcement agencies to have access to the EU systems.

The Council is also invited to consider the criteria that should be applied for the purposes of Article 96 of the Schengen Convention in relation to certain persons reported for the purpose of being refused entry.

**6. Strengthening border controls and document security**

Improved border controls and document security play an important role in combating terrorism. The European Council therefore emphasises that work on measures in this area needs to be expedited. In particular, work will be taken forward on:

- the proposal for a Regulation establishing a European Borders Agency with a view to adoption by May 2004 and the Agency made operational by 1 January 2005;
- the proposed Council Directive on the obligation of carriers to communicate passenger data with view to an early conclusion on this measure; and
- the adoption of the Draft Strategy for Customs Cooperation and a related work plan by May 2004, and the subsequent implementation of measures to combat terrorism as a matter of urgency.

The European Council also instructs the Council to adopt by the end of 2004 the Commission's proposals for the incorporation of biometric features into passports and visas, with a view to the finalisation of the technical specification to be adopted by the Commission by the same deadline.

The European Council, with a view to further developments of these measures instructs the Council to take forward, on the basis of a proposal from the Commission,

work on the creation by end 2005 of an integrated system for the exchange of information on stolen and lost passports having recourse to the SIS and the Interpol database.

It also invites the Commission to bring forward a proposal no later than June 2004 for a common EU approach to the use of passengers data for border and aviation security and other law enforcement purposes.

## **7. EU guidelines for a common approach to combating terrorism**

The European Council welcomes the EU Guidelines for a Common Approach to Combating Terrorism which demonstrate the commitment of the Union to prevent and suppress terrorism in a visible and coherent manner.

## **8. Strategic objectives for a revised EU Plan of Action to combat terrorism**

Building on existing cooperation, the European Council agreed updated Strategic Objectives to enhance the EU Plan of Action to Combat Terrorism (contained in Annex I).

The following high level Strategic Objectives will be implemented:

- ▶ Deepen the international consensus and enhance international efforts to combat terrorism;
- ▶ Reduce the access of terrorists to financial and other economic resources;
- ▶ Maximise capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and prevent terrorist attacks;
- ▶ Protect the security of international transport and ensure effective systems of border control;
- ▶ Enhance the capability of Member States to deal with the consequences of a terrorist attack;
- ▶ Address the factors which contribute to support for, and recruitment into, terrorism;
- ▶ Target actions under EU external relations towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced.

The European Council requests the Council to complete the adoption of the revised Plan of Action and to report back to the June European Council.

## **9. Sharing of intelligence**

Underlining the importance of more efficient intelligence cooperation and improved threat assessment, the European Council calls upon Member States to improve mechanisms for cooperation and the promotion of effective systematic collaboration between police, security and intelligence services.

The flow of intelligence in relation to all aspects of terrorism to Europol should be improved. The further development of the relationship between Europol and intelligence services will also be taken forward.

The European Council endorses the efforts of Secretary-General/High Representative Solana to integrate, within the Council Secretariat, an intelligence capacity on all aspects of the terrorist threat with a view to informing EU policy and invites him to make proposals in advance of the June European Council.

## 10. Preventing the financing of terrorism

The European Council believes that strong preventive action must continue to be taken on the sources of financing of terrorist organisations and to swiftly disrupt the flow of financial resources to terrorist groups and related entities and individuals, while respecting the rule of law. In this regard, it invites the Council to identify measures to improve the effectiveness and efficiency of the mechanism set up to freeze the assets of terrorists and terrorist organisations and to identify the holders and true beneficiaries of bank accounts, irrespective of their place of residence.

The European Council calls on all Member States to ratify and fully implement the 1999 UN Convention for the Suppression of the Financing of Terrorism and to give effect to the provisions of UNSCR 1373 directed to the freezing of assets.

Member States are invited to increase cooperation between national competent authorities, Financial Intelligence Units and private financial institutions to facilitate improved exchange of information on terrorist financing.

The Commission will consider improvements on regulation and transparency of legal entities, including charities and alternative remittance systems, which may be used by terrorists to acquire funding for their activities.

The EU will pursue dialogue with third countries on this crucial issue in order to step up the fight against the financing of terrorism.

## 11. Measures to protect transport and population

The European Council calls for the strengthening of the security of all forms of transport systems, including through the enhancement of the legal framework and the improvement of prevention mechanisms. The Commission is, in particular, invited to bring forward a proposal for enhancing the security measures in harbours and ships.

Further action is needed to strengthen capacity within Member States to alleviate the consequences of attacks on the civilian population, including in the areas of health security and civil protection, building on existing EU Health Security and CBRN programmes.

The Commission, the Council and the Member States, as appropriate, should develop policies to strengthen the protection of citizens, essential services (such as water supplies, energy and communications) and production systems (agro-food and process industries), as well as to establish mechanisms (surveillance, early warning, alert and response systems and procedures) to deal with the consequences of any terrorist attacks.

## 12. International cooperation

Supporting the key role of the United Nations, the European Council will continue to work to ensure universal adherence to, and full implementation of, all UN Security Council Resolutions, UN Conventions on Terrorism and related Protocols.

The European Union will work with and within international, regional and sub-regional organisations to strengthen international solidarity in countering terrorism.

The European Union will ensure effective and practical cooperation with Third countries in combating terrorism, in particular through the following measures:

- ▶ Development of technical assistance strategies, to facilitate vulnerable Third countries in enhancing their counter-terrorism capability, and by addressing counter-terrorism concerns into all relevant external assistance programmes to promote good governance and the rule of law;
- ▶ Ensure that counter-terrorism is a key element of political dialogue at all levels with Third Countries, in particular those which represent a potential terrorist threat to international peace and security;
- ▶ The European Union will analyse and evaluate the commitment of countries to combat terrorism on an ongoing basis. This will be an influencing factor in EU relations with them.

The European Council calls for the optimum use of all EU police resources deployed in Third countries, also in the context of EU crisis management.

## 13. Cooperation with US and partners

Building on the solidarity and cooperation enshrined in the 2001 Plan of Action to Combat Terrorism, the European Council will seek to further strengthen cooperation with the US and other partners in countering the threat posed by terrorism.

## 14. Establishment of the position of a Counter-Terrorism Coordinator

The European Council emphasises that a comprehensive and strongly coordinated approach is required in response to the threat posed by terrorism.

The European Council accordingly agrees to the establishment of the position of a Counter-Terrorism Co-ordinator.

The Co-ordinator, who will work within the Council Secretariat, will co-ordinate the work of the Council in combating terrorism and, with due regard to the responsibilities of the Commission, maintain an overview of all the instruments at the Union's disposal with a view to regular reporting to the Council and effective follow-up of Council decisions.

The European Council welcomes the decision of Secretary General/High Representative Solana to appoint Mr. Gijs de Vries to the position of Counter-Terrorism Coordinator.

## 15. The way forward

The European Council invites the Council, in cooperation with Secretary-General/High Representative Solana and the Commission, to report in detail to the June European Council on the state of implementation of these measures.



## EUROPEAN UNION STRATEGIC OBJECTIVES TO COMBAT TERRORISM (REVISED PLAN OF ACTION)

### Objective 1: To deepen the international consensus and enhance international efforts to combat terrorism

- Support the key role of the United Nations in sustaining the international consensus and mobilizing the international community as a whole, in particular the General Assembly and the work of the Security Council, inter alia, through its Counter Terrorism Committee and the Taliban/Al Qaeda Sanctions Committee, as well as the Terrorism Prevention Branch of the UN Office of Drugs and Crime
- Work to ensure universal adherence to, and full implementation of, the United Nations Conventions on Terrorism, and to agree a Comprehensive UN Convention against Terrorism and agree a comprehensive UN Convention on the Suppression of Acts of Nuclear Terrorism
- Work with and within regional and international organizations to ensure their effective contribution to combating terrorism in accordance with UN obligations
- Include effective counter-terrorism clauses in all agreements with third countries

**Objective 2: To reduce the access of terrorists to financial and other economic resources**

- Ensure the effectiveness of EU asset freezing procedures, including the non-financial economic resources, in accordance with UN obligations and the need to respect due process and the Rule of Law
- Establish operational links and improve cooperation between relevant bodies to facilitate enhanced exchange of information on terrorist financing
- Develop and implement an EU strategy on the suppression of terrorist financing, including the regulation of charitable organisations and alternative remittance systems 15 EN
- Cooperate closely with the Financial Action Task Force (FATF) on all issues regarding the financing of terrorism and ensure that the EU legal framework is adapted to the eight special recommendations on terrorist financing
- Pursue political and technical dialogue with Third Countries, in order to step up the fight against the financing of terrorism

**Objective 3: To maximise capacity within EU bodies and Member States to detect, investigate and prosecute terrorists and prevent terrorist attacks**

- Ensure optimum and effective use of existing EU bodies such as Europol, Eurojust and the Police Chiefs Task Force
- Improve mechanisms for cooperation for the sharing of expertise on protective, investigative and preventive security policies between police and security services
- Promote effective, systematic collaboration in intelligence exchange between Member States
- Enhance the capacity of appropriate EU bodies in the preparation of intelligence assessments of all aspects of the terrorist threat, with a closer linkage to EU policy-making
- Work to identify, disrupt and dismantle arrangements for supply of weapons to terrorists

**Objective 4: To protect the security of international transport and ensure effective systems of border control**

- Ensure the integration of counter-terrorist considerations into the work of relevant EU bodies (transport, border controls, identity documentation etc)
- Work to develop further EU transport security standards, in coordination with relevant international organisations and third countries
- Develop and implement a common EU approach to the exchange and analysis of passenger information

- Encourage and support non-EU states to comply fully with ICAO and IMO standards
- Enhance capacities for the identification of terrorists and the detection of terrorist devices, materials or funds at ports, airports and land borders
- Reinforce the protection of European citizens in third countries

**Objective 5: To enhance the capability of the European Union and of Member States to deal with the consequences of a terrorist attack**

- Identify areas for closer cooperation in consequence management with other international organisations within their respective competences, including NATO
- Ensure full implementation of the EU Health Security and CBRN programmes
- Develop strategies to improve the capacity of Member States to communicate with citizens in the event of a major terrorist attack
- Ensure that support and assistance is provided to the victims of terrorist crimes, and protect minority communities who may be at risk of a backlash in the event of a major attack

**Objective 6: To address the factors which contribute to support for, and recruitment into, terrorism**

- Identify factors which contribute to recruitment to terrorism, both within the EU and internationally, and develop a long-term strategy to address these
- Continue to investigate the links between extreme religious or political beliefs, as well as socio-economic and other factors, and support for terrorism, building on work already undertaken in this area, and identify appropriate response measures
- Make more efficient use of external assistance programmes to address factors which can contribute to the support for terrorism, including in particular support for good governance and the rule of law
- Develop and implement a strategy to promote cross-cultural and inter-religious understanding between Europe and the Islamic World

**Objective 7: To target actions under EU external relations towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced**

- Expand the role of the SitCen in the carrying out of threat assessments to enable working groups to focus on the development of policy
- Develop capacities to analyse and evaluate third country activities in counter-terrorism
- Develop technical assistance strategies to enhance the counter-terrorist capacity of priority countries, in coordination with other international organisations and Donor states

- Ensure that specific counter-terrorism issues, including effective counter-terrorism clauses in all agreements reflecting the priorities of the revised Plan of Action are a key element of EU relations at all levels with priority countries
- Mainstream counter-terrorist objectives into the work of the geographical working groups and external assistance programmes



## **DECLARATION ON SOLIDARITY AGAINST TERRORISM**

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We, the Heads of State or Government of the Member States of the European Union, and of the States acceding to the Union on 1 May, have declared our firm intention as follows:

In the spirit of the solidarity clause laid down in Article 42 of the draft Treaty establishing a Constitution for Europe, the Member States and the acceding States shall accordingly act jointly in a spirit of solidarity if one of them is the victim of a terrorist attack. They shall mobilise all the instruments at their disposal, including military resources to:

- prevent the terrorist threat in the territory of one of them;
- protect democratic institutions and the civilian population from any terrorist attack;
- assist a Member State or an acceding State in its territory at the request of its political authorities in the event of a terrorist attack.

It shall be for each Member State or acceding State to the Union to choose the most appropriate means to comply with this solidarity commitment towards the affected State.

## Informal meeting of defence ministers Summary of the remarks by Javier Solana

Brussels, 6 April 2004

At an informal meeting on 6 April, the Union's Defence Ministers approved the establishment of battlegroups (tactical groups for rapid-reaction operations) by 2007 and backed the idea that the External Relations Council should take a decision in June to make the European Armaments Agency operational by the end of the year. At the press conference closing the meeting, Javier Solana, the EU High Representative for the CFSP, announced that the planning cell for civil-military operations would be operational at the beginning of the second half of 2004. He also hoped that his "General Concept" for the EU takeover from SFOR in Bosnia and Herzegovina would be approved by the General Affairs Council on 27 April.

### CAPABILITIES

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- ▶ Capabilities are key, together with political will. Absolute need to finish our work and deliver all capabilities, we committed ourselves together.
- ▶ We are now finalising the Roadmap and its associated Capability improvement chart, which should set a clear picture of the process. It shows already, although not yet finalised, that more efforts are needed to focus the activities of project groups on the delivery of real capability. Objective is to finalise the Helsinki Headline Goal and look beyond, with a 2010 qualitative perspective.
- ▶ New 2010 Headline Goal pivotal element for EU capability development as it sets the EU's level of ambition with a long term horizon.
- ▶ This goal will translate the European Security Strategy into concrete military objectives focussing on interoperability but also deployability and sustainability using a qualitative approach. The EU needs to respond to crises in a fully coherent manner in order to affirm the role it wants to play in the world. This applies to our military tools but also to the civil-military interrelation, including concerning civil protection operations. It will be crucial, although at a different level, to develop interoperability with the UN and with NATO.
- ▶ The new Headline Goal is about methodology but also concrete objectives and milestones such as the complete development by 2007 of rapidly deployable battle groups and the creation of the Defence Agency. Other key elements concern strategic mobility and communications. A 2010 horizon will allow Member States and the EU to have the necessary timescale to adopt a more dynamic approach and to adapt their plans accordingly.

- Work conducted till now shows a high degree of agreement on the key elements and structure of the Secretariat paper. Momentum should not be lost. We need to finalise by the May GAERC in view of the European Council at the end of the Presidency.

## Réaction rapide

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- Les travaux sur les capacités de réaction rapide doivent être une priorité pour l'Union Européenne. Nous avons besoin de forces rapidement déployables, rapidement utilisables et pouvant s'adapter aux circonstances particulières de chaque intervention. Ces forces doivent être capables de conduire l'ensemble des missions envisagées par l'UE, y compris des engagements de haute intensité.
- Le rapport que je propose à votre attention comprend quatre parties.
  - La première traite du développement des capacités de réaction rapide en particulier au travers du Concept de Battle group. Elle fixe certains objectifs pour la mise en place de ces battle groups. Il est évident que la capacité de réaction rapide ne se limite pas à ces battle groups, mais il me semblait pertinent de travailler en priorité sur ce concept dans la mesure où il répond clairement à nos besoins, et où un large consensus s'est dessiné pour le soutenir.
  - La seconde partie traite du processus de prise de décision et de la planification. Le tempo de la décision et de la planification doit être cohérent avec celui du déploiement des troupes. Il n'y a pas de réponse rapide sans planification et décision rapide.
  - La troisième partie traite des relations avec l'ONU. C'est un élément important ; les Nations Unies attachent beaucoup d'importance au développement d'une coopération concrète avec l'UE dans ce domaine. Il faut que nous puissions soutenir les Nations Unies, en étant très clairs sur ce que nous pouvons faire ; il faut traduire dans les actes nos engagements à soutenir les Nations Unies. L'opération Artémis a permis de montrer à l'ONU que les capacités européennes en matière de défense pouvaient être mises à la disposition de l'ONU ; il faut poursuivre dans cette voie.
  - La quatrième partie est consacrée à la coopération avec l'OTAN. Le principe fondamental doit être celui du renforcement mutuel. Les forces de réaction rapide développées par les Etats Membres doivent pouvoir être mises à la disposition tant de l'une que de l'autre des deux organisations, faute de quoi il n'y aura pas de renforcement mutuel, mais une compétition coûteuse et inutile.

Je voudrais revenir sur quelques points :

- Le développement des capacités de réaction rapide est bien entendu un élément important de ce processus. Plus nous aurons de capacités, mieux cela sera pour

l'Union Européenne, mais également pour l'OTAN. Je ne peux qu'encourager les Etats Membres à faire un effort dans ce domaine. Ceci étant, ainsi que l'a montré l'Opération Artémis, nous disposons déjà de capacités de réaction rapide, qui correspondent aux paramètres du projet de Battle groups. Il faut maintenant avancer sur ce sujet, en mettant en place ces Battle groups. Les objectifs proposés dans mon rapport sont ambitieux, mais peuvent être atteints; votre soutien et votre engagement sont la condition du succès.

- Au delà des capacités militaires il nous faut également réfléchir à la manière dont nous pouvons conduire rapidement et efficacement le processus de prise de décision et de planification. Il n'y aura de réaction rapide que si la planification et la prise de décision sont rapides. Etre capable de déployer rapidement des forces n'a aucun sens s'il nous faut plusieurs semaines pour prendre la décision de les déployer. Là encore l'exemple d'Artémis doit être utilisé. L'opération a été lancée moins de 10 jours après la décision du Conseil qu'une opération de l'UE devait être envisagée. Ce délai de réaction doit être notre objectif.

### **Agency on the field of defence capabilities development, research, acquisition and armaments**

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- The Agency Establishment Team began work in mid-February. I am grateful to all Member States who offered experts for the task. The Team is about a dozen strong, covering a good geographic spread of Member States. By all accounts it is functioning harmoniously and productively.
- So a good start but still a long way to go, and not much time to do what is required. Heads of State and Government at Thessaloniki affirmed that they want the Agency to start functioning before the end of this year and that requires the necessary decisions to be taken by June.
- Encouraging progress on the Constitution lends impetus. But does not of course change the need for the adoption of the necessary decision by the Council this June, so that the Agency can come into being without waiting for the new Treaty to be ratified
- So today is an important opportunity for you to take stock, and give the Team your guidance and support.
- Success or failure is in your hands. I am convinced that the timelines can be met but only if you, the Defence Ministers, put your weight behind the effort, and insist that self restraint is exercised all round, and that a spirit of compromise prevails.
- Long-term, too, the Agency will succeed only if it has your continuing personal commitment and support, including through your personal attendance at key meetings of the Steering Board.

## **Bosnia and Herzegovina, possible EU military deployment**

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- ▶ We are making progress in preparing the transition of the possible EU-led operation in Bosnia following SFOR. And we are continuing to work on these issues in close coordination with NATO.
- ▶ I want to emphasise a key issue: we have to make sure that by the end of this year we can fully source the requirements for a force that will start in Bosnia and Herzegovina in broadly the same configuration as the departing SFOR.
- ▶ I think we are successfully involving the BiH authorities in our endeavour, working with the newly appointed Defense Minister as our main point of contact.
- ▶ I expect the Council to examine a General Concept for the operation by the end of April. It will cover all the elements of our “involvement” in BiH: including the main military parameters; an outline of how we intend to structure the executive police element and how we will use our capabilities in assisting the BiH in the fight against organized crime.
- ▶ We will continue to work in close coordination with NATO so that the military part of our General Concept is coherent with NATO’s plans.
- ▶ After approval of the General Concept, we will move forward with the development of police and military strategic options prior to Istanbul. This means that we can be ready shortly after Istanbul to start the process of operational planning.

One final point:

- ▶ It will be important to have clarity between EU and NATO tasks in Bosnia. It is important to demonstrate to the BiH authorities that such clarity exists. This clarity will be necessary for the Chain of command to suit our needs. Lastly; the EU must establish arrangements to ensure it has guaranteed and timely access to sufficient reserves. Recent events in Kosovo have reminded us of the importance of this point.

## **Civil/military planning cell**

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- ▶ Last December, the European Council asked me to propose the necessary measures for the implementation of the different elements contained in the document entitled « European Defence ; NATO/EU consultation, planning and operations » which was attached, as an Annex, to the conclusions.
- ▶ This request covers the improvement of the preparation of European Union operations having recourse to NATO assets and capabilities, as well as the establishment within EUMS of a cell with civil military components.
- ▶ The European Council indicated that these measures should enter into force as early as 2004.

- I am pleased to inform you that I believe considerable progress has been made.
- I am therefore confident that we will be able to have terms of reference on three elements for adoption at the very latest by the May Council:
  - EU cell at SHAPE
  - NATO liaison arrangements at European Union Military Staff (EUMS)
  - the civilian/military cell within EUMS

I also trust that, once the important decisions have been taken, the respective arrangements will be quickly put into place. The Civilian/Military Cell could therefore start its life at the beginning of next semester.

- As regards the EU cell at SHAPE and the NATO liaison arrangements at EUMS, we have based ourselves on the CONCORDIA arrangements.
- On the Civilian/Military cell within EUMS, our efforts, while faithfully respecting the agreement reflected in the Annex to the European Council conclusions, have concentrated in fitting its terms into the EU POL/MIL concepts, structures and procedures. Our overriding concern has been to provide added value and to ensure that no duplication and waste of resources takes place.

## General Affairs and External Relations Council

Luxembourg, 26 and 27 April 2004

The Union had already been present in Bosnia and Herzegovina since 1 January 2003 in the shape of a police mission (EUPM). It is now a question of ensuring a transition between SFOR and an EU military mission, which was eventually launched under the name 'Althea' at the end of the year. With regard to Cyprus, following the failure of the referendum of 24 April, the Council confirmed its will to facilitate reunification of the island through economic integration and improving contact between the two communities.

### EUROPEAN SECURITY AND DEFENCE POLICY

Discussions on this item are reflected in the final section (possible ESDP mission in Bosnia and Herzegovina, including a military component) of the Council conclusions on the Western Balkans - see next item.

(...)

### POSSIBLE ESDP MISSION IN BOSNIA AND HERZEGOVINA, INCLUDING A MILITARY COMPONENT

The Council welcomed the planning and preparation that has taken place so far for a seamless transition from SFOR to an ESDP mission in Bosnia and Herzegovina, including a military component based on the agreed Berlin Plus arrangements. The Council requested the Presidency and the SG/HR to take forward and complete the remaining strategic planning steps prior to the Istanbul Summit, which would allow operational planning to take place immediately thereafter, on the basis of EU decisions.”

(...)

### CYPRUS - COUNCIL CONCLUSIONS

(...)

“The Council noted the results of the referenda in Cyprus on 24 April 2004 and expressed its strong regret that the accession to the EU of a united Cyprus will not now be possible on 1 May. The Council expressed its deep appreciation for the determined and sustained efforts of UN Secretary General Kofi Annan and his colleagues in the search for a

comprehensive solution of the Cyprus problem. The Council also welcomed the contribution made by Greece and Turkey. It expressed its determination to ensure that the people of Cyprus will soon achieve their shared destiny as citizens of a united Cyprus in the European Union.

The Turkish Cypriot community have expressed their clear desire for a future within the European Union. The Council is determined to put an end to the isolation of the Turkish Cypriot community and to facilitate the reunification of Cyprus by encouraging the economic development of the Turkish Cypriot community. The Council invited the Commission to bring forward comprehensive proposals to this end, with particular emphasis on the economic integration of the island and on improving contact between the two communities and with the EU. The Council recommended that the 259 million euro already earmarked for the northern part of Cyprus in the event of a settlement now be used for this purpose.

The Council asked Coreper to expedite discussion on the Regulation on a regime under Article 2 of Protocol 10 of the Act of Accession with a view to its adoption before 1 May, taking due account of the Council's desire to send a signal of encouragement to the Turkish Cypriot community that its future rests in a united Cyprus within the European Union."

## Armaments Agency - Report by the (AET)

Brussels, 28 April 2004

The project for creating a European Armaments Agency is an old one (it was already referred to in the Maastricht Treaty in 1991), but has been held back by arms-producing countries' desire to keep their decision-making autonomy. In 2002 and 2003, during debate on the future of the ESDP, the draft Constitution aroused renewed interest in matters relating to armaments and especially in the creation of an Agency. The General Affairs and External Relations Council therefore approved, on 17 November 2003, the creation of a team tasked with preparing for the establishment of the Agency (Agency Establishment Team – AET) under the authority of the High Representative for CFSP, Javier Solana.

### REPORT BY THE AGENCY ESTABLISHMENT TEAM (AET)

(...)

#### Introduction

The Council Decision of 17 November 2003 (doc. 14847/03) created a Team to prepare for the establishment of an agency in the field of defence capabilities development, research, acquisition and armaments. Working on the basis of a Report adopted by the Council on 17 November (doc. 14727/1/03 REV 1 ADD 1), the Team was required to propose to the Council, through the Ad Hoc Preparation Group, a comprehensive plan for the establishment of the Agency and elements for a draft Joint Action establishing the Agency.

This Memorandum sets out the comprehensive plan in the context of a wider analysis of what the Agency should do and how it should do it.

#### *I. The Agency's purpose and role*

1. The Agency's mission is “*to support the Member States in their effort to improve European defence capabilities in the field of crisis management and to sustain the ESDP as it stands now and develops in the future*” (doc. 14727/1/03 REV 1 ADD 1, point 2.1).

The Agency is ascribed (ibid., point 2.8) four functions, relating to:

- defence capabilities development
  - armaments cooperation
  - the European defence technological and industrial base (DTIB) and defence
  - equipment market (EDEM)
  - research and technology.
2. These functions all relate to improving Europe's defence performance, by promoting coherence in place of fragmentation. Thus, the problems the Agency must address are:
- an insufficiently systematic or comprehensive approach to identifying ESDP's capability requirements. Previous approaches do not look far enough ahead; focus too much on quantity rather than quality; and rely too much on unguided contributions of Member States. This contributes to
  - a lack of clear future needs on which collaborations, in armaments or R&T, or the operational domain, can be built. This perpetuates
  - a fragmented DTIB, which suffers from lack of economies of scale and too much duplication; from under-funding of R&T; and from a demand side and a market which remain largely national rather than European in scale.
3. On this basis, the Agency's tasks will be:
- to work for a more comprehensive and systematic approach to defining and meeting the capability needs of ESDP. This will involve a stronger analytical approach and more focus on qualitative issues such as interoperability, deployability and sustainability (objectives of the Headline Goal 2010 initiative); a long-term vision (2010 is too near a horizon to usefully guide armaments and R&T activities); and a more authoritative framework for the generation and pursuit of ECAP-style projects and initiatives;
  - to promote equipment collaborations, both to contribute to defence capabilities and as catalysts for further restructuring of the European defence industry. In parallel, the Agency will work to facilitate such restructuring by encouraging the widening and deepening of LoI-type approaches amongst Member States, and the achievement of a continental-scale EDEM;
  - to promote European defence-relevant R&T, as vital both to a healthy DTIB and to defining and satisfying future capability requirements. This will involve pursuing collaborative use of national defence R&T funds, in the context of a European policy which identifies priorities. It will also involve leveraging other funding sources, including those for dual-use or security-related research and technology.
4. Priorities for early activities to which these tasks should give rise a mixture of policies and strategies, and projects and initiatives are listed at [Annex A](#).

5. Few of these agendas are new. Most of them, wholly or in part, are and remain within the competence of existing actors or institutions. For example, the Commission is responsible for market regulation; the PSC and EUMC have responsibility for determining the capability needs of ESDP; and, most important, “*the Agency shall be without prejudice to the competencies of Member States over defence matters*” (doc. 14727/1/03 REV 1 ADD1, point 2.2).

But the Agency’s “comparative advantage” should be its ability to comprehend all these agendas, and relate them so as to realise their synergies. Its special position should allow it to develop uniquely cogent analyses and proposals across the range of its functions.

To exploit this comparative advantage, and to achieve results in the real world, requires an Agency which:

- has a strongly analytical culture
- is both innovative and determined to take the initiative
- is internally integrated, to establish synergies of agenda and expertise
- is outward-facing, leveraging the efforts, expertise and funding of others, and seeking to establish partnerships for pursuit of common agendas
- exploits its special relationship with Defence Ministers, to present them with the evidence and help them formulate priorities for action.

## *II. The Agency’s way of working*

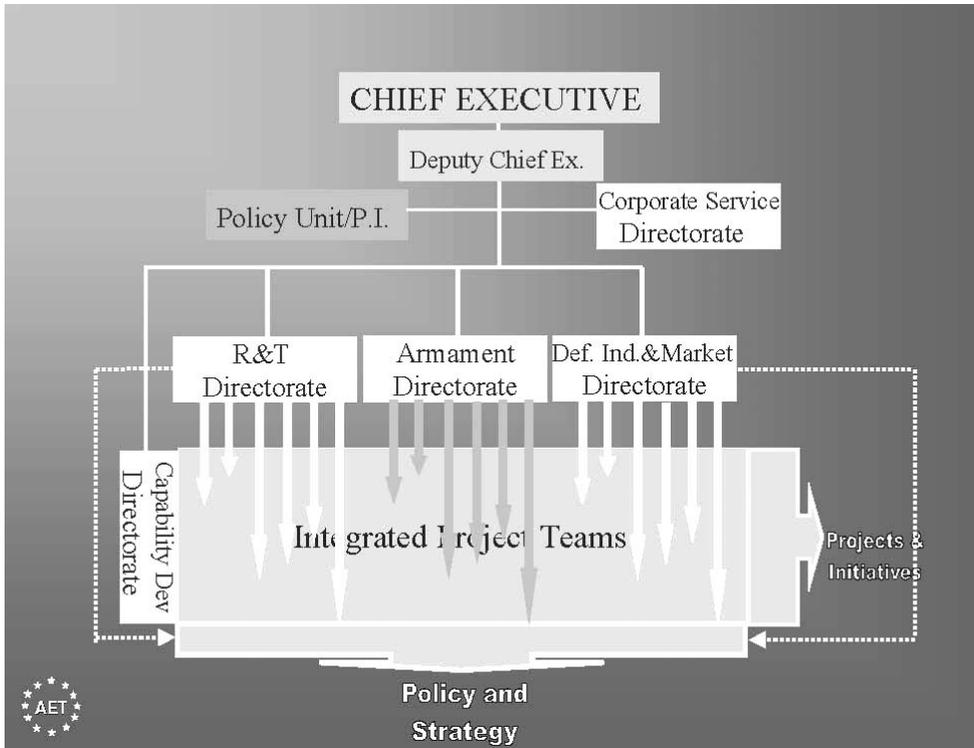
### **The Agency Structure**

6. The Agency’s structure has been derived from an analysis of the way in which the organisation would be able to discharge its tasks – form follows function. “Internal working methods and procedures to be adopted by the Agency” (see second indent of para 5(a) in the Annex to the 17 November Council Conclusions) are thus an integral part of the proposed structure and organisation.

7. The Agency structure needs to be responsive to the challenge of integrating capability development, research, armaments and industrial perspectives in the overall context of strengthening ESDP. This integration can best be achieved by:

- a strongly coherent Agency Management Board, comprising the Chief Executive; his or her Deputy; and Directors for Capability Development; R&T; Armaments; the Defence Industry and Market; and Corporate Services. This Board will need to function as a genuine “top team”.
- matrix management of much of the Agency’s activity.

This is illustrated as follows:



8. On the horizontal axis of the matrix, Headline Goal shortfalls and potential future capability needs from the longer-term vision will be taken up by the Agency and the EUMC/EUMS to be analysed and prioritised. A number of Capability Functional Areas (CFAs) perhaps corresponding to the key operational effects for crisis-management operations of Command, Inform, Deploy, Operate, Protect and Sustain will be identified. Within these CFAs, integrated teams of Agency staff from all Directorates, working with a wide range of stakeholders, will assume leadership of the emerging work to initiate ECAP-type projects and initiatives (equipment and non-equipment). This activity will require the substantial involvement and support of the EUMC/EUMS and Member States, whether in working groups or through short-term provision of Seconded National Experts.

9. On the vertical axis, ideas for strengthening the DTIB will be generated or harvested by R&T, Armaments and DTIB/EDEM experts, and developed into policies and strategies. The involvement of this expertise in the CFAs will ensure both that the capability development work takes full account of industrial and technological constraints and opportunities, and that policy work aimed at strengthening the DTIB stays in close touch with Europe's future capability needs. This "matrix" approach should also help

identify synergies between intersecting agendas for example, the interconnection between a major collaborative armaments project and restructuring of the relevant industrial sector.

## Stakeholders

10. The Agency must face outwards: to be open to concerns and ideas; to leverage the resources of others; and to secure buy-in from its many “stakeholders”. Relations with the most prominent of those are outlined below: first, with regard to Member States; second with regard to Council bodies and the Commission; third, with regard to OCCAR, LoI, WEAG/WEAO and nonEU States.

11. The Agency’s most important stakeholders will be the **Member States** (MS) participating in the Agency. Accountability and decision-taking arrangements (see section IV and V) will secure their control. But it will be a key Agency effort to ensure that MS contribute to, understand, own, and act on Agency agendas and proposals. In addition the MS must support the Agency with seconded national experts (SNEs) and will thus be directly involved in the Agency’s efforts through their experts for the working groups the Agency will need to amplify its in-house efforts.

12. The Agency is prominently represented at the highest **Council** level through its Head, the SG/HR. His voice on ESDP matters will be heard and his authority recognised in the Council as well as in the European Council as required. The existing rights and prerogatives of Council bodies like COREPER, PSC or EUMC, however, will not be touched by the Agency.

Nevertheless, since the Agency represents a deliberate addition to the institutional architecture of the EU it will establish links of regular communication with:

- ▶ the PSC in order to take account of its guidelines on matters falling within the CFSP and ESDP, and
- ▶ the EUMC in order to develop, in a cooperative effort with EUMS, a more comprehensive approach to defining and meeting the future capability needs of ESDP. In this context, complementarity and transparency with NATO will be assured by making use of the Capability Development Mechanism (CDM).

Moreover, the Agency shall establish links with the **Commission**, which is fully associated to the work of the Agency, particularly with a view to exchange information, assessments, and advice, as appropriate, on matters where activities and strategies of the Commission have a bearing on the Agency’s missions. The Commission’s work on Research and Technology, market regulation and defense industrial policy issues require, and offer beneficial potential for, a fruitful partnership between Agency and Commission.

For example, in the area of Research and Technology, the Commission will be a key partner, being responsible for the Framework Programme (FP) and the proposed European Security Research Programme (ESRP) (and its Preparatory Action). Respective competences must be acknowledged. But both requirements and technologies cross the formal boundary-line between defence and security (and other civil) research. It therefore makes sense to ensure that Commission-funded and Defence-funded programmes are as complementary as possible; to provide where possible for mutual use of research results; and to look for opportunities for co-funded “joint ventures”.

In the area of Defence Industry and Market, regulation, and the guardianship of Article 296 of the Treaty, are Community competences; and the Commission has a programme of work in hand to follow up its March 2003 Communication on “European Defence Industrial and Market Issues Towards an EU Defence Equipment Policy”. A fruitful partnership should be possible between Agency and Commission services on these issues, with the Agency in the role of (nonexclusive) interlocutor between Commission and Member States, helping the former to better appreciate the specificities of the Defence market and the latter the implications of Commission proposals in this domain. Moreover, the Agency will consult closely with the European Aerospace and Defence Industries Association (ASD), as well as directly with European companies, both primes and small- and medium-size enterprises (SMEs).

13. Relationships between the Agency and the existing cooperative institutions will take due account of their legal and functional character.

OCCAR will remain a distinct part of the collaborative landscape in European Armaments, at least in a first phase of the Agency development. The envisaged “assimilation or incorporation” of OCCAR should be held in abeyance, and OCCAR is considered the first option to manage cooperative programmes arising in the Agency. This does not exclude the Agency’s support for programmes outside OCCAR if EU Member States decide to make use of other arrangements.

LoI rules and procedures should, in principle and by mutual agreement, be applied on a European basis, and the Agency should eventually be their “guardian”. Achieving this outcome will require recognition of the reality of the differing national stakes of different Member States in relation to defence industry and research. Therefore a phased approach to the different strands of LoI activity is proposed. Assimilation by the Agency of LoI harmonisation of military requirements and research activities should be early objectives.

For OCCAR and LoI alike there should be an institutional relationship by establishing cross representation at Board level by invitation on a case-by-case basis, granting both sides a voice without a vote. The Agency Chief Executive would attend OCCAR BoS and LoI ExCo meetings; conversely, the OCCAR BoS Chair and LoI ExCo Chair would attend the Agency Steering Board in NADs and, possibly, R&T Directors formations.

WEAG/WEAO is different due to the foreseen demise of WEAG in the near future. WEAG Panel I and III activities should come to the Agency without delay. Meanwhile WEAG/WEAO R&T activities should be absorbed, step by step, beginning with the early need to inject a collective European research “customer” voice into work on promoting R&T collaboration, by assimilating WEAG panel II and its networks. Later, the activities of the WEAO Research Cell will be assumed by the Agency.

Nor should the Agency ignore **non-EU States**. In principle, non-MS in good standing who have a useful contribution to make should be welcome participants in projects and initiatives sponsored by the Agency. Non-EU members of WEAG/WEAO deserve special consideration both to facilitate consensual transfer of WEAG/WEAO activities, and in recognition of the important contributions, past and prospective, of in particular Norway and Turkey to the reinforcement of European capabilities and to EU-led operations. As non-MS they cannot participate in Agency decision-taking: but transparency can be secured e.g. by allowing them access to relevant information, and the establishment of a Consultative Committee. Appropriate practical arrangements may be set up by the Steering Board.

### *III. The Agency’s size, structure, cost and ambition*

14. Initially, the Agency’s size (and its ability to make a difference) will be constrained by how fast staff can be recruited and accommodated. An adequate cadre (26 personnel) can be in place by end 2004 to declare the Agency “functioning”, whilst initial steady-state numbers should be achieved, subject to the need to procure, and prepare to appropriate security standards, new office space, by mid-2005 and to find adequate accommodation in the interim.

15. Annex A suggests the main areas where the Agency should look to add early value. Getting established will be an inevitable preoccupation in the first stages of the Agency’s life.

But all concerned will want to see the Agency producing real results as soon as possible. In some cases there are already-departing trains to be caught, such as Headline Goal 2010 and ECAP, and perhaps the setting-up of Permanent Structured Cooperation in the Treaty establishing a Constitution for Europe, as well as the Commission initiatives on defence industrial and market issues, and security research. The Agency should, however, also take some focussed, or pilot, initiatives, exploiting its comparative advantage for example, a concerted effort on interoperability of communications for C2, or a review of programmes bearing on the future of a particular sector, such as armoured fighting vehicles. Such pilot projects would be considered by the Steering Board at its first meeting later this year.

16. There is no straightforward way to read across from the priorities for early activities suggested at Annex A to the right size for the Agency in its initial steady state. Bearing in mind the need to coopt staff from Member States seconded “for specific tasks and projects” and recognising the limits to what MS will be willing to subscribe for an unproven organisation initial steady state numbers should not be higher than 80. This would comprise a top team and immediate support of around 15; a Corporate Services branch of around 20; and the remaining staff divided between four directorates (Capabilities, R&T, Armaments and Defence Industry/Market), each led at A2 (roughly military one-star) level. The proposed Agency organisational chart is set out in [Annex B](#), along with a broad description of the distribution, grades and functions of staff. (Distribution is based on weight of respective agendas, and how much effort each will require “inhouse”.) These can be refined later in the Team’s work; and a degree of discretion must anyway be left to the Agency’s top management team. It will be appropriate to agree the definitive initial scheme of complement in the context of Steering Board approval of the 2005 budget, towards the end of the year.

17. Such limited numbers will ensure the Agency remains outward-facing, leveraging its partners’ resources, and operates strategically, focussing on highvalue targets. The corollary is the need for a relatively rich grade-mix of staff and for adequate funds for the Agency to buy in external advice (e.g. operational analysis), and to outsource some administrative functions (such as payroll, and infrastructure management). The Agency staff will consist of Agency employees (on limited-term contracts) and seconded national experts (SNEs). (Inclusion of some SNEs within the Agency’s establishment will help keep costs down, as well as contribute to an externally-facing culture.). Recruitment will, in the usual way, reflect the principle of merit and the desirability of a wide geographical spread.

18. Budgetary estimates for 2004 and 2005 (largely driven by personnel, and, for 2005, accommodation costs) are at [Annex C](#). The 2004 budget ( 2.4 million) is specified in the Joint Action; the 2005 budget will come to the Steering Board for decision in November. (The present estimate for 2005 c. €25 million includes some €10 million of nonrecurring costs associated with initial setup of the Agency). A time table and roadmap for implementation is attached at [Annex D](#).

19. Beyond initial steady state, the Agency may grow:

- by assimilation/incorporation, e.g. of WEAG/WEAO functions, which should be in part self-financing
- in consequence of being entrusted by groups of MS to act on their behalf as a surrogate customer for particular collaborations (and thus as the holder of ad hoc budgets for which provision is made in the Joint Action)

- ▶ through MS willingness to give it more resources to expand and accelerate its activities.

Any future growth will be subject to annual budgetary decisions. Nevertheless, a formal review is provided for in the Joint Action, after 3 years, or on ratification of the Treaty on the Constitution, whichever is the sooner.

#### *IV. The Agency's Steering Board*

20. The Agency's Steering Board – meeting regularly at the level of Defence Ministers chaired by the SG/HR – embodies the close relationship of Member States and their Agency. The Agency *raison d'être* is to support the Member States in their collective effort to strengthen the ESDP. The Steering Board should meet at Ministerial level at least twice yearly perhaps back-to-back with GAERCs, in November and May. (Note that this arrangement would be for convenience of scheduling only: because business could not pass unprepared direct from Steering Board to GAERC.) This timing would give the SG/HR the opportunity, if he and his Ministerial colleagues on the Steering Board felt it appropriate, to represent key issues arising to the European Council in June or December.

The Steering Board should also meet regularly at Representatives level, addressing agendas focussed variously on the competences of NADs; of national research directors; and of national capability planners. Two such meetings in each of these “formations” per year would imply Steering Board meetings on average every 6 weeks. When the SG/HR was unavailable to take the chair, the Chief Executive could substitute for him in these subordinate formats.

This pattern would:

- ▶ allow business to be dealt with at an appropriate level
- ▶ speed the decision-making (the Steering Board being “indivisible”, decisions on relatively trivial but urgent matters such as budgetary adjustments could be dealt with quickly) most importantly, ensure close and effective interaction between the Agency and the key relevant authorities in Member States across the range of the Agency's functions.

Once established, the Agency will suggest to the Steering Board the creation of preparatory groups, representing Member States and chaired by the Chief Executive or his/her representative, to prepare proposals going to the Steering Board.

24. The November Report suggested that the Steering Board should include a Commission representative, and be attended by the CE, the Chairman of the EUMC, and the Presidency NAD. This is appropriate for Ministerial meetings, on the basis that all

have a voice but only the Defence Ministers (or representatives) a vote. In addition, it was proposed that the NATO Sec-Gen could be invited to attend; this will usually be appropriate.

For non-Ministerial formations, the following general schema would be appropriate:

	<b>Always</b>	<b>By invitation</b>
NADs	Commission	NATO ASG OCCAR BOS Chair LoI EXCO Chair
R & T Directors	Commission Presidency NAD	NATO ASG LoI EXCO Chair WEAO Rep
Capability Planners	Commission Chairman of EUMC	NATO ASG DG EUMS

But the Steering Board should have discretion to invite other third parties as it deems useful.

## *V. Decision taking*

25. The Steering Board will have decisions to take in relation to:

- (a) how the Agency conducts its business internally
- (b) the Agency's external relations; and
- (c) the substance of issues relating to the Agency's mission and functions.

Defence Ministers will, in the spirit of strengthening ESDP, and of the cooperative endeavour of which the Agency is a prominent expression, always seek to achieve, and almost always find, consensus. Acting on this basis is preferable to any other procedure. Nevertheless, provision has to be made for formal voting rules – with Qualified Majority Voting (QMV) according to Nice Treaty, or unanimity, the most obvious choices today.

There are well-known sensitivities about decision-taking on any basis other than unanimity on defence matters. However, there is no legal bar to establishing a different basis for decision-making in the Agency; and the relevant Article of the draft Treaty establishing a Constitution for Europe refers to the need to “take account of the level of effective participation in the Agency”. That Article also envisages the setting up of specific groups within the Agency. This implies some flexibility over decision-making methods, and variable geometry.

26. Decisions on how the Agency conducts its **internal business** will cover such matters as the General Budget, the work programme, commissioning of studies, rules and

procedures, establishment of ad hoc budgets for specific-group projects, or organisational changes. These are administrative matters, and should most properly and naturally be viewed as such; to suggest that they have “military or defence implications” for the Member States of the kind which have traditionally been recognised as requiring the protection of unanimity would seem an artificial interpretation. Therefore, in the interests of efficiency, QMV for these decisions should be applied.

An exception could, of course, be made for adoption of the General Budget, in line with the expressed wishes of a number of Member States. MS will, however, wish to consider this position carefully, recalling the problems encountered in adoption of other Agency budgets by unanimity, and the fact of adoption of the Community Budget by QMV.

27. Decisions concerning the Agency’s **external relations** (for example, with Third States or with international organisations) must of course comply with relevant decisions by the Council (including the Joint Action establishing the Agency). The Steering Board will, however, have to agree appropriate administrative arrangements. Again, QMV appears appropriate for decisions relating to administrative implementation of policies decided at a higher level. But of course one would hope that a ready consensus would be achieved without voting.

28. Issues of substance may come to the Agency’s Steering Board in the form of analyses and assessments, or of proposals for policies and strategies, or projects and initiatives. The former are unlikely to require immediate decisions, unless perhaps in the form of direction of further Agency efforts an internal administrative matter.

#### **a) Policies and strategies**

Illustrative examples of such proposals might be:

- ▶ key capability priorities for ESDP in 2020
- ▶ priority technology areas for European defence R&T
- ▶ a “code of conduct” on invocation of Article 296
- ▶ lines for the Agency to take in discussion of EDEM issues with the Commission
- ▶ a numerical target for increasing spending on collaborative R&T
- ▶ “best practice” principles to be applied in defence acquisition.

#### **b) Projects and initiatives**

Examples of proposals here might be:

- ▶ a restructuring of the Defence Test and Evaluation Base
- ▶ new projects (equipment and others) to fill Headline Force Catalogue gaps
- ▶ a major R&T collaboration
- ▶ an effort to achieve a major collaboration with potential to facilitate industrial restructuring
- ▶ a joint training initiative.

Such examples confirm that decisions on proposals put to the Steering Board on the substance of the Agency’s business are unlikely to be binding or coercive. They will not involve regulation, or sanction. Rather, Steering Board decisions will amount to identifying priorities and approaches for a group of, or all, participating Member States to pursue, without compelling any to do so. Decisions will be essentially exhortatory, representing commitments to shared ambitions (and implicit direction to national defence staffs, as well as the Agency). The Steering Board will seek to achieve consensus while tolerating the use of constructive abstention by any participating Member State unable to subscribe to the majority view. Member States may, therefore, feel that QMV could be safely prescribed as the underlying regime against the improbable contingency of voting being required, without risk of infringing nations’ ultimate authority on defence matters especially if the additional safeguard were added of an appeal by a Member State to “important and stated reasons of national policy” (Article 23 TEU) preventing a vote (the so-called “emergency brake”).

29. Beyond the Steering Board authority there will be a need for decisions by the Council. Given the nature of the decisions involved, occasions when Agency business needs to be referred onwards to the Council are unlikely to be numerous. Such occasions might be:

- ▶ when a substantive decision binding on all participating Member States was at issue and use of the “emergency brake” had prevented a decision in the Steering Board
- ▶ when decisions (e.g. on long-term ESDP capability priorities, or on policy proposals for a European defence industrial strategy) involved competences beyond those of Defence Ministers
- ▶ when the additional political force of a decision by the Council seemed desirable.

Reporting to and receiving direction from the Council, and chairing the Steering Board in Ministerial formation, the SG/HR as Head of the Agency will be well placed to identify such occasions. Decisions by the Council would, of course, require preparation in the normal way.

## Third EU crisis management exercise (CME 04)

Brussels, 14 May 2004

### **THIRD EU CRISIS MANAGEMENT EXERCISE (CME 04) TO BE HELD FROM 18 TO 27 MAY 2004**

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The European Union will conduct its third crisis management exercise (CME 04)<sup>1</sup> from 18 to 27 May 2004 in the framework of the European Security and Defence Policy.

CME 04 will concentrate on how the EU manages crises using both civilian and military instruments, including their coordination. It is based on a scenario of an autonomous EU-led operation, without recourse to NATO assets and capabilities.

The exercise will test and evaluate a range of EU crisis management structures, procedures and consultation arrangements, including the development of concepts of operation, with a view to improving the EU's capacity to manage crises.

Although generic, the exercise scenario will contain sufficient hypothetical background to support the objectives and the decision making process of the exercise. It will support the need for an EU-led operation requiring the deployment of the full range of the EU's military and civilian, including Community, instruments (e.g. a military force, police component, a Rule of Law component, civil administration component etc.), while recognising the primary responsibility of the UN Security Council for the maintenance of international peace and security.

The exercise CME 04 will be conducted in Brussels and in national capitals. No troops will be deployed. The Operation Headquarters (OHQ) will be provided by the United Kingdom and located in Northwood (UK). The exercise will involve Member States (capitals and delegations), relevant EU Council instances, the Secretary General/High Representative, the European Commission and the Satellite Centre.

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1. In May 2002, the EU conducted its first crisis management exercise (CME 02) in the framework of the ESDP. In November 2003, the EU and NATO conducted a joint crisis management exercise (CME/CMX 03).

# General Affairs and External Relations Council

Brussels, 17 May 2004

After enlargement to ten new members, two important issues dominated Council proceedings relating to the ESDP. Firstly, the development, on 1 May, of the 2010 Headline Goal, in particular the priority given to rapid reaction requires a substantial effort by Member States to create an operational capability by 2007. The second priority issue concerned moving forward preparations for the European mission in Bosnia where the Union hoped to take over from SFOR. In this matter, cooperation with NATO in the context of the Berlin Plus arrangements was to require considerable diplomatic and military efforts. The Democratic Republic of Congo and the fight against the proliferation of WMD are now on the agenda.

(...)

## **EUROPEAN SECURITY AND DEFENCE POLICY — COUNCIL CONCLUSIONS**

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The Council adopted the following conclusions:

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

### **Crisis management operations**

2. The Council noted that lessons learned have been drawn from the two EU-led military operations (CONCORDIA in the former Yugoslav Republic of Macedonia and ARTEMIS in the Democratic Republic of the Congo) that have been successfully completed. Regarding civilian aspects of the ESDP, the Council welcomed the progress being made by the existing EU police missions in Bosnia and Herzegovina and in the Former Yugoslav Republic of Macedonia, while noting that certain challenges still remain to be addressed over the period ahead. The Council expressed its intention to revert to these issues and also noted that ongoing contingency planning is under way in relation to possible additional civilian missions.

3. The Council received information on the state of play regarding the preparation of a possible EU-led ESDP mission in Bosnia and Herzegovina following SFOR, and expressed its satisfaction on the progress made to date. The Council underlined the importance of close co-operation between the EU and NATO, including the exchange of

information with a view to ensuring a smooth and efficient transition and also of close consultations with the BiH authorities.

### The 2010 Headline Goal

4. The Council approved the document entitled Headline Goal 2010 (6309/6/04) which will be submitted to the European Council in June 2004, which includes the main parameters for the development of EU military capabilities with a 2010 horizon, notably the definition of the level of ambition for rapid reaction battlegroups. Rapid reaction calls for rapid decision-making and planning as well as rapid deployment of forces. On decision making, the ambition of the EU is to be able to take the decision to launch an operation within 5 days of the approval of the Crisis Management Concept by the Council. On the deployment of forces, the ambition is that the forces start implementing their mission on the ground no later than 10 days after the EU decision to launch the operation. The PSC will direct the necessary steps leading to the more precise definition of the Headline Goal 2010 based on the elements set out in this document, drawing on the advice of the EUMC as appropriate. The new Headline Goal reflects the European Security Strategy, the evolution of the strategic environment and of technology and draws on lessons learned from EU-led operations. It builds on the Headline and capability goals defined by the Helsinki European Council and recognises that existing short-falls still need to be addressed.

5. Member States' decision to commit themselves to be able by 2010 to respond to a crisis with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty on the European Union is welcomed. This includes humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking. As indicated by the European Security Strategy, this might also include joint disarmament operations, support for third countries in combating terrorism and security sector reform.

6. Interoperability, deployability and sustainability will be at the core of Member States' efforts and will be the driving factors of the Headline Goal 2010. In this regard Member States have identified an indicative list of specific milestones within the 2010 horizon.

7. The ability of the EU to deploy force packages at high readiness as a response to a crisis either as a stand-alone force or as part of a larger operation enabling follow-on phases, is a key element of the Headline Goal 2010. These minimum force packages, which must be militarily effective, credible and coherent, will be broadly based on the EU battlegroups concept.

8. The necessary set of benchmarks and milestones in order to evaluate progress towards the achievement of the objectives of the Headline Goal 2010 will be developed.

### **Current development in military capabilities**

9. The Council noted the Single Progress Report on military capabilities, which was prepared in accordance with the EU Capability Development Mechanism (CDM) and welcomed progress made. In this framework, taking into account the comprehensive Spring 2004 military capability assessment, the Council recognised that further progress will be required on the recognised shortfalls and deficits from the Headline Goal 2003.

10. The Council also noted the Force Catalogue 2004, which incorporates contributions from the ten new EU Member States and new contributions from other Member States, the national and multinational Projects & Initiatives Catalogue 2004 and the Supplement to the Force Catalogue 2004, which includes additional contributions from non-EU European NATO members.

11. The Council noted the continuing work on the European Capability Action Plan (ECAP), which demonstrates Member States' determination to address the remaining shortfalls. The Council welcomed the elaboration of an ECAP Roadmap and the Capability Improvement Chart, which formed an integral part of the Single Progress Report, as a means of monitoring ECAP progress. The Council also welcomed the overview of the Capability Improvement Chart to inform public opinion and the media.

12. Notable progress was achieved in addressing capability shortfalls. Some shortfalls such as NBC and aspects of medical were remedied and in others, such as Headquarters, progress has been made. The Council noted that multinational efforts are ongoing to enhance strategic sea- and airlift capabilities.

13. The Council underlined the importance of the coherent and mutually reinforcing development of military capabilities in the EU and in NATO, where requirements overlap and, in this regard, the importance of the EU-NATO Capability Group, as defined by the EU Capability Development Mechanism.

### **Rapid Response**

14. The Council welcomed the report presented by the SG/HR at the beginning of April on Rapid Response and agreed its recommendations. With the document on Headline Goal 2010, work has already begun on taking forward implementation of these recommendations.

15. Concerning the capabilities required for rapid response, the Council asked the relevant EU bodies to work on the basis of the Headline Goal 2010, drawing on the SG/HR's report, as appropriate, with a view to achieving full operational capability for the rapid response capabilities of the European Union by 2007. Work on the battlegroup concept should be pursued as a matter of urgency and completed by the end of the Irish Presidency. Commitments will be sought from Member States in order to achieve an initial battlegroup capability in early 2005 and complete development in 2007. Particular attention will have to be paid to the questions of standards, training and assessment of the rapid response capabilities, to ensure their interoperability and effective use. With a view to the EU's ambitions on rapid response, the Council recognised in particular the need to achieve further progress in improving capabilities for strategic mobility.

16. The Council underlined that a rapid decision making and planning process is necessary for rapid response. It asked the PSC to monitor the implementation of the relevant lessons learned from Operation Artemis, and requested the SG/HR to ensure the availability of advance planning, building on the tools already available and taking into account the implementation of the European Council Conclusions of December 2003. On planning and decision making, the SG/HR is also asked to present as early as possible in the second semester of 2004 his evaluation of the implication of and his proposal for the effective implementation of the level of ambition defined in the document Headline Goal 2010.

17. The Council welcomed the progress on the further development of the EU/UN dimension of rapid response and asked the Presidency and the SG/HR, to continue discussions with the UN on the modalities for EU/UN co-operation in military crisis management operation. These modalities would include identifying the possibilities of and modalities for co-operation in the event of rapid response type operations.

18. The Council underlined the importance it attaches to the principle of complementarity and mutual reinforcement between NATO and the EU. This means capabilities developed by Member States being made available to the EU and/or to NATO by the Member States concerned within timeframes compatible with the requirement of a rapid response. In this regard, intensified dialogue should be pursued between the EU and NATO at different levels, including by the SG/HR in close co-operation with the Presidency, within the established co-operation framework.

### **Civilian capabilities**

19. The Council welcomed the fact that in the context of the Union's enlargement, a process has been launched aimed at identifying civilian crisis management capabilities available from the 10 new Member States.

20. The Council welcomed the fact that further progress is being made on the development of EU capabilities for the civilian aspects of crisis management, drawing on experience to date and addressing identified shortfalls. Work is underway on a way ahead to enhance the EU capability in this area, including in the light of the European Security Strategy, and covering the need for increased operationality, rapid deployment and possible additional capabilities. An Action Plan will be considered by the Council at its next meeting in June with a view to its endorsement by the European Council the same month.

21. The Council welcomed the letters sent recently by SG/HR Solana in relation to the planning and mission support capability for civilian crisis management within the Council Secretariat. Recalling his report of 22 July 2003 the Council invites the SG/HR to keep this issue under close review, given the evolving needs.

### **Agency in the field of defence capabilities development, research, acquisition and armaments**

22. The Council took note of the proposals contained in the report from the Agency Establishment Team (AET), as submitted through the Ad Hoc Preparation Group. The Council commended the work of the AET in bringing well-prepared proposals to the Council in good time. The Council welcomed the fact that, based notably on the work of the AET, there is now a good basis for further work in the process of establishing the Agency. This should enable the Agency to achieve operational status by the end of 2004, in line with the mandate given by the European Council in Thessaloniki.

23. The Council asked the relevant Council bodies to complete work on the draft Joint Action, so that the legal act establishing the Agency is adopted in advance of the June European Council. Key appointments should follow as soon as possible.

### **Other aspects**

24. The Council underlined the importance of developing the potential of ESDP, in both its military and civil aspects, to assist in effective conflict prevention and management in Africa, while encouraging and ensuring African ownership. In this regard, the Council welcomes the dialogue with the African Union, sub-regional organisations and African States. The Council will revisit this issue at its meeting in June.

25. The Council recalls the Declaration of the European Council of 25 March on the solidarity clause.

26. The Council endorses the PSC report on modalities, procedures and criteria for making available to the Community Civil Protection Mechanism the content of the database of military assets and capabilities relevant to the protection of civilian populations against the effects of terrorist attacks, including CBRN, developed on the basis of the December 2003 Council Conclusions, and requests the appropriate bodies to implement these modalities, procedures and criteria. In this context, and also in the light of the recent enlargement of the EU, Member States are invited to expand and deepen the contents of this database on the basis of their voluntary contributions. These modalities constitute an initial practical measure contributing to the implementation of the 25 March 2004 European Council Declaration on combating terrorism, notably the ESDP contribution.”

(...)

### **DEMOCRATIC REPUBLIC OF CONGO – SUPPORT FOR ESTABLISHMENT OF AN INTEGRATED POLICE UNIT**

The Council adopted a Joint Action on EU support to the establishment of an Integrated Police Unit (IPU) in the Democratic Republic of Congo (9253/04). The measure aims to support the process of consolidation of internal security in the DRC, which is an essential factor for the peace process and the development of the country.

Under the Joint Action, the EU and its Member States will contribute with funds and/or contributions in kind to provide the government of the DRC with the law enforcement equipment and arms identified as necessary for the establishment of the IPU. The allocation under the CFSP section of the Community budget is 585,000. In addition, Belgium, Germany and Hungary have agreed to make contributions in kind and the Netherlands, the UK, Sweden, Luxembourg, Ireland and Denmark have agreed to make financial contributions.

These contributions come in addition to EDF (European Development Fund) funded activities, which include technical assistance, rehabilitation of a training centre and training.

The EU has been devoting increasing attention to conflict prevention, management and resolution in Africa. It is committed to promoting stability in the Great Lakes region, notably through its Special Representative. Through the military operation “Artemis” conducted in the summer of 2003, it has taken concrete steps to contribute to the re-establishment of security in the DRC. The December 2002 Pretoria agreement and the Memorandum on Security and the Army of June 2003 provided for the establishment of an Integrated Congolese Police Unit. The UN Security Council, in its Resolution 1493 of 28 July 2003 encouraged donors to support the establishment of an IPU. In October 2003, the government of the DRC asked the High Representative for CFSP for EU assistance in setting up the IPU.

## **NON-PROLIFERATION - SUPPORT FOR IAEA ACTIVITIES**

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The Council adopted a Joint Action on EU support for International Atomic Energy Agency (IAEA) activities on the enhancement of the protection of sensitive materials and of the detection of and response to illicit trafficking under the IAEA's Nuclear Security Programme (8913/04). The measure was taken in the framework of the implementation of the EU Strategy against Proliferation of Weapons of Mass Destruction adopted by the European Council on 12 December 2003, which the EU is actively pursuing, in particular through financial support to specific projects conducted by multilateral institutions such as the IAEA.

A financial reference amount of 3,329,000 is allocated for the implementation of three IAEA projects corresponding to EU objectives under its strategy and aimed at strengthening:

- ▶ the physical protection of nuclear materials and other radioactive materials in use, storage and transport, and of nuclear facilities;
- ▶ the security of radioactive materials in non-nuclear applications,
- ▶ States' capabilities for detection and rapid response to illicit trafficking.

## **NON-PROLIFERATION – SUPPORT OF THE PROLIFERATION SECURITY INITIATIVE (PSI)**

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The Council adopted the following statement:

“The European Union is fully committed to the fight against the proliferation of weapons of mass destruction and their means of delivery. The active implementation of the Strategy against the proliferation of WMD adopted on 12 December 2003 by the European Council is a practical demonstration of this commitment.

The EU's Strategy contains a number of measures to prevent, deter, halt and if possible eliminate proliferation programmes that cause concern at the global level. One of these measures seeks to improve identification, control and interception of illegal trafficking, and in particular to provide support for international initiatives aimed at the identification, control and interception of illegal shipments.

The EU is fully committed to the implementation of the UN Security Council resolution 1540 (2004) on non-proliferation, which, inter alia, recognizes the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security.

The European Union and its Member States note that the principal purpose of the Proliferation Security Initiative (PSI) complements well the objectives set out in its own Strategy against the proliferation of WMD. The European Union and its Member States

fully endorse and subscribe to the Statement on Interdiction Principles of 4 September 2003. It can provide an effective basis, consistent with national legal authorities and relevant international law and frameworks including the UN Security Council, on which to impede and stop trafficking in weapons of mass destruction and their means of delivery. The European Union and its Member States note in this context that UN Security Council resolution 1540 (2004) calls upon all states, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials. The European Union and its Member States commit themselves to contribute to the PSI and will take the necessary steps in support of interdiction efforts to the extent their national and Community legal authorities permit and consistent with their obligations under international law and frameworks.

The EU welcomes the First Anniversary PSI meeting which will take place in Krakow on 31 May – 1 June 2004.”

(...)

## Meeting of EU defence ministers

Brussels, 17 May 2004

### SUMMARY OF THE REMARKS MADE BY JAVIER SOLANA, EU HIGH REPRESENTATIVE FOR THE COMMON FOREIGN AND SECURITY POLICY

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#### EU military capabilities development

1. Nous avons maintenant un nouvel objectif global, le “Headline Goal 2010”, définissant le niveau d’ambition de l’UE à l’horizon 2010. L’approche retenue dans ce document se concentre sur les aspects qualitatifs, et s’inscrit dans une perspective de long terme.
2. L’implication personnelle des ministres de la défense dans le processus capacitaire est cruciale en particulier pour traduire la stratégie de sécurité en mesures concrètes. Ce n’est pas une tâche facile mais je suis confiant que nous y arriverons, entre autre avec l’apport de nos nouveaux membres.

#### Rapid response capability

1. En matière de réponse rapide, nous avons fait de grands progrès ces derniers mois. Le succès de l’opération Artémis a certainement joué un rôle important. L’initiative sur les “Battle Group” aussi.
2. Dans le “Headline Goal 2010”, que vous avez approuvé aujourd’hui, nous nous sommes fixé comme objectif de conduire le processus de décision dans les 5 jours qui suivent l’approbation du Concept de gestion de crise, pour pouvoir ensuite commencer l’opération sur le terrain dans les 10 jours qui suivent la décision de lancer l’opération. C’est une décision extrêmement importante et ambitieuse.
3. Pour cela, il faut d’abord des capacités. Nous sommes dans une approche volontaire. Votre responsabilité est donc essentielle.
4. Ensuite, il faut faire en sorte que ces capacités soient disponibles et notamment que les logiques de la “NATO Response Force” (NRF) et de nos travaux à l’UE se renforcent mutuellement.
5. Enfin le processus de prise de décision et de planification doit lui-même être rapide. L’objectif que vous vous êtes fixé est en effet d’aller encore plus vite que lors de l’opération Artémis.

6. Vous m'avez demandé de faire rapport sur les implications d'un tel niveau d'ambition et de vous faire des propositions pour l'atteindre. Nous allons conduire cette étude mais je voudrais d'ores et déjà vous faire part de certaines réflexions:

- ▶ Il est nécessaire de développer et d'améliorer la façon dont nous conduisons la planification d'avance ("advance planning"). Nous pouvons travailler de manière plus structurée avec les États Majors d'opérations déclarés au "Headline goal";
- ▶ Le processus de prise de décision et de planification devra être flexible, tout en maintenant le contrôle politique des États-Membres. Il faudra donc éviter une comitologie lourde et faire un usage aussi large que possible des possibilités de délégation offertes par les textes;
- ▶ Un processus rapide de prise de décision au sein de l'UE devra être appuyé par des décisions également rapides au sein des États-Membres.

7. Nous sommes sur la bonne voie, il faut poursuivre notre effort.

### **Agency on the field of defence capabilities development, research, acquisition and armaments**

1. I am extremely pleased with the progress that we have made so far, since the launching of the Agency Establishment Team, under the outstanding leadership of Nick Whitney.

2. It is important to make the necessary efforts to have an Agency with a flexible scope, in order to be fully effective.

3. The European defence industry is emphatic about the need for this Agency.

4. I believe there are three crucial requirements to achieve our goals as planned:

1.1 Your personal engagement and commitment in the Steering Board - ultimately, it is all about how you choose to spend your budgets;

1.2 Flexible internal decision-making, i.e. maximum use of Qualified Majority Voting (QMV);

1.3 Enough room for the Agency to do its job. The Agency should not be seen as another Council working group. It is important that we provide it with the appropriate level of autonomy. This is crucial for it to be able to produce results.

5. Of course, we must respect the competence of the Council and its bodies. Steering Board must stick to what is within the competence of Defence Ministers. As Secretary

General of the Council, as well as Head of the Agency, I must have the Council's interests at heart.

### **Bosnia and Herzegovina (BiH), possible EU military deployment**

1. Work is ongoing in accordance with the time schedule initially envisaged. *The general concept was welcomed* and approved by the Council last April, the directive for the development of the strategic options (both police and military) has been issued and these two documents have been discussed by the relevant Council bodies.
2. We maintain fruitful consultations with the BiH authorities. A visit was conducted at the end of last month to keep those authorities up-to-date with our work, in particular the General Concept, in BiH. As you will be aware of, the Minister of Defence, Mr Radovanovic, visited Brussels on 12 May. On the occasion of that visit he and I had a good discussion.
3. Regular consultations are taking place with NATO. The next EU Political Security Committee / North Atlantic Council meeting will take place next week. EU Military Staff (EUMS) sent officers to Supreme Headquarters Allied Powers Europe (SHAPE) three weeks ago to ensure close co-operation with the Deputy Supreme Allied Commander Europe (DSACEUR), while the EU Staff Group is being trained. EUMS will send a Liaison Officer to Sarajevo shortly.
4. There are some issues that we will have to address:
  - ▶ It is critical that Member States generate sufficient and appropriate forces for this operation.
  - ▶ We must also ensure that the EU has the authority to conduct this mission successfully, to accompany the responsibility that we will take.

### **Civil/military planning cell**

1. Since the informal meeting of 5-6 April, I have presented formal proposals to implement the different elements contained in the document entitled "European Defence; NATO/EU consultation, planning and operations".
2. Let me draw your attention to a few points on the Civil/Military Cell:
  - ▶ We should do our best to carry work forward with a certain speed. The European Council indicated that these measures should enter into force as early as possible in 2004. I think we should aim to have these proposals adopted in June by the EU Foreign Ministers and endorsed later by the European Council.

- The “balance” between the military and civilian elements in the Cell. The experience of the last decade, and even more recent examples, clearly demonstrate the need for a comprehensive approach to crisis management. We should ensure that the Cell enhances the EU’s capability to do this.
- The Cell and Operation Centre facilities will take into account the need to respect the level of ambition of this project.

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## ANNEX

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### CAPABILITY IMPROVEMENT CHART 2004

The development of military capabilities for crisis management has been a key aspect of the European Security and Defence Policy since its inception. In this framework, the European Capability Action Plan (ECAP) launched in 2001 underpins Member States’ progress in remedying identified shortfalls by rationalising Member States’ respective defence efforts and increasing synergy between their national and multi-national projects.

Every six months a progress report on EU military capabilities is submitted to the Council, in accordance with the “Capability Development Mechanism” established by the Council in March 2003 for the follow-up and evaluation of military capabilities objectives and commitments by Member States.

The progress report presented during each Presidency contains an ECAP “roadmap” aimed at monitoring ECAP progress and allowing Member States, if deemed necessary, to redirect the work of the project groups created under the ECAP to address identified shortfalls. This roadmap is accompanied by a “Capability Improvement Chart” including a state of play in the project groups.

The attached chart indicates progress in addressing shortfalls and deficits.

The chart takes as a starting point the Capability Improvement Chart published in November 2001. Military requirements identified in 2002 and 2003 have been included as have contributions by Member States addressing these requirements. The contributions of the 10 new Member States in the enlarged Union have been included.

Last year, the EU agreed that it needed to look beyond 2003 and set new goals for the further development of European capabilities for crisis management with a horizon of 2010, reflecting the European Security Strategy, the evolution of the strategic environment and of technology and drawing on lessons learned from the EU-led operations.

The Headline Goal 2010 builds on the existing goal and recognises that existing shortfalls still need to be addressed. Member States have decided to commit themselves

to be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty on the European Union. The Headline Goal 2010 adopts a long-term perspective and focuses on the qualitative aspects of capability development and also provides a framework within which to address further the delivery of capability.

The Agency in the field of defence capabilities development, research, acquisition and armaments which will be established in the course of 2004 will provide additional support and impulse to the co-ordinated development of capabilities by Member States.

**Note:**

This Capabilities Improvement Chart draws on Member States contributions in 2003 and 2004 to the military requirements identified in 2002 which was updated subsequent to the 2001 Capabilities Improvement Chart.

The chart lists Shortfalls and Deficits and indicates improvement or otherwise in accordance with the following legends:

<b>Solved</b>	Shortfall/Deficit solved
<b>↗</b>	Situation has improved
<b>≈</b>	Situation remains approximately the same
<b>S</b>	In HPC 2001 identified as significant in the assessment of capability

A specific column highlights qualitative/readiness shortfalls.

Information reflected in the P&I column should not be regarded as a contribution nor a commitment.

### Capability Improvement Chart 2004

Capabilities Shortfalls and Catalogue Deficits	Progress 2002 -2004	Impact	ECAP -Project Groups	Qualitative/ Readiness Shortfalls	Projects and Initiatives
<b>LAND</b>					
Attack Helicopter	≈	<b>S</b>	Attack Helicopters PG		YES
Army Aviation	≈			R	YES
Medium/Heavy Helicopter Transport	≈	<b>S</b>	Support Helicopters PG		YES
Reconnaissance and Liaison Helicopter	≈	<b>S</b>			YES
Nuclear-Biological-Chemical Battalions	<b>Solved</b>	<b>S</b>	NBC PG		
Nuclear-Biological-Chemical Companies (balanced)	≈	<b>S</b>	NBC PG		
Logistic units	≈				
Surveillance and Target Acquisition Units /Unmanned Aerial Vehicles Battalions	≈	<b>S</b>			YES
Surveillance and Target Acquisition Units	≈	<b>S</b>			
Medical Collective Protection Unit Role 3	≈		Medical PG		YES
Deployable Laboratories	<b>↑</b>		NBC PG		YES

<b>MARITIME</b>						
Carrier Based Air Power	≈					YES
Helicopter Carrier	≈					
Primary Casualty Receiving Ship	≈			Medical PG		
Port and Shipping Advisory Team	≈					
Sea Ports of Disembarkation Units	↗					
Amphibious Brigade Headquarters	≈				R	
<b>AIR</b>						
Air Operation Centre	<b>Solved</b>					
Suppression of Enemy Air Defence	≈		S			YES
Air to Air Refuelling	≈		<b>S</b>	Air to Air Refuelling PG		YES
Combat Search and Rescue	≈		<b>S</b>	Combat Search And Rescue PG		YES
Tactical Air Transport	≈					YES
Cruise Missiles and Precision Guided Munitions Equipped Aircraft	≈		<b>S</b>			YES
Air Support for Maritime Operations	<b>Solved</b>					
Disposed Operating Bases and Fire & Crash Support Element	≈					
Disposed Operating Bases Fuel distribution Support Element	≈					
Disposed Operating Bases Personnel Support Element	≈					

<b>C31 – Command, Control, Communications and Information</b>						
Operation Headquarters	↗	S		Q		YES
Force Headquarters	≈	S		Q		YES
Land Component Commander Headquarters	≈	S	HQ ECAP-PG	Q		YES
Maritime Component Commander Headquarters	≈	S		Q		YES
Air Component Commander Headquarters	≈	S		Q		
<b>ISTAR – Intelligence, Surveillance, Target, Acquisition and Reconnaissance</b>						
Imagery Intelligence Collection	≈	S	Space PG and PGs on ISTAR Framework and UAVs			YES
Signal Intelligence Collection	≈	S	ECAP-PGs on ISTAR Framework and UAVs			YES
Early Warning and Distant Detection Strategic Level	≈	S				YES
Theatre Surveillance and Reconnaissance Air Picture	≈	S				YES
Theatre Surveillance and Reconnaissance Ground Picture	≈	S				YES
<b>STRATEGIC MOBILITY</b>						
Strategic Airlift	≈	S	SAL PG	R		YES
Strategic Sealift (including Strategic Medical Evacuation)	≈	S	SSL ECAP-PG			YES

OTHER CAPABILITY						
Theatre Ballistic Missile Defence	≈	S	TBMD PG	Q	YES	
<b>CATALOGUE DEFICITS</b>						
Force Headquarters Carrying Ship	≈				YES	
Repair Support Ship	≈					
Amphibious Ship	≈			R	YES	
Patrol Vessels / Fast Ships	<b>Solved</b>					
Harbour & Shallow Water Mine Counter-Measure Ships	≈					
Carrier Based Reconnaissance Pods	≈				YES	
Division Headquarters	≈			R		
Light Infantry Brigade Headquarters	≈				YES	
Light/Medium Armoured Squadrons	≈				YES	
Mechanised Infantry Battalions	↗			R	YES	
Light Infantry Battalions	≈				YES	
Amphibious Infantry Battalion	≈			R		
Field Artillery Battalion (Amphibious)	≈			R		
Short Range Air Defence Battalion	≈			R	YES	
Ground Based Air Defence Medium Level Battalion	≈			R	YES	

Ground Based Air Defence Battery	<b>Solved</b>				R	
Ground Based Air Defence Battery (Amphibious)	≈				R	
Combat Engineer Battalion (Amphibious)	≈				R	
General Support Engineer Battalions	≈					
General Maintenance Engineer Battalions	≈	S				
Reconnaissance Squadron (Amphibious)	≈				R	
Medical Treatment Facilities Role 3 (including In-Theatre ashore and afloat Medical Treatment Facilities)	<b>Solved</b>			Medical PG	R	
Military Specialised Unit Battalion	≈					
Forward Tactical Aeromedical Evacuation Helos	<b>Solved</b>				R	

# External Relations Council

Brussels, 14 June 2004

## EUROPEAN SECURITY AND DEFENCE POLICY — COUNCIL CONCLUSIONS

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The Council adopted the following conclusions:

### “Presidency Report on ESDP

The Council approved the Presidency report on ESDP and decided to submit it to the European Council.

### Bosnia and Herzegovina

The Council welcomed progress in preparing the ESDP operation in Bosnia and Herzegovina following SFOR. It noted that work has been set in train, on the basis of consideration and conclusions by the PSC, to develop the Joint Action and Initiating Military Directive, based on guidance in the General Concept, taking into account the Strategic Options and the EU Military Committee and CIVCOM advices, and political guidance by the PSC. Other preparatory steps will be taken, including in consultation with NATO, to ensure that the European Union will be in a position to begin operational planning for the EU military force based on the Berlin Plus arrangements and the EU's decisions, following a decision at the Istanbul Summit to terminate the SFOR operation later this year. The Bosnian authorities will be kept fully involved throughout this process.

### ESDP Support in Africa

The Council noted that, in addition to and consistent with initiatives under the Peace Facility for Africa, activities within the framework of ESDP can give practical effect to the EU's commitment to peace and security in Africa, on the basis of African needs and taking full account of the principle of African ownership.

The Council noted that the PSC was examining proposals aimed at enabling the EU, through ESDP, to provide support to African organisations in the areas of Disarmament, Demobilisation and Reintegration (DDR) and Security Sector Reform (SSR), which are central to post-conflict stabilisation efforts in Africa. The EU is also looking at ways in which ESDP might, taking into account the work of the UN, enable it to provide practical support to the African Union and subregional organisations as they

develop their conflict prevention tools and peacekeeping capacities. Due account should also be taken of the G8 initiative on Africa.

The Council welcomed the significant work undertaken during the Irish Presidency. It invited the incoming Presidency and relevant EU bodies to take forward further practical work in this area, in close consultation with African organisations and taking full account of other related initiatives.

### **Rule of Law Mission to Georgia in the context of ESDP**

The European Union remains committed to helping Georgia through the full range of EU instruments and policies, including ESDP. In line with the European Security Strategy, and recalling its conclusions of 26 January 2004, the Council announced the EU's readiness to launch, by mid July 2004, an EU Rule of Law Mission to Georgia in the context of ESDP. The mission is anticipated to last twelve months.

As requested by the Georgian government, the EU Rule of Law mission to Georgia will support the authorities in addressing urgent challenges in the judicial system, in particular the criminal justice system. Furthermore, the mission will assist in developing a co-ordinated overall Georgian approach to the legal reform process in full complementarity with current EU assistance, and in line with the mandate of EUSR Heikki Talvitie. It will also, as appropriate, coordinate with other relevant actors of the international community in the area of Rule of Law, including the OSCE, the Council of Europe and bilateral donors. The Council asks the relevant Council bodies to start, as soon as possible, work on the planning and setting up of the mission.

### **EU-UN relations: Co-operation in Military Crisis Management**

The Council welcomed the work undertaken to date on identification of modalities under which the EU could provide military capabilities in support of the UN. This constitutes a significant step towards implementation of the Joint Declaration on EU-UN Co-operation in Crisis Management of 24 September 2003.

### **Agency in the field of defence capabilities development, research, acquisition and armaments**

Recalling the Conclusions of the European Council in Thessaloniki and the Council decision of November 2003, the Council reached political agreement on a Joint Action to establish an agency in the field of defence capabilities development, research, acquisition and armaments – to be known as the European Defence Agency. The Council noted that this timely agreement should enable the Agency, acting in support of the CFSP and the ESDP, to begin functioning by the end of the year.

### **Rapid Response: Battlegroups Concept**

The Council welcomed the progress in the work on the EU battle-group concept and noted the agreement by the EU Military Committee on a military battle-group concept.”

(..)

## European Council

**Brussels, 17 and 18 June 2004**

On 17 and 18 June, the 25 EU Heads of State or Government confirmed their commitment to fighting 'relentlessly' against terrorism, but avoided pointing out that most Member States had not observed the deadline set for implementing the six texts on judicial and police cooperation in that area. The Council also called for work to be continued with a view to implementing the European Security Strategy and boosting conflict prevention. Lastly, it endorsed the report on the EU's strategic partnership with the Mediterranean and the Middle East, which it was to discuss on 26 June with the United States.

### **PRESIDENCY CONCLUSIONS**

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(...)

1. The European Council reviewed progress across a range of areas and set out guidelines for future policy development in each of these areas.
2. The meeting was preceded by an exposé by the President of the European Parliament, Mr Pat Cox, followed by an exchange of views.
3. The European Council expressed its concern at the low voter turnout in last week's elections to the European Parliament. It recognises the need to strengthen a sense among the citizens of Europe of the importance of the work of the Union and its relevance to their daily lives. Following a preliminary discussion on this occasion, the European Council intends to return to the subject at its next meeting. In the interim, it welcomes the intention of the Netherlands Presidency to take forward the "Communicating Europe" initiative of the Irish Presidency.

