

**German Leadership?:  
The Council Presidency of 1994**

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**Craig A. Updyke**

Center for German and European Studies  
Edmund A. Walsh School of Foreign Service  
Georgetown University

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## **Introduction**

The general issue of German power and influence is a virtual constant in the European political environment. From one corner come voices fearful of excessive German authority and assertiveness, but these are nearly matched in number if not in intensity by cries from other corners that Germany is not leading when it should<sup>1</sup>. Trapped between history and its status as the largest European economy and one of the motors of European integration, how does Germany respond to this tension within the intergovernmental institutions of the European Union?

The German Presidency of the Council of Ministers and the European Council of July to December 1994 presents an opportunity. In the first German Presidency since 1988, since unification, and since the negotiation and entry into force of the Maastricht Treaty, how did the powerhouse of Europe use its power?

There are always difficulties in evaluating an individual country's presidency of the Council of Ministers and the European Council. First, six months is quite a short period for anything large to be accomplished under the sole leadership of the country holding the presidency. Second, each presidency does not have full control over its agenda, for there are always ongoing issues or initiatives and often unresolved debates which have been passed on from the preceding six-month term. Thirdly, as Peter Ludlow explains, the "political process is so complex and multi-layered that general judgements must always be tempered by the admission that there are exceptions, both good and bad, to the overall impression given by this or that

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<sup>1</sup> "Europe is failing to prosper, either politically or economically, largely because Germany is not leading. Germany's accession to the presidency of the European Union is the occasion for it to start doing so once more." editorial, *Financial Times*, April 28, 1994, 25

presidency "<sup>2</sup>

However, information about what exactly has gone on and who said what is hard to come by. The closed nature of Council meetings and deliberations also limits the precision of possible judgement. Also, the increased importance of the European Council near the end of the presidency has led to the tendency of all presidencies to stake their reputation on what happens at that meeting. Despite its importance, the European Council is not the presidency, the ability to push decisions through at the last lunch can distort the judgement of the entire six-month tenure.

As a result, sweeping judgments on a presidency are neither warranted, nor accurate, nor helpful. Such a complex process demands a more detailed examination. What follows is surely lacking in the degree of rigor and detail required, but it must be understood as a first attempt and not as an overall stock-taking of the German presidency of 1994. For such an undertaking, the requisite Council documents are simply not available, and furthermore, an evaluation that relies only on official documentation lacks depth and relevance.

## **Institutions**

### *The Council of Ministers and the European Council*

The European Council, which is not mentioned in the founding treaties, did not come into existence until 1974. On the initiative of French President Valéry Giscard-d'Estang and German Chancellor Helmut Schmidt, who developed a personal working relationship, the European Council was created because the Council of Ministers was having trouble making decisions. The authority of the heads of state and government would avoid the barriers with which the Council of Ministers had not been able

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<sup>2</sup> Peter Ludlow, "The UK Presidency: A View from Brussels," Journal of Common Market Studies, vol 31, no 2 (June 1993) 246

to circumvent. Over the years, the European Council became the top level of decisionmaking without being an official institution.

The European Council was given greater legitimacy and clarification through mention in the Single European Act and then in Article D of the Maastricht Treaty<sup>3</sup>

Neill Nugent points out that there is "no rigid hierarchical relationship" between the Council of Ministers and the European Council "in the sense that the Council of Ministers always feels obliged to refer all significant matters 'upwards' for final decisions. It is true that most broad-based or very significant initiatives are referred to the European Council, but as often as not that is for little more than political approval or for noting."<sup>4</sup> Political as well as technical decisions can still be made at the minister level, but they are often presented to the European Council for a well-publicized "rubber stamp" so as to benefit from the attention the summit receives.

The European Council serves various overlapping functions. It is a forum for building mutual understanding and confidence between the governments of the member states. It identifies goals, medium- and long-term goals for the Union. It is an initiator of policy and dispenser of policy guidelines. It contributes to the coordination of EU policy goals and activities. It is also a decisionmaker on major and sensitive political matters referred to it by the Council of Ministers. Finally, it carries out duties in the external relations sphere. Its decisions are primarily political.

