

**EUROPEAN COMMISSION**

Directorate General IA

External Relations: Europe and the New Independent States, Common Foreign and Security Policy and External Service

The Director General

cc: H. D. S.

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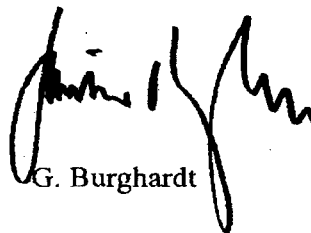
**NOTE FOR THE ATTENTION OF HEADS OF COMMISSION DELEGATIONS,
REPRESENTATIONS AND OFFICES****Subject: CFSP : post Amsterdam**

1. The Treaty of Amsterdam will enter into force on 1 May. As discussed with the Bureau of Heads of Delegation on 22 April, you will find at annex a brief summary description of CFSP bodies and procedures under the Amsterdam Treaty. As several elements and aspects will only fully emerge with the further implementation of the Amsterdam Treaty the note will be updated as necessary (the articles quoted are those of the consolidated version of the Treaty). As further background I would urge you to read Title V of the Treaty in its entirety.
2. I would like to draw your particular attention to the changes concerning the external representation of the Union and responsibility for implementation of decisions in the area of CFSP. The Presidency represents the Union in matters coming within CFSP as well as being responsible for implementation of decisions. It is assisted by the Secretary General of the Council "who shall exercise the function of High Representative for CFSP". The Commission is fully associated in these tasks. The Treaty further says that the Presidency shall be assisted if need be by the next Member State to hold the Presidency.
3. In practice this will mean that when the troika formula is chosen it will be composed of the Presidency assisted by the High Representative (or the Council Secretariat for lower level meetings), the Commission, and, if need be, the future Presidency. In cases where the troika is not mobilised and the Member State holding the Presidency is not operating in its national capacity but as Presidency of the EU Council, the Commission should always be fully associated in any activity of representation or implementation.
4. The Secretary General of the Council/High Representative of the Council for CFSP is the new element in representation and implementation. Mr/Ms CFSP will be based in Brussels and will participate in ministerial meetings himself. The High Representative can also attend or be represented in important meetings elsewhere. But in most countries, since there is no presence of the Council Secretariat, the reality sur place should be a Presidency/Commission tandem or Presidency/Commission/future Presidency troika.

5. There are occasional reports of Commission Heads of Delegation being excluded from CFSP meetings or demarches, often due to the ignorance of procedures by representatives of Member States. Heads of Delegation should stick to the letter of the treaty (if necessary circulating the relevant passages – attached for ease of reference) and insist on participating on all occasions. If you have problems in persuading the Presidency, you should seek assistance from the European Correspondent (Philippe Coessens) who will take the matter up with the Member State concerned. It is also important to cultivate and maintain good relations with current and future holders of the Presidency to demonstrate the added value of continuous Commission presence. This in turn calls for better preparation and more active participation. (Headquarters will also endeavour to strengthen its role in provision of general background and specific briefing material).

6. More generally, cooperation between missions of Member States and Commission Delegations in third countries and in international conferences, pursuant to art 20, already an established practice, is to be pursued and reinforced. In this context, it is also important to note cooperation between EU missions and missions of Associated countries.

7. I will inform you separately in more detail on developments concerning security and defense, notably on the arrangements for enhanced cooperation between the EU and the WEU as provided for under the Protocol on Article 17 of the Amsterdam Treaty.



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CFSP: Elements and Procedures following Amsterdam

This note is intended as a brief summary description for interested services and delegations of CFSP bodies and procedures following the entry into force of the Amsterdam Treaty. As several elements and aspects will only fully emerge with the further implementation of the Amsterdam Treaty the present note will be updated as necessary. (The articles quoted are those of the consolidated version of the new Treaty.)

The role of the Commission and CFSP bodies

The general role of the Commission in the CFSP process

The Commission is "fully associated" with the work carried out in the field of CFSP (art 27 TEU). The Commission (as any Member State) may refer to the Council any question relating to CFSP and may submit proposals to the Council (although it does not have the sole right to do so - as in Pillar I). The Commission (as any Member State) may also request the Presidency to convene an extraordinary Council meeting and make suggestions to the (new) Policy Planning unit for work to be undertaken.

The Council and the Commission are jointly responsible for "the consistency of the Union's external activities as a whole in the context of its external relations, security, economic and development policies" and "shall cooperate to this end" (art 3 TEU). Given its position as the "guardian of the Treaty", the Commission must be particularly vigilant in ensuring consistency and coherence both in EU external action and between the external activities and other areas of Union action. This is especially important in the area of CFSP.