#### *1. Intergovernmental Conference*

4. The Intergovernmental Conference, meeting at the level of the Heads of State or Government, reached an agreement on the draft Treaty establishing a Constitution for Europe on the basis of the texts in documents CIG 81/04 and CIG 85/04. The final legal editing and harmonisation of the texts will be carried out with a view to the signing of the Treaty before the end of 2004.
5. The European Council welcomes the successful conclusion of the Intergovernmental Conference. The Treaty establishing a Constitution for Europe is an historic step for-

ward in the process of integration and cooperation in Europe. Based on the work of the Convention, the Constitution establishes an efficient, democratic and transparent framework for the future development of the Union. It completes the process which began when the Treaty of Rome established the basic framework for European integration. Like the Treaty of Rome, it will serve for many years as the foundation of a Union at the service of its citizens.

## *II. Area of freedom, security and justice; fight against terrorism*

6. The citizens of Europe increasingly look to the Union to deliver practical advances in the Justice and Home Affairs area based on our common shared values of liberty, respect for human rights and fundamental freedoms, and the rule of law.

7. The European Council welcomes the Commission report on the progress achieved under the five-year Tampere programme, which demonstrates the substantial progress made in creating a genuine area of freedom, security and justice.

8. It notes that a number of further important steps have been taken in the first half of this year. These include the adoption of the Asylum Qualifications Directive and the political agreement reached on the Asylum Procedures Directive; the political agreement on the Directive on the admission of third-country nationals for studies and related purposes; the adoption of the Regulation on a European Enforcement Order for uncontested claims; and the general agreement on the text of the Framework Decision on the mutual recognition of confiscation orders.

9. The European Council believes that the time has now come to launch the next phase of the process. It therefore invites the Council and the Commission to prepare proposals for a new programme for the coming years to be considered by the European Council before the end of 2004.

10. The European Council underlines the need to pursue with determination the objective of building a common area of freedom, security and justice. The new programme must be commensurate with the scale of the challenge and with the expectations of our citizens. It should be practical, building on work under way arising from the Tampere programme and an evaluation of first-generation measures. It should also be grounded in the general principles of need for European added value and respect for the principles of subsidiarity, proportionality and solidarity. At the same time, the multi-year programme should make real and substantial progress towards enhancing mutual confidence and promoting common policies, including practical cooperation, to the benefit of all our citizens.

11. Momentum must be maintained pending adoption of the new programme. The European Council emphasises in particular a number of priorities in the asylum and immigration area. The new European Borders Agency, on which the Regulation is close to finalisation, should become operational at the outset of 2005. The implementation of the Plan for the Management of the Maritime Borders should be reviewed. The Council and the Commission are invited to consider further proposals for a financial instrument for return management, drawing on the experience gained in the return area to date. The Council is also invited to examine proposals contained in the Commission's Communication on entry to the Union of persons in need of international protection, as well as in the Communication on the relations between legal and illegal immigration.

12. Drug abuse and drug trafficking are scourges which must be vigorously confronted. The Council is invited to agree on proposals no later than December 2004 for a new EU Drugs Strategy for the period 2005-2012. The proposals should have regard to the Commission's final evaluation of the 2000-2004 Drugs Strategy and Action Plan as well as the outcome of the recent Dublin Conference on an EU Strategy on Drugs/The Way Forward.

### **Fight Against Terrorism**

13. At its Spring session, in the aftermath of the Madrid bombings, the European Council adopted a wide-ranging Declaration on Terrorism. It reaffirms its determination to confront the terrorist threat relentlessly and comprehensively. The appointment of an EU counterterrorism coordinator will help to improve coordination and visibility of the EU's actions in this field.

14. The European Council welcomes the report on implementation of its 25 March Declaration. Good progress has been achieved in the interim. Notable steps include completion of work on the Directive on compensating victims of crime; the Regulation introducing new functions for the Schengen Information System, including in the fight against terrorism; the Council Decision establishing the Visa Information System; and the Europol and Eurojust Agreement.

15. The European Council welcomes the Council's revised Action Plan/Roadmap and urges the institutions and Member States to fulfil outstanding commitments within the deadlines established. It will review implementation of the Action Plan/Roadmap twice a year, beginning at its December 2004 meeting.

16. The European Council welcomes the report by the Secretary-General/High Representative on integrating in the Council Secretariat an intelligence capacity on all aspects of the terrorist threat. It requests him to implement such arrangements as soon

as possible, taking into account the views expressed at the Council (JHA) on 8 June 2004. It also requests the SG/HR to keep this question under review and report on progress to the December 2004 European Council.

17. On the practical and operational front, the European Council welcomes the re-establishment of the Counter Terrorism Task Force within Europol; the steps being taken to encourage the flow of criminal and operational intelligence to Europol; the decision taken to reinforce the working structures in the Council; and the decisions of heads of the security forces of the Member States to meet regularly in the Counter-Terrorist Group format. It requests the Council to take forward work on proposals for reinforcing the Police Chiefs Task Force's operational capacity with a view to adoption of new arrangements no later than December 2004.

18. Work must now move ahead with a real sense of urgency in a number of priority areas. The Commission has published a substantial Communication on Information Policy for law enforcement and is invited to bring forward proposals as quickly as possible. The Council is called upon to draw up a coherent overall approach for further strengthening of the fight against terrorist financing by December 2004, on the basis of proposals by the High Representative and the Commission. By June 2005, Council should reach agreement on the initiatives on exchange of information and cooperation concerning terrorist offences and on retention of communications data. Agreement should be reached by December 2005 on the initiative on simplifying the exchange of information and intelligence between law enforcement agencies.

19. The Council and the Commission are invited to assess the capabilities of Member States both in preventing and coping with the consequences of any type of terrorist attack, to identify best practices and to propose the necessary measures. Existing cooperation on civil protection should be enhanced, reflecting the will of Member States to act in solidarity in the case of terrorist attack in any Member State or in the case of attack against EU citizens living abroad. By the end of this year, on the basis of a coordinated approach by the SG/HR and the Commission, Council is asked to prepare an overall strategy to enhance the protection of critical infrastructures.

### **An integrated approach**

20. The European Council underlines the importance of making use of the wide-ranging instruments of the European Union in the context of addressing all the factors which contribute to terrorism. It emphasises the need to ensure that the fight against terrorism is fully integrated into EU external relations policy and requests that concrete proposals are submitted to the December European Council on how this is most effectively achieved.

21. The European Council emphasises that solidarity and international cooperation are integral to combating terrorism and to addressing its root causes. The Union will continue to develop initiatives for closer cooperation with international organisations, particularly the UN, and to maintain the closest possible coordination with the United States and other partners. Combating terrorism must be a key element in political dialogue with third countries, with particular emphasis on ratification and implementation of International Conventions, preventing the financing of terrorism, addressing factors which contribute to terrorism, as well as non-proliferation and arms control.

### *III. Enlargement*

#### **Bulgaria and Romania**

22. The European Council underlines that Bulgaria and Romania are an integral part of the ongoing round of enlargement which saw ten new Member States join the Union on 1 May 2004. The Union recalls that the guiding principles which applied to the accession negotiations with the ten new Member States continue to apply to Bulgaria and Romania, which are part of the same inclusive and irreversible enlargement process.

23. The European Council welcomes the very substantial progress made by Bulgaria and Romania in the accession negotiations over the past months and reiterates the Union's common objective to welcome the two countries as members of the Union in January 2007, if they are ready.

24. In reaching agreement on a fair and equitable financial package for Bulgaria and Romania at the beginning of the year, the Union paved the way for concluding negotiations on the key financially-related chapters and the accession negotiations with the two countries thus entered a significant phase. Provided that real and effective progress in reforms and preparations on the ground for accession is maintained by Bulgaria and Romania, the Union confirms its determination to bring the accession negotiations to a successful conclusion for both countries in 2004, on the basis of own merits.

25. The Union notes with great satisfaction that all of the outstanding chapters in the negotiations with Bulgaria have been provisionally closed and that Romania has also made important progress and is substantially closer to achieving this goal. Member States and the Commission will continue to assist Romania in this regard. The European Council looks forward to the Commission 2004 Regular Report, which will assess the two countries' ability to assume all the obligations of membership by accession. With a view to signature of the Accession Treaty for Bulgaria and Romania as early as possible in 2005, drafting of the Accession Treaty for the two countries will begin in July 2004.

26. Being prepared to assume all the obligations of membership is crucial for Bulgaria and Romania. The Union therefore urges both countries to further intensify their efforts in order to be ready for membership in January 2007. The Union underlines that particular attention should be paid by Bulgaria and Romania to improving their administrative and judicial capacity, as well as to continuing economic and structural reform, and to the full and timely implementation of negotiated commitments. The Union will closely monitor preparations and implementation of commitments undertaken in all areas of the Acquis.

### **Turkey**

27. The European Council welcomes the significant progress made to date by Turkey in the reform process, including the important and wide-ranging constitutional amendments adopted in May. It welcomes the continued and sustained efforts of the Turkish Government to meet the Copenhagen political criteria. In this context, the European Council emphasises the importance of concluding the remaining legislative work and of accelerating efforts to ensure decisive progress in the full and timely implementation of reforms at all levels of administration and throughout the country.

28. The European Union will continue to assist Turkey in its preparations and to work towards full implementation of the pre-accession strategy, in particular as regards strengthening the independence and functioning of the judiciary, the overall framework for the exercise of fundamental freedoms (association, expression and religion), cultural rights, the further alignment of civil-military relations with European practice and the situation in the southeast of the country.

29. The Union reaffirms its commitment that if the European Council decides in December 2004, on the basis of a report and recommendation from the Commission, that Turkey fulfils the Copenhagen political criteria, the EU will open accession negotiations with Turkey without delay.

30. The European Council encourages the Turkish Government to remain firmly committed to macroeconomic and financial stabilisation, including full implementation of the structural reform agenda.

31. The European Council invites Turkey to conclude negotiations with the Commission on behalf of the Community and its 25 Member States on the adaptation of the Ankara Agreement to take account of the accession of the new Member States.

32. The European Council welcomes the positive contribution of the Turkish Government to the efforts of the UN Secretary-General to achieve a comprehensive settlement of the Cyprus problem.

**Croatia**

33. The European Council welcomes the Commission Opinion on Croatia's application for EU membership and the recommendation that accession negotiations should be opened. The European Council considered the application on the basis of the Opinion and noted that Croatia meets the political criteria set by the Copenhagen European Council in 1993 and the Stabilisation and Association Process conditionalities established by the Council in 1997. It decided that Croatia is a candidate country for membership and that the accession process should be launched.

34. The European Council decided to convene a bilateral intergovernmental conference with Croatia early in 2005 in order to begin negotiations. In advance of the negotiations, the Council will agree a general negotiating framework, taking full account of the experience of the fifth enlargement process. The European Council requests the Commission to present an evaluation in this regard, before the end of its mandate. It confirms that the negotiations will be based on Croatia's own merits and that the pace will depend solely on Croatia's progress in meeting the requirements for membership.

35. The European Council emphasises that Croatia needs to maintain full cooperation with ICTY and take all necessary steps to ensure that the remaining indictee is located and transferred to The Hague. Croatia also needs to make additional efforts on minority rights, refugee returns, reform of the judiciary, regional cooperation and the fight against corruption.

36. In order to prepare for negotiations, work should begin on an examination of the *acquis*, which might best be undertaken in the framework of the Stabilisation and Association Agreement with Croatia.

37. The European Council requests the Commission to prepare a pre-accession strategy for Croatia, including the necessary financial instrument.

38. The European Council notes the Croatian decision not to apply to EU Member States any aspect of the Ecological and Fisheries Protection Zone. In this context, it welcomes the agreement reached by Italy, Slovenia and Croatia at the Trilateral meeting in Brussels on 4 June 2004.

**Implications of Croatia's status for other countries of the Western Balkans**

39. The European Council emphasises that the achievement of candidate status by Croatia should be an encouragement to the other countries of the Western Balkans to pursue their reforms. It reaffirms its commitment to the full implementation of the

Thessaloniki agenda, which makes clear that the future of the Western Balkans rests within the European Union. The advance of the individual countries of the region towards European integration will proceed in parallel with the regional approach, which remains an essential element of EU policy. The European Council urges Croatia to continue to make a strong contribution to the development of closer regional cooperation.

40. The European Council adopted conclusions on the presidential election in Serbia as attached.

(...)

## *VII. External relations/CFSP/ESDP*

### **European Security Strategy**

50. The European Council reiterates that the European Security Strategy adopted at the European Council in December 2003 provides a key framework for policy formulation. Follow-up has been taken forward over the past six months, including in the four areas identified for initial work (effective multilateralism with the UN at its core; the fight against terrorism; a strategy towards the region of the Middle East and a comprehensive policy towards Bosnia- Herzegovina). The European Council asked the incoming Presidency in cooperation with the SG/HR and the Commission to continue this work.

51. The European Council particularly welcomes the focus on effective multilateralism, with transmission of the EU's contribution to the UN Secretary-General's High Level Panel on Threats, Challenges and Change in support of a strengthened UN; work undertaken to implement the EU-UN Joint Declaration on Cooperation in Crisis Management of 24 September 2003; and joint commitments on support for effective multilateralism made with key regional partners. It also looks forward to the proposals to be submitted by the SG/HR and the Commission on concrete steps designed to promote the development of a rules-based international order.

52. The European Council welcomes the approval by the Council of basic principles on the use of restrictive measures (sanctions), in the context of the further development of a policy framework for more effective multilateralism in line with the European Security Strategy.

53. The European Council adopted a comprehensive policy towards Bosnia and Herzegovina, setting out practical arrangements to enhance the coherence and effectiveness of the EU's engagement in support of the European perspective of the country.

54. The remaining two areas – the fight against terrorism; and a strategy towards the region of the Middle East – are addressed elsewhere in these Conclusions.

### **Fighting poverty and HIV/AIDS**

55. The Union must continue to strengthen its leadership role in the fight against global poverty. The European Council expresses its concern at the faltering progress towards the achievement of the Millennium Development Goals, especially in Africa. It reiterates that the EU will intensify its efforts to fulfil the commitments undertaken in Monterrey, including through the exploration of innovative sources of financing, and will strongly support UN attempts to accelerate progress towards the achievement of the Goals.

56. The European Council again draws attention to the continuing ravages of HIV/AIDS in many of the world's poorest countries: despite some progress, the pandemic is rolling back decades of development effort in Africa and is also spreading at an alarming rate in some other areas. Sustained efforts by the EU and other international partners are essential. The European Council calls for vigorous follow-up by the Union and relevant regional bodies on the outcome of the Ministerial Conference on HIV/AIDS in Europe and Central Asia hosted by the Presidency in Dublin on 23/24 February.

### **Addressing Policy Challenges**

57. The Union is taking significant steps to meet a range of key policy challenges. The European Council endorses the Presidency report on EU activities in the framework of conflict prevention; incoming Presidencies are invited to build on the substantial progress made so as to make the Union more coherent, capable and active in this area. In the human rights area, the European Council welcomes the adoption of EU Guidelines on Human Rights Defenders and the adoption of a strategy for implementation of the EU Guidelines on Children and Armed Conflict.

58. The European Council also reaffirms its commitment to use all instruments at its disposal in the fight against proliferation of weapons of mass destruction and their means of delivery; it endorses the report on the implementation of the EU Strategy on Proliferation of WMD and adopted a Declaration on Criminal Sanctions against WMD-related materials.

### **A More Active and Capable European Union**

59. The European Council endorses the Presidency progress report on ESDP, which includes the mandate for the incoming Presidency.

60. It welcomes the substantial progress on preparations for an ESDP mission to follow on from SFOR in Bosnia and Herzegovina. It requests the incoming Presidency and the SG/HR to take forward the operational planning for the ESDP mission, should NATO decide to terminate SFOR at its forthcoming summit meeting in Istanbul. This is also a practical example of the strategic partnership in crisis management with NATO.

61. The European Council notes the successful conduct of the two ongoing ESDP missions – the EU Police Mission in Bosnia and Herzegovina and Operation Proxima in the Former Yugoslav Republic of Macedonia. It also welcomes progress being made towards deployment of the first EU Rule of Law mission under ESDP which is to commence shortly in Georgia.

62. Concrete progress is being achieved towards enhancing EU capabilities. The European Council endorses the Headline Goal 2010. The European Council also endorses the Action Plan for Civilian Crisis Management and welcomes the steps taken to further improve EU capacity to undertake military rapid response operations for crisis management. It also endorses the elaboration of modalities under which the EU could provide military capabilities in support of the United Nations. The incoming Presidency and the Secretary General/High Representative are invited to continue contacts with the UN on this issue.

63. The European Council welcomes the agreement on the Joint Action providing for the establishment of the European Defence Agency.

64. The European Council welcomes the important progress made on “European Defence: NATO/EU consultation, planning and operations” as set out in the Conclusions it has adopted in the Annex and agrees to take the work forward as outlined. It emphasises the importance of these measures coming into force as soon as possible and of the necessary resources being provided as a matter of priority, thus enabling the new ESDP facilities to begin their work according to the agreed timetable.

## **Establishing new Partnership Initiatives**

### **European Neighbourhood Policy**

65. The European Council welcomes the Commission’s proposals for a European Neighbourhood Policy (ENP) and endorses the GAERC Conclusions of 14 June. Enlargement has brought the Union closer to its neighbours to the east and to the south. The European Council reiterates the importance it attaches to strengthening cooperation with these neighbours, on the basis of partnership and joint ownership and building on shared values of democracy and respect for human rights.

66. The European Council welcomes enhanced dialogue with all ENP partners, east and south. It notes that the forthcoming Summit on 8 July will provide an opportunity to take stock of EU-Ukraine relations. It also welcomes the inclusion of Armenia, Azerbaijan and Georgia in the ENP. This gives the EU another important instrument to promote progress on the wider reform agenda in each of these countries. In this context, the European Council welcomes the very positive outcome of the international Donors Conference for Georgia held in Brussels on 16 June. It will also be possible to extend the full benefits of the ENP to Belarus when that country has established a democratic form of government, following free and fair elections; strengthened support for civil society in Belarus will help to build a more democratic, stable and prosperous country.

67. The European Council agrees that ENP action plans be developed with all Euro-Mediterranean partners that have association agreements in force. It invites the Council and the Commission to take the work forward. It notes that the Commission, with the contribution of the High Representative where appropriate, will present by July proposals for a first series of action plans with countries in the east and south, which have been prepared in consultation with the partner countries, for consideration by the Council.

#### **Strategic Partnership with the Mediterranean and the Middle East**

68. The European Council endorsed the Report of the Presidency, SG/HR and Commission on the EU's Strategic Partnership with the Mediterranean and the Middle East, which will establish a consistent basis for the EU's policies towards the countries concerned by setting out general principles and objectives.

69. The objective of this Strategic Partnership is to promote the development of a common zone of peace, prosperity and progress in the Mediterranean and the Middle East. It sets out a concrete policy agenda under which, through partnership and dialogue, and recognising diversities, the Union will seek to:

- ▶ promote political reform, good governance, democracy and human rights;
- ▶ stimulate trade and economic cooperation, economic liberalisation and people-to-people contacts;
- ▶ promote conflict prevention and resolution in the Mediterranean and the Middle East and measures to combat terrorism, proliferation of weapons of mass destruction and illegal immigration.

70. The European Union reiterates its view that it will not be possible to fully build a common zone of peace, prosperity and progress unless a just and lasting settlement of the Arab-Israeli conflict is found. However, progress on the resolution of the conflict cannot be a precondition for confronting the urgent reform challenges facing our partners in the Mediterranean and the Middle East, nor vice versa.

71. The European Council recognises that the challenges identified cannot be addressed by maintaining the status quo. It welcomes the fact that this understanding is shared by the countries of the Mediterranean and the Middle East. Their commitment to reform has been expressed both in their consultations with the Union and through public statements, in particular the Tunis Declaration of the Arab League Summit of 22/23 May 2004 as well as the earlier Alexandria and Sana'a Declarations.

72. The European Union will pursue these goals with its partners primarily through existing structures and arrangements. The Euro-Mediterranean Partnership and the European Neighbourhood Policy will remain the cornerstone of the Union's framework for relations with the Mediterranean countries. The EU will also strengthen relations with members of the Gulf Cooperation Council and other countries of the Middle East. It will ensure that regional and bilateral assistance programmes under these instruments and frameworks reflect and contribute to the achievement of the objectives outlined above.

73. The European Council reaffirms the readiness of the EU to work with the US and other partners in cooperating with the countries concerned. It looks forward to reviewing the Middle East Peace Process and exploring the possibilities for coordinating our respective efforts to assist the reform process at the coming EU-US Summit on 26 June 2004.

74. The European Council will monitor development under the Strategic Partnership, and will review its progress and future direction in June 2005.

### **Working with Strategic Partners**

75. The Union is continuing to develop its relationship with key strategic partners through productive cooperation across a range of issues as well as through Summit meetings. The European Council expresses its confidence that the strength, depth and significance of the EU-US relationship will be demonstrated in a successful EU-US Summit on 26 June; the relationship is also being reinforced through enhanced economic partnership and intensified business dialogue. Substantial progress has been made over the recent period in EU-Canada relations, particularly at the Summit in Ottawa on 18 March. The continuing importance of the EU-Japan relationship will be marked at the EU-Japan Summit on 22 June.

76. The European Council welcomes the outcome of the EU-Russia Summit on 21 May, including the agreement reached in relation to preparations for Russia's accession to the WTO. The Summit followed extension of the Partnership and Cooperation Agreement to the enlarged Union; the EU now looks forward to ratification without delay of the

PCA Protocol. It also welcomes the Russian government's commitment to early signature and ratification of agreements on Russia's borders with Estonia and Latvia. The European Council emphasises that a full agenda lies ahead with our Russian partners, including the priority of developing the four "common spaces". Environmental cooperation in the Baltic sea region will form an important part of this agenda. Reiterating its call for early ratification by Russia of the Kyoto Protocol, and following President Putin's commitment to speed up movement towards ratification, the European Council invites the Commission to engage with the Russian authorities on the benefits which ratification will bring within Russia as well as more widely.

77. The European Council reiterates its commitment to pursue its strategic partnership with China and to develop a strategic relationship with India, based on shared understanding and dialogue. The European Council invites the Council to continue its consideration of the arms embargo in the context of the EU's overall relations with China.

### Regional Relationships

78. The European Council reaffirms its commitment to deepen the dialogue with regional partners. It welcomes recent progress in the EU-Africa dialogue, including the productive outcome to the Ministerial Troika in Dublin on 1 April, and encourages further efforts to develop and upgrade this dialogue. The new spirit of self-help exemplified by NEPAD provides a real impetus. The European Council commends the progress made by the African Union, particularly the establishment of a continental architecture for peace and security, and will develop its cooperation with the African Union and sub-regional organisations. The successful launching of the African Peace Facility, as well as work within the ESDP framework, establishes a basis for closer and more effective cooperation between the EU and Africa in the vitally important area of conflict management and prevention

79. The European Council also welcomes the reinforcing of the EU-Latin America and Caribbean relationship at the Summit in Guadalajara, Mexico on 28/29 May and underlines its commitment to fully developing the potential of this relationship. Building on the outcome of the Guadalajara Summit, the Union will begin to work towards the next Summit in Vienna in 2006.

### Specific situations of concern

80. The European Council considered a number of specific situations of concern. It adopted Conclusions on Iraq and on the Middle East Peace Process as attached.

**Sudan/Darfur**

81. The European Council emphasises its deep concern at the continued humanitarian crisis and large-scale human rights violations in Darfur. It calls on the Government of Sudan to do its utmost to ensure humanitarian access, the protection and security of civilians and humanitarian workers, and to disarm the militias. It welcomes the N'djamena ceasefire agreement of 8 April 2004 and urges the parties to conclude a political agreement as soon as possible. It commends the efforts by the African Union (AU) to implement the ceasefire monitoring mechanism in the Darfur region and confirms the EU's involvement in, and financial support to this mission.

**Democratic Republic of Congo**

82. The European Council expresses its deep concern at the recent events in the Eastern Congo, which could jeopardise the transition process. It calls upon the Congolese leadership to fully assume its responsibility in carrying out the transition agenda and reiterates that rapid disarmament, demobilisation and reintegration of ex-combatants as well as the establishment of a unified, integrated army and police are critical factors for its success. It reiterates its support to the UN operation in the DRC. The European Council calls upon all neighbouring countries, in particular Rwanda, to do all in their power to support the peace process in the DRC and to cooperate both bilaterally and multilaterally in fields of mutual benefit. The EU stands ready to assist these countries in these efforts.

**Iran**

83. The European Council stresses the Union's desire to move towards a closer relationship with Iran, on the basis of action by Iran to address the EU's concerns regarding Iran's nuclear programme, the fight against terrorism, human rights, and Iran's approach to the Middle East Peace Process. It notes the ongoing work of the IAEA in Iran and urges full cooperation with the Agency in a spirit of full transparency in relation to its nuclear programme, with a view to solving all outstanding questions. The European Union will continue discussion in light of IAEA Director-General El-Baradei's recent report and the outcome of the IAEA Board of Governors meeting currently taking place in Vienna.

**Appointment of the Special Representative of the UN Secretary-General for Kosovo**

84. The European Council welcomes the announcement by the UN Secretary-General that he intends to appoint Mr Soren Jessen-Petersen as his Special Representative for Kosovo and head of UNMIK. The EU will work closely with the new SRSG and will strongly support his efforts to ensure a truly multi-ethnic Kosovo based on the implementation of Security Council Resolution 1244.

(...)

## ANNEX 1

### EUROPEAN DEFENCE: NATO/EU CONSULTATION, PLANNING AND OPERATIONS

The European Council welcomed the report by the Secretary-General/High Representative on the progress so far in taking forward the proposals in the document “European defence: NATO/EU consultation, planning and operations”, which was welcomed by the European Council in Brussels in December 2003. The European Council reaffirmed the importance of these measures coming into force as soon as possible and of the necessary resources being provided as a matter of priority.

The European Council agreed to take forward work on the establishment of a civilian/military cell within the EU Military Staff, as set out in the abovementioned report, and agreed that the cell should begin its work at the latest by the end of this year.

The European Council agreed to take forward work on the establishment of a small EU cell at SHAPE and NATO liaison arrangements with the EUMS, as set out in the abovementioned report, and invited the SG/HR to contact the NATO Secretary-General with the aim of securing early agreement, entering into force by the end of this year.

The European Council agreed to take forward work on establishing an operations centre. The European Council agreed that the ability rapidly to set up an operations centre should be available by 1 January 2006 at the latest. The European Council reaffirmed the importance of the parameters for this capacity set out in the Presidency paper endorsed by the December 2003 European Council, in particular that this will not be a standing HQ, that the main option for autonomous military operations remains national HQs and that a decision to draw on the collective capacity of the EUMS would be taken, upon the advice of the Military Committee, in particular where a joint civil/military response is required and where no national HQ is identified. In this context, and thus taking into account the capabilities and other specificities which arise from this not being a standing HQ, the European Council agreed that the objective should be for an operations centre to be able to plan and conduct operations, within the spectrum of tasks envisaged in the Treaty, on the scale of Operation Artemis. The European Council invited the SG/HR to provide a detailed proposal to that effect, as the basis for further discussion in the PSC, on advice from the EUMC and Civcom. It recalled that, in the light of lessons learned, further developments of the scope or nature of this capacity could be examined and that this would require further decision by the Council.

The European Council emphasised the need to exploit fully the synergies between these new ESDP facilities and existing Council structures. In that context, the European Council welcomed the understanding that the civ/mil cell and facilities for an operations centre should be located in the same building as the main structures of the EUMS, as well as, to the maximum extent possible, with the pol-mil structures of DGE.

(...)

## ANNEX 2

### IRAQ

The EU affirms its objective of a secure, stable, unified, prosperous and democratic Iraq that will make a positive contribution to the stability of the region; an Iraq that will work constructively with its neighbours and with the international community to meet shared challenges. It agrees that the EU as a whole should work in partnership with the Iraqi Interim Government and the Iraqi people, with the aim of realising these objectives.

Against this background, the European Council looks forward to the restoration of Iraqi sovereignty by 30 June 2004 and welcomes the formation, with the help of the UN, of a fully sovereign Iraqi Interim Government which will assume full authority from that day, upon the end of the occupation and the dissolution of the Coalition Provisional Authority.

In this context, the European Council welcomes the unanimous adoption of UNSCR 1546, which provides the Iraqis with international support so they can freely determine their political future and rebuild their country, and mandates the UN to play, as circumstances permit, a leading role in the political transition.

The European Council welcomes the new Iraqi Prime Minister's commitment to strengthening national unity, and underlines the importance of the forthcoming National Conference as a further way of increasing political representativeness in Iraqi political institutions before the holding of elections by January 2005.

The European Council welcomes the prospect of the elections to the Transitional National Assembly by January 2005 as a major step towards the establishment of a democratic Iraq. In this regard, the European Council welcomes the formation of the Independent Electoral Commission for Iraq, and the UN's leading role in advising the Iraqi Interim Government on the electoral process.

The European Council endorses the Commission Communication "The EU and Iraq – A Framework for Engagement" and the High Representative and Commission's letter setting out further areas for engagement. The European Council requests that the GAERC in July consider the specific recommendations of the Commission and High Representative and agree appropriate first steps to be taken. These steps could include:

- continued provision of technical, economic and reconstruction assistance;
- establishing close engagement with UN teams, including on preparations for elections;
- enhancing the representation of the EU in Iraq, as circumstances permit;
- beginning a process of political dialogue;
- using the EU's dialogue with Iraq's neighbours to encourage positive engagement and regional support for the political and reconstruction process in Iraq.

To take this forward, the Council is invited to hold a Troika meeting with the new Iraqi Government as soon as possible, and to invite the Iraqi Prime Minister to address the Council.

The European Council will examine progress on engagement with Iraq at the November 2004 European Council.

The European Council welcomes the possibility of an international meeting to support the Iraqi political transition and Iraqi recovery, to the benefit of the Iraqi people and in the interest of stability in the region.

Referring to the report of the UN High Commissioner for Human Rights on the present situation of human rights in Iraq, the European Council emphasises the importance of the effective protection and promotion of human rights and encouraged the new Iraqi Government to take appropriate action.

The European Council reiterates its condemnation of terrorist attacks, which have been the cause of so much death and destruction. It also condemns the taking of hostages and the murders which have been committed. The European Council regrets that the campaign of terrorist violence in Iraq is prolonging the suffering of the Iraqi people by posing difficulties for political progress and economic reconstruction in Iraq. The European Council welcomes the commitment under UNSCR 1546 for all parties to act in accordance with international law, including obligations under international humanitarian law and calls on them to ensure observance of these obligations.

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## **ANNEX 3**

### **MIDDLE EAST PEACE PROCESS**

The European Council reviewed recent developments in the Middle East. The European Union is fully committed to give new impetus to peace efforts.

It expresses concern at the continuing violence affecting both Israelis and Palestinians. It repeats its call for an end to terrorist attacks by extremist groups which have claimed many innocent lives. It calls upon the Palestinian Authority to take action against those involved in terrorism. While recognising Israel's legitimate right to self-defence, it recalls the obligation on Israel to exercise this right within the parameters of international law. It expresses deep concern at the continuing humanitarian crisis in the Occupied Palestinian Territories and calls on the Israeli Government, in line with international law and UN Security Council Resolution 1544, to cease demolitions and to take urgent action to alleviate the suffering of Palestinians.

The European Council welcomes the prospect of Israeli withdrawal from the Gaza Strip. Such a withdrawal would represent a significant step towards the implementation of the Roadmap, provided that it is implemented in accordance with the elements identified in the conclusions of the European Council of March 2004. The EU will not recognise any change to the pre-1967 borders other than those arrived at by agreement between the parties. In the framework of the Quartet, the EU will work with Israel for a complete withdrawal and with the Palestinians to assure security conditions. The European Council is determined to seize the opportunity presented by this initiative and invites the High Representative to meet Israeli and Palestinian authorities to examine the European contribution to the withdrawal and the implementation of the Roadmap, and to formulate proposals to that end.

The European Council welcomes the outcome of the Quartet meeting held in New York on 4 May. It also welcomes the renewal of the Beirut Peace Initiative of the League of Arab States and continued support for the Roadmap at the Summit meeting held in Tunis on 22/23 May and the League's rejection of acts of violence against civilians without discrimination. The European Council welcomes the G8 Statement inviting the Quartet to meet in the region before the end of this month. The EU looks forward to such a meeting which should serve to further advance the peace process.

The European Council reaffirms its belief that the Roadmap represents the only route to achieving a negotiated two-State solution. It is determined to pursue vigorously the course set out in the Roadmap and calls on both sides to fulfil their obligations under the Roadmap.

The European Council urges the Palestinian Authority to take immediate, decisive steps to consolidate all Palestinian security services under the clear control of a duly empowered Prime Minister and Interior Minister. It reaffirms its readiness to support the Palestinian Authority in taking responsibility for law and order and, in particular, in improving its civil police and law enforcement capacity. The EU will study practical steps to that end. The European Union commends and supports the involvement of the Government of Egypt in this regard and reaffirmed its willingness to cooperate with it. The European Council urges the development of contacts and dialogue between Israel and the Palestinian Authority.

The European Council also urges Israel to reverse its settlement policy and to freeze all settlement activity, to dismantle outposts erected since March 2001 and to end land confiscations and the construction of the so-called security fence on Palestinian land, all of which threaten to render the two-State solution physically impossible to implement.

The European Council calls for renewed efforts towards a comprehensive ceasefire as a step towards dismantlement of terrorist capabilities and infrastructure and renewed progress towards peace.

The European Council welcomes the establishment of the World Bank's Trust Fund and urges international support for this important initiative for Palestinian economic and social reconstruction.

The European Council reaffirms its conviction that a just and durable solution in the peace process can only be achieved through negotiations between the parties and the support of the international community. Violence and terror have no place in the search for a just and lasting peace in the Middle East. A political perspective is essential to the peace process. The European Council recalls that a comprehensive peace must also include Syria and Lebanon.

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## European Council (continued)

### **PRESIDENCY REPORT ON ESDP**

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1. In line with the mandate defined by the European Council in December 2003, the Presidency submits this progress report on ESDP.
2. In presenting this report, the Presidency has noted that Denmark has drawn attention to Protocol No. 5 on Denmark's position annexed to the Treaty of Amsterdam.

#### *1. EU Operational Capability*

3. There have been intensive preparations for the possible EU-led ESDP Mission in Bosnia and Herzegovina to follow the NATO-led SFOR. The General Concept for the operation was approved by Council on 26 April. On this basis, necessary preparations have been advanced within the EU to complete the remaining strategic planning steps prior to the Istanbul Summit, which would allow operational planning to take place immediately thereafter on the basis of EU decisions, with a view to launching the ESDP mission, including a military component based on agreed Berlin Plus arrangements, at the end of the year. To that end, focussed and transparent consultations with NATO are taking place at various levels within the agreed framework. There have also been regular consultations with the BiH authorities on EU activities and objectives.
4. The EU Police Mission in Bosnia-Herzegovina (EUPM), now in its second year of operation, continued to fulfil its mandate to monitor, mentor and inspect the local police, so assisting the BiH police in their efforts to attain European standards of policing. On 1 March 2004, Commissioner Kevin Carty was appointed the new head of EUPM following the untimely death of the previous Head of EUPM, Commissioner Sven Frederiksen.
5. The European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL PROXIMA), which is the second ESDP Civilian Crisis Management operation was launched on 15 December 2003. This mission, comprising nearly 200 officers, is supporting the development of an efficient and professional police service in FYROM and promoting European standards of policing.
6. The Council announced the EU's readiness to launch, by Mid July 2004, an EU Rule of Law Mission to Georgia in the context of ESDP. As requested by the Georgian government, this first ESDP Rule of Law mission will address urgent challenges in the judicial system, in particular the criminal justice system.

7. As part of the EU's commitment to learn from the experience of ESDP operations, lessons learned processes were conducted following Operation Artemis in the Democratic Republic of the Congo and Operation Concordia in FYROM. A lessons learned process from the first year of operations of the EUPM was also completed.
8. The decision establishing the Union's mechanism to administer the financing of the common costs of EU operations having military or defence implications, Athena, was adopted by the Council on 23 February 2004. Athena is now fully functioning and will facilitate the preparations for the envisaged EU led military operation in Bosnia.
9. Considerable progress has been achieved in taking forward the document entitled "European Defence: NATO/EU consultation, planning and operations", which was welcomed by the European Council in December 2003.

## *II. Development of European Military Capabilities*

10. The document "Headline Goal 2010" (Annex I), approved by the Council on 17 May 2004, sets the main parameters for the development of European military capabilities with a 2010 horizon. Member States have decided to commit themselves to be able to respond to a crisis with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty on the European Union (including humanitarian and rescue tasks, peace-keeping tasks and tasks of combat forces in crisis management, including peacemaking). As indicated by the European Security Strategy this might also include joint disarmament operations, support for third countries in combating terrorism and security sector reform. In addition to the European Security Strategy, the new Headline Goal also reflects the evolution of the strategic environment and of technology and draws on lessons learned from EU-led operations.

11. Further implementation of the EU Capability Development Mechanism has continued. In this regard, the Single Progress Report on military capabilities, noted by the Council on 17 May 2004, reaffirmed the assessment of the EU's military abilities made in May 2003. Contributions from the ten new EU Member States have been made and incorporated in the Force Catalogue 2004. The ECAP project groups have continued their work and the ECAP roadmap and the Capability Improvement Chart have been produced. On 17 May 2004, the Council noted that progress was achieved but acknowledged that continued progress will be required in addressing recognised shortfalls and deficits from the Headline Goal 2003. The EU-NATO Capability Group continued to meet confirming the importance of coherent and mutually reinforcing development of military capabilities in the EU and NATO where requirements overlap.

12. Work has continued to develop the EU's Rapid Response capacity. The Council has agreed the recommendations made by the SG/HR in his report of 1 April 2004. The Council, by tasking the relevant EU bodies, initiated work towards achieving an initial battlegroup capability in early 2005 and towards putting in place a full rapid reaction capability by 2007. The Council underlined that a rapid decision making and planning process is necessary for rapid response and endorsed the level of ambition for the decision-making and planning process of the EU in the document "Headline Goal 2010". The Council has asked the SG/HR to present as early as possible in the second semester of 2004 his evaluation of the implications of, and his proposal for the effective implementation of, the agreed level of ambition. A way ahead for the elaboration of modalities for the potential provision by the EU of military capabilities in support of the UN have been agreed by the Council. Exchanges of information have continued between the EU and NATO on EU rapid response and on the NATO Response Force with a view to ensuring that developments relating to rapid response in both the EU and NATO are mutually reinforcing and complementary. Work is ongoing on the EU military concept for battle groups.

13. Further discussion took place on the development of the EU space policy where relevant to CFSP and ESDP. Examination has continued of operational requirements for space applications, taking into account the Headline Goal 2010 and of the means of exploring possible synergies between the work of the ECAP project group and the work preparing the European Community Space Programme.

### *III. Agency in field of defence capabilities development, research, acquisition and armaments*

14. The establishment of the agency in the field of defence capabilities development, research, acquisition and armaments has been advanced.

### *IV. Development of European Civilian Capabilities*

15. The process of reviewing Civilian Capabilities in light of the accession of ten new Member States was launched in May when the ten were formally asked for indications of intentions to contribute to the four priority areas (Police, Rule of Law, Civil Administration, and Civil Protection).

16. In June 2004 the Council endorsed an Action Plan for Civilian Aspects of ESDP. This Action Plan reaffirms the level of EU ambition in the field of Civilian Crisis Management. It defines measures to be carried out over the coming years in order to develop and operationalise civilian capabilities, including work on a consolidated Civilian Headline Goal and plans for a Civilian Capabilities Conference foreseen for November 2004.

17. An embryonic capability for Planning and Mission Support has been established within the Council General Secretariat. This process, which is being supported largely thanks to secondments from Member States, is ongoing and a progress report is expected in the coming months.

#### *V. Civil-military co-ordination (CMCO)*

18. Following the agreement on a practical framework and drawing on lessons learned, concrete measures to improve civil-military co-ordination have been identified. They are being applied in the context of preparations for the ESDP mission in Bosnia and Herzegovina, with a view to ensuring full coherence in the EU's approach.

#### *VI. EU-NATO relations*

19. The strategic partnership in crisis management with NATO remains a key relationship for the EU. This partnership continues to develop, notably through close consultations within the agreed framework on the expected transition from the NATO led SFOR operation to the EU led operation in Bosnia and Herzegovina and on coherent and mutually reinforcing development of military capabilities in the EU and NATO where requirements overlap. The EU has continued to pursue actively co-operation on the fight against terrorism, in particular through civil emergency response in crisis management. General exchanges of information on proliferation of WMD and on security in Afghanistan took place.

#### *VII. Crisis Management Exercises*

20. The evaluation process for the first joint EU-NATO crisis management exercise CME/CMX 03 was concluded. The exercise was successful, providing a good test of the relevant aspects of the EU crisis management procedures, as well as of the standing arrangements for consultation and co-operation with NATO in times of crisis, as well as other relevant elements of Berlin Plus.

21. The EU Crisis Management Exercise 2004 (CME 04) took place from 18 to 27 May 2004. It was the EU's first exercise involving a nationally provided headquarters as EU OHQ (colocated with the UK Permanent Joint Headquarters in Northwood). CME 04 provided the opportunity to exercise and evaluate EU crisis management structures, procedures and consultation arrangements and to validate the EU decision-making process in the context of an envisaged EU-led operation without recourse to NATO assets and capabilities, with a view to improving the EU's capacity to manage crises. The evaluation process has commenced. Arrangements for the financing of exercises through the Athena Mechanism agreed by the Council in February 2004 were initiated for CME 04.

22. Following the exercise “Lucerna 03” organised by the Italian Presidency in November 2003, an exercise called “Periland 04” aimed at testing the interoperability of the Integrated Police Units, other rapidly deployable elements and rapidly deployable Police Headquarters was organised by France in June 2004.

### *VIII. EU Training Policy and activity in the field of ESDP*

23. Following the approval of the EU Training Policy in ESDP by the Council in November 2003, work has been undertaken to implement the agreed policy, notably through the development of an EU Training Concept in ESDP. In this context, the proposal for a European Security and Defence College has also been examined, noting that preparations are underway for a first pilot course.

24. A further 15 training courses were organised as part of the third phase of the EC Training Project for Civilian Aspects of Crisis Management. The Presidency brought work forward on the development of a closer working relationship with the informal network of EU Member State training institutions which oversees the implementation of the EC Training Project. These contacts bring valuable input to the development of civilian aspects of training for ESDP. Further courses are being organised for the second half of this year on Civil Military Co-ordination and EU-UN relations.

25. The “Collège Européen de Police” (CEPOL), developed a new course for police planners in crisis management in close association with the Council Secretariat. Trainees of this course actively participated in CME04.

### *IX. Conflict Prevention*

26. ESDP has continued to contribute to the EU’s activities in the sphere of Conflict Prevention, as set out in the EU Programme for the Prevention of Violent Conflicts and in the European Security Strategy. Details of progress achieved during the past 12 months are set out in a separate report to the European Council in June.

### *X. ESDP and Africa*

27. Following the adoption by the Council on 26 January 2004 of the revised Common Position on the prevention, management and resolution of conflicts in Africa, the relevant Council bodies, under the guidance of the PSC, have considered the potential role of ESDP in contributing to peace and security on the continent. In addition, staff to staff dialogue has taken place with the African Union and sub-regional organisations. This work, central to which is the principle of African ownership, is being taken forward with a view to developing a coherent and comprehensive EU response to peace-building in

Africa and support for the development of African capabilities. It will be important to coordinate these activities with overall EU policy on Africa and the actions of individual Member States and to take account of the work of the UN, the African Union and sub-regional organisations. Due account should also be taken of the G8 initiative.

### *XI. ESDP and Terrorism*

28. The Report to the European Council on the implementation of the Declaration on combating terrorism includes a contribution on CFSP/ESDP aspects.

### *XII. Co-operation with International Organisations*

29. Significant progress has been made on relations between the EU and UN. Contacts with the UN were intensified as part of follow up to the EU-UN Joint Declaration of 24 September 2003 on co-operation in crisis management. A joint consultative mechanism (also called the joint steering committee) was established at working level to examine ways and means to enhance mutual co-ordination and compatibility in the areas of planning, training, communication and best practices. In this context, regular staff to staff contacts took place. The UN Secretary General, Kofi Annan, made his first official visit to the European Union from 28-30th January where discussions focussed on potential for cooperation in peacekeeping and effective multilateralism. A seminar was conducted in Dublin on 11-12 May 2004 on the synergies between the EU and UN in the planning for and conduct of military crisis management/peacekeeping operations.

30. The Council has agreed a way ahead for the elaboration of modalities for the potential provision by the EU of military capabilities in support of the UN, which are being drawn up in close consultation with the UN and which encompass possible rapid response.

31. Practical co-operation with the UN continued in the context of a joint fact-finding mission to Burundi in February 2004 to investigate the establishment of a UN peacekeeping operation. The EU, following consultation with the UN, is currently providing assistance for the establishment and training of an Integrated Police Unit (IPU) in Kinshasa.

32. The Council has invited the incoming Presidency to prepare an assessment report on the EU's role within the OSCE and to consider further practical steps to implement the November 2003 Conclusions in a flexible and effective way.

### *XIII. Relations with Third States*

33. Dialogue and co-operation with strategic partners and other Third States was continued, including with Third States contributing to EUPM and EUPOL Proxima. Contributing States had opportunities, within the agreed framework, for frank exchange of views and feedback on their experience of participating in Civilian ESDP operations. This also allowed them to feed into the EU Lessons Learned process. This dialogue and co-operation with Third States will continue also with a view to their potential participation in the possible ESDP mission in Bosnia and Herzegovina.

34. As authorised by the Council in February 2004, the Presidency opened negotiations with eight states with a view to concluding agreements on a framework for their participation in EU crisis management operations.

35. Work on dialogue and co-operation with Mediterranean partners on ESDP continued on the basis of Option Paper approved by Council and noted by the European Council last year. The Presidency and member States continued their commitment to fruitful and constructive exchange of views on issues of mutual interest. To this end the PSC reviewed the implementation of modalities and considered concrete proposals aimed at strengthening further dialogue and co-operation with Mediterranean partners in the area of ESDP. This included measures aimed at making EU actions in the field of ESDP more understandable and visible and measures aimed at making the co-operation with Mediterranean partners on ESDP more substantial and concrete, including in the fields of the fight against terrorism and the non-proliferation of WMD. The PSC agreed a report which was presented to the Mediterranean partners on the occasion of the EuroMed Ministerial meeting in Dublin on 5-6 May.

### *XIV. Mandate for incoming Presidency*

On the basis of the present report and taking into account the European Security Strategy the incoming Presidency, assisted by the Secretary General/High Representative, and, as appropriate, in association with the Commission, is invited to continue work on developing the European Security and Defence Policy within the General Affairs and External Relations Council. In particular, the incoming Presidency is invited:

- ▶ to continue all ongoing work on developing European military and civilian capabilities, including civil-military co-ordination, building upon the results of previous Presidencies and with a view to further improving the Union's effectiveness in crisis management, to continue the implementation of the European Programme for the prevention of violent conflicts, as well as to develop further the contribution of ESDP to the fight against terrorism;

- ▶ to prepare and implement decisions related to present and future missions, both civilian and military, including the conclusion of the preparatory work for the launching of the EU-led mission in Bosnia and Herzegovina and the related arrangements with NATO;
- ▶ to elaborate the military requirements on the basis of the Headline Goal 2010 document, including the development of benchmarks and criteria for evaluating progress on capabilities of the enlarged Union, and, in this light, to evaluate the ECAP process, taking into account the relations with the Agency in the field of defence capabilities development, research, acquisition and armaments, and organise a Military Capabilities Commitment Conference;
- ▶ in this context to take forward the work on EU Rapid Response capacities and in particular implementation of the Battlegroups concept and to seek commitments of Member States on their initial contributions with a view to an initial operational capability by early 2005;
- ▶ to help to consolidate the establishment of the Agency in the field of defence capabilities development, research, acquisition and armaments in the course of 2004;
- ▶ to implement the June 2004 GAERC decisions on European Defence: NATO/EU Consultation, Planning and Operations;
- ▶ to start implementing the Action Plan for civilian aspects of ESDP as defined by the European Council in June 2004, including work on consolidated civilian headline goal;
- ▶ to organise a Civilian Capabilities Commitment Conference, foreseen for November 2004, in order to confirm the present capabilities commitments in the four priority areas, to integrate the capabilities commitments of the 10 new members of the EU and to continue to improve the qualitative aspects of the commitments;
- ▶ to enhance the dialogue and co-operation with the European Union's partners in the field of ESDP, including the European Non-EU NATO Partners, Canada, Russia, Ukraine and the Mediterranean countries engaged in the Barcelona Process, and further pursue the EU partnership with international organisations such as NATO, UN, OSCE and relevant African organisations;
- ▶ to conduct a first review of the Athena Mechanism to administer the financing of the common costs of European Union operations having military or defence implications.

## ANNEXE I

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### HEADLINE GOAL 2010

#### A. *The 2010 Headline Goal*

1. The European Union is a global actor, ready to share in the responsibility for global security. With the adoption by the European Council in December 2003 of the European Security Strategy, it affirmed the role it wants to play in the world, supporting an international order based on effective multilateralism within the UN. In this context of new dangers but also new opportunities, Member States' strong commitment to give the enlarged European Union the tools to make a major contribution to security and stability in a ring of well governed countries around Europe and in the world is stronger than ever. The EU has the civilian and military framework needed to face the multifaceted nature of these new threats. The availability of effective instruments including military assets will often play a crucial role at the beginning of a crisis, during its development and/or in the post conflict phase.

2. Member States have therefore decided to set themselves a new Headline Goal, reflecting the European Security Strategy, the evolution of the strategic environment and of technology. Lessons learned from EU-led operations will also be taken into account. Building on the Helsinki Headline and capability goals and recognising that existing shortfalls still need to be addressed, Member States have decided to commit themselves to be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations covered by the Treaty on the European Union. This includes humanitarian and rescue tasks, peace-keeping tasks, tasks of combat forces in crisis management, including peacemaking. As indicated by the European Security Strategy this might also include joint disarmament operations, the support for third countries in combating terrorism and security sector reform. The EU must be able to act before a crisis occurs and preventive engagement can avoid that a situation deteriorates. The EU must retain the ability to conduct concurrent operations thus sustaining several operations simultaneously at different levels of engagement.

3. Interoperability but also deployability and sustainability<sup>1</sup> will be at the core of Member States efforts and will be the driving factors of this goal 2010. The Union will thus need forces, which are more flexible, mobile and interoperable, making better use of

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1. Interoperability can be broadly defined as the ability of our armed forces to work together and to interact with other civilian tools. It is an instrument to enhance the effective use of military capabilities as a key enabler in achieving EU's ambitions in Crisis Management Operations. Similarly, deployability involves the ability to move personnel and materiel to the theatre of operations, while sustainability involves mutual logistic support between the deployed forces.

available resources by pooling and sharing assets, where appropriate, and increasing the responsiveness of multinational forces.

4. The ability for the EU to deploy force packages at high readiness as a response to a crisis either as a stand-alone force or as part of a larger operation enabling follow-on phases, is a key element of the 2010 Headline Goal. These minimum force packages must be military effective, credible and coherent and should be broadly based on the Battlegroups concept. This constitutes a specific form of rapid response, and includes a combined arms battalion sized force package with Combat Support and Combat Service Support. Rapid reaction calls for rapid decision making and planning as well as rapid deployment of forces. On decision making, the ambition of the EU is to be able to take the decision to launch an operation within 5 days of the approval of the Crisis Management Concept by the Council. On the deployment of forces, the ambition is that the forces start implementing their mission on the ground, no later than 10 days after the EU decision to launch the operation. Relevant air and naval capabilities would be included. The need for reserve forces should be taken into account. These high readiness joint packages (battle-groups) may require tailoring for a specific operation by the Operation Commander. They will have to be backed up by responsive crisis management procedures as well as adequate command and control structures available to the Union. Procedures to assess and certify these high readiness joint packages will require to be developed. The development of EU Rapid Response elements including Battlegroups, will strengthen the EU's ability to respond to possible UN requests.

5. Member States have identified the following indicative list of specific milestones within the 2010 horizon:

- a) as early as possible in 2004, in conformity with the December 2003 European Council Conclusions and in line with the Presidency note annexed, the establishment of a civilmilitary cell within the EUMS, with the capacity rapidly to set-up an operation centre for a particular operation;
- b) the establishment of the Agency in the field of defence capability development, research, acquisition and armaments (European Defence Agency) in the course of 2004. This will also support, as appropriate, the fulfilment of the commonly identified shortfalls in the field of military equipment;
- c) the implementation by 2005 of EU Strategic lift joint coordination, with a view to achieving by 2010 necessary capacity and full efficiency in strategic lift (air, land and sea) in support of anticipated operations;
- d) specifically for Airlift the transformation of the EACC into the EAC by 2004 is welcomed, as is the intention on the part of some Member States who so wish to develop a European Airlift command fully efficient by 2010;

- e) the complete development by 2007 of rapidly deployable battlegroups including the identification of appropriate strategic lift, sustainability and debarkation assets;
- f) the availability of an aircraft carrier with its associated air wing and escort by 2008;
- g) to improve the performance of all levels of EU operations by developing appropriate compatibility and network linkage of all communications equipment and assets both terrestrial and space based by 2010;
- h) to develop quantitative benchmarks and criteria that national forces declared to the Headline Goal have to meet in the field of deployability and in the field of multinational training;

### ***B. Process***

6. This Headline Goal 2010 will generate the necessary analysis, adaptation and development of scenarios in view of the development of new Headline Goal Catalogues as required by the EU Capability Development Mechanism<sup>2</sup> (including a clear categorisation of capabilities to tasks), incorporation of rapid response capability<sup>3</sup> and further improvement of C2 capabilities on operations.

7. To achieve these objectives the EU will apply a systemic approach in the development of the necessary military capabilities, aiming at creating synergies between Member States' forces in order to enhance the ability of the EU to respond more rapidly and effectively to crises.

8. This approach requires Member States' to voluntarily transform their forces by progressively developing a high degree of interoperability, both at technical, procedural and conceptual levels. Without prejudice to the prerogatives of Member States over defence matters, a co-ordinated and coherent development of equipment compatibility, procedures, concepts, command arrangements and defence planning is a primary objective. In this regard, commonality of security culture should also be promoted. Deployability, sustainability and other crucial requirements such as force availability, information superiority, engagement effectiveness and survivability will play an immediate pivotal role.

9. Interoperability must be considered in a broad framework including military, civilian and civil-military aspects. The EU will further strengthen the coordinated use of its civil and military capabilities acknowledging that modern Crisis Management Operations typically require a mixture of instruments. Work will be undertaken to consider inter-

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2. Doc. 6805/03 + COR 1.

3. Of which some are civil crisis management instruments, and notably police components, that can be deployed together with military components and temporarily under military responsibility (ESDP Presidency Report to the Nice European Council), foreseeing also an integrated planning process. Such instruments will enhance the overall capability to respond to crisis management.

operability issues including between the military and civilian assets in civil protection operations.<sup>4</sup> Moreover the EU will promote the principle of interoperability in the field of military capabilities with its partners, notably NATO and the UN, and its regional partners, in line with the European Security Strategy. The strength and effectiveness of the OSCE and the Council of Europe has also a particular significance for the EU.

10. Strengthening the United Nations is a European priority. Real world experience, with the successful termination of operation ARTEMIS in the Democratic Republic of Congo, has shown the potential for the EU to conduct operations in support of UN objectives. Work with the UN DPKO at an institutional level could also be beneficial in this respect and as a valuable means to strengthen EU-UN relationship. The development of EU Rapid Response elements including Battlegroups, will strengthen the EU's ability to respond to possible UN requests.

11. As underlined by the European Security Strategy and demonstrated by operation CONCORDIA in FYROM, the EU-NATO permanent arrangements, in particular Berlin Plus, enhance the operational capability of the EU and provide the framework for the strategic partnership between the EU and NATO in crisis management. The establishment of a small EU cell at SHAPE and of NATO liaison arrangements at the EUMS as early as possible in 2004 will improve the preparation of EU operations having recourse to NATO assets and capabilities under the Berlin plus arrangements. This will also enhance transparency between the EU and NATO embodying this partnership. Furthermore, promoting the further use of agreed standards<sup>5</sup> will reduce unnecessary duplication and produce more effective forces for both the EU and NATO. In this framework the EUNATO capability Group will continue to play a central role in accordance with its mandate as defined in the Capability Development Mechanism. Complementarity and mutual reinforcement of EU and NATO initiatives in the field of rapid response should be ensured.

### *C. Way Ahead*

12. The relevant bodies of the Council and the European Defence Agency when established, will develop the necessary set of benchmarks and milestones in order to evaluate progress towards the achievement of these objectives notably in the field of interoperability, deployability and the other crucial requirements identified above. Work will proceed in the field of equipment, forces and command and control based on a systemic and coherent approach.

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4. Doc. 15564/03, para. 4.

5. In line with para. 53 of the Capability Development Mechanism on consistent standards with NATO.

13. In the field of equipment, the 2010 perspective should allow Member States to harmonise their respective future requirements and calendars in order to achieve a convergent fulfilment of capability needs.

14. In the field of forces :

- ▶ all the forces contributed to the EU will be categorised on the basis of their combat effectiveness and operational readiness in relation to the range of possible tasks;
- ▶ concerning Rapid Response, suitable force package requirements, taking also into account the agreed EU Battlegroups concept, should be identified at the beginning of the second semester of 2004 in view of allowing Member States to start contributing to the constitution of high readiness joint packages. In full respect with the voluntary nature of the process, the contributions should indicate when and for what period the force package would be available to the EU;
- ▶ from 2005 onwards the EU will launch an evaluation process in order to scrutinise, evaluate and assess Member States' capability commitments, including Rapid Response;
- ▶ qualitative requirements, such as interoperability, deployability and sustainability, as well as quantitative ones for the forces will need to be identified in greater detail;
- ▶ forces available will be tested through HQ exercises as well as opportunities offered by national and multinational field exercises. In particular, Rapid Response elements will need to undertake regular realistic training, including multinational exercises;
- ▶ the collection of existing operational doctrines will be complemented with common concepts and procedures on the basis of work conducted in the framework of the European Capability Action plan and in coherence with NATO.

15. In the field of Command and Control, the ability to plan and conduct operations will be reinforced in the light of the December 2003 European Council Conclusions and by developments in the European Capability Action Plan. Specifically:

- ▶ the work of the ISTAR Information Exchange framework Project Group will contribute to the development of an EU information-sharing policy and associated framework for implementation by 2010, with an interim architecture by 2006;
- ▶ the work of the Space Based Assets Project Group will contribute to the development of an EU space policy by 2006.

16. Under the auspices of the Council and in the framework of its responsibilities for the political direction of the development of military capabilities the PSC, based on the opinion of the EUMC and in liaison, as appropriate, with the European Defence Agency, will direct the necessary steps leading to the more precise definition of the Headline Goal 2010 based on the elements set out in this paper and of the milestones identified in para 5. Taking into account the comprehensive Spring 2004 military capability assessment (Single Progress Report, Capability Improvement Chart) further progress will also be

required on the recognised shortfalls and deficits from the 2003 Headline Goal. Implementing this Headline Goal 2010 will include the following steps:

- in 2004 : by the beginning of the second semester, preparatory development work on high readiness joint packages requirements in the framework of EU Rapid Response should be finalised. Under broad guidance of the PSC, the necessary planning assumptions and scenarios preliminary to the definition of the military requirements necessary to fulfil the 2010 horizon should be elaborated by the EUMC in an iterative process with the PSC. In this framework focussed military scenarios could be presented for political approval. Work should also start on the capability evaluation process, notably on the definition of the necessary benchmarks and criteria. By the end of the year, framework nation or multinational high readiness joint packages should be contributed to the EU as an intermediate phase on rapid response development.

*A Conference on military capabilities will be organised in the second semester of 2004;*

- by the beginning of 2005 : establishment of a list of detailed capability target criteria;
- by mid 2005 : finalisation of the Requirements Catalogue 2005, including Rapid Response, in accordance with the EU Capability Development Mechanism. The capability evaluation process could be already launched;
- by the end of 2005 : a bidding process<sup>6</sup> could be launched in view of the production of the Force Catalogue and Progress Catalogue. The database of military assets and capabilities relevant to the protection of civilian population against the effects of terrorist attacks, including CBRN, would be maintained in connection with the Force Catalogue, produced in accordance with the EU Capability Development Mechanism;
- by 2007, complete development of rapidly deployable battlegroups including the identification of appropriate strategic lift, sustainability and debarkation assets;
- between 2006 and 2010 the normal iterations described in the Capability Development Mechanism will continue to take place with the involvement of the European Defence Agency,<sup>7</sup> as appropriate. Building on the Headline Goal 2010, a longer term vision beyond 2010 will be formulated with the objective of identifying trends in future capability developments and requirements and increasing convergence and coherence.

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6. See in particular the relevant paragraphs of and the annex to the Capability Development Mechanism concerning ESDP information requirements and the interaction with NATO.

7. Agency in the field of defence capabilities development, research, acquisition and armaments.

## ANNEXE II

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### EUROPEAN UNION – UNITED NATIONS

#### *EU-UN co-operation in Military Crisis Management Operations*

#### Elements of Implementation of the EU-UN Joint Declaration

1. The European Security Strategy underlined the importance of the United Nations in international relations, and recalled that the United Nations Security Council has the primary responsibility for the maintenance of international peace and security. It also underscored that “strengthening the United Nations, equipping it to fulfil its responsibilities and to act effectively, is a European priority”. This commitment will be consistent with other priorities set out in the European Security Strategy.

2. The signature of a “Joint Declaration on EU-UN co-operation in Crisis Management” in September 2003, building on the success of Operation Artemis, has identified tracks to implement the longstanding EU commitment to support the UN in crisis management. A joint consultative mechanism (also known as “the Steering Committee”) was established at working level and regular meetings between staffs from both organisations have taken place. Work on the implementation of the Joint Declaration was given further impetus by the meeting in January 2004 between the EU Presidency Minister for Foreign Affairs, Mr Brian Cowen, and SG Kofi Annan. One of the tracks identified in the Joint Declaration under the heading “planning” aims at identifying the modalities under which the EU could provide military capabilities in support of the UN. Work on a complementary document on civilian aspects of EU-UN co-operation in crisis management operations is being taken forward in the appropriate instances of the Council.

3. At this stage, two main options can be identified:

- provision of national military capabilities in the framework of a UN operation, or,
- an EU operation in answer to a request from the UN.

#### PROVISION BY MEMBER STATES OF NATIONAL CAPABILITIES

4. The decision to provide military capabilities to a UN operation is a national responsibility. Military capabilities are in no way “frozen” for ESDP purposes, and it remains a national decision to assign these forces to the UN.

5. A complementary role could be envisaged for the EU in the form of a “clearing house process” among Member States. The “clearing house process” aims at creating a framework by which Member States could, on a voluntary basis, exchange information on their contributions to a given UN operation and, if they so decide, co-ordinate these national contributions. This would be of particular relevance for what is called by the UN the “enabling capabilities”. These are scarce, expensive capabilities requiring a very high level of expertise for their deployment and maintenance (field hospitals, ELINT or SIGINT assets....). Such a “clearing house process” would not, nor is intended to, modify modalities for national decision making and national participation in a UN operation, or affect existing bilateral arrangements with the UN Department of Peacekeeping Operations (DPKO). Such participation will remain a national decision and will be managed in accordance with UN Force Generation procedures. The EU Permanent Missions to the UN in New York could play a role in this regard.

6. The “clearing house process” would be activated at the request of one Member State willing to contribute to a UN operation and desiring to share this commitment with other Member States. Following the receipt of requests by Member States from the UNSG, the SG/HR could also propose the activation of the “clearing house process” to Member States.

#### AN EU OPERATION IN SUPPORT OF THE UN

7. The other main option is the launching and conduct of an EU operation in support of the UN and under the political control and strategic direction of the EU. Different modalities could be envisaged. The EU could conduct operations under a UN mandate, either as a stand alone operation, as could be the case in Bosnia and Herzegovina, or take responsibility for a specific component within the structure of a UN mission (so called “modular approach”). In this case, an EU component would operate under political control and strategic direction of the EU. These models will have to be assessed from an EU perspective, building on existing and past experience.

8. Special attention should be given to operations calling for a rapid response. In that specific case, the rapid response capability of the EU would bring a particular added value. The UN Secretariat has expressed the view that two broad categories of rapid response operation in support of the UN could be identified, namely the “bridging model” and the “stand by model”. Work underway on the “Battle Group Concept” and implementation of the “Headline Goal 2010” document will have to be taken into account in further consideration of these and other possible options for EU/UN co-operation. Experience gained by the Member States concerned from the use of Standby High

Readiness Brigade (SHIRBRIG) would also be useful in assessing the modalities for EU support to the UN in military crisis management.

### *Bridging model*

9. The “bridging model” aims at providing the UN with time to mount a new operation or to reorganise an existing one (e.g. Artemis case). Such a model calls for rapid deployment of appropriate military capabilities and agreed duration and end-state.

10. The exit strategy from such an operation is the arrival, in time, of a UN force able to take over from the EU force deployed and tailored to the mission. The deployment of an EU force should therefore be complemented by a range of other activities aimed at facilitating the deployment of the UN force:

- ▶ Political efforts in the UN framework to make sure the UN force would have the appropriate mandate and capabilities and be deployed in time, making full use of Art 19 of the TEU.
- ▶ Technical assistance and exchange of information with the UN and the UN troop contributing countries to facilitate the deployment of the UN forces and the hand-over of responsibilities between the EU and UN forces.

11. Early deployment of UN troops before the actual hand over would facilitate a smooth transition by getting the UN force used to the tactical situation on the ground, and familiar with the course of action of the EU forces. It would also allow for the transfer of intelligence. Discontinuity between the two operations would therefore be avoided, depriving hostile forces of the opportunity to exploit such a discontinuity.

12. The UN Secretariat has underlined that the transition between the two operations would be facilitated further by the “re-hatting” (participation in a UN operation of forces previously committed to an EU operation) of EU forces, or by maintaining after the end of the EU operation a number of enabling capabilities. In practical terms, the “re-hatting” would be a national decision to commit the forces to the UN after the end of the EU operation. Maintaining enabling capabilities could be done the same way (national decision to commit assets to the UN operation) or through an EU operation (under political control and strategic direction of the EU) in support of the UN operation.

### *Stand By Model*

13. The “stand by model” as described by the UN Secretariat, would consist of an “over the horizon reserve” or an “extraction force” provided by the EU in support of a UN operation. This would be of particular relevance in an African context. Such a type of

operation calls for immediate reaction and is therefore very demanding. It would involve complicated coordination between the EU and the UN, and is limited in its usability. Such an operation could carry considerable associated risks. This model raises a number of issues that need to be analysed. The work on the Battle Group Concept will inform this analysis, with a view to ensuring consistency and coherence.

14. The issues that require further detailed analysis in ascertaining the feasibility of this model are inter alia involvement of the EU in the planning of the UN operation, command and control, situation awareness and transfer of authority arrangements.

### WORKING TOGETHER

15. An in-depth knowledge of each others' procedures, concept and structures would facilitate cooperation between the two organisations in military crisis management. This could be achieved inter alia through further enhancing the network already established between the two staffs that is taking forward work on the implementation of the Joint Declaration. Cross participation in exercises and training activities, exchange of information on respective operational standards and concepts, temporary and short duration exchanges of officials, and reinforcement of the expertise of the respective liaison offices in the field of crisis management, would greatly contribute to the development of that mutual knowledge in both organisations. This should be complemented by a possible supporting work by the Institute for Security Studies and other relevant policy study bodies.

16. The prospects for building on existing co-operation between the EU Satellite Centre and relevant UN agencies should also be explored, including the possibility of a Memorandum of Understanding between the two organisations. Finally work on modalities to further enhance intelligence sharing between the two organisations should be pursued.

### WAY AHEAD

- Development of proposals for the establishment of a “clearing house process”, in accordance with paragraphs 4,5 and 6. This work will focus on the provision of the “enabling capabilities”, to be defined in association with the UN. Permanent Missions to the UN could play an important role in it.
- For the “bridging model”: development with the UN of modalities to ensure the proper level of co-ordination with DPKO, with the UN Troop Contributing

Countries and, when appropriate, with the UN mission headquarters on the ground as set out in paragraphs 9,10, 11, and 12. The aim would be to facilitate the deployment of the EU force, to ensure adequate co-operation with the UN during the EU operation, and to guarantee a smooth and timely hand-over.

- ▶ For the “stand by model”: Analysis of the implications of such a model, as outlined in paras 13 and 14.
- ▶ Development of proposals for the further development of relations between the two Staffs, in particular modalities for the reinforcement of respective liaison offices with Crisis Management expertise.
- ▶ Development of a more co-ordinated approach by Member States for the provision of support to third countries participating in a UN operation with a view to enhancing the EU contribution in that regard
- ▶ Development of a Memorandum of Understanding for the use by the UN of EU Satellite Centre products.
- ▶ Work on possibilities for developing supporting work by the Institute for Security Studies and other policy study supporting bodies.
- ▶ Work on developing modalities for further strengthening intelligence sharing between the two organisations.

## **ANNEXE III**

### **THE WAY AHEAD FOR CIVILIAN CRISIS MANAGEMENT – ACTION PLAN**

#### *Draft Action Plan for Civilian Aspects of ESDP*

“We need greater capacity to bring all necessary civilian resources to bear in crisis and post-crisis situations...we should be able to sustain several operations simultaneously. We could add particular value by developing operations involving both military and civilian capabilities” - European Security Strategy

The European Security Strategy recognises that today’s security challenges have to be tackled with the full spectrum of EU capabilities and resources. The EU needs to be more active, more coherent and more capable. Drawing on experience to date of civilian crisis management and lessons learned, the EU is committed to improving its effectiveness in civilian crisis management.

With the adoption by the European Council in December 2003 of the European Security Strategy, the EU affirmed the role it wants to play in the world, supporting an international order based on effective multilateralism within the UN. In this context of

new dangers but also new opportunities, Member States are strongly committed to give the enlarged European Union the tools to make a major contribution to security and stability.

The enlargement of the EU provides the Union with new chances and possibilities. Ten new Member States, keen to bring added value to the scope of EU crisis management, will contribute to the EU's capabilities with their specific experiences and resources. They possess highly valuable knowledge concerning transformation processes, restructuring of all areas of society, democratisation and the establishment of the rule of law. Thereby they enrich the EU's capacity to respond to an even broader range of demands in crisis situations. The new Member States have begun the process aimed at identifying further civilian crisis management capabilities available and a Civilian Capabilities Conference, foreseen for November 2004, will provide a milestone for the enlarged EU to further strengthen and target its civil crisis management capabilities.

### **Ambition for the future – Horizontal and Integrated Approach**

In the light of the challenges and the opportunities facing it, the EU should become more ambitious in the goals which it sets for itself in civilian crisis management and more capable of delivering upon them. To do so it must draw on the full range of its potential responses (Community, CFSP/ESDP, Member States), selecting amongst them so as to best achieve the objective of peace, stability and development in regions and countries in conflict. The EU must also have the ability to conduct concurrent civilian operations at different levels of engagement.

### **Parameters for the Future**

1. Given the increasing complexity of conflict and crisis management situations and the EU's desire to deploy crisis management missions to address these, it has become clear that the EU in addition to its existing capabilities should develop its capacity to deploy multifunctional civilian crisis management resources in an integrated format. The size, composition and precise functions of each EU civilian crisis management 'package' deployment will vary according to the specific needs. Beyond being categorised according to pre-existing areas, each civilian mission will respond with the expertise required to best meet the challenge of each unique crisis situation. This would allow EU operations to be more comprehensive, flexible and adaptable to the needs of specific situations. This has already proven to be a particularly important requirement of operations comprising both police and rule of law elements.

It will be necessary to broaden the range of expertise upon which the Union can draw for its crisis missions in order to better reflect the multifaceted tasks that it will face. EU missions would in particular benefit from expertise in the field of human rights, politi-

cal affairs, security sector reform (SSR), mediation, border control, disarmament, demobilisation and reintegration (DDR) and media policy. The EU should begin work to ensure it is able to identify experts in these fields to be incorporated into future civilian crisis management missions.

2. The EU will further develop its capacity to conduct monitoring missions. This could be a concrete way to improve its presence before a conflict happens and in conflict and postconflict intervention. Conceptual and practical work should continue aiming at developing a general monitoring capability by the end of the year.

## Capabilities

3. Setting strategic targets and defining the political aims of EU's operational capabilities for civilian crisis management is an ongoing challenge. The next important step towards meeting this challenge in an EU of 25 members will be taken at a Civilian Capabilities Conference foreseen for November 2004. The Conference will offer an opportunity to reexamine the concrete targets that the EU has set itself in the field of civilian crisis management, to integrate the new capabilities of the new Member States and to continue to improve the qualitative aspects of the commitments.

4. Defining their capabilities better will help Member States to deliver on their commitments. Force generation and rotation has raised questions on the relationship between commitments, actual resources and availability of Member State personnel. Capabilities committed, actual resources and their availability will be regularly reviewed by Member States. The existing capabilities database of the Co-ordinating Mechanism for Civilian Aspects of Crisis Management will be updated by Member States in advance of the forthcoming Capabilities Conference.

5. To carry forward the process of improving capabilities, work on a consolidated Civilian Headline Goal, for civilian crisis management will be developed in view of the Capabilities Conference in November 2004. Such a Headline Goal will take a global view of the full spectrum of civilian crisis management instruments and their interaction. It will build on the European Security Strategy, the Action Plan, incorporate lessons learned since the European Councils of Feira and Göteborg, and take into account the results of the Capabilities Conference.

6. Inter-linkages between crisis management and conflict prevention must also be further enhanced. Work begun by the Irish Presidency including improving the capacity of the EU for early warning in order to facilitate ESDP deployments to react quickly to nascent conflicts will be followed up. Particular attention should be given to preventive deployment of EU CFSP/ESDP instruments in potential crisis theatres.

## Synergies

The EU has at its disposal a wide range of tools for crisis management. Complementarity and coherence between all its instruments is vital for the conduct of efficient and effective operations.

7. The Union can draw on the combined strengths of Community instruments, ESDP capabilities and Member State bilateral assistance in its response to crisis situations. Clear identification in any given crisis management situation of the EU's political objectives is essential to maximise effectiveness of its combined capacities. The Community makes a substantial contribution to civilian crisis management and its instruments will continue to be a core element in the EU's response. Its added value comes in particular from the continuity it provides with the existing programmes of assistance, and contribution to prevention of crises through long-term programmes of conflict prevention. The Commission will continue to develop its capacity to provide effective, rapid and flexible assistance to crisis management situations through Community instruments. The Commission's proposed rationalisation of external assistance instruments presents an opportunity to promote synergies between EC, bilateral and ESDP responses to crises.

8. The EU is committed to strengthening synergies between its civilian and military crisis management instruments both as regards the development of generic concepts and tools and the planning and conduct of operations, in Brussels and in the field. Ongoing work on ESDP training, exercises and in relation to the development of an EU civil-military planning cell are welcome examples of progress towards these objectives as is coordination between civilian and military sides in the context of contingency planning for a possible EU-follow-on mission to the current SFOR operation in Bosnia-Herzegovina. Further areas for co-ordination will be explored such as concept development for DDR and SSR.

9. Experience has shown that field based coordination of the EU's response in a given crisis management situation is of central importance. Further strengthening of the position of the EUSR in theatre in relation to ESDP missions would be useful in order to increase coherence. Generic support functions for an EUSR's office will be developed to allow for flexibility of deployment and as support to a civilian ESDP mission. Such functions should include human rights, political and legal affairs, gender expertise, media policy and mission administration support.

10. Building on contacts between the Article 36 Committee and the Committee for Civilian Aspects of Crisis Management which have taken place under the Italian and Irish Presidencies, links between civilian crisis management activities and the Justice and Home Affairs pillar should be further explored and strengthened. In particular, the

Chiefs of Police, as key stakeholders, are encouraged to actively and jointly engage in police aspects of civilian crisis management, in particular in terms of qualitative and quantitative capability development.

11. An important area for further work is ensuring coherence between ESDP and the fight against organised crime, including in the context of the review of how the EU and its Member States could contribute in a more effective way to the fight against organised crime originating from or linked to the Western Balkans being undertaken under the auspices of the Justice and Home Affairs Council.

12. To contribute to coherence between security and development, synergy between EU development assistance activities and civilian crisis management under ESDP should be elaborated and better developed, including in post-conflict stabilisation and reconstruction. Work begun by the Irish Presidency in this area will be followed up, inter alia by ensuring a continuous dialogue between ESDP and EU development experts.

### **Making Civilian Capabilities more operational**

The EU will continue improving its crisis management tools and procedures on the basis of lessons learned both from its own operations as well as through exchanges with other organisations. Civilian crisis management will be evaluated to contribute to a frank and thorough lessons learned process.

Experience from EU civilian crisis management operations undertaken to date shows that launching operations quickly requires sufficient planning, financial and mission support resources.

13. Planning and mission support remains of the utmost importance. For the EU to respond effectively to crises and to launch and maintain concurrent missions, it must be assured of adequate contingency (advance response) and mission planning and support. While progress has been made, the build-up of such capabilities within the Council Secretariat so far heavily relies on Member States' short-term secondments of personnel. The Council looks forward to follow up to SG/HR Solana's letter of 30 April 2004 and to a more permanent solution as per his report of July 2003, taking full account of existing capacity within the Commission services.

14. Work will be carried forward in the relevant Council bodies to address identified legal and administrative difficulties relating to procurement arrangements. The forthcoming joint report by the Council Secretariat and the Commission expected by September 2004 is expected to make an important contribution to this work. The report should also examine the following as possible solutions:

- ▶ The possibility of signing framework agreements for the provision of standard equipment, which could be triggered upon decision to launch a mission.
- ▶ The establishment of an equipment storage facility for start-up kits of key equipment which could be re-used for future crisis management mission. Both the UN and Heads of current EU Police Missions will have valuable input to this question. The importance of adequate planning of procurement, and related expertise cannot be over emphasised including in Brussels, in the field and on fact-finding missions.

15. Guidelines for financing civilian crisis management operations under Title V TEU have been agreed. However, the level of ambition for EU civilian crisis management operations require the strengthening of the CFSP budget.

Discussions on budgeting issues by the competent authorities in the autumn 2004 will provide an opportunity to consider this issue as appropriate.

Drawing on experience of existing Community instruments (viz., Rapid Reaction Mechanism), arrangements for more extensive rapid financing mechanisms could be devised in the context of a strengthened CFSP budget

16. Interoperability between Member States' respective national civil crisis management capacities through training and exercises must also be enhanced in order to ensure the ability of the EU to respond more rapidly and effectively to crisis situations.

### **Training and Recruitment**

As stressed in the European Council at Thessaloniki, the development of a European security culture under ESDP encompassing both civilian and military dimensions of ESDP is a priority. A concept is being developed aiming at ensuring coordination and establishing links and strengthening synergies between the different training initiatives within ESDP (in this context, the proposal concerning a European Security and Defence College has also been examined) and the work already done especially in the field of civilian crisis management.

17. Efforts toward coherent training in the context of ESDP both on the operational and the strategic level will be pursued as follows:

- ▶ Current training activities, including the courses provided under the auspices of the European Commission's project on training in civilian aspects of crisis management, will be co-ordinated to achieve increased awareness and a common understanding of the interdependence of the different elements of the EU's crisis management response at all levels.
- ▶ Those who attend training courses, and in particular those conducted by national training institutions under the auspices of the European Commission's project on

training for civilian crisis management, should be nominated with a view to their participating in EU crisis management operations.

- ▶ Greater emphasis also needs to be placed on pre-deployment and mission specific training at EU level.

18. The EU must be certain as to the quality of human resources and be assured that their profiles meet the needs of EU crisis management missions. Member States must live up to their responsibility to recruit and train skilled mission personnel. The Committee for Civilian Aspects of Crisis Management is requested to examine the progress made by Member States and to share ‘best practice’, including on the establishment and maintenance of national data bases, and lessons learned in the field of human resources, national training, and recruitment for civilian crisis management and a report will be presented to the PSC before the Capabilities Conference in November 2004.

### Working with Partners

19. The EU is committed to reinforcing its cooperation with the UN. Building on the September 2003 Joint Declaration on Cooperation in Crisis Management, work will be pursued to further deepen and broaden the dialogue and practical cooperation with the United Nations. The EU will pursue its staff-to-staff contacts with the UN and develop its own internal work in order to enhance its ability to respond to possible requests from the UN.