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<sup>3</sup> "The European Council shall provide the Union with the necessary impetus for its development and shall define the general political guidelines thereof.

The European Council shall bring together the Heads of State and Government of the Member States and the President of the Commission. They shall be assisted by the Ministers of Foreign Affairs of the Member States and by a Member of the Commission. The European Council shall meet at least twice a year, under the chairmanship of the Head of State or Government of the Member State which holds the Presidency of the Council.

The European Council shall submit to the European Parliament a report after each of its meetings and a yearly written report on the progress achieved by the Union."

Article D, Treaty on European Union

<sup>4</sup> Neill Nugent, The Government and Politics of the European Union (Durham: Duke University Press, 1994), 172.

## *The Presidency*

The main tasks and responsibilities of the presidency of the Council of Ministers are considerable

(1) Arranging and chairing all of the Council's meetings as well as all of the meetings below the ministerial level (COREPER) provides the country holding the Presidency with control over where and how often meetings will take place, what will be placed on the agenda, and how the meetings proceed

(2) Building a consensus for initiatives and legislation Success is achieved when all countries agree on a common position. This often demands broad negotiations with and between member states, and with the other institutions

(3) Representing the Council to the other EU institutions and representing the Union in dealings with outside bodies

(4) Achieving a level of continuity between the work of the proceeding, present and succeeding Presidencies This is accomplished through the "Troika" arrangements <sup>5</sup>

Desmond Dinan finds three main reasons why it matters which country holds the presidency at any particular time First, each country has its own "idiosyncratic" approach to even the most routine and uncontroversial" business "Second, countries inevitably have preferences for certain policies, programs,

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<sup>5</sup> Nugent, 127

or activities. Third, changing circumstances inside and outside frequently confront a presidency with unexpected challenges that call for imaginative responses. Accordingly, the variables most likely to determine a country's presidential performance are size and resources, diplomatic experience and tradition, familiarity with the system, degree of commitment to European integration, and domestic political circumstances."<sup>6</sup>

There is no question that Germany's size and resources, diplomatic experience, and status as a founding member of the Community translate into power and influence. The degree of commitment is debated constantly. Domestic political conditions, specifically a Bundestag election in October, certainly played a part in the Presidency.

### *Multiple Bilateralism*

The bilateral contacts made between the heads of government, their ministers and their bureaucracies have become very important for the preparation of a Presidency and of the European Council summit. Germany, France, Italy and the UK, with their large staffs, have a dense network of contacts that can be used for exchanging ideas and information about the Council. "However, the holding of bilateral meetings especially to prepare for a European Council session is not very common."<sup>7</sup>

However, the Franco-German summits arranged under the 1963 Franco-German Treaty happen to be scheduled only a few weeks before the European Council summits.

Jan Werts finds that "French/German cooperation may be seen as the cardinal point of the

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<sup>6</sup> Desmond Dinan, Ever Closer Union? An Introduction to the European Community (Boulder: Lynne Rienner, 1994), 231.

<sup>7</sup> Simon Bulmer and Wolfgang Wessels, The European Council: Decision-making in European Politics (London: Macmillan, 1987), 54.

functioning of the European Council <sup>8</sup> The Franco-German "axis" grew in importance after the creation of the European Council by French President Giscard d'Estaing and German Chancellor Schmidt "It is hard to find an area in which the common perception of the President of France and the Chancellor of Germany in the preparation and decision-making in the European Council was not decisive Since this developed mostly in the framework of their regular bilateral Summit meetings, one may conclude that the Franco/German Treaty for mutual cooperation of 1963 has developed itself as a cornerstone for the evolution of the Community as was indeed the intention of President de Gaulle <sup>9</sup> Werts' "research has revealed no other permanent or long-term political or personal coalition among Member States of (sic) Heads of Government than the French/German one <sup>10</sup>

#### *November, Mulhouse*

At the 63rd Franco-German summit of 30-31 May 1994, the partners agreed to coordinate their back-to-back presidencies