Against this background and as a member of the European Council, the Commission has a particularly important role to play in the elaboration and implementation of common strategies, which are regarded not just as CFSP instruments but as a means to ensure consistency of EU external activities as a whole. (This new concept under Amsterdam is developed in the section on "new CFSP policy aspects", page 6.)

The Commission is responsible for the implementation of the CFSP budget (which is part of the EC budget) including through appropriate financial proposals. It is fully associated with the elaboration and implementation of joint actions and common positions which remain the main instruments of CFSP in addition to general policy guidelines defined by the European Council, common strategies decided by the European Council and systematic cooperation between Member States.

Cooperation between Commission Delegations and missions of Member States in third countries and in international conferences

Diplomatic and consular missions of the Member States and Commission Delegations cooperate in ensuring that common positions and joint actions adopted by the Council are complied with and implemented.

They also step up cooperation by exchanging information, carrying out joint assessments and contributing to the implementation of provisions in article 20 of the Treaty on the European Community related to the diplomatic and consular protection of citizens of the European Union (art 20 TEU).

This article, taken over unchanged from the Maastricht Treaty, confirms an established practice, since missions of Member States and Commission Delegations have established a close and growing cooperation in fields such as the exchange of political and economic information, the pooling of information on administrative and practical problems, giving each other material and practical assistance, assisting each other on the use of communications, drawing up a joint plan for crisis situations, taking joint security measures, and others.

[NB: guidelines for enhanced political dialogue with Associated CEEC and Cyprus state that representatives of the EU and of these states in third countries shall cooperate on a regular basis according to modalities to be agreed locally. They should hold regular contacts (such as meetings at Head of Mission and expert level, one per Presidency) and take steps in order to make their cooperation visible for the host country. The Presidency should inform Associates' missions about EU initiatives such as demarches, declarations, joint actions and common positions related to the host country, and EU Heads of Mission may involve missions of Associated countries when preparing reports on the situation in the host country. No decision has as yet been taken on Malta's participation in this cooperation. Turkey is a candidate country but is not at present involved in the accession process. It does not take part in the meetings with associated CEEC and Cyprus. Heads of Mission may wish to meet their Turkish colleagues separately.]

The European Council

The European Council is composed of Heads of State and Government and the Commission President, assisted by the Foreign Ministers and a Relex Commissioner, and meets at least once every half year. It "shall provide the Union with the necessary impetus for its development and shall define the general policy guidelines thereof" (art 4 TEU). In CFSP in particular, its role is to "define the principles of and general guidelines including for matters with defense implications" (art 13 TEU). Furthermore the European Council is to "decide on common strategies" (new instrument - see below) "to be implemented by the Union in areas where the Member States have important interests in common". The direct involvement of the European Council in CFSP adds political weight and commits the highest political authorities in Member States and of the Commission to the pursuit of the foreign policy objectives of the Union. It is worth noting that the Commission is a full member of the European Council, which gives it a particular role and responsibility for the decisions taken at this level.

The Council of Ministers

EU Foreign Ministers meet at least once a month as the General Affairs Council (GAC) in which the Commission is represented by its President and the competent Commissioners in charge of external relations. In addition to its permanent role in ensuring the smooth operation of the Community and the Union and its specific responsibilities in external relations including the CFSP, the GAC has overall responsibility for all preparatory work for the European Council; consequently matters to be submitted to the European Council must first be submitted to the GAC. The Council is the general forum for information and consultation on CFSP matters among Member States (art 16 TEU). The Treaty (Art. 13) further stipulates that the Council "shall take the decisions necessary for defining and implementing" the CFSP "on the basis of the general guidelines defined by the European Council", it "shall recommend Common Strategies to the European Council and implement these, in particular by adopting joint actions and common positions" and "ensure the unity, consistency and effectiveness of action by the Union" in the field of CFSP.

The Committee of Permanent Representatives ("Coreper")

Permanent Representatives of Member States to the EU and the Commission Deputy Secretary General meet once a week to prepare Council meetings and decisions, including those related to the General Affairs Council and CFSP. Coreper has overall responsibility for preparing the work of the Council in all its compositions, and for ensuring overall coherence in the development of that work (art 207 TEU). This means that all items submitted to the Council must previously have been placed on the agenda of Coreper, which, if need arises, endeavours, at its level, to reach an agreement to be submitted for adoption by the Council (In the CFSP area, Coreper reviews and finalises, if possible, draft [Common Strategies,] Common Positions and Joint Actions. It can also attach comments and recommendations to opinions submitted to the Council by the Political Committee).