Conflict prevention and resolution in Africa has been identified as an area with considerable potential for cooperation with the UN. Ongoing contacts with the UN and with relevant regional and sub-regional organisations should develop practical proposals with regard to civilian aspects of ESDP in Africa. In particular, the question of capacity building for African organisations should be addressed.

20. The EU will take further steps to reinforce its co-operation with the OSCE in civilian crisis management, including on training. This co-operation has proved particularly valuable in the launching of Operation Proxima in the Former Yugoslav Republic of Macedonia. Building on ongoing work, it will explore with the OSCE the possibility of establishing a framework for co-operation.

21. Keeping in mind the important contribution of Third States in EU crisis management operations, the Union will further enhance transparency, dialogue and cooperation on civilian crisis management with its partners.

22. Exchange of information with representatives from non-governmental organisations and civil society should take place on a regular basis. To this end incoming

presidencies are invited to facilitate meetings with them during their respective presidencies. NGO and civil society views in relation to the general orientations of EU civilian crisis management are welcome. NGO experience, expertise and early warning capacity are valued by the EU.

### **Conclusion**

Incoming Presidencies, supported by the Council Secretariat and in close co-ordination with the European Commission, are invited to take this work forward.

## European Council (continued)

The European Council on 17 and 18 June took place a few days before the Atlantic Alliance summit in Istanbul, at which the United States intended to seek approval for their Broader Middle East Initiative. This report set out the European approach to this area. It emphasises, in particular, that the challenges faced by these countries will involve political, economic and social reforms but that such reforms can succeed only if they are not imposed from outside but are generated from within the affected societies. It also emphasises the absolute necessity of relaunching the Middle East Peace Process, stressing that the roadmap remains the only route to achieving it.

### **FINAL REPORT ON AN EU STRATEGIC PARTNERSHIP WITH THE MEDITERRANEAN AND THE MIDDLE EAST**

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#### *Development of the Policy*

The December 2003 European Council asked the Presidency and the SG/HR, in coordination with the Commission, to present concrete proposals on a strategy towards the region of the Middle East. To this end an Interim Report was welcomed by the General Affairs and External Relations Council on 22 March, and the European Council on 26 March, 2004. The Interim Report addressed this question and the related mandate from the European Council on developing relations with the Arab world.

This Final Report on an EU Strategic Partnership with the Mediterranean and the Middle East is based on the analysis and conclusions of the Interim Report and the consultations conducted with partners.

From the work done and the consultations held several key priorities have emerged in relation to the development of an EU Strategic Partnership with the Mediterranean and the Middle East. These include: the need to – inter alia – promote joint interests by helping to address the challenges of the EU’s partners in the Mediterranean and Middle East; the importance of a partnership approach; the need for differentiation; recognition that reforms can succeed only if they are generated from within the affected societies and must not be imposed from outside; the need for a consistent basis for the EU’s policies; and finally the desirability of translating these interests and principles into a concrete policy agenda which addresses the challenges facing the Mediterranean and Middle East.

#### *Interests and Challenges*

Europe and the Mediterranean and Middle East are joined together both by geography and shared history. The Mediterranean Sea has always linked the peoples of these areas. An increasing number of residents and citizens of the EU have origins in the Mediterranean and Middle East, further building the links at the most basic and per-

sonal level. Our geographical proximity is a longstanding reality underpinning our growing interdependence; our policies in future years must reflect these realities and seek to ensure that they continue to develop positively.

The Mediterranean countries are our neighbours. We have been working with them in the Barcelona process for almost ten years now. We have a solid and substantial set of cooperation activities in place which we intend to deepen. The EU also commits itself to advance its partnership with the countries of the Gulf. It remains committed to pursuing a resolution of the Arab-Israeli conflict and to working toward peaceful stabilisation and reconstruction in Iraq.

The Annex to this document sets out the EU's existing commitment to its relationship with the countries of the Mediterranean and the Middle East and its long standing engagement with the challenges confronting them. This engagement has been spearheaded by frameworks such as the Euro-Mediterranean Partnership, the Neighbourhood Policy and cooperation with the GCC, Iran and Yemen.

As stated in the EU Security Strategy, "Our task is to promote a ring of well-governed countries ... on the borders of the Mediterranean with whom we can enjoy close and cooperative relations".

While different countries face different challenges, it is possible to identify a number of challenges common to the majority of the countries involved. There is general agreement on the nature and scope of these challenges, which have been extensively documented in reports emanating from the countries concerned. These challenges will not be overcome by maintaining the status quo; political, social and economic reform is required. Such reforms can succeed only if they are generated from within the affected societies; they cannot and should not be imposed from outside.

Many of the challenges derive from a single over-arching concern; the burgeoning challenge presented by a predominantly young population creating an ever-increasing demand for education and fulfilling employment. Reforms in the Mediterranean and the Middle East shall open to these young people the prospect of attaining a stake in their society and achieving their aspirations. Ensuring a stable and prosperous future for these young people is the major challenge facing their governments.

The League of Arab States declared on the occasion of its Summit in Tunis on 22-23 May, 2004 that it is determined to cooperate with the international community more intensively, in order to ensure the prosperity and development of the Arab States and peoples.

The EU will seek to play its part in addressing these challenges in a co-operative spirit through partnership and dialogue. Among the security challenges which have already developed to worrying levels are regional conflicts, terrorism, proliferation of weapons of mass destruction, and organised crime.

Responses to these challenges comprise a wide range of measures, from promoting a WMD-free zone in the Middle East and preventing proliferation to ensuring economic growth and stability, managing and addressing migration issues, ensuring security of

energy supply, promoting sustainable development, promoting the rule of law, respect for human rights, civil society and good governance.

### *Principles for Action*

- ▶ Partnership and dialogue should be cornerstones of the strategy.
- ▶ Successful implementation requires a long term and coherent engagement with a pragmatic approach.
- ▶ The Strategic Partnership should fully reflect the fact that there is no basis for a one-size-fits-all approach.
- ▶ The Strategic Partnership's objective is the development of a prosperous, secure and vibrant Mediterranean and Middle East.
- ▶ The EU will work together with partners toward peaceful stabilisation and reconstruction in Iraq.
- ▶ The Strategic Partnership will focus on the countries of North Africa and the Middle East, including the countries of the GCC, Yemen, Iraq and Iran.
- ▶ Resolution of the Arab-Israeli conflict will remain a core strategic priority. It is clear that it will not be possible to realise a common zone of peace, prosperity and progress unless a just and lasting settlement of the conflict is in place. The Union's continuing commitment to the resolution of this conflict will remain a central feature of its external relations policy.
- ▶ However, progress on the resolution of the Arab-Israeli conflict cannot be a precondition for confronting the urgent reform challenges facing our partners, nor vice versa.
- ▶ The primary political concerns for the European Union involve good governance, democracy, the rule of law, human rights, gender, respect for the rights of minorities, cooperation on non-proliferation, counter-terrorism, conflict prevention and resolution, and economic development as recognized by the declaration of the Arab League Summit on 23 May, 2004.
- ▶ The Partnership will reflect the centrality of the role of education for youth, male and female, in creating a knowledge society.
- ▶ Equally, it will give support to the empowerment of women so as to foster their fullest possible participation in society.
- ▶ The Partnership will seek to promote understanding between the peoples of the European Union and the Mediterranean and the Middle East especially through fostering mutual respect for their unique cultures.
- ▶ Partnership will offer the opportunity to all partners to move at a pace in accordance with their willingness to engage.
- ▶ Partners progressing a reform-related agenda more quickly should have greater opportunities to avail of the wider benefits of partnership.
- ▶ The Strategic Partnership should build on existing structures, where they exist.

- ▶ Where this approach does not suffice new structures should be reflected upon for those countries with which existing bilateral or regional frameworks are insufficient.
- ▶ There are shared security concerns which we should tackle in a spirit of partnership; we should recognise a broad concept of security which addresses domestic concerns which foster insecurity, such as economic underdevelopment and unemployment, especially youth unemployment.
- ▶ An important factor in our relations is the presence in Europe of significant populations with origins in our partner countries.

### *Future Development of the Policy*

The Strategic Partnership has been developed through consultation with the countries concerned including through the Euro Mediterranean Partnership Mid-Term Ministerial meeting in Dublin on 5-6 May, 2004 and at the EU-GCC Ministerial meeting on 17 May, 2004. Consultation will continue to play a major role in the development and review of the policy. This consultation will proceed dynamically through the interaction between the EU and its partners in the implementation of the Policy Agenda, and more formally through regular consultation on the broader agenda.

The EU will also work closely with the UN in pursuit of the goals set out in the Strategic Partnership. The EU will seek opportunities for coherent action with initiatives put forward by other actors, such as the G8 Broader Middle East and North Africa initiative.

It is envisaged that the elements set out in the associated Policy Agenda for the Strategic Partnership will provide the basis through which implementation of the Partnership can be carried out.

It is intended that the implementation of the Strategic Partnership be reviewed initially by the European Council in June 2005 and every semester thereafter. The Council's consideration of this implementation will be based on a report to be prepared by the Presidency, SG/HR and the Commission, with appropriate consultation with Member States, using existing structures.

### **A Policy Agenda for the Strategic Partnership**

The primary objective of an EU Policy Agenda is to promote the development, through partnership, of a common zone of peace, prosperity and progress in the Mediterranean and the Middle East. The goal is to enjoy close and co-operative relations responding as far as possible to demands from within the Mediterranean and Middle East.

The Policy Agenda will be developed mainly through existing instruments and mechanisms.

In order to keep the Strategic Partnership dynamic and vital, and ensure its continuing relevance, a mechanism of review will be required in the framework of existing instruments.

The EU has a series of instruments available for its relations with the Mediterranean and the Middle East. The Barcelona process (and its enhancement through the European Neighbourhood Policy) provides a strong framework of relations with the Mediterranean countries and allows for both a multilateral and a country-by-country approach, tailoring the EU's relations to specific concerns regarding individual countries, to the countries' needs and to progress made.

On the other hand, EU relations with countries east of Jordan are less developed. With the GCC and Yemen the EU has contractual relations, whereas with Iran and Iraq there is not a contractual framework. The economic and social characteristics of these countries call for instruments different to the programmes used within the Barcelona framework.

A comprehensive, long standing EU Agenda for action based on partnership and participation by the partners of the Mediterranean and Middle East should address the following major issues through the achievement of clearly stated objectives.

### *1. The Middle East Peace Process*

The overarching objective of the Union will continue to be a negotiated two-State solution agreed between the parties which would result in a viable, contiguous, sovereign and independent Palestinian State existing side by side in peace with an Israel living within secure and recognised borders. The Union reaffirms that the Quartet's Roadmap represents the only route to achieving such an outcome, and commits itself to continuing efforts to achieve the objective through this route. A key principle for the Union and for the Quartet as a whole is that Final Status issues are a matter for negotiation and agreement between the parties themselves and must not be prejudged. A just, comprehensive and lasting settlement must include Syria and Lebanon.

### *2. Political Dialogue – Human Rights and the Rule of Law*

The EU should adopt the following general approaches, taking account also of requests from partners in the Mediterranean and the Middle East:

- To deepen the political dialogue with partners focusing on concrete reform issues;
- To develop systematic support for the rule of law and good governance, with emphasis on legal reform and human rights with a constructive involvement by national authorities;
- To support electoral processes and judiciary reform;

- ▶ To engage with non-violent political organisations and civil society movements at all levels in society, with such engagement open to all organisations committed to non-violent and democratic means;
- ▶ Work to implement the recommendations of the relevant Commission communication on human rights and democracy, as endorsed by the November 2003 Council, including through existing bilateral and regional programmes and increased focus through the European Initiative on Democracy and Human Rights;

### **In its relations with the Euro-Mediterranean Partnership**

- ▶ Working within the European Neighbourhood Policy, develop national action plans on human rights and democracy and provide financial and other assistance for their implementation;
- ▶ Seek to establish sub-Committees on human rights and democracy under all Association Agreements;
- ▶ Enhance the substance of the existing political dialogue, with an increasing focus on the implementation of concrete reform measures in all areas of concern;

### **In its relations with countries east of Jordan**

- ▶ Consider bilateral political engagement with those GCC members with a desire to move more rapidly on issues of concern;
- ▶ For this and for other objectives, consider strengthening the EU's capacity within the Gulf area;

### **With other countries outside these two frameworks**

- ▶ Develop a dialogue on these issues with a new focus on the implementation of concrete reform measures;
- ▶ Consider holding closer and more regular consultations with the Arab League;
- ▶ Consider outreach to other relevant organisations;
- ▶ Consider developing with the countries east of Jordan a framework for dialogue and confidence building at the regional level. 10246/04 LH/nm 11 DG E EN

### ***3. Non-Proliferation, Security Dialogue and Counter-Terrorism***

The EU's overarching objective should be to set up appropriate consultation and cooperation mechanisms for enhanced political dialogue on conflict prevention and crisis management, counter-terrorism and non-proliferation.

Among the **means** which can be used to carry this objective forward are the following:

### **Non Proliferation**

#### **In its relations with the Euro-Mediterranean Partnership**

- ▶ The inclusion of the EU standard clause on non-proliferation of Weapons of Mass Destruction in all new Third Country Agreements;
- ▶ Establishment of expert sub committees under the Association and other Third Party Agreements;
- ▶ Intensification of dialogue within the political chapter of the Barcelona Process on the implementation of relevant international agreements and export/end use control policies;

#### **In its relations with countries east of Jordan**

- ▶ Intensification of dialogue under the relevant political instruments with GCC - and any existing and future instruments to be developed with Yemen, Iraq and Iran - on the implementation of relevant international agreements and export/end use control policies;

### **Security Dialogue**

#### **In its relations with the Euro-Mediterranean Partnership**

- ▶ Reinforcement of the articulation between ESDP and the Barcelona Process by:
  - Raising awareness of actions in the field of ESDP and making them more visible;
  - Making co-operation more substantial and concrete;
  - Making it open to Mediterranean partners, on a case by case basis, to participate in exercises and training.
- ▶ Consider, when the situation allows, re-launching the Euro-Mediterranean Partnership discussion on the draft Mediterranean Peace and Stability Charter and other similar types of frameworks;

#### **In its relations with countries east of Jordan**

- ▶ Launch internal reflections and consultations with the area east of Jordan for a comprehensive approach to security in the area including encouragement to partners to consider confidence building measures such as notification of exercises, exchanges of military observers etc;
- ▶ Consider developing with the countries east of Jordan a framework for dialogue and confidence building at the regional level;

## **Counter-terrorism**

### **In its relations with the Euro-Mediterranean Partnership**

- ▶ Implementation of reinforced operational co-operation in the fight against terrorism among judicial and police authorities; through the Justice and Security sub-committees existing or currently being established under Euro-Mediterranean Association Agreements and the ENP Action Plans;

### **In its relations with countries east of Jordan**

- ▶ Build on existing engagement with the GCC including on the question of tackling financing of terrorism and seek other opportunities for technical cooperation.

## **4. Migration**

The EU aims to promote a comprehensive approach towards migration and the social integration of legally residing migrants and extend to all partners the dialogue and co-operation on migration which has already started with some Mediterranean partners.

In this regard the EU should adopt the following general approaches:

- ▶ Continue to provide technical assistance and cooperation for improved joint management of migration flows, including border control, and institutional capacity building;
- ▶ Seek the conclusion of readmission agreements with our partners;
- ▶ Strengthen the safeguards with respect to international obligations to provide protection for refugees alongside fair treatment of third country nationals who reside legally in the EU.

## **5. Economic Reforms**

The EU will work in partnership to support internally driven reforms in the economic and social spheres through engagement with state and civil actors bearing in mind the framework of the relevant international reports on this matter. This objective can be advanced through the following approaches:

### **In its relations with the Euro-Mediterranean Partnership**

- ▶ Continue trade liberalisation in the Euro-Mediterranean Partnership context with further liberalisation of agriculture and services and the full incorporation of regional cumulation of origin. In general continue to promote achievement of the Euromed Free Trade Area by the target date of 2010;

- ▶ Support the Euro-Mediterranean regional economic dialogue including at Ministerial level;
- ▶ Promote the approximation of the regulatory frameworks with those of the EU notably through the ENP Action Plans;
- ▶ Foster south-south regional integration; pilot experience of sub regional cooperation should involve at a first stage the three countries of Central Maghreb, as agreed at the Euro Mediterranean Partnership Ministerial Meeting held in Naples in December, 2003. The EU should also support initiatives such as the Agadir Agreement and the Arab Maghreb Union while seeking to ensure an inclusive approach;

### **In its relations with the countries of the GCC**

- ▶ Conclude and implement the EU-GCC free trade agreement;
- ▶ Promote co-operation with GCC countries on issues such as the creation of a GCC single currency, or a GCC common commercial policy and single market;
- ▶ Commission to examine feasibility of technical assistance programmes for restructuring administrative frameworks in the Gulf area;

### **In its relations with Yemen**

- ▶ Sustain economic and related administrative reform in Yemen and promote Yemen's integration in its region;

### **Common elements in its relations with the Mediterranean and the Middle East**

- ▶ Promote WTO membership for countries of the Mediterranean and the Middle East in response to modernisation of their regulatory environment, and liberalisation of import and export trade;
- ▶ Promote the progressive establishment of regional free trade agreements, such as the linking of the EU/MED and EU/GCC free trade agreements;
- ▶ Taking advantage of the experience of the Euro-Mediterranean regional co-operation, develop, where necessary, analogous programmes derived from appropriate elements of the Barcelona Process;
- ▶ Foster energy, transport and telecommunications interconnections and linkages with the Trans-European Networks.

## 6. *Social Development*

- ▶ The EU will support specific actions within the partner countries fostering education and empowerment of women.
- ▶ These will include widening access to existing programmes of higher level education cooperation and a sharpening of focus to ensure that such cooperation has multiplier effects throughout the population, and at all educational levels.
- ▶ Equally, the EU will give particular attention to ensuring that access to the benefits of educational programmes and entrepreneurship and economic development packages is open to equal participation by all members of partner societies.

## 7. *Cultural Dialogue*

The EU will work to increase understanding and respect between the peoples and cultures of the EU and the relevant countries:

### **In its relations with the Euro-Mediterranean Partnership**

- ▶ Accelerate the setting up of the Anna Lindh Euro-Mediterranean Foundation for the Dialogue of Cultures in Alexandria;
- ▶ Promote use of the Foundation as a focal point for research on the dialogue of cultures and civilizations;
- ▶ Promote use of the Foundation to enhance cooperation in the field of the media
- ▶ Commission and Member States to pursue and increase efforts to raise the visibility of EU actions in the Mediterranean;
- ▶ Pursue the Euromed Youth and Tempus Programmes with a view to increased cooperation among and development of civil society actors in the Mediterranean;

### **In its relations with countries east of Jordan**

- ▶ Develop parallel and articulated programmes for youth exchanges and cooperation with universities east of Jordan;

### **Common elements in its relations with the Mediterranean and the Middle East**

- ▶ Explore the potential for inter-cultural dialogue;
- ▶ Provide institutional support for social policies including in the field of education, youth, and the integration of minority communities;
- ▶ Examine ways to promote the role of the mass media as a contributor to understanding and respect between peoples;

- ▶ Promote cultural dialogue including exchange of experiences and best practices in the field of minority rights and the fight against racism, xenophobia, anti-Semitism and Islamophobia.

### 8. *Iraq*

- ▶ Encourage an EU approach to support stability in sovereign Iraq with a strong and central role for the United Nations in the political transition process.
- ▶ Build upon the Medium Term Strategy for Iraq, which has been developed in parallel with the Strategic Partnership, with a view to develop short, medium and long term policies for social, economic and political reconstruction in Iraq in a regional context.
- ▶ Encourage Iraq's regional integration by making full use of the EU's existing framework for dialogue with the neighbouring countries.

### 9. *Iran*

- ▶ Based on the Comprehensive Dialogue initiated in 1998, the EU should work for a full integration of Iran into the international community and towards a strengthening of EU-Iran relations through a comprehensive strategy, including the perspective of contractual relations, aiming at producing tangible results with regard to the four areas of concern (WMD, Human Rights, Terrorism, Middle East Peace Process).

### 10. *Libya*

- ▶ While improvement in the European Union's relationship with Libya is a desirable development, steps in this direction must await satisfactory resolution of all outstanding bilateral issues with EU member and negotiating states (including the La Belle case and that of the Bulgarian medical workers). As was decided at the Stuttgart European Council, Libya must accept the *acquis* of the Barcelona Process before membership in the Euro Mediterranean Partnership could be considered.

### 11. *Synergy with other initiatives*

- ▶ The EU will seek maximum coherence with the US, UN and other external actors in pursuit of the goals of the Partnership.

### 12. *Continuing Consultation/Review*

- ▶ The European Union will continue to use appropriate opportunities to consult with partners in the Mediterranean and in the Middle East on the Strategic Partnership;

- ▶ The Presidency, SG/HR and Cion will report on progress at the June 2005 European Council and thereafter on a six-monthly basis. This report will be prepared on the basis of inputs from the relevant working groups which may sit jointly for this purpose and will be tasked accordingly by the relevant bodies. The review, to be carried out within the framework of existing instruments, will focus in particular on progress with regard to the Policy Agenda for the Strategic Partnership set out in this report.

## **Annex to ANNEX**

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### **Existing instruments and frameworks**

Relations between EU and the countries of the Mediterranean and the Middle East reflect the complexity and diversity of our partners and their situations. There is no single framework for partnership. The EU provides financial assistance in co-operation programmes with all countries except GCC Member States and Libya.

With the **Mediterranean Countries**, the EU has a partnership which covers political and security dialogue, economic relations – including the creation of a free trade area – and social and cultural relations – a dimension which is of fundamental importance to the spirit of the Barcelona Declaration. The creation of a free trade area, with the conclusion of Association Agreements embodying the principle of combining free trade with substantial financial support for promoting modernisation, are important aspects of the Barcelona Partnership. The Association Agreements and the Euro-Mediterranean Partnership promote legislative reforms and regulatory convergence.

Relations with this group of countries will be further enhanced within the European Neighbourhood Policy framework. This policy emphasises the necessity for concrete, measurable reforms with the objective of giving Mediterranean partners a stake in the EU four freedoms.

**Libya** is not at present a member of the Euro-Mediterranean Partnership. The Stuttgart European Council decided that it would be open to Libya to become a member once UN sanctions had been lifted and Libya had unconditionally accepted the Barcelona acquis in full. While the first requirement has now been met, Libya has yet to make a formal undertaking in regard to the second requirement. The EU's consideration of such an undertaking will depend on a satisfactory resolution of all outstanding bilateral issues with EU member and negotiating states (including the La Belle case and that of the Bulgarian medical workers).

**Mauritania** is a member of the Arab Maghreb Union, a significant regional organisation within the geographical scope of the initiative, and one in which several other Euro-Mediterranean Partnership partners are participants.

With the GCC, the focus has so far been on trade and economic relations. The Cooperation Agreement with the GCC covers a number of areas of economic cooperation; the EU and GCC also have political dialogue meetings. Negotiations for a free trade agreement are still underway.

There is already a Trade and Co-operation Agreement with Yemen and a formal political dialogue is expected to commence in July 2004.

There are at present no formal relations with Iraq. Future relations with a sovereign Iraqi government will be guided by the Medium-term Strategy to be adopted at the June European Council. The EU plays a role in supporting reconstruction in particular through the World Bank and the UN.

With Iran there are negotiations pending for a TCA and a parallel political agreement. The EU has also engaged in a “Comprehensive Dialogue” and a “Human Rights Dialogue” with Iran.

## **Darfur: Javier Solana announces the sending of EU observers to the region**

**Brussels, 21 June 2004**

Following the agreement on the implementation of the cease-fire in Darfur (Sudan), Javier Solana, EU High Representative for the Common Foreign and Security Policy sent a letter to Mr Alpha Oumar Konare, President of the African Union Commission, announcing him the decision of the EU to put several observers at the disposal of the African Union, one of them being the Vice-President of the cease-fire Commission.

*“The consolidation of the cease-fire is crucial to prevent a real humanitarian crisis in Darfur. This is the reason why the EU member States have quickly decided to take part in the cease-fire monitoring mechanism. The co-operation launched with the African Union is an important new development step in the management of conflicts in Africa. The creation of this monitoring mechanism of the Darfur cease-fire is a tangible result of this co-operation”.*

## EU-US summit

Dromoland Castle, 26 June 2004

### EU-US DECLARATION ON SUDAN

The European Union and the United States welcome the Nairobi Declaration of 5 June 2004 on the Final Phase of Peace in Sudan which paves the way for the signature of a comprehensive peace agreement, putting an end to 20 years of conflict in southern Sudan, and commend all those who have worked with the parties to bring the peace talks to this point, in particular the Inter-Governmental Authority on Development (IGAD) and the host nation to the talks, Kenya. The protocols signed at Naivasha on 26 May 2004 demonstrate the continued commitment by both parties and the international community to end this longest-running civil war in Africa. We urge the Government of Sudan and the Sudan Peoples Liberation Movement/Army (SPLM/A) to sustain the momentum towards an early conclusion of a comprehensive peace agreement. We reiterate our firm commitment to support a faithfully implemented comprehensive peace agreement designed to bring peace to all areas of Sudan. The United Nations has an important role to play in achieving this goal. We fully support the work of the UN in addressing the humanitarian and human rights crises in Darfur.

We express grave concern at the continuing humanitarian crisis in Darfur, western Sudan, where the lives of hundreds of thousands of civilians, who live in desperate conditions and require immediate life-saving relief, are at great risk. We strongly condemn the human rights violations that have been perpetrated there, particularly by Jingaweit militias. We reiterate our call on the Government of Sudan to immediately stop the violence perpetrated by the Jingaweit, ensure the protection and security of civilians and humanitarian workers, disarm the militias and allow full and unimpeded access by humanitarian groups to Darfur. We also reiterate that those responsible for the atrocities must be held accountable. In addition, we call on all signatories to the ceasefire agreement of 8 April 2004, and their proxy militias, to fully respect the terms of the ceasefire and to cooperate with the African Union-led monitoring mission presently being deployed in Darfur.

We commend the African Union for assuming a leading role in its monitoring mission. To support the AU-led mission, we are actively participating, contributing financially as well as sending observers. We encourage all parties to the conflict in Darfur to initiate a dialogue to begin addressing the underlying political and social problems that have led to this crisis. We call on the Government of Sudan to stop supporting the aggressive actions by militia groups in the Upper Nile region.

## **EU-US DECLARATION SUPPORTING PEACE, PROGRESS AND REFORM IN THE BROADER MIDDLE EAST AND IN THE MEDITERRANEAN**

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1. The European Union and the United States pledge our support to the governments and peoples of the countries concerned who have, in recent declarations and statements, expressed their determination to meet the challenges of modernisation; to advance political, social and economic reforms; to build democracy; and to promote human rights. We believe that increased economic and political freedom can advance and change lives in the countries concerned. This task will require the sustained and increased support of the European Union and the United States. We offer this support in friendship, respect and the spirit of partnership, recognising that we share the objective of a prosperous, secure and vibrant area. We welcome and support the initiative launched earlier this month at the G8 Summit in Sea Island, Georgia and the EU Strategic Partnership with the Mediterranean and the Middle East endorsed by the European Council on 18 June.
2. We welcome the reform initiatives and declarations calling for political, economic and social progress that have stemmed from governments and civil societies in the countries concerned. Our engagement should draw on statements including the Arab League declaration of 23 May 2004, which expressed determination “to firmly establish the basis for democracy”, and the declarations of Alexandria, the Dead Sea, Sana’a and Aqaba. It should also take into account the significant analysis and recommendations provided in the Arab Human Development Reports of 2002 and 2003.
3. We remain convinced that engagement should be based on partnership and acknowledgement of the importance of local ownership. In order to be successful and lasting, reform must come from within the countries concerned and cannot be imposed from outside. With this in mind, we seek partnership with governments as well as with civil society and business communities who aspire towards reform and are ready to work with us on these shared objectives.
4. The peoples of these countries have rich traditions and cultures and have made many lasting contributions to human civilisation. Each country is unique and their diversity should be respected. Our engagement must respond to local conditions and be based on local ownership. Each society will reach its own conclusions about the pace and scope of change. Yet distinctiveness, important as it is, must not be exploited to prevent reform. The values they seek for themselves, and which we support, are universal: human dignity, freedom, democracy, the rule of law, economic opportunity and social justice.

5. We reaffirm our commitment to a just, comprehensive and lasting settlement of the Israeli-Palestinian conflict. Progress towards a negotiated peace settlement in the Middle East and towards reform will be mutually reinforcing. Neither should be a precondition nor a substitute for the other. We support the work of the Quartet on the Road Map and endorse its declaration of 4 May 2004. We also welcome the League of Arab States' continued support for the Roadmap as expressed at the Summit meeting held in Tunis on 22/23 May and the League's rejection of acts of violence against civilians without distinction. We reiterate our common vision of two states, Israel and a viable, democratic, sovereign and contiguous Palestine, living side by side in peace and security.

We welcome and support the efforts of governments in the countries concerned to contribute to a settlement of this conflict, including the announced intention of Israeli withdrawal from all Gaza settlements and from parts of the West Bank which can be a step towards achieving the two-state solution and has the possibility of restarting progress on the Roadmap. We call for an end of all acts of violence and terrorism. We support all efforts, including those by Egypt, to resolve critical security issues relating to Gaza. In this context, any unilateral initiative should be undertaken in a manner consistent with the Roadmap and the two-state vision. At the same time, we welcome the establishment of the World Bank Trust Fund and urge international support for this important initiative for Palestinian economic and social reconstruction.

6. We will build upon our respective policy frameworks and instruments. For the U.S., the Middle East Partnership Initiative is a key instrument, together with other bilateral instruments. For the EU, cooperation is based primarily on its Euro-Mediterranean Partnership, the EU-Gulf Cooperation Council Cooperation Agreement, the EU Neighbourhood Policy and other bilateral or multilateral initiatives, including the EU Strategic Partnership for the Mediterranean and the Middle East, as recently adopted by the European Council. We welcome the G8 Plan of Support for Reform, including the establishment of the "Forum for the Future". In this context, we pledge to work with each other in concrete areas to support:

- ▶ **Democratic development and the fullest possible participation by all citizens** through programs to strengthen civil society and promote democratic norms and institutions, including by providing technical assistance and support to independent election commissions, voter registration programs, conduct of elections, civic awareness programs (including those with a particular emphasis on women voters and candidates) and through strengthening parliamentary exchanges and independent media.
- ▶ **Increased practical and financial support to enhancing human rights**, legislative reforms and norms of good governance and linking closer relations and financial assistance to the achievement of measurable progress in these areas.

- ▶ Efforts to significantly increase literacy skills, including through increased higher and basic education cooperation in areas such as increasing enrolment rates or improving quality, with a special focus on education for women and girls. These efforts will help the countries concerned meet their target of imparting literacy skills to an additional 20 million people by 2015, as set out in the Beirut Declaration on Education for All of January 2004.
  - ▶ **Economic integration, intra-regional trade and expanded trade opportunities in global markets**, through support, where appropriate, for accession to the WTO, including technical assistance, support for entrepreneurship and intraregional trade agreements, programs on trade facilitation and support for development of local chambers of commerce. In this regard, we will take into account regional integration initiatives.
7. In order to follow up on these initiatives, we have agreed to find better ways to coordinate our respective efforts with each other and in partnership and dialogue with governments and representatives of civil society and business sectors in the countries concerned. In all instances, we will seek to respond to the impetus for reform stemming from the individual countries concerned. We will make full use of the existing structures of cooperation and dialogue between the EU and U.S., such as the Senior Level Group, to ensure that opportunities for cooperation and synergy between our respective programs are availed of to the full.

## **EU-US DECLARATION OF SUPPORT FOR THE PEOPLE OF IRAQ**

The European Union and the United States share a common commitment in our support for the Iraqi people and the fully sovereign Iraqi Interim Government as they build a free, secure, democratic, unified and prosperous country, at peace with itself, its neighbours and with the wider world. Iraq needs and deserves the strong support of the international community to realise its potential.

We applaud the unanimous approval of United Nations Security Council Resolution 1546 on Iraq, endorsing the formation of the fully sovereign Iraqi Interim Government and the political process that will lead to a democratic Iraq, and recognise it as a new basis for the international community to support the goals of the Iraqi people.

- ▶ We welcome the establishment of the Iraqi Interim Government and offer our full and sustained support for its assumption of full sovereignty and for its mission to guide Iraq with the advice and support of the United Nations toward elections no later than 31 January 2005.
- ▶ We express our shared commitment, and urge others, including international organisations, to support the economic and political reconstruction of Iraq, focusing on priority projects identified by the Iraqi Interim Government.

- We support the continued and expansive engagement of the United Nations in Iraq after the transfer of sovereignty, as circumstances permit, with a leading role in the electoral process and the reconstruction of Iraq.
- Recognising the vital need to combat terrorism and maintain security and stability in Iraq, we support the mission of the Multinational Force for Iraq, including protection of the United Nations' presence, in accordance with the UNSCR 1546 and the invitation of the Iraqi Interim Government. We stress the need for full respect of the Geneva Conventions. We also support the training and equipping of professional Iraqi security forces, capable of assuming increasing responsibility for the country's security, as requested by Prime Minister Allawi.
- The U.S. will use its substantial assistance to support the Iraqi people, including through critical essential services like electricity, oil industry, water resources and sanitation, health care, transportation and telecommunications. In addition, the U.S. will focus on continuing economic and technical assistance and establishing formal bilateral relations with Iraq.
- The EU is providing assistance for the delivery of key public services, employment and poverty reduction and strengthening governance, civil society and human rights. The EU will launch dialogue with the Iraqi Interim Government and society and stands ready to prioritise support for the political process and elections, consider further support for the rule of law and civil administration in Iraq, use its relations with Iraq's neighbours to encourage positive engagement and regional support for political and economic reconstruction, play a positive role in discussions of Iraq's external debt and on trade issues and work to enhance its representation in Iraq.
- We welcome the success of the recent donors' conference in Doha of the International Reconstruction Fund Facility for Iraq, and will work together and with key governments and organisations before the next conference in Tokyo later this year to identify ways in which the international community can continue to effectively contribute to the reconstruction of Iraq.
- We pledge to provide support and assistance for the process leading to national elections for the Transitional National Assembly no later than 31 January 2005. To that end, the United States and European Union will work together, with other donors, with the Iraqi Interim Government, and in response to requests for assistance from the United Nations, which plays a leading role in the electoral process. This assistance will be fully coordinated with the Iraqi Interim Government.
- We will continue to support the provision of international assistance on a bilateral basis and through the United Nations and other international organisations, with a view to responding to the needs of the Iraqi population.
- We shall promote reduction of Iraq's external debt burden, as debt reduction is critical if the Iraqi people are to have the opportunity to build a free and prosperous nation. This reduction should be provided in connection with an IMF program, and sufficient to ensure sustainability taking into account the recent IMF analysis. We

encourage governments within the Paris Club, and non-Paris Club creditors, to achieve that objective in 2004.

- ▶ We will support Iraq's efforts to build a prosperous economy with a thriving private sector and an efficient public sector, attractive and open to investment, that reintegrates the country into the regional and international community, and provides for economic opportunities for all Iraqis.
- ▶ To help re-establish the ties that link Iraq to the world, we will explore ways of reaching out directly to the Iraqi people as they emerge from decades of dictatorship to launch the political, social and economic reconstruction of their nation. We will work with the Iraqi Interim Government and Iraqi civil society to strengthen democracy and respect for human rights, the rule of law, transparency and good government.
- ▶ We will encourage positive engagement and regional support from Iraq's neighbours for the political and reconstruction process in Iraq.
- ▶ If the Iraqi Interim Government decides that an international conference would support Iraqi political transition and Iraqi recovery to the benefit of the Iraqi people and the interest of stability in the region, we would welcome such a meeting.

## **EU-US DECLARATION ON HIV/AIDS, MALARIA AND TUBERCULOSIS**

1. The spread of communicable diseases is one of the biggest threats to human life, prosperity and security. The HIV/AIDS epidemic, in particular, is one of the biggest global challenges of our time. Twenty years after the disease was first identified, it continues to spread rapidly. Its impact is most devastating in regions least able to mount a defence, particularly sub-Saharan Africa, where it is now rolling back many years of progress in human development, worsening poverty and eroding progress towards the internationally agreed development goals. In some parts of Eastern Europe, Asia, Latin America and the Caribbean, HIV/AIDS threatens similar tragedies. Effectively rising to the challenge of HIV/AIDS is a key test for governments, multilateral organisations, the private sector and civil society in the 21st century.

2. The European Union and the United States welcome the strong leadership, internationally and by many national governments, that is now being demonstrated in responding to the global HIV/AIDS epidemic. We also welcome the fact that this leadership is reflected in a significant increase in the resources that we have allocated to fight the epidemic. We are committed to turning the tide on this disease and pledge to work effectively and in coordination with partners, especially in countries facing high current and potential disease burdens, through both bilateral and multilateral means.

3. In recognition of the extent of the crisis and of our joint commitment to fighting HIV/AIDS and other communicable diseases, we are determined to further strengthen our co-operation with a particular focus on the following areas:

## Global

4. We support the UN Declaration of Commitment on HIV/AIDS. We believe that steps should be taken to address the HIV/AIDS crisis in accordance with the time frames set out in the Declaration.

We have been instrumental in establishing, resourcing and promoting the effectiveness of the Global Fund to fight AIDS, Tuberculosis and Malaria. We have supported the promising work of the Global Fund in confronting HIV/AIDS, tuberculosis and malaria. We are dedicated to ensuring that Fund resources are available to countries most severely affected by these diseases. We are determined to continue working together to promote the effective operation of this new global mechanism, including the mobilisation of new resources. We are also determined to ensure that it promptly disburses funding in support of programmes that are directed at prevention, treatment and the care of people living with HIV/AIDS in recipient countries and that provide affordable access to medicines and commodities.

5. In this context, we underline the importance of the work in the WTO related to paragraph 6 of the Doha Ministerial Declaration of 14 November 2001 on TRIPS and Public Health. We undertake to cooperate on the corresponding amendment of the TRIPS Agreement in an expeditious manner.

6. Our governments will also continue to support ongoing efforts to develop technologies to prevent the spread of HIV/AIDS, such as vaccines and microbicides. In the long term, such tools will be a key to reducing and ultimately ending the pandemic. We dedicate ourselves and encourage others, including the private sector, to investing necessary resources and working together collaboratively to accelerate the development of vaccines and preventive technologies.

## Country

7. We reaffirm our broad and sustained commitment to supporting national AIDS responses. We endorse the “Three Ones”: ONE agreed HIV/AIDS Action Framework that provides the basis for coordinating the work of all partners; ONE National AIDS Coordinating Authority, with a broad based multi-sector mandate; and ONE agreed country level Monitoring and Evaluation System.

8. The “Three Ones” are key principles for concerted action at country level, with a view toward achieving the most effective and efficient use of available resources and ensuring rapid action and transparent, accountable and results-based management. We will work together with UNAIDS and all our partners to ensure our programmes strengthen local capacity for the effective monitoring and evaluation of HIV/AIDS programmes. We are determined to support the efforts of UNAIDS to facilitate action-oriented policy dialogue, on progress towards the “Three Ones” principles for concerted AIDS action at the country level and on issues arising from implementation and coordination of country programmes. In this context, we stand prepared to cooperate with UNAIDS on sharing information and reviewing and strengthening the co-ordination of HIV/AIDS responses at the country level.

### **Private Sector and Civil Society**

9. We recognise the positive response of many private sector corporations, foundations, trade unions and associations, non-governmental and faith-based organisations and associations of people living with HIV/AIDS in responding to the pandemic. We call for a strengthening of this response and a deepening of collaboration between the EU and U.S. private sectors, with a view to investing in programmes that are directed at the prevention, care and treatment of HIV/AIDS, particularly in the most affected or threatened countries. We call, in particular, for new efforts to explore opportunities for a greater, better-coordinated engagement by these organisations in the global fight against HIV/AIDS.

## **EU-US DECLARATION ON STRENGTHENING OUR ECONOMIC PARTNERSHIP**

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1. Over the last 50 years the economies of the European Union and the United States have become increasingly integrated, to the benefit of all. Today, we share the largest bilateral trade and investment relationship in the world, providing jobs to millions of workers on each side of the Atlantic. We have jointly dismantled trade and investment barriers, stimulated economic growth and significantly increased our mutual prosperity. The historic expansion of the European Union to 25 nations and 455 million people brings us additional opportunities for strengthening our bilateral relationship, as well as for promoting prosperity beyond our borders.

2. Our economies will prosper faster and further as the global economy grows as a whole. Trade liberalisation is critical to boosting global prosperity, generating sustained economic growth and raising living standards. We thus reaffirm their commitment to a multilateral trading system governed by rules. We are determined to advance multilateral

trade liberalisation and strengthen rules as embodied in the WTO Doha Development Agenda negotiations. We are encouraged by the re-energised negotiations in recent weeks and recognise the need to make rapid progress on the core areas. We are on the verge of an historic opportunity to fundamentally reform trade in agriculture and recognise that progress in the agriculture negotiations will be essential to move the other core areas of the negotiations forward. We will continue to cooperate to reach a successful conclusion of the Doha Development Agenda negotiations as quickly as possible, based upon an ambitious and balanced outcome, taking into account the needs of developing countries and ensuring the poorest countries are not left behind. They too should develop the capacity to participate in the global trading system. We recognise that different countries will need to move at different speeds towards this aim. Working in cooperation with other WTO members, we direct our Ministers to finalise negotiating frameworks by the end of July in order to expeditiously complete these negotiations, reduce global trade barriers and further enhance the conditions for sustained global economic growth.

3. We are committed to policies producing strong and sustained economic growth to the mutual benefit of our citizens and the wider world. Innovation will bring improvements in productivity and stimulate more growth and higher levels of prosperity for our countries as well as other countries that rely on our markets. Innovative technologies in areas such as information, communication, hydrogen energy, pharmaceuticals and other health related products, can provide impetus to our economic partnership. We will reinforce our commitment to the protection of intellectual property rights, recognising their fundamental and growing importance to the creation of innovative products, services and technologies in our economies.

4. Our economic partnership will also thrive on the success of current transatlantic initiatives as we work to create a seamless transatlantic economic partnership. Today we signed an agreement on cooperation between the Galileo and GPS satellite navigation systems, opening the way for wide-ranging commercial opportunities. We are working towards a comprehensive aviation accord that will expand opportunities not only for airlines, but also for airports, tourism, business links and cargo transport. We ask our negotiators to continue their efforts on this important agreement. We are making good progress on our Financial Markets Regulatory Dialogue to promote a vibrant and open transatlantic capital market.

We recently signed a customs agreement on container security that will make trade more secure and facilitate legitimate trade. We are working to conclude an agreement on trade in wine, enhance trade in the expanding sector of organic food products and resolve differences over poultry trade. We have developed a Roadmap for Regulatory Cooperation outlining a broad range of activities intended to expand market opportunities and help minimise EU- U.S. regulatory divergences. We have initiated a policy

dialogue to seek ways to raise our long term growth potential. To date, we have focused on pension systems reform and productivity growth, both of which are essential to meeting the economic challenge of our ageing populations.

5. Trade and investment remain at the core of our relationship and we must continue to look for cooperative means and best practices to enhance economic growth, job creation and innovation, in particular in the most dynamic sectors of our economies. We will look at new ways to give our relationship a fresh impetus. In this respect, we welcome and encourage the current lively and creative public debate on both sides of the Atlantic on how to enhance our already strong economic relationship. We commend the efforts of the Transatlantic Dialogues - Business, Consumer and Legislators - and others, to promote closer transatlantic ties and value those recommendations they have made on ways to eliminate barriers in the transatlantic market and to boost prosperity, productivity, employment and the standard of living.

6. We call on stakeholders on both sides of the Atlantic to engage in a vigorous discussion of concrete ideas on how to further transatlantic economic integration to the fullest, spur innovation and job creation and better realise the competitive potential of our economies and enterprises. We also ask senior officials from the EU and the U.S. Government to assess on each side of the Atlantic our bilateral economic relationship and to explore means to eliminate trade, regulatory and investment impediments to further economic integration. This effort may include relevant regulatory agencies as appropriate. We will in early 2005 develop a forward-looking strategy to enhance our economic partnership and eliminate barriers. The Senior Level Group will present these ideas to Leaders before the next EU-U.S. Summit.

## **EU-US DECLARATION ON COMBATING TERRORISM**

Since the attacks of 11 September 2001, the European Union and the United States have been working together closely to combat the threat of terrorism. In the aftermath of the attacks on Madrid on 11 March 2004, the European Council adopted a Declaration on Combating Terrorism, reinforcing its determination to prevent and fight terrorism. Today we have renewed our commitment to further developing our cooperation against terrorism within the framework of the New Transatlantic Agenda, while recognising the contributions of the G-8 Secure and Facilitated International Travel Initiative.

We remain determined to work together to combat terrorism while sharing a commitment to protect and respect human rights, fundamental freedoms and the rule of law on which our societies are founded and which terrorism seeks to destroy.

On that basis, the U.S., the EU and, as appropriate, its Member States, will take forward work on counterterrorism, in keeping with the following objectives, through dialogue and action at all levels:

1. *We will work together to deepen the international consensus and enhance international efforts to combat terrorism*
  - 1.1. We will support the key role of the United Nations, its General Assembly and the work of the Security Council. We will work closely with the UN Counter-Terrorism Committee (CTC). We will also contribute to the Global Programme of the United Nations on Drugs and Crime.
  - 1.2. We will work to ensure universal adherence to, and full implementation of, the United Nations Conventions on terrorism. Likewise, we will press for full implementation by all UN Member States of all relevant UN Resolutions, including 1373 and 1267 and all subsequent amending Resolutions.
  
2. *We reaffirm our total commitment to prevent access by terrorists to financial and other economic resources*
  - 2.1. We will actively support the work of the Financial Action Task Force (FATF) on all issues regarding the financing of terrorism. In particular, we will work to ensure that EU and national legal frameworks are fully adapted to the FATF's eight special recommendations and Interpretive Notes on terrorist financing.
  - 2.2. We will ensure the effectiveness of our asset freezing and transaction blocking laws and regulations, by implementing concrete steps to ensure full and effective implementation of all relevant provisions of UNSCR Resolution 1373.
  - 2.3. We will ensure that internal processes are in place for reviewing proposals for designation, based on thorough and timely consideration of serious and credible evidence, providing a reasonable basis to indicate that such entities or individuals are supporting or financing terrorist activity or a previously designated entity or individual.
  - 2.4. We will strengthen measures to protect against the abuse of formal and informal financial institutions, including through the regulation of alternative remittance systems, wire transfers and cash couriers, as well as of trans-border cash movements. We will review the regulation of the non-profit sector to ensure that it cannot be misused by terrorist organisations or those who seek to finance such organisations. We will keep these questions under active review.
  - 2.5. We will take the necessary steps, in accordance with appropriate procedures and criteria, to ensure that terrorist groups cannot evade the consequences of designation by renaming themselves or hiding behind front organisations.

- 2.6. We will work to ensure effective implementation of our respective criminal legislation and relevant provisions outlawing the support to designated names.
- 2.7. We will provide public access to consolidated lists in our respective jurisdictions of all persons and entities subject to asset freezing mechanisms of the EU and the U.S. We will also promote awareness within the financial sector, the non-profit sector and the general public of the threat posed by terrorist financing and of responsibilities under relevant anti-terrorist financing legislation and regulation.
- 2.8. We will seek ways to identify adequate national coordination mechanisms to respond to queries on asset freezing regimes.
- 2.9. We will work to promote safe harbour provisions at a national level to protect government or private sector employees from personal liability for reporting, in good faith, suspicious transactions linked to terrorist financing.
- 2.10. Once we have designated an organisation, we will ensure that appropriate enforcement agencies or bodies analyse transactions of all accounts of the organisation. We will explore mechanisms for sharing the results of our analysis.
- 2.11. We will have a regular dialogue on Terrorist Financing.

*3. We commit to working together to develop measures to maximise our capacities to detect, investigate and prosecute terrorists and prevent terrorist attacks*

- 3.1. We will promote cooperation between our law enforcement agencies and institutions, taking account of our respective legislation, for the purpose of the prevention, detection, investigation and prosecution of terrorist offences. In particular:
- 3.2. We will work together to develop strategies to prevent cyber attacks that threaten our critical information infrastructures and to combat use of the Internet as a means for communications among terrorists and other criminals.
- 3.3. We will work together to enhance, in accordance with national legislation, our abilities to share information among intelligence and law enforcement agencies to prevent and disrupt terrorist activities, and to better use sensitive information as allowed by national legislation in aid of prosecutions of terrorists in a manner which protects the information, while ensuring a fair trial.
- 3.4. We will collaborate on enhancing legal frameworks to prevent terrorism, including by ensuring appropriate legislation is in place to investigate and prosecute offences linked to terrorist activities and facilitate legal cooperation in relation to such offences.
- 3.5. We will ensure that conduct consisting of knowingly supplying or attempting to supply material or logistic support to terrorists or terrorist groups is made a criminal offence.
- 3.6. We will work together to promote the use of appropriate investigative techniques, such as electronic surveillance, in combating terrorism and will collaborate in the development of mechanisms to protect witnesses and assist law enforcement.

- 3.7. We will regularly review developments regarding proposals directed at improving the exchange of personal information for the purpose of combating terrorism.
- 3.8. We will seek to strengthen the exchange of information and the capacity for cooperation between the U.S. and Europol in accordance with the U.S.-Europol agreements.
- 3.9. We will explore ways to strengthen cooperation between U.S. prosecutors and Eurojust in accordance with the Council Decision establishing Eurojust.
- 3.10. We will rapidly complete remaining steps necessary to bring the EU-U.S. Agreements on Extradition and Mutual Legal Assistance into force, so that we can fully use the mechanisms they contain for enhanced cooperation to combat terrorism, including enhanced joint investigative undertakings and enhanced tools to identify bank accounts of terrorists.
- 3.11. We will explore ways to build better mutual awareness of our respective criminal justice systems, such as the organising of seminars, participation in each other's law enforcement training programmes and further exchanges of law enforcement personnel that can aid us in our efforts.
- 3.12. We will seek means to improve cooperation on the sharing of law enforcement and other sensitive information between government agencies consistent with national legislation, and the need to protect sources and fair procedures.

#### *4. We will seek to further protect the security of international transport and ensure effective systems of border control*

- 4.1. We will use the recently established EU-U.S. Policy Dialogue on Border and Transport Security to enhance mutual understanding and complementarity of EU-U.S. security policies and improve security in land, air and maritime environments.
- 4.2. We will work together to further enhance relationships established through programs like the Container Security Initiative. The recent EC-U.S. agreement expanding customs cooperation will improve security standards while continuing to facilitate trade. We will enhance information exchange to increase our ability to target and interdict terrorist threats in the maritime transportation system.
- 4.3. We reaffirm our commitment to work in close mutual cooperation to increase maritime, port facility, and vessel security through the International Ship & Port Facility Security Code developed by the United Nations' International Maritime Organization. We will foster other initiatives from this organisation dedicated to further improving maritime security. We further pledge to assist each other in strengthening our respective maritime transportation systems through self audits and assessments as well as through discussions on harmonising maritime transport security requirements and sharing of best practices.

- 4.4. We will seek complementary approaches to airport, aircraft and air cargo security, optimised screening and enhanced security measures as appropriate. We will formulate principles of aviation, port and vessel security and explore cooperation on rail security.
- 4.5. We will fully implement the EC-U.S. agreement on transfer of passenger name record (PNR) data and will also cooperate on the development of multilateral standards.
- 4.6. We will continue to promote document security through the incorporation of interoperable biometric identifiers into travel documentation and work on compatible technology for the future.
- 4.7. We will work together to enhance information exchange, including through Interpol, in responding to the problem of lost and stolen passports and other border control related issues.

*5. We will work together to develop further our capabilities to deal with the consequences of a terrorist attack*

- 5.1. Building on the considerable work which has been done in this area within the EU, NATO and other international organisations, we will identify areas for closer cooperation in crisis management.
- 5.2. Benefiting from this work, we will open a dialogue between the EU and the U.S. on responding to terrorist attacks, including attacks using CBRN contaminants.
- 5.3. We will develop strategies to improve communication with the public in the event of a major terrorist attack.
- 5.4. We will assist stricken nations in their efforts to mitigate the effects of terrorist attacks.

*6. We will work in close cooperation to diminish the underlying conditions that terrorists can seize to recruit and exploit to their advantage. By promoting democracy, development, good governance, justice, increased trade and freedom, we can help end dictatorship and extremism that bring millions of people to misery and bring danger to our own people.*

- 6.1. We will cooperate in developing a long-term strategy to address the above areas and in identifying ways to make more efficient use of our relevant external assistance programmes, with special regard to continued support for good governance and the rule of law.
- 6.2. We will work to support the development of global strategies to promote increased tolerance in the world, including cross-cultural and inter-religious understanding.

*7. We will target our external relations actions towards priority Third Countries where counter-terrorist capacity or commitment to combating terrorism needs to be enhanced*

- 7.1. We will mainstream counter-terrorist objectives into the work of external assistance programmes and take account of the coordinating work of the UN Counter Terrorism Committee.
- 7.2. We will have special regard to the objective of counter-terrorism capacity building in third countries, in line with the current work of the UN CTC, the FATF and the G8 Counter-Terrorist Action Group.
- 7.3. Within our counter-terrorism efforts we will work to develop comprehensive Counter-terrorist Financing and Anti-Money Laundering regimes.

## **EU-US DECLARATION ON THE NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION**

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The European Union and the United States reiterate that the proliferation of weapons of mass destruction (WMD) and their delivery systems is a major threat to international peace and security. The risk that terrorists might acquire such weapons adds a new dimension to this threat. This global challenge requires a long-term strategy and a multifaceted solution. We need to tackle it individually and collectively, working together and with other partners, including through relevant international institutions, in particular those of the United Nations system. We are committed to strengthening the consensus among nations that proliferation is unacceptable. We call attention to our 2003 Joint Statement and our individual and collective joint efforts since then. We have identified the following joint actions to express our continuing determination to prevent, contain and reverse proliferation:

1. We applaud the adoption of United Nations Security Council Resolution 1540 and urge all States to implement all of its provisions in full. The Resolution states that proliferation of nuclear, chemical and biological weapons, as well as their means of delivery, constitutes a threat to international peace and security. Terrorism and illicit trafficking add new dimensions to this threat. The Resolution identifies additional steps that States should take to counter these threats. We will meet our obligations under this Resolution and are prepared to assist States in doing the same. We will adopt, where needed, and enforce effective laws to prohibit the manufacture, acquisition, possession, development, transport or transfer of weapons of mass destruction by non-state actors. We will adopt, where needed, and enforce domestic controls to prevent proliferation, including physical protection, border, export and transshipment controls.

2. We welcome the G8 Action Plan on Non-proliferation announced at Sea Island on 9 June 2004.

- ▶ To allow the world to safely enjoy the benefits of peaceful nuclear energy without adding to the danger of weapons proliferation, we have agreed to work to establish new measures so that sensitive nuclear items with proliferation potential will not be exported to States that may seek to use them for weapons purposes or allow them to fall into terrorist hands. The export of such items should only occur pursuant to criteria consistent with global non-proliferation norms and to States rigorously committed to those norms. We shall work to amend appropriately the Nuclear Suppliers Group (NSG) guidelines and to gain the widest possible support for such measures in the future. In aid of this process, for the intervening year we agree that it would be prudent not to inaugurate new initiatives involving transfer of enrichment and reprocessing equipment and technologies to other States. We call on all States to adopt this strategy of prudence. We will also develop new measures to ensure reliable access to nuclear materials, equipment and technology, including nuclear fuel and related services, at market conditions, for all States, consistent with maintaining nonproliferation commitments and standards.
- ▶ The International Atomic Energy Agency's (IAEA) Additional Protocol must become an essential new standard, alongside the IAEA's comprehensive safeguards agreements, in the field of nuclear supply arrangements. We will work to strengthen the NSG guidelines accordingly. We call on all States to implement these standards by the end of 2005.
- ▶ To enhance the IAEA's integrity and effectiveness and strengthen its ability to ensure that nations comply with their NPT obligations and safeguards agreements, we will work together to establish a new special committee of the IAEA Board of Governors. This committee would be responsible for preparing a comprehensive plan for strengthened safeguards and verification. We believe this committee should be made up of Member States in compliance with their NPT and IAEA commitments.
- ▶ We support the suspension of nuclear fuel cycle cooperation with States that violate their nuclear non-proliferation and safeguards obligations.
- ▶ It is our view that States under IAEA investigation for non-technical violations of their nuclear non-proliferation and safeguards obligations should not participate in decisions taken by the IAEA Board of Governors or the proposed special committee regarding their own case or other compliance cases reviewed by the Board.
- ▶ We fully subscribe to the Proliferation Security Initiative Statement of Interdiction Principles and support efforts to interdict WMD shipments and enhance cooperation against proliferation networks, including in intelligence and law enforcement.
- ▶ We will continue to support the important non-proliferation activities carried out under the Global Partnership Programme.
- ▶ We will take concrete steps to expand and improve our capabilities to prevent and respond to bioterrorism.

3. Proliferation is a global threat which requires an effective global response. We reaffirm our willingness to work together to strengthen and universalise the disarmament and non-proliferation treaties and regimes that ban the proliferation of weapons of mass destruction and their delivery systems. In particular, we underline the importance of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the Biological and Toxin Weapons Convention and the Chemical Weapons Convention.

- ▶ We call on States to fulfill their arms control, disarmament and nonproliferation commitments under the relevant multilateral treaty regimes. We support universal adherence to, and compliance with, these commitments.
- ▶ We will seek to ensure strict implementation and compliance with these instruments and will support the multilateral institutions charged with verification and upholding compliance with these treaties and agreements.
- ▶ We are committed to overcome the stalemate in the Conference on Disarmament.
- ▶ We will seek universal adherence to the Hague Code of Conduct against the proliferation of ballistic missiles.

4. We recognise the NPT as the cornerstone of the global non-proliferation regime. We emphasise our commitment to preserve the integrity of the Treaty in all its aspects. We pledge to work together to achieve a successful outcome at the 2005 Review Conference of the Treaty and have agreed to the following steps to strengthen the NPT:

- ▶ We will stress the importance of strict compliance with the NPT and continue to promote its universalisation. We recall our decision last year to make the International Atomic Energy Agency's safeguards agreements and Additional Protocols a standard for nuclear cooperation and nonproliferation. We seek universal adherence to comprehensive IAEA safeguards agreements and the Additional Protocol.
- ▶ We will provide the IAEA with the necessary political and financial support, in particular for the rigorous implementation of safeguards and will insist on full transparency by all States, including by States that are subject to safeguards investigations considered by the IAEA Board of Governors.

5. We remain concerned by the risks posed by the potential use of radioactive sources for terrorist purposes. We have resolved to enhance coordination of our efforts to promote radioactive source security and prevent the misuse of sources.

- ▶ In this context, we will encourage every country to work towards following the guidance contained in the IAEA Code of Conduct on the Safety and Security of Radioactive Sources as revised last year, in order to strengthen the protection and improve the management of radioactive sources
- ▶ We have agreed to import and export control guidance for radioactive sources and will work towards putting adequate export controls in place by the end of 2005 and apply them in a harmonised and consistent manner. We share the view that high-risk radioactive sources should only be supplied to authorised end-users in States that can

- control them and that States should take measures to prevent sources from being diverted for illicit use.
- ▶ We are of the same view on the importance of legal and regulatory controls on radioactive sources and will support IAEA efforts to assist countries that need such assistance to establish effective and sustainable controls.
  - ▶ We support the IAEA Model Project to Upgrade National Radiation Protection Infrastructures and the recent IAEA draft Action Plan to expand and accelerate Model Project efforts, which will help the ability of participating countries to follow the guidance in the revised Code.
  - ▶ We will coordinate our assistance efforts in these areas.
6. We support amending the Convention on the Physical Protection of Nuclear Materials to cover domestic storage, transport and use of nuclear material for peaceful purposes. We will examine ways to strengthen existing controls and guidelines on weapons useable nuclear materials and nuclear facilities used for peaceful purposes.
7. Since last year, we have made significant progress in the area of export control cooperation.
- ▶ We will continue to promote, with others, the importance of effective export controls, backed up by criminal sanctions for illicit export and trafficking of sensitive materials for WMD programmes and work for a more efficient sharing of relevant information, in order to prevent illicit transfers. We will undertake additional efforts to identify, control and interdict illegal shipments of WMD and missile-related materials. We will also explore ways to implement appropriate measures in the area of export controls and law enforcement that would contribute to the prevention of the illicit transfer of sensitive equipment and technology. We will work together to further strengthen the export control regimes.
  - ▶ Underlining the importance of effective export control systems and in the context of UNSCR 1540, we will work to widen international use of the control lists of the existing international control regimes.
  - ▶ We welcome recent developments which have seen all remaining EU Member States gain full membership of the Nuclear Suppliers Group and the Australia Group. We are working together to ensure that application for membership by the new EU Member States to the Wassenaar Arrangement and the Missile Technology Control Regime are actively considered in accordance with the respective procedures of those two Groups.
8. We remain committed to cooperating on specific proliferation challenges.
- ▶ The DPRK's announced withdrawal from the NPT is unprecedented and of serious concern to us all. The DPRK's pursuit of nuclear weapons, in violation of its international obligations, represents a threat to peace and security, as does the danger that

the DPRK might export fissile material or nuclear weapons to dangerous States and terrorist groups. We support the Six-Party Process and call upon the DPRK to return to full compliance with the NPT and completely, verifiably and irreversibly dismantle its nuclear programme, including uranium enrichment and plutonium production.

- ▶ We remain united in our determination to see the proliferation implications of Iran's advanced nuclear program resolved. We are disturbed by Iran's recent announcement of its intention to resume manufacturing and assembly of centrifuges and urge Iran to rethink its decision. We reiterate that Iran must be in full compliance with its NPT obligations and its safeguards agreements. To this end, we reaffirm the IAEA Board of Governors' Iran resolutions, which deplore Iran's insufficient cooperation and call on Iran, inter alia, to cooperate, fully and in a timely and proactive manner, with IAEA investigation of its nuclear programme and suspend all enrichment-related and reprocessing activities.
- ▶ We welcome Libya's decision to abandon, under international verification, its WMD and longer-range missile programs. We note Libya's cooperation with the IAEA, the Organisation for the Prohibition of Chemical Weapons and others, its signature of the Additional Protocol, and accession to the Chemical Weapons Convention and Comprehensive Test Ban Treaty. We will work with Libya to implement these and other non-proliferation commitments.

9. We resolve to continue our work to prevent proliferation activity by both State and non-State actors and to address existing areas of proliferation concern.

## NATO summit

Istanbul, 28 June 2004

On 28 June the NATO Heads of State or Government decided to end the SFOR mission in Bosnia and Herzegovina. At a bilateral meeting with the NATO Secretary General, Jaap de Hoop Scheffer, held during the summit, Javier Solana announced that the EU would be taking over from NATO. Operation *Althea*, the third EU military operation, was actually launched in December 2004.

### COMMUNIQUE

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(...)

8. As the security situation in Bosnia and Herzegovina has evolved positively, we have decided to conclude the Alliance's successful SFOR operation by the end of this year. We welcome the readiness of the European Union to deploy a new and distinct UN-mandated robust Chapter VII mission in the country, based on the Berlin+ arrangements agreed between our two organisations, and look forward to continued close cooperation. NATO's long-term political commitment to Bosnia and Herzegovina remains unchanged and the establishment of a NATO headquarters will constitute NATO's residual military presence in the country. NATO HQ Sarajevo, which has the principal task of providing advice on defence reform, will also undertake certain operational supporting tasks, such as counter-terrorism whilst ensuring force protection; supporting the ICTY, within means and capabilities, with regard to the detention of persons indicted for war crimes; and intelligence sharing with the EU. The Dayton/Paris Accords remain in force as the basis for peace and stability in Bosnia and Herzegovina.

(...)

### INTERVENTION BY JAVIER SOLANA

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(...)

- Now a new phase has set in.** Almost nine years have passed since the end of the war. The agenda of Dayton implementation is gradually being replaced by that of European integration. There are now new opportunities to seize, and new challenges to face.
- The objective is clear: to put Bosnia irreversibly on the track towards EU membership.** In order to help Bosnia through this phase, the European Union is prepared to

make use of all its instruments: political engagement, community assistance programmes, the ongoing Police Advisory Mission (EUPM), and a new military mission. All of this will be part of a comprehensive approach.

- ▶ **The new aspect of EU engagement is the military component. We are ready to assume our responsibilities.** The European Union looks forward to continuing working closely with the Alliance in planning and executing this new ESDP mission, on the basis of Berlin Plus. This is a practical example of our strategic partnership in crisis management with NATO.
- ▶ **We are well advanced in our preparations.** The public in Bosnia sees us working side by side. NATO will remain engaged, including in pursuing its highly successful programme of defense reform. Continuing at the same force levels as SFOR, the EU force will exercise Dayton authority. Once the security situation will allow us to do so, the force will be restructured to continue the mission.
- ▶ **The key word here is transfer of ownership to the local Bosnian authorities, particularly in strengthening the rule of law.**
- ▶ **A point on cooperation with the Hague War Crimes Tribunal.** Cooperation with ICTY is part of the benchmarks of the stabilisation and association process, which is the key element in the relationship between Bosnia and the EU.
- ▶ Let me conclude by stating that our common objective is to bring a stable and prosperous BiH as close as possible to both organisations. I am confident that we will succeed.

(...)

## **EUJUST THEMIS – Council Joint Action**

**Brussels, 28 June 2004**

At the invitation of the Georgian government, the EU decided to launch a 'Rule of Law' mission in Georgia as part of the European Security and Defence Policy (ESDP). This first ESDP mission outside the Western Balkans and Africa is a sign of significant progress in the civilian dimension of the ESDP.

### **COUNCIL JOINT ACTION ON THE EUROPEAN UNION RULE OF LAW MISSION IN GEORGIA, EUJUST THEMIS**

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#### **THE COUNCIL OF THE EUROPEAN UNION,**

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

Whereas:

(1) The European Union (EU) has initiated a greater engagement towards the South Caucasus, as the appointment of a European Union Special Representative (EUSR) for this region already demonstrated. Through the presence of the EUSR, the EU will continue to ensure coordination of the efforts made by the international community in Georgia and contribute to ongoing reform efforts by the new government.

(2) The EU aims to support the transition process in Georgia through the full range of EU instruments, including the Partnership and Cooperation Agreement, which is being implemented through a number of EC programmes in Georgia. In the field of the rule of law, the new Georgian Government has taken some decisive steps since coming to power. The EU is willing to help Georgia in its further progress and is committed in particular to continue to assist the new government in its efforts to bring local standards with regard to rule of law closer to international and EU standards, in full and close cooperation with other international actors, in particular the OSCE.

(3) The security situation in Georgia is stable but may deteriorate with potentially serious repercussions on regional and international security and the strengthening of democracy and the rule of law. A commitment of EU political effort and resources will help to embed stability in the region.

(4) On 3 June 2004, the Prime Minister of Georgia, Mr Zhvania, invited the EU to deploy an EU Rule of Law Mission in the context of ESDP in Georgia, stating that appropriate arrangements with regard to the status and the activities of the mission should be

concluded. An agreement will need to be concluded to this end between the authorities of Georgia and the EU.

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

(6) In the context of this mission and in view of its limited size, only EU Member States shall participate.

(7) Article 14(1) of the TEU calls for the indication of a financial reference amount for the whole period of implementation of the Joint Action; the indication of amounts to be financed by the Community budget illustrates the will of the legislative authority and is subject to the availability of commitment appropriations during the respective budget year,

## **HAS ADOPTED THIS JOINT ACTION:**

### *Article 1*

#### **Mission**

1. The European Union hereby establishes an EU Rule of Law Mission in Georgia, in the context of ESDP, EUJUST THEMIS, comprising a planning phase beginning no later than 1 July 2004 and an operational phase beginning no later than 15 July 2004.
2. EUJUST THEMIS shall operate in accordance with the objectives and other provisions as contained in the mission statement set out in Article 2.

### *Article 2*

#### **Mission statement**

1. EUJUST THEMIS, shall, in full coordination with, and in complementarity to, EC programmes, as well as other donors' programmes, assist in the development of a horizontal governmental strategy guiding the reform process for all relevant stakeholders within the criminal justice sector, including the establishment of a mechanism for coordination and priority setting for the criminal justice reform.

2. Within its means and capabilities, EUJUST THEMIS more specifically could:

initially:

- (a) Provide urgent guidance for the new criminal justice reform strategy;
- (b) Support the overall coordinating role of the relevant Georgian authorities in the field of judicial reform and anti-corruption;
- (c) Support the planning for new legislation as necessary, e.g. Criminal Procedure Code;

secondarily:

- (d) Support the development of international as well as regional cooperation in the area of criminal justice.

3. EUJUST THEMIS shall help develop an overall policy and improve top-level planning and performance capabilities in the areas identified as requiring urgent assistance.

### *Article 3*

#### **Structure**

1. EUJUST THEMIS shall, in principle, be structured as follows:

- (a) mission Head Office in Tbilisi, composed of the Head of the Mission and staff as defined in the Operation Plan (OPLAN);
- (b) experts co-located, for instance, at the following key positions within the Georgian authorities:
  - the Prime Minister’s Office,
  - the Ministry of Justice,
  - the National Security Council,
  - the Council of Justice,
  - the Prosecutor General’s Office,
  - the Public Defender’s Office.

2. The exact deployment will depend on a more detailed needs assessment at the beginning of the mission, to be carried out in close coordination with the Georgian authorities as well as the Commission and international donors.

### *Article 4*

#### **Head of Mission and mission experts**

1. The Head of Mission shall assume the day-to-day management of EUJUST THEMIS activities and shall be responsible for staff and disciplinary matters.

2. The Head of Mission shall sign a contract with the Commission.
3. All mission experts in the EUJUST THEMIS staff shall remain under the authority of the appropriate EU Member State or institution and shall carry out their duties and act in the interest of the mission. Both during and after the mission, the mission experts shall exercise the greatest discretion with regard to all facts and information relating to the mission.

## *Article 5*

### **Planning phase**

1. During the planning phase of the mission, a planning team shall be established and shall comprise the Head of Mission, who shall lead the planning team, and the necessary staff to deal with functions ensuing from the needs of the mission.
2. A comprehensive situation assessment will be carried out as a priority in the planning process and may be updated as necessary.
3. The planning team shall draw up an OPLAN and develop all technical instruments necessary to execute EUJUST THEMIS. The OPLAN will take into account the comprehensive situation assessment. The Council shall approve the OPLAN.
4. The planning team shall work in close coordination with relevant international actors including the OSCE, the Council of Europe and bilateral donors.

## *Article 6*

### **Staff**

1. The numbers and competences of EUJUST THEMIS staff shall be consistent with the mission statement set out in Article 2 and the structure set out in Article 3.
2. Mission experts shall be seconded by EU Member States or institutions. The period of secondment should be one year. Each Member State shall bear the costs related to the mission experts seconded by it, including salaries, medical coverage, allowances other than per diems and travel expenses to and from Georgia.
3. International staff and local staff shall be recruited on a contractual basis by EUJUST THEMIS as required.

## *Article 7*

### **Status of staff**

1. The status of EUJUST THEMIS staff in Georgia, including where appropriate the privileges, immunities and further guarantees necessary for the completion and smooth functioning of EUJUST THEMIS shall be agreed in accordance with the procedure laid down in Article 24 of the TEU. The SG/HR, assisting the Presidency, may negotiate such arrangement on its behalf.
2. The EU Member State or institution having seconded a staff member shall be responsible for answering any claims linked to the secondment, from or concerning the staff member. The EU Member State or institution in question shall be responsible for bringing any action against the secondee.

## *Article 8*

### **Chain of command**

1. The structure of EUJUST THEMIS, as part of the broader EU Rule of Law approach in Georgia, shall have a unified chain of command, as a crisis management operation.
2. The EUSR shall report to the Council through the SG/HR.
3. The PSC shall provide the political control and strategic direction.
4. The Head of Mission shall lead EUJUST THEMIS and assume its day-to-day management.
5. The Head of Mission shall report to the SG/HR through the EUSR.
6. The SG/HR shall give guidance to the Head of Mission through the EUSR.

## *Article 9*

### **Political control and strategic direction**

1. The PSC shall exercise, under the responsibility of the Council, the political control and strategic direction of the mission. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the TEU. This authorisation shall include the powers to appoint, upon a proposal by the SG/HR, a Head of Mission, and to

amend the OPLAN and the Chain of Command. The powers of decision with respect to the objectives and termination of the operation shall remain vested in the Council, assisted by the SG/HR.

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

3. The PSC shall receive reports by the Head of Mission regarding the conduct of the mission, at regular intervals. The PSC may invite the Head of Mission to its meetings as appropriate.

### *Article 10*

#### **Financial arrangements**

1. The financial reference amount intended to cover the expenditure related to the mission shall be EUR 2 050 000.

2. The expenditure financed by the amount stipulated in paragraph 1 shall be managed in accordance with the procedures and rules applicable to the general budget of the European Union with the exception that any pre-financing shall not remain the property of the Community. Nationals of third states shall be allowed to tender for contracts.

3. The Head of Mission shall report fully to, and be supervised by, the Commission on the activities undertaken in the framework of his contract.

4. The financial arrangements shall respect the operational requirements of EUJUST THEMIS, including compatibility of equipment.

5. Expenditure shall be eligible as of the date of entry into force of this Joint Action.

### *Article 11*

#### **Community action**

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

2. The Council also notes that coordination arrangements are required in Tbilisi as well as in Brussels.

*Article 12***Release of classified information**

The SG/HR is authorised to release to the host state, the OSCE and the Council of Europe, and the UN, as appropriate and in accordance with the operational needs of the Mission, EU classified information and documents up to the level 'RESTREINT UE' generated for the purposes of the operation, in accordance with the Council's security regulations. Local arrangements will be drawn up for this purpose.

*Article 13***Entry into force**

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

It shall expire on 14 July 2005.

*Article 14***Publication**

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

Done at Luxembourg, 28 June 2004.

For the Council

The President

M. CULLEN

# Extraordinary European Council

**Brussels, 29 June 2004**

The 25 heads of state and government agree on the nomination of the new president of the Commission and of Javier Solana as the future EU Minister for Foreign Affairs.

(...)

## **APPOINTMENTS**

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### *- President designate of the Commission*

The Council adopted a Decision nominating Mr José Manuel Durão Barroso as the person it intends to appoint as President of the Commission for the period from 1 November 2004 to 31 October 2009 (10808/04). The Decision will be forwarded to the European Parliament for approval.

In accordance with the provisions of the Treaty, the Council will nominate, by common accord with Mr Barroso, the 24 other persons they intend to appoint as Members of the Commission for the same period. The President and the other Members of the Commission thus nominated shall be subject as a body to a vote of approval by the European Parliament. After approval by the European Parliament, the President and the other Members of the Commission shall be appointed by the Council, acting by a qualified majority.

### *- Secretary-General of the Council, High Representative for CFSP*

The Council adopted a Decision appointing Mr Javier Solana Madariaga as Secretary-General of the Council, High Representative for Common Foreign and Security Policy, for a further period of five years with effect from 18 October (10946/04). –

### *- Deputy Secretary-General of the Council*

The Council adopted a Decision appointing Mr Pierre de Boissieu as Deputy Secretary-General of the Council for a further period of five years with effect from 18 October (10947/04).

### *-Appointment of future EU Foreign Minister*

#### **Declaration**

In the margins of the meeting, the Heads of State or Government adopted the following Declaration:

“Declaration by the Heads of State or Government on the transition towards the appointment of the future Minister for Foreign Affairs of the European Union

1. The Council, meeting at the level of Heads of State or Government, has appointed today Mr Javier Solana Madariaga as Secretary-General of the Council, High Representative for the common foreign and security policy as from 18 October 2004.<sup>1</sup> The Heads of State or Government have also decided, in agreement with the President designate of the Commission, that Mr Javier Solana Madariaga will be appointed Union Minister for Foreign Affairs on the day of entry into force of the Constitution.

2. The Heads of State or Government underline the commitment of Member States to work in support of the Secretary-General of the Council, High Representative for the common foreign and security policy during the transition to the establishment of the function of Union Minister for Foreign Affairs. The Heads of State or Government invite the President of the Commission and the Secretary-General of the Council, High Representative for the common foreign and security policy to organise the working relations between them in a way that will ensure a smooth and efficient transition and to take necessary measures to that end.”

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1. The Council, at the level of Heads of State or Government, has also appointed, as from the same date, Mr. Pierre de Boissieu as Deputy Secretary-General of the Council, who will be appointed Secretary-General of the Council on the day of entry into force of the Constitution, for the remainder of his previous term of office.

## General Affairs and External Relations Council

Brussels, 12 and 13 July 2004

Two important decisions were approved by the Council. The first was the adoption of the Althea mission in Bosnia and Herzegovina, where the Union took over from KFOR in December 2004. This operation is by far the most important for the Union and is therefore a crucial test of its ability to act. The Joint Action sets out the arrangements for the operation within the framework of Berlin Plus. The Council also formally approved the establishment of the European Defence Agency: made up of Member States, presided over by the High Representative and led by Nick Whitney, its main mission is to support the Council and Member States in their effort to improve their defence capabilities in the field of crisis management. This development is an undeniable success for ESDP.

### EUROPEAN SECURITY AND DEFENCE POLICY

#### - EU military operation in Bosnia and Herzegovina – Council conclusions

The Council adopted the following conclusions:

“The Council adopted a Joint Action on the European Union Military Operation in Bosnia and Herzegovina. This follows the decision by NATO to conclude its successful SFOR-operation and the adoption by the United Nations Security Council of Resolution 1551 in which it welcomed the EU’s intention to launch a military operation in that country. To this end, the EU has intensified planning and preparations in consultation with the Bosnia and Herzegovina authorities and with NATO. The aim is to deploy by the end of the year a robust force with a Chapter VII mission to provide deterrence, ensure continued compliance with the General Framework Agreement for Peace and to contribute to a safe and secure environment in Bosnia and Herzegovina.

The envisaged ESDP operation will add in a significant way to the Union’s political engagement, its assistance programs and its ongoing police mission (EUPM) with a view to helping Bosnia and Herzegovina make further progress towards European integration in the context of the Stabilization and Association Process.”

The Joint Action (11226/1/04) contains in particular the following provisions:

- Subject to a further decision by the Council to launch the operation, the EU shall conduct a military operation in BiH.
- Military operation to be carried out with recourse to NATO assets and capabilities, on the basis agreed with NATO (“Berlin +”).
- EU’s Political and Security Committee will exercise the political control and strategic direction of the operation, under the responsibility of the Council. Powers of decision with respect to the objectives and termination of the military operation to remain

vested in the Council, assisted by the Secretary-General/High Representative.

- ▶ Admiral Rainer FEIST, Deputy Supreme Allied Commander for Europe (D-SACEUR), appointed EU Operation Commander.
- ▶ EU Operational Headquarters will be located at the Supreme Headquarters of Allied Powers in Europe (SHAPE).
- ▶ Major General A. David LEAKEY (UK) appointed EU Force Commander.
- ▶ Operation to reinforce the EU's comprehensive approach towards BiH, and support BiH's progress towards EU integration by its own efforts. EU Special Representative to promote overall EU political coordination in BiH.
- ▶ Common costs of the EU military operation to be administered by the "ATHENA" mechanism (contributions by Member States on a GDP-based key). Financial reference amount for the common costs of the operation: EUR 71,7 million.
- ▶ Non-EU European NATO members and Canada to participate in the EU military operation if they so wish; countries which are candidates for accession to the EU may be invited to participate in the operation in accordance with the agreed modalities; potential partners and other third states may also be invited to participate in the operation.

#### - European Union Special Representative in BiH

The Council also adopted a Joint Action (10259/04) on the mandate of the European Union Special Representative (EUSR) in Bosnia and Herzegovina, Paddy Ashdown, and repealing Council Joint Action 2002/211/CFSP.

Due to the adoption of a Joint Action on a European Union military operation in Bosnia and Herzegovina, which provides for a specific role of the EUSR, the mandate of the EUSR should be modified accordingly and Joint Action 2002/211/CFSP should be repealed.

#### - European Defence Agency

The Council formally adopted a Joint Action (10556/04 + 11169/04) establishing an Agency in the field of defence capabilities development, research, acquisition and armaments - to be known as the European Defence Agency - following the political agreement it had reached on 14 June in Luxembourg.

The agency will aim at developing defence capabilities in the field of crisis management, promoting and enhancing European armaments cooperation, strengthening the European defence industrial and technological base and creating a competitive European defence equipment market.

The Council also approved the European Defence Agency's general budget for 2004. The total budget is set at EUR 1.925.748.

(...)