"I think we should link our work to give the impression that there will be a common presidency, or at least a continuous presidency, for 12 months," explained French President Mitterrand This attitude was confirmed by Chancellor Kohl *Le Figaro* reported further that Paris and Bonn had been working hard to prepare for the approaching German term "For two days, the partners reviewed the problems of security and stability in Europe, the problems of immigration, the strengthening of EU institutions, the fight against unemployment, and economic recovery " The countries of Central and Eastern Europe and the problem of enlargement also received attention According to Chancellor Kohl, "The problem with this

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<sup>8</sup> Jan Werts, The European Council (Amsterdam, New York North-Holland, 1992), 302

<sup>9</sup> Ibid

<sup>10</sup> Ibid , 303

type of consultation is that it often leads to nothing spectacular <sup>11</sup>

*November, Bonn*

The November summit's agenda was filled largely with preparations for the upcoming Essen European Council. The decision to invite the heads of government of the associated countries of Central and Eastern Europe was made. Unfortunately, the gap between positions on Europol could not be bridged.

### **German Plans and Expectations**

*Prelude*

As mentioned above, each member state, due to its culture, history, governmental structures and resources, takes its own unique approach to preparing for and carrying out its turn at the presidency.

According to Jean-Marc Hoscheit, the Greek preparation procedure depends largely on the Prime Minister, who enjoys a large amount of latitude in decision-making, and ad-hoc procedures <sup>12</sup>. In keeping with this general style, the main inhibition to a broadly successful Greek European Council Presidency was the persistent illness of the Greek Prime Minister Andreas Papandreu. His inability to shuttle between capitals in order to form a consensus choice on the new president of the European Commission was a significant factor determining the failure of the Corfu summit <sup>13</sup>.

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<sup>11</sup> "Franco-German Tandem for Europe", *Le Figaro*, 1 June 1994, p. 3 in FBIS-WEU-94-105, "Mulhouse Summit Highlights German, French Harmony", 1 June 1994, p. 34.

<sup>12</sup> Jean-Marc Hoscheit, "The European Council and Domestic Policy-Making" in Hoscheit, Jean-Marc and Wolfgang Wessels (eds), The European Council 1974-1986: Evaluation and Prospects (Maastricht European Institute of Public Administration, 1988), 73.

<sup>13</sup> See interview with Belgian Prime Minister Jean-Luc Dehaene, *La Libre Belgique*, 18 July 1994, p. 2 in "Dehaene Comments on EC Presidency, Budget", FBIS-WEU, 19 July 1994, p. 7.



## *Presentation*

German Foreign Minister Klaus Kinkel optimistically presented the government's aim's for the imminent German Presidency in late June. He declared "our vital national interests continue to coincide with those of Europe as a whole"<sup>14</sup> Depending on his audience (the Bundestag, Bundesrat, or the general public), Kinkel presented either three or four of six goals for the Presidency<sup>15</sup>

In an essay for the journal *Europa Archiv*, Kinkel identified three broad goals of the German Presidency "to create a lasting order of peace for the whole of Europe, to resolutely draw the countries of Central and Eastern Europe closer to the Union with a view to accession, and to ensure an economically sound and politically effective Union." Obviously, these goals are more political than specific, Kinkel admits that Germany will not be the first to assume these particular challenges and will not find an answer to all of them. "Our aim is not to launch any spectacular initiatives, but to work consistently and rapidly on the implementation of the Treaty on European Union and the other tasks facing us." Acknowledging the tasks set before Germany by its predecessors, Kinkel declared "the decisions of the European Council meetings in Copenhagen, Brussels and Corfu must be put into practice. We can and want to make our contribution in this regard. To this end we are seeking close coordination with subsequent presidencies, particularly with France but also with Spain and Italy. The Franco-German summit in Mulhouse at the end of May confirmed this joint approach. We hope that the impulses we generate will be rendered sustainable through coordinated procedures." Kinkel went on to outline the more specific German priorities and goals in foreign policy, the European economy (growth, etc.), immigration and justice and

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<sup>14</sup> Klaus Kinkel, "Deutschland in Europa. Zu den Zielen der deutschen Präsidentschaft in der Europäischen Union." *Europa Archiv* 12/1994: 335-342, 336, English version, "Germany in Europe" in *Statements and Speeches*, vol. XVII, no. 7, German Information Center, New York, 2