The Political Committee

The Political Committee is composed of the Political Directors of Member States and the Commission. According to the Treaty (Art 25) their main tasks include: a) monitoring the international situation in the areas covered by the CFSP, b) contributing to the definition of policies by delivering opinions to the Council at the request of the Council or on its own initiative, and c) monitoring the implementation of agreed policies, "without prejudice to the responsibility of the Presidency and the Commission".

The Committee meets about twice a month and usually in the margins of the General Affairs Council in order to make final preparations of decisions and debates in the CFSP area in the light of latest developments.

The possibility for the Committee to meet more frequently was spelled out in a declaration on Article 25 of the Amsterdam Treaty (declaration No 5 annexed to the Final Act) which states that "Member States shall ensure that the Political Committee" is able to meet "at any time, in the event of international crises or other urgent matters, at very short notice at Political Director or deputy level".

European Correspondents

European Correspondents of Member States and the Commission ensure coordination of the input of the Member State or of the Commission in the machinery and procedures of CFSP.

They assist the Political Directors and prepare and participate in meetings within the CFSP structures, including the Political Committee and political dialogue meetings with third countries. In the Political Committee, the European Correspondents meet before the Political Directors to handle certain agenda points and examine working group reports which do not need to be discussed at the level of Political Directors.

In the Commission, the European Correspondent also provides advice to the services and coordinates current CFSP business, including the issuing of coreu messages¹ and the formulation of positions to be taken in working groups. The Correspondent's Unit is also responsible for the preparation and coordination of CFSP points in the General Affairs Council and the European Council.

Delegations in third countries are encouraged to seek advice and information from the European Correspondent of the Commission on CFSP related matters.

CFSP Counsellors

These are officials based in the Permanent Representations of Member States in Brussels and the Commission. They examine horizontal problems concerning CFSP, in particular legal, institutional and financial aspects of CFSP actions (notably Joint Actions, Common Positions) which they finalise before approval by Coreper and the Council. Tasks include ensuring coherence between CFSP and EC external action and more specific issues (economic sanctions, financing). They act as a bridge between the first and second pillars of the Treaty, assisting both the Political Committee and Coreper. Meetings are convened by the Presidency as necessary (usually once a week).

Council Working Groups

CFSP working groups (or parties) are composed of experts from EU Member States and the Commission meeting along geographical and horizontal lines to elaborate policy documents and options for the consideration of the Political Committee (list of groups in annex). Some of these groups are 'merged' (to cover both 'pillars' I and II) but in practice they still operate with distinct agendas covering either pillar I or pillar II points, the latter with participation of 'CFSP officials' from capitals. The Finnish Presidency intends to move towards a real merger of all groups in line with earlier decisions of the Council, which have not been fully implemented.

¹ COREU telex network (Correspondance européenne): network allowing transmission of enciphered messages used for all aspects of information exchange between capitals and with the Commission, and by the Presidency in the everyday management of CFSP. The Council may act on CFSP matters by simplified written procedure using the COREU network.

Merged groups report both to the Political Committee and Coreper. Their tasks include elaboration of: a) joint analysis of a third country situation or multilateral question, and the joint position which might be adopted by the European Union, b) proposals for approval by the Political Committee as measures for implementing the CFSP (approaches, requests to be addressed to the EU representations in third countries and other preparatory measures, statements by the Presidency on behalf of the European Union and c) recommendations for further Council initiatives in the area of CFSP (which, if decided by the Political Committee, may be presented as an opinion by that Committee to the Council) and for the political follow-up to such initiatives.

European Parliament

The European Parliament is kept regularly informed of CFSP matters and consulted on the broad orientations and choices in this area. According to the Treaty (Art 21):

"The Presidency shall consult the European Parliament on the main aspects and the basic choices of the common foreign and security policy and shall ensure that the views of the European Parliament are duly taken into consideration. The European Parliament shall be kept regularly informed by the Presidency and the Commission of the development of the Union's foreign and security policy.

The European Parliament may ask questions of the Council or make recommendations to it. It shall hold an annual debate on progress in implementing the common foreign and security policy."

According to the Inter-institutional Agreement between Parliament, Council and Commission on CFSP financing, the Presidency shall, on a yearly basis, consult the Parliament on a document established by the Council on the main aspects and basic choices on CFSP, including the financial implications for the Community budget.