# European Defence Agency – Council Joint Action

Brussels, 12 July 2004

## **COUNCIL JOINT ACTION 2004/551/CFSP** **on the establishment of the European Defence Agency**

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THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 19 and 20 June 2003 the European Council at Thessaloniki tasked ‘the appropriate bodies of the Council to undertake the necessary actions towards creating, in the course of 2004, an intergovernmental agency in the field of defence capabilities development, research, acquisition and armaments’.
- (2) The European Security Strategy endorsed by the European Council identifies the establishment of a Defence Agency as an important element towards the development of more flexible and efficient European military resources.
- (3) The European Defence Agency (the Agency), which should be subject to the Council’s authority and open to participation by all Member States, will aim at developing defence capabilities in the field of crisis management, promoting and enhancing European armaments cooperation, strengthening the European defence industrial and technological base (DTIB) and creating a competitive European defence equipment market, as well as promoting, in liaison with the Community’s research activities where appropriate, research aimed at leadership in strategic technologies for future defence and security capabilities, thereby strengthening Europe’s industrial potential in this domain.
- (4) Relevant policies and strategies should be brought forward, in consultation with the Commission and industry as appropriate, to develop the European DTIB in a balanced fashion, taking into account the strengths of the industrial capacities of the Member States.

- (5) The establishment of the Agency should contribute to the implementation of the Common Foreign and Security Policy (CFSP), in particular the European Security and Defence Policy (ESDP).
- (6) Such an Agency is also envisaged in the draft Treaty establishing a Constitution for Europe.
- (7) The Agency structure should enable it to respond to the requirements of the European Union and its Member States and, where necessary to fulfil its functions, to cooperate with third countries, organisations and entities.
- (8) The Agency should develop close working relations with existing arrangements, groupings and organisations such as Letter of Intent (LoI), Organisation de coopération conjointe en matière d'armement (OCCAR) and Western European Armaments Group (WEAG)/Western European Armaments Organisation (WEAO), with a view to assimilation or incorporation of relevant principles and practices as appropriate.
- (9) The Secretary-General/High Representative (SG/HR), in accordance with Article 26 of the Treaty on European Union (TEU), should have a leading role in the Agency's structure and provide the essential link between the Agency and the Council.
- (10) In the exercise of its role of political supervision and policy-making, the Council should issue guidelines to the Agency.
- (11) When adopting guidelines and decisions in relation to the work of the Agency, the Council should meet in Defence Ministers' composition.
- (12) Any guidelines or decisions adopted by the Council in relation with the Agency's work shall be prepared in accordance with Article 207 of the Treaty establishing the European Community.
- (13) The competences of the Council's preparatory and advisory bodies, notably those of the Committee of Permanent Representatives under Article 207 of the Treaty establishing the European Community, the Political and Security Committee (PSC) and the EU Military Committee (EUMC) shall remain unaffected.
- (14) The National Armaments Directors (NAD) should, in a way to be defined, receive reports and contribute on issues of their competence in preparation of Council decisions relating to the Agency.

- (15) The Agency should have the legal personality necessary to perform its functions and attain its objectives, while maintaining close links with the Council and fully respecting the responsibilities of the European Union and its institutions.
- (16) It should be provided that the budgets administered by the Agency may, on a case-by-case basis, receive contributions towards the non-administrative costs, from the general budget of the European Union, in full respect of the rules, procedures and decision-making processes applicable to it, including Article 28(3) TEU.
- (17) The Agency, while being open to participation by all Member States, should also provide for the possibility of specific groups of Member States establishing ad hoc projects or programmes.
- (18) The Agency should have decision-making procedures allowing it to fulfil its tasks efficiently, while respecting the national security and defence policies of participating Member States.
- (19) The Agency should fulfil its mission in accordance with Article 3 TEU and in full respect of Article 47 TEU.
- (20) The Agency should act in full conformity with the EU security standards and rules.
- (21) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications. Denmark has therefore not participated in the elaboration and adoption of this Joint Action and shall not be bound by it,

HAS ADOPTED THIS JOINT ACTION:

## CHAPTER I

### ESTABLISHMENT, MISSION AND TASKS OF THE AGENCY

#### *Article 1*

##### **Establishment**

1. An Agency in the field of defence capabilities development, research, acquisition and armaments (the European Defence Agency), hereinafter referred to as ‘the Agency’, is hereby established.

2. The Agency shall act under the Council's authority, in support of the CFSP and the ESDP, within the single institutional framework of the European Union, and without prejudice to the responsibilities of the EU institutions and the Council bodies. The Agency's mission shall be without prejudice to the competences of the European Community, in full respect of Article 47 TEU.
3. The Agency shall be open to participation by all EU Member States bound by this Joint Action. Member States who wish to participate immediately in the Agency shall notify their intention to do so to the Council and inform the SG/HR at the time of the adoption of this Joint Action.
4. Any Member State wishing to participate in the Agency after the adoption of this Joint Action or wishing to withdraw from the Agency shall notify its intention to the Council and inform the SG/HR. Any necessary technical and financial arrangements for such participation or withdrawal shall be determined by the Steering Board.
5. The Agency shall have its headquarters in Brussels.

## *Article 2*

### **Mission**

1. The mission of the Agency is to support the Council and the Member States in their effort to improve the EU's defence capabilities in the field of crisis management and to sustain the ESDP as it stands now and develops in the future.
2. The Agency's mission shall be without prejudice to the competences of Member States in defence matters.

## *Article 3*

### **Definitions**

For the purpose of this Joint Action:

- ▶ 'participating Member States', shall mean the Member States of the European Union who participate in the Agency,
- ▶ 'contributing Member States', shall mean the participating Member States of the European Union contributing to a particular project or programme.

## *Article 4*

### **Political supervision and reporting arrangements**

1. The Agency shall operate under the authority and the political supervision of the

Council, to which it shall provide regular reports and from which it shall receive regular guidelines.

2. The Agency shall report regularly to the Council on its activities, and shall notably:
  - (a) submit to the Council in May each year a report on the Agency's activities during the previous and the current year;
  - (b) submit to the Council in November each year a report on the Agency's activities during the current year and provide information on the draft elements for the Agency's work programme and budgets for the following year.

The Agency shall provide the Council in good time with information on important matters to be submitted to the Steering Board for decision.

3. The Council, acting by unanimity, and with advice from the PSC or other competent Council bodies as appropriate, shall issue guidelines annually in relation to the work of the Agency, notably with regard to its work programme. The Agency's work programme shall be established within the framework of these guidelines.
4. Every three years, the Council, acting by unanimity, shall approve a financial framework for the Agency for the following three years. This financial framework shall set out agreed priorities and shall constitute a legally binding ceiling. The first financial framework shall cover the period 2006 to 2008.
5. The Agency may make recommendations to the Council and to the Commission as necessary for the implementation of its mission.

## *Article 5*

### **Functions and tasks**

1. In fulfilling its functions and tasks, the Agency shall respect the competences of the European Community and those of the EU institutions.
2. The Agency's fulfilment of its functions and tasks shall be without prejudice to the competences of Member States in defence matters.
3. The Agency shall work in the following principal fields:
  - 3.1. Development of defence capabilities in the field of crisis management, in particular by:
    - 3.1.1. identifying, in association with the competent Council bodies, and utilising the Capability Development Mechanism (CDM), the EU's future defence capability requirements in quantitative and qualitative terms

- (encompassing both forces and equipment);
- 3.1.2. coordinating the implementation of the European Capabilities Action Plan (ECAP) and any successor plan;
  - 3.1.3. scrutinising, assessing and evaluating against criteria to be agreed by the Member States the capability commitments given by the Member States through the ECAP process, and utilising the CDM;
  - 3.1.4. promoting and coordinating harmonisation of military requirements;
  - 3.1.5. identifying and proposing collaborative activities in the operational domain;
  - 3.1.6. providing appraisals on financial priorities for capabilities development and acquisition.
- 3.2. Promotion and enhancement of European armaments cooperation, in particular by:
- 3.2.1. promoting and proposing new multilateral cooperative projects to meet ESDP capabilities requirements as they stand now and develop in the future;
  - 3.2.2. working for coordination of existing programmes implemented by Member States;
  - 3.2.3. assuming, at the request of Member States, responsibility for managing specific programmes (through OCCAR or other programme management arrangements as appropriate);
  - 3.2.4. promoting cost-effective and efficient procurement by identifying and disseminating best practices.
- 3.3. Working to strengthen the DTIB and for the creation of an internationally competitive European Defence Equipment Market in particular by:
- 3.3.1. developing relevant policies and strategies, in consultation with the Commission and industry as appropriate;
  - 3.3.2. pursuing EU-wide development and harmonisation of relevant rules and regulations (particularly by an EU-wide application of relevant rules of the LoI Framework Agreement).
- 3.4. Enhancement of the effectiveness of European Defence Research and Technology (R & T), in particular by:
- 3.4.1. promoting, in liaison with the Community's research activities where appropriate, research aimed at fulfilling future defence and security capability requirements and thereby strengthening Europe's industrial and technological potential in this domain;
  - 3.4.2. promoting more effectively targeted joint defence R & T, drawing on the experience of relevant elements of the WEAG and the WEAO;
  - 3.4.3. coordinating and planning joint research activities;

- 3.4.4. catalysing defence R & T through studies and projects;
- 3.4.5. managing defence R & T contracts; 3.4.6. working in liaison with the Commission to maximise complementarity and synergy between defence and civil or security related research programmes.

## *Article 6*

### **Legal personality**

The Agency shall have the legal personality necessary to perform its functions and attain its objectives. Member States shall ensure that the Agency enjoys the most extensive legal capacity accorded to legal persons under their laws. The Agency may, in particular, acquire or dispose of movable and immovable property and be a party to legal proceedings. The Agency shall have the capacity to conclude contracts with private or public entities or organisations.

## CHAPTER II

### ORGANS AND STAFF OF THE AGENCY

## *Article 7*

### **Head of the Agency**

1. The Head of the Agency shall be the SG/HR for the CFSP.
2. The Head of the Agency shall be responsible for the Agency's overall organisation and functioning and shall ensure that the guidelines issued by the Council and the decisions of the Steering Board are implemented by the Chief Executive, who shall report to him/her.
3. The Head of the Agency shall present the Agency's reports to the Council as referred to in Article 4(2).
4. The Head of the Agency shall be responsible for the negotiation of administrative arrangements with third countries and other organisations, groupings or entities in accordance with directives given by the Steering Board. Within such arrangements, as approved by the Steering Board, the Head of the Agency shall be responsible for establishing appropriate working relations with them.

## *Article 8*

### **Steering Board**

1. A Steering Board composed of one representative of each participating Member State, authorised to commit its government, and a representative of the Commission, shall be the decision-making body of the Agency. The Steering Board shall act within the framework of the guidelines issued by the Council.
2. The Steering Board shall meet at the level of the Ministers of Defence of the participating Member States or their representatives. The Steering Board shall in principle hold at least two meetings each year at the level of Ministers of Defence.
3. The Head of the Agency shall convene and chair the Steering Board's meetings. If a participating Member State so requests, the Head of the Agency shall convene a meeting within one month.
4. The Head of the Agency may delegate the power to chair the Steering Board's meetings at the level of the representatives of the Ministers of Defence.
5. The Steering Board may meet in specific compositions (such as National Defence Research Directors, National Armaments Directors, National Defence Planners or Policy Directors).
6. The Steering Board meetings are attended by:
  - ▶ the Chief Executive of the Agency or his/her representative,
  - ▶ the Chairman of EUMC and the NAD of the EU Presidency, or their representative.
7. The Steering Board may decide to invite, on matters of common interest:
  - ▶ the NATO Secretary-General,
  - ▶ the Heads/Chairs of other arrangements, organisations or groupings whose work is relevant to that of the Agency (such as LoI, WEAG/WEAO, OCCAR),
  - ▶ as appropriate, representatives of other third parties.

## *Article 9*

### **Tasks and powers of the Steering Board**

1. Within the framework of the guidelines of the Council referred to in Article 4(1), the Steering Board:
  - 1.1. approves the reports to be submitted to the Council;
  - 1.2. approves, on the basis of a draft submitted by the Head of the Agency, and no later than 31 December of each year, the Agency's annual work programme for the following year;

- 1.3. adopts the Agency's general budget no later than 31 December of each year within the limits set in the Agency's financial framework as decided by the Council;
- 1.4. approves the establishment within the Agency of ad hoc projects or programmes in accordance with Article 20;
- 1.5. appoints the Chief Executive and his/her deputy;
- 1.6. decides that the Agency may be entrusted by one or more Member States with the administrative and financial management of certain activities within its remit in accordance with Article 17;
- 1.7. approves any recommendation to the Council or the Commission;
- 1.8. adopts the Agency's rules of procedure;
- 1.9. may amend the financial provisions for the implementation of the Agency's general budget;
- 1.10. may amend the rules and regulations applicable to the contractual staff and national seconded experts;
- 1.11. determines the technical and financial arrangements regarding Member States' participation or withdrawal referred to in Article 1(4);
- 1.12. adopts directives regarding the negotiation of administrative arrangements by the Head of the Agency;
- 1.13. approves the ad hoc arrangements referred to in Article 23(1);
- 1.14. concludes the administrative arrangements between the Agency and third parties referred to in Article 25(1);
- 1.15. approves the annual accounts and balance sheet;
- 1.16. adopts all other relevant decisions relating to the fulfilment of the Agency's mission.

2. The Steering Board shall take decisions by qualified majority. The votes of the participating Member States shall be weighted in accordance with Article 23(2) TEU. Decisions to be adopted by the Steering Board by qualified majority shall require at least two thirds of the votes of the participating Member States. Only the representatives of the participating Member States shall take part in the vote.

3. If a representative of a participating Member State in the Steering Board declares that, for important and stated reasons of national policy, it intends to oppose the adoption of a decision to be taken by qualified majority, a vote shall not be taken. That representative may refer the matter, through the Head of the Agency, to the Council with a view to issuing guidelines to the Steering Board, as appropriate. Alternatively, the Steering Board, acting by qualified majority, may decide to refer the matter to the Council for decision. The Council shall act by unanimity.

4. The Steering Board, on a proposal from the Chief Executive or from a participating Member State, may decide to set up:

- (a) committees for the preparation of administrative and budgetary decisions of the Steering Board, composed of delegates of the participating Member States and a representative of the Commission;
- (b) committees specialised in specific issues within the Agency's remit. These committees shall be composed of delegates of the participating Member States and, unless the Steering Board decides otherwise, a representative of the Commission. The decision to establish such committees shall specify their mandate and duration.

### *Article 10*

#### **The Chief Executive**

1. The Chief Executive, and his/her Deputy, are appointed by the Steering Board on a proposal from the Head of the Agency for three years. The Steering Board may grant a two-year extension. The Chief Executive, and his/her Deputy, shall act under the authority of the Head of the Agency and in accordance with the decisions of the Steering Board.
2. The Chief Executive, assisted by his/her deputy, shall take all necessary measures to ensure the efficiency and effectiveness of the Agency's work. He/she is responsible for the oversight and coordination of the functional units, in order to ensure the overall coherence of their work. He/she shall be the head of the Agency's staff.
3. The Chief Executive is responsible for:
  - 3.1. ensuring the implementation of the Agency's annual work programme;
  - 3.2. preparing the work of the Steering Board, in particular the draft annual work programme of the Agency;
  - 3.3. ensuring close cooperation with and providing information to the Council preparatory bodies, notably the PSC and the EUMC;
  - 3.4. preparing the draft annual general budget to be submitted to the Steering Board;
  - 3.5. preparing the reports referred to in Article 4(2);
  - 3.6. preparing the statement of revenue and expenditure and implementing the Agency's general budget and the budgets of ad hoc projects or programmes entrusted to the Agency;
  - 3.7. the day-to-day administration of the Agency;
  - 3.8. all security aspects;
  - 3.9. all staff matters.
4. Within the work programme and the general budget of the Agency, the Chief Executive shall be empowered to enter into contracts and to recruit staff. The Chief Executive shall be the authorising officer responsible for the implementation of the budgets administered by the Agency.

5. The Chief Executive shall be accountable to the Board.
6. The Chief Executive shall be the legal representative of the Agency.

### *Article 11*

#### **Staff**

1. The staff of the Agency, including the Chief Executive, shall consist of contract and statutory staff members recruited from among candidates from all participating Member States on the broadest possible geographical basis, and from the EU institutions. The staff of the Agency shall be selected by the Chief Executive on the basis of relevant competence and expertise and through fair and transparent competition procedures. The Chief Executive shall publish in advance details of all available positions and the criteria relevant to the selection process. In all cases, recruitment shall be directed to securing for the Agency the services of staff of the highest standard of ability and efficiency.
2. The Head of the Agency, upon a proposal from the Chief Executive and following consultation with the Steering Board, shall appoint the staff of the Agency at senior management level.
3. The Agency's staff shall consist of:
  - 3.1. personnel recruited directly by the Agency under fixed term contracts, selected among nationals of participating Member States. The Council, acting by unanimity, shall approve the regulations applicable to such staff. The Steering Board shall, within one year of the adoption of this Joint Action, review and amend, as necessary, these regulations;
  - 3.2. national experts seconded by participating Member States either to posts within the Agency organisational structure or for specific tasks and projects. The Council, acting by unanimity, shall approve the rules applicable to such experts. The Steering Board shall, within one year of the adoption of this Joint Action, review and amend, as necessary, these rules;
  - 3.3. Community officials seconded to the Agency for a fixed period and/or for specific tasks or projects as required.

## CHAPTER III

### BUDGET AND FINANCIAL RULES

#### *Article 12*

##### **Budgetary principles**

1. Budgets, drawn up in euro, are the acts which for each financial year lay down and authorise all the revenue and expenditure administered by the Agency.
2. The appropriations entered in a budget are authorised for the duration of a financial year which begins on 1 January and ends on 31 December of the same year.
3. For each budget, revenue and expenditure must be balanced. All revenue and expenditure shall be entered in full in the relevant budget without any adjustment against each other.
4. The budget shall contain differentiated appropriations, which shall consist of commitment appropriations and payment appropriations and non-differentiated appropriations.
5. Commitment appropriations shall cover the total cost of the legal commitments entered into during the current financial year. However, commitments may be made globally or in annual instalments. Commitments shall be entered into the accounts on the basis of the legal commitments entered into up to 31 December.
6. Payment appropriations shall cover payments made to honour the legal commitments entered into in the current financial year and/or earlier financial years. Payments shall be entered in the accounts on the basis of the budget commitments up to 31 December.
7. The revenue of a financial year shall be entered in the accounts for the financial year on the basis of the amounts collected during the financial year.
8. Neither revenue nor expenditure may be implemented other than by allocation to a heading in the budget and within the limit of the appropriations entered there.
9. Appropriations shall be used in accordance with the principles of sound financial management, namely in accordance with the principles of economy, efficiency and effectiveness.

## *Article 13*

### **The general budget**

1. The Head of the Agency shall provide the Steering Board by 30 June each year with an overall estimate of the draft general budget for the following year, fully respecting the limits set down in the financial framework.
2. The Head of the Agency shall propose the draft general budget to the Steering Board by 30 September each year. The draft shall include:
  - a) the appropriations deemed necessary:
    - i) to cover the Agency's running, staffing and meeting costs;
    - ii) for procuring external advice, notably operational analysis, essential for the Agency to discharge its tasks, and for specific research and technology activities for the common benefit of all participating Member States, notably technical case-studies and pre-feasibility studies;
  - b) a forecast of the revenue needed to cover expenditure.
3. The Steering Board shall aim to ensure that the appropriations referred to in paragraph 2a)ii) shall represent a significant share of the total appropriations referred to in paragraph 2. These appropriations shall reflect actual needs and shall allow for an operational role for the Agency.
4. The draft general budget shall be accompanied by a detailed staff establishment plan and detailed justifications.
5. The Steering Board, acting by unanimity, may decide that the draft general budget shall furthermore cover a particular project or programme where this is clearly for the common benefit of all participating Member States.
6. The appropriations shall be classified in titles and chapters grouping expenditure together by type or purpose, subdivided as necessary into articles.
7. Each title may include a chapter entitled 'provisional appropriations'. These appropriations shall be entered where there is uncertainty, based on serious grounds, about the amount of appropriations needed or the scope for implementing the appropriations entered.
8. Revenue shall consist of:
  - a) miscellaneous revenue;
  - b) contributions payable by the Member States participating in the Agency based on the gross national income (GNI) scale.

The draft general budget shall carry lines to accommodate earmarked revenue and, wherever possible, shall indicate the amount foreseen.

9. The Steering Board shall adopt the draft general budget by 31 December of each year within the Agency's financial framework. When doing so, the Steering Board shall be chaired by the Head of the Agency, or by a representative appointed by him/her from within the General Secretariat of the Council, or by a member of the Steering Board invited to do so by him/her. The Chief Executive shall declare that the budget has been adopted and notify the participating Member States.

10. If, at the beginning of a financial year, the draft general budget has not been adopted, a sum equivalent to not more than one twelfth of the budget appropriations for the preceding financial year may be spent each month in respect of any chapter or other subdivision of the budget. This arrangement shall not, however, have the effect of placing at the disposal of the Agency appropriations in excess of one twelfth of those provided for in the draft general budget in course of preparation. The Steering Board, acting by a qualified majority on a proposal from the Chief Executive, may authorise expenditure in excess of one twelfth. The Chief Executive may call for the contributions necessary to cover the appropriations authorised under this provision, which shall be payable within 30 days from dispatch of the call for contributions.

### *Article 14*

#### **Amending budgets**

1. In the case of unavoidable, exceptional or unforeseen circumstances, the Chief Executive may propose a draft amending budget within the limits set down in the financial framework.

2. The draft amending budget shall be drawn up, proposed, and adopted and notification given in accordance with the same procedure as the general budget, within the limits set down in the financial framework. The Steering Board shall act with due account to the urgency.

3. In the situation where the limits set down in the financial framework would be considered insufficient due to exceptional and unforeseen circumstances, taking also in full account rules set out in Article 13(2) and (3), the Steering Board will submit the amending budget for adoption by the Council, acting by unanimity.

## *Article 15*

### **Earmarked revenue**

1. The Agency may receive in its general budget as earmarked revenue for a specific purpose financial contributions to cover costs other than those referred to under Article 13(2)a)i):

- a) from the general budget of the European Union on a case-by-case basis, in full respect of the rules, procedures and decision-making processes applicable to it;
- b) from Member States, third countries or other third parties.

2. Earmarked revenue may only be used for the specific purpose to which it is assigned.

## *Article 16*

### **Contributions and reimbursements**

1. Determination of contributions where the GNI scale is applicable

1.1 Where the GNI scale is applicable, the breakdown of contributions between the Member States from whom a contribution is required shall be determined in accordance with the gross national product scale as specified in Article 28(3) TEU and in accordance with Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the European Communities' own resources<sup>1</sup>, or any other Council Decision which may replace it.

1.2 The data for the calculation of each contribution shall be those set out in the 'GNI own resources' column in the 'Summary of financing of the general budget by type of own resource and by Member State' table appended to the latest budget adopted by the European Communities. The contribution of each Member State from whom a contribution is due shall be proportional to the share of that Member State's GNI in the total GNI aggregate of the Member States from whom a contribution is due.

2. Schedule for payment of contributions

2.1 The contributions intended to finance the general budget shall be paid by the participating Member States in three equal instalments, by 15 February, 15 June and 15 October of the financial year concerned.

2.2 When an amending budget is adopted, the necessary contributions shall be paid by the Member States concerned within 60 days from dispatch of the call for contributions.

2.3 Each Member State shall pay the bank charges relating to the payment of its own contributions.

1. OJ L 253, 7.10.2000, p. 42.

### *Article 17*

#### **Management by the Agency of expenditure on behalf of Member States**

1. The Steering Board, on a proposal from the Chief Executive or a Member State, may decide that the Agency may be entrusted by Member States, on a contractual basis, with the administrative and financial management of certain activities within its remit.
2. The Steering Board, in its decision, may authorise the Agency to enter into contracts on behalf of certain Member States. It may authorise the Agency to collect the necessary funds from these Member States in advance to honour the contracts entered into.

### *Article 18*

#### **Implementation of the budget**

1. The financial provisions applicable to the Agency's general budget shall be adopted by the Council, acting by unanimity. The Steering Board shall, within one year of the adoption of this Joint Action, review and amend these provisions, as necessary.
2. The Steering Board, acting on a proposal from the Chief Executive, shall as necessary adopt the implementing rules regarding the implementation and control of the general budget, notably as regards public procurement, without prejudice to relevant Community rules. The Steering Board shall ensure, in particular, that security of supply and protection both of defence secret and intellectual property rights requirements are taken into account in a proper manner.
3. The financial provisions and rules referred to in this Article are not applicable to ad hoc projects and programmes as referred to in Articles 20 and 21.

### *Article 19*

#### **Initial budget 2004 and budget for 2005**

1. The initial general budget for the financial year 2004, focused on start-up arrangements, shall be as shown in the financial statement to be submitted with the Joint Action. The first financial year shall begin one day after the entry into force of this Joint Action.
2. The initial general budget shall be financed by contributions from the participating Member States payable as soon as possible and in any case no later than within 45 days from despatch of the calls for contributions by the Head of the Agency, Secretary-General of the Council of the European Union.
3. The general budget for the financial year 2005 shall be adopted by the Steering Board with the approval of the Council, acting by unanimity.

## CHAPTER IV

### AD HOC PROJECTS OR PROGRAMMES AND ASSOCIATED BUDGETS

#### *Article 20*

##### **Approval of ad hoc projects or programmes and ad hoc budgets associated with them (Category A)**

1. One or more participating Member States or the Chief Executive may submit to the Steering Board an ad hoc project or programme within the Agency's remit, which shall presume general participation by the participating Member States. The Steering Board shall be informed of the ad hoc budget, if any, to be associated with the proposed project or programme, as well as of potential contributions by third parties.
2. All participating Member States shall in principle contribute. They shall inform the Chief Executive of their intentions in this regard.
3. The Steering Board shall approve the establishment of the ad hoc project or programme.
4. The Steering Board, on a proposal from the Chief Executive or from a participating Member State, may decide to set up a committee to supervise the management and implementation of the ad hoc project or programme. The committee shall be composed of delegates from each of the contributing Member States and, when the Community contributes to the project or programme, a representative of the Commission. The decision of the Steering Board shall specify the committee's mandate and duration.
5. For the ad hoc project or programme, the contributing Member States, meeting within the Steering Board, shall approve:
  - (a) the rules governing the management of the project or programme;
  - (b) where appropriate, the ad hoc budget associated with the project or programme, the key for contributions and the necessary implementing rules;
  - (c) participation of third parties in the committee referred to in paragraph 4. Their participation shall be without prejudice to the decision-making autonomy of the EU.
6. Where the Community contributes to an ad hoc project or programme, the Commission shall participate in the decisions referred to in paragraph 5, in full respect of the decision-making procedures applicable to the general budget of the EU.

### *Article 21*

#### **Approval of ad hoc projects, or programmes and ad hoc budgets associated with them (Category B)**

1. One or more participating Member States may inform the Steering Board that they intend to establish an ad hoc project or programme within the Agency's remit, and where appropriate the ad hoc budget associated with it. The Steering Board shall be informed of the ad hoc budget, if any, to be associated with the proposed project or programme, and details, if relevant, on human resources for such project or programme, as well as of potential contributions by third parties.

2. In the interest of maximising opportunities for cooperation, all participating Member States shall be informed of the ad hoc project or programme, including the basis upon which participation might be expanded, in a timely manner so that any participating Member State who wishes to do so may express an interest in joining. Moreover, the initiator(s) of the project or programme will endeavour to make their membership as wide as possible. Participation will be established on a case-by-case basis by the initiators.

3. The ad hoc project or programme shall then be regarded as an Agency project or programme, unless the Steering Board decides otherwise within one month of receiving the information foreseen in paragraph 1.

4. Any participating Member State which, at a later stage, wishes to participate in the ad hoc project or programme shall notify the contributing Member States of its intentions. The contributing Member States, within two months of receiving this notification, shall decide among themselves, having due regard to the basis set out when participating Member States are informed of the project or programme, on the participation of the Member State concerned.

5. The contributing Member States shall take amongst them the decisions necessary for the establishment and implementation of the ad hoc project or programme and, where appropriate, the budget associated with it. Where the Community contributes to such a project or programme, the Commission shall participate in the decisions referred to in this paragraph in full respect of the decision-making procedures applicable to the general budget of the EU. The contributing Member States shall keep the Steering Board informed, as appropriate, of developments relating to such project or programme.

### *Article 22*

#### **Contributions from the general budget of the European Union to ad hoc budgets**

Contributions from the general budget of the EU may be made to the ad hoc budgets established for ad hoc projects or programmes referred to in Articles 20 and 21.

### *Article 23*

#### **Participation of third parties**

1. Third parties may contribute to a particular ad hoc project or programme, established in accordance with Articles 20 or 21, and to the budget associated with it. The Steering Board shall, acting by qualified majority, approve as necessary ad hoc arrangements between the Agency and third parties for each particular project or programme.
2. For projects established under Article 20, the contributing Member States meeting within the Steering Board shall approve any necessary modalities with the relevant third parties relating to their contribution.
3. For projects established under Article 21, the contributing Member States shall decide any necessary modalities with the relevant third parties relating to their contribution.
4. Where the Community contributes to an ad hoc project or programme, the Commission shall participate in the decisions referred to in paragraphs 2 and 3.

## CHAPTER V

### RELATIONS WITH THE COMMISSION

#### *Article 24*

##### **Association with the Agency's work**

1. The Commission is a member of the Steering Board without voting rights and shall be fully associated with the work of the Agency.
2. The Commission, on behalf of the Community, may also participate in projects and programmes of the Agency.
3. The Agency shall establish the necessary administrative arrangements and working relations with the Commission, in particular with a view to exchanging expertise and advice in those areas where the activities of the Community have a bearing on the Agency's missions and where the activities of the Agency are relevant to those of the Community.

4. Necessary arrangements to cover a contribution, on a case-by-case basis, from the general budget of the EU under Articles 15 and 22, shall be established between the Agency and the Commission by mutual agreement, or between the contributing Member States and the Commission by mutual agreement.

## CHAPTER VI

### RELATIONS WITH THIRD COUNTRIES, ORGANISATIONS AND ENTITIES

#### *Article 25*

##### **Relations with third countries, organisations and entities**

1. For the purpose of fulfilling its mission, the Agency may enter into administrative arrangements with third States, organisations and entities. Such arrangements shall notably cover:

- (a) the principle of a relationship between the Agency and the third party;
- (b) provisions for consultation on subjects related to Agency's work;
- (c) security matters.

In so doing, it shall respect the single institutional framework and the decision-making autonomy of the EU. Each such arrangement shall be concluded by the Steering Board upon approval by the Council, acting by unanimity.

2. The Agency shall develop close working relations with the relevant elements of OCCAR, the LoI Framework Agreement, and WEAG/WEAO with a view to incorporate those elements or assimilate their principles and practices in due course, as appropriate and by mutual agreement.

3. Reciprocal transparency and coherent development in the field of capabilities shall be ensured by the application of CDM procedures. Other working relations between the Agency and relevant NATO bodies shall be defined through an administrative arrangement referred to in paragraph 1, in full respect of the established framework of cooperation and consultation between the EU and NATO.

4. With a view to facilitating their possible participation in projects and programmes and within the framework of arrangements referred to in paragraph 1, the Agency shall be entitled to establish working relations with organisations and entities other than those mentioned in paragraphs 2 and 3.

5. With a view to facilitating their possible participation in specific projects and programmes and within the framework of arrangements referred to in paragraph 1, the Agency shall be entitled to establish working relations with third countries.
6. The non-EU WEAG members shall be provided with the fullest possible transparency regarding the Agency's specific projects and programmes with a view to their participation therein as appropriate. A consultative committee shall be set up for this purpose, to provide a forum for exchanging views and information on matters of common interest falling within the scope of the Agency's mission. It shall be chaired by the Chief Executive or his/her representative. It shall include a representative of each participating Member State and a representative of the Commission, and representatives of the non-EU WEAG members in accordance with modalities to be agreed with them.
7. Upon request, other non-EU European NATO members may also participate in the Consultative Committee referred to in paragraph 6, in accordance with modalities to be agreed with them.
8. The Consultative Committee referred to in paragraph 6 may also serve as a forum for dialogue with other third parties on specific matters of mutual interest within the Agency's remit, and may serve to ensure that they are kept fully informed of developments in matters of common interest and of opportunities for future cooperation

## CHAPTER VII

### MISCELLANEOUS PROVISIONS

#### *Article 26*

##### **Privileges and immunities**

Privileges and immunities necessary for the performance of the duties of the Agency, the Chief Executive and its staff shall be provided for in an agreement between participating Member States.

#### *Article 27*

##### **Review clause**

The Head of the Agency shall present no later than three years from the entry into force of this Joint Action or upon the entry into force of the Treaty establishing a Constitution

for Europe, whichever is the earlier, a report to the Steering Board on the implementation of this Joint Action, with a view to its possible review by the Council.

### *Article 28*

#### **Legal liability**

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

### *Article 29*

#### **Access to documents**

Upon a proposal by the Chief Executive, the Steering Board shall adopt rules on public access to the documents of the Agency, taking into account the principles and limits laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.<sup>1</sup>

### *Article 30*

#### **Security**

1. The Agency shall apply the Council's security regulations set out in Decision 2001/264/EC.<sup>2</sup>
2. The Agency shall ensure appropriate security and speed in its external communications.

### *Article 31*

#### **Language regime**

The language regime of the Agency shall be established by the Council, acting by unanimity.

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1. OJ L 145, 31.5.2001, p. 43.

2. OJ L 101, 11.4.2001, p. 1.

### *Article 32*

#### **Transitional measures**

The SG/HR shall take the necessary measures for the operational setting-up of the Agency. For this purpose, he/she may also exercise the powers granted to the Chief Executive under this Joint Action until his/her appointment.

### *Article 33*

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

### *Article 34*

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

*Done at Brussels, 12 July 2004.*

*For the Council*

The President

B. BOT

## Operation *Althea* in Bosnia and Herzegovina – Council Joint Action

Brussels, 12 July 2004

### COUNCIL JOINT ACTION 2004/570/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) The European Council has announced the readiness of the European Union for an ESDP mission in Bosnia and Herzegovina (BiH), including a military component.
- (2) The General Framework Agreement for Peace (GFAP) in BiH foresees, *inter alia*, arrangements for establishing a multinational military implementation force.
- (3) The Council adopted on 12 July 2004 Joint Action 2004/569/CFSP<sup>1</sup> on the mandate of the European Union Special Representative in Bosnia and Herzegovina. The EU Special Representative (EUSR) in BiH will promote overall EU political coordination in BiH.
- (4) The Council adopted on 11 March 2002 Joint Action 2002/210/CFSP<sup>2</sup> on the European Union Police Mission (EUPM), to build and strengthen local policing capacity, especially at State level and in the fight against organised crime.
- (5) On 26 April 2004 the Council approved the general concept for an ESDP mission in BiH, including a military component.
- (6) On 17 to 18 June 2004 the European Council adopted a comprehensive policy towards BiH.

1. See page 7 of this Official Journal.

2. JO L 70 du 13.3.2002, p.1.

- (7) The NATO Summit Meeting of Heads of State and Government in Istanbul on 28 to 29 June 2004 decided to conclude NATO's SFOR operation in Bosnia and Herzegovina by the end of 2004.
- (8) United Nations Security Council Resolution 1551 (2004), adopted on 9 July 2004, welcomed the European Union's intention to launch an EU mission to Bosnia and Herzegovina, including a military component, from December 2004, under the terms set out in the letter of 29 June 2004 from the Minister of Foreign Affairs of Ireland and President of the Council of the European Union to the Presidency of the Security Council. The United Nations Security Council further decided that the status of forces agreements currently contained in Appendix B to Annex 1.A of the Peace Agreement shall apply provisionally in respect to the proposed EU mission and its forces, including from the point of their build-up in Bosnia and Herzegovina, in anticipation of the concurrence of the parties to those agreements to that effect.
- (9) The Council has agreed that the EU military operation should provide deterrence, continued compliance with the responsibility to fulfil the role specified in Annexes 1.A and 2 of the GFAP in BiH and contribute to the safe and secure environment, in line with its mandate, required to achieve core tasks in the Office of the High Representative's Mission Implementation Plan and the Stabilisation and Association Process (SAP).
- (10) The operation should reinforce the EU's comprehensive approach towards BiH, and support BiH's progress towards EU integration by its own efforts, with the objective of the signing of a Stabilisation and Association Agreement as a medium-term objective.
- (11) The EU military operation should have full authority, exercised through its force commander, in order to fulfil the role specified in Annexes 1.A and 2 of the GFAP in BiH to monitor implementation of military aspects of the GFAP, and to assess and address noncompliance by the Parties.
- (12) In addition to contacts already established in relation to EU's activities in BiH, the European Union should maintain close consultations with the BiH authorities, in particular with the Minister of Defence, regarding the conduct of the EU military operation.

- (13) Consultations with NATO will proceed in accordance with the relevant provisions laid down in the 17 March 2003 Exchange of Letters between the Secretary-General/High Representative (SG/HR) and NATO Secretary-General. In a subsequent Exchange of Letters on 30 June and 8 July 2004 respectively, the North Atlantic Council has agreed to make available DSACEUR as EU Operation Commander and has agreed that the EU Operation Headquarters should be located at SHAPE.
- (14) The Political and Security Committee (PSC) should exercise political control of and provide strategic direction to the EU military operation in BiH and take the relevant decisions in accordance with Article 25, third paragraph of the Treaty on European Union.
- (15) In conformity with the guidelines of the European Council meeting at Nice on 7 to 9 December 2000, this Joint Action should determine the role of the SG/HR in accordance with Articles 18 and 26 of the Treaty on European Union in the implementation of measures falling within the political control and strategic direction exercised by the PSC, in accordance with Article 25 of the Treaty on European Union.
- (16) Third States should participate in the EU military operation in accordance with the guidelines laid down by the European Council.
- (17) In accordance with Article 28(3) of the Treaty on European Union, the operational expenditure arising from this Joint Action, having military or defence implications, should be charged to the Member States in accordance with Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications<sup>1</sup> (hereafter referred to as 'ATHENA').
- (18) Article 14(1) of the Treaty on European Union calls for the indication in joint actions of the means to be made available to the Union. The financial reference amount for the common costs of the EU military operation constitutes the best current estimate and is without prejudice to the final figures that shall be included in a budget to be approved in accordance with the principles laid down in ATHENA.
- (19) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implemen-

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1. OJ L 63, 28.2.2004, p. 68.

tation of decisions and actions of the European Union which have defence implications. Denmark does not participate in the implementation of this Joint Action and therefore does not participate in the financing of the operation,

HAS ADOPTED THIS JOINT ACTION:

### *Article 1*

#### **Mission**

1. Subject to a further decision by the Council to launch the operation, once all relevant decisions have been made, the European Union shall conduct a military operation in Bosnia and Herzegovina (BiH) named 'ALTHEA' in order to provide deterrence, continued compliance with the responsibility to fulfil the role specified in Annexes 1.A and 2 of the General Framework Agreement for Peace (GFAP) in BiH and to contribute to a safe and secure environment in BiH, in line with its mandate, required to achieve core tasks in the OHR's Mission Implementation Plan and the SAP. This operation shall be part of the overall ESDP mission in BiH.
2. The forces deployed to this effect shall operate in accordance with the general concept approved by the Council.
3. The EU military operation shall be carried out with recourse to NATO common assets and capabilities, on the basis agreed with NATO.

### *Article 2*

#### **Appointment of the EU Operation Commander**

Admiral Rainer FEIST, Deputy Supreme Allied Commander for Europe (D-SACEUR), is hereby appointed EU Operation Commander.

### *Article 3*

#### **Designation of the EU Operational Headquarters**

EU Operational Headquarters shall be located at the Supreme Headquarters of Allied Powers in Europe (SHAPE).

### *Article 4*

#### **Designation of the EU Force Commander**

Major General A. David LEAKEY is hereby appointed EU Force Commander.

### *Article 5*

#### **Planning and launching of the Operation**

The Council shall decide on the launching of the EU military operation following the approval of the Operation Plan and the Rules of Engagement and any necessary further decisions.

### *Article 6*

#### **Political control and strategic direction**

1. Under the responsibility of the Council, the PSC shall exercise the political control and strategic direction of the EU military operation. The Council hereby authorises the PSC to take the relevant decisions in accordance with Article 25 of the Treaty on European Union. This authorisation shall include the powers to amend the planning documents, including the Operation Plan, the Chain of Command and the Rules of Engagement. This authorisation shall also include the powers to take further decisions on the appointment of the EU Operation Commander and/or EU Force Commander. The powers of decision with respect to the objectives and termination of the EU military operation shall remain vested in the Council, assisted by the SG/HR.
2. The PSC shall report to the Council at regular intervals.
3. The PSC shall receive reports from the Chairman of the European Union Military Committee (CEUMC) regarding the conduct of the EU military operation, at regular intervals. The PSC may invite the EU Operation Commander and/or EU Force Commander to its meetings, as appropriate.

### *Article 7*

#### **Coherence of EU response**

1. The operation shall be part of a closely coordinated EU presence in BiH. The Council shall ensure the maximum coherence and effectiveness for the EU effort in BiH. Without prejudice to Community competence, the EUSR shall promote overall EU political coordination in BiH. The EUSR shall chair a coordination group composed of all EU actors present in the field, including the EU Force Commander, with a view to coordinating the implementation aspects of the EU's action.

2. The EU Force Commander shall, without prejudice to the chain of command, take EUSR local political advice into account, especially with regard to matters for which the EUSR has a particular or stated role, and shall, within his/her mandate, endeavour to take into account any request from the EUSR.
3. The EU Force Commander shall liaise, as appropriate, with the EUPM.

### *Article 8*

#### **Military direction**

1. The EU Military Committee (EUMC) shall monitor the proper execution of the EU military operation conducted under the responsibility of the EU Operation Commander.
2. The EUMC shall receive reports from the EU Operation Commander at regular intervals. It may invite the EU Operation Commander and/or EU Force Commander to its meetings as necessary.
3. The CEUMC shall act as the primary point of contact with the EU Operation Commander.

### *Article 9*

#### **Relations with BiH**

The SG/HR and the EUSR in BiH, within their respective mandates, shall act as primary points of contact with the authorities of BiH for matters relating to the implementation of this Joint Action. The Presidency shall be kept regularly and promptly informed on these contacts. The EU Force Commander shall maintain contact with local authorities, in close coordination with the EUSR, on issues relevant to his mission.

### *Article 10*

#### **Coordination and liaison**

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

### *Article 11*

#### **Participation of third States**

1. Without prejudice to the decision-making autonomy of the European Union and to the Single Institutional Framework, and in accordance with the relevant guidelines of the European Council:

- ▮ the non-EU European NATO members and Canada shall participate in the EU military operation if they so wish,
- ▮ countries which are candidates for accession to the European Union may be invited to participate in the EU military operation in accordance with the agreed modalities,
- ▮ potential partners and other third states may also be invited to participate in the operation.

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

3. Detailed arrangements regarding the participation of third states shall be the subject of an agreement, in conformity with Article 24 of the Treaty on European Union. The SG/HR, assisting the Presidency, may negotiate such arrangements on its behalf. Where the EU and a third state have concluded an agreement establishing a framework for the participation of this third state in the EU crisis management operations, the provisions of such an agreement shall apply in the context of this operation.

4. Third States making significant military contributions to the EU military operation shall have the same rights and obligations in terms of day-to-day management of the operation, as EU Member States taking part in the operation.

5. The Council hereby authorises the PSC to take relevant decisions on the setting-up of a Committee of Contributors, should third states provide significant military contributions.

### *Article 12*

#### **Financial arrangements**

1. The common costs of the EU military operation shall be administered by ATHENA.

2. For the purposes for this EU military operation:

- ▮ barracks and lodging for the forces as a whole shall not be eligible for payment as common costs,

- ▮ expenditure related to transportation for the forces as a whole shall not be eligible for payment as common costs.
3. Without prejudice to the financing of any future operation and in view of the specific requirements of the establishment of this operation, the Council may, in the light of the Force Generation Process, consider the issue of the financing of Multinational Task Force North.
  4. The financial reference amount for the common costs of the EU military operation shall be 71 700 000 EUR.
  5. Procurement procedures for the EU military operation shall be open to tenderers from the EU Member States contributing to the financing of the operation.

### *Article 13*

#### **Relations with NATO**

1. Relations with NATO shall be conducted in accordance with the relevant provisions laid down in the 17 March 2003 Exchange of Letters between the Secretary-General/High Representative and the NATO Secretary-General.
2. The entire chain of command of the EU Force shall remain under the political control and strategic direction of the EU throughout the EU military operation, after consultation between the EU and NATO. Within this framework, the EU Operation Commander shall report on the conduct of the operation to EU bodies only. NATO shall be informed of developments in the situation by the appropriate bodies, in particular the PSC and CEUMC.

### *Article 14*

#### **Release of information to NATO and to third States**

1. The SG/HR is hereby authorised to release to NATO and to third parties, associated with this Joint Action, EU classified information and documents generated for the purposes of the EU military operation, in accordance with the Council Security Regulations.

2. The SG/HR is hereby authorised to release to third parties, associated with this Joint Action, EU non-classified documents related to the deliberations of the Council with regard to the operation, covered by the obligation of professional secrecy pursuant to Article 6, paragraph 1 of the Council Rules of Procedure.

### *Article 15*

#### **Community action**

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

### *Article 16*

#### **Review process**

1. As part of the EU mission review process, a six-monthly review shall be held
  - ▶ to enable the PSC to determine, taking account of the security situation and of advice from HR/EUSR and from the EU Force Commander through the Chain of Command, and following EUMC military advice, any changes to be made to the size, mandate and tasks of the EU military operation, and when it should be terminated,
  - ▶ to enable the PSC to determine, taking account of the security situation and advice from HR/EUSR, the EU Force Commander, and the Head of Mission EUPM, and following EUMC and CIVCOM advice, whether all or part of the Integrated Police Unit style capability should be repositioned within EUSR domain, for duties in support of the Rule of Law, including in support of State Information and Protection Agency (SIPA). In this case, the composition of the police and military missions shall be reviewed.
2. The Council shall, not later than 31 December 2005, evaluate the continuation of the operation.

### *Article 17*

#### **Entry into force and termination**

1. This Joint Action shall enter into force on the date of its adoption.
2. The EU military operation shall end on a date to be decided by the Council.
3. This Joint Action shall be repealed following the redeployment of all EU forces, in accordance with approved termination planning of the EU military operation.

***Article 18***

**Publication**

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

*Done at Brussels, 12 July 2004.*

*For the Council*

The President

B. BOT

## EUJUST THEMIS - Message from Javier Solana

Brussels, 23 July 2004

Javier Solana, EU High Representative for the Common Foreign and Security Policy, conveyed the following message to the Georgian authorities on the occasion of the opening of the mission “EUJUST THEMIS” in Tbilisi, Georgia on 22 July 2004.

“I am very pleased that the third civilian ESDP operation – and the first in the field of Rule of Law – is opening today in Tbilisi. EUJUST THEMIS is a milestone for the EU and for you.

Firstly, it shows that the EU is fully committed to supporting Georgia in its reform efforts. You have come some way in the past months. The road ahead is long and difficult. But you can count on the EU to give you help, through THEMIS, through the assistance of the European Commission, and through bilateral projects of EU Member States.

Secondly, it shows that the EU can react quickly to give you assistance. When your President visited Brussels on 6 April, he requested support in the area of Rule of Law. In a letter on 3 June, the Prime Minister also requested such help from the EU. Only 11 days later, the Council agreed to launch THEMIS. Soon after, Sylvie Pantz was appointed Head of Mission and the detailed planning of the mission began. Finally, last week, the mission was launched by the Council and has already partly deployed to Tbilisi. The remaining experts will arrive shortly to join Mrs Pantz. I think you can see that we have been working very hard to provide you with the assistance you need.

Thirdly, it shows the importance of a healthy Rule of Law system. It is key to ensuring stability and also growth. I strongly encourage you to make progress, with the help of THEMIS and others, in moving rapidly in this direction.

Finally, let me just say that THEMIS is foreseen to provide assistance for one year. Take advantage of the very good experts the EU is sending. It is your judicial system; if THEMIS is a success, it means that you are successfully driving forward your reforms. Myself and the EU Special Representative, Heikki Talvitie, will be following closely the developments here in Tbilisi and will be fully behind Mrs Pantz and THEMIS.”

# Annual Conference of the European Union Institute for Security Studies

Paris, 9 September 2004

## **SPEECH BY THE EUROPEAN UNION HIGH REPRESENTATIVE FOR THE COMMON FOREIGN AND SECURITY POLICY JAVIER SOLANA**

Mesdames, Messieurs, chers amis,

La conférence annuelle de l'Institut est devenue le rendez-vous avec l'ensemble de la communauté stratégique que vous représentez ici. Je suis donc une fois de plus très heureux de cette opportunité de dialogue et d'échange.

Les cinq dernières années marquent un tournant dans l'histoire de l'Union. L'Institut vient de publier un ouvrage qui fera référence à cet égard. Sans entrer dans les détails, je voudrais devant vous revenir sur quelques points majeurs avant de réfléchir aux défis qui attendent l'Union des 25.

Premier point : nous avons accordé depuis 1999 autant de priorité aux questions institutionnelles qu'aux capacités concrètes. L'Union possède désormais toutes les structures nécessaires pour décider et agir effectivement sur son environnement international. Elle aura même bientôt son Ministre des affaires étrangères. Tout cela n'existait pas il y a cinq ans. Parallèlement, des capacités opérationnelles, civiles et militaires ont été développées. A ce titre, le bilan 2004 est particulièrement positif : création de l'Agence de l'armement et des groupes de combat; définition d'un nouveau headline goal; lancement des travaux sur la cellule de planification civilo-militaire et sur un centre d'opérations.

Second point : l'Union est passée très vite de la rhétorique à la pratique. J'ai moi-même été, dès ma nomination, un instrument au service de la PESC, ne ménageant aucun effort. En décembre 2002, le Conseil européen de Laeken a déclaré l'Union opérationnelle. Depuis, quatre missions civiles et militaires ont été remplies avec succès : trois dans les Balkans et une en Afrique. Une mission "Etat de droit" vient d'être lancée en Géorgie. Une sixième opération, sous Berlin Plus, est en cours de préparation : il s'agit de la mission ALTHEA en Bosnie et qui sera forte de plus de 7000 hommes. Une septième mérite d'être mentionnée avec l'envoi d'une dizaine d'observateurs militaires au Darfur, chargés d'apporter l'expertise nécessaire au lancement de la première opération d'envergure de l'Union africaine.

Troisième évolution à noter : les efforts consentis pour mieux appréhender et traiter la relation entre sécurité extérieure et sécurité intérieure. Demain marquera le troisième anniversaire de la tragédie du 11 septembre. Depuis, le mandat d'arrêt européen a été

créé; la clause de solidarité est désormais inscrite dans le projet de Traité constitutionnel; un coordinateur pour la lutte anti-terroriste a été nommée sous ma responsabilité; une cellule de renseignement a vu le jour au sein même du Secrétariat général du Conseil.

Dernière évolution capitale que je voudrais souligner : la stratégie de sécurité de l'Union européenne. Son adoption représente à mes yeux l'accomplissement majeur de ces cinq premières années de PESC. En 1999, nous avons commencé à construire ce qui n'existait pas.

Fin 2003, la stratégie européenne de sécurité a permis d'inscrire chacune des étapes franchies que je viens de résumer rapidement dans une seule et même approche stratégique globale. Il y a cinq ans, personne n'aurait osé parier sur telle entreprise. La PESC et la PESD sont une vraie success story. Elles doivent le rester. Les attentes de la part de nos propres opinions sont fortes. Dans de nombreuses régions du monde, le modèle européen fait référence. Dans de nombreuses crises, la demande d'Europe est pressante.

A ce propos, devant une assemblée telle que la vôtre, dont la fonction première est de réfléchir aux évolutions du monde, il me semble que le grand sujet de réflexion qui devrait nous mobiliser tous concerne la relation entre mondialisation économique et sécurité internationale.

Permettez-moi de vous livrer très directement quelques unes de mes interrogations sur les relations nouvelles et complexes qui existent entre mondialisation économique et sécurité internationale.

Nous avons tous l'intuition que des relations de cause à effet existent entre ces deux phénomènes. Je ne citerai que quelques aspects :

Une mondialisation mal régulée, inégale et brutale est sans doute l'un des ferments de la montée en puissance du terrorisme. En retour, le terrorisme sait se nourrir des frustrations qu'un partage inéquitable des richesses peut engendrer.

Face à des économies toujours plus ouvertes, il est bien sûr aussi capable d'affecter les fondements mêmes de la croissance mondiale en s'attaquant par exemple à nos infrastructures de transport ou d'approvisionnement en matières premières. Quelles parades voulons-nous opposer à cela ?

Certains paradoxes sont également frappants :

La menace globale a disparu. Or le niveau de violence collective est en croissance régulière. Des parties entières de la planète sont en voie de tribalisation massive.

Les démocraties sont les maîtres d'oeuvre de la globalisation. Mais elles ont en même temps de plus en plus de difficultés à gérer les crises et les grandes fractures stratégiques de la planète. Certains conflits régionaux résistent à tout, et d'autres prolifèrent sur le compte des démocraties.

Alors que les grandes idéologies totalitaires sont en reflux partout, le niveau de démocratisation de la planète n'est pas pour autant en augmentation. Nos sociétés sont de plus en plus transparentes et ouvertes. Mais le niveau de radicalisation culturelle et religieuse est en progression.

Ces paradoxes dessinent un état du monde à la fois insatisfaisant et inquiétant. Il n'y a de ma part aucun pessimisme. Il y a simplement une lucidité franche qui m'amène à considérer que le nouveau monde dans lequel va évoluer l'Union n'est ni juste, ni stable, ni sûr.

Autrement dit, au moment même où la PESC et la PESD sont en passe de conforter les acquis de ces cinq dernières années, les défis deviennent plus grands et plus complexes encore. L'enjeu est évident : pour poursuivre et faire face, il nous faudra aussi surmonter certaines faiblesses. Nous connaissons les principales : le manque de flexibilité, des dépenses trop insuffisantes ou trop éparpillées entre autres. Je ne veux pas m'étendre. Vous connaissez chacun ma position sur le développement fondamental des capacités.

Permettez-moi d'insister néanmoins sur un point que je crois crucial à ce tournant de siècle : sans unité, tous nos efforts seront vains. L'Europe a trop souffert l'année dernière de la détérioration du climat de confiance qui doit la caractériser. Sans volonté commune et confiance mutuelle, l'affirmation d'une identité européenne sur le plan stratégique mondial sera menacée.

La faiblesse collective de l'Union ne tient qu'à la faiblesse individuelle de ses Etats-membres. Plus que jamais, l'Europe, nouvel acteur global, doit donc promouvoir une approche commune globale de la sécurité internationale. Elle doit promouvoir une approche intégrée.

En effet, toutes les approches sectorielles ont marqué leurs limites :

- ▶ l'approche stratégique traditionnelle, fondée sur le primat des rapports de force et la valorisation de la puissance militaire,
- ▶ l'approche mercantiliste traditionnelle, fondée sur l'efficacité supposée des échanges économiques pour promouvoir la paix, l'interdépendance et le respect entre les peuples,
- ▶ l'approche idéologique ou culturelle, parce qu'en supposant une opposition de principe entre un bien et un mal, entre telle ou telle civilisation, elle renforce plutôt qu'elle n'apaise les affrontements.

Pour cette raison, nous avons besoin encore une fois de développer une approche intégrée. Aussi souhaiterais-je que cette réflexion sur la mondialisation et la sécurité vous mobilise aussi, vous la communauté des "think tanks". Le débat stratégique a besoin de réflexions nouvelles et surtout de réflexions européennes. Et cela avec l'objectif de mieux affronter les défis du monde d'aujourd'hui. Permettez-moi de les identifier rapidement.

Our common task is to address today's security challenges. I will not catalogue all these challenges. But let me stress some of the priorities for the EU:

The impact of the Israeli-Arab conflict, the continuing instability in Iraq, and our relations with the countries of the Mediterranean will be on top of our agenda. The Road Map faces major difficulties on both the Israeli and the Palestinian sides. Nevertheless, any viable solution to the conflict will have to include all the parameters stated in the Roadmap. We need action on this basis.

As far as Iraq is concerned, we are currently assessing what we, as the EU, can realistically achieve beyond our current efforts. We may have the chance to discuss this during our debate this morning.

In the wider Mediterranean region, next year we celebrate the 10th anniversary of the Barcelona process. It remains a success story. Could we imagine such a cooperation, in so many fields with our Mediterranean partners, without this instrument? The answer is objectively negative. Of course, we should try to be more ambitious. That is the reason why I have given clear instructions to have a frank assessment of what has been achieved and where we, the EU and the partners, have failed.

The EU has a special responsibility for the Balkans. In a sense, the CFSP and the ESDP were born in the region. Today, the Western Balkans is being steadily brought into the European mainstream. Five years of the Stabilisation and Association Process have produced sufficient progress to validate the overall policy approach, but clearly not enough to allow for complacency. What is now required, first and foremost, is the determination and staying power to build on the progress achieved and to bring the business to a successful conclusion.

In the EU neighbourhood, and notably in the South Caucasus, the purpose is clear. The Beslan tragedy is a European tragedy. Efficient dialogue and partnership with Russia is more than ever crucial. We must help establish a ring of well governed countries to the East of the EU and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations.

In Africa, momentum is building for the international community to do more to promote peace and security on the continent. African nations are undertaking increased efforts to resolve conflicts. They are setting up their own security structures at continental level such as the African Union. The EU has to respond to this. Both the Great Lakes and the Darfur regions call therefore for continued international action.

Global threats will remain of course. We must maintain a multi-dimensional approach to the fight against terrorism. Preventing terrorism also means preventing whole countries to collapse. Terrorism is not a Middle-Eastern product by definition, but we all know that this region contains too many seeds for this terrible violence, which has also sadly already hit some members of the EU. And last but not least, while the fight against terrorism requires strong action, this must remain within the bounds of national and international law. That is not only an ethical imperative, but also a question of credibility and long-term efficacy.

As regards proliferation, special attention will continue to be given to Iran. It is a crucial question for the security of the whole region and, accordingly, also for the security of Europe itself. The EU has worked very hard to strengthen the controls and relevance of the IAEA with regard to proliferation. Other countries are also sources of concerns. Adherence to weapons-control regimes is essential. We must continue to support the extension of these regimes. I have appointed a Personal Representative to this effect.

The challenge of proliferation is a good example of the methods and principles that we Europeans try to promote in the management of international security. Our security and prosperity increasingly depend on an effective multilateral system. The UN lies at the heart of this system. As a matter of fact, cooperation with the UN has been at the heart of the development of the European Security and Defence Policy from the outset.

Partnerships with key actors constitute another major line of action for the EU. First and foremost, the Transatlantic partnership is irreplaceable. There is no doubt in my mind that, when we act together, America and the Union are the greatest force for international peace and stability. The US needs the EU. The EU is the only global partner available to the US and vice versa. This means that we need each other. Recent events demonstrate this. Partnership implies mutual respect, fair burden-sharing, common analysis and definition of measures. But it is only if the Europeans work together and strengthen the European Union that the European side of the equation works out. It is our task for us to get our act together. But if we act together, the US will take heed and listen.

As a global actor the EU maintains close links across the globe. The strategy specifically identifies Russia, Japan, China, Canada and India as countries with which we should develop strategic partnerships.

To successfully make use of all its instruments and to build effective partnerships, the EU needs to be able to act in a more coherent manner. The recently adopted Constitution seeks to give an answer to this demand. This has been done first and foremost through the creation of a Minister for Foreign Affairs.

As you know, the Minister will preside over the Council for External Relations and will be one of the Vice-Presidents of the Commission. In fulfilling his mandate, he will be assisted by a European External Action Service.

These are important challenges. I have the responsibility of preparing proposals for the implementation of all these aspects of the Constitution. A new culture of cooperation between Member States, the Commission and myself, as future Minister, is required if we are to live up to the expectations of our citizens. I will do my best to establish it in the coming year with President Barroso.

The challenges we face will not wait patiently until we have decided to act. I am convinced that the European Union will succeed because it cannot afford to fail.

Thank you very much.

## General Affairs and External Relations Council

Brussels, 13 September 2004

In view of the growing importance of civil-military missions undertaken by the Union, the Council approved a revised training concept in ESDP. In particular, there are burgeoning needs for the planning of potential actions and the evaluation of completed actions. Several initiatives have been adopted to cope with them. A joint training programme coordinated by the Politico-Military Working Party and a European Security and Defence College was to be set up in order to enhance the training of civilian and military players called on to intervene in the ESPD context. Working as a network, the College will set up special training in ESDP.

(...)

### EUROPEAN SECURITY AND DEFENCE POLICY

#### Military operation in Bosnia and Herzegovina - Council conclusions

The Council adopted the following conclusions:

“The Council approved the Concept of Operations for the European Union military operation in Bosnia and Herzegovina named “ALTHEA”. The Council noted with satisfaction the progress made in the planning and preparations for this operation, which will contribute to a smooth transition from the NATO-led operation SFOR in Bosnia and Herzegovina to the EU-led operation “ALTHEA”.

This operation will take place within the comprehensive EU approach for addressing the overall situation in Bosnia and Herzegovina. It will sustain our long term objective of a stable, viable, peaceful and multiethnic Bosnia and Herzegovina, co-operating peacefully with its neighbours and irreversibly on track towards EU membership.”

#### EU ESDP training concept

The Council approved a revised EU training concept under the European Security and Defence Policy (11970/04).

The training concept develops EU training objectives, requirements including civilian, police and military, target audience, guiding principles and responsibilities, and sets out the necessary measures and procedures for implementing the agreed policy, including the improvement of networking among Member States and the relevant EU institutions and bodies and the regular conduct of an ESDP orientation course.

The original EU training policy in the field of ESDP was approved by the Council on 17 November 2003. It encompasses both the civilian and military dimensions of ESDP.

### **Participation of third states in ESDP operations**

The Council agreed on two model agreements, one for military crisis management operations and one for civilian crisis management operations, for the participation of third states in future EU crisis management operations.

(...)

## **EU TRAINING CONCEPT IN ESDP**

### **Chapter I – Introduction**

1. The European Union Training Policy in ESDP, which was approved by the Council on 17 November 2003, defines the overall political and operational framework for the EU training activities in ESDP.
2. This EU Training Concept in ESDP develops the EU training objectives, requirements including civilian, police and military, target audience, guiding principles and responsibilities and sets out the necessary measures and procedures for implementing the agreed policy including the improvement of networking among Member States and the relevant EU institutions and bodies and the regular conduct of the ESDP orientation course.
3. There is a potential role for the Institute for Security Studies (Institut d'Études de Sécurité) to contribute to the EU Training in ESDP.

### **Chapter II – Aim and Scope**

4. The aim of this EU Training Concept in ESDP is to implement the EU Training Policy in ESDP, and provide the necessary measures and procedures for analysing overall training requirements and for the planning, conduct, evaluation and assessment of ESDP training as defined hereafter. This ESDP training, which will be complementary to the ESDP training already delivered by national authorities, will play an active part in the spread of ESDP culture and enhance the efficiency of the Crisis Management Operations conducted by the EU.

5. Particular attention needs to be given to ensure the connection between exercises, training and lessons learnt, inter alia from EU Operations.
6. A holistic and co-ordinated EU training concept for military and civilian crisis management purposes will contribute to creating a European security culture under the ESDP by:
  - ▶ strengthening synergies between the different training initiatives at EU level within ESDP,
  - ▶ increasing the interoperability between all the actors involved,
  - ▶ focussing particularly on the interface between military and civilian areas, including police.,
  - ▶ supporting the overall goal of improving civil-military as well as civil-civil coordination within ESDP.
7. Therefore training in ESDP needs to:
  - ▶ Support the development of ESDP
  - ▶ Be based on regular assessment of ESDP training requirements
  - ▶ Comply with the European Security Strategy
  - ▶ Meet Crisis Management operational needs
  - ▶ Ensure a comprehensive approach between civilian, police and military training activities
  - ▶ Reflect the EU Crisis Management capabilities
  - ▶ Integrate lessons learnt from operations and exercises
  - ▶ Identify and share best practices
  - ▶ Be cost-effective with the best use of resources
  - ▶ Take into account the EU guidelines in Crisis Management related fields (e.g. Children and Armed conflict)
  - ▶ Contribute to the integration of a gender perspective within the ESDP framework
  - ▶ Include the relevant aspects of International Law including International Humanitarian Law
  - ▶ Complement ESDP training provided by Member States and international organisations as appropriate
8. This concept will draw on inputs from different EU training initiatives with a view to improving synergies.

### Chapter III – Definitions

9. EU training in ESDP has been defined as “a training regime, conducted in common, which contributes to a better understanding and sense of purpose of ESDP, provides

knowledge and, if required, skills for its implementation”. It is geared basically towards working together in EU crisis management operations and also includes mission-induction training.

10. The ESDP Training Process consists of:

- ▶ Planning which means the process of the identification, setting up and preparation of the training activities. It starts with the analysis of the training requirements and culminates just before the conduct phase begins. The EU Training Programme in ESDP lists the selection of individual training activities to be implemented within a given timescale, based on an analysis of training requirements.
- ▶ Conduct which means the execution of what has been planned for a specific training activity. It refers to what is also known as the “implementation phase” of training.
- ▶ Evaluation which means verifying whether and to what extent aims and objectives were achieved, by highlighting the most significant lessons learnt from the each phase.
- ▶ Assessment which means the validation of the previous steps of this training process including its activities, based on lessons learnt, which might lead to their subsequent adaptation.

## Chapter IV – Objectives

11. Training should be designed to:

- ▶ at strategic planning level
  - develop throughout the Union a common ESDP culture,
  - provide the EU instances with knowledgeable personnel able to work efficiently on all ESDP matters,
  - provide EU Member States’ administrations and staffs with knowledgeable personnel familiar with EU policies, institutions and procedures.
- ▶ at operational level
  - prepare civilian and military personnel to take part in EU-led operations.
  - facilitate interoperability within civilian and military fields, and their coordination.

12. Whereas the EU Training Policy in ESDP refers only to strategic and operational levels, current developments in tactical level training mean that this Training Concept will apply also to some tactical level training. The latter will cover generic, pre mission and in theatre training, while recognising there will be different training requirements for military and civilian personnel.

## Chapter V – Responsibilities

13. The Council, in close association with the Commission, will ensure the coherence between the different bodies involved in the implementation of the Training Policy and between all relevant EU policies and procedures. The Council will annually approve the rolling multiannual (3 years) EU Training Programme in ESDP.

14. The Political and Security Committee will provide overall guidance for all EU training activities in ESDP and in particular will agree the EU Training Programme in ESDP. The Commission is fully associated.

- (a) The EU Training Programme in ESDP will be co-ordinated and reviewed in regular meetings of the Politico-Military Group with the participation as appropriate of civilian and military training experts. The preparatory work on the draft EU Training Programme in ESDP will be carried out, as appropriate, by the General Secretariat of the Council (DGE VIII, DGE IX and EUMS) and the Commission.
- (b) These meetings will contribute to improving the exchange of information on activities and will maximise synergies between the existing training facilities of Member States and the relevant EU institutions and bodies covering both the civilian and military dimensions of crisis management.
- (c) These meetings will also consider the exchange of information and co-ordination in the field of training with the EU's international partners and organisations, as appropriate.
- (d) These meetings will perform a key role in ensuring consistency of the EU training in ESDP with national training activities in aspects of ESDP. This will be sought through a systematic approach in order to clearly identify specific training responsibilities of the EU and of the Member States, with a view to achieving co-ordination, complementarity, cost effectiveness, efficiency and avoiding unnecessary duplication.
- (e) The PMG with the participation as appropriate of civilian and military training experts will report to the PSC and suggest measures and the provision of means for further action. They will also suggest to the PSC changes to the ESDP training objectives.

15. The EU Military Committee supported by the EUMS will provide its advice to the PSC on all relevant military aspects of the EU Training Programme in ESDP.

16. The Committee for Civilian Aspects of Crisis management will provide its advice to the PSC on all relevant civilian aspects of the EU Training Programme in ESDP.

17. European Security and Defence College Building on existing facilities and arrangements, a European Security and Defence College (ESDC) will be established within the

EU as set out in Annex B. A Council decision will define the modalities for the functioning of the College.

## Chapter VI – Networking

18. Networking, taking into account the already existing networks, will foster contacts, exchanges of information, co-operation and co-ordination among all actors.

19. A broad network will be established, bringing together all relevant civilian and military actors involved in EU Training in ESDP.

20. The network will, following guidance by the PSC and within the framework of co-ordination arrangements for EU Training in ESDP, organise a periodic (annual) conference of the institutes and schools, with a view to:

- ▶ defining and harmonising academic programmes on ESDP matters,
- ▶ avoiding unnecessary duplications in courses offered through co-ordination among actors,
- ▶ sharing academic resources and material,
- ▶ taking stock of the relevant developments at EU level. The PMG will have the responsibility for the periodic (annual) conference. The Presidency, with the support of the General Secretariat of the Council and the Commission, will carry out the preparatory work for this conference.

## Chapter VII – Training Requirements and Categories

21. The EU training in ESDP should encompass such issues as:

- ▶ at strategic planning level
  - a. Good understanding of the Common Foreign and Security Policy and EU external action.
  - b. Principles of ESDP and its development.
  - c. Objectives of ESDP.
  - d. Familiarisation with the functioning of EU and its institutions including respective competencies in the ESDP context.
  - e. Clear understanding of the EU Crisis Management structures and procedures.
  - f. ESDP military and civilian capabilities.
  - g. Relevant concepts and Crisis Management Exercises.
  - h. Dedicated preparation for certain civilian, police or military staff functions.
  - i. EU relations with the UN.
  - j. EU relations with NATO.

- k. EU relations with other international organisations, such as OSCE, and support to regional organisations.
- l. EU relations with non-EU European NATO members and other candidates for accession and other potential partners, in relation to conflict prevention and crisis management.
- m. EU CIMIC and CMCO arrangements.
- n. Legal and financial aspects of ESDP operations
- o. Lessons learnt from ESDP operations.

► at operational level

Requirements depend on the type of crisis management activity (military, police, other civilian). Common EU training criteria already exist in the four civilian areas (police, rule of law, civilian administration, civil protection).

22. Specific programmes may need to be established on a case by case basis for Third Country participants in EU-led operations.

23. Training could be delivered in different forms with a variety of methodologies and be divided in the following categories:

- Courses
- Seminars
- Coaching
- Group projects
- Simulation training
- Workshops
- Single Lectures
- Internet-based Distance Learning (IDL)
- “On the job” training
- Other formats

## Chapter VIII – EU Training Programme in ESDP and Implementation Process

24. EU Training Programme in ESDP

*(a) Structure of the EU Training Programme in ESDP*

The EU Training Programme in ESDP will list all foreseen ESDP training activities. It will indicate the date, type of activity, organiser, location, number of participants, category of participants, and aim of each training activity to be conducted by all the relevant actors in ESDP training.

On a 3-year rolling basis, training activities are “agreed”, “tentatively agreed” or “envisaged” by the PSC before the draft The EU Training Programme in ESDP is presented to the Council for approval. The first 12 months at least of each draft programme should contain only training activities which are “agreed” with subsequent years “tentatively agreed” and “envisaged”.

If needed, the Council may consider specific training activities in a longer-term perspective in order to allow timely training preparation.

In the event of a change in allocation of resources, appropriate modifications will be made to the EU Training Programme in ESDP as early as possible. Each EU Training Programme in ESDP will take into account lessons learnt from previous training activities and the latest developments in EU Crisis Management procedures. This will allow adequate long-term planning and co-ordination of training activities of the EU with international organisations as appropriate.

The EU Training Programme in ESDP will be structured according to the different ESDP areas of interest reflecting, in an illustrative way, the details mentioned in this paragraph and as shown in Annex A.

The EU Training Programme in ESDP will be co-ordinated with those of relevant international organisations, as appropriate.

### *(b) EU Training Programme in ESDP meetings*

In the context of preparation of the draft programme, two meetings on the EU Training Programme in ESDP are foreseen to take place each year. The purpose of these meetings will be to discuss and further elaborate the draft EU Training Programme in ESDP prepared by the Council Secretariat and the Commission, as appropriate.

Prior to the meetings, the Member States training authorities, the relevant EU institutions and bodies and the various institutions offered by Member States will provide, through the PMG with the participation as appropriate of civilian and military training experts, an exhaustive list of requirements related to training in ESDP aspects. They will establish an overall list of requirements identifying the EU as well as national needs. The aim of the first meeting in the beginning of the year will be to assess the training activities of the previous year and begin the process to tentatively plan the next year’s programme. The aim of the second meeting at the end of the year will be to finalise the following years’ programme.

## 25. Training Implementation process

### *(a) Planning*

According to the identified training requirements the PMG with the participation as appropriate of civilian and military training experts will consider the design and establishment of courses, modules, seminars and other training activities as well as selection of methodology with a view to achieving the objectives.

These commonly developed courses and modules could be designed to be incorporated in the networking institutes' curricula.

This step will be supported by the institutes, schools and academies conducting the various training activities.

*(b) Conduct*

This stage will be dedicated to the conduct phase of the courses, modules, seminars and other training activities designed and selected, whose content will cover the areas considered as necessary to attain the required standards.

The ESDC will contribute to the conduct of courses in ESDP at strategic level. The institutes, schools and academies will be responsible for conducting the other training activities included in the EU Training Programme in ESDP.

Training activities, as appropriate, should set out the means of assessing participants. Assessment aims at verifying whether the participants attained the required standards of knowledge and skills as set out for the training activity. It will have to be carried out by the abovementioned bodies.

Participants will receive a certificate of attendance.

*(c) Evaluation/Reporting*

For the development of EU training courses and training activities, an agreed procedure on using proven evaluation techniques will need to be structured unambiguously so it can be used by all the training actors involved in ESDP training. The outcome of the evaluation will not only help to assess the overall effectiveness of the courses, but also will provide the information to identify future training needs. The evaluation will be carried out on all the ESDP training activities.

The increasing number of training actors offering to conduct various training activities will entail the need to evaluate each initiative's quality and its coherence with the agreed curricula. An evaluation report will be sent from the training actor conducting the training activity to the PMG with the participation as appropriate of civilian and military training experts within two weeks after the conclusion of the training activity.

*(d) Assessment*

Assessment of the complete training process will have to be carried out by competent experts.

*(e) Final Training Report on training activities to PSC*

PMG with the participation as appropriate of civilian and military training experts will conduct an analysis of the training process, based on the reports provided by the institutes, schools and academies and a Final Training Report (FTR) will be made annually. This report will be forwarded to the PSC who may agree on recommendations and lessons learnt, including a review of their implementation as appropriate.

## Chapter IX - Training Audience

26. Target personnel for training are all civilian and military personnel from a Member State or the relevant EU institutions and bodies and who are expected to be involved with ESDP including a deployment in a future EU Crisis Management Operation. The target personnel could also include individuals from third countries as appropriate, selected by procedures to be defined.

The EU capability for conducting Crisis Management Operations depends very much on skilled and appropriately trained personnel. Therefore participants have to attain high standards prior to deployment.

## Chapter X - Co-operation with International Organisations and other international entities

27. In the area of training it is vital to foster good links with the various actors involved in training, be it at national, EU or international level and in both the public and non-public sector. The development of mutual understanding of respective procedures and concepts with other international actors is equally important.

28. The aims of this co-operation and the way that these activities shall be co-ordinated are embedded in the overall policy objectives that the Council has agreed upon for every individual actor or that can be decided upon whenever the need arises.

29. Taking into account the fact that many of the international organisations and other international entities are conducting training activities in Crisis Management at different levels and in different areas it is of the utmost importance that they co-operate with each other in three main areas:

- to have the widest exchange of information concerning all the training activities;
- to enable the exchange of trainers/lecturers/programmes;
- offering of invitations to attend each other's training activities when appropriate.

## Chapter XI - Financing

30. Financing modalities of ESDP training activities still have to be defined.

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## ANNEXE B

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### EUROPEAN SECURITY AND DEFENCE COLLEGE (ESDC)

#### *1. Introduction*

On 17 November 2003, the Council approved the EU Training Policy in European Security and Defence Policy (ESDP), as a result of the Thessaloniki European Council invitation to foster the development of a European security culture under ESDP, through agreement on a co-ordinated EU Training Policy, encompassing both civilian and military dimensions of ESDP. The Council also requested the PSC to further examine the initiatives and proposals mentioned in the EU Training Policy document, including the proposal concerning a European Security and Defence College (ESDC) as presented at the meeting of the PSC on 7 November 2003.

This document presents the principles for the establishment of the ESDC, based on the findings of the seminar held in Paris on 11 – 13 Feb 2004, attended by training experts of all 25 Member States. These principles will be reviewed following the completion of the ESDC Pilot Course, based on the evaluation of this course and, as appropriate, other relevant experiences and considerations.

#### *2. Mission of the ESDC*

The mission of the ESDC is to develop and promote a common understanding of ESDP among both civilian and military personnel at the appropriate level, dealing with strategic aspects and to identify and disseminate, through its courses, best practice in relation to various ESDP issues.

The objectives are to:

- further enhance the European security culture under ESDP,
- provide the EU instances with knowledgeable personnel able to work efficiently on all ESDP matters,
- provide EU Member States' administrations and staffs with knowledgeable personnel, familiar with EU policies, institutions and procedures.

To accomplish this mission the education provided by the ESDC will stress the comprehensive character of the ESDP as well as the need for common understanding. It will also promote professional relations and contacts among its participants. The content of the courses will be reviewed regularly to ensure that they meet the training needs of Member States and EU institutions and are delivered cost-effectively.

### 3. Organisation of ESDC

The College will be organised in the form of a network between national institutions within the EU, with links to EU institutions, international organisations and other relevant actors, without a need for a fixed or new infrastructure. It will develop a broad-based type of education in the form of an annual session subdivided into modules which will consist of both residential modules and Internet-based Distance Learning (IDL).

The participating national institutions will be invited to organise on a rotational basis one or more modules or a part thereof.

For the residential modules, participants will gather in the host institution. To ensure efficient functioning a three tier structure is envisaged:

- ▶ a steering committee for overall co-ordination and direction of the work of the college
- ▶ an executive academic board to guarantee the quality and the coherence of the studies;
- ▶ administrative secretariat functions.

#### a) Steering Committee

A Steering Committee will be composed of representatives of all Member States. Where there are several institutions represented from a single Member State, they form a delegation. The Steering Committee will be responsible for establishing the ESDC programme of every annual session to be included in the EU Training Programme in ESDP. Two years in advance of each annual session the Steering Committee will select the host countries that will conduct the modules. Representatives of the General Secretariat of the Council of the European Union and the Commission shall be invited to attend meetings as non-voting observers.

#### b) Executive Academic Board

The Executive Academic Board composed of representatives from each of the host countries will be responsible for the preparation and implementation of the academic program. Their meetings are also open to the host countries for the preceding year and following two years. The Executive Academic Board will review the standards of the education undertaken in the preceding year and will formulate proposals for studies in the next year.

#### c) Administrative Secretariat functions

Staff members will be designated as points of contact in each national institution, to deal with various organisational and administrative issues connected with the organisation of modules.

However, after an initial period of operation, it will be necessary to consider how administrative support can most effectively be provided, while maintaining relations with the relevant European institutions for budgetary and legal issues.

#### 4. *Funding of ESDC*

Member States will bear their own costs for the funding of their students. Following the outcome of the Pilot Course, it will be possible to determine in more detail the type of administrative support required for the College. In the same way the costs borne by the Member States for the organisational and administrative support of the different seminars/activities will be evaluated in order to take the appropriate decisions with regard to funding. It will then be possible for RELEX counsellors to consider the legal, institutional and financial arrangements required to implement these decisions.

#### 5. *Education in the ESDC*

##### 5.1 ESDP High Level Course

###### **a) Frequency and Duration of Education Periods - Structure of Sessions**

The sessions will be arranged on an annual basis. In view of the professional constraints on future participants, the residential part of the session should be between 20 and 25 working days long, comprising 4 or 5 residential modules, each lasting about a week. The precise length of the session and modules will be informed and guided by feedback and evaluation from the pilot session. The residential modules would be complemented by the electronic circulation of papers for consideration and subsequent discussion.

With the addition of IDL modules the total length of the session should not exceed the equivalent of 40 working days.

The core and the distinctive character of the sessions require the focus be placed upon ESDP, in terms of its derivation, development and realisation. Each session will commence with a “foundation module” focussing upon the current state of the EU and the status of ESDP, especially in relation to other structures and organisations. The remaining modules can vary from year to year, as recommended by the Executive Academic Board and agreed by the participating Member States, but should address relevant aspects of the realisation and implementation of ESDP (in the context of Common Foreign Security Policy-CFSP). Examples of such modules could include external relations, inter-agency co-operation in crisis management, regional studies, energy supply, and military and civil capabilities, etc. The subjects to be covered will be determined following evaluation of the pilot course.