<sup>15</sup> See "Kein deutscher Sonderweg" and "Große Erwartungen" *Das Parlament*, nr. 23, 10 Juni 1994, 8, 10

home affairs, and the openness of the Union and closeness to the citizen <sup>16</sup>

Optimism reigned. The German Federal Government went so far as to put out a booklet on the goals of the German Presidency <sup>17</sup>

### **The Essen European Council**

After a month of Councils of Ministers meetings (see Appendix) and the distraction of the Bundestag elections, the long-awaited Essen European Council took place from 9-10 December. Topics for discussion fell within three main areas: the White Paper and the Action Plan on growth, competitiveness and employment, broad European stability, from the East to the South, strengthening cooperation in Justice and Home Affairs, specifically Europol. The preparations for the IGC were not specifically mentioned in the "Conclusions of the Presidency"

#### *Growth, Competitiveness, Employment*

Obviously, action in the area of the White Paper and Action Plan on Growth, Competitiveness, and Employment was not unexpected as it is a long-term issue inherited from preceding presidencies. The "steady-as-she-goes" attitude and the lack of any grand new initiatives in this area, suited Germany and its partners quite well. They avoided any sub-areas in which known ideological disagreements existed and concentrated on the more practical themes that did not divide them.

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<sup>16</sup> Kinkel, "Deutschland", *Europa Archiv*, 337, "Germany", *Statements and Speeches*, 3

<sup>17</sup> Press and Information Office of the Federal Government, Germany's Presidency of the European Union 1994. Bonn, June 1994. These pamphlets were available from the Washington Delegation of the European Commission.

### *Plans for Central and Eastern Europe + Mediterranean Cooperation*

The highest of priority issues for the Germans, the one in which they appeared to place the greatest stock, was the relations with and plans for the CCEE. After inviting the heads of government of the associated countries to attend the Essen Summit, Germany displayed its eagerness for accomplishment while betraying its weakness through its inability to push its ideas through without concessions. The major "concession" to which the Germans agreed was the partial diversion of the EU's attention toward the South. Largely seen as a trade-off for the Union's aid to the countries in which Germany, for various reasons, has the greatest influence, the new links with and aid for the Mediterranean states are supported most strongly by those countries which happen to border the Sea, France, Spain, Italy and Greece. It is arguable whether Germany actually "gave up" something to get an amount of what it wanted. The speed with which Germany wants to move toward the East is not included in the EU approach. Did Germany stick more to its presidential duty of achieving consensus? Better relations with the South are not opposed by Germany, but they certainly are not as important in their eyes as preparing the way for future members.

### *Europol*

Much to Germany's disappointment, consensus was not achieved but was postponed on the deepening of cooperation in the area of Justice and Home Affairs, namely the full creation of Europol, the EU's fledgling police force. The opposition of France and others to the cross-border character of the agency to combat organized crime and drug smuggling could not be overcome. All that could be salvaged was an agreement that agreement would take place in the next six months under the French presidency. In fact, as pledged, accord has now been reached and will be unveiled at the Cannes European Council in June. However, the continued French opposition to Europol is somewhat remarkable when the extensive Franco-German pre-summit contacts and consultation are considered.

### *Preparations for the IGC*

The issue of the IGC did not receive as much attention as it might have. Outgoing Commission Jacques Delors presented ideas on the institutional reform which is broadly agreed to be necessary if the EU is to keep expanding and deepening in the coming years. No conclusions were taken by the Twelve, while a good deal of public debate had occurred during the German Presidency in the wake of remarks by the German Christian Democrats and by French Prime Minister Edouard Balladur, the greater amount and seriousness of discussions were yet to take place. When they do take place, the official and technical discussions will not be conducted in such a "public" forum as the European Council.

### **Evaluations**

In accordance with the third paragraph of Article D, TEU, (see note 3), the European Parliament received Chancellor Kohl's report on the results of the European Council in person on 14 December. Citing that the EU found itself in an important phase on the way to the IGC and the revision of the Maastricht Treaty, Kohl declared that the Essen summit gave a clear signal that the member states are committed to further integration. As highlights, Kohl pointed to the imminent accession of Austria, Finland, and Sweden, relations with the CEE and the Mediterranean countries, and the participation of the associated CEE countries at the Council summit. He expressed disappointment at the lack of a settlement on the question of Europol, but confidently expected a resolution of the issue during the French Presidency.<sup>18</sup>

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<sup>18</sup> "Bericht des Bundeskanzlers über den Europäischen Rat in Essen", *Bulletin der Presse- und Informationsamt der Bundesregierung*, Nr. 119, S. 1089, 20. Dezember 1994.