The Presidency and/or the Commission, when considered useful and necessary, attends the meetings of Parliament's Committee on Foreign Affairs and Security and participates, if need be, in Parliament's debates in plenary session. At Council meetings the Presidency informs the Council of Parliament's reactions, communications, questions, recommendations or resolutions concerning CFSP.

New CFSP bodies: the High Representative and the Policy Planning Unit

High Representative

The Amsterdam Treaty introduces the new office of a High Representative (HR) for CFSP, who will also be the Council Secretary General. The HR "shall assist the Council in matters coming within the scope of the CFSP, in particular through contributing to the formulation, preparation and implementation of policy decisions, and, when appropriate and acting on behalf of the Council at the request of the Presidency, through conducting political dialogue with third countries" (Art 26). The HR will also "assist the Presidency" in the external representation of the EU and in the implementation of decisions in CFSP matters (art 18), notably by participating in the new Troika.

Policy Planning Unit

In accordance with Declaration 6 annexed of the Final Act of the Amsterdam Treaty, a Policy Planning and Early Warning Unit (PPEWU) is established within the Council Secretariat and under the responsibility of the Council Secretary General (High Representative). It is to cooperate, as appropriate, with the Commission in order to ensure full coherence of CFSP action with other EU policies, notably in the external field (trade and development). Its mandate includes monitoring, analysis and assessment of international developments and events, including early warning on potential crises. It also includes drafting, upon Council request or on its own initiative, of policy options which may contain recommendations and strategies for presentation to the Council under the responsibility of the Presidency as a contribution to policy formulation. PPEWU staff will come from the Council Secretariat General, Member States, the Commission (one representative expected) and WEU.

New CFSP Policy Aspects

Decision-making

Unanimity is the general rule in CFSP (Art 23) but Amsterdam allows for a "constructive abstention" procedure by which a Member State abstaining in this way will not be obliged to apply a particular decision. Furthermore, by derogation from the general rule of unanimity, the Council acts by qualified majority when a) adopting joint actions, common positions or taking any other decision on the basis of a common strategy, and b) when adopting any decision implementing a joint action or a common position.

The scope for qualified majority decisions is restricted, however, by the fact that no such vote will be taken if a Member State 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. In such a situation the Council can, acting by a qualified majority, request that the matter be referred to the European Council for decision by unanimity. Furthermore, qualified majority voting does not apply to decisions having military or defence implications.

Common Strategies (new CFSP instrument)

The Amsterdam Treaty introduces the concept of Common Strategies, which are to serve as framework decisions, establishing specific guidelines for action within a determined policy area. They are adopted at the level of the European Council which, as the Treaty explains, "shall decide on common strategies to be implemented by the Union in areas where the Member States have important interests in common".

The approach followed by the Council/Coreper in the preparatory work on the first such common strategy (on Russia, to be adopted by the European Council in Cologne in June) indicates that Common Strategies are not just regarded as CFSP instruments but as a means to ensure consistency of EU external policies as a whole (art 3 TEU). As a consequence a Common Strategy may cover First (and Third) Pillar issues along with CFSP matters and combine EU/EC and Member States national means of action.

As the Council and the Commission are jointly responsible for ensuring the consistency of EU external relations, the latter has a particularly important role to play in the elaboration and implementation of Common Strategies. Moreover, as member of the European Council, the President of the Commission participates in the adoption of the Common Strategy.

The role of the Council is to recommend strategies to the European Council and to implement these, in their CFSP aspects, "in particular by adopting joint actions and common positions". Once a Common Strategy has been adopted, Joint Actions and Common Positions, and other decisions based on a Common Strategy, shall be adopted by qualified majority, unless a Member State opposes for an "important and stated reason of national policy" (see above).

External Representation and Implementation (role of the 'Troika')

The Amsterdam Treaty modifies rules on external representation and responsibility for implementation of decisions in the area of CFSP. The Presidency remains in charge and represents the Union in matters coming within CFSP, as well as being responsible for implementation of decisions. In its tasks it will be assisted from now on by the Secretary General of the Council as High Representative for CFSP and "if need be" by the next Member State to hold the Presidency (but no longer by the preceding presidency). As before, the Commission will be fully associated in these tasks.

In practice this will mean that when the Troika formula is chosen for external representation it will be composed of the Presidency, assisted by the High Representative (or the Council Secretariat for lower level meetings), the Commission and possibly the future Presidency. In other circumstances, where the Council Secretariat is not present (eg in meetings or démarches in third countries) the normal representation of the Union should be the Presidency and the Commission.