The delivery of the foundation module will be the responsibility of the co-ordinating Member State or academic institution for that session, but the “follow-on” modules may be delivered by participating Member States according to their interests and expertise. The selection of the follow on modules and responsibility for their organisation will be agreed annually by the Steering Committee as advised by the Executive Academic Board.

Since this type of education is intended for participants of a high level, it cannot be conceived as a simple education of a didactic or academic nature. It will have a general range and provide space for reflection and exchange of ideas between participants.

Topicality will play an important part in this respect.

Working languages are English and French without interpretation. If lectures are presented in other languages, module leaders will be required to organise interpretation as needed.

### **b) Methodology**

Between the residential modules, the participants, the institutes and the person(s) responsible for education will be interconnected by means of a data network which will allow some participants to transmit directives and guidelines and others to receive the broadest and most pertinent information possible on relevant subjects (written documents, files containing reference texts, official declarations etc., as well as presentations of the latest research work done at universities). In this context, existing documentation or research centres shall be used.

During residential modules, this information will be augmented by lectures and round table talks uniting the best experts. Visits to appropriate civilian and military structures, to military units of participating countries, to ESDP operations and competent actors in the private sector (industry, NGOs) are recommended. Also, work may be carried out in small groups to enhance the quality of the discussion and to provide the space for reflection. According to the content and nature of the sessions there could be a requirement for a “rapporteur” type of reports to provide a record of discussions. These reports could be deposited on an internet database that would be available to all participants and be reviewed by the Executive Academic Board.

### **5.2 ESDP Orientation Course**

In addition to the ESDP High Level Course, the ESDP Orientation Course (one week duration) will be conducted regularly under the responsibility of the ESDC. The ESDC will define the modalities and contents of this course, based on the evaluation of the ESDP Pilot Orientation Course (EPOC), which was organised by the EU Military Staff in Brussels from 12-16 May 2003.

### **5.3. Participants**

The number of students of the ESDC courses will be determined, as appropriate. Priorities and criteria regarding the participation will be established in line with the ESDC mission. The exact number will depend on the number of places allocated to each Member State and EU institutions and bodies depending on criteria which will have to be defined. In due course, it may be possible for participants from non-EU countries to attend the sessions or modules; this opportunity may be particularly relevant to candidate and likeminded countries and organisations.

Priority should be given to military or civilian personnel who are working for a Member State or the EU institutions on ESDP issues. In the case of the military this would normally be at the level of Lt.Colonel/Colonel (or equivalent). Participants may

also include participants of public life, such as civil organisations, political, academia, media and business community personnel. As regards the ESDP High Level Course, participants should be available to attend all modules of an annual session. A certificate would only be awarded to a participant who has completed the entire session. The certificate shall be recognised by all Member States and EU institutions and bodies.

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## **IRAQ – COUNCIL CONCLUSIONS**

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The Council adopted the following conclusions:

“1. The Council expressed its strong condemnation of the continued kidnappings and acts of terrorism in Iraq. All hostages must be immediately released unharmed. The Council fully supports the efforts underway for their liberation.

2. The Council reaffirmed its support for the people of Iraq and the Iraqi Interim Government, as well as its commitment to support the economic, social and political reconstruction of Iraq. The Council reaffirmed the EU’s commitment to support the implementation of UNSCR 1546 and to support the UN in its activities in Iraq.

3. The Council reiterated the Union’s objective as stated by the European Council on 17-18 June of a secure, stable, unified, prosperous and democratic Iraq that will make a positive contribution to the stability of the region, and the willingness of the European Union as a whole to work in partnership with the Iraqi Interim Government and the Iraqi people with the aim of reaching that goal.

4. The Council recalled the Commission’s communication “The EU and Iraq - A framework for Engagement” that sets out medium-term objectives for the development of EU-Iraq relations and the letter by High Representative Solana and Commissioner Patten as endorsed by the European Council.

5. The Council welcomed HR Solana’s participation in Cairo at the Conference of Neighbouring Countries of Iraq, where he took the opportunity to use EU’s dialogue with Iraq’s neighbours to encourage positive engagement and regional support for improved security and for the political and reconstruction process in Iraq.

6. The Council welcomed the holding of the National Conference in Iraq that convened from 15-18 August in Baghdad. The selection of the National Council marks an important step in the political process.

7. The Council welcomed the visit of Minister Bot to Baghdad on 29 August and the report presented at the Gymnich meeting on the EU exploratory mission that visited Baghdad from 29-31 August to explore options for concrete EU engagement in the civilian crisis management areas of police, rule of law and civilian administration as well as elections.

8. The Council agreed to take the following next steps to further develop the EU engagement with Iraq:

- a) To deepen and broaden the political dialogue with Iraq the Council notes that a Troika meeting with the Iraqi Interim Government will be held in New York in September in the margins of the UN General Assembly.
- b) Pursuant to the June European Council conclusions the Council welcomes the acceptance of the invitation Minister Bot extended to the Iraqi Prime Minister Allawi to meet the members of the European Council on 5 November 2004.
- c) The Council endorsed the preliminary conclusions of the EU exploratory mission. On the basis of the discussion at the Gymnich meeting the Council agrees that the suggested activities that the EU could engage in, in the civilian crisis management areas of police, rule of law and civilian administration, should be further examined and elaborated. The Council, therefore, invites the Council Secretariat to start planning, in close consultation with the Presidency and in full association with the Commission, for an EU civilian crisis management fact-finding mission to Iraq. At the appropriate moment, this mission should be sent out with the aim of preparing, in good time for the European Council on 5 November 2004, a package of concrete assistance proposals taking into account ongoing Community efforts as well as contributions to other multilateral initiatives and the need for synergy.
- d) The Council confirmed that in conformity with the July GAERC conclusions, agreement on EU financial and personnel support for the preparation of elections in close coordination with the UN is the overriding priority for EU support. Given the January deadline for elections, concrete proposals for EU assistance should be endorsed as soon as possible in order to play a part in the pre-election process.
- e) The Council reiterated that the presence and role of the UN in Iraq is of crucial importance in the social, economic and political reconstruction process. The Council decided that a positive response should be given to the request of the UNSG for EU support to the UN Protection Force in Iraq. The Council is now examining how a substantial contribution can be made to this Protection Force.”

(...)

## SUDAN/DARFUR - COUNCIL CONCLUSIONS

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The Council adopted the following conclusions:

“1. The Council recalls its Conclusions of 12 and 26 July and calls upon the Government of Sudan and the SLM/A and the JEM to meet the demands set out therein. It reiterates that the fulfilment of these demands will influence future relations between the Sudan and the EU.

2. The Council welcomes the report of the UN Secretary General (UNSG) presented by Special Representative of the SG (SRSG) Jan Pronk on 2 September in the UN Security Council (UNSC) and expresses concern that the report documented incomplete compliance by the Government of Sudan with Security Council Resolution 1556. It urges the Government of Sudan to fully implement all of the commitments made to the UNSG, and to fully co-operate with his SRSG.

3. The Council remains extremely concerned about the situation in Darfur, in particular about continuing heavy fighting and attacks on civilians. The Council urges all parties to exercise utmost restraint and to fully respect the N'djamena cease-fire agreement. In this context, it appeals to all parties to publicly confirm an immediate moratorium on military operations in Darfur in contravention of the cease-fire agreement.

4. The Council notes with satisfaction the deployment of UN human rights monitors in Darfur, and appeals to all parties to fully co-operate with them. In this context, the Council reiterates its support for the recommendations of the Office of the High Commissioner for Human Rights. The Council would welcome steps by the UNSG to establish as soon as possible an international commission of inquiry in order to immediately investigate all violations of human rights and humanitarian law in Darfur, and to determine whether acts of genocide have occurred. The Council urges the Government of Sudan to ensure that there is no impunity, including by bringing to justice those militia leaders or Army Officers suspected of serious human rights and humanitarian law violations, and allowing the UN monitors to conduct investigations.

5. With reference to point 6 of the Conclusions of 12 July, the Council has come to the following preliminary conclusions, partly based on the above mentioned report.

- ▶ The Government of Sudan has taken steps to implement the N'djamena and Addis Ababa Agreements.
- ▶ Humanitarian access has improved since the Joint Communiqué between the Government of Sudan and the UNSG was issued.
- ▶ The Government of Sudan and the SLM/A and the JEM have positively engaged in negotiations in Abuja, which should rapidly bring concrete results.

- ▶ There are no reports of forced return of IDPs and refugees, and this is in keeping with the commitment made by the Government of Sudan. There are, however, reports that local authorities in some areas apply pressure directly or indirectly through community leaders.
  - ▶ Regarding the immediate and unconditional disarmament and the neutralisation of the armed militia, the Council concludes that there is no indication that the Government of Sudan has taken real and verifiable steps to disarm and neutralise these militia and the Janjaweed. Reports that members of the militia have been integrated into the military forces are of grave concern. The security situation for civilians has improved in and around the IDP camps, but remains problematic elsewhere. Contrary to various announcements by the Government of Sudan, there are reports about continuing massive and severe human rights violations by the armed militia, including systematic rape of women.
6. In close co-ordination with the UN, the Arab League, the US, and other important international actors, the EU stands ready to further support the AU mission. The Council welcomes the UNSG's proposal to the AU for an expansion of the AU mission in Darfur. The SG/HR has discussed with President Konare the scope for an EU contribution to this mission. The Council welcomes the AU's agreement in principle to prepare for an EU Fact Finding Mission in order to determine how the EU might support an expanded AU presence, including, on the basis of AU requests, through a police strengthening mission. The Council requests the SG/HR to maintain close contact with the AU to facilitate this Fact Finding Mission, including via a early further visit to the region by his Personal Representative on Sudan.
7. The Council fully supports the action of the AU in the Abuja talks and urges the Government of Sudan, the SLM/A and the JEM to negotiate in good faith and with a sense of urgency. The Council appeals to all political actors in the region to use their influence on the Sudanese parties to facilitate these talks. As regards the Darfur talks, an early agreement on security is of utmost importance in order to avoid a further deterioration of the situation on the ground. In this context, the Council urges the Government of Sudan to take actions on the disarmament of militia.
8. The Council reiterates that cantonment of the SLM/A and the JEM represents a critical element in achieving a return of peace and stability in Darfur, and calls upon the SLM/A and the JEM for its swift implementation.
9. The Council is concerned that the peace process between the Government of Sudan and the SPLM/A ("Naivasha process") needs to be re-invigorated. It therefore urges both parties to resume discussions on the outstanding technical aspects and to conclude a comprehensive agreement as soon as possible.

10. In the immediate future the EU will:

- ▶ continue to impress on the Government of Sudan and the SLM/A and the JEM the urgency to meet the demands contained in the Council Conclusions of 12 and 26 July 2004 and in UNSC Resolution 1556;
- ▶ take appropriate measures, including sanctions, against the Government of Sudan and all other parties, in accordance with the UNSC Resolution 1556, if no tangible progress is achieved in this respect;
- ▶ increase its humanitarian support, both financially and in terms of logistics, while encouraging other donors to provide additional support for humanitarian operations;
- ▶ continue and increase, based on AU requests, its support to the AU mission in Sudan, and impress on the Government of Sudan to accept proposals by the AU to strengthen and enhance its mission in Darfur;
- ▶ remain actively involved in the process of political negotiations;
- ▶ continue to urge the Government of Sudan and the SPLM/A to finalise the Naivasha process;
- ▶ closely co-operate with the AU, UN, the Arab League and the US with a view of harmonising international efforts to contain and resolve the conflict in Darfur;
- ▶ continue to support the efforts of the UN, in particular by the SRSG;
- ▶ actively contribute to the work of the Joint Implementation Mechanism
- ▶ continue to support UN efforts to monitor and gather information on human rights violations, including allegations of genocide.”

(...)

## Informal meeting of EU defence ministers

Noordwijk, 17 September 2004

Meeting at Noordwijk in the Netherlands, the 25 defence ministers agreed on the various military commitments to be given at the Conference on the subject, to be held in November 2004. They of course discussed the ESDP's role in combating terrorism and the transition from SFOR to the future EU Althea mission in Bosnia and Herzegovina. Lastly, on the initiative of the French Minister for Defence, Ms Michèle Alliot-Marie, they signed a declaration of intent to set up a European Gendarmerie Force (EGF), with an initial strength of 800 personnel (drawn from five European countries: Spain, France, Italy, the Netherlands and Portugal), deployable within 30 days, to deal with post-crisis situations. At that meeting, Mr Javier Solana made the following comments.

### REMARKS BY JAVIER SOLANA

#### *EU military capabilities*

- ▶ The European Union needs to fulfil its responsibilities as a global actor. Hence the importance of covering the remaining shortfalls. A big effort is needed before the Military Capability Commitment Conference in November.
- ▶ The Headline Goal 2010 sets our level of ambition in the long term, as derived from the European Security Strategy. As I have already underlined at our last Meeting in April, we have to translate the European Security Strategy into concrete military objectives focussing on interoperability, deployability and sustainability.
- ▶ The first steps in the Headline Goal 2010 process are the elaboration of Strategic Planning Assumptions and Illustrative Scenarios. This work is extremely important.
- ▶ When elaborating the Strategic Planning Assumptions and Illustrative Scenarios, our level of ambition needs to be duly reflected. As a global actor, we should be able to project our force wherever needed. We have to match our political decisions with the necessary capabilities.

#### Rapid Response / “Battlegroups”

- ▶ Lors de notre réunion du mois de juin, nous avons décidé que nous devons avoir une capacité initiale en matière de “Battlegroups” (groupements tactiques) dès 2005. Cela implique que nous disposions :
  - des capacités militaires appropriées et
  - d'un processus de décision répondant aux objectifs que nous nous sommes fixés.

- D Ainsi que vous le savez, l'objectif est de pouvoir prendre la décision de lancer une opération dans les 5 jours qui suivent l'approbation du Concept de gestion de crise. C'est une décision importante et ambitieuse.
  - I Importante parce qu'il n'y aura pas de réponse rapide s'il n'y a pas de planification et de décision rapide. Il ne sert à rien d'avoir des troupes déployables en quelques jours s'il nous faut plusieurs semaines pour prendre la décision de les déployer.
  - I Ambitieuse parce que l'objectif que nous nous fixons est d'aller encore plus vite que lors de l'opération Artémis.
- D Vous m'avez demandé de faire rapport sur les implications d'un tel niveau d'ambition, et de vous faire des propositions pour l'atteindre. Nous allons conduire cette étude mais je voudrais d'ores et déjà vous faire part de certaines réflexions.
  - I Il est nécessaire de développer et d'améliorer la façon dont nous conduisons la planification d'avance. Il faut aller aussi loin que possible dans cette planification d'avance pour gagner du temps.
  - I Il sera indispensable de s'appuyer sur une nation cadre, et il faudra nous préserver la possibilité d'établir le plus tôt possible les contacts nécessaires avec cette nation cadre pour avancer autant que faire se peut le travail préparatoire.
  - I Le processus de prise de décision et de planification devra être flexible, tout en maintenant le contrôle politique des Etats membres sur l'engagement de l'UE.
  - I Un processus rapide de prise de décision au sein de l'UE devra être appuyé par des processus de prise de décision rapide au sein des Etats membres.

### European Gendarmerie Force

- D I very much welcome the establishment of the European Gendarmerie Force (EGF) with the signature today of a Declaration of Intent by France, Spain, Italy, Portugal and the Netherlands. Happy that the proposal made by (French Defence Minister) Michèle Alliot-Marie a year ago is coming to fruition so rapidly.
- D Look forward to this force becoming operational next year. It promises to be a useful tool that the EU, as well as other relevant organisations, will be able to draw on, in a field covering activities such as security and public order missions, monitoring and advice, training as well as criminal investigations which experience has shown is a crucial part of crisis management.

### *EU operation Althea in Bosnia and Herzegovina*

- D The planning for operation *Althea* is well on track. The Concept of Operation was agreed by the Council on 13 September. Work on the Operation Plan is underway and Council approval is foreseen for 11 October. In my contacts with EU Special

Representative Lord Ashdown, the Operation Commander and the Force Commander, Major-General Leakey, I have also been assured that the preparation in Sarajevo is proceeding according to plan.

- ▶ Following the Force Generation Conference that took place on 15 September, it is a pleasure to inform you that the Operation Commander, Admiral Feist, is confident that he will get the forces needed to accomplish his task. I would like to take this opportunity to thank you for your generous contributions. Several non EU countries have also offered forces. Their contributions and willingness to take part are very welcome. A Committee of Contributors will be set up shortly.
- ▶ The Transfer of Authority is scheduled to take place in December. We will continue to consult with NATO to secure a seamless transition. The EU-led mission in BiH will be credible and robust, and it will be directed towards the long-term integration of BiH in the European and Euro-Atlantic structures.

### *European defence Agency*

- ▶ Delighted to take chair for this inaugural meeting of Steering Board. Very pleased with the speed with which the Agency is taking shape: we should meet the European Council's target of achieving operational status by the end of the year.
- ▶ A key task for the autumn is to settle the three linked issues of budget, staffing and work programme.
- ▶ We all have great ambitions for this Agency. But it can only do what it is resourced to do.
- ▶ Must ensure that work programme is developed carefully, with wide consultation over coming weeks. Must also bear in mind need for flexibility. Look to you now to offer your guidance at this formative stage.
- ▶ Discussion of work programme underlines the huge potential of this Agency. But must reiterate willing the end is not enough, we must also will the means.
- ▶ I think we can be satisfied with the start made. I have no doubt on our determination to keep up the momentum and to preside over an Agency that makes a real difference.

## European gendarmerie

Brussels, 17 September 2004

### DECLARATION OF INTENT

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#### 1. *Scope*

In order to contribute to the development of the European Security and Defence Policy and the creation of an area of freedom, security and justice, France, Italy, the Netherlands, Portugal and Spain, all of whom possess police forces with a military status capable of carrying out, in accordance with the Nice European Council conclusions, police missions through substitution and/or strengthening of local police, propose the following:

- ▶ to provide Europe with a full capability in order to conduct all police missions in crisis management operations within the framework of the Petersberg Declaration, with particular regard to substitution missions;
- ▶ to offer a multinational operational structure to those States which intend to join EU operations;
- ▶ to participate in initiatives of international organisations in the area of crisis management.

To that end, the above-mentioned countries have decided to create a gendarmerie force, called EUROGENDFOR (EGF) which will be operational, pre-organised, robust and rapidly deployable, in order to perform all police tasks.

In crisis management operations, the EGF will ensure an effective presence with other actors, including the military component, and with the local police. This in order to facilitate the reactivation of security facilities, particularly during the transition between the military and the civilian operational environment.

EGF Operations are open to the participation of third countries with appropriate police skills.

#### 2. *Missions*

Units of the EGF must be placed under a defined chain of command that can be changed during the mission according to the phases of the operations. These units can be put either under military command or civil authority, in order to guarantee public security, public order and to fulfil judiciary police tasks.

The EGF must be capable of covering every aspect of crisis response operations:

- ▶ during the initial phase of the operation, the EGF could enter the theatre along with the military force in order to perform its police tasks;

- ▶ during the transitional phase, EGF could continue its mission alone or together with a military force, facilitating co-ordination and co-operation with local or international police units;
- ▶ during the military disengagement phase, this force could facilitate the handing over of responsibilities to civilian authorities and agencies taking part in the co-operation efforts, if necessary.

During crisis prevention, the EGF could be deployed on its own or jointly with a military force.

In accordance with the mandate of each operation, the EGF will perform a broad spectrum of activities related to its own police capability, such as:

- ▶ performing security and public order missions;
- ▶ monitoring of and advice for local police in their day-to-day work, including criminal investigation work;
- ▶ conducting public surveillance, traffic regulations, border policing and general intelligence;
- ▶ performing criminal investigation work, covering detection of offences, tracing of offenders and their transfer to the appropriate judicial authorities;
- ▶ protecting people and property and keeping order in the event of public disturbances;
- ▶ training of police officers as regards international standards;
- ▶ training of instructors, particularly through co-operation programmes;

### *3. Framework*

The EGF will be mainly composed of the same forces as those included by the Party States in the Helsinki Headline Goal catalogue and the capacity of civilian crisis management, stemming from the conference held in Brussels on November 19, 2001. For this reason it will be, first and foremost, at the disposal of the EU. When deployed for the EU, the PSC assumes the political control and the strategic direction.

The EGF could also be put at the disposal of the UN, OSCE, NATO, other international organisations, or an ad hoc coalition. Planning of EGF operations must take into account the need for close co-ordination with the military and/or civilian bodies. When the EGF is an integrated part of the military force, it has to maintain a functional link with local or international police authorities and forces present in theatre.

The EGF operational deployment requires a unanimous decision to be taken by the Party States.

#### 4. *Command structure*

A **High Level Interdepartmental Committee**, composed of representatives of the responsible ministries of each country,<sup>1</sup> assures the political-military co-ordination, appoints the EGF Commander, provides him with directives and provides the guidance for employment.

Working groups will assist this Committee.

The structures and the procedures that will permit the implementation of the decisions adopted by the Party States, as well as the conditions of employment, will be worked out in detail in due course.

The EGF will have a **multinational, modular and projectable HQ**.<sup>2</sup> This permanent HQ will be directed by the EGF Commander and consists of a multinational core that can be reinforced as needed and by agreement of the Party States. The EGF HQ deals with the operational planning and, on request, contributes to the strategic decision-making process. The permanent HQ will be based in Italy.

Its key positions will be manned by rotation criteria.

In the event of an operation the Party States will designate a Force Commander for an EGF mission. The permanent HQ of the EGF will act as a Parent HQ for the Force Commanders' HQ. The involvement of the permanent HQ in the chain of command must be defined according to the situation.

#### 5. *Force structure*

In the event of an operation the unit of the EGF may, in addition to the HQ, consist of:

- ▶ **an operational component**, dedicated to missions of general public security and maintenance of public order;
- ▶ **a crime-fighting component**, including specialists in criminal investigation missions, detection, gathering, information analysis and processing, protection and assistance of individuals, traffic control, Explosive Ordnance Disposal (EOD), fight against terrorism and other major crimes, and other specialists. The company consists of modules and specialists assigned to the EGF;
- ▶ **a logistic support component**, able to perform all activities related to supplies, restocking, maintenance, recovery and evacuation of equipment, transportation, medical and health care. If necessary, some of these functions will be provided by other actors.

The Party States will have to identify periodically the dedicated forces in terms of capabilities, carrying out the definitive nominal designation at an appropriate moment. The units will be assigned "on request" to the EGF.

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1. See Annex A for the composition of this Committee.

2. See Annex B.

The EGF will possess an initial rapid-reaction capability of approximately 800 persons within 30 days.

Each Party State will retain its full freedom to decide whether its units will participate in an EGF operation.

## *6. Training*

The operational standards for EGF units will be set by the High-Level Interdepartmental Committee.

The attainment and maintenance of that level will be a national responsibility. Training should take into account the annual objectives proposed by the Commanding Officer and approved by the high-level Interdepartmental Committee.

Multinational training organised by the EGF should make it possible to attain the required level of interoperability. This programme will be proposed by the Commanding Officer, and validated by a working group created for that purpose.

## *7. Financial and Administrative aspects and Logistical Support*

### **Funding and Support for the Permanent HQ of the EGF**

Each Party State will sustain the expenditures arising from its participation to the EGF.

Common costs will be divided proportionally between Party States.

Support for the permanent HQ structure will be provided by Italy and will be the subject of a technical arrangement between the Party States which will also set the modalities of reimbursement of the common costs.

Party States will provide a budget for the permanent costs of the EGF. The amount of the contributions of the budget will be set annually by the Party States.

The annual budget will be requested by the Commanding Officer of the EGF and has to be approved by the High Level Interdepartmental Committee. Each Party State will be able to designate a financial expert for advice on the budget and expenses.

### **Support during operations**

Funding (for operational matters) will be provided by contributing States and, when appropriate, by EU, UN and other international organisations. .

### **Interoperability**

The Party States will strive for an improvement of interoperability between their forces.

### *8. Language*

The official languages of the EGF will be those of the Party States. A common working language may be used.

### *9. Admission*

Full membership of the EGF will be open to EU Member States, possessing a police force with a military statute. At their request, they may be admitted to the EGF after agreement by the Party States and following acceptance of the terms of the present Declaration.

On their request, EU Candidate Member States possessing police forces with a military status can obtain an Observer Status by detaching a liaison officer to the HQ.

With due respect for the military status, conditions of admission can be reviewed, on request of one of the Party States and with the agreement of all the other Party States.

### *10. Legal aspects*

The Party States will conclude a Treaty to establish the precise functions and status of the EGF and of its members.

Before the entry into force of this Treaty, the Party States recognise the application of the provisions of the agreement between parties to the North Atlantic Treaty of the status of their forces, done at London on 16 June 1951, to the EGF members.

### *11. Specific arrangements*

The above-stated points and the measures that may be necessary to organise the concrete aspects of relations among the Party States will be the subject of specific arrangements.

(...)

## ANNEX B

### The Headquarters of the EGF

The EGF HQ will consist of a permanent core, located in Vicenza (Italy), that could be reinforced as needed by augmentees.

The HQ should be set up in 2005 and the preparations will start as from autumn 2004.

The Party States will separately define the details, taking into consideration the following key positions: Commander (OF 6/5 level), Deputy Commander (OF 5 level), COS (OF 4 level), ACOS OPS/INT (OF 4 level) and ACOS Support (OF 4 level).

The Party States contributions will be as follows:

	Officers	Warrant Officers
France	4	2
Italy	5	6
Netherlands	2	2
Portugal	2	1
Spain	2	3
<b>Total</b>	<b>15</b>	<b>14</b>

(these figures do not include the Commander)

Rotational and proportional criteria will also be defined. The officers' positions will last in principle three years.

The EGF-HQ will be tasked of:

- monitoring the areas of possible operational intervention;
- planning the operations of the EGF;
- defining operational needs;
- preparing the contingency planning;
- planning and direct combined exercises;
- evaluating activities and implementing lessons learned;
- preparing a suitable logistic support system;
- giving advice to the Party States to improve inter-operability between units and other Forces;
- deploying an HQ for the EGF Commander;
- on request, contribute to the decision making process at a strategic level.

## Green Paper – Defence procurement

Brussels, 23 September 2004

The Commission's Green Paper aims to clarify the rules governing arms companies and markets and to propose measures to improve their operation. Fragmentation of the markets and duplication of individual efforts are serious obstacles to the necessary rationalisation of the arms sector. To this end, the Green Paper firstly proposes clarifying the existing legal framework, in particular the interpretation of Article 296, then considering a new directive to provide a framework better suited to defence sectors.

(...)

### INTRODUCTION

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This Green Paper is one of the measures announced by the European Commission in its Communication "Towards a European Union defence equipment policy", adopted on 11 March 2003<sup>1</sup>

. Through these measures, the Commission intends to contribute to the gradual creation of a European defence equipment market (EDEM) which is more transparent and open between Member States and which, whilst respecting the sector's specific nature, would increase economic efficiency.

Moving towards a truly European market is crucial for strengthening the competitiveness of European industry, improving the allocation of defence resources and supporting the development of the Union's military capabilities under the European Security and Defence Policy (ESDP).

The establishment of the European Defence Agency with its responsibilities in the field of defence capabilities, research, acquisition and armaments, makes the development of such a market even more important.

Creating an EDEM would require a set of complementary initiatives, including the establishment of an appropriate regulatory framework for the procurement of defence equipment. The opening up of defence markets, which are currently fragmented along national lines, would increase the commercial opportunities for European companies in the sector, including SMEs, and contribute to their growth and increase their competitiveness.

The purpose of this Green Paper is to develop the debate on these issues, bearing in mind the principle of subsidiarity.<sup>2</sup> For this purpose the Commission set up two working parties consisting of representatives of the Member States and European industry to contribute to the preparatory stages of the Green Paper.

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1. COM(2003) 113 final.

2. Work of the Council Working Party on Armaments Policy (POLARM), the Western European Armaments Group (WEAG), and the Agency Establishment Team responsible for establishing the European Defence Agency.

In the first part, the Green Paper identifies the reasons for specific action by giving a summary of the current state of defence procurement markets, their numerous special characteristics and the existing regulatory framework. In the second part, on the basis of this analysis, it considers possible lines of action.

## **I. REASONS FOR ACTION IN THE FIELD OF DEFENCE PROCUREMENT**

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Defence expenditure constitutes a large part of Member States' public spending, to the order of €160 billion for the 25 Member States, one fifth of which is used for the procurement of military equipment (acquisition plus research and development).<sup>3</sup>

Defence procurement is currently characterised by the fragmentation of markets along purely national lines (point 1), by the specific features which distinguish it from other types of public procurement (point 2) and by a complex legal framework (point 3).

### *1. Fragmented defence markets*

Although Member States' combined military expenditure is considerable, it remains split into national markets. This fragmentation poses a major problem for all Member States with defence industries. Following budgetary reductions and the restructuring of the armed forces, the size of national markets – including those of the large states – is no longer sufficient to allow for production volumes that can offset the high R&D costs of arms systems. This situation, along with the fragmentation of R&D spending in Europe, increases the cost to the taxpayer and damages both the competitiveness of the European defence industry and its ability to meet the requirements of the ESDP. Given the growing dual use potential of technologies (military and civilian), the global competitiveness of European industry is also affected.

Some progress has been made in the last ten years, particularly as a result of the increase in European armaments cooperation and an initial opening-up of national markets to European competition. These initiatives have had modest success, but have not resulted in the creation of a European defence market. As regards cooperative programmes, the still frequent use of the principle of fair return on investment (“juste retour”) generally limits any opening-up to the participating countries and implies a distribution of work based on purely national industrial policy criteria. As for national procurement, the share of contracts awarded by competitive procedure is still low. Irrespective of the procedures used, national suppliers are still generally awarded most of the contracts.

3. Sources: NATO (North Atlantic Treaty Organisation) and SIPRI (Stockholm International Peace Research Institute) 2002.

## *2. Specific features of defence markets*

Defence markets have particular characteristics because of the very nature of military products and related services. These characteristics are not only economic and technological; they are also related to the security and defence policies of each Member State.<sup>4</sup> Defence industries are therefore of a strategic nature and have special relations with the state.

### **2.1 Dominant role of the state**

Following privatisations and efforts to optimise procurement policies in recent years, the role of the state has been reduced, but it still remains dominant. As sole clients, states determine demand for products on the basis of military needs linked to their strategic objectives and thus define the size of the market. They participate, to varying degrees depending on the country, in the financing of R&D, thus influencing the technological know-how and long-term competitiveness of industry. As regulators, they control the arms trade by means of the licences which exporters must have, including for the delivery of equipment within the European Union, and the granting of authorisations to tender for contracts. State control also extends to industrial restructuring, although to a more limited degree, and even to the level of shareholding.

### **2.2 Security of supply and confidentiality requirements**

The nature of defence requires sources of supply to be guaranteed for the entire duration of an arms programme from the time the equipment is designed until it is withdrawn from service, at times of peace and at times of war. States may, therefore, see fit to set up special supply guarantees. The maintenance of a purely national industrial capacity for defence may seem a reliable way of being able to respond to strategic interests and emergency situations (military operations).

The nature of defence may also require states to have equipment that guarantees the technological superiority of their military forces. This superiority depends, in particular, on the confidentiality of programmes and their technical specifications. The obligation to protect this confidential information means companies must have special national security clearances.

### **2.3 Complexity of arms acquisition programmes**

Arms development programmes are complex. Since production volumes are limited and the risk of commercial failure high, state support is required. Equipment often consists of new systems which incorporate both military and civilian technologies. It has also a long life cycle: the time between the expression of an operational need and the end of a

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4. See the document of the POLARM Working Party of the Council, annexed to communication COM(1997) 583 of 4.12.1997.

system's life may be as long as 50 years. The quality/price ratio and risk management must be guaranteed throughout this period. States must, therefore, have access to adequate industrial and technological capacity throughout the life cycle of a system and maintain lasting, reliable relations with suppliers.

In addition to this, "off-the-shelf"<sup>5</sup> arms purchases are often subject to offset arrangements. This allows the purchasing country to require a return on investment that may exceed 100% of the value of the contract. Such offsets may be direct, in the form of orders for local companies or transfers of know-how and technology related to the original contract. Offsets may also be indirect and concern industrial sectors other than the one covered by the contract in question, even non-military ones.

### 3. *Limits to the existing legal frameworks*

#### 3.1 Community exemption system

The special nature of the defence sector has been recognised ever since the establishment of the Community through an exemption system laid down in Article 296 EC of the Treaty. According to paragraph 1 of that Article:

- "a) no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security;*
- b) any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material; such measures shall not adversely affect the conditions of competition in the common market regarding products which are not intended for specifically military purposes."*<sup>6</sup>

Given its wide scope, this article may also apply to public procurement.

As recently clarified in Article 10 of Directive 2004/18/EC, Community rules on public procurement apply to contracts awarded by the awarding authority in the field of defence, subject to Article 296 EC of the Treaty. Consequently, Community rules also apply in principle to the defence sector, but Member States may derogate from them in the circumstances and subject to the conditions set out in the Treaty. In any event, the possibility of a derogation provided for under Article 296 EC cannot apply either to civilian goods or to those not intended for specific military purposes, even if they are purchased by national defence ministries.

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5. Finished equipment already developed and available for purchase.

6. In accordance with paragraph 2 of this Article, a list of products to which the provisions of paragraph 1 apply was adopted by the Council in 1958.

The Case Law of the Court has interpreted the conditions of use of this derogation restrictively, stating that:<sup>7</sup>

- its use does not constitute a general, automatic exemption, but should be justified case by case. States thus have the possibility of secrecy regarding information which would undermine their security and the option of invoking an exemption to internal market rules for the arms trade. They are also obliged to assess whether or not each individual contract is covered by the derogation;
- use by states of national derogation measures is justified only if it is necessary for achieving the objective of safeguarding the essential security interests invoked;
- burden of proof lies with a Member State that intends to make use of the derogation;
- such proof is to be supplied, if necessary, to the national courts or, where appropriate, the Court of Justice, to which the Commission may refer the matter in the performance of its duties as guardian of the Treaty.

As a general rule, Member States may, therefore, derogate from the rules of the Treaty and Community directives, but only in well defined circumstances. Nevertheless, several difficulties of implementation arise:

- in the absence of a precise interpretation of these provisions, there is quasisystematic use of the derogation in the area of public procurement. Despite the Court's clarifications, the low number of publications in the Official Journal of the European Union appears to imply that some Member States believe they can apply the derogation automatically;
- since the concept of essential interests of security is not defined either in Community Law or in the Case Law of the Court of Justice, in practice states allow themselves wide discretion in determining which contracts could damage them;
- the list drawn up in 1958<sup>8</sup> is not an appropriate reference for defining the scope of Article 296 EC, since it has never been officially published or revised since then.

Defence procurement is still, therefore, to a large extent covered by purely national legislation.

### 3.2 Differing national legislation

For defence procurement most national legislation provides for exemptions to the application of public procurement rules, with differing degrees of transparency. This constitutes a potential difficulty for non-national suppliers.

- The **publication of contract notice**, if it happens at all, is in special national publications, the content, frequency and method of dissemination of which vary from state to state.

7. See among others: Johnston judgment, Case 222/84, Commission v. Spain judgment, Case C-414/97. Although the latter concerned VAT, it is applicable to public procurement.

8. See Footnote 6.

- ▶ The potential for **non-publication** provided for in national legislation is vast and differs depending on the country.
- ▶ **Technical specifications** are often very detailed and based on widely differing standards.
- ▶ The **criteria for selecting** suppliers take into account, in some states, the ability of offering industrial offsets, and for most states, confidentiality and security of supply, the definition of which remains vague and the assessment of which does not take account of the same requirements, sometimes referring to the origin of the product or the nationality of the supplier.
- ▶ **Tendering** is mainly through negotiated procedures which do not all follow the same rules, particularly as regards the extent of the negotiations and the possibilities for changing the subject of the contract.
- ▶ In the **award** of contracts priority is given to best value for money. However, in some states security of supply and offsets are again taken into account at this stage.

Because of these obstacles some Member States have undertaken, under an intergovernmental political agreement of the Western European Armaments Group (WEAG),<sup>9</sup> to harmonise the content and publication of their national gazettes and to follow more open tendering rules. Although based on relevant principles, this system has produced limited results regarding both transparency and competition, because it is not legally binding.

### 3.3 Special procedures for cooperation programmes

Alongside national systems, *ad hoc* rules laid down in intergovernmental agreements are used for purchases related to joint arms programmes.<sup>10</sup> Generally speaking, because of the heavy investment agreed by the countries participating in these programmes, it is the principle of fair industrial return (*juste retour*) that determines who is awarded the contract.

To offset the high costs resulting from this practice, the transnational agency OCCAR<sup>11</sup> was set up in 1996 and given legal personality in 2000. Its contractual rules are more competitionbased and provide for replacing the system of a “juste retour” per programme by an “overall juste retour” covering several years and several programmes. However, the success of this system will depend on the number of new programmes managed by OCCAR.

Since these efforts have failed to achieve satisfactory results, the Member States recently created a European Defence Agency under the authority of the Council within

9. The 16 member countries, including 14 EU Member States (BE, DK, DE, EL, ES, FR, IT, LU, NL, PT, UK, AT, FI, SE), adopted guidelines on open competition in 1990 and updated them in 1999.

10. These contracts are usually awarded by *ad hoc* agencies or NATO agencies acting on behalf of the states participating in the programmes in question.

11. Joint Organisation for Armaments Cooperation; open - subject to certain conditions - to all the Member States; at present only five states belong to it (DE, BE, FR, IT, UK).

the single institutional framework of the European Union, which will have the remit, among other things, to contribute, in consultation with the Commission, to the setting up of a competitive European defence market.<sup>12</sup>

## **II. DEFINING ACTION AT EU LEVEL – ISSUES FOR CONSIDERATION**

The above considerations relating to defence procurement show that a number of obstacles limit the access of European industries to Member States' defence markets and hence restrict their growth opportunities.

The Commission therefore proposes pursuing the debate on the case or Community action in the field of defence procurement. So far the Commission has identified two possible instruments, one limited to clarifying the existing legal framework (point 1) and the other aimed at establishing specific rules in the field of defence, taking into account the sector's characteristics (point 2).

These instruments would not prejudice any complementary measures taken by the Member States in the appropriate fora. Indeed, they could not provide exhaustive answers to all the specific aspects of defence markets. This is the case in particular for security of supply, a concept bound to change with the growing convergence of national security interests in the context of European foreign, security and defence policy. The gradual development of a common approach in this field could facilitate application of Community instruments. Equally, these instruments would constitute a useful tool for the success of cooperation between Member States.

### ***1. Clarification of the EU's existing legal framework***

The legal framework could be clarified by a non-legislative instrument, such as an interpretative Communication from the Commission. This instrument would aim to explain existing Community legislation in order to facilitate application by the competent authorities and to improve the operators' understanding of it. An interpretative Communication could be adopted relatively quickly. By its very nature it could only confirm existing law.

The Commission would give a further explanation of the principles defined by the Court on the interpretation of Article 296 EC, in particular their application to public procurement, to make it easier, in practice, to distinguish between contracts covered by the exemption and those which are not. As regards the latter, the normal rules - public procurement directives would remain applicable.

The Communication would not be legally binding as such, but it would explain the principles and rules which are. Consequently, the Commission would be obliged to abide

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12. Joint action to set up a European Defence Agency (EDA) adopted by the Council on 12 July 2004.

by this interpretation in the performance of its functions as guardian of the Treaty. The Commission would also have to draw all the operational conclusions resulting from the adoption of such a clarification of existing law.

### Questions

1. Do you think it would be useful/necessary/sufficient to explain the existing legal framework in the way presented?
2. Are there other aspects of the Community system in question that should be clarified?

## 2. *Supplementing the EU's legal framework with a special instrument*

### 2.1. Objectives

The EU's legal framework could be supplemented by a new specific legal instrument for defence procurement (goods, services and work), such as a directive to coordinate the procedures for awarding such contracts.<sup>13</sup> The directive would establish a special set of rules for contracts falling within the scope *ratione materiae* of Article 296 EC, but for which use of the derogation is not justified (conditions defined by the case law of the Court). It would apply to defence procurement currently falling within the scope of existing directives but it would contain rules better suited to their specific nature.

It would pursue three main objectives:

- ▶ greater legal certainty, since it would improve the classification of contracts: (a) those covered by current directives; (b) those covered by the new directive; and (c) those excluded from any Community rules;
- ▶ more information at Community level on the contracts in question, and therefore greater opening of the markets, which would allow European defence industries to participate equally in calls for tender in all the Member States;
- ▶ the introduction of the necessary flexibility for the award of these contracts by the creation of a body of rules suited to the specific features of such contracts.

Such an instrument could also serve as a reference point should a Member State decide not to make use of the Article 296 EC derogation even when it would have been entitled to do so.

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13. This would be a similar approach to that taken in 1990 to accommodate the specific nature of procurement in the water, energy and transport sectors, by means of a special directive (which became 93/38 and was amended by Directive 2004/17/EC of 31 March 2004).

## 2.2 Content

- ▶ The **field of application** could be determined on the basis of a general definition of the category of military equipment covered and/or a list. The list could be that of 1958 or another more accurate, updated list such as that of the Code of Conduct on arms exports.<sup>14</sup>
- ▶ There would be a provision modelled on directives in other sectors stating that the directive would not prejudice the possibility of invoking Article 296 EC under the conditions defined by the Court. It would also identify cases in which the conditions for application of the **exemption** were clearly fulfilled (e.g. nuclear equipment).
- ▶ The **awarding authorities** would be the ministries of defence and agencies acting on their behalf and other ministries buying military equipment. Application of the directive to other bodies, such as the new Defence Agency, would have to be determined by the appropriate fora.
- ▶ Implementation of the directive would not prejudice the possibility of exemptions conferred on the Member States under WTO agreements such as the Government Procurement Agreement.
- ▶ The **procedures** should ensure observance of the principles of transparency and nondiscrimination, bearing in mind the specific characteristics of these contracts. The rule could be general use of the negotiated procedure with prior publication of a contract notice. Use of an unpublished negotiated procedure could be envisaged in certain cases determined on the basis of exemptions laid down in existing directives and, where appropriate, other cases based on national legislation.
- ▶ **Publication** could be through a centralised system at Community level using a harmonised publication bulletin. The subject of the contract could be described in terms of technical performance in order to prevent potential discrimination between suppliers.
- ▶ The **selection criteria** approved should ensure non-discrimination and equal treatment of companies and take account of the specific features of defence contracts, such as confidentiality, security of supply. They should also take into consideration the clearance necessary under defence secrecy rules.
- ▶ The **award** of the contract would take place on the basis of defined criteria. This would require a discussion on the gradual elimination of practices such as direct and indirect offsets.

14. Annexed to the Council Declaration of 5 June 1998 (8675/2/98, CSFP) which sets up a mechanism for transparency of arms export policies.

# Turkey: the Commission's Report and Recommendation

Brussels, 6 October 2004

In accordance with the decision adopted by the Council at Copenhagen in December 2002, the Commission announced its recommendations for opening accession negotiations with Turkey. In its report it issued a 'qualified yes'. Even when viewed in the long term, the issue of Turkey's accession remains a sensitive subject for a number of Member States. The Council adopted a decision in December 2004.

## PRESENTATION TO THE EUROPEAN PARLIAMENT BY ROMANO PRODI, PRESIDENT OF THE EUROPEAN COMMISSION

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Ladies and gentlemen,

It is an honour for me, together with Günter Verheugen, to present before you the Recommendation and Report on Turkey's application, which the Copenhagen European Council of December 2002 asked the Commission to draw up in readiness for examination by the European Council in December 2004. As Parliament wished, these documents are accompanied by a preliminary appraisal of the main issues arising in connection with the prospect of Turkey's accession, with particular regard to EU policies and the Community budget.

The Commission has just adopted these documents after several exploratory debates on the subject and following a long preparatory period which concludes with today's debate. It is a natural part of our democratic process for us to present these results to you at the same time as we inform the Council.

As you know, the first task allotted to us by the Copenhagen European Council was to draw up a report on the extent to which Turkey meets the Copenhagen political criteria and to put forward a recommendation. However, I should like to stress that it is, of course, the European Council itself - as it made abundantly clear in its December 2002 decision - to decide whether the criteria are being met and whether to open negotiations with Turkey.

The Commission's task was thus to analyse, as objectively and precisely as possible, Turkey's state of progress with regard to these criteria, and to draw up a recommendation to the Council on the basis of this analysis and any other relevant factors, including the impact study requested by Parliament.

The Commission's response today is YES. That is to say, its response as regards compliance with the criteria is positive, and it recommends opening negotiations.

However, it is a **QUALIFIED YES** that is accompanied by a large number of recommendations on following up and monitoring the situation in Turkey, and some specific recommendations on the conduct of negotiations.

I want to draw your attention to these two aspects, which are inseparably linked as far as we are concerned. In all sincerity, I appeal to the European public, Parliament, the Council, and to our Turkish partners – the people of Turkey and the Turkish Government – not to separate these two aspects: **on the one hand our response, which is positive overall, and on the other the provisos** that form the essential key to the success of the whole process of integrating Turkey into the European Union.

How has the Commission come up with this response?

Firstly, as regards **Turkey's compliance with the Copenhagen criteria**, the Commission has, as I have already noted, tried to present as objective and precise a picture as possible. Nothing has been concealed, covered up or distorted, neither the positive nor the negative aspects. On the positive side, the whole of Turkish society has been committed to a very far-reaching reform process, particularly over the last few years.

In short, as regards the essential documents on the organisation of democracy in Turkey – the Constitution itself, all the internal laws and Turkey's accession to the various international conventions, whose primacy over its domestic laws it now recognises – Turkey has reached the level required by European standards in such matters – or will do so once the new Criminal Code recently adopted by its Parliament enters into force.

All these instruments are already having a strong impact on public life and behaviour in Turkey. Two examples are the abolition of the death penalty and the recent review of Leila Zana's trial and her release. However, much remains to be done to implement these texts in full and to bring actual reality in Turkey closer to practices in the countries of the European Union. The report draws attention to the situation as regards torture, women's rights, trade union rights, religious freedom and relations between civil and military authorities. A great deal has been achieved in these areas and progress is clearly visible – especially over the last few years. Nonetheless, much remains to be done.

This accounts for our position, which is positive, but at the same time cautious. Looking at today's snapshot, we have to admit there are still some blurred areas. If we consider the long-term picture, however, we see an increasingly active Turkish civil society and institutions that clearly project their desire to move towards our democratic values and standards and which are, indeed, making rapid progress in this direction. This is what prompts us to say YES. But at the same time, we have to ensure that these developments really are irreversible and that they will be pursued to completion. We must take the time needed to make sure that all the important reforms adopted become day-to-day reality for Turkish citizens, both men and women. And we must also tell our Turkish partners clearly and calmly that any breakdown in this progress towards democracy, human rights, fundamental rights and the rule of law as practised in the European Union will automatically bring negotiations to a halt.

To take an entirely different angle, our **impact study** indicates that the overall balance is positive. Taking all the relevant factors into account, we believe that Turkey's accession to the EU may make a positive contribution to the Union. However, the country's size, geographical position and traditions as a regional power, its defence capacity, population and demographic growth, its current level of development, the disparities between its regions, its infrastructure and the size of its rural and farming population call for profound reflection and clear precautions in conducting accession negotiations, so as to prevent Turkey's integration from weakening the structure we have been building for over 50 years.

The impact study we are presenting today is modest in its claims. It does not seek to be exhaustive or to predict the future while essential parameters such as economic growth in Turkey and the Union remain uncertain. Nonetheless, it does already draw attention to various sectors that will require lengthy periods of preparation and adjustment in Turkey's policies, notably rural and farming policy. Long transition periods will be needed, and sometimes, as with the free movement of persons, permanent safeguard clauses could prove necessary.

An estimate has been made of the impact of Turkey's accession on the budget. Bearing in mind all the methodological precautions that are needed when it comes to interpreting such figures, which depend on parameters that are, as I said, uncertain, the main political lesson to be drawn from this estimate is that Turkish integration cannot be included in the 2007-2013 budgetary perspective on which negotiations have started on the basis of proposals put forward by the Commission some months ago. This means that negotiations on the chapters of the Turkish accession treaty that have financial implications can only be started on the basis of the financial perspective for the following period. This is consistent with the prudent pace of negotiations to which I referred earlier.

Finally, as with all negotiation processes, particularly those that are as complex as our study indicates, we must stress that the outcome is not a foregone conclusion. There are risks that we must take on board, and that we also ask Turkey to take on board. However, we cannot imagine a future for Europe in which Turkey is not firmly anchored.

Honourable Members, this is the main burden of the message I wanted to convey to you today on behalf of the Commission, to which Günter Verheugen will add further details. We are ready to reply to all your questions, but firstly I would like to conclude by addressing myself to Turkey and then, through you, to the European public.

I want to send a message of confidence to Turkey, its people and its government. In responding positively today, the Commission is acknowledging your historic aspiration, in which Atatürk stands as a landmark, to share fully in the destiny and values of Europe. Likewise, it acknowledges the extent of the efforts made over the last few years to translate this aspiration into the organisation and operation of your democracy. Nonetheless, much ground remains to be covered before this objective can be fully attained, and I appeal to you to show the same determination in pursuing further reforms and wisely

conducting an accession process which, like all the others, will display both periods of progress and moments of tension and unavoidable difficulties.

I want to call on the European public to demonstrate equal perseverance. A Europe with self-confidence and a Constitution, strong institutions and well-established policies, which is in the process of recovering economic growth and is underpinned by its model of peace, prosperity and solidarity, has nothing to fear from Turkey's accession. The integration of Turkey is only one of the many challenges facing us. The biggest of these challenges are internal ones. We must also consider the opportunities that Turkey's integration will bring us in terms of growth and prosperity. We must, above all, bear in mind the message of the founding fathers of our Europe and the project of disseminating the values of peace, security, democracy and cooperation throughout our continent and among our peoples and nations.

## General Affairs and External Relations Council

Luxembourg, 11 October 2004

(..)

### EUROPEAN SECURITY AND DEFENCE POLICY

#### Extension of European Union Police Mission PROXIMA in FYROM - Council Conclusions

The Council adopted the following conclusions:

“The Council, noting the progress made to date, today agreed to extend the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL PROXIMA) for another 12 months after the expiration of the current mandate on 15 December 2004. This decision follows an invitation from Prime Minister Kostov.

The objective of the extended mission will be to further support the development of an efficient and professional police service based on European standards of policing. Under the guidance of the EU Special Representative in Skopje and in partnership with the host Government authorities, EU police experts will continue to monitor, mentor, and advise the country’s police, focussing on middle and senior management, thus helping to fight organised crime more effectively, to further facilitate public confidence in policing, to consolidate law and order, and to further assist in the creation of a border police service. In this regard the Council invited the Secretariat to take forward planning in order to ensure a seamless transition to the extended mission.”

#### Operation ALTHEA in Bosnia and Herzegovina – *Council Conclusions*

The Council adopted the following conclusions:

“The Council approved the Operational Plan for the EUFOR Operation ‘Althea’. This largest European Union - led military operation so far will be part of the EU’s comprehensive approach in Bosnia and Herzegovina. It will sustain our long term objective of a stable, viable, peaceful and multiethnic Bosnia and Herzegovina, co-operating peacefully with its neighbours and irreversibly on track towards EU membership.

The Council noted with satisfaction the ongoing progress made in the planning and preparations for this operation. Transfer of Authority from the NATO-led SFOR operation in Bosnia and Herzegovina to the EU-led operation ‘Althea’ is foreseen on 2 December 2004.”

(...)

## **TERRORISM – COUNCIL CONCLUSIONS**

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The Council adopted the following conclusions:

“The Council took note of the report of the High Representative on the progress in the implementation of the EU Action Plan for Combating Terrorism that was adopted by the June European Council and the work of the EU Counter Terrorism Coordinator in that respect.

The Council welcomed the progress that has been made and underlined the need to pursue efforts in various areas, in particular the improvement of exchange of information between the strengthened EU SitCen, Intelligence/Security Services of the Member States and Europol, the re-installing of the Anti-terrorism Task Force at Europol, the evaluation of Member States’ national structures to combat terrorism, the setting up of the European Border Management Agency, the inclusion of biometrics in passports and the prevention of financing of terrorism. The Council also took note of the additional contributions from Member States in the fight against terrorism.

The Council welcomed the new focus of the external policies of the EU in counter terrorism, which have given greater visibility to the commitment of the European Union in the fight against terrorism and have been instrumental in deepening cooperation with the Union’s main partners while contributing as well to reinforcing the central role of the UN in the international community’s efforts against terrorism. The Council reiterated its conviction that in order to be effective in the long run the Union’s response to terrorism must also address the underlying factors to terrorism and must strive to contribute to the protection and promotion of democracy, human rights and freedoms and resolution of regional conflicts as well as the economic and social problems in the world.

The Council noted, however, that significant steps still need to be taken by the EU and its Member States to adhere fully to the commitments that have been made in the EU Action plan for Combating Terrorism. In this regard the Council urged Member States to finalize within the deadlines set in the Action Plan on Combating Terrorism implementation of the relevant EU/EC legislation (in particular the Framework Decision of 13 June 2002 on the European Arrest Warrant and the Framework Decision of 13 June 2002 on Joint Investigation Teams) as well as the ratification of the relevant conventions (in particular the 2000 Mutual Legal Assistance Convention and its 2001 Protocol, the three Protocols to the Europol Convention as well as all 12 UN Conventions against terrorism). In that respect the Council also welcomed the adoption of UNSCR 1566 that was proposed by the Russian Federation after the horrendous terrorist attack in Beslan, as a useful additional tool in our common fight against the scourge of international terrorism.

The Council welcomed the important work of the EU Counter Terrorism Coordinator and urged him to follow closely the implementation of measures that have been decided upon. The Council called on the relevant bodies of the Council to take forward discussions on the other measures identified by the European Council to prevent and counter terrorism, for example on the improvement of exchange of information between Member States and Europol and Eurojust, measures aimed at enhancing EU capabilities to deal with the consequences of a terrorist attack, the Directive on Combating Money Laundering and Terrorist Financing, the Regulation on Controls on Cash Movements and the comprehensive strategy on the prevention of terrorist financing with a view to achieving significant progress on these issues before the European Council in December.

The Council decided to continue to monitor progress closely with a view to taking stock of progress being made at the European Council in December.”

(...)

## Signature of the European Constitution — Article by Javier Solana

Rome, 30 October 2004

### TOWARD A UNITED EUROPEAN VOICE

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On Friday, Europe's leaders gathered in Rome to sign the treaty establishing a Constitution for Europe. This was a historic moment. It established a new political foundation for a European Union that spans a continent and is ready to assume its global responsibilities. Adoption of a constitution sends a clear signal to our citizens and partners around the world: Europe has come of age.

Why does the EU need a constitution? For the first time, the aims and powers of the Union are set out clearly in a single text. Decision-making procedures have also been made simpler so that the Union is better able to formulate policies and deliver them. Nowhere is this more the case than in the area of foreign policy. What the Maastricht Treaty did for the euro, the constitution could do for Europe's role in the world.

The choice of Rome for the signature is not accidental; it was there, in 1957, that Europe's founding fathers signed the original treaty establishing the body that was to become today's European Union.

In the intervening years the EU has changed dramatically. It has been given powers in new areas, such as law enforcement, immigration and foreign policy. Membership has grown from a small club of six countries to a union of twenty-five. A continent that was shattered by war and divided by ideology has been transformed into an attractive and prosperous model of co-operation and a net exporter of stability. This transformation has been a remarkable success for both Europeans and Americans, who in their wisdom supported and encouraged this project.

The EU has responsibility as a major international actor. With 25 member states, with over 450 million inhabitants, a quarter of the world's GNP, and around 40 percent of the world merchandise exports, and with the comprehensive array of instruments - economic, legal, diplomatic, military - at our disposal, that is a statement of fact.

Europe is ready to take the next step. It must respond to the wishes of its citizens, who want to see the Union making a contribution that matches our potential, and of its international partners, for a strong EU able to act effectively and decisively on the global stage.

The international contribution of the European Union can be a substantial one in a century that will be characterized by global interdependence. We want to work with our friends and partners to help deliver solutions for the many contemporary problems that defy borders. We want to work with the United States and others in promoting a new "can-do multilateralism."

Our own member-states have learned that they can only succeed in tackling the growing problems of the world if they pool resources and put out a united message.

They have stepped up their efforts to forge common European action, for example on tackling the proliferation of weapons of mass destruction. There was a time when the European Union's foreign policy was criticized for being all talk and no action. Today we match words with action. In the Balkans, the southern Caucasus and Africa, the EU is taking on important operational challenges.

The constitution will help make Europe more operational still. Perhaps the most important innovation in the area of foreign policy is the creation of the post of EU foreign minister. This will combine, in one person, the different components of the EU external relations, both political and economic in nature, to allow us to operate coherently. This is a huge challenge, which will fall to me, as future foreign minister, to take up.

EU external policies need more coherence - and also more consistency. In order to achieve this, the future EU foreign minister will represent the union abroad and chair the regular meetings of EU foreign ministers. Our partners will have one main interlocutor - something which is long overdue - and there will be greater continuity in the EU policy-making system.

Finally, the constitution foresees the creation of an EU External Action Service. This will bring together staff from different institutions which today shape and implement the EU's foreign policies. For the first time, Europe will have a single team working under one roof and answerable to one person responsible for the full range of EU external relations.

Of our international partners, the United States occupies a very special place in our foreign policy relations. Our relationship is deep and broad, touching on almost every policy area. With the constitution, we do not just open a new chapter in European history, we also hope to renew our partnership with the United States. A more united and effective EU is manifestly in America's interest, and a close partnership with the United States will also help Europe achieve its international ambitions. As future EU foreign minister I will do all I can to achieve these aims.

*(International Herald Tribune)*

## European Council

Brussels, 4 and 5 November 2004

### PRESIDENCY CONCLUSIONS

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1. The European Council discussed in particular:
  - preparation of the Mid-Term Review of the Lisbon Strategy
  - an area of Freedom, Security and Justice: the Hague Programme
  - communicating Europe.

It also held discussions with the Prime Minister of Iraq, Mr Allawi.

2. The meeting of the European Council was preceded by an exposé by the President of the European Parliament, Mr Josep Borrell, followed by an exchange of views.
3. The European Council took note of the outcome of the European Parliament debate on the investiture of the designated Commission. It welcomed the new list of Members-designate of the Commission presented by the nominee for President, Mr José Manuel Barroso. The Council, by common accord with the President-designate, adopted this list. The European Council expressed its hope that this Commission can be approved and enter into office as soon as possible.
4. The European Council noted with deep satisfaction that the “Treaty establishing a Constitution for Europe” was solemnly signed in Rome on 29 October 2004 on behalf of all Member States.

(...)

#### *V. External relations*

##### **US Presidential election**

26. The European Council warmly congratulated President George W. Bush on his re-election as President of the United States of America. Our close transatlantic partnership, based on shared values, is fundamental for Europe’s approach to building international peace, security and prosperity. Our deep political, economic and cultural ties make us each other’s natural and indispensable partners.

27. The European Union and the United States of America share a responsibility in addressing key threats and challenges, such as regional conflicts, in particular the Middle East; terrorism; proliferation of weapons of mass destruction; AIDS; the fight against poverty. The European Union and the United States should also continue to cooperate closely to contribute to a successful outcome of the Doha Round of trade negotiations.

28. The EU and its Member States look forward to working very closely with President Bush and his new Administration to combine efforts, including in multilateral institutions, to promote the rule of law and create a just, democratic and secure world.

### **Sudan**

29. The European Council expressed its grave concern about the situation in Sudan/Darfur and emphasised the importance of respect for human rights and improvement of security conditions. It called upon the Government of Sudan and on the other parties to meet the demands set out by the international community. The European Council reaffirmed its continued support to the African Union and its readiness to provide assistance and expertise to the expansion of the African Union's mission in Darfur. In this context, the European Council endorsed the Council conclusions of 2 November and encouraged the Council and the Commission to take the necessary action for their implementation, not excluding the use of sanctions, as a matter of urgency.

### **Iraq**

30. The European Council met Iraqi Prime Minister Allawi to discuss the situation in Iraq and reiterated its strong support for the political process in Iraq and the Iraqi Interim Government. It welcomed the Iraqi determination to continue the political process and assured the Prime Minister that the European Union will continue to support the brave and difficult course the people of Iraq are steering towards the restoration of security, democracy and the rule of law. In this context, the European Council adopted the attached declaration and encouraged the Council and the Commission to take the necessary action for its implementation as a matter of urgency.

### **Middle East**

31. The European Council expresses its solidarity with the Palestinian people in this difficult moment. It encourages the Palestinian leadership to demonstrate a strong sense of

responsibility in ensuring the regular functioning of Palestinian institutions. The European Council considers that it is essential that a legitimate leadership continues to resolutely pursue the path towards peace in the Middle East.

32. The European Council, recalling the established EU positions, remains committed to the two-State solution as laid out in the Roadmap and agreed between the parties, which would result in a viable, contiguous, sovereign and independent Palestinian State existing side by side in peace with an Israel living within recognised and secure borders.

33. The European Council welcomes the Knesset vote on 26 October to support an Israeli withdrawal from the Gaza strip and part of the northern West Bank. The European Council expresses its willingness to support such a withdrawal as a first step in the overall process, in accordance with the conditions laid out by the European Council in March 2004, amongst which, that it takes place in the context of the Roadmap. The European Council also recalls the Quartet statement of 22 September.

34. The European Council endorses the short-term programme of action in the fields of security, reforms, elections and economy proposed by the High Representative. It underlines in particular its readiness to support the electoral process in the Palestinian Territories. The European Council calls on the Palestinian Authority to organise elections in accordance with international standards under the authority of an independent electoral commission and calls upon Israel to facilitate these elections.

35. The European Council stresses that these initiatives will need full cooperation from and between the parties, as well as coordination with other partners involved, especially in the region - in particular with Egypt - and within the Quartet. The European Council reiterates its readiness to support the Palestinian Authority in taking responsibility for law and order. The European Council invites the High Representative and the Commission to present regular progress reports on the implementation of these initiatives.

36. At the same time, with a view to relaunching a meaningful political process of negotiations, the European Council considers that support for these short-term proposals would be enhanced if they could be placed within a broader political perspective. It invites the High Representative to conduct consultations to that effect, with the parties, the international community, and, especially, the other members of the Quartet.

37. The European Council reiterates its condemnation of violence and terrorism, and urges the resumption of a ceasefire embracing all parties and groups.

## **Iran: nuclear issues**

38. The European Council discussed the current exchanges with Iran on its nuclear programme. It reaffirmed that it will work to open the way for a durable and cooperative long-term relationship with Iran, including political, commercial and technological dimensions.

39. It underlined the importance it attached to building confidence in the peaceful nature of Iran's nuclear programme and the need for transparency and compliance with IAEA Board of Governors' resolutions. A full and sustained suspension of all enrichment and reprocessing activities, on a voluntary basis, would open the door for talks on long-term cooperation offering mutual benefits.

40. It confirmed that the European Union and its Member States would remain actively engaged - notably through the efforts of France, Germany, the United Kingdom and the High Representative - with the objective of achieving progress on the Iranian nuclear issue before the IAEA Board of Governors meeting starting on 25 November 2004.

41. If the present exchanges resulted in a successful conclusion, the European Council agreed that the negotiations on a Trade and Cooperation Agreement should be resumed as soon as suspension was verified.

## **Ukraine**

42. The European Council values Ukraine as a key neighbour and partner. Against this background, it regrets that the first round of the presidential elections in Ukraine on 31 October did not meet international standards for democratic elections.

43. The EU welcomed the high turnout of voters as a positive element.

44. The European Council calls on the Ukrainian authorities to address the noted deficiencies in time before the second round of the elections and to create conditions allowing for free and fair elections, in particular by ensuring equal access to state media for both contenders.

## **Common Strategy on the Mediterranean**

45. The European Council took note of the report on the implementation of the Common Strategy on the Mediterranean region and agreed to extend the period of its application by 18 months until 23 January 2006.

## THE HAGUE PROGRAMME

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### STRENGTHENING FREEDOM, SECURITY AND JUSTICE IN THE EUROPEAN UNION

(...)

#### *2. Strengthening security*

##### **2.1 Improving the exchange of information**

The European Council is convinced that strengthening freedom, security and justice requires an innovative approach to the cross-border exchange of law-enforcement information. The mere fact that information crosses borders should no longer be relevant.

With effect from 1 January 2008 the exchange of such information should be governed by conditions set out below with regard to the principle of availability, which means that, throughout the Union, a law enforcement officer in one Member State who needs information in order to perform his duties can obtain this from another Member State and that the law enforcement agency in the other Member State which holds this information will make it available for the stated purpose, taking into account the requirement of ongoing investigations in that State.

Without prejudice to work in progress<sup>1</sup> the Commission is invited to submit proposals by the end of 2005 at the latest for implementation of the principle of availability, in which the following key conditions should be strictly observed:

- ▶ the exchange may only take place in order that legal tasks may be performed;
- ▶ the integrity of the data to be exchanged must be guaranteed;
- ▶ the need to protect sources of information and to secure the confidentiality of the data at all stages of the exchange, and subsequently;
- ▶ common standards for access to the data and common technical standards must be applied;
- ▶ supervision of respect for data protection, and appropriate control prior to and after the exchange must be ensured;
- ▶ individuals must be protected from abuse of data and have the right to seek correction of incorrect data.

The methods of exchange of information should make full use of new technology and must be adapted to each type of information, where appropriate, through reciprocal

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1. The Draft framework decision on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union, in particular as regards serious offences including terrorist acts, doc. COM(2004) 221 final.

access to or interoperability of national databases, or direct (on-line) access, including for Europol, to existing central EU databases such as the SIS. New centralised European databases should only be created on the basis of studies that have shown their added value.

## 2.2 Terrorism

The European Council underlines that effective prevention and combating of terrorism in full compliance with fundamental rights requires Member States not to confine their activities to maintaining their own security, but to focus also on the security of the Union as a whole.

As a goal this means that Member States:

- ▶ use the powers of their intelligence and security services not only to counter threats to their own security, but also, as the case may be, to protect the internal security of the other Member States;
- ▶ bring immediately to the attention of the competent authorities of other Member States any information available to their services which concerns threats to the internal security of these other Member States;
- ▶ in cases where persons or goods are under surveillance by security services in connection with terrorist threats, ensure that no gaps occur in their surveillance as a result of their crossing a border.

In the short term all the elements of the European Council's declaration of 25 March 2004 and the EU action plan on combating terrorism must continue to be implemented in full, notably that enhanced use of Europol and Eurojust should be made and the EU Counter Terrorism Coordinator is encouraged to promote progress.

In this context the European Council recalls its invitation to the Commission to bring forward a proposal for a common EU approach to the use of passengers data for border and aviation security and other law enforcement purposes.<sup>1</sup> The high level of exchange of information between security services shall be maintained. Nevertheless it should be improved, taking into account the overall principle of availability as described above in paragraph 2.1 and giving particular consideration to the special circumstances that apply to the working methods of security services, e.g. the need to secure the methods of collecting information, the sources of information and the continued confidentiality of the data after the exchange.

With effect from 1 January 2005, SitCen will provide the Council with strategic analysis of the terrorist threat based on intelligence from Member States' intelligence and security services and, where appropriate, on information provided by Europol.

1. Declaration on combating terrorism adopted on 25 March 2004, doc. 7906/04, point 6.

The European Council stresses the importance of measures to combat financing of terrorism. It looks forward to examining the coherent overall approach that will be submitted to it by the Secretary General/High Representative and the Commission at its meeting in December 2004. This strategy should suggest ways to improve the efficiency of existing instruments such as the monitoring of suspicious financial flows and the freezing of assets and propose new tools in respect of cash transactions and the institutions involved in them

The Commission is invited to make proposals aimed at improving the security of the storage and transport of explosives as well as at ensuring traceability of industrial and chemical precursors.

The European Council also stresses the need to ensure adequate protection and assistance to victims of terrorism.

The Council should, by the end of 2005, develop a long-term strategy to address the factors which contribute to radicalisation and recruitment for terrorist activities.

All the instruments available to the European Union should be used in a consistent manner so that the key concern – the fight against terrorism – is fully addressed. To that end the JHA Ministers within the Council should have the leading role, taking into account the task of the General Affairs and External Relations Council. The Commission should review Community legislation in sufficient time to be able to adapt it in parallel with measures to be adopted in order to combat terrorism.

The European Union will further strengthen its efforts being directed, in the external dimension of the area of freedom, security and justice, towards the fight against terrorism. In this context, the Council is invited to set up in conjunction with Europol and the European Border Agency a network of national experts on preventing and combating terrorism and on border control, who will be available to respond to requests from third countries for technical assistance in the training and instruction of their authorities.

The European Council urges the Commission to increase the funding for counter-terrorism related capacity-building projects in third countries and to ensure it has the necessary expertise to implement such projects effectively. The Council also calls on the Commission to ensure that, in the proposed revision of the existing instruments governing external assistance, appropriate provisions are made to enable rapid, flexible and targeted counter-terrorist assistance.

### **2.3 Police cooperation**

The effective combating of cross-border organised and other serious crime and terrorism requires intensified practical cooperation between police and customs authorities of Member States and with Europol and better use of existing instruments in this field.

The European Council urges the Member States to enable Europol in cooperation with Eurojust to play a key role in the fight against serious cross-border (organised) crime and terrorism by:

- ▶ ratifying and effectively implementing the necessary legal instruments by the end of 2004;<sup>1</sup>
- ▶ providing all necessary high quality information to Europol in good time;
- ▶ encouraging good cooperation between their competent national authorities and Europol.

With effect from 1 January 2006, Europol must have replaced its “crime situation reports” by yearly “threat assessments” on serious forms of organised crime, based on information provided by the Member States and input from Eurojust and the Police Chiefs Task Force. The Council should use these analyses to establish yearly strategic priorities, which will serve as guidelines for further action. This should be the next step towards the goal of setting up and implementing a methodology for intelligence-led law enforcement at EU level.

Europol should be designated by Member States as central office of the Union for euro counterfeits within the meaning of the Geneva Convention of 1929.

The Council should adopt the European law on Europol, provided for in Article III-276 of the Constitutional Treaty, as soon as possible after the entry into force of the Constitutional Treaty and no later than 1 January 2008, taking account of all tasks conferred upon to Europol.

Until that time, Europol must improve its functioning by making full use of the cooperation agreement with Eurojust. Europol and Eurojust should report annually to the Council on their common experiences and about specific results. Furthermore Europol and Eurojust should encourage the use of and their participation in Member States’ joint investigation teams.

Experience in the Member States with the use of joint investigation teams is limited. With a view to encouraging the use of such teams and exchanging experiences on best practice, each Member State should designate a national expert.

The Council should develop cross-border police and customs cooperation on the basis of common principles. It invites the Commission to bring forward proposals to further develop the Schengen- acquis in respect of cross border operational police cooperation.

Member States should engage in improving the quality of their law enforcement data with the assistance of Europol. Furthermore, Europol should advise the Council on ways to improve the data. The Europol information system should be up and running without delay.

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1. Europol Protocols: the Protocol amending Article 2 and the Annex to the Europol Convention of 30 November 2000, OJ C 358 13.12.00, p. 1, the Protocol on the privileges and immunities of Europol, the members of its organs, its Deputy Directors and its members of 28 November 2002 OJ C 312 16.12.2002, p.1 and the Protocol amending the Europol Convention of 27 November 2003, OJ C 2 6.1.2004. The Convention of 29 May 2000 on mutual assistance in criminal matters between the Member States, OJ C 197, 12.7.00, p. 1 and its accompanying Protocol of 16 October 2001 OJ C 326, 21.11.01, p. 2 and Framework Decision 2002/465/JHA of 13 June 2002 on Joint Investigation Teams, OJ L 162, 20.6.02, p. 1.

The Council is invited to encourage the exchange of best practice on investigative techniques as a first step to the development of common investigative techniques, envisaged in Article III-257 of the Constitutional Treaty, in particular in the areas of forensic investigations and information technology security.

Police cooperation between Member States is made more efficient and effective in a number of cases by facilitating cooperation on specified themes between the Member States concerned, where appropriate by establishing joint investigation teams and, where necessary, supported by Europol and Eurojust. In specific border areas, closer cooperation and better coordination is the only way to deal with crime and threats to public security and national safety.

Strengthening police cooperation requires focused attention on mutual trust and confidence-building. In an enlarged European Union, an explicit effort should be made to improve the understanding of the working of Member States' legal systems and organisations. The Council and the Member States should develop by the end of 2005 in cooperation with CEPOL standards and modules for training courses for national police officers with regard to practical aspects of EU law enforcement cooperation.

The Commission is invited to develop, in close cooperation with CEPOL and by the end of 2005, systematic exchange programmes for police authorities aimed at achieving better understanding of the working of Member States' legal systems and organisations.

Finally experience with external police operations should also be taken into account with a view to improving internal security of the European Union.

## **2.4 Management of crises within the European Union with cross-border effects**

On 12 December 2003 the European Council adopted the European security strategy, which outlines global challenges, key threats, strategic objectives and policy implications for a secure Europe in a better world. An essential complement thereof is providing internal security within the European Union, with particular reference to possible major internal crises with cross-border effects affecting our citizens, vital infrastructure and public order and security. Only then can optimum protection be provided to European citizens and vital infrastructure for instance in the event of a CBRN accident.

Effective management of cross-border crises within the EU requires not only strengthening of current actions on civil protection and vital infrastructure but also addressing effectively the public order and security aspects of such crises and coordination between these areas.

Therefore the European Council calls for the Council and the Commission to set up within their existing structures, while fully respecting national competences, integrated and coordinated EU crisis-management arrangements for crises with cross-border effects within the EU, to be implemented at the latest by 1 July 2006. These arrangements

should at least address the following issues: further assessment of Member States' capabilities, stockpiling, training, joint exercises and operational plans for civilian crisis management

## 2.5 Operational cooperation

Coordination of operational activities by law enforcement agencies and other agencies in all parts of the area of freedom, security and justice, and monitoring of the strategic priorities set by the Council, must be ensured.

To that end, the Council is invited to prepare for the setting up of the Committee on Internal Security, envisaged in Article III-261 of the Constitutional Treaty, in particular by determining its field of activity, tasks, competences and composition, with a view to its establishment as soon as possible after the Constitutional Treaty has entered into force.

To gain practical experience with coordination in the meantime, the Council is invited to organise a joint meeting every six months between the chairpersons of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) and the Article 36 Committee (CATS) and representatives of the Commission, Europol, Eurojust, the EBA, the Police Chiefs' Task Force, and the SitCEN.

## 2.6 Crime Prevention

Crime prevention is an indispensable part of the work to create an area of freedom, security and justice. The Union therefore needs an effective tool to support the efforts of Member States in preventing crime. To that end, the European Crime Prevention Network should be professionalised and strengthened. Since the scope of prevention is very wide, it is essential to focus on measures and priorities that are most beneficial to Member States. The European Crime Prevention Network should provide expertise and knowledge to the Council and the Commission in developing effective crime prevention policies.

In this respect the European Council welcomes the initiative of the Commission to establish European instruments for collecting, analysing and comparing information on crime and victimisation and their respective trends in Member States, using national statistics and other sources of information as agreed indicators. Eurostat should be tasked with the definition of such data and its collection from the Member States.

It is important to protect public organisations and private companies from organised crime through administrative and other measures. Particular attention should be given to systematic investigations of property holdings as a tool in the fight against organised crime. Private/public partnership is an essential tool. The Commission is invited to present proposals to this effect in 2006.

## 2.7. Organised crime and corruption

The European Council welcomes the development of a strategic concept with regard to tackling cross-border organised crime at EU-level and asks the Council and the Commission to develop this concept further and make it operational, in conjunction with other partners such as Europol, Eurojust, the Police Chiefs Task Force, EUCPN and CEPOL. In this connection, issues relating to corruption and its links with organised crime should be examined.

## 2.8 European strategy on drugs

The European Council underlines the importance of addressing the drugs problem in a comprehensive, balanced and multidisciplinary approach between the policy of prevention, assistance and rehabilitation of drug dependence, the policy of combating illegal drug trafficking and precursors and money laundering, and the strengthening of international cooperation.

The European Strategy on Drugs 2005-2012 will be added to the programme after its adoption by the European Council in December 2004.

(...)

## 4. *External relations*

The European Council considers the development of a coherent external dimension of the Union policy of freedom, security and justice as a growing priority. In addition to the aspects already addressed in the previous chapters, the European Council calls on the Commission and the Secretary-General / High Representative to present, by the end of 2005, a strategy covering all external aspects of the Union policy on freedom, security and justice, based on the measures developed in this programme to the Council. The strategy should reflect the Union's special relations with third countries, groups of countries and regions, and focus on the specific needs for JHA cooperation with them.

All powers available to the Union, including external relations, should be used in an integrated and consistent way to establish the area of freedom, security and justice. The following guidelines<sup>1</sup> should be taken into account: the existence of internal policies as the major parameter justifying external action; need for value added in relation to projects carried out by the Member States; contribution to the general political objectives of the foreign policies of the Union; possibility of achieving the goals during a period of reasonable time; the possibility of long-term action.

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1. Established at the European Council meeting in Feira in 2000.

## EUROPEAN COUNCIL DECLARATION ON THE RELATION BETWEEN THE EU AND IRAQ

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1. The European Council discussed the developments in Iraq since the restoration of sovereignty of Iraq on 28 June 2004.
2. The European Council reaffirmed its objective of a secure, stable, unified, prosperous and democratic Iraq that will make a positive contribution to the stability of the region; an Iraq that will work constructively with its neighbours and with the international community to meet shared challenges. It agreed that the EU as a whole should work in partnership with the Iraqi Interim Government, the Iraqi people and participants at the Sharm el Sheikh Conference on 23 November 2004, with the aim of realising these objectives.
3. The European Council warmly welcomed the restoration of sovereignty to the Iraqi Interim Government that took place on 28 June 2004. It reaffirmed its commitment to support the implementation of UN Security Council Resolution 1546 and to support the UN in its activities in Iraq. The European Council expressed the EU's full support for the political transition leading to a constitutionally elected Iraqi Government. It welcomes any steps taken by the Interim Iraqi Government to achieve broader participation of the political spectrum in Iraq, thus contributing to the success of the political process and providing solutions to the problems of Iraq. The elections planned for January 2005 are an important step in this process, and the European Council noted the importance of the EU's continued support for these, as well as for the elections scheduled to take place in December 2005.
4. The EU will use its dialogue with Iraq and its neighbours to encourage continuous regional engagement and support for improved security and for the political and reconstruction process in Iraq based on inclusiveness, democratic principles, respect for human rights and the rule of law, as well as support for security and cooperation in the region. In this respect, the European Council welcomed the International Conference that will be held in Sharm el Sheikh in which the EU will participate, as a further step in efforts to support the political and reconstruction process in accordance with UNSCR 1546. The EU will support this process and underlines the necessity of holding elections in January 2005.
5. The European Council reiterates its condemnation of terrorist attacks, the taking of hostages and the murders which have been committed in Iraq. The EU regrets that the campaign of terrorist violence in Iraq is prolonging the suffering of the Iraqi people and posing difficulties for political progress and economic reconstruction in Iraq and

welcomes the commitment under UNSCR 1546 for all parties to act in accordance with international law, including the effective protection and promotion of human rights.

6. The European Council recalled the Commission Communication “The EU and Iraq - A framework for Engagement”, endorsed by the European Council in June, that sets out medium-term objectives for the development of EU-Iraq relations and the letter by High Representative Solana and Commissioner Patten. The European Council noted that significant progress on engagement with Iraq has been made.

7. The European Council recalled the contribution of more than 300 million that the Community has committed to humanitarian and reconstruction support in 2003-2004. Such a contribution has focused on rehabilitation of essential services - water, sanitation, education and health -, boosting employment and reducing poverty and support to governance, the political process, civil society and human rights. Several Member States also contributed to the International Reconstruction Fund Facility for Iraq (IRFFI).

8. The European Council welcomed the joint Fact Finding Mission for a possible integrated Police and Rule of Law operation for Iraq and considered its report. The European Council recognised the importance of strengthening the criminal justice system, consistent with the respect for the rule of law, human rights and fundamental freedoms. It noted the wish of the Iraqi authorities for the EU to become more actively involved in Iraq and that strengthening the criminal justice sector would respond to Iraqi needs and priorities.

9. The European Council agreed that the EU could usefully contribute to the reconstruction and the emergence of a stable, secure and democratic Iraq through an integrated police, rule of law and civilian administration mission, which could inter alia promote closer collaboration between the different actors across the criminal justice system and strengthen the management capacity of senior and high-potential officials from the police, judiciary and penitentiary and improve skills and procedures in criminal investigation in full respect for the rule of law and human rights. Such a mission should be secure, independent and distinct but would be complementary and bring added value to ongoing international efforts as well as develop synergies with ongoing Community and Member States’ efforts. While judging that activities outside Iraq with a presence of liaison elements in Iraq would be feasible at this point in time, the European Council agreed that with regard to a mission inside Iraq all security concerns need to be appropriately addressed before any decision could be taken.