"Ladies and Gentlemen, when one accounts for the German Presidency's difficult starting situation and now looks at the sum of the resolved questions, one will agree with me that we have made good progress under the circumstances "<sup>19</sup>

Foreign Minister Kinkel also presented a optimistic "balance sheet" of the German Presidency before the Strasbourg assembly "Much was accomplished When plans could not be agreed upon, the ground was prepared for resolutions during the succeeding presidencies, with whom we have closely coordinated "<sup>20</sup> After reviewing the accomplishments in and current forms of EU policies, Kinkel concluded his remarks by recognizing the debate on the future of Europe which had taken place within member states and within the Council during the German Presidency as a positive signal of the strong interest in the further development of the EU <sup>21</sup>

Two weeks later, on 28 December, Kinkel again looked back on his six months worth of work "At the beginning of our presidency, I declared that 'The German Presidency will do what it promises, and it will only promise to do what it is able to.' We have kept our word "<sup>22</sup>

He admitted, however, that the expectations may have been set too high For his critics' benefit, Kinkel explained that the German Presidency had never planned to move mountains. It had, however, contributed positively to the pursuit of the EU's major goals of stability, welfare, security, growth and employment for all Europeans.<sup>23</sup>

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<sup>19</sup> Ibid (author's translation)

<sup>20</sup> "Bilanz des deutschen Ratsvorsitzes", *Bulletin*, Nr 119, S 1091, 20 December 1994 (author's translation)

<sup>21</sup> Ibid

<sup>22</sup> "Erklärung des Bundesaußenministers zum Abschluß des deutschen EU-Ratsvorsitzendes", *Bulletin* Nr 122, S 1131, 28 December 1994 (author's translation)

<sup>23</sup> Ibid

## Conclusions

As was acknowledged at the outset and as will by now be obvious to the critical reader, there are difficulties in the evaluation of any particular presidency of the Council of Ministers and the European Council. The technique used here has obvious flaws. Looking at the stated resolutions of certain issues and trying to discern the level of success achieved relative to expectations lacks rigor.

Measuring the accomplishments of the German presidency against its stated goals reveals qualified success. Whether the goals should have been more or less ambitious is not of direct concern here. The ability of the German government to present a program and to pursue it while dealing with the inevitable distractions and crises of a six-month period -- in short, to fulfill the traditional functions of the Council Presidency -- is apparent.

What does the *Bilanz* of the German Presidency reveal about the role of Germany within the European Union? The examples discussed above are only a sample of the results. However, they reveal that, for a number of reasons, Germany does not have the leverage to get its way on everything. Just like any other Member State, it has *its* priorities and it must convince others that they should be addressed. No Member State can solely determine EU policy in an area, even (or especially?) an area which is widely recognized to be a priority of the government of a particular member state or states. To the extent that Germany continues to be constrained by its partners, fears of German hegemony are unfounded. However, those who demand German leadership and would place the burden of leading the EU squarely on Germany's shoulders must realize that such an arrangement is neither feasible nor acceptable.

## Appendix

### The German Presidency in Brief<sup>24</sup>

#### July

- 11 July Council adopts recommendation on broad guidelines for economic policies of Member States and Community and adopts conclusions on the fight against fraud
- 15 July Extraordinary meeting of European Council in Brussels Mr Jacques Santer, Prime Minister of Grand Duchy of Luxembourg, chosen to succeed Mr Jacques Delors as President of Commission
- 18 July Free-trade agreements signed with Estonia, Latvia, and Lithuania in Brussels
- New Cooperation Agreement on Partnership and Development between the Community and the Democratic Socialist Republic of Sri Lanka signed in Brussels
- Council adopts without debate measures concerning the terms of reference, the status, and the organization of the Consultative Commission charged with making recommendations on cooperation between governments and social groups working to encourage tolerance and understanding of foreigners
- Council sends declaration on peace plan of 6 July to the parties in Bosnia-Herzegovina Presidency announces visit by the Troika to Mostar on 23 July to inaugurate the EU Administration
- Council invites Commission to submit a communication containing guidelines for strengthening the Union's Mediterranean policy
- Council rejects by majority vote new guidelines on measures for implementing Decision of 20 December 1993 on access to Council documents
- 19 to 26 July Parliament endorses Mr Santer's appointment as President of European Commission from January 1995, Mr Santer formally appointed as next President.