Security and defence

The Union's security and defence objectives have been reformulated and reinforced in the Amsterdam Treaty. The so-called Petersberg tasks (i.e. humanitarian and rescue tasks, peacekeeping and crisis management including peacemaking) are explicitly mentioned in the Treaty as aspects of the Union's security policy. The development of CFSP into a common defence, along with the possibility of integrating WEU into the Union, is indicated more clearly than in the Maastricht Treaty. The new Treaty provides for closer institutional links between the Union and WEU. Cooperation between the Commission and the WEU will also be strengthened. These new links are currently being developed between the WEU, the Council and the Commission.

CFSP Financing

Amsterdam introduces the new principle that all CFSP expenditures shall be charged to the Community budget except "operations having military or defence implications and cases where the Council decides otherwise unanimously (GNP key). EC budgetary procedure shall apply to these expenditures (includes respect of EC rules and the managing competence of the Commission).

An inter-institutional agreement between the Parliament, the Council and the Commission signed in 1997 defines the financial arrangements concerning CFSP expenditure. These arrangements will be integrated in a more comprehensive inter-institutional agreement on Agenda 2000 which will enter into force in January 2000.

ANNEX

LIST OF WORKING PARTIES IN THE CFSP FIELD

"Merged" working parties

- Working Party on Latin America (COLAT)
- Working Party on Asia and Oceania (COASI)
- ad hoc Working Party on the Middle East Peace Process (COMEP)
- Mashreq/Maghreb Working Party (COMAG)
- Middle East/Gulf Working Party (COMEM)
- OSCE Working Party (COSCE)
- Working Party on Central Europe (COCEN)
- Working Party on Eastern Europe and Central Asia (COEST)
- Working Party on the West Balkans Region (COWEB)
- Working Party on Southeast Europe (COSEE)

CFSP working parties

- Working Party on Africa* (COAFR)
- Working Party on Consular Affairs (COCON)
- Working Party on Drugs (CODRO)
- Working Party on Terrorism (COTER)
- Working Party on Administrative Affairs (COADM)
- Ad hoc Subgroup of Experts on Immovable Property
- Ad hoc Subgroup on Training
- Ad hoc Subgroup of Medical Experts
- Working Party on Protocol (COPRO)
- Working Party on Disarmament (CODUN)
- Working Party on the United Nations (CONUN)
- Working Party on Security (COSEC)
- Working Party on Public International Law (COJUR)
- Working Party on Policy Planning (COPLA)
- Working Party on Non-proliferation (CONOP)
- Working Party on Conventional Arms Exports (COARM)
- Working Party on Communications (COTEL)
- Working Party on Human Rights (COHOM)

Working Party of CFSP Counsellors *

* also has 1st pillar competence

Annex : Extracts from the Amsterdam Treaty

Article 3

*The Union shall be served by a single institutional framework which shall ensure the consistency and the continuity of the activities carried out in order to attain its objectives while respecting and building upon the *acquis communautaire*.*

*The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. **The Council and the Commission shall be responsible for ensuring such consistency and shall cooperate to this end.** They shall ensure the implementation of these policies, each in accordance with its respective powers.*

Article 18

- (1) The Presidency shall represent the Union in matters coming within the common foreign and security policy.*
- (2) The Presidency shall be responsible for the implementation of decisions taken under this Title; in that capacity it shall in principle express the position of the Union in international organisations and international conferences.*
- (3) The Presidency shall be assisted by the Secretary-General of the Council who shall exercise the function of High Representative for the common foreign and security policy.*
- (4) **The Commission shall be fully associated in the tasks referred to in paragraphs 1 and 2.** The Presidency shall be assisted in those tasks if need be by the next Member State to hold the Presidency.*
- (5) The Council may, whenever it deems it necessary, appoint a special representative with a mandate in relation to particular policy issues.*

Article 20

*The diplomatic and consular missions of the Member States **and the Commission Delegations in third countries and international conferences, and their representations to international organisations,** shall cooperate in ensuring that the common positions and joint actions adopted by the Council are complied with and implemented.*

They shall step up cooperation by exchanging information, carrying out joint assessments and contributing to the implementation of the provisions referred to in Article 8c of the Treaty establishing the European Community

Article 22

- (1) *Any Member State or the Commission may refer to the Council any question relating to the common foreign and security policy and may submit proposals to the Council.*
- (2) *In cases requiring a rapid decision, the Presidency, of its own motion, or at the request of the Commission or a Member State, shall convene an extraordinary Council meeting within forty-eight hours or, in an emergency, within a shorter period.*

Article 27

The Commission shall be fully associated with the work carried out in the common foreign and security policy field.