10. Prime Minister Allawi’s meeting with the European Council has presented the Union with an opportunity to further its political dialogue with Iraq and to discuss Iraq’s future and the strengthening of EU’s engagement with Iraq.

11. The European Council presented Mr Allawi with a comprehensive package of EU assistance to Iraq. This package, comprised of elements provided by both the Community and Member States, includes the following elements:

- ▶ Iraq will be given the perspective of an agreement between the EU and Iraq to reflect the mutual interest in developing a partnership and to promote political and trade cooperation between the EU and Iraq. The European Council asked the Commission to start preparations and work with the Iraqi Government on focused assistance programmes aimed at developing the conditions for such an agreement. In that respect the European Council invited the Commission to enhance as appropriate and with due regard to security its presence in Baghdad.
- ▶ In conformity with the July and September GAERC conclusions on EU financial and personnel support for the preparation of elections in close coordination with the UN, the Community will provide a further 30 million to the elections cluster of the International Reconstruction Fund Facility for Iraq (IRFFI) and intends to provide further support to the electoral process through specific measures, such as the provision of election experts to the Independent Electoral Commission of Iraq as well as the training of domestic observers. Member States are also providing assistance to the preparations for elections through bilateral contributions. Given the January deadline for elections, it is crucial that this support will be disbursed immediately in order to play a part in the pre-election process.
- ▶ As the EU attaches great importance to an active UN presence in Iraq and supports the UN's leading role in promoting the political process and reconstruction of Iraq, EU Member States are ready to contribute substantially to the financing of the middle ring of the UN Protection Force in Iraq, following the request made by the UN Secretary General. The Commission continues to discuss with the UN a possible financial contribution of the Community to the inner ring.
- ▶ An expert team should be sent by the end of November 2004 to continue the dialogue with the Iraqi authorities, to start initial planning for a possible integrated police, rule of law and civilian administration mission which is expected to start after the January 2005 elections and in particular assess the urgent security needs for such a mission. A dialogue with other countries in the region on these and other matters should also be encouraged.
- ▶ On-going implementation of humanitarian and reconstruction assistance; the majority of funds of the Community and Member States will continue to be directed to the IRFFI.
- ▶ Iraq is a beneficiary of the EU Generalized System of Preferences and should be encouraged to do the necessary to benefit from those preferences. The European Council recalled the Commission's offer to the Interim Iraqi Government to implement GSP preferences with Iraq. As soon as conditions allow, the European Commission should work together with the Iraqi administration to set up the administrative cooperation system which is a requirement for the system to operate.

- ▶ Continued efforts of the Member States to exchange views on debt and related economic policy conditionality. Several EU Member States are involved in the current Paris Club negotiations on Iraq's debt. The European Council welcomed the upcoming visit of a mission of the Iraqi Ministry of Finance to the Paris Club in November.

## Statement by Javier Solana on the agreement on Iran's nuclear programme

Brussels, 15 November 2004

Javier SOLANA, EU High Representative for the Common Foreign and Security Policy (CFSP), made the following comments today on the agreement reached as a result of talks between France, Germany and the UK with the support of the High Representative on the one hand, and Iran on the other hand, concerning the Iranian nuclear issue:

*“This is a welcome agreement. We can now look forward to the International Atomic Energy Agency’s report that Iran’s voluntary suspension is being implemented in full. As the Heads of State and Government of the European Union made clear at the last European Council we want a durable, cooperative and long-term partnership with Iran. This agreement opens the way. Potentially it is the start of a new chapter in our relations. The negotiations on a Trade and Cooperation Agreement should be resumed as soon as suspension is verified.*

*It is however only the start. We now need to work rapidly to produce a solid long-term agreement. This should on the one hand provide lasting confidence in the peaceful nature of Iran’s nuclear programme and on the other bring concrete results in the area of trade, technology exchange and security, as well as in the nuclear dimension. This will not be an easy task but we have taken the first step and that is very important.”*

### *Background on agreement on Iran’s nuclear programme*

In October 2003, the European Council re-iterated its grave concerns on Iran’s nuclear programme and identified the urgent need for Iran to restore international confidence in the peaceful nature of its nuclear programme. The Council also underlined its readiness to explore ways to develop a wider co-operation with Iran.

Since then, efforts were undertaken by several Member States to develop, through collective effort at the IAEA in Vienna and through dialogue with Iran, a diplomatic solution to the Iranian nuclear issue. The Teheran joint Statement of 21 October 2003 was a first step, in which Iran committed itself to suspend enrichment and reprocessing activities.

The European Council, on 5 November 2004, re-iterating the importance it attached to building confidence, called on Iran to implement a sustained suspension of all enrichment related and reprocessing activities, on a voluntary basis. In return, the Council expressed preparedness to further engage with Iran, including through the resumption of the negotiations on a trade and cooperation agreement.

The understanding reached today with Iran were developed in negotiations, at senior officials level, between Iran and several Member States supported by representatives of the EU High Representative, and are based on the following principal axes:

- ▶ Iran committed itself to immediately suspend all enrichment-related and reprocessing activities as a confidence-building measure. Iran will/has notify its decision to suspend to the IAEA and will invite the IAEA to verify that the full suspension has been put into effect. The suspension will be sustained as long as negotiations on long-term arrangements will last.
- ▶ The European side reconfirms Iran's right to develop nuclear energy for peaceful purposes in accordance with the Non-Proliferation Treaty. The negotiations on a trade and co-operation agreement with Iran will be resumed and the EU will actively support the opening of WTO accession negotiations with Iran, as soon as the IAEA will have confirmed that the full suspension is in place. At the same time, a process of enhanced dialogue between the EU and Iran will be initiated which will cover the areas of technology and co-operation, nuclear issues, and political and security issues.

The overall objective to be reached through the implementation of these understandings is to develop mutually acceptable long-term arrangements concerning the Iranian nuclear programme, and a solid basis for stable and lasting relations between the EU and Iran.

### Agreement

The Government of the Islamic Republic of Iran and the Governments of France, Germany and the United Kingdom, with the support of the High Representative of the European Union (E3/EU), reaffirm the commitments in the Tehran Agreed Statement of 21 October 2003 and have decided to move forward, building on that agreement.

The E3/EU and Iran reaffirm their commitment to the NPT.

The E3/EU recognise Iran's rights under the NPT exercised in conformity with its obligations under the Treaty, without discrimination.

Iran reaffirms that, in accordance with Article II of the NPT, it does not and will not seek to acquire nuclear weapons. It commits itself to full cooperation and transparency with the IAEA. Iran will continue implementing voluntarily the Additional Protocol pending ratification.

To build further confidence, Iran has decided, on voluntary basis, to continue and extend its suspension to include all enrichment related and reprocessing activities, and specifically: the manufacture and import of gas centrifuges; work to undertake any plutonium separation, or to construct or operate any plutonium separation installation; and all tests or production at any uranium conversion installation. The IAEA will be notified of this suspension and invited to verify and monitor it. The suspension will be implemented in time for the IAEA to confirm before the November Board that it has been put

into effect. The suspension will be sustained while negotiations proceed on a mutually acceptable agreement on long-term arrangements.

The E3/EU recognise that this suspension is a voluntary confidence building measure and not a legal obligation.

Sustaining the suspension, while negotiations on a long-term agreement are under way, will be essential for the continuation of the overall process. In the context of this suspension, the E3/EU and Iran have agreed to begin negotiations, with a view to reaching a mutually acceptable agreement on long term arrangements. The agreement will provide objective guarantees that Iran's nuclear programme is exclusively for peaceful purposes. It will equally provide firm guarantees on nuclear, technological and economic cooperation and firm commitments on security issues.

A steering committee will meet to launch these negotiations in the first half of December 2004 and will set up working groups on political and security issues, technology and cooperation, and nuclear issues. The steering committee shall meet again within three months to receive progress reports from the working groups and to move ahead with projects and/or measures that can be implemented in advance of an overall agreement.

In the context of the present agreement and noting the progress that has been made in resolving outstanding issues, the E3/EU will henceforth support the Director General reporting to the IAEA Board as he considers appropriate in the framework of the implementation of Iran's Safeguards Agreement and Additional Protocol.

The E3/EU will support the IAEA Director General inviting Iran to join the Expert Group on Multilateral Approaches to the Nuclear Fuel Cycle.

Once suspension has been verified, the negotiations with the EU on a Trade and Cooperation Agreement will resume. The E3/EU will actively support the opening of Iranian accession negotiations at the WTO.

Irrespective of progress on the nuclear issue, the E3/EU and Iran confirm their determination to combat terrorism, including the activities of Al Qa'ida and other terrorist groups such as the MeK. They also confirm their continued support for the political process in Iraq aimed at establishing a constitutionally elected Government.

## General Affairs and External Relations Council

Brussels, 22 November 2004

Of the matters on which progress was made in the ESDP field, attention should be drawn to two aspects. Firstly, Member States committed forces to implement the battlegroups: there are 13 of them, 9 of which are multinational, which will require interoperability efforts. The implementation of a strategic lift joint coordination ought to ensure that they are initially deployable in 2005. All of the forces should be operational by 2007. Secondly, the initiative to create a European Gendarmerie Force was endorsed. This post-conflict stabilisation force will be based in Italy, with an initial force of 800 officers.

(...)

### **ESDP – COUNCIL CONCLUSIONS**

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The Council endorsed the declaration made by the Ministers of Foreign Affairs of the Member States of the European Union meeting in Brussels on 22 November 2004 at a Civilian Capabilities Commitment Conference (see below). The Council acknowledged that important issues, critical to the success of future ESDP missions, need to be addressed urgently, including the establishment of appropriate operational planning and mission support capabilities within the Council Secretariat to ensure the ability of the EU to conduct and/or plan several civilian crisis management missions simultaneously. The Council also urged the Council Secretariat and the Commission to put forward, by the end of 2004, concrete proposals to provide adequate solutions on the issue of procurement, including recommendations on the earlier identification of procurement needs in planning processes.

The Council furthermore endorsed the declaration made by the Ministers of Defence of the Member States of the European Union, meeting in Brussels on 22 November 2004 at a Military Capabilities Commitment Conference (see below). Member States committed themselves to the further improvement of military capabilities and offered contributions to the EU Battlegroups (as part of Rapid Response elements). The Council asked the relevant EU bodies to take forward work on the implementation of this declaration.

The Council took note of the Single Progress Report on military capabilities, which was prepared in accordance with the EU Capability Development Mechanism and welcomed progress made.

The Council adopted guidelines on the European Defence Agency's work programme for 2005 (14856/04) and approved the Agency's budget for 2005.

The Council agreed to launch the military Operation ALTHEA on 2 December 2004. This operation follows the NATO operation SFOR and will make use of NATO common assets and capabilities. The European Union expressed its appreciation for the role played by the NATO military force in Bosnia and Herzegovina since its inception in December 1995. The Council welcomed the participation of eleven third States. Operation ALTHEA is part of the EU's comprehensive approach in Bosnia and Herzegovina. It will sustain the EU's long term objective of a stable, viable, peaceful and multi-ethnic Bosnia and Herzegovina, cooperating peacefully with its neighbours and irreversibly on track towards integration into the EU.

The Council endorsed the Conceptual Framework on the ESDP dimension of the fight against Terrorism and welcomed the action points included in this document.

The Council recalled the Joint Declaration on UN-EU Cooperation in Crisis Management of 24 September 2003, in which the EU agreed to consider actively ways to assist in the establishment of an Integrated Police Unit (IPU) in Kinshasa to provide security to the transitional government and institutions, and the request to that effect from the Government of the Democratic Republic of Congo on 20 October 2003 to the Secretary General/High Representative.

The Council also reiterates its commitment to work in very close association with MONUC and to provide it with effective support to fulfil its mandate which includes police training.

The Council welcomed the work done so far by the IPU training project in Kinshasa, currently being conducted under the EDF. In order to support further the transitional government of DRC, and particularly in the protection of the transitional government and its institutions, the Council decided that the IPU training project should be followed by a police mission in the framework of ESDP to monitor, mentor and advise the IPU in the conduct of its tasks. This operation should be based on the concept and structure agreed by the Political and Security Committee on 16 November 2004.

Furthermore, the Council agreed that the ESDP mission should be in place in time to ensure a seamless transition from the IPU training project. To this end, the Council invited the Secretariat to continue the planning and preparations with a view to launching the mission in early 2005.

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## **FINANCING OF MILITARY OPERATIONS – ATHENA MECHANISM**

The Council examined ways in which the existing procedures under the ATHENA mechanism for the financing of the common costs of EU-led military operations could better meet the needs of EU Rapid Response, notably in terms of transportation of the forces

and early provision of funds to ATHENA. It tasked the relevant Council bodies, in relation with the EU Military Staff and the ATHENA administrator, to continue reflecting on the most appropriate ways and means to finance EU Rapid Response.

## **MIDDLE EAST PEACE PROCESS – COUNCIL CONCLUSIONS**

The Council adopted the following conclusions:

“1. The Council expresses its condolences to the Palestinian people on the occasion of President Arafat’s death and commends the approach of the current leadership in organising a smooth transition.

2. Reaffirming the EU’s goals and policies with respect to the Middle East peace process, the Council calls upon all parties to abstain from any provocative or violent action and to demonstrate the necessary courage and leadership in order to advance the peace process. Terrorism and hostilities must end.

3. The Council reiterates its commitment to pursue the short-term programme of action proposed by High Representative to the European Council, and concludes that immediate action is required to support the presidential elections, to improve the security situation and to provide financial support to the Palestinian Authority.

4. Free and fair presidential elections are an indispensable step in the process of consolidating democratic institutions. The EU stands ready to assist the Palestinian Authority financially, technically and politically. The Council calls on the Palestinian Authority to organise elections in accordance with international standards under the authority of an independent electoral commission and calls upon Israel to facilitate these elections. The electoral process should be supported by all. The Council welcomes the Commission’s intention to launch an Election Observation Mission.

5. At this critical moment in time, the Palestinian Authority should dispose of the means necessary to carry out its functions, including in the field of security. The Palestinian institutions and economy should be strengthened and Israel and other members of the international community have a shared responsibility to facilitate this. The EU calls on all donors and the parties directly concerned to meet their commitments and where possible to step up their efforts, in view of the next meeting of the AHLC.

6. The EU will spare no effort to promote peace and security in the Middle East, both in the short-term and in the longer-term, within the broader political perspective. It is determined to co-ordinate its efforts with the parties involved and with its partners, in particular the Quartet members. The Council supports High Representative Solana's ongoing high-level consultations and welcomes the decision to convene a Quartet principals level meeting at short notice. The full political commitment of the Quartet remains crucial."

## **IRAN – NUCLEAR ISSUES – COUNCIL CONCLUSIONS**

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The Council adopted the following conclusions:

"1. The Council welcomed the agreement reached with Iran on nuclear issues and future cooperation on 15 November, following talks with France, Germany and the UK supported by the High Representative.

2. The Council welcomed Iran's decision to suspend fully all enrichment related and reprocessing activities, and to sustain this suspension while negotiations are underway on an agreement on long-term arrangements. It noted that sustaining the suspension as defined in the agreement would be essential for the continuation of the overall process. It expected Iran to take the steps necessary to enable the IAEA Director General to report at the IAEA Board of Governors meeting on 25 November that full suspension was in place.

3. The Council underlined the importance of the negotiation on long-term arrangements. These arrangements will have to provide for objective guarantees that Iran's nuclear programme is exclusively for peaceful purposes. The Council affirmed its willingness to work towards a positive outcome.

4. The Council confirmed the EU's readiness to explore ways to develop political and economic co-operation with Iran, following action by Iran to address the EU's areas of concern. It recalled the conclusions of the European Council on 5 November that negotiations on a Trade and Co-operation Agreement would resume as soon as suspension was verified."

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## **EUROPEAN SECURITY AND DEFENCE POLICY**

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### **Civilian crisis management**

The Council approved a declaration on the Member States' voluntary commitments for civilian crisis management.

The declaration acknowledges progress made, both in quantity and in quality, in the field of civilian capabilities for EU crisis management.

### **Western Balkans – EU Monitoring Mission**

The Council adopted a Joint Action extending the mandate of the European Union Monitoring Mission (EUMM) in the Western Balkans until 31 December 2005 (14053/04), as well as a Decision prolonging for 2005 the mandate of Ms Maryse Daviet as EUMM Head of Mission (14059/04).

The financial reference amount for implementation of the Joint Action is 4.2 million euros.

The primary objective of the EUMM is to contribute to the formulation of the EU's policy towards the Western Balkans through information-gathering and analysis in line with directions from the Secretary-General/High Representative and the Council.

### **EU space policy and defence**

The Council approved a document entitled "European Security Defence Policy (ESDP) and Space", defining contributions that can be made to ESDP by space applications (11616/3/04).

The document is intended to serve as a reference for future proceedings with regard to military capabilities.

### **Combating terrorism**

The Council approved a document entitled "Conceptual Framework on the European Security Defence Policy (ESDP) – Dimension of the fight against terrorism" and agreed to forward it to the European Council for its meeting on 16 and 17 December (14797/04).

The text identifies four main areas of action: prevention, protection, response/consequence management and support to third countries in combating terrorism.

### **EU/Georgia – Rule of Law Mission status and activities**

The Council adopted a Decision approving an Agreement with Georgia on the status and activities of the EU Rule of Law Mission in Georgia (EUJUST THEMIS) (13972/04).

The mission EUJUST THEMIS is aimed at assisting Georgia in the development of a government strategy to guide the reform of the country's criminal justice system.

### **European Defence Agency**

The Council adopted guidelines on the European Defence Agency's work programme for 2005 (14856/04).

The Second meeting of the Agency's Steering Board was held on 22 November in the margins of the Council.

### **EU military operations – Review of the mechanism to administer finances \***

The Council reached a political agreement on a draft Council Decision amending Decision 2004/197/CFSP establishing a mechanism to administer the financing of the common costs of EU operations having military or defence implications (ATHENA) (14956/04).

The Council agreed that contributions already called for operation ALTHEA in Bosnia and Herzegovina for the financial year 2005 will become payable by end January 2005 and that financial rules for the implementation of expenditure related to common costs in EU military operations will be adopted by the ATHENA Special Committee at the end of 2005.

The Political and Security Committee will be consulted every time a financial decision on a particular operation has a political or strategic impact.

### **Police Mission in the Former Yugoslav Republic of Macedonia**

The Council adopted a Joint Action extending the EU Police Mission in the Former Yugoslav Republic of Macedonia (EUPOL PROXIMA) until 14 December 2005 (14440/04).

The mission of EUPOL PROXIMA, established by Council Joint Action 2003/681/CFSP, provides support in FYROM regarding:

- consolidation of law and order, including the fight against organised crime;
- implementation of the reform of the Ministry of Interior, including the police;
- transition towards and the creation of a border police;
- local policing and confidence building within the population;
- cooperation with neighbouring States in the field of policing.

### **Africa – Peace and security action plan – Council conclusions**

The Council approved an action plan aimed at supporting peace and security in Africa, and took note of a report on implementation of support measures to capacity building

in Africa under European Security and Defence Policy (ESDP).

The action plan focuses on capacity building; planning support; disarmament, demobilisation and reintegration of combatants; security sector reform and EU internal and external co-ordination.

ESDP support to peace and security in Africa was developed after the Council's Political and Security Committee undertook to explore practical ways of implementing support to African organisations in building autonomous conflict prevention and management capacities, following the adoption of EU Common Position 2004/85/CFSP on the prevention, management and resolution of violent conflicts in Africa.

The Council also adopted the following conclusions:

“The Council recognises the primary responsibility of the UN Security Council and the role of international law as the framework for maintaining international peace and security. The EU and its Member States will continue to support UN actions in Africa, as already demonstrated in several crises in Africa, in particular in DRC.

The Council welcomes the will of African states to assume their responsibilities on their own continent and reaffirms its commitment to the principle of African ownership. In this context, the Council reconfirms its appreciation and strong support for the objective of the African Union (AU) and African subregional organisations to promote peace and security on the African continent. Peace and security is a pre-condition for achieving sustainable development. The Council underlines the need for an intensified political dialogue and an enhanced partnership between the EU, the AU and the UN.

The European Security and Defence Policy can support the AU, African subregional organisations and African States in their efforts to ensure a stable and secure Africa. In this context, the Council agreed on the Action Plan for ESDP-support to Peace and Security in Africa. This Action Plan identifies practical ways for implementing the support to African organisations in building autonomous conflict prevention and management capacities, with special attention to the AU. It primarily addresses issues of capacity building, and planning support and foresees support for actions in the field of Disarmament, Demobilisation and Reintegration and Security Sector Reform. The Council invites the AU and African Sub-regional organisations to take advantage of the support offered by the EU and to come forward with proposals for long-term capacity building. As internal co-ordination of EU efforts is crucial, the Council tasked the relevant Council bodies to urgently finalise the work on the institutional, legal, budgetary and procurement/storage aspects, and to inform the Council of the results at its next meeting.

The Council underlines that EU support for peace and security in Africa is part of a coherent EU policy towards Africa in which ESDP activities and the Peace Facility are combined with other instruments of the Common Foreign and Security Policy and the Cotonou Agreement and with bilateral actions by Member States. This integrated, long

term approach will include continuous attention for the vulnerable position of women and children and the increased risks of HIV/AIDS in armed conflict. The EU work will be based on the principle of full coordination with other actors in this field, i.e. the UN, the AU, subregional organisations, in order to ensure coherence and complementarity with bilateral initiatives and initiatives by, for example, the G8.

The Council notes with satisfaction that under the Peace Facility several requests of the AU have already been honoured. These include support for the mission of the AU AMIS in Sudan and the capacity building initiatives of the AU.”

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## **SUMMARY OF THE REMARKS MADE BY JAVIER SOLANA – MILITARY CAPABILITIES COMMITMENT CONFERENCE CIVILIAN CAPABILITIES COMMITMENT CONFERENCE**

### *I. EU MILITARY CAPABILITIES (Military Capabilities Commitment Conference)*

- ▶ Le point des travaux en cours montre que nous avançons. Je crois que chacun des projets discutés lors de notre réunion contribue, à sa manière, au développement des capacités globales de l'UE. Sans capacités d'action, pas d'action possible. Je voudrais souligner quelques points qui me paraissent spécialement importants.

#### **European Capabilities Action Plan (ECAP)**

- ▶ Le processus ECAP a produit de bons résultats. Je soutiens les propositions d'amélioration du processus. Elles devraient permettre de faire le meilleur usage des capacités et des potentialités de l'agence d'armement, et de concentrer les efforts sur certains domaines clé. S'agissant des résultats de ce processus : un certain nombre de solutions ont été analysées en détail pour combler nos lacunes résiduelles. Il faut maintenant passer à l'action et mettre en oeuvre les solutions concrètes identifiées ; faute de quoi, tout le travail fait jusqu'à ce jour aurait été perdu et nous aurions toujours des lacunes, alors que notre déclaration de capacité opérationnelle date maintenant de trois ans.

#### **Approche globale de la déployabilité (transport stratégique)**

- ▶ L'approche globale de la déployabilité est un exemple de ce que nous pouvons faire pour remédier à nos lacunes. La question du transport stratégique est cruciale, en particulier dans la perspective de la mise en place d'une capacité opérationnelle pour les Battle groups. L'approche progressive et pragmatique retenue pour résoudre cette difficulté est la bonne, il me semble.

## EU Battlegroups (Groupements tactiques)

- ▶ Le travail sur les Battle groups a bien progressé depuis notre dernière rencontre. Les indications données sur la constitution de Battle groups sont très encourageantes. Il semble que nous devrions disposer d'un nombre suffisant de Battle groups pour respecter les objectifs que nous nous sommes fixés, aussi bien s'agissant de la capacité initiale en 2005, que de la capacité complète en 2007. Cela montre que nous sommes tous d'accord sur l'importance de ce projet. Un certain nombre de travaux restent à venir, sur le processus de décision, sur les modalités d'association des tiers. Je crois qu'il faudra lors de ces travaux garder à l'esprit la qualité essentielle de ces battle groups : la rapidité de déploiement et l'efficacité militaire. Nous ne devons pas permettre que ces deux paramètres soient remis en cause, ce serait nier la raison d'être de ce projet ambitieux.

## Civilian-Military Cell

- ▶ A few words on the setting up of the Civ-Mil cell and its associated operational facility. These structures contribute to the development of our capabilities. Last June the European Council gave me a mandate to take work forward on the establishment of a civilian/military cell within the EU Military Staff as well as a detailed proposal on the operations centre. As you all know, these two issues are closely linked. The nucleus for the establishment of an Ops Centre lies within the Civ-Mil Cell.
- ▶ Building on the concept that I had presented in the last semester, I believe that we now have all the necessary ingredients to allow Member States to reach an agreement in the near future. I believe they reflect a good balance that will help the EU take an additional important step forward.
- ▶ Let me underline that one of the key elements in my view is that the Cell will give the EU an enhanced capacity for a co-ordinated Civil Military response to crises. All recent conflicts and international involvement in conflict resolution have shown the importance of starting this coordination from the initial planning stages of any international intervention.
- ▶ I have also received a mandate from the June European council to take forward work on the establishment of a small EU cell at SHAPE and NATO liaison arrangements with the EUMS. I trust that an agreement will be reached soon.

## II. *EU CIVILIAN CAPABILITIES (Civilian Capabilities Commitment Conference)*

- ▶ Thank you Mr. Chairman for convening this Civilian Capabilities Commitment Conference here today, which follows other Civilian Capabilities Commitment Conferences held, in 2001 and 2002.

- Since then two major developments have taken place :
  - one : the enlargement - we are now 25 Member States;
  - two : we have gained experience in the field of Civilian Crisis Management.
- We now have three civilian ESDP operations (EUPM in Bosnia and Herzegovina, PROXIMA in the former Yugoslav Republic of Macedonia and THEMIS in Georgia).
- And more is to come: the Council will today decide on a police mission in Kinshasa, in the framework of ESDP, to assist both the UN and DRC. We are also about to establish an expert team to look into the possibilities for an integrated police, rule of law and civil administration mission for Iraq. We will soon need more civilian capabilities from EU Member States.
- The declaration, which is submitted for your approval today, acknowledges that important progress has been made in the field of civilian capabilities for EU crisis management, both in quantity and in quality. Two elements, in my view, should be highlighted :
  - first, the EU capabilities in the four priority areas (police, rule of law, civilian administration and civil protection) are increasing. Let me here express my appreciation to the new Member States, who are making a great effort;
  - second, experience over the past two years has led to the identification of two new areas for the development of civilian capabilities: monitoring and generic support for the EU Special Representatives.
- Civilian capabilities are drawn from various Ministries and Departments (Police, Ministries of Justice, Interior and others) of National Administrations. We need to explain to those responsible for these sectors that the capabilities they can offer are of great relevance for EU crisis management. I have started to talk to Ministers of Justice and Home Affairs and Chiefs of Police - I hope you will do the same.
- Let me underline two items which I consider of outmost importance :
  - one : procurement. It is urgent to address present limitations in this field. This is a key factor to ensure rapidity of deployment and efficiency. Important work is ongoing, both in the Council Secretariat and in the Commission Services. We aim at developing mechanisms to achieve these goals, while respecting the essential principles of the EU budget.
  - two : operational planning and support capabilities in the Council Secretariat to plan and conduct civilian crisis management missions. We have considerably increased the staff dealing with these matters within the Secretariat over the past year. The civilian-military cell, which we expect to be operational early next year, will be able to assist in the planning and conduct of civilian operations. We may still need some assistance from Member States, but overall we are moving in the right direction.

## **CIVILIAN CAPABILITIES COMMITMENT CONFERENCE – MINISTERIAL DECLARATION**

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1. A more capable Europe is a precondition for an effective Common Foreign and Security Policy, as stated in the European Security Strategy. Better civilian and military capabilities are needed to deal with the global challenges and key threats. At the same time, the demand for civilian instruments in the framework of the European Security and Defence Policy (ESDP) is increasing. The EU is currently conducting three civilian ESDP missions as well as an EU monitoring mission. Other missions are under consideration. On the civilian side, the European Union has primarily responded to the changing security environment with the Action Plan for Civilian Aspects of ESDP and in that context a comprehensive review of its civilian capabilities took place.

2. Ministers of Foreign Affairs therefore welcomed the opportunity to meet in the context of the Civilian Capabilities Commitment Conference, on 22 November 2004 in Brussels, to review progress on the enhancement and development of civilian capabilities as well as to assess the challenges ahead. Ministers reiterated their strong commitment to the further development of civilian crisis management and stressed that shortcomings on issues such as mission and planning support capability, adequate financing, the ability of the EU to deploy at short notice, and procurement needed to be addressed urgently.

3. Ministers welcomed the capabilities of the 10 new Member States in the area of civilian crisis management. These provide the EU with an important added value given the specific expertise the new Member States have made available. Ministers confirmed that Member states' voluntary commitments are now 5761 in the area of police, 631 for rule of law, 562 for civilian administration and 4968 for civil protection. With these commitments, Member States have well exceeded the concrete targets set by the European Council. Ministers also stressed the importance of real availability and deployability of committed personnel resources with the right level of skills and experience.

4. Ministers welcomed the progress made in the implementation of the Action Plan for the Civilian aspects of ESDP, endorsed by the European Council in June 2004. Ministers welcomed in particular:

- the overall increase of Member states' capabilities in the areas of police, rule of law, civilian administration and civil protection.
- the establishment of a monitoring capability, in addition to the areas of police, rule of law, civilian administration and civil protection. This capability of 505 will allow a wider use of monitoring as an important crisis management and conflict prevention tool.
- the generic support capabilities that were identified to provide support to inter alia EU Special Representatives. 391 experts have been committed in areas such as human

rights, political affairs, gender and Security Sector Reform. These resources should also further enable the EU to deploy integrated civilian crisis management missions to respond to the specific needs on the ground and make use of the full range of its crisis management capabilities.

- ▶ the progress made in better defining committed capabilities.
- ▶ the sharing of 'best practices' in the area of human resources, training, recruitment for civilian crisis management in order to help each Member State to fulfil its responsibility to recruit and train skilled mission personnel.
- ▶ the further deepening and broadening of the dialogue and the practical cooperation with the UN and other international organisations on civilian crisis management. The EU commits itself to further develop its capabilities, also in order to enhance the EU's ability to work with the UN.

5. Ministers attach great importance to the development of a Civilian Headline Goal, which aims at establishing needs-driven goals to allow the EU to further define and build up the civilian capabilities the EU needs for future tasks and challenges by 2008, to be finalised by the European Council in December 2004. This Headline Goal will set out clearly the EU's ambitions for civilian ESDP over the coming years and will provide a firm basis to establish the capabilities needed to meet the EU's ambitions and the areas in which the EU should develop its capabilities further.

6. The EU should develop its capacity to deploy multifunctional civilian crisis management resources in an integrated format. A range of modalities for the setting up and deployment of such capacities, including rapidly deployable Civilian Crisis Response teams, should be further considered and developed under the Headline Goal process.

7. Ministers welcomed the meeting and the declaration of the Chiefs of Police on police aspects in the ESDP-framework on 25 October organised by the Dutch Presidency. In the declaration, the Chiefs of Police identified important issues that need to be addressed further by the EU (see Annex A to Annex I).

8. Ministers also welcomed the initiative by France, Italy, the Netherlands, Portugal and Spain to establish a European Gendarmerie Force (EGF) and the contribution the EGF can make to the ESDP. These 5 countries have made this capacity with a military status available for the more demanding scenarios and for rapid deployment in order to guarantee public security and public order. Ministers also welcomed that this force will be first and foremost at the disposal of the EU and stressed the need to explore further the possibilities of close affiliation of EU Member States not participating in the EGF.

9. Ministers acknowledged that the following important issues, critical to the success of future civilian ESDP mission, need to be urgently addressed:

- ▶ The establishment of appropriate operational planning and support capabilities within the Council Secretariat as soon as possible to ensure the ability of the EU to conduct several civilian crisis management missions concurrently.
- ▶ Adequate financial resources that meet the EU's ambitions in the field of civilian ESDP.<sup>1</sup>
- ▶ Considering that current procurement rules significantly constrain the deployment of civilian crisis management missions, Ministers urged the Council Secretariat and the Commission to put forward, by the end of 2004, concrete proposals to provide adequate solutions on the issue of procurement, including recommendations on the earlier identification of procurement needs in planning processes.
- ▶ Appropriate arrangements and mechanisms in the areas of operational support, logistics, security of personnel and mission protection given the more challenging and less benign environments in which the EU is likely to operate in the near future.
- ▶ The ability of the EU and Member States to deploy their capabilities at short notice.

In order to make capabilities as operational, efficient and coherent as possible, Ministers also underlined the importance of:

- ▶ The promotion of effective close co-ordination and coherence between Community and ESDP activities.
- ▶ The conduct of exercises (civilian and civil-military) to test and validate procedures and ensure efficiency.
- ▶ The improvement of civil-military co-ordination as well as the ability of the EU to deploy civilian capabilities simultaneously with military means at the outset of an operation. In this context, Ministers welcomed the imminent creation of the civil-military cell.
- ▶ Pre and in mission training in order to make the capabilities as effective and interoperable as possible.

10. Ministers stressed the importance of the need to regularly review and update Member States capabilities as well as their availability. They underlined the importance of the direct involvement of key stakeholders in civilian crisis management, in particular those ministers responsible for the qualitative and quantitative capability development.

11. Ministers warmly welcomed the contributions of non-EU States to civilian ESDP missions. They therefore welcomed the opportunity to inform the countries which are candidates for accession to the EU and the non EU European NATO Members on progress made in the area of capabilities for civilian crisis management as well as to receive their indications on possible supplementary commitments.

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1. This is without prejudice to the financial framework 2007 - 2013.

## **DECLARATION OF EU CHIEFS OF POLICE**

### **following the meeting on police aspects in the ESDP-framework**

**Warnsveld, the Netherlands, 25 October 2004**

1. The EU Chiefs of Police welcomed the initiative by the Netherlands Presidency to organise a meeting of the EU Chiefs of Police, on police missions in the framework of the European and Security and Defence Policy (ESDP). They recognised the central role of police in international crisis management operations and the ever-increasing important contribution that the EU is making in this regard. The EU's policing capabilities have contributed substantially to the effectiveness of the EU's ability to respond to different phases of crises as well as Security Sector Reform activities through a broad range of instruments.

2. The Chiefs of Police recalled that the last Conference of the Chiefs of Police took place under the Swedish Presidency on 10 May 2001. This meeting provided an important input for the further development of policing in the ESDP-framework, not least through the launching of the Police Action Plan. The importance of actively engaging in police aspects of civilian crisis management, in particular in terms of qualitative and quantitative capability development was recognised by the Chiefs of Police. The Chiefs of Police therefore agreed to meet regularly on these aspects.

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3. The Chiefs of Police recalled that a Police Capabilities Commitment Conference at Ministerial level took place in Brussels on 19 November 2001 in order to draw together the national commitments to meet the police capabilities goals set by the Feira European Council. In doing so, they contributed to the creation of an EU capacity for crisis management, capable of covering the full range of police missions identified by the European Councils of Nice and Göteborg, i.e. from training, advisory and monitoring missions to executive missions. At the Conference, Member States on a voluntary basis undertook to provide 5000 police officers by 2003, out of which 1400 police officers could be deployed within thirty days, thus enabling the EU to meet the targets set at Feira. As part of their commitments, some Member States undertook to provide rapidly deployable, integrated and interoperable police units.

4. The Chiefs of Police welcomed the considerable progress that has been made in the implementation of the Police Action Plan, adopted at the European Council in Göteborg. This progress *inter alia* includes:

- The development of concepts for planning and police command and control aspects

of EU Crisis Management.

- ▶ The development of comprehensive concepts for police missions, including strengthening and substitution scenarios.
- ▶ Guidelines for training and selection criteria.
- ▶ Model agreements of Status of Forces Agreements, and principles for the use of force (Rules of Engagement) for police officers participating in EU Crisis Management Operations.

5. They further welcomed the successful establishment of the first two ESDP police missions - the European Union Police Mission in Bosnia and Herzegovina (EUPM) and the European Union Police Mission in the former Yugoslav Republic of Macedonia (EUPOL PROXIMA). Both missions are currently ongoing, comprising more than 650 EU and Third State police officers, with the aim of establishing sustainable policing arrangements under local ownership, according to best European and international practice. Both missions continue to have a positive and stabilising impact in sensitive but relatively benign areas. The establishment of EUPM and EUPOL PROXIMA has provided the EU with important operational experience and has enabled the EU to identify crucial lessons learned, including areas for further improvements by the missions, the Member States and the Council Secretariat, including the Police Unit.

6. The Chiefs of Police recognised the important contribution of CEPOL (Collège Européen de Police) to foster common training for police officers. The common training provided through CEPOL has promoted a common knowledge and better interoperability between Member States and has improved the methodology for planning as well as the procedures used in Crisis Management Operations. Specialised CEPOL courses and exercises for police operations in the framework of the ESDP should be further developed. Furthermore, the Chiefs of Police recognised the benefits and values of the participation of EU police officers in international police missions.

7. The Chiefs of Police underlined that organised crime is a major obstacle for the consolidation of law and order in former crisis areas. They recalled that Europe is a prime target for organised crime (cross-border trafficking in drugs, human beings, and weapons accounts for a large part of the activities of criminal gangs) and that external action, inter alia through international police missions, can help improve our internal security. The Chiefs of Police recognised that assistance by EUPM and EUPOL PROXIMA to the respective local authorities in developing capacities to help fight organised crime more effectively, has an important internal dimension. The Chiefs of Police welcomed the contribution of the EU police operations to the implementation of the UN sponsored Palermo Convention on the fight against organised crime. The Chiefs of Police also stressed the potential links between organised crime and terrorism.

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8. The Chiefs of Police welcomed the ongoing work under the Dutch Presidency to review the current police capabilities commitments by Member States. They stressed the need to further develop the qualitative aspects of commitments made by member States, not least in terms of rapid deployment of qualified personnel. In this context, the Chiefs of Police underlined the importance of the Civilian Capabilities Commitment Conference in November 2004 as well as the ongoing work on the Civilian Headline Goal.

9. The Chiefs of Police welcomed the initiative to establish a European Gendarmerie Force (EGF) by France, Italy, the Netherlands, Portugal and Spain. This force will be first and foremost at the disposal of the EU. They underlined the important contribution the EGF can make to the ESDP by making available a capacity for the more demanding scenarios and for rapid deployment. The Chiefs of Police stressed the need to explore further the possibilities of close affiliation of EU Member States not currently participating in the EGF.

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10. The Chiefs of Police recognised that EU policing is in high demand. As the police capabilities and operational experience of the EU will further develop, enabling the EU to e.g. provide support to other internationally led police operations by, inter alia, the UN or the OSCE, this demand is likely to increase even more.

11. As the EU improves its policing capabilities it will most likely move into more challenging areas of operations. The Chiefs of Police underlined the need to have in place adequate mechanisms for EU police missions, including appropriate arrangements in the areas of operational support, logistics, security of personnel and adequate mission protection.

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12. The Chiefs of Police would, inter alia, on the basis of their discussions in Warnsveld, the operational experience gained by the EU thus far and the concrete lessons learned derived from the first ESDP police missions, like to draw particular attention to the following areas that should be addressed further by both the EU as well as Member States:

**a) Operational aspects:**

- ▶ The further development of appropriate operational planning and support capabilities in order to conduct several police missions simultaneously. In this context, the Chiefs of Police underlined the importance of providing adequate resources to the Police Unit, in particular to ensure sufficient operational support for planned and ongoing missions;

- The importance of making available the right expertise and experts to EU police missions (e.g. in the area of organised crime);
- Introducing further training of EU personnel, both in pre-deployment and in the missions;
- The development of generic concepts and modalities for project management within police mission, including the need for establishing projects with clearly defined purposes and timelines and with measurable goals enabling a comprehensive overview of implementation ('benchmarking');
- Ensuring further, the possibility for partners to join national exercises;
- Improving the EU rapid deployment capabilities;
- Enhancing our capability to set-up multinational Headquarters;
- Continuing work on the Police Action Plan regarding interoperability (e.g. common equipment and logistic support) and appropriate means of financing;
- Emphasising the importance of the sustainability of the results of the civilian ESDP missions, i.e. through taking into account other longer-term efforts and activities.

**b) Institutional aspects:**

- Ensuring that procurement regulations allow timely arrival of equipment in mission areas;
- Ensuring that processes are in place to identify and deploy rapidly the required numbers of qualified personnel;
- Promoting further the crucial link between police missions and broader Rule of Law aspects, *inter alia* by ensuring synergies between ESDP and Justice and Home Affairs activities, especially with a view to better managing transition periods and exit strategies;
- Ensuring the consistency of the EU response with regard to the fight against organised crime, notably by defining a cross-pillar regional approach and liaising extensively during the planning period with all relevant European structures engaged in the fight against organised crime;
- ESDP police missions in the Western Balkans should explore how to benefit from possible new instruments such as intelligence development officers recommended by the group of Friends of the Presidency as one of the concrete measures to enhance the fight against organised crime;
- Ensuring close co-operation between Europol and ESDP police missions;
- Adopting and implementing the Integrated Police Unit concept.

13. In addressing and carrying forward work on these issues, the Chiefs of Police invited the Secretariat to develop further the Police Action Plan in order for it to match the needs of EU police missions in 2004 and beyond.

## MILITARY CAPABILITY COMMITMENT CONFERENCE

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### *Draft Declaration on European Military Capabilities*

1. The European Union has entered a new stage in the process of strengthening military capabilities for crisis management, launching initiatives such as on the Headline Goal 2010, the EU Battlegroups, the civil-military cell and establishing the European Defence Agency (EDA). These initiatives contribute to the implementation of the European Security Strategy, enabling the European Union to deal better with threats and global challenges and realising the opportunities facing us. A more capable Europe will provide a significant contribution to the building of a more effective Common Foreign and Security Policy.

2. Ministers of Defence, playing a leading role in developing European military capabilities, are committed to contributing to the implementation of the European Security Strategy. At the Military Capability Commitment Conference on 22 November 2004 they reaffirmed their commitment to develop the necessary military capabilities.

3. Member States are determined to implement the objectives of the Headline Goal 2010, including the creation of EU Battlegroups (as part of Rapid Response elements), providing the European Union with the Initial Operational Capability in 2005 and with commitments on the Full Operational Capability from 2007 onwards. The Member States are determined to develop further criteria and standards, building on the overarching standards and criteria for Battlegroups. The Ministers of Defence also agreed on the Global Approach on Deployability. This initiative will aim at more effective use of available assets, mechanisms and initiatives for strategic transport, a key enabler for Rapid Response.

4. The Member States welcomed the evaluation of the European Capability Action Plan (ECAP), providing the way ahead for its continuation and further improvement, taking into account the establishment of the EDA. Military co-operation will be taken forward as a significant contribution to the effectiveness and the efficiency of the European Union's efforts in the field of security and defence.

5. Ministers also welcomed the initiative by France, Italy, the Netherlands, Portugal and Spain to establish a European Gendarmerie Force (EGF) and the contribution the EGF can make to the ESDP. These 5 Countries have made this capacity with a military status available for the more demanding scenarios and for rapid deployment in order to guarantee public security and public order. Ministers also welcomed that this force will be first and foremost at the disposal of the EU and stressed the need to explore further the possibilities of close affiliation of EU Member States not participating in the EGF.

### *Implementing the Headline Goal 2010*

6. Member States have committed themselves to be able by 2010 to respond with rapid and decisive action applying a fully coherent approach to the whole spectrum of crisis management operations as defined in the Headline Goal 2010 document. Interoperability, deployability and sustainability will be at the core of Member States efforts to improve military capabilities. The Union will thus need forces, which are more flexible, mobile and interoperable, making better use of available resources by pooling and sharing assets, where appropriate, and increasing the responsiveness of multinational forces.

7. Under guidance of the PSC work continues on the necessary scenario's preliminary to the definition of the military requirements necessary to fulfil the 2010 horizon, taking into account the terrorist threat as asked for by the EU Plan of Action to Combat Terrorism welcomed by the European Council in June 2004. Further elaboration of the strategic planning assumptions and the illustrative scenarios will take place during the following steps of the capability development process. This process will lead to the finalisation of the Requirements Catalogue 2005 in the spring of next year. This will be followed by a bidding round in view of the production of the Force Catalogue and the subsequent production of the Progress Catalogue. These steps will take into account the relevant action points of the Conceptual Framework on the ESDP dimension of the fight against terrorism.

8. To evaluate progress on capability improvement with a view to the Headline Goal 2010 work on the definition of benchmarks and criteria has started, notably within the framework of the EU Battlegroups concept. The relevant bodies of the Council and the EDA will take this work forward. Within its competencies, laid down in the Joint Action, the EDA will work on scrutinising, assessing and evaluating against criteria to be agreed by the Member States the capability commitments given by the Member States through the ECAP process, and utilising the CDM.

### *Rapid response — EU battlegroups*

9. The ability for the EU to deploy force packages at high readiness as a response to a crisis is a key element of the 2010 Headline Goal. The Battlegroup is a specific form of rapid response. It is the minimum military effective, credible, rapidly deployable, coherent force package capable of stand-alone operations, or for the initial phase of larger operations. The Battlegroup is based on a combined arms, battalion sized force and reinforced with Combat Support and Combat Service Support elements. A Battlegroup could be formed by a Framework Nation or by a multinational coalition of Member States. In all cases, interoperability and military effectiveness will be key criteria. A Battlegroup must be associated with a Force Headquarters and pre-identified operational and strategic enablers, such as strategic lift and logistics.

10. Member States can also contribute niche capabilities, providing specific elements with added value to the Battlegroups. These capabilities could be included in a database, under the responsibility of the EUMC, in support of the Battlegroups and for integration, as appropriate, into coherent, predetermined Battlegroup packages through the regular Battlegroup generation conferences.

11. On decision making, the ambition of the EU is to be able to take the decision to launch an operation within 5 days of the approval of the Crisis Management Concept by the Council. On the deployment of forces, the ambition is that the forces start implementing their mission on the ground, no later than 10 days after the EU decision to launch the operation. This requires that Battlegroups will be built on assets and capabilities held at a readiness of 5-10 days. This readiness criterion applies as a benchmark to Member States as a whole. Battlegroups will be employable across the full range of tasks listed in the TEU Art.17.2 and those identified in the European Security Strategy, in particular in tasks of combat forces in crisis management, bearing in mind their size. Battlegroups need to be sustainable until mission termination or until relief by other forces. They should be sustainable for 30 days initial operations, extendable to 120 days, if re-supplied appropriately.

12. To qualify as an EU Battlegroup force packages will meet commonly defined and agreed, detailed military capability standards. These overarching standards and criteria concern: availability, employability and deployability, readiness, flexibility, connectivity, sustainability, survivability, medical force protection and interoperability. Standards and criteria, set by Member States, form the basis for further development of criteria for evaluation/certification and detailed capability/interoperability standards, taking into account the role of the EDA as described in paragraph 8.

13. In May 2004 the GAERC concluded that commitments would be sought from Member States in order to achieve an initial Battlegroup capability in early 2005 and complete development in 2007. With a view to these commitments a definition and characteristics of the Initial Operational Capability (IOC) have been worked out. For the period 2005-2007 the EU will be able to undertake at least one Battlegroup-sized rapid response operation.

14. Full Operational Capability (FOC) will be reached in 2007. The Union should have the capacity to undertake two concurrent single Battlegroup-size rapid response operations, including the ability to launch both such operations nearly simultaneously.

15. Annex A to Annex II contains an overview of Member States initial commitments for EU Battlegroups.

16. The EU Battlegroups concept is complementary and mutually reinforcing with the NATO Response Force (NRF) documents while taking into account the characteristics of both organisations. Standards, practical methods and procedures will be compatible to those defined within NATO (NRF), wherever possible and applicable. The EU-NATO Capability Group, notably through ongoing exchange of information for addressing overall coherence and complementarity between EU Battlegroups and the NRF, will ensure coherent, transparent and mutually reinforcing development of the capability requirements common to both organisations.

17. In line with the Nice European Council Conclusions Member States are welcome to include the non-EU European NATO countries and other countries which are candidates for accession to the EU in their Battlegroups. In such cases this will be done without prejudice to the rights of any Member State. Member States are also welcome to consider including other potential partners in their Battlegroups.

### *ECAP evaluation*

18. The European Capability Action Plan, launched in 2001, has been evaluated in the light of the elaboration of the Headline Goal 2010 and taking into account the role of the EDA as set out in the Joint Action establishing it and in line with the Capability Development Mechanism (CDM). The first aim of the ECAP evaluation is to take stock of the progress that has been made in remedying shortfalls and to define the remaining military shortfalls, thereby creating a “baseline” for the Headline Goal 2010 process. The second aim is to evaluate ECAP as an instrument of the Member States to improve European military capabilities, drawing lessons from the ECAP experience so far, including its guiding principles, and taking into account the role of the EDA to co-ordinate the implementation of ECAP. Starting in 2005 EDA’s role in relation to the ECAP process should be evaluated in the regular information submitted to the Council on the EDA’s activities.

19. The Single Progress Report summarises and assesses the progress made with capability development, including through ECAP. The Capability Improvement Chart provides an overview of the progress that has been made towards remedying all shortfalls, identified in the Helsinki Progress Catalogue 2003. Further progress will be required on the remaining recognised shortfalls and deficits from the 2003 Headline Goal, taking into account the focus on qualitative aspects of capability development in the Headline Goal 2010. Hence, there is a continued need for ECAP, be it that existing ECAP Project Groups will have to be reviewed in the light of the Headline Goal 2010 and the establishment of EDA, assessing and identifying the possibilities for new priorities or re-directions. This review is to take place in conjunction with the elaboration of the new Requirements Catalogue, which will be ready in the first semester of 2005.

20. The bottom-up approach remains fundamental to ECAP. However, a significant number of ECAP Project Groups has indicated that additional guidance would be beneficial. The EDA, reinvigorating the ECAP process, will allow Defence Ministers to provide such additional guidance. Based on the guidelines from the Council, EDA will make suggestions and recommendations to the Council, thereby providing a more systematic and analytical approach to the co-ordination and the implementation of ECAP. This could include specific courses of action for individual ECAP Project Groups, which would be assisted by the EDA in such cases. The involvement of the EDA in ECAP would also allow it to give substance to the evaluation process agreed upon in the Headline Goal 2010. In line with the provisions of the Capability Development Mechanism NATO will be informed on this ECAP evaluation and on the subsequent review of the ECAP Project Groups.

21. A more detailed description of the ECAP evaluation, including recommendations for enhanced ECAP, is at Annex B to Annex II.

### *Global approach on deployability*

22. In May 2004, with a view to the EU's ambitions on rapid response, the Council recognised in particular the need to achieve further progress in improving capabilities for strategic mobility. Strategic transport is one of the key enablers for the EU Battlegroups. In this context the Headline Goal 2010 mentions the following milestone: "the implementation by 2005 of EU Strategic joint lift coordination, with a view to achieving by 2010 necessary capacity and full efficiency in strategic lift (air, land and sea) in support of anticipated operations".

23. The Global Approach on Deployability (GAD) aims at improving strategic transport by primarily focussing on more effective use of all available means for transport co-ordination. It envisages the co-ordination of all strategic lift assets, mechanisms and initiatives in support of EU-led operations, in particular for the EU Battlegroups.

24. In order to realise the aim and objectives of the GAD a step-by-step way ahead process is envisaged to meet the demands for EU Battlegroups Full Operational Capability and the other milestones identified in the Headline Goal 2010, aimed at developing effective links between the Co-ordination Cells/Centres.

25. Further details are outlined in Annex C to Annex II.

### *Intensifying co-operation*

26. The Ministers of Defence welcome the conference on International Military Co-operation, organised by the Presidency on 11-12 October 2004 in Wassenaar. It provided an excellent opportunity to discuss the possibilities to take forward military co-operation, which has become an integral part of the efforts to improve European military capabilities. Using ECAP, in the framework of the CDM, the Member States and groups of Member States have stepped up military co-operation through Project Groups.

27. The achievement of the Headline Goal 2010, including the formation of multinational Battlegroups, provides additional opportunities to increase the effectiveness and the efficiency of the European defence efforts through military co-operation. The establishment of the EDA can stimulate military co-operation by promoting and co-ordinating the harmonisation of military requirements and proposing multinational solutions to remedy identified shortfalls.

28. Ministers of Defence emphasise their commitment to intensify military co-operation, using ECAP, EDA and EU Battlegroups, and building on existing multinational frameworks for cooperation to improve European military capabilities.

## **ANNEX A: EU BATTLEGROUP COMMITMENTS**

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So far, the following Member States have indicated to commit to EU Battlegroups, formed as follows:

- France
- Italy
- Spain
- United Kingdom
- France, Germany, Belgium, Luxembourg and potentially Spain
- France and Belgium
- Germany, the Netherlands and Finland
- Germany, Austria and Czech Republic
- Italy, Hungary and Slovenia
- Italy, Spain, Greece and Portugal
- Poland, Germany, Slovakia, Latvia and Lithuania
- Sweden, Finland and including Norway as a third State
- United Kingdom and the Netherlands

### Niche capabilities

So far, the following Member States have offered niche capabilities in support of the EU Battlegroups:

#### *Niche capabilities*

So far, the following Member States have offered niche capabilities in support of the EU Battlegroups:

- Cyprus (medical group)
- Lithuania (a water purification unit)
- Greece (the Athens Sealift Co-ordination Centre)
- France (structure of a multinational and deployable Force Headquarter)

#### *Initial Operational Capability (2005-2006)*

At any time during the IOC period the EU should be able to provide at least one coherent Battlegroup package, to undertake one Battlegroup-sized operation. The United Kingdom and France have each committed to providing a Battlegroup during first half of 2005, and Italy will provide a Battlegroup for the second half of 2005. Germany and France will commit joint Battlegroups for the whole of 2006, with alternating leadership, supported by Member States such as Belgium. Also in the first half of 2006, a multinational Battlegroup, based on the framework of the Spanish-Italian amphibious and landing forces (SIAF) with Portuguese and Greek capabilities, will be available.

#### *Full Operational Capability (2007 onwards)*

Full Operational Capability (FOC) will be reached in 2007. The Union should have the capacity to undertake two concurrent single Battlegroup-size rapid response operations, including the ability to launch both such operations nearly simultaneously. The EU Battlegroups for FOC will be generated through EU Battlegroup co-ordination conferences, starting in the first half of 2005. From 2007 onwards all EU Battlegroups will become available.

Estonia has decided to participate in the EU Battlegroups and to continue consultations with possible partners on this issue.

Ireland is prepared to enter into consultations with partners with a view to participation in these rapid response elements.

It is further noted that Cyprus will make available infrastructure for Battlegroups.

## **ANNEX B – ECAP EVALUATION**

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### *A – The evolution of ECAP 2001-2004*

#### **Foundations of ECAP**

1. The European Capability Action Plan (ECAP) was launched at the end of 2001 to remedy identified shortcomings in the Helsinki Headline Goal. By rationalising Member States' respective defence efforts and increasing synergy between national and multinational projects, ECAP was intended to enhance European military capability. ECAP was based on four principles:

- (i) enhanced effectiveness and efficiency of European military capability efforts;
- (ii) a “bottom-up” approach to European defence co-operation;
- (iii) co-ordination between EU Member States and co-operation with NATO;
- (iv) importance of broad public support.

#### **Phase two of ECAP**

2. In May 2003, the first phase of ECAP was concluded, with 19 Panels activated covering the vast majority of the most significant shortfalls and all Member States participating. Many Panels had articulated options to acquire additional capability both by procurement and by non-procurement initiatives. Ministers welcomed the results and the established Project Groups focussed on the implementation of concrete projects. On the procurement side, the Project Groups were expected to provide plans and programmes to enable participating Member States to implement new capabilities. Non-procurement initiatives would aim at maximising the effectiveness of current and planned capabilities, for example by improving structures and developing procedures and doctrine.

#### **Development of instruments to guide ECAP**

3. In November 2003, the PSC concluded that some adjustment of ECAP would be needed to bridge the gap between the voluntary basis on which ECAP Project Groups (PGs) operate and the interest of the Union as a whole to acquire all military capabilities needed to carry out the full range of missions under the Headline Goal. The Italian Presidency report on ESDP to the European Council of December 2003 subsequently stated that “while the “bottom-up” approach remains one of the essential principles of the ECAP, need is felt to complement the ECAP with an approach identifying objectives, timelines and reporting procedures to the Council, in close co-ordination of each Project Group.” To this end, an ECAP roadmap was to be developed to monitor progress and allow Member States to redirect work of the PGs if deemed necessary. Also, a Capability Improvement Chart would be presented as an integral part of the Single Progress Report, outlining the state of play within the PGs and a clear overview for public opinion and the media.

## ECAP Progress and the Headline Goal 2010

4. The Single Progress Report of May 2004 noted that marginal progress had been made since the Helsinki Progress Catalogue 2003. It also stated that Member States had to give considerable extra impetus to the development of capabilities in order to realise the ambitions expressed in the ongoing work on the Headline Goal 2010, including the EU Battlegroups Concept. The Headline Goal 2010, adopted in May 2004, recognises that existing shortfalls still need to be addressed. The Headline Goal 2010 focuses on the qualitative aspects of capability development and calls for the development of a longer-term vision. It also provides a framework within which to address further the delivery of capability.

### European Defence Agency

5. The newly established European Defence Agency (EDA) will play a crucial role in this improved framework for capability development. Its mission is to assist Member States' efforts to improve their military capabilities to sustain ESDP as it stands now and develops in the future. Its tasks in the field of capability development include:

- co-ordinating the implementation of ECAP, an enhanced ECAP or any successor plan;
- scrutinising, assessing and evaluating against criteria to be agreed by the Member States the capability commitments given by the Member States through the ECAP process, and utilising the Capability Development Mechanism (CDM);
- promoting and co-ordinating harmonisation of military requirements;
- identifying and proposing collaborative activities in the operational domain;

6. The EDA's main concern is to deliver the military capabilities that ESDP requires. To this end, the EDA will develop, with the European Union Military Committee (EUMC) assisted by the European Union Military Staff (EUMS), a systematic and comprehensive capability development process that looks from today's urgent operational requirements to the longer-term needs. The broad scope of the EDA also ensures the involvement of Armaments, Research and Technology, and Industry and Market in the capability process. This comprehensive process will result in new projects and initiatives to improve military capabilities.

### *B – Aims of the evaluation*

7. The Headline Goal 2010 and the establishment of the EDA are important new developments in the field of capability development. ECAP has to be adjusted accordingly. The first aim of the ECAP evaluation is to take stock of the progress that has been made in remedying shortfalls and to define the remaining military shortfalls, thereby creating a "baseline" for the new Headline Goal process. The second aim is to evaluate ECAP as an instrument of the Member States to improve European military capabilities, drawing

lessons from the ECAP experience so far, including its guiding principles, and taking into account the role of the EDA to co-ordinate the implementation of ECAP.

### *C – Evaluating ECAP*

#### **The baseline**

8. Despite some good results, not all the military shortfalls identified in the Helsinki Progress Catalogue 2003 have been remedied. The Capabilities Improvement Chart gives an update of the progress that has been made in remedying all shortfalls. The Single Progress Report of November 2004 summarises and assesses the progress of ECAP in this regard. It identifies the work that remains to be done to remedy the remaining military shortfalls under the Helsinki Headline Goal.

9. A lot of ECAP PGs have indicated that they have reached, or are close to reaching, the maximum possible results within the current framework. Quantitative solutions for capability shortfalls will be delivered in some cases, but in the medium to longer term. Many ECAP PGs have focussed their work on important qualitative aspects as doctrine, tactics, procedures, conops, etc. In some areas – such as Headquarters, Strategic Transport, NBC, Medical – notable progress has been achieved with indications of timelines within which the shortfalls will be remedied. In other capability areas that require substantial investment (such as ISTAR and Space assets) more time is needed to remedy existing shortfalls. A few shortfalls have yet to be addressed (e.g. SEAD and PGM).

#### **Continued need for ECAP**

10. Despite some good results, a lot of work remains to be done to solve the existing capability shortfalls. In addition, the ongoing work to define requirements based on the Headline Goal 2010 is expected to generate new challenges. Hence, there is a continued need for ECAP. There should be absolutely no doubt, however, that the successful delivery of capability improvements depends on meaningful political commitments by Member States to invest in the shortfall areas and to look for multinational solutions. The EDA will act as a “conscience” and a “catalyst” in this regard.

#### **“Bottom-up” approach**

11. The bottom-up approach remains fundamental to ECAP. It reflects the responsibility of Member States to tackle the military shortfalls in accordance with the voluntary basis of defence cooperation in ESDP. The bottom-up approach also provides the EU with original and valuable ideas. The ECAP roadmap allows the Member States to monitor the progress and to redirect the work if deemed necessary. However, a significant

number of ECAP PGs has indicated that additional guidance would be beneficial. The establishment of the EDA offers opportunities to reinvigorate the ECAP process.

### *D – Recommendations for enhanced ECAP*

#### **Improved guidance to ECAP**

12. The ‘ownership’ of ECAP continues to rest with the EU Member States; Defence Ministers should remain actively involved. All Member States will be involved in the process.

13. The Council sets the guidelines for capability development in ESDP. Under its authority, and in accordance with the CDM, the PSC is responsible for giving political guidance. The EUMC, as the highest military body within the Council, is responsible for setting the military requirements and for determining the extent of any military shortfalls. In light of these responsibilities, the PSC and the EUMC are also responsible for setting the political and military priorities of the shortfalls, which the EDA will consider in conjunction with other issues such as cost/effectiveness and what Member States and industry are able to offer.

14. In its role as catalyst the EDA, based on the above guidelines, will make suggestions and recommendations to the Council, introducing with the PSC and the EUMC assisted by the EUMS, a more systematic and analytical approach. The EDA could also translate the Council guidelines into specific courses of action for the individual ECAP PGs. In practice, this would mean that experts (for example the Capability Managers) would assist the ECAP PGs from the EDA. Their involvement would ensure coherence within the specific capability areas and would stimulate the work of the ECAP PGs within the guidelines agreed by the Council. Over time, the projects and initiatives coming out of EDA would also feed into the ECAP process.

15. The involvement of EDA in ECAP would also allow it to give substance to the evaluation process agreed upon in the Headline Goal 2010. It is important to note that the EDA is to carry out this task as part of its mission to assist the Member States in the improvement of their military capabilities. It will therefore focus on the general performance of Member States in the field of EU capability improvement, as distinguished from the responsibility of the EUMC to determine to what extent the capability commitments of the Member States meet the military requirements of the EU as a whole. Within its competencies, laid down in the Joint Action, the EDA will work on scrutinising, assessing and evaluating against criteria to be agreed by the Member States the capability commitments given by the Member States through the ECAP process, and utilising the CDM.

## Reporting

16. In accordance with the CDM, the EUMC remains responsible for elaborating the Single Progress Report, the Requirements Catalogue, the Force Catalogue and the Progress Catalogue. In this light, the EUMC will continue to assess the progress made by the ECAP PGs, as reported through the HTF. In an iterative process the EUMC, based on HTF reports, and the EDA will give an appreciation of the progress. The role of the HTF should be evaluated, however, as the EDA settles and the ECAP evolves.

## Review of the ECAP Project Groups

17. Taking into account the new role of the EDA as described above, four options are available for the PGs, noting these are not exclusive:

- i. start the implementation of project proposals, under the co-ordination of the EDA;
- ii. renew efforts within a more specific time-schedule, as set in the new ECAP-roadmap, and assisted by experts from the EDA;
- iii. continue work as a group of experts assisting the EUMC. This option applies especially to those PGs that have focused on the development of military concepts, doctrines etc. Their documents are offered to the EUMC. They could continue to act as groups of experts that assist the EUMC on specific matters, thus preserving the valuable network that has been established through the ECAP process.
- iv. cease work on those PGs that have delivered their agreed objectives.

It is realistic to expect that the EDA can start exercising its role in relation to ECAP in the course of the first semester of 2005.

18. The existing PGs also have to be reviewed in light of Headline Goal 2010, assessing and identifying the possibilities for new priorities or re-directions. In this context ECAP may also have a role in contributing to the development of the EU Battlegroups. This review is to take place in conjunction with the elaboration of the new Requirements Catalogue, which will be ready in the first semester of 2005.

## Way ahead

19. In the first semester of 2005, the EUMC and the EDA in close coordination should review the PGs in line with the process described above and propose the most appropriate option for each PG. This review process also offers the opportunity for possible redirection in light of the new Headline Goal 2010, including the further development of the

EU Battlegroups, as well as the establishment – also at the initiative of Member States – of new PGs. The review, to be presented to the May 2005 GAERC, also includes an evaluation of the role of HTF in light of the establishment of the EDA.

20. In view of its responsibilities, the PSC will be informed on a regular basis on the evolution of the EDA's role in relation to ECAP evaluation. This role should be enhanced, according to the Joint Action, once the EDA has reached its operational capability in the course of 2005. In this context the relationship between the EUMC and the EDA should be re-evaluated in due course.

21. In accordance with the coherent, transparent and mutually reinforcing relationship with NATO, and in line with the CDM, NATO will continue to be informed of this ECAP evaluation and the subsequent review of the ECAP PGs. This will be done through the EU/NATO Capability Group. The close practical co-operation that has been established between ECAP PGs and Project Groups of NATO's Prague Capability Commitment (PCC) should be carried forward as appropriate. The provisions of the CDM will continue to be applied. Information on the ECAP evaluation transmitted by the EU side to NATO should be preceded by a discussion among all EU Member States within the competent EU bodies.

## **ANNEX C: GLOBAL APPROACH ON DEPLOYABILITY**

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### *Aim and objectives*

1. The ability for the EU to deploy force packages at high readiness as a response to a crisis either as a stand-alone force or as part of a larger operation enabling follow-on phases, is a key element of the Headline Goal 2010. With a view to Full Operational Capability for the EU Battlegroups in 2007 improving strategic mobility is crucial. ECAP Project Groups on strategic transport have addressed the recognised shortfalls and are providing solutions, both for Airlift as well as for Sealift. The Global Approach on Deployability (GAD) forms another important contribution to improve strategic transport by primarily focussing on more effective use of all available means for transport co-ordination. GAD envisages the co-ordination of all strategic lift assets, mechanisms and initiatives in support of EU-led operations, in particular for the EU Battlegroups.

### *Background*

2. In 2003, the Global Approach on Deployability has been introduced within the European Capability Action Plan (ECAP). The GAD found broad support among Member States. Now the proposal has to be transferred into concrete targets.

3. The indicative list of specific milestones within the 2010 horizon, defined in the Headline Goal 2010 document, contains the following target: “the implementation by 2005 of EU Strategic lift joint coordination, with a view to achieving by 2010 the necessary capacity and full efficiency in strategic lift (air, land and sea) in support of anticipated operations”. The HLG 2010 stresses that deployability should be at the core of Member States efforts to improve military capabilities. Furthermore, it identifies the complete development by 2007 of rapid deployable Battlegroups.

4. In more general terms improved co-ordination between existing mobility centres enhances strategic transport options and leads to a better use of existing transport assets. It also supports increasing international military co-operation between Member States.

### *Co-ordination cells/centres*

5. In order to enhance co-ordination, as a starting point, an overview is needed of all existing and planned co-ordination cells/centres and possible initiatives, including reference to their responsibilities and tasks. These are both multinational and national organisations:

#### **Multinational**

- ▶ The European Airlift Centre (EAC) at Air Base Eindhoven has declared its services to the EU. Its primary function is to maximise the utilisation of airlift capability.
- ▶ The Sealift Co-ordination Centre, co-located with EAC, has declared its services to the EU. Its primary function is to maximise the utilisation of sealift capability.
- ▶ A Strategic Air Lift Co-ordination Cell (SALCC) is planned to operate by mid 2005. It will be co-located and embedded with the EAC. The SALCC will be the tasking authority for the use of the Strategic Airlift Interim Solution (SALIS) contract.

#### **National**

- ▶ The Greek Sealift Co-ordination Centre in Athens has declared its services and available assets to the EU. Its function is to “co-ordinate, charter and monitor” sealift capability.

It should be noted that all these organisations have also been made available to NATO.

In the field of land transport there are no multinational centres. Further study is needed to assess whether a strategic multinational land transport co-ordination centre is required.

### *Strategic level co-ordination*

6. The EU has made provisions for a strategic-level co-ordination cell, based on the EU Strategic Movement and Transportation Concept. The EU Movement Co-ordination Cell (EUMCC) is mentioned as a structure which can be activated in the context of an EU-led crisis management operation. The ECAP Project Group for Strategic Sealift has further developed the EUMCC concept. It should be noted that NATO has an Allied Movement Coordination Centre (AMCC), which could be made available to an EU-led operation making use of NATO assets and capabilities.

### *Global approach on deployability – way ahead*

7. In order to realise the aim and objectives of GAD the following work is necessary to meet the demands for EU Battlegroups Full Operational Capability in 2007 and the other milestones identified in HLG 2010 regarding deployability, in particular with a view to achieving by 2010 the necessary capacity and full efficiency in strategic lift (air, land and sea) in support of anticipated operations:

- ▶ The EUMC will be tasked to:
  - a. Develop the roles, responsibilities and structure of the EUMCC, as described in the EU Strategic Movement and Transport Concept, covering all phases of EU crisis management operations, taking into account the respective functions of the EUMCC, the OHQs and the EU operation centers. The ECAP Project Group for Strategic Sealift report on EUMCC will be taken into account. Detailed inputs may be provided by the ECAP Project Group for Headquarters. Work should be completed in the course of the first semester of 2005.
  - b. Analyse the existing co-ordination and deployability arrangements of Member States and identify existing gaps and shortfalls. In order to complete the picture of available strategic lift assets, capabilities that could be provided in the framework of an EU operation with recourse to NATO common assets and capabilities will have to be taken into account as well. Based on this analysis recommendations on the relationship between the EAC, SALCC, SCCs and national transportation and movement centres should be made. This will improve the co-ordination of all strategic lift assets, mechanisms and initiatives e.g. by developing effective links between the Co-ordination Cells/Centres. The study should take into account that the co-ordination during an EU-led crisis management operation will be conducted on the basis of a multinational detailed deployment plan. Work should be completed in the course of the first semester of 2005.
  - c. Analyse the need, including roles, responsibilities and relationships, for a Land Transport Co-ordination function in support of EU-led crisis management operations. Work should be completed by mid-2005.

- d. Identify the areas for harmonisation of procedures between the EUMCC and the NATO AMCC in order to draw upon each organisation's expertise, respecting the autonomy of decision-making and the terms of reference of both. Work should be completed by mid-2005.
- e. Explore the utility and feasibility of developing effective links between Coordination Cells/Centres.

The EUMC shall be tasked to pursue this work, in conjunction with the EDA. The PSC shall be regularly kept informed on progress.

- ▶ SCC Eindhoven and SCC Athens are requested to instruct the directors of both organisations to meet and develop a proposal for co-operation and co-ordination, having regard to expertise gained from ECAP Project Groups and real-life experience. This proposal should include the specification of tasks between the co-ordination cells/centres by mid-2005.
- ▶ The appropriate governing bodies of the Co-ordination Cells/Centres will be asked to implement the solutions that will be developed with the support of the EDA in early 2007. This will involve the creation of effective links between the Co-ordination Cells/Centres in support of the Full Operational Capability of the EU Battlegroups in 2007.

## **CONCEPTUAL FRAMEWORK ON THE EUROPEAN SECURITY AND DEFENCE POLICY (ESDP) DIMENSION OF THE FIGHT AGAINST TERRORISM**

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### *A. General*

1. The European Council has called for work to be rapidly pursued on the contribution of ESDP to the fight against terrorism on the basis of actions taken since the Seville declaration. In this regard the Report to the June 2004 European Council on the implementation of the Declaration on combating terrorism<sup>1</sup> requested the Political and Security Committee to elaborate the conceptual framework identifying the main elements of the ESDP dimension of the fight against terrorism, including preventive aspects. The EU Plan of action on combating terrorism also reflected this request<sup>2</sup>. The European Security Strategy and the Declaration on combating terrorism, which includes the Declaration on Solidarity against terrorism, laid the foundations of this framework.

2. As indicated in the European Security Strategy, global terrorism, often nourished by violent extremism ready to use unlimited violence in a context of increasingly open borders, poses a growing strategic threat to the whole of Europe, which is both a target and a

base for such terrorism. The most frightening scenario is one in which terrorist groups acquire weapons of mass destruction. Dealing with terrorism may require a comprehensive approach based on intelligence, police, judiciary, military and other means. In failed states, military instruments may be needed to restore order, humanitarian means to tackle the immediate crisis. Regional conflicts need political solutions but military assets and effective policing may be needed in the post conflict phase. Civilian crisis management helps restore civil government. The European Union is particularly well equipped to respond to such multi-faceted situations, including with its civilian and military crisis management operations.

3. The Declaration on Combating terrorism, adopted by the European Council in March 2004, welcomed the political commitment of Member States to act jointly against terrorist acts, in the spirit of the solidarity clause contained in article I-43 of the draft treaty establishing a Constitution for Europe. The declaration on Solidarity against terrorism specifies that, if one of the Member States is the victim of a terrorist attack, the Member States shall mobilise all instruments at their disposal, including military resources:

- to prevent the terrorist threat in the territory of one of them;
- to protect democratic institutions and the civilian population from any terrorist attack;
- to assist a Member State in its territory at the request of its political authorities in the event of a terrorist attack.

4. This document addresses the ESDP dimension of the fight against terrorism, including preventive aspects, in accordance with art 17.2 of the TEU and in the spirit of Article III-309 of the draft treaty establishing a Constitution for Europe. It also considers other ways in which assets can contribute in a concerted way to European efforts in this context.

### *B. Basic Principles*

5. The following six basic principles apply:

- solidarity between EU Member States;
- voluntary nature of Member States' contributions;
- clear understanding of the terrorist threat and full use of available threat analysis;
- cross pillar co-ordination in support of the EU common aim in the fight against terrorism;
- co-operation with relevant partners;

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1. Doc. 10585/04, Declaration on Combating terrorism.

2. Doc. 10586/04, EU Plan of Action on Combating Terrorism, action 3.7.

- ▶ complementary nature of the ESDP contribution, in full respect of Member States' responsibilities in the fight against terrorism and with due regard to appropriateness and effectiveness considerations.
6. As indicated in the Declaration on combating terrorism, terrorism will only be defeated by solidarity and collective action. The voluntary nature of Member States' contributions is one of the fundamental principles of the EU capability development process. When it comes to a terrorist attack against one of the Member States the Declaration on solidarity against terrorism states that Member States shall mobilise all instruments at their disposal, including military resources. It shall be for each Member State to choose the most appropriate means to comply with this solidarity commitment; ways of pooling, sharing or co-ordinating often scarce resources in this field should be sought.
  7. The recent wave of terrorism arises from complex causes. Such a multifaceted threat can be addressed only by applying the full spectrum of instruments at the disposal of the European Union and its Member States. Effective and swift cross pillar co-ordination is therefore essential.
  8. The EU Counter-Terrorism Coordinator will contribute to ensure that the efforts in the field of ESDP are developed in a coordinated way with the overall EU framework.
  9. In line with the Presidency Conclusions to the June 2004 European Council, the Union will continue to develop initiatives for closer co-operation with international organisations and to maintain the closest possible co-ordination with the United States and other partners.

### *C. Main areas of action*

10. In response to crises, the Union can mobilise a vast range of both civilian and military means and instruments, thus giving it an overall crisis-management and conflict-prevention capability in support of the objectives of the Common Foreign and Security Policy. This facilitates a comprehensive approach to prevent the occurrence of failed states, to restore order and civil government, to deal with humanitarian crises and prevent regional conflicts. By responding effectively to such multifaceted situations, the EU already makes a considerable contribution to long term actions for the prevention of terrorism.
11. The European Security and Defence Policy, which encompasses civilian and military crisis management operations under Title V of the TEU, as well as other EU efforts, can contribute further to the fight against terrorism, either directly or in support of other

instruments. There are four main areas of action:

- prevention;
- protection;
- response/consequence management;
- support to third countries in the fight against terrorism.

In this context, aspects such as the interoperability between military and civilian capabilities in the field of the fight against terrorism and the work on generic scenarios will need to be addressed.

### **Prevention**

12. Prevention is one of the three main objectives identified by the Declaration on solidarity against terrorism, for which all Member States' resources should be mobilised, including military ones.

13. In the framework of an EU-led crisis management operation under Title V of the TEU, prevention of such an asymmetric threat will entail that Member States should ensure that such an operation is supported by the necessary level of information gathering and effective intelligence. Scenarios involving maritime and airspace control-type operations should be envisaged.

### **Protection**

14. Protection, including force protection, is a fundamental aspect of any crisis management operation. In the case of a terrorist threat, protection should minimise the vulnerabilities of EU personnel, materiel, assets and, as appropriate, possible key civilian targets, including critical infrastructure, in the area of operations.

### **Response/consequence Management**

15. Addressing the effects of an attack is a field where civilian and military means can have either a direct or a supporting role.

16. In the context of a crisis management operation under Title V of the TEU, the EU-led force on the ground will be more rapidly available for consequence management, in most cases together with the local authorities. Therefore, in full compliance with the objectives of the mission, the EU-led force should be ready to "fill the gap" with military and civilian capabilities while waiting for an expected international civil protection support at high readiness.

17. Within the EU, military means (in accordance with national regulations) could also

have a role in support of civilian tools. In this framework, the EU has already taken the necessary steps to make available the content of the database of military assets and capabilities relevant to the protection of civilian populations against terrorist attacks, including CBRN to the Community Civil protection mechanism.<sup>3</sup> In this context, points of contact between the Monitoring and Information Centre and the SITCEN are now established and the database is being updated.

### Third countries

18. As indicated by the European Security Strategy, a wider spectrum of ESDP missions might include support to third countries in combating terrorism. The risk of terrorist attacks against deployed ESDP missions should therefore be considered in ongoing work. Separately, the wider issue of the protection of EU citizens in third countries could be further addressed, especially in the case of EU citizens taken hostages by terrorist groups.

### *D. Action points*

19. The following action points are proposed for implementation:
- a. Support the development of military capabilities for EU-led crisis management operations by incorporating the terrorist threat in all relevant illustrative scenarios in the framework of the Headline Goal 2010.<sup>4</sup> The development of the corresponding military requirements should be included in the current elaboration of the Requirements Catalogue 2005. Work in this field should take into account possible preventive and protective measures. Possible measures related to prevention of the terrorist threat, including maritime and airspace control-type operations should be considered;
  - b. The future Civilian Headline Goal should also give appropriate consideration to the deployment and further development of civilian capabilities (in particular Police, Rule of Law, Civilian Administration and Civil Protection), in order to prevent as well as counter the terrorist threats within the limitations of the mandate;
  - c. Defence Intelligence Organisations (working through the Intelligence Division of the EUMS) should support through increased exchanges of intelligence the Joint SITCEN as it implements the SG/HR's report to June European Council on the establishment of an intelligence capacity to cover the range of terrorist threats affecting EU interests both within and outside of the Union;
  - d. Elaboration of a detailed report to the Council on modalities procedures and criteria to develop the appropriate level of interoperability between military and civilian capabilities in the framework of protection of civilian populations following a

3. Doc. 6644/4/04.

4. Doc. 10586/04, EU Plan of Action on Combating terrorism, action 3.8.

- terrorist attack, including in crisis management operations under Title V of the TEU. This report, to be finalised during the first semester of 2005, should contain concrete proposals based on lessons-learned from real life incidents and planning scenarios taking into account best practices;
- e. Improve protection of all personnel, material and assets deployed for crisis management operations under Title V of the TEU, including, as appropriate, the ability to protect possible key civilian targets, including critical infrastructure, in the area of operations within available means and capabilities and on a case by case basis based on the threat analysis. The PSC should provide preliminary recommendations to the Council by the 2005 June European Council, also fostering ongoing work in the ECAP NBC Project Group, notably on an NBC Centre of Competence, including civilian expertise;
  - f. Consolidate ongoing work in view of deepening and widening the content of the military database of military assets and capabilities relevant to the protection of civilian populations against terrorist attacks, including CBRN.<sup>5</sup> Special attention should be given to all possible instruments for assistance to victims. In this framework, a bidding process to incorporate Member States voluntary contributions in an addendum to the current Force Catalogue was launched. The PSC, based on an EUMC preliminary detailed analysis, should identify a set of pragmatic recommendations to the Council on the role of this database in the wider context of the Headline Goal 2010 and on possible further more systematic updates. Equally, PROCIV should also be involved in the respective area of competence;
  - g. In the context of support to third countries in combating terrorism, specific measures could entail the development of appropriate co-operation programmes to promote trust and transparency, the support in planning activities related to the fight against terrorism including consequence management or support in training and exercises;
  - h. Conceptual work on consular co-operation and evacuation of EU citizens in third countries should continue in the relevant working groups. These cases could be included in the relevant scenarios of HLG 2010, as well as in EU exercises;
  - i. Develop a visible and effective rapid response protection<sup>6</sup> capability to be included as protection component of EU-led crisis management operations under Title V of the TEU. Such capacity, to be voluntarily contributed by Member States, would allow an immediate reaction in the affected area in the immediate aftermath of a possible terrorist attack, in most cases in support of local authorities and pending the arrival of further expected aid from the international community.<sup>7</sup> This capacity would deal with all aspects of protection. In order to maximise effective use of

5. Doc. 10586/04, EU Plan of Action on Combating terrorism, actions 5.2.2 and 5.2.3.

6. Protection as defined in section C.

7. This would normally be a matter of hours.

- available resources, Member States should consider the possibility of sharing and pooling assets. When appropriate through this initiative, Member States could also consider further contributing to the Community Civil Protection Mechanism. The PSC should address the issue of the interaction of this ESDP rapid reaction protection capability with other EU existing instruments and elaborate a concept by June 2005;
- j. Relevant aspects of the March Declaration on Solidarity against terrorism should also be exercised and considered for inclusion in the EU exercise programme, as appropriate;
  - k. Sponsor an ISS Seminar on the ESDP contribution to the fight against terrorism in the wider context of the EU approach in this field, to be held not later than March 2005. Participation in the seminar would be open to representatives and high level experts (national crisis co-ordinators, academics, etc) of key partners, such as the US, the UN and NATO. This brainstorming would feed a discussion in PSC on possible further measures on the ESDP contribution to the fight against terrorism;
  - l. Seek ways of co-operating with NATO<sup>8</sup> in the fields of:
    - non-binding guidelines and minimum standards for the protection of the civilian population against CBRN risks;
    - framework agreement on the facilitation of cross border transport;
    - identification of the relevant national points of contact, with a view to creating a common database of points of contact;
    - cross-participation, on a case-by case basis, in each other's consequence management exercises, as observers.