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<sup>24</sup> This summary only covers decisions taken by and events directly involving or affecting the Council of Ministers or the European Council. It is not intended as a comprehensive listing of all Union activities during the six month period July-December 1994. It is included here as a reference and as an example of the complexity and breadth of the activities of the Community and the Union. Sources are the General Report on the Activities of the European Union 1994, Office of Official Publications, European Commission, Brussels, 1995, pp 458-464, Press Releases of the General Secretariat of the Council, and various issues of the *Financial Times*

27 July Council sets agricultural prices for 1994/95

## **August**

19 August Council extends generalized system of preferences (GSP) to South Africa

## **September**

8 September Ministers for Justice and Home Affairs of the Member States and of the acceding States meet the Ministers from Central and Eastern Europe responsible for combatting drug-related crime and organized crime in Berlin

22 September Council adopts Directive on establishment of European Works Council or procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees This is first instrument adopted by 11 Member States under Social Policy Protocol

## **October**

5 October Meeting of the Council with the Environment Ministers of Central and Eastern Europe

10 October Council agrees on recommendations for Member States to cut budget deficits to comply with Maastricht Treaty terms on EMU

21 October Council reaches compromise over fines due from Italy and avoids threatened budget crisis.

31 October Foreign Ministers of Member States, four prospective new members and Poland, the Czech Republic, Slovakia, Hungary, Romania, and Bulgaria, meeting in Luxembourg, outline main themes in Union strategy for opening up to Central and Eastern Europe

Council adopts Decision on Community own resources and other instruments giving legal force to financial conclusions of Edinburgh European Council

## **November**

7 November Council adopts recommendations to end excessive public deficits in Member States

17 November Council approves resolution on liberalization of telecommunications infrastructure

21 November Council adopts resolution on competitiveness of industry



29 November Council, Parliament, and Commission adopt financial perspective 1995-99 adjusted to take account of enlargement

30 November Council adopts first joint action under Article K 3 of Treaty on European Union in the area of cooperation in the fields of justice and home affairs

## **December**

6 December Council adopts "Leonardo da Vinci" Community action program on vocational training and resolution on the prospects for social policy (first resolution adopted by 11 Member States under Social Policy Protocol).

9 and 10 December Essen European Council lays down lines of action for continuing and strengthening strategy of White Paper on growth, competitiveness, and employment, with special reference to measures to combat unemployment and to bring the trans-European networks into operation. It also agrees on an overall strategy to bring the associated countries of Central and Eastern Europe closer to the Community and reiterates its determination to establish a Euro-Mediterranean partnership. It approves principle of a multi-annual aid program for Northern Ireland.

15 December Council adopts specific programs of the fourth framework research program

15 and 16 December Council adopts conclusions on Community strategy for reducing CO<sub>2</sub> emissions and on environment and transport, It also adopts Regulation on substances which deplete the ozone layer and a Directive on the incineration of hazardous waste

19 and 20 December Council adopts Directive on right of Union citizens to vote and to stand as candidates in municipal elections in whichever Member State they are resident. It also adopts Decisions concluding association agreements with Romania, Bulgaria, the Czech Republic, and Slovakia, free-trade agreements with the three Baltic States and the generalized system of preferences 1995-96 for industrial products. It adopts Regulation and joint action concerning the control of exports of dual-use goods

20 December Parliament and Council adopt Directive on packaging and packaging waste

22 December Council adopts Decision of conclusion of results of Uruguay Round. It also adopts Regulation introducing rules for access to certain fishing areas and resources in connection with the integration of Spain and Portugal into the common fisheries policy and Regulation on counterfeit and pirated goods

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