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8. Doc. 10586/04, EU Plan of Action on Combating terrorism, action 5.1.

## Meeting of the EDA's Steering Board

**Brussels, 22 November 2004**

1. The Steering Board<sup>1</sup> of the newly-established European Defence Agency held its second meeting in Brussels on 22 November 2004.

2. Javier SOLANA who, as Head of the Agency, chairs the Steering Board, commented:

“This was a highly productive meeting. We:

- ▶ noted with approval that the Agency remains on track to achieve “functioning” status by the end of the year;
- ▶ agreed the Agency’s first annual budget - some 20 million - which will allow the Agency to grow to 77 personnel in the first half of next year; and
- ▶ agreed the Agency’s first annual work programme.

This work programme constitutes an ambitious programme that should maintain the momentum of the EDA initiative, and reflects the Steering Board’s determination that the Agency should make a real difference.”

3. The agreed work programme is annexed. In agreeing it, the Steering Board identified in particular four “flagship” endeavours for the Agency’s four main directorates in the year ahead, as follows:

- ▶ Capabilities Directorate. Command, control and communications (C3): precise direction of the work to be defined by joint study between the EDA Capabilities Directorate and the EU Military Staff - but focussed in particular on adequacy of communications for command and control, and interoperability.
- ▶ R & T Directorate. Preparing and launching, as an “ad hoc” or opt-in project, technology demonstration for long-endurance Unmanned Aerial Vehicles (UAVs).
- ▶ Armaments Directorate. Investigation of the armoured fighting vehicle sector, aiming at convergence of requirements, programmes, and (potentially) industries.
- ▶ Industry/Market Directorate. European Defence Equipment Market: exploring both the options that the Commission - with their Green Paper on Defence procurement - have put forward, and possible initiatives that the Agency might take.

4. In connection with this last point, the Steering Board took the opportunity to initiate immediate work on defence market issues, as set out in the Conclusions attached to this release.

1. The Steering Board, chaired by Mr. Solana as Head of the Agency, comprises the Defence Ministers of the 24 participating Member States, and a representative of the Commission.

5. Finally, as the Agency Establishment Team approaches the end of its mandate, the Steering Board repeated its thanks to all involved for a job well done.

## **EUROPEAN DEFENCE AGENCY**

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**EDA WORK PROGRAMME FOR 2005 APPROVED BY THE STEERING BOARD ON 22 NOVEMBER 2004**

*A. As early priorities, the Steering Board expects the following to have been achieved:*

**1. The Agency to be properly established. This means:**

- full staffing;
- accommodation in appropriate premises;
- effective management and administrative processes;
- the ability to let and manage contracts;
- a coherent and effective “top team”;
- the right organisational culture.

**2. The Agency to have the right relations with participating Member States. This means:**

- the Steering Board meeting in its different compositions;
- appropriate working-level networks and working groups established;
- well-understood and accepted business management processes in place.

**3. The Agency to have the right relations with other key stakeholders. This means the Agency establishing itself as an effective, respected and trusted interlocutor - on the basis as necessary of defined Administrative Arrangements - with partners such as:**

- relevant Council Working Parties and the Council General Secretariat;
- Commission;
- WEAG/WEAO;
- OCCAR;
- LoI/FA;
- NATO
- Industry (including ASD);
- Academic, research and other institutions;
- other third parties.

4. **The Agency to have the right profile.** This means an effective external communication strategy, supported by good media and other contacts; a web-site; and appropriate information materials.

5. **The Steering Board to understand and approve the Agency's plans to meet its strategic objectives.** This means development and submission to the Steering Board of detailed draft "operational concepts" for pursuing, in the short- to medium-term, the four main functional responsibilities.

6. **The Agency to have identified and engaged with urgent agendas ("departing trains"), bringing proposals to the Steering Board as necessary.** Examples include:

- ▶ Capability issues relevant to urgent operational needs;
- ▶ HLG 2010 and Battlegroups development;
- ▶ Ongoing Commission initiatives:
  - Green Paper on Defence Procurement;
  - future ESRP;<sup>2</sup>
  - Space policy;
  - DTIB<sup>3</sup> Monitoring;
  - Intra-EU transits and transfers;
- ▶ Transfer of responsibilities from WEAG/WEAO.<sup>4</sup>

*B. By the end of the year, the Steering Board expects the following to have been achieved:*

1. **The Agency to have established comprehensive and systematic business management processes, in particular:**

- ▶ for capability development (including appropriate use of operational analysis with potential acquisition of specific tools, and effective co-ordination of the implementation of ECAP);
- ▶ for establishment of R&T priorities at the European level.

2. **The Agency to be leading (or managing as ad hoc projects) initiatives in as many as possible of the following areas:**

- ▶ UAVs/ISTAR. Technology demonstration work on long-endurance UAVs, in the context of development of a wider ISTAR architecture, taking account of relevant work in other multinational fora.

2. European Security Research Programme.

3. Defence Technological and Industrial Basis.

4. Western European Armaments Group / Western European Armaments Organisation

- D Advanced European Jet Pilot Training. Assuming leadership of the current collaborative effort involving 11 Participating Member States (plus Switzerland) to develop a common European system, subject to the decision of those countries on the evolution of this project.
- D Command, Control and Communication. Work to find solutions to current ESDP operational shortfalls, and to develop capacity and interoperability for the future.
- D Defence Test and Evaluation Base Rationalisation. Development of proposals for budgetary savings by elimination of duplication/redundancy of facilities in Europe.
- D Armoured Fighting Vehicles. Based on review of future requirements and the relevant technological and industrial base, development of proposals for collaborative technology development and/or procurement programmes, potentially facilitating industrial restructuring.
- D COTS/MOTS. Work to develop proposals for a European market in Commercial/Military Off-the-Shelf equipment, including feasibility study of an “electronic market place”.

**3. The Agency to have investigated the scope for adding value in as many as possible of the following areas:**

- D Naval Defence Technological and Industrial Base (DTIB). Review of anticipated future demand and capacity, and current national strategies.
- D Air-to-Air Refuelling. Review of European capability needs, national requirements and programmes, interoperability issues and potential for collaboration.
- D A400M. Review of the scope for common approaches to all aspects of A400M operations (including logistics, configuration control, etc.).
- D CBRN. Review of all activity underway in defence and security fora, with particular reference to research.
- D Maritime surveillance. Review of all activity underway in defence and security fora, with particular reference to the contribution of defence assets

**and to have made proposals to the Steering Board.**

**4. The Agency to have developed proposals for the way ahead, including:**

- D the generation of a long-term vision for European capability and capacity needs in consultation with relevant Council bodies;
- D a medium-term plan for the Agency;
- D strategic targets (both input and output based) which participating Member States might choose to adopt.

## Steering Board Conclusions on the Commission Green Paper on defence procurement

### The Steering Board:

- ▶ Welcomed the important and timely initiative of the European Commission on issuing a Green Paper on defence procurement;
- ▶ Recognised the benefits of harmonising defence procurement procedures amongst the EU Member States with a view to reducing the fragmentation of European markets and thus encouraging the creation of an internationally competitive European Defence Equipment Market (EDEM), including a strong Defence Technological and Industrial Base. The Steering Board expressed its full support for these goals, and reaffirmed the role of the Agency in contributing to their achievement as specified in the Joint Action establishing the EDA;
- ▶ Directed the Agency to work in partnership with the Commission on these issues, exploring both the ideas the Commission have put forward, and possible initiatives that the Agency might take directed to the shared goals;
- ▶ Invited the Agency to report back to the Steering Board - in National Armaments Directors formation in early 2005, with proposals for a Steering Board position as an initial input to the Commission's consultation process and for pursuing the Agency's own work on the EDEM agenda;
- ▶ Expressed its wish that the Commission work closely with the Agency and take into account the Steering Board's position on the EDEM agenda when developing its conclusions.

## Launch of Operation *Althea* in Bosnia and Herzegovina

Sarajevo, 2 December 2004

With the official launch of Operation *Althea* in Bosnia and Herzegovina, the ESDP's military capability moved up a gear. Five years after St-Malo, the European approach to crisis management is now fully-fledged: peacekeeping, police missions, financial assistance and restoration of the rule of law. Henceforth, only Kosovo remains under shared responsibility.

### REMARKS BY JAVIER SOLANA

Mr President, Excellencies, Generals, Ladies and Gentlemen

Nine years ago almost today IFOR deployed its first contingent to Bosnia and Herzegovina, in order to implement the Dayton agreement. A day difficult to forget for the people of BiH and for me. All that is history.

Today, without forgetting the lessons of the past, we gather here to look to the future. A future for BiH that is in Europe, in its values, in its progress, in its stability, in its prosperity. After the successful NATO mission, the deployment of EUFOR today signifies this commitment of Europe to these goals.

The last ten years have seen achievements in all fronts, thanks to the people of Bosnia and Herzegovina. Thanks to the many soldiers from NATO's nations and partners under IFOR and SFOR who created the security conditions for the progress to take place. Thanks to all international civilians dedicated to this country.

Today the EU assumes a new responsibility and commitment: here with the same spirit of generosity and efficiency as its predecessor from NATO.

EUFOR will mesh with the EU's substantial engagement in so many areas: a formidable economic commitment, a Police mission deployed, a solid political relationship.

All this is part of the journey to the only possible direction: the EU institutions.

It will not be without effort. And you know it. But it will become true.

With the deployment of troops from more than 30 countries you continue feeling the solidarity of so many towards you.

This should be a stimulus for your serious response. We expect from the leaders a dedicated commitment to strengthen your institutions, your democracy, your economy in a responsible manner.

The people of Bosnia deserve no less.

In each of the challenges ahead you will always find the support of the EU and NATO.

Today, using the most expressive military terms repeated so many times in this HQ, let me say: "the mission continues, until its achievement".

## EU MILITARY OPERATION IN BOSNIA AND HERZEGOVINA (OPERATION EUFOR - *ALTHEA*)

### *The operation:*

- The EU has decided to launch a military operation in Bosnia and Herzegovina (BiH) - (Operation EUFOR - *ALTHEA*). This decision follows the decision by NATO to conclude its SFOR mission. Date of Transfer of Authority / launch of the EU Operation: 2 December 2004.
- The EU will deploy a robust force (EUFOR) - starting at the same force levels as SFOR (7,000 troops) - with a Chapter VII mission to ensure continued compliance with the Dayton/Paris Agreement and to contribute to a safe and secure environment in BiH.
- The key objectives of *ALTHEA* are:
 
  - to provide deterrence, continued compliance with the responsibility to fulfil the role specified in Annexes 1A and 2 of the Dayton/Paris Agreement (General Framework Agreement for Peace in BiH); and
  - to contribute to a safe and secure environment in BiH, in line with its mandate, required to achieve core tasks in the OHR's Mission Implementation Plan and the Stabilisation and Association Process (SAP).
- The EU operation will be part of a coherent EU approach. It will add in a significant way to the EU's political engagement, its assistance programmes and its ongoing police and monitoring missions with a view to helping BiH make further progress towards European integration in the context of the Stabilisation and Association Process.
- United Nations Security Council (UNSC) Resolution 1575, adopted unanimously on 22 November 2004, welcomed the EU's intention to launch an EU military operation in BiH. It authorised the Member States acting through or in cooperation with the EU to establish a multinational stabilisation force (EUFOR) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Dayton/Paris Agreement. EUFOR will have the main peace stabilisation role under the military aspects of the Peace Agreement.
- The Resolution also welcomed in the light of the forthcoming EU mission the EU's increasing engagement in BiH.
- UNSC Resolution 1551, adopted unanimously on 9 July 2004, had welcomed the EU's intention to launch such a mission.
- The decision by the EU to launch *ALTHEA* follows the decision by NATO to conclude its successful SFOR-operation.
- ALTHEA* will be carried out with recourse to NATO assets and capabilities, on the basis agreed with NATO ("Berlin Plus").

- ▶ The Headquarters of EUFOR will be established in Sarajevo (Camp Butmir).
- ▶ Status of Forces Agreement (SOFA) and Host Nation Support (HNS) arrangements will be established.
- ▶ As initially part of EUFOR an Integrated Police Unit (IPU) style capability will have executive powers, derived from the EUFOR mandate.
- ▶ One of the key supporting tasks of the EU-led force will be to provide support to the International Criminal Tribunal for the Former Yugoslavia (ICTY) and relevant authorities, including the detention of PIFWCs.

### *EU Political Objectives:*

- ▶ A strong commitment of the international community remains necessary in BiH to help building a secure, self-sustaining and democratic country. The June 2003 Thessaloniki Declaration confirmed that the future of the Western Balkans is within the EU. The Stabilisation and Association Process (SAP) is the framework for the European course of BiH, all the way to future accession. It is within this wider context of European integration that a comprehensive policy for addressing BiH's security needs has to be situated.
  - (1) Long Term Objective. A stable, viable, peaceful and multiethnic BiH, co-operating peacefully with its neighbours and irreversibly on track towards EU membership.
  - (2) Medium Term Objective. Supporting BiH's progress towards EU integration by its own efforts, by contributing to a safe and secure environment with the objective of signing the Stabilisation and Association Agreement (SAA). This complements the HR/EU Special Representative's (EUSR) Mission Implementation Plan (MIP) and the end of the EU's executive role in peace implementation, including through gradual transfer of ownership to BiH authorities.
  - (3) Short Term objectives. To ensure a seamless transition from SFOR to the EU Force (EUFOR) in order to help maintain a secure environment for the implementation of the Dayton/Paris Peace Agreement, as highlighted in the MIP, and the strengthening of local capacity building through support of the BiH authorities in implementing the conditions in the SAP feasibility study, to make sure that the SAP and the implementation of the MIP reinforce one another.

### *Chain of command and main actors:*

- ▶ The basic decisions on the operation are taken by the Council of The European Union. The Council decided to launch of the operation following its approval of the Operation Plan (OPLAN) and the Rules of Engagement (RoE).

- ▶ The EU's Political and Security Committee (PSC) will exercise the political control and strategic direction of the operation, under the responsibility of the Council. Powers of decision with respect to the objectives and termination of the military operation will remain vested in the Council, assisted by the SG/HR.
- ▶ The EU Military Committee (EUMC) will monitor the proper execution of the EU military operation.
- ▶ General John REITH (UK), Deputy Supreme Allied Commander Europe (D-SACEUR), has been appointed EU Operation Commander (OpCdr) for ALTHEA with the EU Operation Headquarters (OHQ) located at SHAPE. Major General A. David LEAKEY (UK) has been appointed EU Force Commander.

#### *Overall EU coherence:*

- ▶ The operation will reinforce the EU's comprehensive approach towards BiH, and support BiH's progress towards EU integration by its own efforts.
- ▶ The operation will be part of the overall European Security and Defence Policy (ESDP) mission in BiH and of a closely co-ordinated EU presence in BiH.
- ▶ The EUSR will promote overall EU political co-ordination in BiH. EU Commanders will coordinate closely with the EUSR in BiH with a view to ensuring consistency of the EU military operation with the broader context of the EU activities in BiH.

#### *Budget:*

- ▶ Common costs of the EU military operation to be administered by the "ATHENA" mechanism (contributions by Member States on a GDP-based key). Financial reference amount for the common costs of the operation: 71.7 million. (Personnel and other items are on a "costs lie where they fall" basis.)

#### *Participation:*

- ▶ Member States and non-EU Troop Contributing Nations (TCN) will provide the necessary capabilities. In addition to twenty-two EU Member States, the following third countries will participate in the Althea Operation: Albania, Argentina, Bulgaria, Canada, Chile, Morocco, New Zealand, Norway, Romania, Switzerland, Turkey.

## **DRC – Launch of police mission EUPOL-Kinshasa**

**Brussels, 9 December 2004**

### **THE EUROPEAN UNION LAUNCHES A POLICE MISSION TO KINSHASA IN THE DEMOCRATIC REPUBLIC OF CONGO (DRC) (EUPOL-KINSHASA)**

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The Council today adopted a Decision setting up a European Union Police Mission – “EUPOL-KINSHASA” – in the Democratic Republic of Congo under the European Security and Defence Policy (ESDP).

The purpose of the mission is to monitor, mentor and advise on the setting-up and the initial running of an Integrated Police Unit (IPU) in Kinshasa in order to ensure that the IPU acts following the training received in the Academy Centre and according to international best practices in this field.

These actions are focused on the IPU chain of command to enhance the management capability of the IPU and to monitor, mentor and advise the operational units in the execution of their tasks.

This mission is taking place further to the request from the government of the DRC for EU assistance in setting up an Integrated Police Unit to contribute to ensuring the protection of the state institutions and reinforce the internal security apparatus. The EUPOL-KINSHASA mission under the ESDP is taking place further to the training action for the Integrated Police Unit conducted under the European Development Fund.<sup>1</sup>

EUPOL-KINSHASA will consist of around thirty persons. The mission will be launched early in January 2005 and will cover a twelve-month period. The mission’s budget amounts to approximately EUR 4.3 million. Police Commissioner Adilio CUSTODIO (Portugal) has been appointed Head of Mission of EUPOL-Kinshasa.

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1. In May 2004 the Council adopted Joint Action 2004/494/CFSP on European Union support to the establishment of the Integrated Police Unit in the Democratic Republic of Congo (DRC). That Joint Action is aimed at supporting the process of the consolidation of internal security in the DRC through assistance with the setting-up of an Integrated Police Unit in Kinshasa. To that end, in addition to the activities funded by the European Development Fund (EDF), the European Union and its Member States will contribute with funds and/or contributions in kind to provide the government of the DRC with the equipment identified as necessary for the establishment of the IPU.

# General Affairs and External Relations Council

Brussels, 13 December 2004

(..)

## EUROPEAN SECURITY AND DEFENCE POLICY

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### ESDP – Council conclusions

The Council adopted the following conclusions:

“The Council adopted the Presidency report on ESDP and decided to submit it to the European Council.

The Council approved the detailed proposals for the implementation of the Presidency’s document titled “European Defence: NATO/EU consultation, planning and operations” welcomed by the European Council in December 2003. These proposals will allow for the civilian/military cell to begin its work as scheduled, including the establishment of the capacity to rapidly generate, when needed, an operations centre for particular autonomous operations, which should be available by 1 January 2006 at the latest. The Council invites the SG/HR to take this work forward, including for training and exercising the operations centre at the earliest possible stage. The proposals also serve as a basis for agreement with NATO on the establishment of a small EU cell at SHAPE and NATO liaison arrangements to the EUMS. Recalling the European Council Conclusions of June 2004, the Council invites SG/HR to take work forward, as scheduled, on these points.

The Council reached agreement on the Civilian Headline Goal 2008, which establishes needs-driven goals to allow the EU to further define and build up the civilian capabilities it needs for future tasks and challenges by 2008 to respond more rapidly and effectively to crises. This Headline Goal sets out clearly the EU’s ambitions for civilian ESDP over the coming years and will provide a firm basis to establish the capabilities needed to meet the EU’s ambitions and the areas in which it should develop its capabilities further.

In order to fulfil the tasks and ambitions the EU has set itself in civilian ESDP, the EU will apply a systematic approach in the development of the necessary civilian capabilities. A Civilian Capabilities Improvement Conference at which Member States will confirm their commitments with a view to meeting the ambitions of the Civilian Headline Goal, as well as a capabilities improvement Plan, will have to be completed by the end of 2005.”

## Report on EU security and defence activities

The Council approved a report by the Presidency on the state of play on European security and defence policy and agreed to forward it to the European Council on 16-17 December (15547/04).

*The report invites the incoming Presidency of the Council to continue work on the following activities:*

- preparation and implementation of civilian and military missions;
- development of military and civilian capabilities and implementation of the EU Programme for the prevention of violent conflicts;
- implementation of the Action Plan on the civilian aspects of ESDP;
- implementation of decisions concerning EU/NATO relations;
- finalisation under Headline Goal 2010 of the requirements catalogue in Spring 2005;
- the operational role of the European Defence Agency;
- EU rapid response capacity and further implementation of the EU Battle Groups concept;
- follow-up of the European Capability Action Plan;
- implementation of the EU Exercise Programme and the EU Training Concept under ESDP;
- development of the contribution of ESDP to combating terrorism;
- co-operation with international organisations;
- implementation of the Action Plan in support to peace and security in Africa.

## Civilian crisis management - Headline Goal 2008

The Council approved a report entitled "Civilian Headline Goal 2008" on civilian crisis management to be forwarded to the European Council on 16 and 17 December 2004 (15863/04).

The document develops the civilian dimension of the EU's overall approach in using civilian and military means to respond to crisis management tasks such as conflict prevention, peacekeeping and post-conflict stabilisation, supplementing the four priority areas agreed by the European Council: police, rule of law, civil administration and civil protection.

## Training programme in security and defence matters

The Council approved an EU training programme in the field of European security and defence policy for the years 2005 to 2007 (15959/04).

## Cooperation with the OSCE – Crisis management

The Council approved a report prepared by the Presidency considering practical implementation of EU-OSCE cooperation in conflict prevention, crisis management and post-conflict rehabilitation (15387/1/04 REV1).

The report reflects two main goals: to strengthen the relationship and to reinforce the performance of the EU within the OSCE. The long-term objective for the EU is to preserve full implementation of OSCE values and standards in the Euro-Atlantic area.

(...)

## EUROPEAN NEIGHBOURHOOD POLICY – COUNCIL CONCLUSIONS

The Council adopted the following conclusions:

“The Council welcomed the Commission’s proposals for European Neighbourhood Policy (ENP) action plans with Israel, Jordan, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine.

It endorsed these action plans, which result from intensive consultations with ENP partners that were conducted by the European Commission, in close co-operation with the Presidency and the Secretary-General/High Representative.

In this context, the Council reaffirmed the importance it attributes to the European Neighbourhood Policy. The Council reiterated that the ENP aims at increased stability, security and prosperity for the EU and its neighbours and that it will build on mutual commitment to common values, including democracy, the rule of law, good governance and respect for human rights, to the principles of market economy, free trade, sustainable development and poverty reduction, as well as to essential concerns, including the fight against terrorism and the non-proliferation of weapons of mass destruction and efforts towards the peaceful resolution of regional conflicts as well as cooperation in justice and home affairs matters. The Council emphasised that the intensity and level of ambition of relations with each ENP partner will be differentiated, reflecting the degree to which common values are effectively shared, the existing state of relations with each country, its needs and capacities, as well as common interests.

The Council invited the Committee of Permanent Representatives to prepare the necessary decisions enabling the Co-operation or Association Councils with the respective ENP partners to confirm these action plans and to launch their implementation. As concerns Ukraine, the Council stressed the paramount importance of free and fair elections, as reflected in the action plan. The Council agreed to the content of the action plan, and

will forward the action plan to the EU-Ukraine Cooperation Council as soon as developments in Ukraine make it possible to envisage implementation of its provisions. The Council noted that the Partnership and Co-operation Agreements, as well as the Association Agreements established within the Euro-Mediterranean Process, provide the framework for pursuing the implementation and monitoring of the Action Plans.

The Council stressed the importance of timely implementation of the action plans by both the EU and ENP partners. It recalled its intention to undertake a first review of the implementation of the action plans at the latest two years from their adoption, on the basis of assessment reports to be prepared by the Commission, in close co-operation with the Presidency and the SG/HR on issues related to political cooperation and the CFSP, and with the contribution of ENP partners.

The Council took note of the intention of the Commission, and the Secretary-General/High Representative for issues related to political co-operation and the CFSP, to present country reports on Egypt and Lebanon to the Council by March 2005, in view of engaging consultations with partner countries about action plans. It also noted that the Commission, and the Secretary-General/High Representative for issues related to political co-operation and the CFSP, intend to prepare country reports on Armenia, Azerbaijan and Georgia by the same date, so as to allow for the Council to decide on opening consultations on establishing action plans with one or more of these countries. It invited the Commission, and the Secretary-General/High Representative for issues related to political co-operation and the CFSP, to take forward this work.

Recalling the GAERC conclusions of 14 June 2004, the Council reiterated that the European Neighbourhood Policy is open to Belarus and all Mediterranean countries including Libya once they have met the necessary conditions for inclusion.”

(...)

# European Council

**Brussels, 16 and 17 December 2004**

This European Council was historic in many respects. Firstly, the official agreement to open accession negotiations with Turkey constitutes an unprecedented qualitative leap in the history of the European Union. Moreover, during the crisis in Ukraine, the good offices of Poland, Lithuania and the High Representative contributed to a peaceful settlement of the dispute.

(..)

## **PRESIDENCY CONCLUSIONS**

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### *I. Enlargement*

#### **General**

4. The European Council welcomed the findings and recommendations presented by the Commission on 6 October 2004 to the Council and the European Parliament in its Regular Reports on Bulgaria, Romania and Turkey, Strategy Paper on Bulgaria, Romania and Croatia, Recommendation on Turkey and document on Issues Arising from Turkey's Membership Perspective.

5. With the accession of ten new Member States to the European Union successfully accomplished, the European Council expressed its determination to continue the process it has engaged in with the candidate countries, thus contributing to Europe's prosperity, stability, security and unity. In this connection, it recalled that the Union's capacity to absorb new members, while maintaining the momentum of European integration, is an important consideration in the general interest of both the Union and the candidate countries.

#### **Bulgaria**

6. The European Council recalled that all of the outstanding chapters in the accession negotiations with Bulgaria had been provisionally closed earlier in 2004. It welcomed the successful completion of these negotiations with Bulgaria on 14 December 2004 and accordingly looked forward to welcoming it as a member from January 2007.

7. Taking due note of the relevant assessments and recommendations by the Commission, the European Council considered that Bulgaria will be able to assume all

the obligations of membership at the envisaged time of its accession, provided that it continues its efforts to that end and completes in a successful and timely way all necessary reforms and commitments undertaken in all areas of the acquis. Safeguard clauses will provide for measures to address serious problems that may arise before accession or in the three years after accession.

8. The European Union will continue to monitor closely Bulgaria's preparations and achievements, including the effective implementation of the commitments undertaken in all areas of the acquis and in particular Justice and Home Affairs; to this end the Commission will continue to submit annual reports on Bulgaria's progress towards accession, together with recommendations if appropriate.

9. Anticipating the successful completion by Bulgaria of its preparations for accession to the Union, the European Council called for the finalisation of the Accession Treaty with Bulgaria and Romania with a view to its signing in April 2005 on the occasion of the meeting of the General Affairs and External Relations Council, provided the European Parliament has given its assent.

## Romania

10. The European Council noted with satisfaction that progress made by Romania in implementing the acquis and commitments entered into as regards, in particular, Justice and Home Affairs and Competition, has made it possible to close formally all of the outstanding chapters with this candidate on 14 December 2004 and accordingly looked forward to welcoming it as a member from January 2007.

11. Taking due note of the relevant assessments and recommendations by the Commission, the European Council considered that Romania will be able to assume all the obligations of membership at the envisaged time of its accession, provided that it continues its efforts to that end and completes in a successful and timely way all necessary reforms and commitments undertaken in all areas of the acquis, in particular the important commitments regarding Justice and Home Affairs, Competition and Environment. Safeguard clauses will provide for measures to address serious problems that may arise, as the case may be, before accession or in the three years after accession, in particular in the areas of Justice and Home Affairs and Competition as well as Environment.

12. The European Union will continue to monitor closely Romania's preparations and achievements, including the effective implementation of the commitments undertaken

in all areas of the *acquis*, and in particular in the areas of Justice and Home Affairs, Competition and Environment; to this end the Commission will continue to submit annual reports on Romania's progress towards accession, together with recommendations if appropriate.

13. Anticipating the successful completion by Romania of its preparations for accession to the Union, the European Council called for the finalisation of the Accession Treaty with Bulgaria and Romania with a view to its signing in April 2005 on the occasion of the meeting of the General Affairs and External Relations Council, provided the European Parliament has given its assent.

### Croatia

14. The European Council noted with satisfaction the progress made by Croatia in preparation for the opening of accession negotiations.

15. Reaffirming its conclusions of June 2004, it urged Croatia to take the necessary steps for full cooperation with ICTY and reiterated that the remaining indictee must be located and transferred to the Hague as soon as possible.

16. It invited the Commission to present to the Council a proposal for a framework for negotiations with Croatia, taking full account of the experience of the fifth enlargement. It requested the Council to agree on that framework with a view to opening the accession negotiations on 17 March 2005 provided that there is full cooperation with ICTY.

### Turkey

17. The European Council recalled its previous conclusions regarding Turkey, in which, at Helsinki, it agreed that Turkey was a candidate state destined to join the Union on the basis of the same criteria as applied to the other candidate states and, subsequently, concluded that, if it were to decide at its December 2004 meeting, *on the basis of a report and recommendation from the Commission, that Turkey fulfils the Copenhagen political criteria, the European Union will open accession negotiations with Turkey without delay.*

18. The European Council welcomed the decisive progress made by Turkey in its far-reaching reform process and expressed its confidence that Turkey will sustain that process of reform. Furthermore, it expects Turkey to actively pursue its efforts to bring into force the six specific items of legislation identified by the Commission. To ensure the irreversibility of the political reform process and its full, effective and comprehensive implementation, notably with regard to fundamental freedoms and to full respect of human rights, that process will continue to be closely monitored by the Commission,

which is invited to continue to report regularly on it to the Council, addressing all points of concern identified in the Commission's 2004 report and recommendation, including the implementation of the zero-tolerance policy relating to torture and ill-treatment. The European Union will continue to monitor closely progress of the political reforms on the basis of an Accession Partnership setting out priorities for the reform process.

19. The European Council welcomed Turkey's decision to sign the Protocol regarding the adaptation of the Ankara Agreement, taking account of the accession of the ten new Member States. In this light, it welcomed the declaration of Turkey that "the Turkish Government confirms that it is ready to sign the Protocol on the adaptation of the Ankara Agreement prior to the actual start of accession negotiations and after reaching agreement on and finalising the adaptations which are necessary in view of the current membership of the European Union".

20. The European Council, while underlining the need for unequivocal commitment to good neighbourly relations welcomed the improvement in Turkey's relations with its neighbours and its readiness to continue to work with the concerned Member States towards resolution of outstanding border disputes in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter. In accordance with its previous conclusions, notably those of Helsinki on this matter, the European Council reviewed the situation relating to outstanding disputes and welcomed the exploratory contacts to this end. In this connection it reaffirmed its view that unresolved disputes having repercussions on the accession process, should if necessary be brought to the International Court of Justice for settlement. The European Council will be kept informed of progress achieved which it will review as appropriate.

21. The European Council noted the resolution adopted by the European Parliament on 15 December 2004.

22. The European Council welcomed the adoption of the six pieces of legislation identified by the Commission. It decided that, in the light of the above and of the Commission report and recommendation, Turkey sufficiently fulfils the Copenhagen political criteria to open accession negotiations provided that it brings into force these specific pieces of legislation. It invited the Commission to present to the Council a proposal for a framework for negotiations with Turkey, on the basis set out in paragraph 23. It requested the Council to agree on that framework with a view to opening negotiations on 3 October 2005.

### **Framework for negotiations**

23. The European Council agreed that accession negotiations with individual candidate

states will be based on a framework for negotiations. Each framework, which will be established by the Council on a proposal by the Commission, taking account of the experience of the fifth enlargement process and of the evolving *acquis*, will address the following elements, according to own merits and specific situations and characteristics of each candidate state:

- ▶ As in previous negotiations, the substance of the negotiations, which will be conducted in an Intergovernmental Conference with the participation of all Member States on the one hand and the candidate State concerned on the other, where decisions require unanimity, will be broken down into a number of chapters, each covering a specific policy area. The Council, acting by unanimity on a proposal by the Commission, will lay down benchmarks for the provisional closure and, where appropriate, for the opening of each chapter; depending on the chapter concerned, these benchmarks will refer to legislative alignment and a satisfactory track record of implementation of the *acquis* as well as obligations deriving from contractual relations with the European Union.
- ▶ Long transition periods, derogations, specific arrangements or permanent safeguard clauses, i.e. clauses which are permanently available as a basis for safeguard measures, may be considered. The Commission will include these, as appropriate, in its proposals for each framework, for areas such as freedom of movement of persons, structural policies or agriculture. Furthermore, the decision-taking process regarding the eventual establishment of freedom of movement of persons should allow for a maximum role of individual Member States. Transitional arrangements or safeguards should be reviewed regarding their impact on competition or the functioning of the internal market.
- ▶ The financial aspects of accession of a candidate state must be allowed for in the applicable Financial Framework. Hence, accession negotiations yet to be opened with candidates whose accession could have substantial financial consequences can only be concluded after the establishment of the Financial Framework for the period from 2014 together with possible consequential financial reforms.
- ▶ The shared objective of the negotiations is accession.  
These negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand.  
While taking account of all Copenhagen criteria, if the Candidate State is not in a position to assume in full all the obligations of membership it must be ensured that the Candidate State concerned is fully anchored in the European structures through the strongest possible bond.
- ▶ In the case of a serious and persistent breach in a candidate state of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law on which the Union is founded, the Commission will, on its own initiative or on the request of one third of the Member States, recommend the suspension of negotiations and propose the conditions for eventual resumption. The Council will

decide by qualified majority on such a recommendation, after having heard the candidate state, whether to suspend the negotiations and on the conditions for their resumption. The Member States will act in the IGC in accordance with the Council decision, without prejudice to the general requirement for unanimity in the IGC. The European Parliament will be informed.

- ▶ Parallel to accession negotiations, the Union will engage with every candidate state in an intensive political and cultural dialogue. With the aim of enhancing mutual understanding by bringing people together, this inclusive dialogue also will involve civil society.

## *II. Terrorism*

24. The European Council reiterated its unyielding determination to combat the continuing terrorist threat through a comprehensive and integrated approach reinforcing both internal and international cooperation, in accordance with the principles on which the European Union is founded.

25. Democracy and respect for fundamental rights must not be allowed to be undermined by terrorism. Efforts to combat terrorism must respect human rights and fundamental freedoms. The European Council stressed the importance of promoting respect based on universal values, tolerance, inter-faith and cross-cultural dialogue and full participation in society.

26. The European Council reiterated its conviction that in order to be effective in the long run the Union's response to terrorism must address the root causes of terrorism. Radicalisation and terrorist recruitment can be closely connected. The European Council called on the Council to establish a long-term strategy and action plan on both issues by June 2005, building on the report on recruitment recently adopted by the Council. It invited the Secretary-General/High Representative and the Commission to submit proposals to this effect.

27. The European Council called for prompt implementation of measures identified in *The Hague Programme on strengthening freedom, security and justice* relevant to combating terrorism. In particular, the exchange of information between counter-terrorism related services must be improved.

Taking into account work underway, the European Council invited the Commission to present proposals based on the principle of availability of information in accordance with the Hague Programme.

28. The European Council welcomed the revised EU Action Plan and additional reports presented by the Secretary-General/High Representative and the Commission on com-

bating terrorism and the progress made since June 2004, which should lead to further concrete results as demonstrated in these contributions, notably:

- the reinforcement of practical and operational cooperation notably through Europol and the Police Chiefs Task Force; better exchange of information between Member States and Europol and Eurojust; the exchange of data on lost and stolen passports with Interpol; the peer evaluations in 15 Member States of the national structures on combating terrorism to be completed for 25 by September 2005. Member States are called upon to report on implementation of recommendations aimed at strengthening these structures;
- concerning judicial cooperation: improved exchange of information from criminal records (to be further developed by the end of 2005 on the basis of the Commission's White Paper); progress on retention of telecommunications data and the European Evidence Warrant (both to be agreed in 2005). The European Council invites the Commission to present proposals for a European Protection Programme – as soon as possible – to protect and assist victims of terrorism, as well as witnesses in terrorism cases;
- as regards border and document security: the enhanced security of EU passports by the inclusion of biometric data (facial image and fingerprints) and the establishment of the European Border Agency (to be operational by May 2005);
- concerning intelligence cooperation, the links established between the Counter Terrorism Group and the re-enforced EU Situation Centre which as of 1 January 2005 will provide the Council with strategic threat assessments based on intelligence from national services; and the improved exchange of information with Europol. The European Council invited the SG/HR to report on progress, including enhanced cooperation between police and security services, also in connection with the SitCen;
- measures to combat terrorist financing, notably agreement on controls on cash entering or leaving the Union and on the third Money Laundering Directive; best practices in implementing financial sanctions against terrorists and their organisations; and the overall strategy paper presented by the SG/HR and the Commission. In particular, the Commission is invited to present to the Council as soon as possible proposals to prevent misuse of charitable organisations for the financing of terrorism and Member States are urged to put forward known names of individuals and groups for inclusion in the European Union list for freezing of assets, thus contributing to the enhancement of the effectiveness of the sanctions system;
- conclusions on strengthening civil protection capacity on prevention, preparedness and response to terrorist attacks and the establishment of a Solidarity Programme regarding the consequences of terrorist threats and attacks. Further assessment of the capabilities that Member States could make available to the Civil Protection Mechanism in the event of an attack is required by June 2005, as well as further assessment and development of civil protection capabilities, including joint exercises

and coordination of public information, and improved availability of medical resources. A European Programme for critical infrastructure protection with potential trans-boundary effects should be established before the end of 2005;

- ▶ progress on external policies through counter terrorism clauses in agreements with third countries which should be made operational as soon as possible; within the framework of intensified transatlantic cooperation, the implementation of the 2004 EU-US Declaration on combating terrorism; the conceptual framework and action points on the ESDP dimension of the fight against terrorism; and strengthening cooperation with priority third countries through dialogue and assistance as well as fostering regional cooperation. The Council and the Commission are called upon to set up a network of national experts to respond to requests for technical assistance by third countries.

29. The European Council urged all Member States to implement effectively on a priority basis the measures agreed by the European Union and other relevant international organisations, and urged the Council and the Commission to continue their efforts to implement the EU Action Plan and respect its deadlines.

30. The European Council requested the General Secretariat of the Council, together with the Commission, to submit a further progress report including any recommendations they may wish to make on improving delivery and/or additional efforts and initiatives in June 2005.

(...)

### *V. External affairs*

40. The European Council reiterated its commitment to the European Security Strategy, which it adopted one year ago. Drawing on its orientations, the Union has successfully increased its ability to make an impact on a global scale. The European Council invited the incoming Presidency to continue to implement the Strategy in cooperation with the High Representative and the Commission and to mainstream its orientations into all relevant European policies.

### **Addressing key concerns**

41. The European Council endorsed the report on the implementation of the EU Strategy on Proliferation of Weapons of Mass Destruction (WMD) and noted the progress in this respect in the relations with third countries and cooperation with the IAEA and the OPCW. It reaffirmed its commitment to use all instruments at its disposal to counter the threat of proliferation of WMD and their means of delivery.

42. The European Council welcomed the agreement reached with Iran regarding nuclear issues and future cooperation on 15 November, following negotiations with France,

Germany and the UK supported by the High Representative. It underlined that sustaining the full suspension of all enrichment related and reprocessing activities was essential for the continuation of the overall process. It supported further efforts with a view to reaching an agreement on longterm arrangements. The European Council confirmed its conclusions of 5 November 2004 on the resumption of the negotiations on a Trade and Cooperation Agreement after recent verification of suspension. The European Council confirmed the Union's readiness to explore ways to further develop political and economic cooperation with Iran, following action by Iran to address other areas of concern of the EU regarding the fight against terrorism, human rights and Iran's approach to the Middle East Peace Process.

43. The European Council reaffirmed its objective of a secure, unified, prosperous and democratic Iraq that will work constructively with its neighbours and the international community to meet common challenges. It reiterated its determination to support the Iraqi authorities and people, i.a. through elections support, financing of UN protection, reconstruction assistance, strengthening the criminal justice sector and promoting respect for the rule of law, and developing political and trade cooperation with Iraq. The European Council expressed the EU's full support for the political transition process leading to a democratically and constitutionally elected Iraqi Government as set out in UN Security Council Resolution 1546. It emphasized the importance of a broad, inclusive political process for the general elections in January 2005.

44. The European Council congratulated President Karzai on his inauguration and welcomed his commitment to continue democratic reform, and underlined the EU's long-term commitment to the reconstruction, development and stabilisation of Afghanistan. The EU will continue to support the ongoing democratisation process, including next year's parliamentary and local elections, the counter-narcotics efforts, the judicial and security-sector reform and Disarmament, Demobilisation and Reintegration.

### **Building stronger ties with our neighbourhood**

45. The European Council reaffirmed its commitment to the full implementation of the Thessaloniki agenda, which underlines that the future of the countries of the Balkans is within the European Union. The recent ministerial meetings of the EU-Western Balkans Forum served to assess progress achieved and identify challenges ahead. The European Council underlined that the progress of each country towards European integration depended on its own efforts in meeting the Copenhagen criteria and the conditions of the Stabilisation and Association Process, in particular on key issues such as democracy, the rule of law, respect for human rights, rights of persons belonging to minorities, and full cooperation with the ICTY. In addition, in this process regional cooperation will remain an essential element of EU policy.

46. The European Council noted with satisfaction the progress made within the framework of the European Neighbourhood Policy (ENP). A first series of Action Plans jointly prepared with Jordan, Morocco, Tunisia, Moldova, Ukraine, Israel and the Palestinian Authority were successfully finalised. As concerns Ukraine, the European Council reiterated the paramount importance of free and fair elections, as reflected in the action plan. It welcomed the agreement reached by the Council on the content of the action plan which will be forwarded to the EU-Ukraine Cooperation Council as soon as developments in Ukraine make it possible to envisage implementation of its provisions. The EU looked forward to working together with partners to implement reforms and other agreed priorities, and to start adopting Action Plans for the countries in the Southern Caucasus during the next year. The EU will take steps to communicate and demonstrate benefits of the ENP to the Belarussian population and will support the strengthening of civil society and the process of democratisation. The European Council also looked forward to the start of consultations with a view to adopting Action Plans with the remaining Mediterranean partners whose Association Agreements have entered into force or which have ratified their Association Agreements. The European Council invited the Commission and the High Representative to report regularly on progress accomplished.

47. The Barcelona Process, enhanced by the ENP, is the main tool for partnership, cooperation and dialogue with the Mediterranean Region. The European Council welcomed the decision taken by the Euromediterranean Conference of Foreign Ministers in the Hague to declare 2005 as year of the Mediterranean. The Barcelona Process can make a major contribution towards the process of modernisation and reform generated from within the societies concerned. The 10th anniversary of the Barcelona Declaration will serve to strengthen and relaunch the Euromed process.

48. The European Council welcomed the progress made with the other countries of the Middle East region and invited further consultations with governments and other stakeholders concerned. It called on the relevant bodies of the Council to continue the work towards strengthening relations with these countries in all relevant political, economic, social and cultural fields.

49. The European Council welcomed the start of the implementation of the EU Strategic Partnership with the Mediterranean and the Middle East. It reiterated the importance of the commitment of the partners concerned to engage in reform and recognised that the EU's relations with these countries have distinct characteristics that merit a differentiated approach.

50. The European Council adopted separate declarations on Ukraine and the Middle East Peace Process (Annexes I and II).

## **An international order based on effective multilateralism**

51. The European Council welcomed the statement by the United Nations Secretary-General and saluted the work he and the UN Secretariat were doing in many fields. It welcomed the report of the United Nations Secretary-General's High Level Panel on Threats, Challenges and Change, in particular the comprehensive approach to collective security. The follow-up to the European Security Strategy regarding effective multilateralism and a rule-based international order, as requested by the European Council in June, should aim at supporting the efforts of the UN Secretary-General. The EU is firmly determined to play a major role within the UN.

52. The European Council welcomed the decision to appoint a Personal Representative of the SG/HR on Human Rights in the area of CFSP as a contribution to the coherence and continuity of the EU Human Rights policy, with due regard to the responsibilities of the Commission.

53. The European Council underlined the importance of strengthening the social dimension of globalisation in the light of the report of the World Commission on the Social Dimension of Globalisation and the initial proposals made by the Commission in its communication on the issue.

## **Working with partners**

54. The European Council underlined its commitment to strengthening the strategic dialogue with its transatlantic partners with a view to formulating joint approaches. For well over 60 years, the transatlantic partnership together with European integration has been a leading force for peace and prosperity. Today, both Europe and America face new threats and challenges. Against this background, the European Council recalled that, as stated in the European Security Strategy, the transatlantic partnership is irreplaceable. The European Council looked forward in this respect to President Bush's forthcoming visit to Europe. It welcomed the initiative of a yearly Justice and Home Affairs ministerial troika with the US and the broad participation of the stakeholders on both sides of the ocean in the consultations on the further deepening of transatlantic relations.

55. The importance the EU and Russia attach to their strategic partnership, based on common values and shared interests, was underlined at the latest EU-Russia Summit. Considerable progress was made on the creation of the four Common Spaces and, with a view to the next EU-Russia Summit in Moscow in May 2005, the European Council looked forward to adopting a comprehensive and balanced package of roadmaps as soon as possible. In parallel, work towards the implementation of elements on which agreement has been reached provisionally should start as early as possible.

56. The European Council welcomed the outcome of the Summit meetings with ASEM, the Republic of Korea and India, which broadened and deepened the relationships with the Asian partners. It invited the Council and the Commission to initiate the development of the Action Plan with India to be endorsed at the 6th EU-India Summit in New Delhi in 2005. The European Council also called on the Council and the Commission to intensify the cooperation with Indonesia including in the fields of counter-terrorism, interfaith dialogue, reforms and sustainable development.

57. The European Council welcomed the results of the seventh EU-China Summit that took place in The Hague on 8 December. It invited the Council and the Commission to further explore the feasibility of a new EU-China framework agreement and possible cooperation on issues such as re-admission and market economy status. The European Council confirmed that EU-China relations have developed significantly in all aspects in the past years. It is looking forward to further progress in all areas of this relationship as referred to in the EU-China Joint Statement, in particular, the ratification of the International Covenant on civil and political rights. In this context the European Council reaffirmed the political will to continue to work towards lifting the arms embargo. It invited the next Presidency to finalise the well-advanced work in order to allow for a decision. It underlined that the result of any decision should not be an increase of arms exports from EU Member States to China, neither in quantitative nor qualitative terms. In this regard the European Council recalled the importance of the criteria of the Code of Conduct on arms exports, in particular criteria regarding human rights, stability and security in the region and the national security of friendly and allied countries. The European Council also stressed the importance in this context of the early adoption of the revised Code of Conduct and the new instrument on measures pertaining to arms exports to post embargo countries ('Toolbox').

58. During the past six months the EU strengthened its cooperation with the African Union (AU) and sub-regional organisations, including ECOWAS, SADC and IGAD. The European Council underlined its commitment to continued contributions by the EU to improvement of the situation on the African continent, notably in Sudan, the Great Lakes region, West Africa and Somalia. The EU will continue to assist the AU mission in Darfur and the peace and transition process in the Great Lakes region, as set out in recent GAERC conclusions. It welcomed the establishment of federal transitional institutions in Somalia and will continue to assist them, as set out in recent GAERC conclusions. Following the adoption of restrictive measures taken against the Côte d'Ivoire on the basis of UNSCR 1572, the European Council welcomes and supports the mediation efforts undertaken in the name of the African Union and ECOWAS through the mission to the Côte d'Ivoire by President Thabo Mbeki with which the European Union has been

associated. The European Council welcomed increased regional ownership and underlined that the EU will continue to strengthen its ties with the AU and sub-regional organisations, notably in the field of peace and security.

59. The European Council reiterated the EU's commitment to the consolidation of the bi-regional strategic partnership with Latin America and the Caribbean. In this regard, the European Council confirmed the EU's willingness to make further progress based on efforts from both sides with a view to finalising the EU-Mercosur negotiations and welcomed the expected launching in January 2005 of the joint assessments of the respective integration processes of Central America and the Andean Community, as called for in the Declaration of the EU-LAC Guadalajara Summit.

## ESDP

60. The European Council welcomed the successful start of the EU military operation Althea in Bosnia and Herzegovina on 2 December, which underlines the Union's pledge to stability and security in this country and is a practical example of the strategic partnership in crisis management with NATO. It also noted the successful conduct of the three ongoing ESDP missions – the EU Police Mission in Bosnia and Herzegovina, EUPOL Proxima in the former Yugoslav Republic of Macedonia and the Rule of Law Mission Themis in Georgia. It requested the incoming Presidency and the SG/HR to take forward, in close cooperation with the UN, the preparations for a police mission and for a possible security sector reform mission currently being examined, in the Democratic Republic of Congo and for a possible integrated police, rule of law and civilian administration mission for Iraq, which is expected to start after the January 2005 elections.

61. The European Council endorsed the Presidency Report on ESDP, including the mandate for the incoming Presidency, and welcomed in particular the progress in the development of military and civilian capabilities reflected in this report, including decisions on EU battlegroups (as part of rapid response elements) as well as on the adoption of an ambitious work programme and the budget for 2005 for the European Defence Agency. The European Council endorsed the Civilian Headline Goal 2008.

62. The European Council endorsed the detailed proposals for the implementation of the document titled "European Defence: NATO/EU consultation, planning and operations", allowing for the civilian/military cell to begin its work as scheduled including for the establishment of an operations centre which should be available by January 2006 latest. The proposals also serve as a basis for agreement with NATO on the establishment as scheduled of a small EU cell at SHAPE and NATO liaison arrangements to the EUMS.

## International cooperation

63. The European Council emphasised the importance of ensuring a coherent contribution of EC ODA to poverty eradication in all developing countries. In this context, whilst honouring existing commitments, the European Council underlined the need to find ways to increase the focus on the poorest, with a specific focus on Africa.

64. The European Council confirmed the full commitment of the European Union to the Millennium Development Goals (MDGs) and to the need to ensure progress towards achieving them, especially in Sub-Sahara Africa. In that respect, the European Council welcomed the consultation by the Commission of individual Member States with a view to presenting to the Council (GAERC) in April 2005 concrete proposals on setting new and adequate ODA targets for the period 2009-2010, while taking into account the position of new Member States. The European Union will also explore innovative ways of financing based upon proposals submitted by the Commission with a view to the 2005 high level Event.

65. The European Council called, in the framework of achieving the MDGs, for further strengthening of policy coherence for development by making wider and more systematic use of existing mechanisms for consultation and impact assessment and procedures to screen all relevant policies for their impact on developing countries.

66. The European Council reiterates the importance of implementation of the Cairo/ICPD Agenda and the fight against HIV/AIDS for achieving the Millennium Development Goals. It welcomes the progress that has been made in this area and urges the Commission and Member States to increase their commitment in preparation for the UN High Level event.

## *VI. Other issues*

### Commonly shared values

67. The European Council noted with approval the series of public debates hosted by the Presidency, engaging participants with wide-ranging backgrounds and experience, on the European identity and the concept of commonly shared values as foundation of European integration and cooperation.

68. The European Council took note of the results of this series of debates, of the report of the Education Council on Education and Citizenship and of the follow up initiatives

and welcomed further initiatives to advance the values which contribute to active citizenship in the Union. The European Council invited the European Commission to consider the results of the debates and the main findings of the report when preparing its future Citizens' Programme and its communication strategy for 2005.

### **Consular cooperation**

69. The European Council confirmed the importance of intensified consular cooperation. It welcomed the agreement reached in the Council on pooling consular resources and cooperation both in normal times and in times of crises, thus helping Member States to deal more effectively with the increasing demand for consular services.

### **EU Human Rights Agency**

70. The European Council called for further implementation of the agreement by the representatives of the Member States meeting within the European Council of December 2003 to establish an EU Human Rights Agency which will play a major role in enhancing the coherence and consistency of the EU Human Rights policy.

### **European External Action Service**

71. The European Council welcomed the fact that, following the signature of the Constitutional Treaty, work on the European External Action Service has begun by the Presidency, Secretary-General/High Representative and the Commission.

72. It invited the Secretary-General/High Representative, the Commission and the Member States to continue this preparatory work, in particular by identifying key issues, including the scope and structure of the future service. To ensure the full involvement of Member States in this process, regular discussions will take place in Coreper, in preparation of the General Affairs and External Relations Council.

73. The European Council invited the Secretary-General/High Representative and the Commission to prepare a joint progress report on this preparatory work to its June 2005 meeting at the latest, and to take appropriate steps to keep the European Parliament informed.

## **DECLARATION ON UKRAINE**

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1. The leaders and people of Ukraine are to be commended for having found a peaceful solution to the political crisis in their country. This was done within the legal framework of Ukraine and respecting territorial integrity of the country. The European Council compliments the leaders and people of Ukraine on their willingness to work with international facilitators to this end. It is now of utmost importance that the positive developments are sustained and that the Ukrainian electorate can now freely decide on the candidate of its own choice.
2. Therefore, the European Council calls on the Ukrainian authorities to ensure that the rerun of the second round of presidential elections on 26 December 2004 is held in accordance with OSCE and Council of Europe standards for democratic elections. The European Union and its Member States will offer their fullest support to OSCE/ODIHR in observing the elections, including by sending a substantial number of international observers.
3. The European Union welcomes the close cooperation between international facilitators of the European Union, the Council of Europe, the OSCE and neighbouring countries, including the Russian Federation, in encouraging the parties to find a political solution.
4. The European Union stresses the strategic importance of Ukraine as a key neighbour and partner of the EU. The European Union and Ukraine have a common interest in further reinforcing their political, economic and cultural ties. The European Council therefore underlines that the EU aims at an enhanced and distinctive relationship by making full use of the new opportunities offered by the European Neighbourhood Policy.
5. The European Council welcomes the recent endorsement by the Council of the Action Plan with Ukraine. Following the completion of free and fair presidential elections an early EU-Ukraine Cooperation Council will be organised to launch the Action Plan and lay the basis for more intensive cooperation. The European Council also looks forward to concrete proposals by the Secretary-General/High Representative and the Commission for ways to strengthen cooperation with Ukraine, making full use of the Action Plan, thus enhancing its relationship with the European Union.

## **DECLARATION ON THE MIDDLE EAST PEACE PROCESS**

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1. The European Council welcomes recent efforts made by the Palestinian leadership to ensure a democratic transition in the occupied Palestinian territories. It encourages both

Israelis and Palestinians to continue to co-operate closely, including in the area of security, with a view to the Palestinian Presidential elections in January. The EU will support the electoral process financially, technically and politically, and its observer mission - in liaison with other members of the Quartet and of the international community - will help to verify that the electoral process is democratic, free and fair. The European Council also welcomes and supports the Palestinian Authority's intention to hold legislative and local elections.

2. The European Council reiterates its commitment to the achievement, through the process outlined in the Roadmap, of a negotiated two-State solution resulting in the emergence of an independent, democratic, and viable Palestinian State living side by side in peace and security with Israel and its other neighbours. The parties should seize this opportunity to accelerate the implementation of the Roadmap and re-launch a meaningful political process.

3. The European Council, recalling established EU positions, and in co-operation with the Quartet and the international community, expresses its willingness to support an Israeli withdrawal from the Gaza Strip and part of the northern West Bank as a first step in the overall process in accordance with the conditions laid out by the European Council in March 2004. It equally expresses its commitment to intensified peace efforts by working closely together with both parties and all neighbouring countries. The European Union will continue to implement the short-term programme of action which was endorsed by the European Council in November and which covers elections as well as the areas of security, reforms, and the economy. The success of these actions would be enhanced by the fact that they are placed within the broader political perspective.

4. The European Council invites the High Representative and the Commission to present regular reports on the progress in the implementation of the short-term programme of action and the results of the High Representative's consultations with the parties, the international community and the other members of the Quartet. The European Council encourages the parties and the donors to maintain their current positive and co-operative attitude. The commitment by the EU and the international community to support the Palestinian economic and social reconstruction will continue to be a key factor.

5. The European Council recalls that a comprehensive peace must also include Syria and Lebanon. It also recalls the importance of the implementation of the UNSC Resolution 1559 (2004).

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## ESDP PRESIDENCY REPORT

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1. In line with the mandate defined by the European Council in Brussels in June 2004, the Presidency submits this report on ESDP.
2. In presenting this report, the Presidency has noted that Denmark has drawn attention to Protocol No. 5 on Denmark's position annexed to the Treaty of Amsterdam.

### *I. EU Operations*

#### **Current operations**

3. Preparations for operation ALTHEA, the European Union military operation in Bosnia and Herzegovina, were completed successfully. The operation was launched on 2 December 2004, following adoption of UNSCR 1575. ALTHEA is part of the EU's comprehensive approach in Bosnia and Herzegovina. The objectives of the largest European Union military operation so far are to fulfil the missions specified in Annexes 1A and 2 of the General Framework Agreement for Peace (GFAP) in Bosnia and Herzegovina and to contribute to the safe and secure environment in line with its mandate to support the OHR's Mission Implementation Plan and the Stabilisation and Association Process (SAP). The EU will thus have the main peace stabilisation role under the military aspects of the GFAP.
4. Operation ALTHEA is an EU-led operation making use of NATO common assets and capabilities in line with the Berlin Plus arrangements. The EU and NATO have agreed on the respective tasks of the EUFOR ALTHEA and the NATO HQ in Bosnia and Herzegovina. The European Union maintained close consultations with the authorities of Bosnia and Herzegovina. A Committee of Contributors was also set up, including the participation of all eleven contributing third States.
5. The EU Police Mission to Bosnia and Herzegovina (EUPM) continued to fulfil its mandate to monitor, mentor and inspect the local police, thereby assisting the BiH police in their efforts to attain European standards of policing. Particular importance has been attached to EUPM's support to the State Investigation and Protection Agency (SIPA). Considerable progress has been achieved in the implementation of the Action Plan on EUPM Lessons Learned.
6. The European Union Police Mission to the former Yugoslav Republic of Macedonia, EUPOL PROXIMA continued to fulfil its mandate supporting the development of an efficient and professional police service in FYROM based on European standards of policing. At the invitation of the FYROM government, it was decided to extend EUPOL

Proxima for another twelve months after the expiry of the mandate on 15 December 2004. The extended mission will focus its work on three priority areas: law and order, the fight against organised crime and border policing in complementarity with EC-funded activities.

7. EUJUST THEMIS to Georgia, the first Rule of Law mission in the context of ESDP, was launched on 16 July 2004. THEMIS assists in the development of a horizontal governmental strategy guiding the reform process for all relevant stakeholders within the criminal justice sector, including the establishment of an efficient mechanism for co-ordination and priority setting for the reform of the criminal justice-system. By the end of October the first phase of operations had been concluded successfully.

8. As part of the EU's commitment to learn from the experience of ESDP operations, lessons learned processes were conducted following the start-up phase of operation EUJUST THEMIS. A lessons learned process was also completed with regard to civilian aspects of fact finding missions.

### Future Operations

9. In order to support further the transitional government of the Democratic Republic of Congo, (DRC) and in the framework of the EU-UN cooperation on crisis management, the Council decided that a police mission in the framework of ESDP should be deployed to monitor, mentor and advise an Integrated Police Unit in Kinshasa, DRC, EUPOL KINSHASA. This mission is a follow up to the police training project currently being conducted under the European Development Fund (EDF). The launch of the ESDP mission is planned for early 2005 to ensure a seamless transition.

10. A Presidency exploratory mission was sent to Iraq in August, followed by an EU fact finding mission in October, to explore the possibilities for civilian crisis management activities for Iraq. On the basis of the reports of these missions, the European Council agreed that the EU could usefully contribute to the reconstruction and the emergence of a stable, secure and democratic Iraq through an integrated police, rule of law and civilian administration mission. This mission could inter alia promote closer collaboration between the different actors across the criminal justice system and strengthen the management capacity of senior and high-potential officials from the police, judiciary and penitentiary, and improve skills and procedures in criminal investigation in full respect for the rule of law and human rights. The European Council judged that activities outside Iraq with a presence of liaison elements in Iraq would be feasible at this point in time but that with regard to a mission inside Iraq all security concerns needed to be appropriately addressed before any decision could be taken. An expert team was deployed at the end of November to continue the dialogue with the Iraqi authorities, and to start the

initial planning for a possible integrated police, rule of law and civilian administration mission which is expected to start after the January 2005 elections and in particular assess the urgent security needs for such a mission.

11. The EU sent an EU Fact-Finding Mission to DRC to examine different options for an EU response, including through ESDP, in the field of Security Sector Reform, including army integration and training.

## *II. Development of European Military Capabilities*

12. In the Declaration on European Military Capabilities (Annex I) made by the Ministers of Defence at the Military Capabilities Commitment Conference and endorsed by the Council on 22 November 2004, Member States have committed themselves to the further improvement of military capabilities and offered contributions to the EU Battlegroups (as part of Rapid Response elements), thereby contributing to the implementation of the European Security Strategy.

13. Member States made initial commitments to the formation of thirteen EU Battlegroups. They also committed niche capabilities, providing specific elements with added value to the EU Battlegroups. At any time during the Initial Operational Capability in 2005 and 2006, the EU will be able to provide at least one coherent Battlegroup package to undertake one Battlegroup-sized operation. During the Full Operational Capability from 2007 onwards, the Union will have the capacity to undertake two concurrent single Battlegroup-sized rapid response operations, including the ability to launch both such operations nearly simultaneously. To qualify as an EU Battlegroup, force packages will meet commonly defined and agreed standards and undergo a Battlegroup generation process. EU and NATO, respecting the autonomy of decision-making in the two organisations, have started to address overall coherence and complementarity between EU Battlegroups and the NATO Response Force, including compatibility of standards, practical methods and procedures, wherever possible and applicable, while keeping all EU Member States informed. These will apply to all EU Member States and other states participating in the EU Battlegroups.

14. Work has started on the definition of the military requirements necessary to implement the Headline Goal 2010, leading to the finalisation of the Requirements Catalogue in the spring of 2005. The Member States have also declared their determination to develop further criteria and standards to evaluate the Member States' capability commitments, building on the overarching standards and criteria of the EU Battlegroups.

15. The European Capability Action Plan (ECAP), as an important instrument of the Member States to improve European military capabilities, has been evaluated in the light of the elaboration of the Headline Goal 2010, drawing lessons learned from the ECAP experience so far, including its guiding principles, and taking into account the role of the European Defence Agency to coordinate the implementation of ECAP, reinvigorating the ECAP-process within the guidelines set by the Council. Through the evaluation of the European Capability Action Plan (ECAP), the Member States also committed themselves to remedying the remaining military shortfalls to the Helsinki Headline Goal. In this regard, the Single Progress Report on military capabilities, noted by the Council on 22 November 2004, assessed the progress made with capability development and identified the work that remains to be done. The ECAP Roadmap has been updated to include progress in the work of the ECAP Project Groups and an updated public Capability Improvement Chart has been produced.

16. The ‘Global Approach on Deployability’ was approved, an approach aimed at improving the ability of the EU to deploy forces, in particular with respect to strategic transport - a key enabler for rapid response - by primarily focussing on more effective use of all available means for transport co-ordination by developing effective links between the Co-ordination Centres/Cells.

17. Finally, Member States committed themselves to intensifying military co-operation, making use of ECAP, the EDA and the EU Battlegroups and building on existing multinational frameworks for co-operation to improve European military capabilities.

### *III. European Defence Agency*

18. The European Defence Agency (EDA), established by the Joint Action adopted by the Council in July 2004, achieved functioning status on schedule. With the exception of Denmark, all EU Member States notified their participation in EDA. On 22 November 2004, the EDA Steering Board at the level of Defence Ministers adopted the budget for 2005 after approval by the Council, as well as an ambitious work programme for next year, established within the guidelines adopted by the Council. Work continues to have EDA fully operational in early 2005 and to ensure that administrative arrangements between the EDA and the non-EU WEAG members will enter into force in 2005.

### *IV. Development of European Civilian Capabilities*

19. Considerable progress was made in the implementation of the Action Plan for the Civilian Aspects of ESDP, which was endorsed by the European Council in June 2004. A

Civilian Capabilities Commitment Conference was organised, resulting in a Ministerial Declaration on Civilian Capabilities (Annex II) that was endorsed by the Council in November. Member States' indicative commitments in the areas of police, rule of law, civilian administration and civil protection far exceeded the concrete targets set by the European Council. Member States also committed monitoring capabilities and capabilities for generic support functions for civilian crisis management missions and EU Special Representatives. Member states reiterated their strong commitment to the further development of civilian crisis management capabilities and stressed that shortcomings on issues such as mission and planning support, adequate financing,<sup>1</sup> the ability of the EU to deploy at short notice and procurement needed to be addressed urgently.

20. The Civilian Capabilities Commitment Conference was followed by a meeting of the Member States with the Candidate States and the non-EU European NATO Members. This meeting confirmed the continued and much appreciated contributions of these countries to civilian ESDP operations.

21. On the basis of the data supplied by the Member States an analysis has been carried out concerning human resources, national training and recruitment practices for civilian crisis management which resulted in a "best practices" report in order to help each Member State to fulfil its responsibility to recruit and train skilled mission personnel.

22. The European Chiefs of Police convened in a meeting on police aspects in the ESDP framework in Warnsveld, the Netherlands. The meeting issued a declaration (contained in Annex II) that was endorsed by the GAERC on 22 November. This meeting provided the opportunity for more direct involvement of the EU Chiefs of Police, as direct stakeholders in civilian crisis management, in police aspects of civilian ESDP. The Chiefs of Police underlined the importance of this and therefore agreed to meet regularly on these aspects.

23. A Civilian Headline Goal was developed with a target date of 2008. This Headline goal sets out clearly the EU's ambitions for civilian ESDP for the coming years and provides a firm basis to identify requirements and establish the capabilities needed. The Civilian Headline Goal also establishes a systematic approach for the further development of civilian capabilities (Annex III).

24. As a follow up to the Action Plan for civilian aspects of ESDP, a meeting has been organised with NGOs addressing the involvement of civil society in EU civilian crisis management.

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1. This is without prejudice to the financial framework 2007-2013.

## *V. European Defence: NATO/EU consultation, planning and operations*

25. Agreement was reached on the detailed proposals presented by the Secretary General/High Representative for the implementation of the Presidency's document titled "European Defence: NATO/EU consultation, planning and operations" welcomed by the European Council in December 2003. These proposals include the conceptual approach for the Civilian/Military Cell, its Terms of Reference, the configuration of the Operations Centre to be generated when needed for particular operations, as well as the Terms of Reference for the EU Cell at SHAPE, and possible elements for the NATO Liaison Team at the EUMS.

26. The Civilian/Military Cell will enhance the EU's capacity for the planning of crisis management operations. It will reinforce the national HQ designated to conduct an EU autonomous operation; assist in co-ordinating civilian operations; be responsible for generating the capacity to plan and run an autonomous EU military operation, in particular where a joint civil/military response is required and where no national HQ has been identified, once a decision on such an operation has been taken. The creation, as scheduled, of the Civilian/Military Cell is a step in the EU's efforts to harness the wealth of civilian and military instruments at its disposal in responding to crises. The operation of the Civilian/Military Cell should lead to greater coherence of the civilian and military structures under the SG/HR.

27. The Terms of Reference for the EU Cell at SHAPE and possible elements for the NATO Liaison Team at the EUMS have been transmitted to NATO. These arrangements will serve to improve the planning and preparation of EU operations having recourse to NATO common assets and capabilities under Berlin Plus arrangements and to support DSACEUR in his role as a potential operation commander for such EU-led operations and will contribute to full transparency between the EU and NATO embodying their strategic partnership in crisis management. Recalling the European Council Conclusions of June 2004, the Council has invited the SG/HR to take work forward, as scheduled, on these arrangements.

## *VI. EU-NATO relations*

28. The strategic partnership in crisis management between EU and NATO has further developed through regular meetings within the established co-operation framework. Close consultations, in the framework of the Berlin Plus arrangements, took place on the transition from the NATO-led SFOR operation to the EU-led operation ALTHEA in Bosnia and Herzegovina, resulting in a smooth transition on 2 December 2004.

29. The EU-NATO Capability Group addressed issues of coherent and mutually reinforcing development of military capabilities in the EU and NATO where requirements overlap, including on EU Battlegroups-NRF. All EU Member States were informed of these issues.

### *VII. Co-operation with international organizations*

30. Progress has been made on relations between the EU and UN. Regular staff-to-staff contacts took place in the context of the joint consultative mechanism that was established as part of the follow-up to the EU-UN Joint Declaration of 24 September 2003. The Council has agreed on modalities for practical co-operation between the EU and the UN in civilian crisis management (annex IV). These modalities have been welcomed by the UN.

31. Giving practical effect to the document EU - UN Co-operation in military crisis management, the EU has activated a clearing house process for a co-ordinated response to the call for reinforcement of MONUC military capabilities. The Council decided to provide EU support to MONUC via access to EU Satellite Centre capabilities.

32. The Council endorsed the assessment report on the EU's role vis-à-vis the OSCE at its meeting in December. Practical co-operation between the EU and the OSCE was further intensified.

### *VIII. Co-operation with third countries*

33. Dialogue and co-operation with strategic partners and other Third States was continued, including with Third States contributing to EUPM, EUPOL PROXIMA and ALTHEA. Third states will also be invited to participate in EUPOL Kinshasa. Contributing States had opportunities, within the agreed framework, for an exchange of views and feedback on their experience of participating in ESDP operations. This also allowed them to feed into the Lessons Learned Process. This dialogue and co-operation with Third States will continue also with a view to their potential participation in possible future ESDP missions. In line with the Nice European Council Conclusions, Member States are welcome to include non-EU European NATO countries and other countries which are candidates for accession to the EU in their Battlegroups. In such cases this will be without prejudice to the rights of any Member States. Member States are also welcome to consider including other potential partners in their Battlegroups.

34. As authorised by the Council in February, the Presidency continued negotiations with eight states with a view to concluding agreements establishing a framework for the participation of these states in the EU crisis management operations and, based on a new mandate by the Council, it started negotiations with a ninth state. Negotiations have

been successfully concluded with three states (Iceland, Norway, Romania). For the purposes of future EU crisis management operations, in September the Council authorised to open negotiations with possible other third states on the basis of model participation agreements.

35. In the framework of the strategic partnership with the Russian Federation, work continued on the development of the Road Map for the Common Space on External Security, including provisions on co-operation in the field of ESDP.

### *IX. Dialogue and co-operation with Mediterranean partners in the field of crisis management*

36. Further progress was made in strengthening dialogue and co-operation on ESDP with Mediterranean partners. More concretely, Turkey and Morocco are participating in the EU military operation ALTHEA. The PSC reviewed the implementation of modalities for dialogue and co-operation with Mediterranean partners and agreement was reached on the format of the ESDP dialogue between EU Member States and Mediterranean partners in the framework of the Barcelona process.

37. The EuroMed Senior Officials meeting on ESDP, co-chaired by the Chairman of the PSC, was held in November, at which recent developments in ESDP and possibilities and modalities for co-operation were discussed. This format for developing dialogue and co-operation between the EU and Mediterranean partners proved to be fruitful. Furthermore, a meeting was organised by EUMS with the military points of contact of Mediterranean partners. A PSC report on dialogue and co-operation with Mediterranean partners on ESDP was presented to the EuroMed Ministerial meeting in The Hague on 29-30 November resulting in agreement that the dialogue should be pursued and should gradually lead to agreed activities.

### *X. ESDP and Africa*

38. The Council agreed on the “Action Plan for ESDP support to Peace and Security in Africa”. This Action Plan aims to support African organisations and States in building autonomous conflict prevention and management capacities, with special attention to the African Union. It focuses on a number of practical actions that will take place in the short term and addresses mainly issues of capacity building, planning support, Disarmament Demobilisation and Reintegration (DDR) of combatants, including of child soldiers, Security Sector Reform (SSR), and EU internal and external co-ordination. In support of the Action Plan, the necessary guidelines on the institutional, legal and budgetary aspects of ESDP support to Peace and Security in Africa were elaborated and agreed by the Council.

39. Dialogue between the EU and the African Union, African sub-regional organisations and African States on the potential role of ESDP in contributing to peace and security in Africa has been developed and partnership enhanced. The EU developed its partnership with the African Union through the nomination of a long-term military liaison officer from the EUMS. The EU is also supporting African sub-regional organisations, such as ECOWAS and IGAD, in the field of capacity building for peace and security, including technical advice on ECOWAS stand-by units. Under the Peace Facility mechanism, several requests for support of the African Union and of the African sub-regional organisations have been met.

40. The EU continued to support, inter alia through ESDP, in political terms and in the form of human, technical and logistic assistance, the African Union in the resolution of the conflict in Darfur. Regarding the planning and deployment of the African mission to Sudan/Darfur, the EU and its Member States provided the African Union with military planners, police planners and observers. This contribution was in addition to the important financial contribution of the Peace Facility to AMIS I and II (92 Meuros) and some bilateral contributions, notably for transportation.

### *XI. ESDP and the fight against terrorism*

41. The European Council in December endorsed the Conceptual Framework on the ESDP dimension of the fight against Terrorism (Annex V). The action points included in this document call, among others, for further work in the field of improving military and civilian capacities and their interoperability, exchange of military intelligence, possibilities for protection of EU-citizens in third countries, support to third countries in their fight against terrorism, the development of a rapid response protection capability and co-operation with NATO in the field of civil protection.

### *XII. Review ATHENA*

42. The first review of ATHENA, the mechanism to administer the financing of the common costs of European Union operations having military or defence implications, was finalised. Based on the Lessons Learned of ESDP military operations, Member States agreed on several changes to the ATHENA Council Decision. In response to the Council tasking to continue reflecting on the most appropriate ways and means to finance rapid reaction, Member States agreed to establish a special title within the Athena budget for voluntary payments in anticipation of a rapid response operation.

### *XIII. EU Training in the field of ESDP*

43. The EU Training Concept in ESDP was agreed by the Council in September to implement the EU Training Policy in ESDP. This concept provides the necessary measures and procedures for analysing training requirements and for implementation of the subsequent steps in the training process, including by establishing the ESDC and by improving networking among Member States and the relevant EU institutions and bodies. It will contribute to the development of a security culture under ESDP which encompasses both civilian and military dimensions.

44. An inventory was made of ESDP courses offered by EU Member States, which served as the basis for the EU Training Programme in ESDP for the years 2005 to 2007 which was approved by the Council in December. A pilot course of the European Security and Defence College (ESDC) started in September. The first modules were attended by 55 civilian and military participants from all Member States as well as the Commission and the Council General Secretariat.

45. Training activities in the area of civilian crisis management are also conducted under the auspices of the Commission.

### *XIV. Crisis Management Exercises*

46. The Council in July approved the EU Exercise Programme 2005 – 2009. The evaluation process for crisis management exercise CME 04 was concluded. An Extraordinary EU Exercise Programme Meeting took place at which the EU exercise needs and proposals were discussed. The Member States underlined in this regard the importance of exercising annually at politicomilitary level as well as military level. The Council approved the Exercise Specifications for the CPX/Military Exercise 05. Work was taken forward for two exercise related activities to be conducted in 2005: the EU-UN Exercise Study to be held on 13-15 April and the EU – Mediterranean Partners Crisis Management Seminar to be hosted by Greece in June.

### *XV. Role of space applications in the ESDP framework*

47. The document on European Space Policy “ESDP and Space”, approved by the Council in November provides for identified and agreed upon ESDP requirements to be reflected in the global EU Space Policy and its corresponding European Space Programme. It proposes also a comprehensive roadmap with the definition of requirements by the EUMC as a first step, arrangements for EU access to existing and planned military systems or data registered from such systems belonging to Member States and a permanent inter-pillar dialogue.

## *XVI. Mandate for the incoming Presidency*

On the basis of the present report and taking into account the European Security Strategy, the incoming Presidency, assisted by the Secretary General / High Representative and, as appropriate, in association with the Commission, is invited to continue work on developing the European Security and Defence Policy within the General Affairs and External Relations Council. In particular, the incoming Presidency is invited:

- to prepare and implement decisions related to present and future missions, both civilian and military, notably the conduct of the EU-led mission ALTHEA in Bosnia and Herzegovina and EUPOL Kinshasa; and to consider how best to respond to the recommendations of the expert team for Iraq and of the Fact-Finding Mission to the DRC on Security Sector Reform;
- to continue all ongoing work on developing European military and civilian capabilities, including civil-military co-ordination, with a view to further improving the effectiveness of the EU in crisis management, and to continue the implementation of the European Programme for the prevention of violent conflicts;
- to continue to implement the Action Plan for civilian aspects of ESDP, including the Civilian Headline Goal 2008, and, in this context, to consider and develop a range of elaborated modalities by May 2005 for the setting up and deployment of multifunctional civilian crisis management resources in an integrated format, including rapidly deployable Civilian Crisis Response Teams, and to facilitate sharing of best practices in the area of human resources, training and recruitment;
- to implement the December 2004 GAERC decisions on European Defence: NATO/EU Consultation, Planning and Operations;
- to finalise, in the framework of the Headline Goal 2010, the Requirements Catalogue in the spring of 2005, and to help ensure that the new Headline Goal Questionnaire is ready before the next round of EU information gathering;
- to give special emphasis to the role of a fully operational European Defence Agency and to facilitate its mission to support the Council and the Member States in their efforts to improve the EU's defence capabilities in the field of crisis management;
- to take forward the work on EU rapid response capacity, in particular the further implementation of the EU Battlegroups concept, building on actions mentioned in paragraph 13 and based on established principles, in order to pave the way for full operational capability in 2007, and to hold a Battlegroups Generation Conference;
- to follow-up on the evaluation of the European Capability Action Plan and on the studies in support of the Global Approach on Deployability, in order to prepare the implementation by 2005 of EU strategic lift joint coordination;
- to implement the EU Exercise Programme and to proceed with the implementation of the EU Training Concept in ESDP, including the analysis of training requirements, and in this context to work on defining the modalities for the functioning of the European

Security and Defence College, based on the evaluation of the ESDC Pilot Course;

- to develop further the contribution of ESDP to the fight against terrorism within the agreed conceptual framework, and to start the implementation of its action points;
- to enhance dialogue and co-operation between the EU and international organisations such as the UN, NATO, OSCE, the African Union and African sub-regional organisations, as well as its partners in the field of ESDP, including the European non-EU NATO members, Canada, Russia, Ukraine and the Mediterranean countries engaged in the Barcelona Process;
- to further the implementation of the Action Plan for ESDP support to Peace and Security in Africa.

(...)

## **CIVILIAN HEADLINE GOAL 2008**

1. With the adoption of the European Security Strategy by the European Council in December 2003, the EU has stated its willingness to share in the responsibility for global security. A more active and capable European Union would contribute to a fairer, safer and more united world. It is therefore important to enhance the capacity of the EU in the field of civilian crisis management, as an essential component of the EU's overall external policy. The EU must become more active, more capable and more effective in civilian crisis management through conducting autonomous operations or through co-ordinating with and contributing to the United Nations and other international organisations.

2. Building on what has been achieved in civilian crisis management since 1999, the June 2004 European Council has decided to set a Headline Goal for civilian crisis management. The European Council welcomes the willingness of the Commission to contribute to civilian crisis management within its spheres of action. The EU and Member States commit themselves to take the necessary steps to reach the objectives of the Civilian Headline Goal by 2008.

### *1. Civilian Headline Goal: ambitions and tasks*

3. Developing the civilian dimension is part of the EU's overall approach in using civilian and military means to respond coherently to the whole spectrum of crisis management tasks such as conflict prevention, peacekeeping and tasks of combat forces in crisis management, including peacemaking and post-conflict stabilisation. A coherent use of Community and civilian ESDP instruments is of key importance for a qualitative improvement of the EU's capacity to act. In addition to the priority areas for EU civilian

crisis management agreed at Feira (police, rule of law, civil administration and civil protection), the EU must be able to conduct various types of monitoring missions as well as to provide support to Special Representatives of the European Union. It will, *inter alia*, contribute to activities such as security sector reform and support 15547/04 51 Annex III to the disarmament, demobilisation/reintegration processes. Civilian missions can achieve this by strengthening local institutions through advice, training and monitoring, and/or performing executive functions (substitution missions). The EU must be able to act before a crisis occurs through preventive activities since timely intervention can avoid a situation from deteriorating.

The EU will seek to deploy integrated civilian crisis management packages which respond to the specific needs on the ground and make use of the full range of its crisis management capabilities. The size, composition and tasks of these ESDP civilian crisis management packages will vary according to the specific needs.

4. The EU must have the ability to conduct concurrent civilian missions at different levels of engagement. Currently the EU is conducting three civilian ESDP missions as well as an EU monitoring mission. The demand for EU civilian crisis management is increasing and other missions are under consideration. The EU must therefore be equipped to conduct several civilian ESDP crisis management missions concurrently, calling on different capabilities, including at least one large civilian substitution mission at short notice in a non-benign environment. Civilian crisis management missions may need to be sustained over a longer period of time. Sustainability and the high quality of the personnel involved in civilian crisis management will have to be at the core of Member States efforts. The European Union is committed to further improve the effectiveness and quality of its civilian crisis management operations.

5. The EU must be able to provide an effective response across the full range of tasks in conflict prevention and civilian crisis management. Rapid reaction is key to an effective response in acute crises. It is the ambition of the EU to be able to take the decision to launch a mission within 5 days of the approval of the Crisis Management Concept by the Council. The EU will also improve its ability to deploy at short notice, including its ability to deploy civilian means simultaneously with military means at the outset of an operation. Specific civilian ESDP capabilities should be deployable within 30 days of the decision to launch the mission. To meet this ambition, Member States will need to regularly review capabilities committed, actual resources and their availability.

6. ESDP civilian crisis management missions can be deployed autonomously, jointly or in close cooperation with military operations. Close cooperation and co-ordination with the military efforts have to be ensured throughout all phases of the operation. When necessary, civilian crisis management missions must be able to draw on military enabling capabilities. The civil-military cell may play an important role in this respect.

7. The Council and the Commission will ensure maximum coherence and effectiveness of the EU effort in any crisis area. This will be achieved through close co-ordination and a clear and functional division of labour between Community efforts and ESDP activities. Close cooperation with Community activities in the planning and implementation phases of ESDP civilian missions will be an important element to ensure coherence. In defining end-states and exit strategies it will be of particular importance to focus on the coherence of ESDP and Community assistance, in particular taking into account planned and possible future community activity, both crisis management and longer term post conflict reconstruction efforts. The use of Community instruments for crisis management will be of particular importance in providing continuity of EU support to conflict prevention and crisis management, including through longterm programmes of conflict prevention.

8. The EU's commitment to further develop its capabilities will also enable it to respond more effectively to requests from international organisations, in particular the UN. When conducting ESDP civilian crisis management missions, coherence must be ensured with other international actors in the field.

## *II. Process and way ahead*

9. In order to fulfil the tasks and ambitions that the EU has set itself in civilian ESDP with a view to enhance its ability to respond more rapidly and effectively to crises, the EU will apply a systematic approach in the development of the necessary civilian capabilities.

10. The Civilian Headline Goal will be elaborated under the auspices of the Council. It will ensure that these goals will be met and maintained. The Council will regularly review progress made in the development and implementation of the Civilian Headline Goal.

11. In parallel to the Civilian Headline Goal process, the establishment of appropriate operational planning and mission support capabilities within the Council Secretariat to ensure the ability of the EU to conduct and/or plan several civilian crisis management missions simultaneously as well as adequate solutions on the issue of procurement, must be addressed urgently.

12. In order to take the work of elaborating, evaluating and reviewing the Civilian Headline Goal and its capability goals forward, a Civilian Headline Goal Project Team should be set up within the Secretariat. This Project Team may require reinforcements from Member States. The Commission should be fully associated with the Project Team. The Civilian Headline Goal process will be overseen by PSC, supported by CIVCOM.

13. The following key steps have been identified:

step 1: *Elaboration of key planning assumptions and illustrative scenarios (to be completed by April 2005)*

For the purpose of further planning a number of assumptions have to be made and elaborated such as geographical factors, scale of effort, concurrency, interoperability and sustainability. During this process the planning assumptions will be refined as appropriate.

A number of key illustrative scenarios will be elaborated as a proper basis for defining the capabilities required to meet the ambitions laid down in part I of the document. These should, as appropriate, be linked to and draw on the Headline Goal 2010 taking account of military expertise in this area.

step 2: *Elaboration of Capabilities Requirements List (to be completed by July 2005)*

The scenarios should translate into detailed capability requirements in quantitative and qualitative terms (Capabilities Requirements List), including personnel, equipment as well as planning, logistics and mission support, as well as Command and Control requirements at the Brussels level that are necessary to respond to the full range of tasks and ambitions of the EU in civilian ESDP. The Capabilities Requirements List should also address the multifunctional capability packages required across the full range of civilian capabilities.

A range of modalities for the setting up and deployment of multifunctional civilian crisis management resources in an integrated format, including rapidly deployable Civilian Crisis Response Teams, should be further considered and developed under the Civilian Headline Goal process. Elaborated modalities should be developed by May 2005.

step 3: *Assessment of national contributions to the Civilian Capabilities Requirements List and identification of capability shortfalls (to be completed by the end of 2005)*

The Civilian Headline Goal requirements will, after endorsement by the Council, be the basis for Member States in reviewing their national contributions. These contributions will be examined by PSC and CIVCOM. Once the needs and resources available have been identified, Member States will confirm at a Civilian Capabilities Improvement Conference their commitments with a view to enabling the EU to fulfil the Headline Goal. That will also allow the EU to identify detailed quantitative and qualitative capability shortfalls. The EU should analyse the implications of shortfalls for operations and prioritise which resources to develop. An action plan to aid the development of these should be developed (Capabilities Improvement Plan), also focusing on the further improvement of the qualitative aspects of civilian capabilities.

step 4: *Civilian Headline Goal follow-up process*

This should include a system for providing a regular review to ensure that the Civilian Headline Goal capability requirements can be met and maintained. In this context, solutions must be agreed to address the shortfalls identified.

14. The Civilian Headline Goal process should take into account work of the Headline Goal 2010 process, as appropriate.

15. In elaborating the Civilian Headline Goal, experts in civilian crisis management from international organisations, in particular from the UN and the OSCE, should be consulted on the requirements needed to fulfil the Civilian Headline Goal.

16. In developing the Civilian Headline Goal, the Lessons Learned from EU-led operations and exercises should be taken into account.

17. Candidate countries, non EU European NATO members as well as third states which concluded a framework agreement on the participation in EU crisis management operations will be invited to make supplementary contributions at the occasion of the Civilian Capabilities Improvements Conference. This will enhance the effectiveness of EU-led civilian ESDP missions. Furthermore, the EU should reach out to other third countries with a view to sharing information and expertise and conduct, as appropriate, training and exercises with them.

(...)

## **EU – UN CO-OPERATION IN CIVILIAN CRISIS MANAGEMENT**

### **Introduction**

1. In its meeting of 25 May 2004, PSC invited CivCom to prepare a complementary paper to the document on “EU-UN co-operation in military crisis management operations”. In PSC’ view, CivCom should deal with civilian aspects of crisis management operations, taking account of contacts between EU and UN staff. The present paper concentrates on how to take forward work in the field of civilian crisis management operations and it attempts to establish a line on modalities for the contribution of the EU to UN peace-keeping missions. As regards other areas of cooperation as identified in the EU-UN Joint Declaration of 24 September 2003, work is ongoing in the framework of the joint consultative mechanisms established therein. This paper should be considered in parallel with a document prepared in the military context (“EU-UN Cooperation in military crisis management operations - elements of implementation of the EU-UN joint declaration”) which was endorsed by the European Council of 17-18 June 2004 as an annex to the Presidency ESDP Report (doc. 10226/04).

2. As indicated in the European Security Strategy, the European Union recognises the primary responsibility of the United Nations Security Council for the maintenance of international peace and security and intends to contribute, where possible, to UN action in crisis management. For the European Union, the strengthening of the United Nations is a priority. The United Nations is at the centre of our system of international relations. The development of civilian ESDP and its capabilities through the Civilian Headline Goal, should also take into account the UN's experience and the need to strengthen it and equip it to fulfil its responsibilities and to act effectively.

3. The cooperation between the EU and the UN on peace-keeping missions has already been fruitful, particularly during the transitional phases of IPTF-EUPM in BiH in 2002/2003 and ARTEMIS - MONUC in DRC in the summer/autumn of 2003. Practical co-operation with the UN continued in the context of a fact-finding mission to Burundi in February 2004 to investigate the establishment of a UN peacekeeping operation. The EU, through the European Development Fund is, following a request by the UN, currently refurbishing a training centre and providing assistance for the establishment and training of an Integrated Police Unit (IPU) in Kinshasa.

4. It should be noted that in today's international context the need for civilian crisis management instruments is continuously increasing. Requests from the UN, regional organisations and individual States notably for police capabilities are very likely to remain high. At present, police personnel are deployed in about half the UN peace missions already deployed and the proportion of civilian experts is constantly growing. In certain missions, the civilian aspect is preponderant.

5. The European Union recalls its commitment to the concept of effective multilateralism as stated in the European Security Strategy and considers EU-UN co-operation in civilian crisis management operations as one of the priorities for further developing this concept. The Feira European Council (19-20 June 2000) expressed the EU determination to increase and improve the effectiveness of the Union's capacity to respond to crises, including by action in civilian areas. This increased effectiveness could be used both in independent EU actions or in response to a request from the United Nations or OSCE. The European Council in Göteborg (15 and 16 June 2001) set out a political framework and options that allow the EU to co-operate with international organisations, including the UN, in the conduct of civilian crisis management operations. These options are as follows:

- a) National contributions to an operation led by international organisations, without any EU coordination;
- b) National contributions to such an operation, but following EU consultations aimed at e.g. identifying opportunities to pool resources;
- c) A co-ordinated EU contribution;

- d) A whole EU component in an operation under the overall lead of an international organisation;
- e) An EU-led operation with some components provided by international organisations;
- f) An autonomous EU operation (which could also precede or follow a UN operation, as in the case of EUPM).

### **Modalities for practical cooperation between the EU and the UN in civilian crisis management**

6. At this stage, based on the options set out in Göteborg, beyond purely national contributions to operations led by international organisations, three main scenarios have been identified:

- a) National contributions to an operation with information exchanged between EU Member States to improve efficiency (para 7 - 8)
- b) An EU ‘clearing house’ to co-ordinate Member State contributions (para 9 - 11)
- c) An EU contribution following a request from the UN (para 12 - 18)

#### **Information exchange to improve efficiency.**

7. This could represent a framework for exchange of information amongst Member States on their contribution to the UN to help identify opportunities for efficiency measures such as pooling resources. DPKO requests to Member States and SG/HR could be inserted in the PSC agenda upon request of one of the receivers.

8. PSC consultations should aim at identifying possible synergies and opportunities to pool resources and, if time allows, consultations with the relevant committees should be held. The Presidency would inform the UN of the results of these consultations in parallel to replies by the Member States able to offer support.

#### **An EU ‘clearing house process’ to co-ordinate Member State contributions**

9. If the PSC so decides, Member States could co-ordinate their contributions, in full association with the Commission, in the form of a ‘clearing house process’. This process aims at creating a framework by which Member States and the Commission could co-ordinate their contributions to meet an overall goal or a particular need. It would ensure that contributions are organised and ordered, qualitatively and quantitatively and with a properly structured rotating system, to meet the UN’s needs.

10. The process should prevent/avoid shortfalls in the overall EU effort. This would require a more active role for the PSC and the use of Council Secretariat capabilities also through the Coordinating Mechanism for Civilian Aspects of Crisis Management. Once a decision has been taken by the PSC on the basis of this information, the Presidency

should inform the UN on the contributions of Member States. The national contributions would not constitute an ESDP operation.

11. This mechanism is not intended to modify modalities for national decision-making and participation in a UN crisis management operation or to affect existing bilateral arrangements with the United Nations Department of Peacekeeping Operations. Each Member State will remain responsible for its contribution. Such participation will remain a national decision and will be managed in accordance with UN recruitment and force generation procedures. The mechanism should not become an additional step in the decision-making procedures, slowing down the UN force generation process. For this reason, no new structures should be created and the procedure should be kept simple in order to reply rapidly to a UN request.

**An EU contribution following a request from the UN**

12. In the field of civilian crisis management, the European Union can support the United Nations with concrete capabilities, drawing on the full range of its collective (Community, CFSP/ESDP) and national responses. An EU contribution following a request from the UN could consist of:

- i) An EU contribution through an evaluation, assessment and monitoring of a crisis in advance of an UN operation,
  - ii) a component of a larger UN operation;
  - iii) an autonomous operation within the UN framework,
  - iv) an autonomous operation launched before or after an UN operation (for example IPTF-EUPM)
  - v) simultaneous EU-UN operations.
- i) EU contribution through an evaluation, assessment and monitoring of a crisis in advance of an UN operation

13. This type of mission consists of evaluation, assessment and monitoring of the crisis situation and its development, through the rapid provision of experts. The outcome and findings of the mission should be made available to the UN, possibly together with preliminary indications of the role the EU could play. In this case the EU contribution could help in opening the way to a more complex and structured UN operation, thus contributing to greater effectiveness in achieving its aims.

- ii) The EU to provide a component to a larger UN operation

14. If the EU were to provide a civilian component of a larger UN operation, it could provide a single component with a single task (e.g. police) or a multifunctional component (e.g. police plus civilian administration plus rule of law) under its own chain of command

also reporting to the UN chain of command. Staffed and financed in accordance with EU rules and mechanisms, the EU civilian component should work with the UN operation as part of an integrated and inclusive framework. Therefore, the EU and the UN should set out appropriate command arrangements and co-ordination requirements including reporting mechanisms and compatibility of concepts and procedures.

### iii) EU autonomous operation within UN framework

15. Since 2003, the European Union has proved its capacity to launch autonomous operations both in the military and in the civilian field. Some of these operations have been conducted in coordination with the United Nations as in the case of Artemis, which played a valuable “bridging” role on behalf of the international community, when swift response was essential. This kind of cooperation and the relevant exchange of information in the planning phase will be further developed also through the implementation of the EU-UN Joint Declaration.

16. An essential element will be the rapidity of the EU deployment following a UN request. This is particularly relevant for the EU’s rapidly deployable civilian capabilities, including integrated police units (IPU), in the context of a more complex UN civil-military operation. Among the categories of rapid response operation the “bridging model” is considered with particular interest. This option as developed in the military field, is also relevant to civilian crisis management operations, in particular the deployment of integrated police units. Such a model calls for rapid deployment of appropriate civilian capabilities and agreed duration and end-state. This model aims at providing enough time for the UN to prepare a new mission or to reorganise an existing one. The end-state of such a mission should be the deployment of the UN mission. The linkage between the two operations is essential and procedures should be developed to facilitate EU-UN co-operation in this delicate phase. Practical issues such as information sharing and advance co-location of UN officials with the EU mission should be taken into due consideration.

### iv) EU autonomous operation preceding or following on from a UN operation

17. The United Nations may also request the European Union to deploy a separate operation before or after a civilian UN operation. This model has already been implemented in Bosnia Herzegovina and other similar examples may follow. Based on the lessons learned from the IPTFEUPM transition, practical issues such as information-sharing, advanced co-location of EU officials in the UN mission, some possibly double-hatted, and possible re-hatting between UN and EU operations should be taken into due consideration. Transition from UN to EU civilian crisis management operations requires strategic co-ordination in advance between headquarters. Particular attention needs to

be given to the implications of possible differences in operation mandates. Designated frameworks/points of contact would be useful to facilitate the transition and to give an agreed framework to the officials on the ground. The transition process must be regularly monitored and reviewed at headquarters, as well as field level.

v) Simultaneous EU-UN operations

18. In crisis situations where the EU and the UN are conducting simultaneous operations, effective field level co-ordination and cooperation between the two, as well as with other actors of the international community engaged in the field are of utmost importance. These require the establishment of agreed and efficient practical arrangements, and secure and interoperable systems for information exchange and communication between the EU and the UN.

**Working together**

19. In all these scenarios, the United Nations would benefit immediately and directly from the EU's qualitative and quantitative capabilities. Longer-term benefits would include deeper cooperation between the EU and the UN resulting from shared responsibility, greater effectiveness through multilateralism, and the development of a pool of inter-operative experts in diverse civilian and cultural domains. The EU would also benefit from stronger visibility in civilian crisis management. Adequate information policy should be developed in order to ensure appropriate visibility for the overall EU effort. The EU could also bring added value for example through its experience in specific geographic or thematic areas and its ability to draw on a wide range of crisis management and related instruments. In many instances, the success would be closely tied to the rapidity of the EU deployment following a UN request. This is particularly relevant in the deployment of IPUs in the context of a more complex UN civil-military operation.

20. It should be noted that the EU is developing its capabilities through the establishment of a Civilian Headline Goal, which should take into account capabilities needed to support UN operations. Once this is developed, it may present further opportunities for close co-operation with the UN, including concerning ideas surrounding "packages" (see para II below) and the "bridging models".

21. As with UN-EU cooperation on military crisis management, collaboration in civilian crisis management, especially police, would be supported by increased knowledge of each other's procedures, concept and structures.

**Way ahead**

I. Appropriate procedures providing for coherent Member States' contributions to UN operations ("clearing house process") will be established bearing in mind the

central role of PSC supported by the Secretariat. In this regard, further consideration should be given to the establishment in the NYLO of a dedicated EU-point of contact for civilian crisis management. The Permanent Missions of the EU Member States to the UN in New York could also play an important role. For this reason, Member States are invited to take into account the importance of having appropriate expertise on the civilian aspects of crisis management in their Permanent Missions to the UN.

II. The EU intends to further develop its capabilities in the light of the increased complexity of crisis management situations. The EU will seek to deploy integrated civilian crisis management packages which respond to the needs on the ground and make use of the full range of its crisis management capabilities. The EU also aims at improving the rapid deployability of its civilian crisis management capabilities. The Civilian Capabilities Commitments Conference, scheduled for 22 and 23 November 2004, will represent an important step forward in improving qualitatively and quantitatively the EU capabilities.

III. Work on broadening the range of EU's expertise upon which it can draw for its crisis missions is ongoing. EU missions would in particular benefit from expertise in the field of human rights, political affairs, security sector reform (SSR), mediation, border control, disarmament, demobilisation and reintegration and media policy. The EU is also developing its capacity to conduct monitoring missions. The development of an EU general monitoring capability is deemed to help the UN missions in particular in conflict prevention and post-conflict situations.

IV. The development of an EU rapid response capability ("bridging model") in the civilian field will continue in close co-operation with the similar process on the military side. The EU will elaborate with the United Nations appropriate procedures. Specific attention should be given to the EU's rapid deployment capability, notably the robust, deployable, flexible and interoperable integrated police units (IPUs) which could be used for bridging operations (Artemis model). Other rapidly deployable civilian capabilities should also be considered in this context but given the current lack of rapid deployable capabilities, expectation management will be of particular importance.

V. The EU could consider sharing its expertise and experiences in the area of civilian crisis management with the UN. This could include advice on the development of core documents.

VI. A more co-ordinated approach by Member States for the provision of support to third countries participating in an UN operation should be developed with a view to enhancing the EU contribution in that regard.

VII. More generally, the United Nations' ability to draw upon available police resources worldwide has been at times hampered by limited logistical, planning, training and financial capacity of various police-contributing States. EU Member States are working to address these issues, in particular through the Civilian Headline Goal, which should also reflect the capabilities needed for EU support to UN operations.

VIII. The establishment and development of a civil-military cell within the European Union could be a valuable element in the evolution of EU - UN co-operation. In terms of planning, resources etc., any further step ahead in the co-operation with the United Nations will have to duly consider the changes that the creation of the cell will determine in the EU approach to crisis management.

# II. Treaty establishing a Constitution for Europe

## Treaty establishing a Constitution for Europe

After the apparent failure of the IGC in December 2003, the Irish EU Presidency resumed informal talks in March 2004 with all the member states with a view to reaching a final settlement on the Constitutional Treaty. At the European Council of 18 June, the 25 eventually agreed on a final text. Following the revision made by the legal services, which produced minor shifts in the numbering of articles, the EU Constitutional Treaty was signed by the Heads of State and Government on 29 October 2004 at a solemn ceremony held in Rome, in the same room where the Treaty establishing the European Community had been signed 47 years earlier.

The excerpts reproduced below include: a) those general articles in Part I that illustrate the institutional objectives and instruments of EU policy relevant also to CFSP and ESDP; b) those articles in Part III that illustrate the instruments and procedures relevant to CFSP and ESDP, including “enhanced cooperation” and Art. III-436 (which roughly incorporates the previous Art.296 TEC ); c) those few articles in Part IV that specify the modalities for the entry into force of the Constitutional Treaty and its subsequent revision; and d) the two Protocols that are relevant to CFSP and ESDP.

For a comparison with previous versions of these articles, turn to Vol. IV. For the full text of the Constitutional Treaty, to [www.europa.eu.int/eur-lex](http://www.europa.eu.int/eur-lex).

### PART I

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#### TITLE I

#### DEFINITION AND OBJECTIVES OF THE UNION

##### *Article I-1*

##### **Establishment of the Union**

1. Reflecting the will of the citizens and States of Europe to build a common future, this Constitution establishes the European Union, on which the Member States confer competences to attain objectives they have in common. The Union shall coordinate the policies by which the Member States aim to achieve these objectives, and shall exercise on a Community basis the competences they confer on it.
2. The Union shall be open to all European States which respect its values and are committed to promoting them together.

##### *Article I-2*

##### **The Union’s values**

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons

belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

### *Article I-3*

#### **The Union's objectives**

1. The Union's aim is to promote peace, its values and the well-being of its peoples.
2. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, and an internal market where competition is free and undistorted.
3. The Union shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.

It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.

It shall promote economic, social and territorial cohesion, and solidarity among Member States.

It shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced.
4. In its relations with the wider world, the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.
5. The Union shall pursue its objectives by appropriate means commensurate with the competences which are conferred upon it in the Constitution.

### *Article I-4*

#### **Fundamental freedoms and non-discrimination**

1. The free movement of persons, services, goods and capital, and freedom of establishment shall be guaranteed within and by the Union, in accordance with the Constitution.

2. Within the scope of the Constitution, and without prejudice to any of its specific provisions, any discrimination on grounds of nationality shall be prohibited.

### *Article I-5*

#### **Relations between the Union and the Member States**

1. The union shall respect the equality of Member States before the constitution as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government. It shall respect their essential State functions, including ensuring the territorial integrity of the State, maintaining law and order and safeguarding national security.

2. Pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Constitution.

The Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Constitution or resulting from the acts of the institutions of the Union.

The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives.

### *Article I-6*

#### **Union law**

The Constitution and law adopted by the institutions of the Union in exercising competences conferred on it shall have primacy over the law of the Member States.

### *Article I-7*

#### **Legal personality**

The Union shall have legal personality.

### *Article I-8*

#### **The symbols of the Union**

The flag of the Union shall be a circle of twelve golden stars on a blue background.

The anthem of the Union shall be based on the 'Ode to Joy' from the Ninth Symphony by Ludwig van Beethoven.

The motto of the Union shall be: 'United in diversity'.

The currency of the Union shall be the euro.

Europe day shall be celebrated on 9 May throughout the Union.

(...)

### TITLE III UNION COMPETENCES

#### *Article I-11* Fundamental principles

1. The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.

2. Under the principle of conferral, the Union shall act within the limits of the competences conferred upon it by the Member States in the Constitution to attain the objectives set out in the Constitution. Competences not conferred upon the Union in the Constitution remain with the Member States.

3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.

The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments shall ensure compliance with that principle in accordance with the procedure set out in that Protocol.

4. Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Constitution.

The institutions of the Union shall apply the principle of proportionality as laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

#### *Article I-12* Categories of competence

1. When the Constitution confers on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union or for the implementation of Union acts.

2. When the Constitution confers on the Union a competence shared with the Member States in a specific area, the Union and the Member States may legislate and adopt legally binding acts in that area. The Member States shall exercise their competence to the extent that the Union has not exercised, or has decided to cease exercising, its competence.
3. The Member States shall coordinate their economic and employment policies within arrangements as determined by Part III, which the Union shall have competence to provide.
4. The Union shall have competence to define and implement a common foreign and security policy, including the progressive framing of a common defence policy.
5. In certain areas and under the conditions laid down in the Constitution, the Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States, without thereby superseding their competence in these areas.

Legally binding acts of the Union adopted on the basis of the provisions in Part III relating to these areas shall not entail harmonisation of Member States' laws or regulations.
6. The scope of and arrangements for exercising the Union's competences shall be determined by the provisions relating to each area in Part III.

### *Article I-13*

#### **Areas of exclusive competence**

1. The Union shall have exclusive competence in the following areas:
  - (a) customs union;
  - (b) the establishing of the competition rules necessary for the functioning of the internal market;
  - (c) monetary policy for the Member States whose currency is the euro;
  - (d) the conservation of marine biological resources under the common fisheries policy;
  - (e) common commercial policy.
2. The Union shall also have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union or is necessary to enable the Union to exercise its internal competence, or insofar as its conclusion may affect common rules or alter their scope.

### *Article I-14*

#### **Areas of shared competence**

1. The Union shall share competence with the Member States where the Constitution confers on it a competence which does not relate to the areas referred to in Articles I-13 and I-17.

2. Shared competence between the Union and the Member States applies in the following principal areas:

- (a) internal market;
- (b) social policy, for the aspects defined in Part III;
- (c) economic, social and territorial cohesion;
- (d) agriculture and fisheries, excluding the conservation of marine biological resources;
- (e) environment;
- (f) consumer protection;
- (g) transport;
- (h) trans-European networks;
- (i) energy;
- (j) area of freedom, security and justice;
- (k) common safety concerns in public health matters, for the aspects defined in Part III.

3. In the areas of research, technological development and space, the Union shall have competence to carry out activities, in particular to define and implement programmes; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs.

4. In the areas of development cooperation and humanitarian aid, the Union shall have competence to carry out activities and conduct a common policy; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs.

(...)

### *Article I-16*

#### **The common foreign and security policy**

1. The Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy that might lead to a common defence.

2. Member States shall actively and unreservedly support the Union's common foreign and security policy in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area. They shall refrain from action contrary to the Union's interests or likely to impair its effectiveness.

(...)

### *Article I-18*

#### **Flexibility clause**

1. If action by the Union should prove necessary, within the framework of the policies defined in Part III, to attain one of the objectives set out in the Constitution, and the Constitution has not provided the necessary powers, the Council of Ministers, acting unanimously on a proposal from the European Commission and after obtaining the consent of the European Parliament, shall adopt the appropriate measures.

2. Using the procedure for monitoring the subsidiarity principle referred to in Article I-11(3), the European Commission shall draw national Parliaments' attention to proposals based on this Article.

3. Measures based on this Article shall not entail harmonisation of Member States' laws or regulations in cases where the Constitution excludes such harmonisation.

## **TITLE IV**

### **THE UNION'S INSTITUTIONS AND BODIES**

#### **CHAPTER I**

##### **THE INSTITUTIONAL FRAMEWORK**

### *Article I-19*

#### **The Union's institutions**

1. The Union shall have an institutional framework which shall aim to:

- promote its values,
- advance its objectives,
- serve its interests, those of its citizens and those of the Member States,
- ensure the consistency, effectiveness and continuity of its policies and actions.

This institutional framework comprises:

- The European Parliament,

- ▶ The European Council,
- ▶ The Council of Ministers (hereinafter referred to as the ‘Council’),
- ▶ The European Commission (hereinafter referred to as the ‘Commission’),
- ▶ The Court of Justice of the European Union.

2. Each institution shall act within the limits of the powers conferred on it in the Constitution, and in conformity with the procedures and conditions set out in it. The institutions shall practise mutual sincere cooperation.

### *Article I-20*

#### **The European Parliament**

1. The European Parliament shall, jointly with the Council, exercise legislative and budgetary functions. It shall exercise functions of political control and consultation as laid down in the Constitution. It shall elect the President of the Commission.

2. The European Parliament shall be composed of representatives of the Union’s citizens. They shall not exceed seven hundred and fifty in number. Representation of citizens shall be degressively proportional, with a minimum threshold of six members per Member State. No Member State shall be allocated more than ninety-six seats.

The European Council shall adopt by unanimity, on the initiative of the European Parliament and with its consent, a European decision establishing the composition of the European Parliament, respecting the principles referred to in the first subparagraph.

3. The members of the European Parliament shall be elected for a term of five years by direct universal suffrage in a free and secret ballot.

4. The European Parliament shall elect its President and its officers from among its members.

### *Article I-21*

#### **The European Council**

1. The European Council shall provide the Union with the necessary impetus for its development and shall define the general political directions and priorities thereof. It shall not exercise legislative functions.

2. The European Council shall consist of the Heads of State or Government of the Member States, together with its President and the President of the Commission. The Union Minister for Foreign Affairs shall take part in its work.

3. The European Council shall meet quarterly, convened by its President. When the agenda so requires, the members of the European Council may decide each to be assisted by a minister and, in the case of the President of the Commission, by a member of the Commission. When the situation so requires, the President shall convene a special meeting of the European Council.

4. Except where the Constitution provides otherwise, decisions of the European Council shall be taken by consensus.

### *Article I-22*

#### **The European Council President**

1. The European Council shall elect its President, by a qualified majority, for a term of two and a half years, renewable once. In the event of an impediment or serious misconduct, the European Council can end his or her term of office in accordance with the same procedure.

2. The President of the European Council:

(a) shall chair it and drive forward its work;

(b) shall ensure the preparation and continuity of the work of the European Council in cooperation with the President of the Commission, and on the basis of the work of the General Affairs Council;

(c) shall endeavour to facilitate cohesion and consensus within the European Council;

(d) shall present a report to the European Parliament after each of the meetings of the European Council.

The President of the European Council shall, at his or her level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the Union Minister for Foreign Affairs.

3. The President of the European Council shall not hold a national office.

### *Article I-23*

#### **The Council of Ministers**

1. The Council shall, jointly with the European Parliament, exercise legislative and budgetary functions. It shall carry out policy-making and coordinating functions as laid down in the Constitution.

2. The Council shall consist of a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast its vote.

3. The Council shall act by a qualified majority except where the Constitution provides otherwise.

#### *Article I-24*

### **Configurations of the Council of Ministers**

1. The Council shall meet in different configurations.

2. The General Affairs Council shall ensure consistency in the work of the different Council configurations.

It shall prepare and ensure the follow-up to meetings of the European Council, in liaison with the President of the European Council and the Commission.

3. The Foreign Affairs Council shall elaborate the Union's external action on the basis of strategic guidelines laid down by the European Council and ensure that the Union's action is consistent.

4. The European Council shall adopt by a qualified majority a European decision establishing the list of other Council configurations.

5. A Committee of Permanent Representatives of the Governments of the Member States shall be responsible for preparing the work of the Council.

6. The Council shall meet in public when it deliberates and votes on a draft legislative act. To this end, each Council meeting shall be divided into two parts, dealing respectively with deliberations on Union legislative acts and non-legislative activities.

7. The Presidency of Council configurations, other than that of Foreign Affairs, shall be held by Member State representatives in the Council on the basis of equal rotation, in accordance with the conditions established by a European decision of the European Council. The European Council shall act by a qualified majority.

#### *Article I-25*

### **Definition of qualified majority within the European Council and the Council**

1. A qualified majority shall be defined as at least 55 % of the members of the Council, comprising at least fifteen of them and representing Member States comprising at least 65 % of the population of the Union.

A blocking minority must include at least four Council members, failing which the qualified majority shall be deemed attained.

2. By way of derogation from paragraph 1, when the Council does not act on a proposal from the Commission or from the Union Minister for Foreign Affairs, the qualified majority shall be defined as at least 72 % of the members of the Council, representing Member States comprising at least 65 % of the population of the Union.
3. Paragraphs 1 and 2 shall apply to the European Council when it is acting by a qualified majority.
4. Within the European Council, its President and the President of the Commission shall not take part in the vote.

### *Article I-26*

#### **The European Commission**

1. The Commission shall promote the general interest of the Union and take appropriate initiatives to that end. It shall ensure the application of the Constitution, and measures adopted by the institutions pursuant to the Constitution. It shall oversee the application of Union law under the control of the Court of Justice of the European Union. It shall execute the budget and manage programmes. It shall exercise coordinating, executive and management functions, as laid down in the Constitution. With the exception of the common foreign and security policy, and other cases provided for in the Constitution, it shall ensure the Union's external representation. It shall initiate the Union's annual and multiannual programming with a view to achieving interinstitutional agreements.
2. Union legislative acts may be adopted only on the basis of a Commission proposal, except where the Constitution provides otherwise. Other acts shall be adopted on the basis of a Commission proposal where the Constitution so provides.
3. The Commission's term of office shall be five years.
4. The members of the Commission shall be chosen on the ground of their general competence and European commitment from persons whose independence is beyond doubt.
5. The first Commission appointed under the provisions of the Constitution shall consist of one national of each Member State, including its President and the Union Minister for Foreign Affairs who shall be one of its Vice-Presidents.
6. As from the end of the term of office of the Commission referred to in paragraph 5, the Commission shall consist of a number of members, including its President and the

Union Minister for Foreign Affairs, corresponding to two thirds of the number of Member States, unless the European Council, acting unanimously, decides to alter this number.

The members of the Commission shall be selected from among the nationals of the Member States on the basis of a system of equal rotation between the Member States. This system shall be established by a European decision adopted unanimously by the European Council and on the basis of the following principles:

- (a) Member states shall be treated on a strictly equal footing as regards determination of the sequence of, and the time spent by, their nationals as members of the commission; consequently, the difference between the total number of terms of office held by nationals of any given pair of Member States may never be more than one;
- (b) subject to point (a), each successive Commission shall be so composed as to reflect satisfactorily the demographic and geographical range of all the Member States.

7. In carrying out its responsibilities, the Commission shall be completely independent. Without prejudice to Article I-28(2), the members of the Commission shall neither seek nor take instructions from any government or other institution, body, office or entity. They shall refrain from any action incompatible with their duties or the performance of their tasks.

8. The Commission, as a body, shall be responsible to the European Parliament. In accordance with Article III-340, the European Parliament may vote on a censure motion on the Commission. If such a motion is carried, the members of the Commission shall resign as a body and the Union Minister for Foreign Affairs shall resign from the duties that he or she carries out in the Commission.

### *Article I-27*

#### **The President of the European Commission**

1. Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he or she does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.

2. The Council, by common accord with the President-elect, shall adopt the list of the other persons whom it proposes for appointment as members of the Commission. They shall be selected, on the basis of the suggestions made by Member States, in accordance with the criteria set out in Article I-26 (4) and (6), second subparagraph.

The President, the Union Minister for Foreign Affairs and the other members of the Commission shall be subject as a body to a vote of consent by the European Parliament. On the basis of this consent the Commission shall be appointed by the European Council, acting by a qualified majority.

3. The President of the Commission shall:

- (a) lay down guidelines within which the Commission is to work;
- (b) decide on the internal organisation of the Commission, ensuring that it acts consistently, efficiently and as a collegiate body;
- (c) appoint Vice-Presidents, other than the Union Minister for Foreign Affairs, from among the members of the Commission.

A member of the Commission shall resign if the President so requests. The Union Minister for Foreign Affairs shall resign, in accordance with the procedure set out in article I-28(1), if the President so requests.

### *Article I-28*

#### **The Union Minister for Foreign Affairs**

1. The European Council, acting by a qualified majority, with the agreement of the President of the Commission, shall appoint the Union Minister for Foreign Affairs. The European Council may end his or her term of office by the same procedure.

2. The Union Minister for Foreign Affairs shall conduct the Union's common foreign and security policy. He or she shall contribute by his or her proposals to the development of that policy, which he or she shall carry out as mandated by the Council. The same shall apply to the common security and defence policy.

3. The Union Minister for Foreign Affairs shall preside over the Foreign Affairs Council.

4. The Union Minister for Foreign Affairs shall be one of the Vice-Presidents of the Commission. He or she shall ensure the consistency of the Union's external action. He or she shall be responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action. In exercising these responsibilities within the Commission, and only for these responsibilities, the Union Minister for Foreign Affairs shall be bound by Commission procedures to the extent that this is consistent with paragraphs 2 and 3.

*Article I-29***The Court of Justice of the European Union**

1. The Court of Justice of the European Union shall include the Court of Justice, the General Court and specialised courts. It shall ensure that in the interpretation and application of the Constitution the law is observed.

Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law.

2. The Court of Justice shall consist of one judge from each Member State. It shall be assisted by Advocates-General.

The General Court shall include at least one judge per Member State.

The Judges and the Advocates-General of the Court of Justice and the Judges of the General Court shall be chosen from persons whose independence is beyond doubt and who satisfy the conditions set out in Articles III-355 and III-356. They shall be appointed by common accord of the governments of the Member States for six years. Retiring Judges and Advocates-General may be reappointed.

3. The Court of Justice of the European Union shall in accordance with Part III:
- (a) rule on actions brought by a Member State, an institution or a natural or legal person;
  - (b) give preliminary rulings, at the request of courts or tribunals of the Member States, on the interpretation of Union law or the validity of acts adopted by the institutions;
  - (c) rule in other cases provided for in the Constitution.

(..)

**TITLE V****EXERCISE OF UNION COMPETENCE**

(..)

**CHAPTER II****SPECIFIC PROVISIONS***Article I-40***Specific provisions relating to the common foreign and security policy**

1. The European Union shall conduct a common foreign and security policy, based on

the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions.

2. The European Council shall identify the Union's strategic interests and determine the objectives of its common foreign and security policy. The Council shall frame this policy within the framework of the strategic guidelines established by the European Council and in accordance with Part III.

3. The European Council and the Council shall adopt the necessary European decisions.

4. The common foreign and security policy shall be put into effect by the Union Minister for Foreign Affairs and by the Member States, using national and Union resources.

5. Member States shall consult one another within the European Council and the Council on any foreign and security policy issue which is of general interest in order to determine a common approach. Before undertaking any action on the international scene or any commitment which could affect the Union's interests, each Member State shall consult the others within the European Council or the Council. Member States shall ensure, through the convergence of their actions, that the Union is able to assert its interests and values on the international scene. Member States shall show mutual solidarity.

6. European decisions relating to the common foreign and security policy shall be adopted by the European Council and the Council unanimously, except in the cases referred to in Part III. The European Council and the Council shall act on an initiative from a Member State, on a proposal from the Union Minister for Foreign Affairs or on a proposal from that Minister with the Commission's support. European laws and framework laws shall be excluded.

7. The European Council may, unanimously, adopt a European decision authorising the Council to act by a qualified majority in cases other than those referred to in Part III.

8. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common foreign and security policy. It shall be kept informed of how it evolves.

*Article I-41***Specific provisions relating to the common security and defence policy**

1. The common security and defence policy shall be an integral part of the common foreign and security policy. It shall provide the Union with an operational capacity drawing on civil and military assets. The Union may use them on missions outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter. The performance of these tasks shall be undertaken using capabilities provided by the Member States.

2. The common security and defence policy shall include the progressive framing of a common Union defence policy. This will lead to a common defence, when the European Council, acting unanimously, so decides. It shall in that case recommend to the Member States the adoption of such a decision in accordance with their respective constitutional requirements.

The policy of the Union in accordance with this Article shall not prejudice the specific character of the security and defence policy of certain Member States, it shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation, under the North Atlantic Treaty, and be compatible with the common security and defence policy established within that framework.

3. Member States shall make civilian and military capabilities available to the Union for the implementation of the common security and defence policy, to contribute to the objectives defined by the Council. Those Member States which together establish multinational forces may also make them available to the common security and defence policy.

Member States shall undertake progressively to improve their military capabilities. An Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency) shall be established to identify operational requirements, to promote measures to satisfy those requirements, to contribute to identifying and, where appropriate, implementing any measure needed to strengthen the industrial and technological base of the defence sector, to participate in defining a European capabilities and armaments policy, and to assist the Council in evaluating the improvement of military capabilities.

4. European decisions relating to the common security and defence policy, including those initiating a mission as referred to in this Article, shall be adopted by the Council acting unanimously on a proposal from the Union Minister for Foreign Affairs or an initiative from a Member State. The Union Minister for Foreign Affairs may propose the use of both national resources and Union instruments, together with the Commission where appropriate.

5. The Council may entrust the execution of a task, within the Union framework, to a group of Member States in order to protect the Union's values and serve its interests. The execution of such a task shall be governed by Article III-310.

6. Those Member States whose military capabilities fulfil higher criteria and which have made more binding commitments to one another in this area with a view to the most demanding missions shall establish permanent structured cooperation within the Union framework. Such cooperation shall be governed by Article III-312. It shall not affect the provisions of Article III-309.

7. If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.

Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation.

8. The European Parliament shall be regularly consulted on the main aspects and basic choices of the common security and defence policy. It shall be kept informed of how it evolves.

### *Article I-42*

#### **Specific provisions relating to the area of freedom, security and justice**

1. The Union shall constitute an area of freedom, security and justice:
  - (a) by adopting European laws and framework laws intended, where necessary, to approximate laws and regulations of the Member States in the areas referred to in Part III;
  - (b) by promoting mutual confidence between the competent authorities of the Member States, in particular on the basis of mutual recognition of judicial and extrajudicial decisions;
  - (c) by operational cooperation between the competent authorities of the Member States, including the police, customs and other services specialising in the prevention and detection of criminal offences.
  
2. National Parliaments may, within the framework of the area of freedom, security and justice, participate in the evaluation mechanisms provided for in Article III-260. They shall be involved in the political monitoring of Europol and the evaluation of Eurojust's activities in accordance with Articles III-276 and III-273.

3. Member States shall have a right of initiative in the field of police and judicial cooperation in criminal matters, in accordance with Article III-264.

### *Article I-43*

#### **Solidarity clause**

1. The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilize all the instruments at its disposal, including the military resources made available by the Member States, to:

- (a) **■** prevent the terrorist threat in the territory of the Member States;
  - protect democratic institutions and the civilian population from any terrorist attack;
  - assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack;
- (b) **■** assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster.

2. The detailed arrangements for implementing this Article are set out in Article III-329.

## **CHAPTER III**

### **ENHANCED COOPERATION**

### *Article I-44*

#### **Enhanced cooperation**

1. Member States which wish to establish enhanced cooperation between themselves within the framework of the Union's non-exclusive competences may make use of its institutions and exercise those competences by applying the relevant provisions of the Constitution, subject to the limits and in accordance with the procedures laid down in this Article and in Articles III-416 to III-423.

Enhanced cooperation shall aim to further the objectives of the Union, protect its interests and reinforce its integration process. Such cooperation shall be open at any time to all Member States, in accordance with Article III-418.

2. The European decision authorising enhanced cooperation shall be adopted by the Council as a last resort, when it has established that the objectives of such cooperation cannot be attained within a reasonable period by the Union as a whole, and provided that at least one third of the Member States participate in it. The Council shall act in accordance with the procedure laid down in Article III-419.

3. All members of the Council may participate in its deliberations, but only members of the Council representing the Member States participating in enhanced cooperation shall take part in the vote.

Unanimity shall be constituted by the votes of the representatives of the participating Member States only.

A qualified majority shall be defined as at least 55 % of the members of the Council representing the participating Member States, comprising at least 65 % of the population of these States.

A blocking minority must include at least the minimum number of Council members representing more than 35 % of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

By way of derogation from the third and fourth subparagraphs, where the Council does not act on a proposal from the Commission or from the Union Minister for Foreign Affairs, the required qualified majority shall be defined as at least 72 % of the members of the Council representing the participating Member States, comprising at least 65 % of the population of these States.

4. Acts adopted in the framework of enhanced cooperation shall bind only participating Member States. They shall not be regarded as part of the *acquis* which has to be accepted by candidate States for accession to the Union.

(...)

## TITLE VIII

### THE UNION AND ITS NEIGHBOURS

#### *Article I-57*

#### **The Union and its neighbours**

1. The Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.

2. For the purposes of paragraph 1, the Union may conclude specific agreements with the countries concerned. These agreements may contain reciprocal rights and obligations as well as the possibility of undertaking activities jointly. Their implementation shall be the subject of periodic consultation.

(...)

## TITLE IX UNION MEMBERSHIP

### *Article I-58*

#### **Conditions of eligibility and procedure for accession to the Union**

1. The Union shall be open to all European States which respect the values referred to in Article I-2, and are committed to promoting them together.
2. Any European State which wishes to become a member of the Union shall address its application to the Council. The European Parliament and national Parliaments shall be notified of this application. The Council shall act unanimously after consulting the Commission and after obtaining the consent of the European Parliament, which shall act by a majority of its component members.

The conditions and arrangements for admission shall be the subject of an agreement between the Member States and the candidate State. That agreement shall be subject to ratification by each contracting State, in accordance with its respective constitutional requirements.

### *Article I-59*

#### **Suspension of certain rights resulting from Union membership**

1. On the reasoned initiative of one third of the Member States or the reasoned initiative of the European Parliament or on a proposal from the Commission, the Council may adopt a European decision determining that there is a clear risk of a serious breach by a Member State of the values referred to in Article I-2. The Council shall act by a majority of four fifths of its members after obtaining the consent of the European Parliament.

Before making such a determination, the Council shall hear the Member State in question and, acting in accordance with the same procedure, may address recommendations to that State.

The Council shall regularly verify that the grounds on which such a determination was made continue to apply.

2. The European Council, on the initiative of one third of the Member States or on a proposal from the Commission, may adopt a European decision determining the existence of a serious and persistent breach by a Member State of the values mentioned in Article I-2, after inviting the Member State in question to submit its observations. The European Council shall act unanimously after obtaining the consent of the European Parliament.

3. Where a determination under paragraph 2 has been made, the Council, acting by a qualified majority, may adopt a European decision suspending certain of the rights deriving from the application of the Constitution to the Member State in question, including the voting rights of the member of the Council representing that State. The Council shall take into account the possible consequences of such a suspension for the rights and obligations of natural and legal persons.

In any case, that State shall continue to be bound by its obligations under the Constitution.

4. The Council, acting by a qualified majority, may adopt a European decision varying or revoking measures adopted under paragraph 3 in response to changes in the situation which led to their being imposed.

5. For the purposes of this Article, the member of the European Council or of the Council representing the Member State in question shall not take part in the vote and the Member State in question shall not be counted in the calculation of the one third or four fifths of Member States referred to in paragraphs 1 and 2. Abstentions by members present in person or represented shall not prevent the adoption of European decisions referred to in paragraph 2.

For the adoption of the European decisions referred to in paragraphs 3 and 4, a qualified majority shall be defined as at least 72 % of the members of the Council, representing the participating Member States, comprising at least 65 % of the population of these States.

Where, following a decision to suspend voting rights adopted pursuant to paragraph 3, the Council acts by a qualified majority on the basis of a provision of the Constitution, that qualified majority shall be defined as in the second subparagraph, or, where the Council acts on a proposal from the Commission or from the Union Minister for Foreign Affairs, as at least 55 % of the members of the Council representing the participating Member States, comprising at least 65 % of the population of these States. In the latter case, a blocking minority must include at least the minimum number of Council members representing more than 35 % of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

6. For the purposes of this Article, the European Parliament shall act by a two-thirds majority of the votes cast, representing the majority of its component members.

### *Article I-60*

#### **Voluntary withdrawal from the Union**

1. Any Member State may decide to withdraw from the Union in accordance with its own constitutional requirements.

2. A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union shall negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, taking account of the framework for its future relationship with the Union. That agreement shall be negotiated in accordance with Article III-325(3). It shall be concluded by the Council, acting by a qualified majority, after obtaining the consent of the European Parliament.

3. The Constitution shall cease to apply to the State in question from the date of entry into force of the withdrawal agreement or, failing that, two years after the notification referred to in paragraph 2, unless the European Council, in agreement with the Member State concerned, unanimously decides to extend this period.

4. For the purposes of paragraphs 2 and 3, the member of the European Council or of the Council representing the withdrawing Member State shall not participate in the discussions of the European Council or Council or in European decisions concerning it. A qualified majority shall be defined as at least 72 % of the members of the Council, representing the participating Member States, comprising at least 65 % of the population of these States.

5. If a State which has withdrawn from the Union asks to rejoin, its request shall be subject to the procedure referred to in Article I-58.

## **PART III**

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(..)

### **TITLE V**

#### **THE UNION'S EXTERNAL ACTION**

##### **CHAPTER I**

##### **PROVISIONS HAVING GENERAL APPLICATION**

###### *Article III-292*

1. The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to

advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.

2. The Union shall define and pursue common policies and actions, and shall work for a high degree of cooperation in all fields of international relations, in order to:

- (a) safeguard its values, fundamental interests, security, independence and integrity;
- (b) consolidate and support democracy, the rule of law, human rights and the principles of international law;
- (c) preserve peace, prevent conflicts and strengthen international security, in accordance with the purposes and principles of the United Nations Charter, with the principles of the Helsinki Final Act and with the aims of the Charter of Paris, including those relating to external borders;
- (d) foster the sustainable economic, social and environmental development of developing countries, with the primary aim of eradicating poverty;
- (e) encourage the integration of all countries into the world economy, including through the progressive abolition of restrictions on international trade;
- (f) help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development;
- (g) assist populations, countries and regions confronting natural or man-made disasters;
- (h) promote an international system based on stronger multilateral cooperation and good global governance.

3. The Union shall respect the principles and pursue the objectives set out in paragraphs 1 and 2 in the development and implementation of the different areas of the Union's external action covered by this Title and the external aspects of its other policies.

The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the Union Minister for Foreign Affairs, shall ensure that consistency and shall cooperate to that effect.

### *Article III-293*

1. On the basis of the principles and objectives set out in Article III-292, the European Council shall identify the strategic interests and objectives of the Union.

European decisions of the European Council on the strategic interests and objectives of the Union shall relate to the common foreign and security policy and to other areas of the external action of the Union. Such decisions may concern the relations of the Union with a specific country or region or may be thematic in approach. They shall define their duration, and the means to be made available by the Union and the Member States.

The European Council shall act unanimously on a recommendation from the Council, adopted by the latter under the arrangements laid down for each area. European decisions of the European Council shall be implemented in accordance with the procedures provided for in the Constitution.

2. The Union Minister for Foreign Affairs, for the area of common foreign and security policy, and the Commission, for other areas of external action, may submit joint proposals to the Council.

## CHAPTER II

### COMMON FOREIGN AND SECURITY POLICY

#### SECTION 1

#### COMMON PROVISIONS

### *Article III-294*

1. In the context of the principles and objectives of its external action, the Union shall define and implement a common foreign and security policy covering all areas of foreign and security policy.

2. The Member States shall support the common foreign and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity.

The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.

The Council and the Union Minister for Foreign Affairs shall ensure that these principles are complied with.

3. The Union shall conduct the common foreign and security policy by:
  - (a) defining the general guidelines;
  - (b) adopting European decisions defining:
    - (i) actions to be undertaken by the Union;
    - (ii) positions to be taken by the Union;
    - (iii) arrangements for the implementation of the European decisions referred to in points (i) and(ii);
  - (c) strengthening systematic cooperation between Member States in the conduct of policy.

#### *Article III-295*

1. The European Council shall define the general guidelines for the common foreign and security policy, including for matters with defence implications.

If international developments so require, the President of the European Council shall convene an extraordinary meeting of the European Council in order to define the strategic lines of the Union's policy in the face of such developments.

2. The Council shall adopt the European decisions necessary for defining and implementing the common foreign and security policy on the basis of the general guidelines and strategic lines defined by the European Council.

#### *Article III-296*

1. The Union Minister for Foreign Affairs, who shall chair the Foreign Affairs Council, shall contribute through his or her proposals towards the preparation of the common foreign and security policy and shall ensure implementation of the European decisions adopted by the European Council and the Council.

2. The Minister for Foreign Affairs shall represent the Union for matters relating to the common foreign and security policy. He or she shall conduct political dialogue with third parties on the Union's behalf and shall express the Union's position in international organisations and at international conferences.

3. In fulfilling his or her mandate, the Union Minister for Foreign Affairs shall be assisted by a European External Action Service. This service shall work in cooperation

with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organisation and functioning of the European External Action Service shall be established by a European decision of the Council. The Council shall act on a proposal from the Union Minister for Foreign Affairs after consulting the European Parliament and after obtaining the consent of the Commission.

### *Article III-297*

1. Where the international situation requires operational action by the Union, the Council shall adopt the necessary European decisions. Such decisions shall lay down the objectives, the scope, the means to be made available to the Union, if necessary the duration, and the conditions for implementation of the action.

If there is a change in circumstances having a substantial effect on a question subject to such a European decision, the Council shall review the principles and objectives of that decision and adopt the necessary European decisions.

2. The European decisions referred to in paragraph 1 shall commit the Member States in the positions they adopt and in the conduct of their activity.

3. Whenever there is any plan to adopt a national position or take national action pursuant to a European decision as referred to in paragraph 1, information shall be provided by the Member State concerned in time to allow, if necessary, for prior consultations within the Council. The obligation to provide prior information shall not apply to measures which are merely a national transposition of such a decision.

4. In cases of imperative need arising from changes in the situation and failing a review of the European decision pursuant to the second subparagraph of paragraph 1, Member States may take the necessary measures as a matter of urgency, having regard to the general objectives of that decision.

The Member State concerned shall inform the Council immediately of any such measures.

5. Should there be any major difficulties in implementing a European decision as referred to in this Article, a Member State shall refer them to the Council which shall discuss them and seek appropriate solutions. Such solutions shall not run counter to the objectives of the action or impair its effectiveness.

### *Article III-298*

The Council shall adopt European decisions which shall define the approach of the Union to a particular matter of a geographical or thematic nature. Member States shall ensure that their national policies conform to the positions of the Union.

### *Article III-299*

1. Any Member State, the Union Minister for Foreign Affairs, or that Minister with the Commission's support, may refer any question relating to the common foreign and security policy to the Council and may submit to it initiatives or proposals as appropriate.
2. In cases requiring a rapid decision, the Union Minister for Foreign Affairs, of the Minister's own motion or at the request of a Member State, shall convene an extraordinary meeting of the Council within forty-eight hours or, in an emergency, within a shorter period.

### *Article III-300*

1. The European decisions referred to in this Chapter shall be adopted by the Council acting unanimously.

When abstaining in a vote, any member of the Council may qualify its abstention by making a formal declaration. In that case, it shall not be obliged to apply the European decision, but shall accept that the latter commits the Union. In a spirit of mutual solidarity, the Member State concerned shall refrain from any action likely to conflict with or impede Union action based on that decision and the other Member States shall respect its position. If the members of the Council qualifying their abstention in this way represent at least one third of the Member States comprising at least one third of the population of the Union, the decision shall not be adopted.
2. By way of derogation from paragraph 1, the Council shall act by a qualified majority:
  - (a) when adopting European decisions defining a Union action or position on the basis of a European decision of the European Council relating to the Union's strategic interests and objectives, as referred to in Article III-293(1);
  - (b) when adopting a European decision defining a Union action or position, on a proposal which the Union Minister for Foreign Affairs has presented following a specific request to him or her from the European Council, made on its own initiative or that of the Minister;
  - (c) when adopting a European decision implementing a European decision defining a Union action or position;
  - (d) when adopting a European decision concerning the appointment of a special

representative in accordance with Article III-302.

If a member of the Council declares that, for vital and stated reasons of national policy, it intends to oppose the adoption of a European decision to be adopted by a qualified majority, a vote shall not be taken. The Union Minister for Foreign Affairs will, in close consultation with the Member State involved, search for a solution acceptable to it. If he or she does not succeed, the Council may, acting by a qualified majority, request that the matter be referred to the European Council for a European decision by unanimity.

3. In accordance with Article I-40(7) the European Council may unanimously adopt a European decision stipulating that the Council shall act by a qualified majority in cases other than those referred to in paragraph 2 of this Article.

4. Paragraphs 2 and 3 shall not apply to decisions having military or defence implications.

#### ***Article III-301***

1. When the European Council or the Council has defined a common approach of the Union within the meaning of Article I-40(5), the Union Minister for Foreign Affairs and the Ministers for Foreign Affairs of the Member States shall coordinate their activities within the Council.

2. The diplomatic missions of the Member States and the Union delegations in third countries and at international organisations shall cooperate and shall contribute to formulating and implementing the common approach referred to in paragraph 1.

#### ***Article III-302***

The Council may appoint, on a proposal from the Union Minister for Foreign Affairs, a special representative with a mandate in relation to particular policy issues. The special representative shall carry out his or her mandate under the Minister's authority.

#### ***Article III-303***

The Union may conclude agreements with one or more States or international organisations in areas covered by this Chapter.

#### ***Article III-304***

1. The Union Minister for Foreign Affairs shall consult and inform the European

Parliament in accordance with Article I-40(8) and Article I-41(8). He or she shall ensure that the views of the European Parliament are duly taken into consideration. Special representatives may be involved in briefing the European Parliament.

2. The European Parliament may ask questions of the Council and of the Union Minister for Foreign Affairs or make recommendations to them. Twice a year it shall hold a debate on progress in implementing the common foreign and security policy, including the common security and defence policy.

### *Article III-305*

1. Member States shall coordinate their action in international organisations and at international conferences. They shall uphold the Union's positions in such fora. The Union Minister for Foreign Affairs shall organise this coordination.

In international organisations and at international conferences where not all the Member States participate, those which do take part shall uphold the Union's positions.

2. In accordance with Article I-16(2), Member States represented in international organisations or international conferences where not all the Member States participate shall keep the latter, as well as the Union Minister for Foreign Affairs, informed of any matter of common interest.

Member States which are also members of the United Nations Security Council shall concert and keep the other Member States and the Union Minister for Foreign Affairs fully informed.

Member States which are members of the Security Council will, in the execution of their functions, defend the positions and the interests of the Union, without prejudice to their responsibilities under the United Nations Charter.

When the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the Union Minister for Foreign Affairs be asked to present the Union's position.

### *Article III-306*

The diplomatic and consular missions of the Member States and the Union delegations in third countries and international conferences, and their representations to international organisations, shall cooperate in ensuring that the European decisions defining Union positions and actions adopted pursuant to this Chapter are complied with and implemented. They shall step up cooperation by exchanging information and carrying out joint assessments.

They shall contribute to the implementation of the right of European citizens to protection in the territory of third countries as referred to in Article I-10(2)(c) and the measures adopted pursuant to Article III-127.

### *Article III-307*

1. Without prejudice to Article III-344, a Political and Security Committee shall monitor the international situation in the areas covered by the common foreign and security policy and contribute to the definition of policies by delivering opinions to the Council at the request of the latter, or of the Union Minister for Foreign Affairs, or on its own initiative. It shall also monitor the implementation of agreed policies, without prejudice to the powers of the Union Minister for Foreign Affairs.

2. Within the scope of this Chapter, the Political and Security Committee shall exercise, under the responsibility of the Council and of the Union Minister for Foreign Affairs, the political control and strategic direction of the crisis management operations referred to in Article III-309.

The Council may authorise the Committee, for the purpose and for the duration of a crisis management operation, as determined by the Council, to take the relevant measures concerning the political control and strategic direction of the operation.

### *Article III-308*

The implementation of the common foreign and security policy shall not affect the application of the procedures and the extent of the powers of the institutions laid down by the Constitution for the exercise of the Union competences referred to in Articles I-13 to I-15 and I-17.

Similarly, the implementation of the policies listed in those Articles shall not affect the application of the procedures and the extent of the powers of the institutions laid down by the Constitution for the exercise of the Union competences under this Chapter.

## SECTION 2

### THE COMMON SECURITY AND DEFENCE POLICY

### *Article III-309*

1. The tasks referred to in Article I-41(1), in the course of which the Union may use civilian and military means, shall include joint disarmament operations, humanitarian and rescue tasks, military advice and assistance tasks, conflict prevention and peace-keeping tasks, tasks of combat forces in crisis management, including peace-making and

post-conflict stabilisation. All these tasks may contribute to the fight against terrorism, including by supporting third countries in combating terrorism in their territories.

2. The Council shall adopt European decisions relating to the tasks referred to in paragraph 1, defining their objectives and scope and the general conditions for their implementation. The Union Minister for Foreign Affairs, acting under the authority of the Council and in close and constant contact with the Political and Security Committee, shall ensure coordination of the civilian and military aspects of such tasks.

### *Article III-310*

1. Within the framework of the European decisions adopted in accordance with Article III-309, the Council may entrust the implementation of a task to a group of Member States which are willing and have the necessary capability for such a task. Those Member States, in association with the Union Minister for Foreign Affairs, shall agree among themselves on the management of the task.

2. Member States participating in the task shall keep the Council regularly informed of its progress on their own initiative or at the request of another Member State. Those States shall inform the Council immediately should the completion of the task entail major consequences or require amendment of the objective, scope and conditions determined for the task in the European decisions referred to in paragraph 1. In such cases, the Council shall adopt the necessary European decisions.

### *Article III-311*

1. The Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency), established by Article I-41(3) and subject to the authority of the Council, shall have as its task to:

- (a) contribute to identifying the Member States' military capability objectives and evaluating observance of the capability commitments given by the Member States;
- (b) promote harmonisation of operational needs and adoption of effective, compatible procurement methods;
- (c) propose multilateral projects to fulfil the objectives in terms of military capabilities, ensure coordination of the programmes implemented by the Member States and management of specific cooperation programmes;
- (d) support defence technology research, and coordinate and plan joint research activities and the study of technical solutions meeting future operational needs;

- (e) contribute to identifying and, if necessary, implementing any useful measure for strengthening the industrial and technological base of the defence sector and for improving the effectiveness of military expenditure.

2. The European Defence Agency shall be open to all Member States wishing to be part of it. The Council, acting by a qualified majority, shall adopt a European decision defining the Agency's statute, seat and operational rules. That decision should take account of the level of effective participation in the Agency's activities. Specific groups shall be set up within the Agency bringing together Member States engaged in joint projects. The Agency shall carry out its tasks in liaison with the Commission where necessary.

### *Article III-312*

1. Those Member States which wish to participate in the permanent structured cooperation referred to in Article I-41(6), which fulfil the criteria and have made the commitments on military capabilities set out in the Protocol on permanent structured cooperation shall notify their intention to the Council and to the Union Minister for Foreign Affairs.

2. Within three months following the notification referred to in paragraph 1 the Council shall adopt a European decision establishing permanent structured cooperation and determining the list of participating Member States. The Council shall act by a qualified majority after consulting the Union Minister for Foreign Affairs.

3. Any Member State which, at a later stage, wishes to participate in the permanent structured cooperation shall notify its intention to the Council and to the Union Minister for Foreign Affairs.

The Council shall adopt a European decision confirming the participation of the Member State concerned which fulfils the criteria and makes the commitments referred to in Articles 1 and 2 of the Protocol on permanent structured cooperation. The Council shall act by a qualified majority after consulting the Union Minister for Foreign Affairs. Only members of the Council representing the participating Member States shall take part in the vote.

A qualified majority shall be defined as at least 55 % of the members of the Council representing the participating Member States, comprising at least 65 % of the population of these States.

A blocking minority must include at least the minimum number of Council members representing more than 35 % of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

4. If a participating Member State no longer fulfils the criteria or is no longer able to meet the commitments referred to in Articles 1 and 2 of the Protocol on permanent structured cooperation, the Council may adopt a European decision suspending the participation of the Member State concerned.

The Council shall act by a qualified majority. Only members of the Council representing the participating Member States, with the exception of the Member State in question, shall take part in the vote.

A qualified majority shall be defined as at least 55 % of the members of the Council representing the participating Member States, comprising at least 65 % of the population of these States.

A blocking minority must include at least the minimum number of Council members representing more than 35 % of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained.

5. Any participating Member State which wishes to withdraw from permanent structured cooperation shall notify its intention to the Council, which shall take note that the Member State in question has ceased to participate.

6. The European decisions and recommendations of the Council within the framework of permanent structured cooperation, other than those provided for in paragraphs 2 to 5, shall be adopted by unanimity. For the purposes of this paragraph, unanimity shall be constituted by the votes of the representatives of the participating Member States only.

### SECTION 3 FINANCIAL PROVISIONS

#### *Article III-313*

1. Administrative expenditure which the implementation of this Chapter entails for the institutions shall be charged to the Union budget.

2. Operating expenditure to which the implementation of this Chapter gives rise shall also be charged to the Union budget, except for such expenditure arising from operations having military or defence implications and cases where the Council decides otherwise.

In cases where expenditure is not charged to the Union budget it shall be charged to the Member States in accordance with the gross national product scale, unless the Council decides otherwise. As for expenditure arising from operations having military or defence implications, Member States whose representatives in the Council have made a

formal declaration under Article III-300(1), second subparagraph, shall not be obliged to contribute to the financing thereof.

3. The Council shall adopt a European decision establishing the specific procedures for guaranteeing rapid access to appropriations in the Union budget for urgent financing of initiatives in the framework of the common foreign and security policy, and in particular for preparatory activities for the tasks referred to in Article I-41(1) and Article III-309. It shall act after consulting the European Parliament.

Preparatory activities for the tasks referred to in Article I-41(1) and Article III-309 which are not charged to the Union budget shall be financed by a start-up fund made up of Member States' contributions.

The Council shall adopt by a qualified majority, on a proposal from the Union Minister for Foreign Affairs, European decisions establishing:

- (a) the procedures for setting up and financing the start-up fund, in particular the amounts allocated to the fund;
- (b) the procedures for administering the start-up fund;
- (c) the financial control procedures.

When the task planned in accordance with Article I-41(1) and Article III-309 cannot be charged to the Union budget, the Council shall authorise the Union Minister for Foreign Affairs to use the fund. The Union Minister for Foreign Affairs shall report to the Council on the implementation of this remit.

(...)

## CHAPTER VIII IMPLEMENTATION OF THE SOLIDARITY CLAUSE

### *Article III-329*

1. Should a Member State be the object of a terrorist attack or the victim of a natural or man-made disaster, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.

2. The arrangements for the implementation by the Union of the solidarity clause referred to in Article I-43 shall be defined by a European decision adopted by the Council acting on a joint proposal by the Commission and the Union Minister for Foreign Affairs. The Council shall act in accordance with Article III-300(1) where this decision has defence implications. The European Parliament shall be informed.

For the purposes of this paragraph and without prejudice to Article III-344, the Council shall be assisted by the Political and Security Committee with the support of the structures developed in the context of the common security and defence policy and by the Committee referred to in Article III-261; the two committees shall, if necessary, submit joint opinions.

3. The European Council shall regularly assess the threats facing the Union in order to enable the Union and its Member States to take effective action.

(...)

## TITLE VI THE FUNCTIONING OF THE UNION

(...)

### CHAPTER III ENHANCED COOPERATION

#### *Article III-416*

Any enhanced cooperation shall comply with the Constitution and the law of the Union. Such cooperation shall not undermine the internal market or economic, social and territorial cohesion. It shall not constitute a barrier to or discrimination in trade between Member States, nor shall it distort competition between them.

#### *Article III-417*

Any enhanced cooperation shall respect the competences, rights and obligations of those Member States which do not participate in it. Those Member States shall not impede its implementation by the participating Member States.

#### *Article III-418*

1. When enhanced cooperation is being established, it shall be open to all Member States, subject to compliance with any conditions of participation laid down by the European authorising decision. It shall also be open to them at any other time, subject to compliance with the acts already adopted within that framework, in addition to any such conditions.

The Commission and the Member States participating in enhanced cooperation shall ensure that they promote participation by as many Member States as possible.

2. The Commission and, where appropriate, the Union Minister for Foreign Affairs shall keep the European Parliament and the Council regularly informed regarding developments in enhanced cooperation.

### *Article III-419*

1. Member States which wish to establish enhanced cooperation between themselves in one of the areas covered by the Constitution, with the exception of fields of exclusive competence and the common foreign and security policy, shall address a request to the Commission, specifying the scope and objectives of the enhanced cooperation proposed. The Commission may submit a proposal to the Council to that effect. In the event of the Commission not submitting a proposal, it shall inform the Member States concerned of the reasons for not doing so.

Authorisation to proceed with enhanced cooperation shall be granted by a European decision of the Council, which shall act on a proposal from the Commission and after obtaining the consent of the European Parliament.

2. The request of the Member States which wish to establish enhanced cooperation between themselves within the framework of the common foreign and security policy shall be addressed to the Council. It shall be forwarded to the Union Minister for Foreign Affairs, who shall give an opinion on whether the enhanced cooperation proposed is consistent with the Union's common foreign and security policy, and to the Commission, which shall give its opinion in particular on whether the enhanced cooperation proposed is consistent with other Union policies. It shall also be forwarded to the European Parliament for information.

Authorisation to proceed with enhanced cooperation shall be granted by a European decision of the Council acting unanimously.

### *Article III-420*

1. Any Member State which wishes to participate in enhanced cooperation in progress in one of the areas referred to in Article III-419(1) shall notify its intention to the Council and the Commission.

The Commission shall, within four months of the date of receipt of the notification, confirm the participation of the Member State concerned. It shall note where necessary that the conditions of participation have been fulfilled and shall adopt any transitional measures necessary with regard to the application of the acts already adopted within the framework of enhanced cooperation.

However, if the Commission considers that the conditions of participation have not been fulfilled, it shall indicate the arrangements to be adopted to fulfil those conditions and shall set a deadline for re-examining the request. On the expiry of that deadline, it shall re-examine the request, in accordance with the procedure set out in the second subparagraph. If the Commission considers that the conditions of participation have still not been met, the Member State concerned may refer the matter to the Council, which shall decide on the request. The Council shall act in accordance with Article I-44(3). It may also adopt the transitional measures referred to in the second subparagraph on a proposal from the Commission.

2. Any Member State which wishes to participate in enhanced cooperation in progress in the framework of the common foreign and security policy shall notify its intention to the Council, the Union Minister for Foreign Affairs and the Commission. The Council shall confirm the participation of the Member State concerned, after consulting the Union Minister for Foreign Affairs and after noting, where necessary, that the conditions of participation have been fulfilled. The Council, on a proposal from the Union Minister for Foreign Affairs, may also adopt any transitional measures necessary with regard to the application of the acts already adopted within the framework of enhanced cooperation. However, if the Council considers that the conditions of participation have not been fulfilled, it shall indicate the arrangements to be adopted to fulfil those conditions and shall set a deadline for re-examining the request for participation.

For the purposes of this paragraph, the Council shall act unanimously and in accordance with Article I-44(3).

#### *Article III-421*

Expenditure resulting from implementation of enhanced cooperation, other than administrative costs entailed for the institutions, shall be borne by the participating Member States, unless all members of the Council, acting unanimously after consulting the European Parliament, decide otherwise.

#### *Article III-422*

1. Where a provision of the Constitution which may be applied in the context of enhanced cooperation stipulates that the Council shall act unanimously, the Council, acting unanimously in accordance with the arrangements laid down in Article I-44(3), may adopt a European decision stipulating that it will act by a qualified majority.

2. Where a provision of the Constitution which may be applied in the context of enhanced cooperation stipulates that the Council shall adopt European laws or framework laws under a special legislative procedure, the Council, acting unanimously in accordance with the arrangements laid down in Article I-44(3), may adopt a European decision stipulating that it will act under the ordinary legislative procedure. The Council shall act after consulting the European Parliament.

3. Paragraphs 1 and 2 shall not apply to decisions having military or defence implications.

### *Article III-423*

The Council and the Commission shall ensure the consistency of activities undertaken in the context of enhanced cooperation and the consistency of such activities with the policies of the Union, and shall cooperate to that end.

## TITLE VII

### COMMON PROVISIONS

(...)

### *Article III-436*

1. The Constitution shall not preclude the application of the following rules:
  - (a) no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security;
  - (b) any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material; such measures shall not adversely affect the conditions of competition in the internal market regarding products which are not intended for specifically military purposes.
2. The Council, on a proposal from the Commission, may unanimously adopt a European decision making changes to the list of 15 April 1958 of the products to which the provisions of paragraph 1 (b) apply.

## PART IV

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### GENERAL AND FINAL PROVISIONS

(...)

#### *Article IV-443*

#### **Ordinary revision procedure**

1. The government of any Member State, the European Parliament or the Commission may submit to the Council proposals for the amendment of this Treaty. These proposals shall be submitted to the European Council by the Council and the national Parliaments shall be notified.

2. If the European Council, after consulting the European Parliament and the Commission, adopts by a simple majority a decision in favour of examining the proposed amendments, the President of the European Council shall convene a Convention composed of representatives of the national Parliaments, of the Heads of State or Government of the Member States, of the European Parliament and of the Commission. The European Central Bank shall also be consulted in the case of institutional changes in the monetary area. The Convention shall examine the proposals for amendments and shall adopt by consensus a recommendation to a conference of representatives of the governments of the Member States as provided for in paragraph 3.

The European Council may decide by a simple majority, after obtaining the consent of the European Parliament, not to convene a Convention should this not be justified by the extent of the proposed amendments. In the latter case, the European Council shall define the terms of reference for a conference of representatives of the governments of the Member States.

3. A conference of representatives of the governments of the Member States shall be convened by the President of the Council for the purpose of determining by common accord the amendments to be made to this Treaty.

The amendments shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

4. If, two years after the signature of the treaty amending this Treaty, four fifths of the Member States have ratified it and one or more Member States have encountered difficulties in proceeding with ratification, the matter shall be referred to the European Council.

**Article IV-444****Simplified revision procedure**

1. Where Part III provides for the Council to act by unanimity in a given area or case, the European Council may adopt a European decision authorising the Council to act by a qualified majority in that area or in that case.

This paragraph shall not apply to decisions with military implications or those in the area of defence.

2. Where Part III provides for European laws and framework laws to be adopted by the Council in accordance with a special legislative procedure, the European Council may adopt a European decision allowing for the adoption of such European laws or framework laws in accordance with the ordinary legislative procedure.

3. Any initiative taken by the European Council on the basis of paragraphs 1 or 2 shall be notified to the national Parliaments. If a national Parliament makes known its opposition within six months of the date of such notification, the European decision referred to in paragraphs 1 or 2 shall not be adopted. In the absence of opposition, the European Council may adopt the decision.

For the adoption of the European decisions referred to in paragraphs 1 and 2, the European Council shall act by unanimity after obtaining the consent of the European Parliament, which shall be given by a majority of its component members.

(...)

**Article IV-446****Duration**

This Treaty is concluded for an unlimited period.

**Article IV-447****Ratification and entry into force**

1. This Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic.

2. This Treaty shall enter into force on 1 November 2006, provided that all the instruments of ratification have been deposited, or, failing that, on the first day of the second month following the deposit of the instrument of ratification by the last signatory State to take this step.

(...)

## PROTOCOLS

(...)

### 23. PROTOCOL ON PERMANENT STRUCTURED COOPERATION ESTABLISHED BY ARTICLE I-41(6) AND ARTICLE III-312 OF THE CONSTITUTION

#### THE HIGH CONTRACTING PARTIES,

HAVING REGARD TO Article I-41(6) and Article III-312 of the Constitution,

RECALLING that the Union is pursuing a common foreign and security policy based on the achievement of growing convergence of action by Member States;

RECALLING that the common security and defence policy is an integral part of the common foreign and security policy; that it provides the Union with operational capacity drawing on civil and military assets; that the Union may use such assets in the tasks referred to in Article III-309 of the Constitution outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter; that the performance of these tasks is to be undertaken using capabilities provided by the Member States in accordance with the principle of a single set of forces;

RECALLING that the common security and defence policy of the Union does not prejudice the specific character of the security and defence policy of certain Member States;

RECALLING that the common security and defence policy of the Union respects the obligations under the North Atlantic Treaty of those Member States, which see their common defence realised in the North Atlantic Treaty Organisation, which remains the foundation of the collective defence of its members, and is compatible with the common security and defence policy established within that framework;

CONVINCED that a more assertive Union role in security and defence matters will contribute to the vitality of a renewed Atlantic Alliance, in accordance with the Berlin Plus arrangements;

DETERMINED to ensure that the Union is capable of fully assuming its responsibilities within the international community;

RECOGNISING that the United Nations Organisation may request the Union's assistance for the urgent implementation of missions undertaken under Chapters VI and VII of the United Nations Charter;

RECOGNISING that the strengthening of the security and defence policy will require efforts by Member States in the area of capabilities;

CONSCIOUS that embarking on a new stage in the development of the European security and defence policy involves a determined effort by the Member States concerned;

RECALLING the importance of the Minister for Foreign Affairs being fully involved in proceedings relating to permanent structured cooperation,

HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

### *Article 1*

The permanent structured cooperation referred to in Article I-41(6) of the Constitution shall be open to any Member State which undertakes, from the date of entry into force of the Treaty establishing a Constitution for Europe, to:

- (a) proceed more intensively to develop its defence capacities through the development of its national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the activity of the Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency), and
- (b) have the capacity to supply by 2007 at the latest, either at national level or as a component of multinational force groups, targeted combat units for the missions planned, structured at a tactical level as a battle group, with support elements including transport and logistics, capable of carrying out the tasks referred to in Article III-309, within a period of 5 to 30 days, in particular in response to requests from the United Nations Organisation, and which can be sustained for an initial period of 30 days and be extended up to at least 120 days.

### *Article 2*

To achieve the objectives laid down in Article 1, Member States participating in permanent structured cooperation shall undertake to:

- (a) cooperate, as from the entry into force of the Treaty establishing a Constitution for Europe, with a view to achieving approved objectives concerning the level of investment expenditure on defence equipment, and regularly review these objectives, in the light of the security environment and of the Union's international responsibilities;
- (b) bring their defence apparatus into line with each other as far as possible, particularly by harmonising the identification of their military needs, by pooling and, where appropriate, specialising their defence means and capabilities, and by encouraging cooperation in the fields of training and logistics;
- (c) take concrete measures to enhance the availability, interoperability, flexibility and deployability of their forces, in particular by identifying common objectives regarding the commitment of forces, including possibly reviewing their national decision-making procedures;
- (d) work together to ensure that they take the necessary measures to make good, including through multinational approaches, and without prejudice to undertakings in this regard within the North Atlantic Treaty Organisation, the short-falls perceived in the framework of the 'Capability Development Mechanism';
- (e) take part, where appropriate, in the development of major joint or European equipment programmes in the framework of the European Defence Agency.

### *Article 3*

The European Defence Agency shall contribute to the regular assessment of participating Member States' contributions with regard to capabilities, in particular contributions made in accordance with the criteria to be established, inter alia, on the basis of Article 2, and shall report thereon at least once a year. The assessment may serve as a basis for Council recommendations and European decisions adopted in accordance with Article III-312 of the Constitution.

## 24. PROTOCOL ON ARTICLE I-41(2) OF THE CONSTITUTION

### THE HIGH CONTRACTING PARTIES,

BEARING IN MIND the need to implement fully the provisions of Article I-41(2) of the Constitution;

BEARING IN MIND that the policy of the Union in accordance with Article I-41(2) of the Constitution shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in the North Atlantic Treaty Organisation, under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework,

HAVE AGREED UPON the following provision, which is annexed to the Treaty establishing a Constitution for Europe:

*Sole article*

The Union shall draw up, together with the Western European Union, arrangements for enhanced cooperation between them.

(...)



## Core documents

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### *Books*

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This fifth volume of **Core documents** lists the European Union's decisions and actions in the field of security and defence taken during 2004.

Texts concerning ESDP are collected in the first part of this volume: they include in particular the establishment of the European Defence Agency, the decisions on battle groups and the European gendarmerie, the launch of the EUJUST operations in Georgia and *Althea* in Bosnia and Herzegovina, the 2010 Headline Goal and the substantial development of the civilian aspect of crisis management. However, the first part also deals at length with the fight against terrorism, the Union's relations with Iran, the Middle East, Iraq and Africa, and the various Commission initiatives relating to financing of research and restructuring of the arms market.

The second part of this work is devoted solely to the Constitutional Treaty; it includes all of the sections relevant to defence, but also to foreign and security policy in the broader sense. As for the title of the work itself, it reflects the joint decision to hold all future European Council meetings in Brussels; the capitals of the countries holding the presidency are therefore no longer mentioned on the cover of this collection.

In the young history of this strategic Europe, 2004 marks the end of a cycle: that of the first five founding years of security and defence policy. The institutional foundations of the ESDP were laid by the European Council in Cologne in 1999. In December 2004, the takeover by the Union of NATO's operation in Bosnia and Herzegovina crowned an impressive series of efforts, compromises and demonstrations of political commitment on the part of the 25 member states to strengthen, through the ESDP, the overall consistency of the Union's action outside its borders.

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